

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	16 June 2020
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Marcia Doheny, Kyle MacGregor and Chris Burke
APOLOGIES	None
DECLARATIONS OF INTEREST	Juliet Grant declared a conflict of interest as her company City Plan prepared the development application

Public meeting held via teleconference on 16 June 2020, opened at 10:35 am and closed at 12:40 pm.

MATTER DETERMINED

PPS-2019HCC015 – Central Coast – DA 56271/2019 at 88 Scraysbrook Drive KINCUMBER (formerly known as 290 Avoca Drive KINCUMBER) – 108 bed aged care facility (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel had the benefit of a detailed briefing from Council, a presentation from the applicant and the opportunity to question the applicant and technical experts of the applicant's team. The Panel also heard from the immediately adjoining owners and interested community.

The proposed building is a structure that is larger than that normally anticipated in a residential area that has a general height of building control of 8.5m.

The Panel was satisfied that the siting of the building, setbacks from both Avoca Drive and Scaysbrook Drive and the adjoining residential zoned land to the west and the subsequent scale relationship was an appropriate response to the site. The suitability of the built form and the height of building was considered acceptable because of the setbacks and landscape treatment proposed in these setbacks. The existing E3 zoned land forms part of the lot and contributes to the landscape setting. The development will result in a building in a landscape setting that is considered to be compatible with the character of the surrounding area.

The Panel can be satisfied that the proposal can meet the relevant provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD) 2004) and note that additional information has been added to the architectural plans regarding fire sprinklers.

The Panel is satisfied that traffic and parking impacts are satisfactory and that change of shift can also be appropriately managed.

The Panel has given no weight to the photomontages prepared but relied on elevations and sections and the architectural set of plans.

Application to vary a development standard

Following consideration of two written requests from the applicant, made under cl 4.6 (3) of Gosford Local Environmental Plan 2014 to the development standards relating to height and number of storeys in SEPP (HSPD) 2004 that have demonstrated that:

- a) compliance with cl. 40(4)(a) (Height (8m)) and cl. 40(4)(b) (Height (2 storeys)) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives for development in the R2 Low Density Residential and E3 Environmental Management zones; and
- c) variation to the height and storey development standards can be supported as they do not result in unreasonable impacts on adjoining properties and streetscape, and the resultant development's built form is compatible with the character of the area; and
- d) the concurrence of the Secretary has been assumed

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

- The facility provides much needed facilities for higher care services to support an ageing population
- The built form and scale of the proposal, and landscape outcomes will result in a development that is compatible with the character of the surrounding area
- The traffic and parking impacts are acceptable

CONDITIONS

The development application was approved subject to the conditions in Schedule 2. The conditions were amended from those contained in the assessment report to address issues raised in the Panels' consideration of the matter and address submissions and SEPP (HSPD) 2004 threshold considerations. The amendments related to the following matters. Changes to conditions as previously numbered include the following:

- Condition 1.1
 - Reference revised architectural drawings that included notation requiring a fire sprinkler system

- Added Material Schedule Plan
 - Deleted reference to photomontages
- Condition 2.2
 - Deleted – not applicable to RACF
- Condition 2.6
 - Amended to reference street tree planting
- Condition 2.8
 - Amended to include restriction on fencing to bio-retention basin
- Condition 2.14
 - Amendment to original condition 2.15 requiring all trees on E3 zoned land to be retained
- Condition 2.15
 - New condition requiring a detailed landscape plan, reference to retaining wall heights, mounding and bunding, additional canopy trees, street trees, no clearing in the E3 zone, retention of and protection measures needed to T14, 15, 16 and 17, integration of bio-retention measures, and sign off by bushfire consultant – for approval by Council.
- Condition 2.16
 - Additional condition ensuring no fencing around the bio-retention basin in the front setback
- Condition 5.23
 - Additional condition requiring an evacuation plan
- Condition 6.7
 - Amended condition to require landscape to be maintained for the life of the development
- Advisory Note
 - Additional note regarding the integration of Brentwood Village and RACF and minibus

