

**Date:** 8 February 2018  
**Responsible Officer:** Ross Edwards  
**Location:** Nos 149-157 Main Road & Nos 6-12 Tamar Avenue, Toukley  
 Lot 1 DP 29025, Lot 2 DP 29025, Lot 3 DP 29025, Lot 4 DP 29025, Lot 5 DP 29025, Lot 6 DP 29025, Lot 7 DP 29025, Pt Lot 8 DP 29025, Pt Lot 39 DP 8320, Lot 12 DP 29025, Lot 11 DP 29025, Lot 10 DP 29025, Lot 9 DP 29025  
**Owner:** TYDK Property Pty Ltd and Ms S Ku and Ms K L Yeong  
**Applicant:** Opal Aged Care  
**Date Of Application:** 28 October 2016  
**Application No:** DA/1283/2016  
**Proposed Development:** Residential aged care facility including demolition of existing structures  
**Land Area:** 4,728m<sup>2</sup>  
**Existing Use:** Unused caravan park, residential dwellings

## 1. PARAMETERS OF THIS CONSENT

### 1.1. 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 by:** Jackson Teece, Terras Landscape Architects

Drawing	Description	Sheets	Issue	Date
DA-000	Cover Sheet	DA-000	2	20/07/17
DA-003	Site Analysis Plan	DA-003	2	20/07/17
DA-004	Site Survey	DA-004	2	20/07/17
DA-010	Area plans & Development Summary	DA-010	2	20/07/17
DA-050	Existing Site/Demolition Plan	DA-050	2	20/07/17
DA-060	Proposed Site Plan	DA-060	2	20/07/17
DA-099	Floor Plan – Basement	DA-099	1	20/07/17
DA-100	Floor Plan – Ground floor	DA-100	2	20/07/17
DA-101	Floor Plan – Level 1	DA-101	2	20/07/17
DA-102	Floor Plan – Level 2	DA-102	2	20/07/17
DA-103	Floor Plan – Roof & Plant Deck	DA-103	2	20/07/17
DA-300	North & East Elevations	DA-300	2	20/07/17
DA-301	South & West Elevations	DA-301	2	20/07/17
DA-400	Building Sections 1	DA-400	2	20/07/17
DA-700	Photo Montage 1	DA-700	2	20/07/17
DA-701	Photo Montage 2	DA-701	2	20/07/17

01	Landscape Plan – Ground Floor Plan	01	E	26/04/17
02	Landscape Plan – Level One Courtyards	02	E	21/07/17
03	Landscape Plan – Level Two Terrace	03	E	21/07/17
L04	Landscape Plan – Plant Materials	L04	E	21/07/17

### Supporting Documentation

Document	Title	Date
5016.261	Demolition, Construction and Ongoing Operation Phases – prepared by KMH Environmental	July 2017
G09/2515-AR	Stage 2 Detailed Contamination Assessment – prepared by Network Geotechnics	16 August 2017
171506/7454	Traffic Noise Assessment – prepared by Spectrum Acoustics	6 November 2017
171506/7346	Traffic Noise Assessment – prepared by Spectrum Acoustics	18 September 2017
G09/2515-C	Acid Sulphate Soils Management Plan (ASSMP) – prepared by Network Geotechnics	31 January 2018
G09/2057-A	Geotechnical & Stage 1 Preliminary Contamination Assessment – Prepared by Network Geotechnics	29 August 2016

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with the General Terms of Approval / requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
RMS	Advice to Council	CR2017/002872 SF2016/245456	7 September 2017
Department of Industry – WaterNSW	Advice to Council	DA1283/2016	5 December 2017

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.

2.2 Pay developer contributions to Council as calculated in the formula below:

$$\text{Developer contribution} = \$236,218.30 \times \text{Current CPI} \div \text{Base CPI}$$

where "Current CPI" is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of payment of developer contributions pursuant to this condition, and "Base CPI" is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the date of this consent.

