

## **ATTACHMENT 1**

### **Proposed Conditions of Consent**

#### **1. DEFERRED COMMENCEMENT**

##### **1.1. This consent does not operate until the following have been satisfied**

- a) The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:
  - i. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
  - ii. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
  - iii. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
  - iv. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
  - v. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

- b) The submission of the following to allow the applicant to gain permission to undertake sewer relocation work:
  - i. A sewer relocation is required as shown on James E Allen & Partners Sewer Main Diversion Works, version P4 dated 11/08/2019. Detailed design of the sewer relocation is to be carried out in accordance with Councils Building over Adjacent to Sewer Water Mains Guidelines.
  - ii. Written permission and deed of agreement to enter the site and construct the sewer location is to be obtained from the owners of No. 333-337 Mann Street.

Evidence must be produced to the consent authority sufficient to enable it to be satisfied that above conditions have been complied within Twelve (12) months of the date of this approval, otherwise this consent will lapse.

Upon compliance with the conditions of deferred commencement Council will issue an operative consent (including stamped plans) that is subject to the attached conditions.

#### **2. PARAMETERS OF THIS CONSENT**

##### **2.1. Approved Plans and Supporting Documents**

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

**Architectural Plans prepared by Chapman Architecture** (ECM Document No. 27288133)

<b>Drawing</b>	<b>Description</b>	<b>Issue</b>	<b>Date</b>
DA - 001	Title sheet		
DA - 002	Project outline	M	10/02/2020
DA - 003	Site analysis	M	10/02/2020
DA - 004	External finishes	M	10/02/2020
DA - 005	Demolition plan	M	10/02/2020
DA - 006	Shadow diagrams	M	10/02/2020
DA - 007	Shadow diagrams	M	10/02/2020
DA - 008	Shadow diagrams	M	10/02/2020
DA - 009	Apartment compliance diagrams	M	10/02/2020
DA - 010	Apartment compliance diagrams	M	10/02/2020
DA - 011	Apartment compliance diagrams	M	10/02/2020
DA - 101	Basement 2 & basement 1 plans	M	10/02/2020
DA - 102	Ground floor & level 1 plans	M	10/02/2020
DA - 103	Level 2 & level 3 plans	M	10/02/2020
DA - 104	Podium & typical level plans	M	10/02/2020
DA - 105	Penthouse level & roof plans	M	10/02/2020
DA - 201	Sections	M	10/02/2020
DA - 202	Sections	M	10/02/2020
DA - 301	Details	M	10/02/2020
DA - 204	Sections	M	10/02/2020
DA - 301	West elevation	M	10/02/2020
DA - 302	North & south elevations	M	10/02/2020
DA - 303	East elevation	M	10/02/2020
DA - 013	Staging plan	M	10/02/2020

## Supporting Documentation

Document	Prepared by	Issue / Date	ECM Doc No.
Statement of Environmental Effects	City Plan Strategy & Development	1 05/06/18	25939060
Landscape Plans	24GRP Landscape	March 2017	ECMD25394974
Survey Plans	SurvCorp	28/02/17	25904284
Waste Management Plan (Operational)	LID Consulting	29/03/18	25904279
Revised Waste Management Plan	LID Consulting	11/02/2020	D13814279
Waste Management Strategy (Demolition & Construction)	SECA Solution	22/05/17	25904280
Response to Pre-Da Meeting Matters	City Plan Strategy & Development	Undated	25904281
Preliminary Contamination Assessment	Coffey	2 24/03/16	25904297
Phase 2 Contamination Assessment	Coffey	1 20/05/16	22678749
Preliminary Environmental Site Investigation Report (Contamination)	LG Consult	22/11/17	25904296 25904295 25904294 25904293 25904292
Design Verification Statement,	Chapman Architecture	A 01/05/17	25904298
Traffic Noise Assessment	RCA Australia	3 03/07/17	25904299
Clause 5.5 Coastal Zone Compliance Table	City Plan Strategy & Development	Undated	25904301
Geotechnical Investigation Report	LG Consult	01/06/17	25904263
Crime Prevention through Environmental Design Assessment	Barker Ryan Stewart	2 05/07/17	25904302
Accessibility Design Review	ABE Consulting	10/07/17	25904303
Traffic Impact Statement	SECA Solution	24/07/17	25904304
Updated Autoturn Statement	SECA Solution	08/05/18	25904305
Integrated Water Cycle Management Plan	James E Allen & Partners	P2 17/07/17	25904306
Stormwater Concept Plans	James E Allen & Partners	P2 17/07/17	25904307
Wind Tunnel Test	EGB Productions	7 31/05/17	25904308
BASIX Certificate	Solar Smart	05/06/18	25904309
NatHERS Certificates	David Seddon	13/07/17	25904310
BCA 'Deemed to Satisfy' Section J Report	Brian Teplicanec	April 17	25904311

