

## 1. PARAMETERS OF THIS CONSENT

- 1.1 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.

### 1.2 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 Marchese Partners International Pty Ltd

Drawing	Description	Sheets	Issue	Date
DA 0.01	Cover Sheet	1	A	05/09/2017
DA 0.02	Development Data	2	A	05/09/2017
DA 1.01	Survey	3	A	05/09/2017
DA 1.04	Site – Roof Plan	4	A	05/09/2017
DA 2.01	Level Ground	5	A	05/09/2017
DA 2.02	Level 1	6	A	05/09/2017
DA 2.03	Level 2	7	A	05/09/2017
DA 3.01	Site Elevations – North & South	8	A	05/09/2017
DA 3.02	Site Elevations – East & West	9	A	05/09/2017
DA 4.01	Site Section – Section 1-1	10	A	05/09/2017
DA 4.02	Long Sections	11	A	-
DA 5.20	Shadow Analysis June 21 <sup>st</sup>	12	A	05/09/2017
DA 6.01	Unit Type Plans	13	A	05/09/2017
DA 8.02	Exterior Finishes	14	A	05/09/2017
Da 8.02	Exterior Finishes	15	A	14/11/2017

#### Landscape Plans by xeriscapes

Drawing	Description	Sheets	Issue	Date
L 000	Coversheet	1	D	-
L 101	Overall Landscape Plan	2	C	-
L 501	Landscape Details	3	C	-

#### Supporting Documentation

Title	Prepared by	Date
Statement of Environmental Effects	Tim Shelley Planning	September 2017
Bushfire Protection Assessment	Australian Bushfire Protection Planners Pty Limited	29/08/2017
Construction Waste Management Plan	Retire Australia	05/09/2017
Waste Management Plan	Elephants Foot	29/08/2017
Traffic Assessment Report	BJ Bradley & Associates	04/09/2017
Water Cycle Management Plan	ADW Johnson Pty Limited	September 2017
Noise Impact Assessment	Spectrum Acoustics Pty Limited	August 2017
Survey Plan	ADW Johnson Pty Limited	28/08/2017
Building Code of Australia 2016 Compliance Report	Build Cert Consultants	30/08/2017

BCA – Section J DTS Compliance Report	Thermal Environmental Engineering Pty Ltd	04/09/2017
Order of Cost Estimate Summary	Del Consultants Pty Ltd	September 2017
SEPP (Housing for Seniors or People with a Disability) 2004 Compliance Table	Tim Shelley Planning	-
Support Services	Retire Australia	04/09/2017
Report on Geotechnical Investigation and Waste Classification Assessment	Douglas Partners Pty Ltd	December 2015
Concept Engineering Plans	ADW Johnson Pty Limited	06/09/2017
Access Report	Assistive Technology Australia	31/08/2017
Report on Detailed Site Investigation for Contamination	Douglas Partners Pty Ltd	September 2017
Design Verification Statement	Marchese Partners International	March 2018
Traffic Assessment Report	BJ Bradley & Associates	14/03/2018
Soil and Water Management Plan	ADW Johnson Pty Limited	18/01/2018
Hydraulic Design Report: Stormwater Treatment and Onsite Detention Components	J. Langston	26/02/2003

- 1.3** Carry out all building works in accordance with the Building Code of Australia.
- 1.4** Comply with the General Terms of Approval from the Authorities as listed below and attached as a Schedule 1 and Schedule 2 of this consent.

Government Agency	Description	Ref No	Date
New South Wales Department of Primary Industries Water	For work involving a Controlled Activity Approval under the <i>Water Management Act 2000</i> .	DAS1101941	22 December 2017
New South Wales Rural Fire Service	A Bush Fire Safety Authority as required under s.100B of the <i>Rural Fires Act 1997</i> .	D17/3285	19 October 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** No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- Site investigation for the preparation of the construction, and / or
  - Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - Demolition
- 2.3** Comply with the access and usability standards outlined in Schedule 3 of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* for the development. Details of compliance are to be submitted to the Accredited Certifier for approval.
- 2.4** Submit to the Accredited Certifier a report prepared by a suitably qualified Registered Structural Engineer providing certification that the existing boundary fencing on The Entrance Road and Bellevue Road is capable of accepting all anticipated live and dead loads imposed by the development approved under this consent. The report is to include any recommendations on the structural upgrade of the existing structure.