This condition is imposed pursuant to Section 94 or 94A of the *Environmental Planning and Assessment Act 1979*.

- 2.3 Submit details to the Principal Certifying Authority of the design of the fit out of the food premises. The design of the fit out of the food premises is to comply with the *Food Act 2003*, *Food Regulation 2010*, *Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the Building Code of Australia.
- 2.4 Submit details to the Principal Certifying Authority of any proposed mechanical ventilation systems. The design of the mechanical ventilation is to comply with the relevant requirements of Clause F4.12 of the Building Code of Australia, Australian Standard AS 1668.1:2015 *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings* and Australian Standard 1668.2:2012 *The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings* (including exhaust air quantities and discharge location points).
- 2.5 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](http://www.centralcoast.nsw.gov.au)
- 2.6 Identify trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species and ecological communities must also be marked on all plans. An appropriately qualified and licensed Ecologist is to be engaged to undertake a pre-clearance survey. The pre-clearance survey is to include the following:
- Identification of all trees containing hollows, nests or dreys and mark with flagging tape,
  - All tree hollows must be inspected, preferably physically or via the use of a camera (otherwise stagwatched), no more than two weeks prior to clearing to determine any fauna occupying hollows.

Based on the results of the pre-clearance survey, the Ecologist to provide advice regarding the appropriate times for felling to occur.

2.7 An amended Landscape Plan must be submitted to the Accredited Certifier for approval that incorporates the following:

- mass plantings of suitable canopy species are to be provided within the site along the eastern, western and southern boundary of the site, once mature, will achieve visual screening between the care facility and the neighbouring residential dwellings.
- Additional outdoor seating areas.
- The front fencing on Main Road is to be removed.
- The boundary fencing fronting Tamar Avenue is required to be setback 1m within the site and be a maximum height of 1.2m measured from natural ground level. The fencing is required to be a combination of masonry piers within infill timber slats and articulation of the fence plane. Landscape plantings are to be provided within the 1m setback area fronting Tamar Avenue in front of the fence.
- The relocation of the substation from the front boundary to the eastern side boundary with additional plantings to screen the structure from Main Road.
- 3 street trees are to be provided along the frontage of the site on Main Road and Tamar Avenue.

2.8 Vertical blades are to be provided on the western side of the windows from the top of the third floor windows to the bottom of the ground floor windows on the northern facades of the development fronting Main Road. Details are to be provided for approval of Council.

2.9 A detailed geotechnical report is to be undertaken for the area of the proposed development that is to be excavated or affected by groundwater/seepage. The report is to identify existing ground conditions and the most suitable method of support for the proposed development. Excavation stability is to be included in the geotechnical investigation. The report is to be submitted to the Principal Certifying Authority and shall demonstrate that the construction will not have an impact upon surrounding area, dwellings or structures. Details are to be provided for the approval of the Accredited Certifier.

2.9 Groundwater extraction/dewatering both during the construction and ongoing shall be approved and licensed in accordance with the requirements the NSW Office of Water under the *Water Management Act 2000*.

- 2.10 Lodge a completed application form to Council where conditions of this consent require approval from Council under the *Roads Act 1993*, *Local Government Act 1993*, and/or *Water Management Act 2000*. The completed application form must be accompanied by detailed design drawings, supporting information and payment of the applicable fee. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 2.11 Lodge a completed Subdivision Construction Certificate application form to Council where conditions of this consent require approval from Council as the Roads Authority with the concurrence of the RMS. The completed application must be accompanied by detailed design drawings and supporting information. Fees and charges calculated in accordance with Council's Management Plan and must be paid prior to the issue of any consent under the *Roads Act 1993*. Prior to approval, the developer will be required to enter into a Works Authorisation Deed (WAD) with the RMS for any works and traffic control on State roads.
- 2.12 Submit to Council of Civil Works design drawings and specifications detailing the following design requirements:
- a) vehicle access crossing(s).
  - b) the upgrade and replacement of the stormwater drainage pit and lintel in Main Road as part of the connection and driveway crossover works.
  - c) the restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
  - d) any associated works to ensure satisfactory transitions to existing infrastructure.
  - e) required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.
- 2.13 Compliance with works and requirements in accordance with RMS correspondence dated 21 February 2017. Separate approval of Council and the RMS for works within Main Road including but not limited to, the design of the concrete median island to restrict site access to Left In, Left Out, with all movements in a forward direction.
- 2.14 The relevant utility authority is to be contacted in regard to specific requirements for the relocation of the existing power pole to facilitate the relocation of the egress driveway.
- 2.15 Submit to the Accredited Certifier a detailed stormwater management plan in accordance with the plans prepared by MPC Consulting Engineers (Job No. 17-046, DWG No. C01-C04 (Issue 5) & C05-C06 (Issue 6) featuring:
- a) Stormwater disposal and connection to the existing drainage pits provided in Main Road and Tamar Avenue.