Thermal Assessor Certificate	Solar Smart	13/07/17	25904312
Loading Dock Management Plan	SECA Solution	08/05/18	25904313
Shadow Analysis	Simmersion Holdings	Undated	25904314
BCA Assessment Report	Steve Watson & Partners	R2.1 05/07/17	25904315
Sewer Main Diversion Works	James E Allen & Partners	P4 11/08/2019	27106616
Construction Management Plan	Catalyst Project Consulting Pty Ltd	Rev 1 14/06/19	27100257
Flood Risk Assessment Report	SRB Consulting Engineers	Issue 3 05/06/17	25904317
Concurrence Letter from Sydney Trains	Sydney Trains	08/08/16	23096406

2.2. Comply with the concurrence conditions from Sydney Trains letter dated 8 August 2016, as reproduced below:

- a) *If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.*
- b) *An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".*
- c) *Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.*
- d) *The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- e) *If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is*

*not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*

- f) If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.*
- g) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.*
- h) No rock anchors/bolts are to be installed into Sydney Trains property or easements.*
- i) Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied*
- j) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.*
- k) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.*
- l) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.*

- m) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- n) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.*

*Note: Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply*

- 2.3. Carry out all building works in accordance with the Building Code of Australia.
- 2.4. Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the *Environmental Planning and Assessment Regulation 2000*.

### 3. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

All conditions under this section must be met prior to the issue of any Construction Certificate for the relevant stage

- 3.1. No activity is to be carried out on site until any Construction Certificate has been issued, other than:
  - a. Site investigation for the preparation of the construction, and / or
  - b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent.
  - c. Demolition approved by this consent.
- 3.2. Submit amendments to the approved plans to the Accredited Certifier pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000 that must detail:
  - a. That both the awning and glass canopy elements are setback 600mm from the kerb line on Mann Street.
- 3.3. Submit updated landscape plans to the Accredited Certifier pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000 that must detail:
  - a. How the amended Architectural Plans (Revision M) are incorporated into the landscape plans (Prepared by 24GRP Landscape dated March 2017)
  - b. Detail how the plants for the planter boxes on the northern and southern elevations have been chosen with consideration for them being
    - a. being low maintenance
    - b. specific to the two aspects (i.e. north and south elevations)
    - c. appropriate for the available soil depth.
  - c. Provide the Principal Certifier with written certification that the plans have been prepared by a qualified landscape designer.
  - d.
- 3.4. Submit an application to Council under Section 138 of the Roads Act, 1993, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Replacement of the existing kerb and gutter in Mann Street with new kerb and gutter across the full frontage of the site and where existing kerb and gutter is affected by required drainage works.

- b. Footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Mann Street.
- c. Full width upgrade of the footway across the full frontages of the site in Mann Street in accordance with the Gosford City Centre "Streetscape Design Guidelines" prepared by Oculus dated September 2011.
- d. Heavy-duty vehicle crossing that has a minimum width of 6.2m at the boundary and splayed to the kerb line to facilitate the swept turning paths of the largest vehicle required to enter and exit the development. The vehicular access crossing shall be constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- e. All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.
- f. All redundant vehicular crossings are to be removed and footway formation reinstated.
- g. The piping of stormwater from within the site to Council's piped drainage system located in Mann Street.
- h. Longitudinal street drainage across the full frontage of the site and to the south of the site to connect to the existing piped Council drainage system in front of the driveway associated with No 319 Mann Street (i.e. approximately 17m south of the southern boundary alignment of the site where the stormwater pipeline crosses Mann Street. This would also require reconstruction of approximately 11m of the existing piped drainage system). Kerb inlet pits shall be provided at the northern end of the required works in line with the northern boundary of the site, where the drainage from the site connects into the street drainage system (e.g. interallotment drainage connection), and elsewhere as required to connect existing drainage infrastructure within the street system (e.g. outlet from on-site detention system).
- i. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the Roads Act 1993 applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 3.5. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 3.6. Pay a security deposit of \$100,000 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the



completion of the project if no damage was caused to Council's assets as a result of the development.

