

CONDITIONS OF CONSENT

Development Application: 53784/2018

Proposed Development: Seniors Housing – Residential Care Facility

Street Address: LOT: 20 DP: 1123934, No. 45 Hillview Street WOY WOY

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: Thrum Architects Pty Limited, Project 16017

Drawing	Description	Issue	Date
DA-000	Cover Sheet	C	20/02/2019
DA-001	Site Analysis Plan	F	26/02/2019
DA-002	Site Plan / Locality Plan	F	26/02/2019
DA-003	Basement Floor Plan – South	F	20/02/2019
DA-004	Basement Floor Plan – North	E	20/02/2019
DA-005	Ground Floor Plan – South	E	20/02/2019
DA-006	Ground Floor Plan – North	E	20/02/2019
DA-007	Level 1 Floor Plan – South	D	21/02/2019
DA-008	Level 1 Floor Plan – North	D	20/02/2019
DA-009	Level 2 Floor Plan – South	D	21/02/2019
DA-010	Level 2 Floor Plan – North	D	20/02/2019
DA-011	Roof Plan – South	D	21/02/2019
DA-012	Roof Plan – North	D	20/02/2019
DA-013	East & North Elevations	D	20/02/2019
DA-014	West & South Elevations	D	20/02/2019
DA-015	Sections AA & BB	D	20/02/2019
DA-016	Sections CC & DD	D	20/02/2019
DA-017	Shadows Diagrams	E	20/02/2019
DA-018	Perspectives	B	20/02/2019
DA-019	Comparison DA Approved Drawings with New S96 Drawings	C	20/02/2019
DA-020	Long Section	B	20/02/2019
DA-021	Basement Footprint Comparison	B	20/02/2019
DA-023	Shadow Diagrams (21 Dec)	D	20/02/2019
DA-024	Photos of Site at 9m Altitude	B	20/02/2019
DA-025	Site Perspective Renders	B	20/02/2019

Civil Drawings by: Cubo Consulting Pty Ltd

Drawing	Description	Issue	Date
16077-CI-001	Cover Sheet, Notes, Location and Drawing List	2	21/12/17
16077-CI-010	General Arrangement Plan – Ground Floor	2	21/12/17
16077-CI-011	General Arrangement Plan – Basement	3	05/06/18
16077-CI-012	General Arrangement Details	2	21/12/17
16077-CI-015	General Arrangement Plan – Ground Floor	2	21/12/17
16077-CI-020	Vehicle Turning Path	3	30/07/18
16077-CI-021	Vehicle Turning Path	2	30/07/18
16077-CI-022	Vehicle Turning Path	2	30/07/18
16077-CI-025	Sedimentation and Soil Erosion Control Plan	3	05/06/18
16077-CI-026	Sedimentation and Soil Erosion Details	3	05/06/18

Landscape Plans by: Conus Landscape Architecture, Project 16:50

Drawing	Description	Issue	Date
LDA00	Cover Sheet	F	01/03/19
LDA01	Site Plan	F	01/03/19
LDA02	Landscape Plan South	F	01/03/19
LDA03	Landscape Plan North	F	01/03/19
LDA04	Landscape Details & Plant Schedule	F	01/03/19

Supporting Documentation

Document	Prepared by	Date
Flora & Fauna Assessment Report, Ref: 8047	Conacher Consulting Pty Ltd	October 2018
Arboricultural Assessment, Ref: 18-201	Advanced Treescape Consulting	20 September 2018
Traffic Impact Statement, Ref: P0775 TA Hillview Street Woy Woy	Seca Solution	8 February 2018
Water Cycle Management Plan Ref: 16077_LO_01VFC <ul style="list-style-type: none"> Appendix B, Survey Appendix C, Music Model Output Appendix D, Enviropod Data Appendix E, Drains Modelling Data 	Cubo Consulting Pty Ltd	5 June 2018
Correspondence – certifying waste vehicle design	Cubo Consulting Pty Limited	30 July 2018
Architectural & Site Analysis Report, Ref: 16017.04	Thrum Architects Pty Limited	21 February 2019
Supplement to Annexure A,	Thrum Architects Pty Limited	22 December 2017