- b) The internal stormwater conveyance system is to be designed to cater for the 1 in 20 year ARI design storm event.
- c) Drainage pit at the boundary line.
- d) The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average recurrence interval (ARI) design storms.
- e) The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
- f) Full details of the holding tank capacity, pump type and system, discharge rate and the delivery line size for the basement drainage.
- g) The plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's *Civil Works Design Guidelines*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.

- 2.16 Submit an application to Council, under section 68 of the Local Government Act 1993 for the approval of required drainage works associated with public stormwater works.

Engineering plans for the works must be prepared and designed by a suitably qualified professional in accordance with Council's *Civil Design Guide, Construction Specifications and Standard Drawings* and submitted to Council for approval with the Local Government Act application.

The Local Government Act application must be approved by Council.

A fee for the approval of engineering plans under the Local Government Act 1993 applies. The amount of this fee can be obtained by contacting Council's Customer Service Centre on (02) 4350 5555.

- 2.17 Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings upon that land including public roads and utilities from damage. If necessary, the improvements or buildings are to be supported in a manner designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared in order to comply with this condition are to include geotechnical investigations and are to be submitted for the approval of the Accredited Certifier and in the case where excavation impacts upon public infrastructure, Council.

- 2.18 Detailed structural design plans are to be prepared by a suitably qualified Structural Engineer and are to be submitted to the Principal Certifying Authority for piling/piling, retaining walls and structures prior to the issue of a Construction Certificate. Piling/piling, retaining walls and structures are to be designed in accordance with the findings and recommendations of the Geotechnical investigation report.
- 2.19 Suitable detailed design drawings for all retaining wall structures on the site are to be provided for the approval of the Accredited Certifier. Such design drawings are to be prepared by a suitably qualified Registered Structural Engineer in accordance with the requirements of AS 4678-2002 - *Earth Retaining Structures*. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or structural improvements within the adjoining property.
- 2.20 Submit a construction management plan for the construction of the retaining wall is required for the approval of the Accredited Certifier. Such management plan shall be certified by the retaining wall Design Engineer and detail the construction methodology to ensure workers safety and the structural stability of the adjoining properties. Where required, an authority to enter the adjoining property must accompany the required management plan if the construction methodology or temporary protection works encroach into any adjoining property.
- 2.21 Submit a detailed car parking design to the Accredited Certifier. The design shall include:
- a) Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
  - b) Pavement design able to withstand anticipated vehicle loading.
  - c) Wheel stops for all parking spaces.
  - d) The placement of clearance signage above the basement entry.
  - e) The internal driveway access and basement carpark ramps shall have grades and transitions in accordance with AS/NZS2890.1.
  - f) Curved roadways and ramps to the basement parking area shall have widths in accordance with AS/NZS2890.1.
  - g) The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6.
- 2.22 Submit to the Accredited Certifier the lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting.

- 2.23 Design and construct all water and sewer works or works impacting on water and sewer assets to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent.

**Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of any Construction Certificate.

- 2.24 All recommendations specified in the geotechnical report titled "Stage 2 Detailed Contamination Assessment Proposed Four Storey Aged Care Facility No. 149-157 Main Road & No. 4, 6, 8, 10 & 12 Tamar Avenue, Toukley. Prepared by Network Geotechnics dated 3 July 2017, Report Ref: G09/2515-A (CCC TRIM ref: D12776014) must be completed.
- 2.25 An Unexpected Finds Management Plan must be developed and implemented for the discovery of any asbestos fragments, or any other unexpected contamination.

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. No activity is to be carried out on-site until the 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 and the like that are required by this consent
  - c) Demolition approved by this consent.
- 3.3. Appoint a Principal Certifying Authority for the building work:
- 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.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.4. 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 can be contacted outside of working hours; and
  - c) That unauthorised entry to the work site is prohibited.
  - d) Remove the sign when the work has been completed.
- 3.5. 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.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

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

- 3.6 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.
- 3.7 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.
- 3.8 Submit a dilapidation report to Council, the Accredited Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries and any Council asset in the vicinity of the development. 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, submit evidence in writing demonstrating that all steps were taken to obtain access to the adjoining property(s).
- 3.9 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.

- 3.10 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.
- 3.11 Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - b) could cause damage to adjoining lands by falling objects, or
  - c) involve the enclosure of a public place or part of a public place.

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

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

- 3.12 Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (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 chemical closet approved under the *Local Government Act 1993*.
- 3.13 Undertake any 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 10m<sup>2</sup> 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, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence

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

- 3.14 Vehicles and other equipment to be used on site must be completely free of soil, seeds and plant material before entering/leaving the site to prevent the spread of exotic plant species and pathogens. All vehicles and machinery must be inspected prior to site entry and those failing inspection should be sent away for cleaning. Appropriate records of inspections shall be maintained.
- 3.15 All trees nominated for retention are to be suitably protected by fencing or other accepted protection method in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Design Guidelines*. All required tree protection measures are to be maintained for the duration of construction works.
- 3.16 Prior to commencing any works upon public roads the developer and their contractor will be required to:
  - a) Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
  - b) Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
  - c) Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 3.17 A Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RMS) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.

## 4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. 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.

- 4.3. 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.

- 4.4. Implement and maintain all erosion and sediment control measures 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.
- 4.5. 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.
- 4.6. 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.
- 4.7. Carry out works in accordance with the approved Acid Sulfate Soils Management Plan '*Acid Sulphate Management Plan (ASSMP) Proposed Aged Care Facility Toukley dated 31 January 2018, project ref: G09/2515-C*' prepared by Network Geotechnics.
- 4.8. 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*.
- 4.9. Maintain all erosion and sediment control measures within their operating capacity until the completion of the works and stabilisation of the site to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- 4.10. Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifying Authority for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

- 4.11 Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.12 Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, communications provider) for the supply of services concurrently with the engineering work approved by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.13 Any excavation or filling within a retained tree's canopy perimeter shall be in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Construction Specification*, as excavation or filling can lead to tree instability or death.
- 4.14 All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree's canopy perimeter are contained within AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Construction Specification* and include under boring and excavation by hand.
- 4.15 Native fauna must be appropriately managed during clearing and construction phases of the approved works. In this regard, an appropriately licensed Fauna Ecologist is to be engaged to advise and supervise the clearing of trees. Where, in spite of precautions, wildlife is injured, the Fauna Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as WIRES or Wildlife Arc.
- 4.16 Removal of hollow bearing trees is to be done under the advice and supervision of a qualified and experienced Ecologist who holds an appropriate licence to mitigate against any animal welfare issues. The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use. Should a threatened species be positively identified, all clearing works are to cease and the advice of Council or the Office of Environment & Heritage must be sought. When fauna are present, the animals are to be removed and suitably relocated by the Ecologist prior to felling or the tree shall be sectionally dismantled under the supervision of the Ecologist before relocating animals. Wildlife must be relocated locally to an area with adequate resources under instruction from the Ecologist.
- 4.17 Utilise timber from felled native trees by:
- a) Wood chip or tub grind into mulch for landscaping, soil stabilisation or bush regeneration, and/or
  - b) Recycle for use in construction materials, furniture or fencing.