- 3.7. Submit an application to Council under Section 305 of the *Water Management Act 2000* to obtain a Section 307 Certificate of Compliance. The *Application for a 307 Certificate under Section 305 Water Management Act 2000* form can be found on Council's website [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au). Early application is recommended.

A Section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

- 3.8. Submit design plans for approval by and to the satisfaction of the Water Authority (Council), for relocation of Council's sewer mains located within the development site
- 3.9. Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent To Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.
- 3.10. Submit design details of the following engineering works within private property:
- a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: Parking Facilities for the geometric designs, and industry Standards for pavement designs.
  - b. A stormwater detention system must be designed in accordance with the Gosford DCP 2013 Chapter 6.7 - Water Cycle Management and Council's Civil Works Specification. The stormwater detention system must limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% AEP storm event. A runoff routing method 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 flowpaths. The onsite detention system is to be generally in accordance with the Integrated Water Cycle Management Plan prepared by James E Allen & Partners (Project No. 2017-34 Rev P2 dated 17<sup>th</sup> July 2017).
  - c. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design. The nutrient/pollution control measures are to be generally in accordance with the Integrated Water Cycle Management Plan prepared by James E Allen & Partners (Project No. 2017-34 Rev P2 dated 17<sup>th</sup> July 2017).
  - d. On-site stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management. 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. The onsite stormwater retention measures are to be generally in accordance with the Integrated Water Cycle Management Plan prepared by James E Allen & Partners (Project No. 2017-34 Rev P2 dated 17<sup>th</sup> July 2017).

- e. Interallotment drainage associated with the collection of the existing piped stormwater system that enters the site from the north western corner of SP68909 i.e. No 12-14 Hills Street. (Note: Stormwater from this pipeline is from SP14004 (No 16-18 Hills Street.) The interallotment drainage system is to connect to the proposed drainage pipeline within the eastern part of the site (in the vicinity of Pits 1.6-1.8 indicated in the plan prepared by SRB consulting (Project No 21609 Drawing No 21609\_4, Sheet 4 of 4, Issue C dated 05.06.17).
- f. A secondary stormwater flow path generally in accordance with the recommendation contained in the "Flood Risk Assessment Report" prepared by SRB Consulting Civil Engineers, Ref: Project No 21609, Issue No. 3 dated 5 June 2017, and incorporating the following:
  - Capture and conveyance of overland flows (i.e.  $0.3\text{m}^3/\text{s}$ ) with a series of surface inlet pits within a recessed collection area adjacent to the eastern site boundary combined with a 300-450mm diameter pipeline through to Mann Street that would convey the 1% AEP flows around the post-developed site.
  - A 1.6m wide secondary stormwater flowpath adjacent to the southern boundary to cater for the partial blockage of the piped system.
  - Diversion / retaining walls and raised thresholds constructed either side of the rear collection zone and secondary flowpath to ensure flows are retained within the subject site and to maintain adequate freeboard to the development site. Any proposed doors within the secondary flowpath are to be constructed with open grates / voids over the bottom 150mm to ensure the free passage of flood waters.
- g. Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in Mann Street.

These design details and any associated reports must be included in the construction certificate.

- 3.11. Ensure Construction Certificate Ground Floor Plan provides for access from the Commercial Lobby to permit transfer of waste to the Commercial waste storage enclosure consistent with Dwg No. WP.01, Revision F, dated 10 August 2016 by lid.
- 3.12. Submit to Council, the accredited certifier and relevant adjoining property owners a dilapidation report, prepared by a practising structural engineer, detailing the structural characteristics of all buildings located on adjoining properties and any Council asset in the vicinity of the development. The report must indicate the structure's ability to withstand the proposed excavation, and any measures required to ensure that no damage to these structures will occur during the course of works.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, the applicant must demonstrate in writing that all steps were taken to obtain access to the adjoining property(s).