Waste Management Plan		
Bushland Plan of Management	Anne Clements & Associates Pty Limited & Attachments	15 June 2007
Statement of Compliance - Access for People with a Disability	Accessible Building Solutions	15th March 2017
Acid Sulfate Soil Management Plan, Ref: 83565.00.R.001.Rev1	Douglas Partners	21 February 2019

- 1.2. Carry out all building works in accordance with the Building Code of Australia.

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, bushland management activities 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 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 Design Guide, Construction Specifications and Standard Drawings and Chapter 6.3 - Erosion Sedimentation Control of the Gosford Development Control Plan 2013. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- footway formation and a minimum 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location to the south of the site on the northern side of Veron Road from the existing footpath in Hillview Street up to and across the full frontage of the bus stop to be provided in Veron Road.
- heavy-duty vehicle crossing that has a minimum width of 6m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom
- the piping of stormwater from within the site to Council's drainage system.

The Roads Act application must be approved by Council prior to commencing works in the road reserve.

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 Service Centre on 1300 463 954.

- 2.5. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development. The dilapidation report may be updated with the approval of the Principal Certifying Authority prior to the commencement of works.
- 2.6. 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 / watercourse 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 Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013, and submitted to Council for approval with the Local Government Act application.

The required works to be designed are as follows:

- a) Connection of piping of all stormwater from impervious areas within the site to Council's drainage system located in public land number 169 Veron Road Lot 2 DP 608139.

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 1300 463 954.

- 2.7. 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 Australian Standard AS 2890: Parking Facilities for the geometric designs, and industry Standards for pavement designs. The minimum crest driveway level to basement car parking must be Reduced Level (RL) 4.5m Australian Height Datum (AHD). The access driveway into the loading dock and waste storage areas are to accommodate a SRV 6.4 metres in length.
 - b) The loading dock, waste service areas and bus pickup/drop zone areas are adequately signposted, line marked and directionally delineated to ensure safety for all users.
 - c) Pedestrian footpaths, carriageway crossing points and desire lines are to be adequately delineated with the appropriate line marking and directional signage.

- d) A stormwater detention system must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013 and Council's *Civil Design Guide, Construction Specifications and Standard Drawings*. The stormwater detention system must limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths
- e) Nutrient/pollution control measures must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan A nutrient / pollution control report including an operation and maintenance plan must accompany the design
- f) On-site stormwater retention measures must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design
- g) Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system
- h) The minimum floor level of all habitable rooms in the development must be Reduced Level (RL) 4.5m Australian Height Datum (AHD)
- i) All building materials used or located below Reduced Level (RL) 4.5m Australian Height Datum (AHD) must be of a type that is able to withstand the effects of immersion

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

- 2.8. The preparation of a Road Safety Audit shall be undertaken of the internal driveway, turning areas, footpaths, line marking, signage and pedestrian ingress/egress into the facility by a suitably qualified Level 3 Road Safety Auditor. Note: Any design deficiencies identified in the audit shall be suitably addressed prior to the issue of the Construction Certificate.
- 2.9. Preparation and approval by the Certifying Authority of a signed and dated Waste Management Plan in accordance with the former Gosford City Council Development Application Guide and Chapter 7.2 – Waste of Gosford DCP 2013 for all site preparation, demolition and construction.

All major demolition and construction components are required to be identified with an estimated volume of waste indicated. Ensure a figure is provided for residual waste to cover those materials that are unable or not feasible to separate.

Rules of thumb for estimating waste can be found under Appendix B Waste/Recycling Generation Rates of the Better Practice Guide for Waste Management in Multi-unit Dwellings published by Department of Environment & Climate Change ie timber 5-7% of materials ordered, bricks 5-10% of material ordered etc.