## 5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.3. 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.
- 5.4. Complete public stormwater / watercourse works that required approval under the *Local Government Act 1993*. The works must be completed in accordance with Council's *Civil Design Guide, Construction Specifications and Standard Drawings*. Documentary evidence for the acceptance of such works must be obtained from Council.
- 5.5. The developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 5.6. The provision of rainwater tanks, of at least 25,000 litre capacity, in accordance with the requirements the National Plumbing and Drainage Code AS/NZS 3500. The rainwater tanks must be located in such a position as to maximise rainwater collection and shall include, but not be limited to, the retention of water on-site incorporating first flow diversion devices fixed to all inflows, provided with a functioning pressure pump, and plumbed to service all toilets and at least one outdoor tap for each stage of the development. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.
- 5.7. The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority.
- 5.8. All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority.

- 5.9 Any road works and or traffic control facilities within a state road must be completed in accordance with the approved Civil Works design drawings and RMS Works Authorisation Deed, and be jointly approved by Council as the Roads Authority and the RMS.
- 5.10 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority.
- 5.11 The construction of stormwater drainage works external to the site and discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Council's *Civil Works Construction Specification*. All works must be approved by Council under Section 68 of the *Local Government Act 1993*. All other stormwater management works must be approved by the Principal Certifying Authority.
- 5.12 Stormwater generated from roof areas of the building and any overflows from rain water tanks installed in conjunction with the development, is to be disposed to Council's street drainage system.
- 5.13 A 'Restriction on the Use of Land' shall be created on the title of the land restricting any alteration to the on-site stormwater detention system. The terms of the Restriction are to be prepared to Council's standard requirements. Central Coast Council shall be nominated as the party to release, vary or modify the restriction.
- 5.14 A 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the continued maintenance and performance of the stormwater pump-out facilities. The terms of the positive covenant are to be prepared to Council's standard requirements. Central Coast Council shall be nominated as the party to release, vary or modify the covenant.
- 5.15 A 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the continued maintenance and performance of the on-site stormwater detention structure. The terms of the positive covenant are to be prepared to Council's standard requirements. Central Coast Council shall be nominated as the party to release, vary or modify the restriction.
- 5.16 The consolidation of Lot 1 to 8 DP 29025 and Lot 39 DP 8320; and Lots 9 to 12 in DP 29025 into one lot by registered subdivision. Documentary evidence of the lodgement of the Consolidation Plan with the NSW Land and Property Information can be accepted by the Principal Certifying Authority as satisfying this requirement.
- 5.17 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1, 2 & 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority.

- 5.18 Obtain a satisfactory final plumbing and drainage inspection advice or 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 works for the development must be approved by Council prior to the issue of a Certificate of Compliance.
- 5.19 For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards prior to the issue of an Occupation Certificate:
- Floors must be constructed of concrete, graded and drained to an approved drainage outlet connected to the sewer and finished to a smooth even trowelled surface;
  - Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;
  - All intersections between the walls and floors shall be coved with coving having a minimum radius of 25mm;
  - All entry points into the room must be banded to prevent the escape of liquid waste. Banding shall be for 110% of the likely liquid storage waste and constructed in such a manner that does not obstruct the removal of waste receptacles from the room or create a safety risk to users;
  - Adequate ventilation shall be provided;
  - Adequate lighting shall be provided;
  - The ceiling must have a minimum height of 2.1 metres from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
  - Waste storage areas shall prevent the access of vermin;
  - Waste receptacles used shall be compatible with Wyong Council's waste collection service;
  - The door to the storage area shall be weatherproof and shall be openable from the inside at all times; and
  - Hot and cold water hose cocks shall be located inside or within close proximity to the waste storage areas to facilitate cleaning.
- 5.20 Access to and throughout the buildings shall comply with AS 1428.1-2009 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).