- 3.13. Submit amendments to the approved plans to the accredited certifier pursuant to Clause 139 of the Environmental Planning Regulation 2000: Applications for construction certificates that must detail:

- a. Mail boxes:
  - i. Provide mail boxes for each residential building in one accessible location adjacent to the main entrance to the development;
  - ii. They should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building;
  - iii. Mail boxes shall be secure and large enough to accommodate articles such as newspapers;
- b. Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures:
  - i. Away from the street frontage;
  - ii. Integrated into the roof-scape design and in a position where such facilities will not become a skyline feature at the top of any building;
  - iii. Adequately setback from the perimeter wall or roof edge of buildings;
- c. A master antenna must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas;
- d. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%;
- e. A depth of one (1) metre must be provided to all landscape planters
- f. Storage areas are to be provided in accordance with the following minimum rates:
  - i. 6m<sup>3</sup> for studio and one bedroom units;
  - ii. 8m<sup>3</sup> for two bedroom units;
  - iii. 10m<sup>3</sup> for three plus bedroom units; and

At least 50% of the required storage areas are to be provided within each dwelling.

- g. The external colour schedule of the development must be consistent with the photomontage referenced as supporting documentation in Condition 1.1 of this Consent.

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

To assist the Planning Secretary in making that determination, the developer is to provide the Planning Secretary with an up-to-date estimate of the proposed cost of carrying out the development, as referred to in the 2018 Determination.

If the Planning Secretary determines that a special infrastructure contribution is required to be made under the 2018 Determination, a contribution must be made in accordance with that Determination (as in force when this consent takes effect).

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

In this condition:

**developer** means the person having the benefit of this development consent, and  
**Planning Secretary** means the Secretary of the Department of Planning and Environment.

More information - Please contact the Department of Planning and Environment by email to: [SIContributions@planning.nsw.gov.au](mailto:SIContributions@planning.nsw.gov.au)

- 3.15. Pay to council a contribution amount of **\$629,036** that may require adjustment at time of payment, in accordance with the Section 94A Development Contribution Plan - Gosford City Centre.

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 Tel 4325 8222 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by council that verifies that the Section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to council under Clause 104 of the Environmental Planning and Assessment Regulation 2000.

A copy of the Contributions Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on council's website:

[www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan](http://www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan)

- 3.16. Submit an application to Council under Section 305 of the *Water Management Act 2000* to obtain a Section 307 Certificate of Compliance. The *Application for a 307 Certificate under Section 305 Water Management Act 2000* form can be found on Council's website [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au). Early application is recommended.

A Section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

- 3.17. Submit to Council's Environment Officer for approval, a Soil and Water Management Plan in accordance with Section 6.3 of the Gosford Development Control Plan 2013 and the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*). The plan shall be prepared by a suitably qualified environmental/civil consultant and shall be adaptive to address all stages of the construction.
- 3.18. Submit to Council, the Accredited Certifier and relevant adjoining property owners a dilapidation report, prepared by a practising structural engineer, detailing the structural characteristics of all buildings located on No. 333-337 Mann Street, No 319 Mann Street and no's 24, 18A, 16-18 and 12-14 Hills Street Gosford. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site and to the road, kerb, footpath, driveways, water supply and sewer infrastructure, street trees and street signs or any other Council asset in the vicinity of the development.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, the applicant must demonstrate in writing that all steps were taken to obtain access to the adjoining property(s).

- 3.19. Prior to the issue of the Construction Certificate for Stage 2 "Residential Tower 1" Submit to Councils' Section Manager of Development Assessment South for approval the proposed treatment of the blank concrete wall on the north elevation of Stage 2 Tower as per the Construction Management Plan dated 14 June 2019.
- 3.20. Prior to the issue of the Construction Certificate for Stage 2 "Residential Tower 1" submit to the accredited certifier a site specific noise and vibration management plan, prepared by a suitable qualified acoustic consultant, for approval. The plan must address and measures required to appropriately mitigate the noise and vibration levels of any residents of the Stage 2 "Residential Tower 1" during the construction noise during construction of Stage 3 "Residential Tower 2".
- 3.21. The recommendations under part 6 of the Traffic Noise Assessment, prepared by RCA Australia, version 3, dated 03/07/17 must be included in the Construction Certificate.
- 3.22. All conditions under this section must be met prior to the issue of any Construction Certificate for the relevant stage.

#### **4. PRIOR TO COMMENCEMENT OF ANY WORKS**

**All conditions under this section must be met prior to the commencement of any works for the relevant stage**

- 4.1. Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
  - a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent

of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.