- 2.5** Submit engineering / structural drawings of any proposed retaining walls greater than 600mm in height. The retaining wall structural design drawings must be designed by a qualified Structural / Civil Engineer. The retaining wall structural design drawings must be submitted to the Accredited Certifier for approval as part of the Construction Certificate.
- 2.6** Submit to the Accredited Certifier lighting design drawings for the car park and public places. The design must be prepared in accordance with the requirements of Australian Standard AS 1158: *Lighting for roads and public spaces* and Australian Standard AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier.
- 2.7** 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. Details of compliance are to be included in the plans and specifications for the Construction Certificate.
- 2.8** Submit to the Principal Certifying Authority for approval, plans and specifications for the hair dressing salon and/or beauty salon which demonstrate compliance with Schedule 2 of the *Local Government (General) Regulation 2005*; and the *Guidelines for The Construction & Operation of Hairdressing, Beauty & Skin Penetration Premises* (Hunter Regional Health Education Committee, 2015).
- 2.9** Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 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.

- 2.10** Submit engineering details prepared and certified by a practicing structural engineer to the Council (Water Authority) for development constructed near or over the sewer main and/or adjacent to Council's water mains. The engineering details must comply with Council's guidelines for "Building Over or Near Council Sewer and Water Mains" and must be approved by Council. The submission of contractor's documentation and sewer inspection fees may apply. Subject to approval of the engineering plans the developer must contact Council's Water and Sewer Quality Inspector a minimum one week prior to commencement of any work involving building over / adjacent to sewer mains.
- 2.11** Submit an application, with the relevant fee, to Council under Section 68 of the *Local Government Act 1993* for an approval to discharge liquid trade waste to Council's sewerage system. The *Application to Discharge Liquid Trade Waste* can be found on Council's website: [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au)
- 2.12** 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 (BCA) and Australian Standard AS1668 Parts 1 & 2 (including exhaust air quantities and discharge location points). These details are to be included in the construction certificate.
- 2.13** Submit to Council for approval by Council's Environmental Health Officer a Water Quality Monitoring Program for the stormwater management system outlined in the *Hydraulic Design Report: Stormwater Treatment and Onsite Detention Components* prepared by J. Langston dated 26 February 2003. The monitoring program is to validate that the system is adequately treating the stormwater in accordance with water quality objectives. Parameters to be tested (such as turbidity and suspended solids) and relevant water quality targets/thresholds (the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*, dated August 2018, or equivalent documentation) should be included and sampling should occur at a minimum in the dam and discharge point to the creek. Mitigation measures to be implemented for any water quality parameters that are over trigger values are to be outlined.

- 2.14** Submit to Council's Environmental Health Unit for approval, an Unexpected Finds Protocol detailing how unexpected contamination or possible asbestos impacts encountered within the site during future development works will be managed. The Unexpected Finds Protocol shall be prepared by a suitably qualified environmental consultant and shall make reference to the *Report on Detailed Site Investigation for Contamination - Proposed Assisted Care Apartments Part 1001 The Entrance Road, Forresters Beach (Project No. 82945.01)*, prepared by Douglas Partners, dated September 2017.
- 2.15** Submit to Council, a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that accessible surface soils are free of asbestos containing material.
- 2.16** 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. Heavy-duty vehicle crossing that has a width of 6.6m at the kerb line and splayed to the property boundary, and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- b. All redundant vehicular crossings are to be removed and the footway formation reinstated with turf, and if damaged a 2.5m wide reinforced (SL72 steel fabric, 100mm thick) concrete shared path.
- c. 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.

- 2.17** 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.
- 2.18** Pay a security deposit of \$10,000 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.

**2.19** 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. 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.
- c. Piping of all stormwater from impervious areas within the site to the open channel within the site.

These design details and any associated reports must be included in the Construction Certificate.

**2.20** Provide details showing that the levels of fire safety within the premises will achieve total conformity with the Building Code of Australia / an adequate level of fire safety in accordance with a fire safety report prepared by a suitably qualified person.