CONSIDERATION OF COMMUNITY VIEWS






In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic and parking impacts arising from the development
- Amenity for residents
- Safety of pedestrians and accessibility
- Excessive bulk and scale
- Impact on trees and tree removal
- Social and economic impact

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues the Panel had regard to:

- Traffic generated from development previously on the site
- The presentation of the proposed building when viewed from Avoca Drive and Scaysbrook Drive
- The separation of the building from immediately adjoining boundaries
- The potential landscape treatment of areas around the proposed building
- Construction methodology and stormwater management.

The Panel has included amended conditions relating to landscape details, maintenance of landscape and retention of trees on the E3 zoned land.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Marcia Doheny	 Kyle MacGregor
 Chris Burke	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2019HCC015 – Central Coast – DA 56271/2019
2	PROPOSED DEVELOPMENT	Nominated integrated residential 108 bed aged care facility at 88 Scraysbrook Drive KINCUMBER (formerly known as 290 Avoca Drive KINCUMBER)
3	STREET ADDRESS	88 Scraysbrook Drive KINCUMBER
4	APPLICANT OWNER	Catholic Healthcare Lendlease Retirement Living Holding Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Roads Act 1993 • Rural Fires Act 1997 • Water Management Act 2000 • Water Management (General) Regulation 2011 • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 64 – Advertising and Signage ○ State Environmental Planning Policy (Coastal Management) 2018 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) (2004) ○ Gosford Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Central Coast Local Environmental Plan 2018 • Development control plans: <ul style="list-style-type: none"> ○ Gosford Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 25 May 2020

		<ul style="list-style-type: none"> • Clause 4.6 Exception to Development Standards – Clause 40(4)(a) Height (8m) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Clause 4.6 Exception to Development Standards – Clause 40(4)(b) Height (2 storeys) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Written submissions during public exhibition: 14 • Additional information memo: 15 June 2020 • Amended architectural drawings with notations • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Fiona Morrison, Ed McCarthy and Stephanie McCarthy ○ Council assessment officer – Karen Hanratty ○ On behalf of the applicant – Michael Lockwood, Karen Armstrong, Deb Robins, Simo Corda, Numa Miller and Sean Morgan
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing and site inspection: 4 March 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Karen Hanratty and Ailsa Prendergast • Final briefing to discuss council's recommendation, 16 June 2020, 9:30 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Marcia Doherty, Chris Burke and Kyle MacGregor ○ <u>Council assessment staff</u>: Karen Hanratty, Ailsa Prendergast, Anthony Favetta, Andrew Roach, John Noakes, Steven Green
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

CONDITIONS OF CONSENT

Date: 18 June 2020

Development Application: 56271/2019
Proposed Development: NOMINATED INTEGRATED Residential 108 Bed Aged Care Facility
Street Address: LOT: 1 DP: 1261345, 88 Scaysbrook Drive KINCUMBER
Formerly LOT: 103 DP: 707503, 290 Avoca Drive KINCUMBER

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by: Jackson Teece – Project No. 253824