- b. Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days notice of the intention to commence building or subdivision work. The forms can be found on Council's website [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au)
- 4.2. A hazardous materials survey must be carried out of the building located at 325 Mann Street prior to any demolition works taking place. This should be carried out by a suitably qualified workplace health and safety consultant or occupational hygienist. This should include sampling and analysis of the potential ACM fragments on the basement level of 321 Mann Street. The report must be provided to Council for approval.
- 4.3. Submit to Council details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed haulage routes to and from the site. Details are to be accompanied by a dilapidation report for the road carriageway and kerbs from the intersection of Mann Street and Beane Street to the intersection of Mann Street and Etna Street. Approval of these details must be obtained from Council. Updated details must be provided during construction if details change.
- 4.4. Provide toilet facilities at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- a. Be a standard flushing toilet connected to a public sewer, or
  - b. Have an on-site effluent disposal system approved under the Local Government Act 1993, or
  - c. Be a temporary closet approved under the Local Government Act 1993
- 4.5. Prevent public access to the construction site in accordance with the NSW WorkCover publication titled 'Site Security and Public Access onto Housing Construction Sites' when building work is not in progress or the site is unoccupied. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

A separate application made under the Roads Act 1993 will need to be lodged with Council If a hoarding or construction site fence must be erected on the road reserve or a public place.

- 4.6. Install a hoarding or construction site fence between the work site and any public place to prevent any materials from or in connection with the work falling onto the public place. The use of barbed wire and/or electric fencing is not to form part of the hoarding or construction site fence.

A separate application made under the Roads Act 1993 will need to be lodged with Council If the hoarding or construction site fence must be erected on the road reserve or a public place.

- 4.7. Disconnect and cap the property's sewer at the inspection shaft.
- 4.8. Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 4.9. Submit to Council an application for a vehicular access crossing (fees apply). The form can be found on Gosford City Council's web site [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au)
- 4.10. Undertake demolition involving asbestos in accordance with the Work Health and Safety Act 2011.

The person having the benefit of this consent must ensure that the removal of:

- a. more than 10sqm of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist,
- b. friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence, and

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the Work Health and Safety Regulation 2011.

- 4.11. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.12. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
  - erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
  - diverting uncontaminated run-off around cleared or disturbed areas, and
  - preventing the tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation and Control.

- 4.13. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
  - a. The name, address and telephone number of the principal certifying authority for the work; and

- b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
- c. That unauthorised entry to the work site is prohibited.

Remove the sign when the work has been completed.

- 4.14. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the Plumbing and Drainage Act 2011 (to be provided by licensed plumber). These documents can be found on Council's website at: [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au).

Contact Council prior to submitting these forms to confirm the relevant fees.

- 4.15. Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 4.16. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 4.17. Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 4.18. Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 4.19. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 4.20. Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 4.21. Submit Prevent public access to the construction site as required by Clause 298 of the *Work Health and Safety Regulation 2011* when building work is not in progress or the site is unoccupied. Site fencing specifications are outlined under Australian Standard AS1725.1-2010 - *Chain-link fabric fencing - Security fencing and gates*. The use of barbed



wire and/or electric fencing is not to form part of the protective fencing to construction sites.

A separate application made under the *Roads Act 1993* will need to be lodged with Council. If a hoarding or construction site fence must be erected on the road reserve or a public place.

- 4.22. Submit to the Principal Certifying Authority a Traffic and Pedestrian Management Plan prepared by a suitably qualified professional.

The Plan must be prepared in consultation with Council, and where required, the approval of Council's Traffic Committee obtained.

The Plan must address, but not be limited to, the following matters:

- ingress and egress of vehicles to the Subject Site
- loading and unloading, including construction zones
- predicted traffic volumes, types and routes
- pedestrian and traffic management methods, and
- other relevant matters

The Applicant must submit a copy of the final Plan to Council, prior to the commencement of work.

- 4.23. Identify proposed haulage routes to and from the site on plans accompanied by a dilapidation report for the road carriageway and kerbs from the site to the nearest State road. Amendments to the haulage routes are to be approved by Council.

- 4.24. All conditions under this section must be met prior to the commencement of any works.

## **5. DURING WORKS**

All conditions under this section must be met during works

- 5.1. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

- 7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 5.2. All demolition works must be undertaken in accordance with the hazardous materials survey as approved by Council referred to in condition 4.2.