**2.21** The Noise Impact Assessment, prepared by Spectrum Acoustics, dated August 2017 recommended that east-facing windows of residential apartments in Levels 1 and 2 will require upgrade from standard 4mm glazing to minimum 6.5mm laminated single glazing in order to achieve the internal design traffic noise levels listed in the *Development Near Rail Corridors And Busy Roads – Interim Guidelines* (Department of Planning, 2008). Compliance with these design details must be included in the Construction Certificate.

**2.22** Any Construction Certificate plans and specification, required to be submitted to the *Certifying Authority* pursuant to Clause 139 of the *Regulation* must detail

- a. C  
ompliance with the relevant BASIX Certificate;
- b. M  
ail boxes:
  - i. P  
rovide mail boxes for the residential building in an accessible location adjacent to the main entrance to the development;
  - ii. T  
hey should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building;
  - iii. M  
ail boxes shall be secure and large enough to accommodate articles such as newspapers;
- c. L  
ocate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures:
  - i. a  
way from the street frontage;
  - ii. i  
ntegrated 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. a  
dequately setback from the perimeter wall or roof edge of buildings;
- d. A  
master antenna must be provided for the building. This antenna shall be sited to minimise its visibility from surrounding public areas;
- e. T  
he 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%;

m<sup>3</sup> for one bedroom units;

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

### 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** Appoint a Principal Certifying Authority for the building work:
- 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.
  - 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)
- 3.3** 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:
- The name, address and telephone number of the Principal Certifying Authority for the work; and
  - The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - That unauthorised entry to the work site is prohibited
  - Remove the sign when the work has been completed.
- 3.4** 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.
- This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.
- 3.5** Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for food scraps and papers.
- 3.6** Notify the intention to commence works by giving written notice to the residents of the villas within the Village directly adjoining the development site. 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.
- 3.7** 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 development 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).

- 3.8** 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.

- 3.9** 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*

- 3.10** 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*.

- 3.11** 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:

- a. ingress and egress of vehicles to the Subject Site loading and unloading, including construction zones. I
- b. predicted traffic volumes, types and routes pedestrian and traffic management methods. P
- c. other relevant matters. O

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

- 3.12** Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.

- 3.13** Obtain Liquid Trade Waste Approval from Council. This form can be found on Council's website: <http://www.centralcoast.nsw.gov.au/>



- 3.14** 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.

- 3.15** Submit to Council an application for a vehicular access crossing (fees apply). The form can be found on Council's web site [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.16** Submit to Council's Environmental Health Unit for approval additional documentation to support the approved Soil and Water Management Plan prepared by ADW Johnson, dated 18 January 2018. Information provided should include but not be limited to:
- Special erosion and sediment control measures to be implemented prior to rainfall events between the months of November to May during construction.
  - Additional measures required to minimise the risk of erosion to disturbed areas and limit the transport of sediments from the construction site to downstream waterways for each stage of construction.

The additional information should be prepared in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).

## 4. DURING WORKS

- 4.1** All conditions under this section must be met during works.
- 4.2** 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. If excavation or disturbance of the area must stop immediately in that area, and A
- 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*. T

**Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

- 4.3** 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.

- 4.4** 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.

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

- 4.7 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*.
- 4.8 Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.9 No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.10 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).

~~4.11 Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity. Non-provenance specific material is prohibited.~~

4.124.11 \_\_\_\_\_ P  
protect the land application area from damage from vehicles during all construction works on-site.

4.134.12 \_\_\_\_\_ I  
Immediately notify the Council of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation.

4.144.13 \_\_\_\_\_ N  
No soils to be imported to the site except for:

- a. \_\_\_\_\_ V  
Virgin Excavated Natural Material as defined under Schedule 1 of the *Protection of the Environment Operations Act 1997*, and/or
- b. \_\_\_\_\_ E  
Excavated Natural Material which is compliant with The Excavated Natural Material Exemption 2014 issued under clauses 91 and 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

4.154.14 \_\_\_\_\_ I  
Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.

4.164.15 \_\_\_\_\_ C  
Classify all excavated material removed from the site in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.

4.174.16 \_\_\_\_\_ C  
Comply with all solid waste commitments detailed in the Construction Waste Management Plan, prepared by

Retire Australia, dated 5 September 2017.