The submitted Waste Management Plan dated 22 December 2017 and 1 October 2018 by Thrum Architects significantly underestimate or do not provide Construction waste estimates.

2.10. Preparation and approval by the Certifying Authority of a Loading Dock Management Plan as outlined in the Traffic Report by Seca Solution dated 8 February 2018 to outline how vehicles are controlled and how inbound vehicles will be held whilst service vehicles are exiting the site.

2.11. Prepare a Construction Environmental Management Plan (CEMP), including a Traffic Management Plan (CTMP), Vehicle Movement Plan and Traffic Control Plan. The CEMP shall be prepared with the intention of causing minimal impact on the environment and operation of the road network during construction of the development. The Construction Environmental Management Plan is to provide for:

- Emergency response plan (pollution incident)
- Waste and stockpiling management plan
- Erosion and sediment control plan
- Delivery and storage of materials
- Reference the approved Bushland Management Plan
- Worker's parking and amenities
- Hours of construction
- Noise and dust mitigation
- Process of handling complaints
- Crane permits (crane location plan)
- Describe the volume and type of traffic generated by the works including designed routes
- Include measures to maintain the safe and efficient operation of the surrounding road network.
- The Traffic Control Plan shall be prepared and implemented by a suitably qualified RMS accredited person to ensure safe legal and practical ingress and egress of vehicles to and from the site.
- Any proposed Construction zones within Councils Road Reserves. Note: The "Construction Zones" require separate application and approval from Council.

2.12. 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.

2.13. Submit to Council's Ecologist for approval, amendments to the approved plans:

- a. Amend the Landscape Plan prepared by Conus Landscape Architect listed in Condition 1.1 of this consent that must detail:
 - i. Amendments to the landscape design incorporating the architectural amendments for the new outdoor recreation accessible pathways.

- ii. Replacement of the Hard Corkwood tree with an advanced size *Eucalyptus robusta* in the same location.
 - iii. Monitoring and maintenance of the Bushland Management Zone as an ongoing maintenance task and reports sent to Council's Ecologist on the 30 June each year in perpetuity.
- b. Designs for a permanent delineation edge of the Bushland Management Zone using bollards that must detail:

The bollards will be:

- Similar to Perma pole type bollards with chain as indicated by the following:
<http://www.permapole.com.au/products/permapole-bollards/>
- Min height above ground: 400mm
- Minimum diameter: 175mm
- Distance between bollards: 1500mm
- Optional - Galvanised wire rope: 5mmx10mm

- 2.14. Inspect the Corkwood Tree proposed for removal and provide a report on the management of any fauna utilising the hollows within the tree. The report will to be carried out by an appropriately qualified and experienced ecologist.

No less than two weeks prior to the commencement of clearing, no less than 6 nesting boxes are to be installed in retained vegetation which are of similar size as those identified by the ecologist. The nesting boxes are to be constructed of durable materials such as High Density Polyethylene (HDPE) and cypress pine and maintained for no less than five years.

The ecologist report and evidence of the installation of the required nesting boxes must be received by Council prior to the issue of a construction certificate.

Nesting boxes must be placed in areas of vegetation which will not be disturbed for a minimum of ten years unless consent is sought from Council for their removal.

- 2.15. Submit an application under section 305 of the Water Management Act 2000 for provision of section 307 Certificate of Compliance. A copy of the Certificate of Compliance must be obtained from Council as the Water Authority. Conditions and contributions may be applicable to the section 307 Certificate.

The Application for section 307 Certificate under section 305 Water Management Act 2000 form is located on Council's website: www.centralcoast.nsw.gov. Early application is recommended.

- 2.16. Submit to Councils Environmental Health Team for approval a Soil and Water Management Plan prepared in accordance with Section 2.3 of the 'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004). The plan shall be prepared by a suitably qualified environmental/civil consultant. Section 9.3 of the Blue Book provides guidance on preparing a Soil and Water Management Plan for medium-density

development. (Note: A Soil and Water Management Plan is a more comprehensive document than an Erosion and Sediment Control Plan).