- 5.3. Implement and maintain all erosion and sediment control at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment. The controls must comply with Council's Code of Practice of Erosion and

Sedimentation Control and Gosford DCP 2013 Chapter 6.3 - Erosion and Sedimentation Control.

- 5.4. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
  - 5.5. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by S. Morgan, dated 20 September 2018.
  - 5.6. Compliance with all Demolition and Construction commitments detailed within the Waste Management Strategy dated 13 July 2016 by SECA Solution.
  - 5.7. Ensure a minimum 4.0m clear vertical ceiling height in all waste vehicle manoeuvring areas.
  - 5.8. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
  - 5.9. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
    - a) All excavation or disturbance of the area must stop immediately in that area, and
    - b) The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.
- Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.
- 5.10. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the Plumbing and Drainage Act 2011.
  - 5.11. Ensure no obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs etc.
  - 5.12. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
  - 5.13. Action the following when an excavation extends below the level of the base of the footings of any building, structure or work on adjoining land:
    - a. notify the owner of the adjoining land, and

- b. protect and support the building, structure or work from possible damage from the excavation, and
- c. underpin the building, structure or work where necessary, to prevent any such damage.

These actions must be undertaken by the person having the benefit of the development consent at their own expense.

- 5.14. Implement the requirements of the Waste Management Plan listed as supporting documentation in this development consent.
- 5.15. Demolish buildings in a safe and systematic manner in accordance with AS2601-2001: The demolition of structures. Waste materials must be disposed of at a waste management facility.
- 5.16. No fill other than as shown on the approved plans is permitted.
- 5.17. Submit a report prepared by a registered Surveyor to the Principal Certifying Authority at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans.
- 5.18. Incorporate the Crime Prevention Through Environmental Design (CPTED) recommendations in accordance with the CPTED report Prepared by Barker Ryan and Stewart and which forms part of the supporting documentation for this consent and include the following:
  - a. Provide adequate lighting to common areas as required under *AS1158: Lighting for roads and public spaces*.
  - b. Paint the ceiling of the car park white.
  - c. Design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity.
  - d. Design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
  - e. Provide signage within the development to identify all facilities, entry/exit points and direct movement within the development.
- 5.19. Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.20. Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the Swimming Pools Act 1992, Swimming Pools Regulations 2008 and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:
  - "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
  - "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"
  - "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES" and

- A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)
- 5.21. Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifying Authority.
- 5.22. Do not fill the swimming pool with water until each window which is capable of giving access to the swimming pool enclosure has been protected with suitable security screens complying with the provisions of Clause 2.6 of Australian Standard AS 1926.1-2012. This applies to all windows where the height of the sill of the lowest openable portion of the window is less than 1.8 metres above the adjoining ground surface level, or the sill of the lowest openable portion of the window is less than 1.2 metres above the internal floor surface level.
- 5.23. Do not give to offensive noise as defined in the Protection of the Environment Operations Act 1997.
- 5.24. Implement dust control measures to ensure airborne dust particulates are abated and airborne movement of sediment blown from exposed disturbed areas is contained within the site.
- 5.25. Do not give rise to air pollution as defined in the Protection of the Environment Operations Act 1997.
- 5.26. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 5.27. All conditions under this section must be met during works.

## **6. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE**

All conditions under this section must be met prior to the issue of any Occupation Certificate for the relevant stage

- 6.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 6.2. Do not occupy the premises until the Occupation Certificate has been issued.
- 6.3. 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*.

- 6.4. Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 6.5. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 6.6. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 6.7. Amend the Deposited Plan (DP) to:
  - Include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
    - a. Create a 'Restriction as to User' 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 minimum 1m wide within the eastern and southern boundaries of the site for the purposes of interallotment drainage. The easement shall benefit SP14004 and SP68909
    - c. Create a 'Restriction as to User' over the secondary flow path to ensure that the shape of the flow path is not altered.