4.184.17 \_\_\_\_\_ C  
omply with all solid waste requirements detailed in the Detailed Site Investigation for Contamination, prepared by Douglas Partners, dated September 2017.

4.194.18 \_\_\_\_\_ C  
onstruct the food premises to comply with the *Food Act 2003*, *Food Regulation 2010*, *Food Standards Code*, Australian Standard AS4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the Building Code of Australia (BCA).

#### 4.204.19

Implement all soil and water management control measures and undertake works in accordance with the approved Soil and Water Management Plan, prepared by ADW Johnson, dated 18 January 2018 and any additional documentation approved by Council prior to Construction Certificate. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).

#### 4.214.20

The construction of the site must be in accordance with the Noise Impact Assessment, prepared by Spectrum Acoustics, dated August 2017.

#### 4.224.21

Construct the works within the road reserve that required approval under the *Roads Act 1993*. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.

#### 4.234.22

Do not place filling or debris within any watercourse or drain.

#### 4.244.23

Do not carry out construction work or store building materials on the road reserve unless they are associated with a separate approval under the *Roads Act 1993*.

## 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 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.

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

5.3 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*.

5.4 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.

5.5 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:

- (i) 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;
- (ii) People who live with such people as defined in sub-clause above; and
- (iii) Staff employed to assist in the administration of and provision of services to housing provided in this development.

5.6 Provide to the Principal Certifying Authority a design verification statement from a qualified designer, being

a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Part 2 of *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development*.

**5.7** 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.

~~5.8 Provide fold-away clothes lines for clothes drying purposes that must not extend above courtyard fencing.~~

**5.95.8** Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.

**5.105.9** \_\_\_\_\_ R  
rectify to the satisfaction of Council 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 developer's expense.

**5.115.10** \_\_\_\_\_ P  
lant a minimum of 1 indigenous tree per 40m<sup>2</sup> of landscaped area. Place trees in suitable locations within the development. The trees must have a growth height that will adequately screen the proposed roof lines from surrounding and public places. Establish and maintain all landscaped areas in good order.

**5.125.11** \_\_\_\_\_ P  
rovide 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.

**5.135.12** \_\_\_\_\_ N  
o food handling, as defined by the NSW *Food Act 2003*, is permitted in the food premises prior to the issue of the Occupation Certificate.

**5.145.13** \_\_\_\_\_ S  
ubmit a Food Premises registration form to Council. The form can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

**5.155.14** \_\_\_\_\_ S  
ubmit to Council an application for registration of premises for the hair and/or beauty activity. This form can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

**5.165.15** \_\_\_\_\_ P  
rovide certification to the Principal Certifying Authority to confirm the final fitout complies with Schedule 2 of the *Local Government (General) Regulation 2005*; the *Public Health Regulation 2012*; and the *Guidelines for the Construction and Operation of Hairdressing, Beauty & Skin Penetration Premises (Hunter Regional Health Education Committee, 2015)*.

<b>5.175.16</b>		S
submit to Council a notification of the premises where skin penetration procedures are to be carried out in accordance with section 38 of the <i>Public Health Act 2010</i> prior to commencement of trade. Notification forms can be accessed on Council's website: <a href="http://www.centralcoast.gov.au">www.centralcoast.gov.au</a> .		
<b>5.185.17</b>		N
o procedures as defined by the <i>Public Health Act 2010</i> are permitted in the premises prior to the issue of the Occupational Certificate.		
<b>5.195.18</b>		I
ninstall floor waste bucket traps in food preparation and handling areas.		
<b>5.205.19</b>		I
ninstall in-sink strainers within the kitchen sink waste outlets.		