Drawing	Description	Issue	Date
253824-KI-AD-000-00	Cover Sheet	3	18/03/2020
253824-KI-AD-000-01	Locality Plan	2	02/10/2019
253824-KI-AD-000-02	Site Analysis	2	02/10/2019
253824-KI-AD-000-03	Site Plan	2	02/10/2019
253824-KI-AD-200-00	Lower Ground Floor Plan	3	18/06/2020
253824-KI-AD-200-01	Ground Floor Plan	3	18/06/2020
253824-KI-AD-301-00	Floor Plan – First Floor	3	18/06/2020
253824-KI-AD-302-00	Floor Plan – Second Floor	3	18/06/2020
253824-KI-AD-303-00	Floor Plan - Roof	2	18/06/2020
253824-KI-AD-400-00	Elevations with Trees	2	02/10/2019
253824-KI-AD-400-01	Elevation	2	02/10/2019
253824-KI-AD-500-00	Sections	3	18/03/2020
253824-KI-AD-501-00	Sections	1	18/03/2020
253824-KI-AD-900-02	Shadow Diagrams Sheet 1	2	02/10/2019
253824-KI-AD-900-03	Shadow Diagrams Sheet 2	2	02/10/2019
253824-KI-AD-900-04	Shadow Diagram Sheet 3	2	02/10/2019
253824-KI-AD-900-05	Shadow Diagram Sheet 4	2	02/10/2019
253824-KI-AD-900-06	Shadow Diagram Sheet 5	2	02/10/2019
253824-KI-AD-900-07	Shadow Diagram Sheet 6	2	02/10/2019
253824-KI-AD-900-31	Area Plans – FSR Calculation (SEPP HPSD 2004)	2	02/10/2019
253824-KI-AD-900-54	8m Building Height Limit (SEPP HPSD 2004)	2	02/10/2019

253824-KI-AD-900-60	Material Selection	1	18/06/2020
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Landscape Design Report: Aspect Studios – Job No. B17035

Drawing	Description	Issue	Date
B17035	Cover Sheet	G	26/02/2020
B17035 – SK1.0	Overview	G	25/10/2019
B17035 – SK2.0	House A, B and C to F	G	25/10/2019
B17035 – SK3.0	House A	G	25/10/2019
B17035 – SK3.1	House B	G	26/02/2020
B17035 – SK3.2	House C - F	B	25/10/2019
B17035 – SK6.0	Landscape Elements	D	25/10/2019
B17035 – SK6.1	Landscape Elements	D	25/10/2019
B17035 – SK6.2	Landscape Elements	D	25/10/2019
B17035 – SK7.0	Fence Design	F	25/10/2019
B17035 – SK8.0	Existing Tree Survey	F	25/10/2019
B17035 – SK8.1	Existing Tree Survey – Zone E3	F	25/10/2019
B17035 – SK8.2	Tree Assessment Summary: On-site	E	25/10/2019
B17035 – SK8.3	Tree Assessment Summary – Zone E3	F	25/10/2019
B17035 – SK8.4	Tree Assessment Summary – Zone E3	F	25/10/2019
B17035 – SK9.0	Planting Design – Preliminary Planting Schedule	D	25/10/2019
B17035 – SK9.1	Planting Design – Preliminary Planting Schedule	D	25/10/2019
B17035 – SK9.2	Planting Design – Courtyard Palette	D	25/10/2019
B17035 – SK9.3	Planting Design – Courtyard Palette	D	25/10/2019
B17035 – SK9.4	Planting Design – Perimeter Palette	D	25/10/2019
B17035 – SK9.5	Planting Design – Perimeter Palette	D	25/10/2019
B17035 – SK9.6	Planting Design – Perimeter Palette & Street Trees	D	25/10/2019
B17035 – SK9.7	Planting Design – Native Buffer Palette	D	25/10/2019
B17035 – SK10.0	General Specification Notes	D	25/10/2019

Supporting Documentation

Document	Prepared by	Date
Air Quality Management Sub Plan	Lend Lease, Rev 3	5 August 2019
Arboricultural Impact Report	Landscape Matrix Pty Ltd	25 October 2019
BCA & Accessibility Statement of Compliance	Blackett Maguire & Goldsmith	27 March 2019
Bushfire Protection Assessment	Travers Bushfire & Ecology, Ref: 18LEND13	27 March 2019
Catholic Healthcare– Social Housing Provider Status	Catholic Healthcare	31 January 2019
Catholic Healthcare Palliative Care Confirmation	Catholic Healthcare	24 January 2019