And,

- Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
  - a. To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
    - (i) The facility will remain in place and fully operational.
    - (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
    - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
    - (iv) Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

- 6.8. Amend the deposited plan (DP) to include a section 88B instrument under the Conveyancing Act 1919 to indemnify Council against claims for loss or damage to the pavement or other driving surface and against liabilities, losses, damages and any other demands arising from any on-site waste collection service, at the applicant's cost.
- 6.9. Amend the deposited plan (DP) to include a Section 88B instrument under the Conveyancing Act 1919 to indemnify Council against claims for loss or damage to the pavement or other driving surface and against liabilities losses, damages and any other demands arising from any on-site collection service, at the applicant's cost.
- 6.10. Provide certification to the Principal Certifying Authority that the requirements of the BASIX certificate listed as supporting documentation in this development consent have been complied with.
- 6.11. Erect a warning notice in a prominent position in the immediate vicinity of the swimming pool in accordance with the Swimming Pools Act 1992. The warning notice must contain the information prescribed by Clause 10 of the Swimming Pools Regulation 2008.
- 6.12. Install a swimming pool fence in accordance with the Swimming Pools Act 1992 and the requirements of AS1926.1-2012: Swimming pool safety: Safety barriers for swimming pools.
- 6.13. Dispose the backwash from the pool filter and overflow system to the sewer.
- 6.14. Complete the landscaping works for each relevant stage.
- 6.15. Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

## 7. ONGOING OPERATION

- 7.1. Maintain the on-site stormwater detention facility in accordance with the operation and maintenance plan.
- 7.2. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 7.3. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 7.4. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 7.5. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 7.6. Locate the approved waste storage enclosure / area as indicated on Project / Drawing Number DA-101 and DA-102, Issue M, dated 10 February 2020 by Chapman architecture.

- 7.7. Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: Chapter 7.2 - Waste Management, Appendix D and Appendix G, as applicable.
- 7.8. Construct and manage garbage chutes in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: Chapter 7.2 - Waste Management, Appendix F.
- 7.9. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 7.10. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs etc.
- 7.11. Comply with all On-going Use commitments detailed Waste Management Plan signed by lid dated 20 March 2018 and 11 February 2020 with the exception re – bulk bin numbers to be 7 x 1100 litre/1 x 660 litre mixed waste bulk bins serviced three times weekly/and 6 x 1100 litre/1 x 660 litre recyclables waste bulk bins serviced three times weekly.
- 7.12. A bin lifter to be provided within the residential waste storage room to facilitate transfer of recyclables waste from MGB's in the interim recyclable waste storage/garbage chute room on each residential floor.
- 7.13. Comply with the commitments outlined within the Loading Dock Management Plan dated 8 May 2018 by SECA Solution.
- 7.14. Waste vehicle manoeuvring to be undertaken consistent with the Traffic Impact Statement dated 24 July 2017 by SECA Solution and updated Autoturn amendment dated 8 May 2018 by SECA Solution.

Note: Flashing warning lights to be installed and certified by the installer to be activated by a height sensor at the driveway entry. Flashing lights to be installed at the driveway entry and the top and bottom of internal ramps leading to the waste truck servicing location to advise approaching vehicles of the waste servicing vehicle/s when service vehicles are manoeuvring on site.

- 7.15. Commercial waste to be serviced at such times to not conflict with Residential waste servicing.
- 7.16. Residential bulk waste bins to be transferred to the Residential bulk waste bin servicing/ storage location the evening before servicing.
- 6.13 Place the mobile green waste containers at a suitable location at the kerbside no earlier than the evening prior to the collection day and return to the approved residential waste storage enclosure as soon as possible after service, no later than the evening on collection day. The residents, caretaker, owner, Owners Corporation are responsible for the placement and return of the mobile waste containers.
- 7.17. Garden/landscaping waste to be removed off site by the garden/landscaping contractor.

7.18. Maintain the site landscaping for the life of the development.

7.19. Operate all mechanical plant equipment and machinery (ie. air conditioning unit and/or heat pump) in accordance with the Protection of the Environment Operation Act 1997.

## 8. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a *criminal offence*. Failure to comply with other environmental laws may also be a *criminal offence*.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

### Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

## ADVISORY NOTES

- 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.
- 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) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
  - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- 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  
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](http://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.

- *Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- 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](http://www.centralcoast.nsw.gov.au)

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage).

- Ensure the proposed building or works comply with the requirements of the *Disability Discrimination Act*.

**NOTE:** The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. This development consent does not indicate nor confirm that the application complies with the requirements of the DDA.

- The inspection fee for works associated with approvals under the *Roads Act 1993* is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- It is an offence under the *National Parks and Wildlife Act 1974* to knowingly disturb an Aboriginal artefact without consent.