<b>5-215.20</b>	I
install an approved commercial grease arrestor in association with the food premises:	
<ul style="list-style-type: none"> <li>• minimum capacity 1500 liters (up to 199 seats);</li> <li>• minimum capacity 2000 litres (200 to 399 seats)</li> </ul>	M
<b>5-225.21</b>	I
install floor waste basket arrestors in garbage bin wash area.	
Garbage bin wash waste water must be connected to sewer in accordance with AS3500 plumbing and drainage regulations.	
Garbage bin wash area must be roofed and floor must be graded/bunded to exclude ingress of stormwater into Council's sewerage system.	
<b>5-235.22</b>	P
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:	
<ul style="list-style-type: none"> <li>• AS/NZS1668 Part 1-1998: <i>The use of ventilation and air-conditioning in buildings - Fire and smoke control in multi-compartment building;</i></li> </ul>	
and / or	
<ul style="list-style-type: none"> <li>• AS/NZS1668 Part 2-2012: <i>The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.</i></li> </ul>	
<b>5-245.23</b>	C
complete works within the road reserve that required approval under the <i>Roads Act 1993</i> . The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - <i>Erosion Sedimentation Control</i> , and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.	
<b>5-255.24</b>	R
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.	
<b>5-265.25</b>	C
complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.	
<b>5-275.26</b>	P
provide certification from a geotechnical engineer to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.	
<b>5-285.27</b>	T
treat and control surface water collected on driveways, parking areas and other impervious areas in accordance with one or more of the methods detailed in Section 10 of the Water Cycle Management Guidelines referenced by DCP 2013 Chapter 6.7 - Water Cycle Management.	
<b>5-295.28</b>	A
policy of when and where parking is allocated to future residents must be adopted prior to the facility opening and disclosed to residents prior to purchase of accommodation. Any policy must contain the following conditions:	

- a. U  
pon a lease being entered into with the resident, the incoming resident is to be offered an opportunity to separately lease a parking space.
- b. I  
f not one of the 18 resident car parking spaces are available at the time of organising occupancy, the resident will not be able to park on site, nor store their vehicle elsewhere on the site.



## 6. ONGOING OPERATION

## 6. ONGOING OPERATION

- 6.1** Provide 18 off street car parking for residents in the external car parking area. These 18 car parking spaces will be leased to residents for an additional fee on an annual basis, and must not be utilised for visitor parking. Appropriate signage must be erected on site at appropriate locations so as to minimise conflict between visitors and residents of the facility.
- 6.2** Provide 5 spaces for the sole use of visitors to the development and 9 spaces for staff in the basement carpark. These 14 car parking spaces must be appropriately identified by way of signage and line marking.
- 6.3** Do not obstruct loading bays when not in use.
- 6.4** Manage any incidences of anti-social behavior 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.
- 6.5** Maintain all security/front/perimeter fencing for the life of the development in the approved location.
- 6.6** 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.
- 6.7** Maintain all car park and public place lighting in accordance with the approved lighting plan.
- 6.8** Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.9** Maintain internal pavement and pavement marking.
- 6.10** Do not erect third party advertisement on or in conjunction with the proposed development.
- 6.11** Maintain the installed system of Closed Circuit Television (CCTV) that monitors / records all public areas within the site.
- 6.12** Maintain the external finishes of the building(s), structures, walls and fences for the life of the development and remove any graffiti within seven (7) days.
- 6.13** Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.14** Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.15** Load and unload delivery vehicles wholly within the site. Delivery vehicles must enter and exit the site in a forward direction.
- 6.16** 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.
- 6.17** No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs etc.

- 6.18 Comply with all commitments as detailed in the Waste Management Plan signed by ELEPHANTS FOOT recycling solutions, dated 29 August 2017.
- 6.19 Locate the approved waste storage enclosure / area as indicated on Drawing Number No DA2.01, Revision A, dated 5 September 2017, prepared by Marchese Partners.
- 6.20 Construct and manage the waste storage enclosure in accordance with the provisions of Gosford DCP 2013, Part 7: Chapter 7.2 - *Waste Management*, *Appendix D* and *Appendix G*, as applicable.
- 6.21 The waste storage enclosure to be screened from view out of materials and finish consistent with the approved development.
- 6.22 No waste material, waste product or waste packaging to be placed or stored outside the approved waste storage enclosure.
- 6.23 Comply with conditions of Liquid Trade Waste Approval
- 6.24 Undertake the operation and management of the site in accordance with the Water Cycle Management Plan prepared by ADW Johnson, dated September 2017.
- 6.25 Undertake monitoring in accordance with the approved Water Quality Monitoring Program.
- 6.26 Prepare and submit to Council's Environmental Health Unit for approval an acoustic assessment conducted 1 month after occupation in order to compare internal noise levels with the internal traffic noise criteria specified in the *Development near rail corridors and busy roads - Interim Guidelines* (NSW Department of Planning, 2008). The report will identify any areas where further noise mitigation measures **will be required and be provided to Council** within fourteen (14) days of the review being undertaken.
- 6.27 The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the *Protection of the Environment Operations Act 1997*.
- 6.28 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*.