- 2.17. Obtain a Controlled Activity Approval under Water Management Act 2000 from the NSW Government, National Resources Access Regulator.
- 2.18. 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.
- 2.19. 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). These details are to be included in the Construction Certificate.

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:
 - 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
- 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:
 - 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.

- 3.4. 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.

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

- 3.5. 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:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - could cause damage to adjoining lands by falling objects, or
 - 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.

- 3.6. 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:

- be a standard flushing toilet connected to a public sewer, or
 - have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - be a temporary chemical closet approved under the Local Government Act 1993
- 3.7. 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.
- 3.8. 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.

3.9. Install a temporary fence around the Bushland Management Zone.

Fencing will be a minimum 1.8m chain wire temporary construction fence. Maintain the temporary fence around the conservation area. The fence must be maintained for the duration of construction works.

All fenced conservation areas are to be clearly marked as a **"No Go Area"** on the fencing itself. No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced conservation area.

3.10. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to the protection measures and conditions for the Bushland Management Zone.

3.11. Ensure a qualified arborist (AQF 5) is on-site to oversee the works in relation to tree protection measures during critical stages of construction

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 workers on the site need to be advised that under the National Parks and Wildlife Act 1974, If they locate any stone artefactual material during earthworks on this property, that all works must cease in the immediate vicinity must halt and that they will need to contact the Office of Environment and Heritage.
- b) All excavation or disturbance of the area must stop immediately in that area, and
- c) The Office of Environment & 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. 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. Implement all acid sulfate soil management measures and undertake works in accordance with the approved Acid Sulphate Soil Management Plan prepared by Douglas Partners dated February 2019.
- 4.9. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.10. Do not access the development site through a public reserve unless approval for temporary access over the public reserve is obtained from Council as the Land Manager. A copy of the approval must be available for viewing on-site at all times during work.
- 4.11. 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.
- 4.12. Removal of hollow bearing trees shall be undertaken under the supervision and guidance of a suitably qualified licensed wildlife specialist and in accordance with the wildlife report as required by Condition 2.14.
- 4.13. Manage native fauna appropriately during clearing and construction phase of the approved works. In this regard, an appropriately licensed Fauna Ecologist is to be engaged to advise and supervise the clearing of the Corkwood Tree. 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.
- 4.14. Undertake the removal of the Corkwood Tree in a manner so as to prevent damage to those trees that are to be retained.
- 4.15. Carry out the pruning of trees in accordance with Australian Standard AS 4373-2007: *Pruning of amenity trees* by a qualified Arborist.

- 4.16. Conduct all works in accordance with the Bushland Plan of Management, dated 15 June 2007 prepared by A Clements.

No development or any works contrary to the Bushland Plan of Management are permitted in the designated Bushland Management Zone as shown on the approved plan.

- 4.17. Maintain the temporary fence around the Bushland Management Zone. The fence must be maintained for the duration of construction works.
- 4.18. 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. The Landscape Plan is to integrate with the required Bushland Plan of Management.
- 4.19. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan to be approved by the Certifying Authority prior to issue of any Construction Certificate.
- 4.20. Implement all soil and water management control measures and undertake works in accordance with the approved Soil and Water Management Plan. 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).
- 4.21. No filling or debris shall be placed within any watercourse or drain.

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. Complete the landscaping works.
- 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. Provide to Council and the Principal Certifying Authority with evidence of the installation of the permanent bollard edge delineating the Bushland Management Zone.
- 5.6. Provide to Council and the Principal Certifying Authority certification prepared by a Registered Surveyor certifying that all construction has been effected within the building envelope and does not encroach into the Bushland Management Zone. The certification

must be accompanied by a plan, with the distances from the Bushland Management Zone boundary to the building and structures endorsed in red and signed by the surveyor.