- 5.21 Provide certification to the Principal Certifying Authority to confirm the final fit-out of the premises complies with the *Food Act 2003, Food Regulation 2010, Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the Building Code of Australia.
- 5.22 No food handling, as defined by the *NSW Food Act 2003*, is permitted in the food premises prior to the issue of the Occupation Certificate.
- 5.23 Provide certification from a mechanical engineer to the Principal Certifying Authority that the construction, installation and operation of the exhaust hood ventilation system meet the requirements of:
- Australian Standard AS 1668 Part 1-2015: *The use of ventilation and air-conditioning in buildings - Fire and smoke control in buildings*
  - Australian Standard AS 1668 Part 2-2012: *The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings*
- 5.24 Provide evidence of the submission to, and acceptance by, NSW Health of a Drinking Water Management System in compliance with NSW Health requirements and the *Public Health Act 2010 and Public Health Regulation 2012*. The drinking water supplied to the premises must consistently meet the *Australian Drinking Water Guidelines 2011*.
- Further details can be found on the NSW Health website: <http://www.health.nsw.gov.au>
- 5.25 Complete the landscaping works.
- 5.26 Provide the Principal Certifying Authority 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.
- 5.27 Revegetate and stabilise all areas disturbed by construction activities associated with the development so as to prevent erosion and dust nuisance occurring.
- 5.28 Execute an instrument under the Conveyancing Act 1919 for the following restrictive covenants with Council having the benefit of these covenants and having sole authority to release and modify.

The approved development is only to be occupied by:

- a) people aged 55 years or over or people with a disability as defined by the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- b) people who live with such people as defined in sub-clause above; and
- c) staff employed to assist in the administration of and provision of services to housing provided in this development.

- 5.29 Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
- a) provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*
  - b) 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
  - f) install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.
- 5.30 A suitably qualified acoustic consultant must provide the Principal Certifying Authority a "Compliance Certificate", which certifies that all bedrooms during the night have a maximum internal noise level of 35dB(A) and for all other habitable rooms have a maximum internal noise level of 40dB(A).

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

No conditions

## **7. ONGOING**

- 7.1 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.
- 7.2 The Proprietor of the property shall be responsible for keeping clear, and the maintenance of all pumps, holding tanks, pits, pipelines, trench barriers and other structures associated with the basement drainage and shall have the pump facilities inspected annually by a licensed plumber.
- 7.3 Loading bays shall be kept unobstructed when not in use.
- 7.4 Access to and from the site for all commercial vehicles, including waste collection vehicles must only be from Main Road.
- 7.5 The largest vehicle permitted to access the development during ordinary business hours, including waste collection vehicles, is the Medium Rigid Vehicle (MRV).
- 7.6 The loading and unloading of goods from vehicles must only be carried out on the land.

- 7.7 Garbage/recycling bins must not be permitted to encroach with the carpark or vehicle manoeuvring areas.
- 7.8 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.
- 7.9 No deliveries are permitted between the hours of 10pm and 7am.
- 7.10 All external lighting is to be of a type that minimises overspill into retained vegetated areas.
- 7.11 Manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner / operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.
- 7.12 Maintain all perimeter fencing for the life of the development in the approved location.
- 7.13 Maintain the site landscaping for the life of the development.
- 7.14 Do not erect advertising sign(s) on or in conjunction with the use and / or development without development consent unless the advertisement is exempt development or otherwise permitted without development consent.
- 7.15 Operate and maintain all external lighting so as not to impact on any adjoining property.
- 7.16 Maintain internal pavement and pavement marking.
- 7.17 Do not erect third party advertisement on or in conjunction with the proposed development.
- 7.18 Do not store materials, waste matter or products outside the building or the approved storage area at any time.

## **8. ADVISORY NOTES**

- 8.1 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.
- 8.2 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.

8.3 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.

8.4 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.

8.5 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.

8.6 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.