## 7. PENALTIES

- 7.1 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

- Submit a separate application to Council for connection to Council's sewerage system (fees apply).
- 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 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.
- 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 proposed (excludes stormwater drainage).

Schedule 1

Department of Primary Industries Water, General Terms of Approval



## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1101941
Issue date of GTA:	22 December 2017
Type of Approval:	Controlled Activity
Description:	Construction of Seventy Five (75) Assisted care Apartments under SEPP Seniors Housing (JRRP)
Location of work/activity:	1001 The Entrance Road Forresters Beach NSW 2260
DA Number:	DA52814/2017
LGA:	Central Coast Council
Water Sharing Plan Area:	Central Coast Unregulated Water Sources

The GTA issued by DPI Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to DPI Water for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Design of works and structures</b>	
GT0009-00001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to DPI Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0019-00001	Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by DPI Water.
<b>Erosion and sediment controls</b>	
GT0014-00001	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by DPI Water as part of a controlled activity approval. B. When the construction of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
<b>Plans, standards and guidelines</b>	
GT0002-00086	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 52814.2017 provided by Council to DPI Water. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, DPI Water, Wollongong Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00017	A. The application for a controlled activity approval must include the following plan(s): - Erosion and sediment control plan, soil and water management plan. B. The plan(s) must be prepared in accordance with Crown Lands and Water Division's guidelines located on the website <a href="http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity">http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity</a> .
GT0010-00001	All documents submitted to DPI Water as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

Level 11, 10 Valentine Avenue, Parramatta, NSW 2124 | LOCKED BAG 5123, Parramatta, NSW 2124  
[water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au) | [www.water.nsw.gov.au](http://www.water.nsw.gov.au)



## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

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**Description:** Construction of Seventy Five (75) Assisted care Apartments under SEPP Seniors Housing (JRRP)

**Location of work/activity:** 1001 The Entrance Road Forresters Beach NSW 2260

**DA Number:** DA52814/2017

**LGA:** Central Coast Council

**Water Sharing Plan Area:** Central Coast Unregulated Water Sources

GT0012-00001 Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by DPI Water.

GT0030-00001 The application for a controlled activity approval must include plans prepared in accordance with Crown Lands and Water Division's guidelines located on the website as follows: <http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>.

### Reporting requirements

GT0016-00001 The consent holder must inform DPI Water in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.



Schedule 2

A Bush Fire Safety Authority as required under s.100B of the Rural Fires Act 1997.

*All communications to be addressed to:*

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Headquarters  
Locked Bag 17  
Granville NSW 2142

Telephone: 1300 NSW RFS  
e-mail: [pes@rfs.nsw.gov.au](mailto:pes@rfs.nsw.gov.au)

Facsimile: 8741 5433



The General Manager  
Gosford City Council  
PO Box 21  
GOSFORD NSW 2250

Your Ref: 52814/2017  
Our Ref: D17/3285  
DA17092009366 LR

**ATTENTION:** Antonia Stuart

19 October 2017

Dear Sir/Madam

**Integrated Development for 600//1099102 1001 the Entrance Road Forresters Beach**

I refer to your letter dated 13 September 2017 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

**Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

**Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:



2. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
3. Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations'.

#### **Access**

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

4. Internal roads shall comply with following requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

#### **Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

5. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' and Australian Standard AS3745 2010 'Planning for Emergencies in Facilities'.

#### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

6. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

#### **Landscaping**

7. Landscaping to the site is to comply with the principles of Appendix 5 of "Planning for Bush Fire Protection 2006".

For any queries regarding this correspondence please contact Luc Roberts on 1300 NSW RFS.

Yours sincerely



Jason Maslen

**Team Leader Development Assessment & Planning**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006' , visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.