- 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. 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*.
- 5.9. Complete works within the road reserve in accordance with the approval under the *Roads Act 1993*. The works must be completed in accordance with Council's *Civil Design Guide, Construction Specifications and Standard Drawings* and Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013. Documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.10. Rectify to the satisfaction of the 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.
- 5.11. 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* and Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013. Documentary evidence for the acceptance of such works must be obtained from Council.
- 5.12. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.13. Amend the Deposited Plan (DP) to:
 - include 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. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan

- a) create a Restriction as to use of land over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility

And,

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

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

5.14. Provide bus stops to each side of Veron Road adjacent to the development site.

5.15. Provide a minibus (minimum 12 seater capacity) for residents.

5.16. 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.

5.17. 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.

5.18. Submit a Food Premises registration form to Council. The form can be found on Council's website: www.centralcoast.nsw.gov.au

5.19. 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 (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.

6. ONGOING OPERATION

6.1. Operate and maintain all external lighting so as to:

- a. Minimise impact on any adjoining property, and
- b. Minimise overspill into the Bushland Management Zone.

Note: Lighting impacts are to be managed through careful, strategic and partial shielding of lights to reduce light spill on the Bushland Management Zone and by the use of environmentally friendly low lux, long wavelength light sources which are more readily tolerated by fauna species.

6.2. Maintain internal (bollards) and external permanent fencing around the Bushland Management Zone.

6.3. 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.

6.4. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.

6.5. Implement the Bushland Plan of Management and submit progress reports to Council at intervals after initial works have been commenced, 6 months, 1 year, 2 years, 5 years and 10 years.

- a. Restoration areas are to be maintained for a minimum of three (3) years. Reports are to be prepared by the Ecologist or bush regenerator and submitted to Council detailing the progress of the bush regeneration works twice per year and any recommended additional actions, with a final report certifying completion of the Bushland Management Zone at the end of the three year period or once the specific objectives of the plan have been met. Photo monitoring points and method of performance evaluation must be identified for future monitoring and reporting purposes. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

6.6. Fuel loads to be hand raked annually to maintain a level below 8t/ha.

6.7. Maintain and monitor all vegetation on the site including the bushland protected area in perpetuity in accordance with the Bushland Plan of Management and Landscape Plan.

6.8. Carry out the pruning of trees in accordance with Australian Standard AS 4373-2007: *Pruning of amenity trees* by a qualified Arborist.

6.9. Store all waste generated on the premises in a manner so that it does not pollute the environment.

- 6.10. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.11. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.12. Locate the approved waste storage enclosure / area as indicated on Project No 16017, Drawing Number DA005, Revision D, dated 3 October 2018, prepared by Thrum Architects.
- 6.13. Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: *Chapter 7.2 - Waste Management*, Appendix D and Appendix G, as applicable.
- 6.14. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.15. Medical waste to be stored in a secured location and serviced by a specialist medical waste contractor.
- 6.16. Mixed and recyclables waste to be stored at a suitable frequency to ensure waste storage availability at all times.
- 6.17. Waste servicing by a private Commercial waste contractor to be in accordance with the swept turning paths indicated on Dwg No 16077-CI-020, revision 3 dated 30 July 2018 prepared by Cubo Consulting Pty Ltd and correspondence dated 30 July 2018 certifying the waste vehicle design and capability to AS2890.2.
- 6.18. Comply with all commitments as detailed in the Waste Management Plan to be approved prior to issue of any Construction Certificate and the Supplement to Annexure A, Waste Management Plan dated 22 December 2017 by Thrum Architects.
- 6.19. Provide and maintain at all times a minibus (minimum 12 seater capacity) for residents.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au 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 at: www.centralcoast.nsw.gov.au
- The inspection fee for works associated with approvals under the *Roads Act 1993* is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- The inspection fee for works associated with approvals under the *Local Government Act 1993* is calculated in accordance with Council's current fees and charges policy.
- It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit.
- 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.

- Appropriate traffic management measures are to be put in place, to minimise the impacts on the traffic using Hillview Street during the demolition and construction works on site.