Geotechnical Report	Douglas Partners, Ref: 91006.00	15 November 2016
Noise and Vibration Management Plan	LendLease, Rev 1	25 October 2019
Soil and Water Management Plan	Wood & Grieve Engineers now part of Stantec, Ref: 30916-5	15 October 2019
Traffic Parking and Access Report	Seca Solution, Ref P0660	26 March 2019
Waste Management Plan	Waste Audit and Consultancy Services	February 2018
Site Stormwater Management Plan	Wood & Grieve Engineers, Ref: 30916-5-SYD-C	29 January 2018
Civil Engineering Plans	Wood & Grieve Engineers	

- 1.2. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.3. Comply with the General Terms of Approval / requirements from the Authorities as listed below in this consent.

Government Agency / Department / Authority	Description	Ref No	Date
NSW Rural Fire Service	General Terms of Approval / Bushfire Safety Authority	D18/6056 DA18062113616 CC	13 March 2019
Natural Resources Access Regulator	General Terms of Approval	IDAS1114380	15 May 2019

- 1.4. No buildings, structures or ancillary development associated with the Residential Aged Care Facility is to occur on the part of the site zoned E3 Environmental Management under Gosford Local Environmental Plan 2014.

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. Submit to the Principal Certifier details showing that the development complies with the General Terms of Approval/Bush Fire Safety Authority, Reference D18/6056 DA18062113616 dated 13 March 2019 issued by the NSW Rural Fire Service.
- 2.3. Submit details to the Principal Certifier for the design of the advertising signage in accordance with Section 3.3.3 of the Department of Planning and Infrastructure's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017) – Illumination and reflectance. The signage shall meet the illumination requirements for Zone 4 areas.
- 2.4. Undertake further investigation works as required by the geotechnical report(s) listed as supporting documentation in this development consent and submit to the Principal Certifier an

addendum/amended geotechnical report. The geotechnical report shall address the proposal design in accordance with the plans listed in Condition 1.1.

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

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

- 2.6. 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 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:

Avoca Drive

- a) Road works on the southern side of Avoca Drive within the site frontage from the section of the site frontage between the fire trail access to the existing kerb and gutter associated with the pedestrian refuge in Avoca Drive. Works to include kerb and guttering, subsoil drainage, footpath formation, drainage, street tree planting and road pavement.
- b) Road works on the northern side of Avoca Drive between the bus stop and the pedestrian refuge in Avoca Drive. Works to include kerb and guttering, subsoil drainage, footpath formation, drainage and road pavement.
- c) Footway formation on the northern side of Avoca Drive with a minimum width of 2.5m graded at +2% from the top of kerb towards the property boundary, from the bus stop to the pedestrian refuge in Avoca Drive. Existing vehicle crossings to be adjusted and reconstructed where required.
- d) Formalisation of the bus stops located at the frontage of the site on both the southern and northern side of Avoca Drive.
- e) 1.5m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath on the southern side of Avoca Drive in an approved location across the frontage of the site from the eastern most pedestrian access (near the emergency fire trail) to the western frontage of the site. The footpath is to connect to the pedestrian refuge.
- f) 1.5m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath on the northern of Avoca Drive behind the kerb from the bus stop to the pedestrian refuge in Avoca Drive. The footpath is to connect to the pedestrian refuge.
- g) Heavy-duty vehicle crossing in Avoca Drive associated with the access to the existing emergency fire trail that has a width to accommodate the swept turn paths of the RFS vehicle and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- h) All redundant vehicular crossings in Avoca Drive are to be removed and footway formation reinstated.

- i) roadside furniture and safety devices as required eg. fencing, signage, guide posts, chevrons, directional arrows, and/or guard rail in accordance with Transport for NSW (TfNSW) and relevant Australian Standards.
- j) Erosion and sedimentation control plan.

Scaysbrook Drive

- k) Footway formation within the frontage of the site in Scaysbrook Drive graded at +2% from the top of kerb to the property boundary, from the existing footpath on the eastern side of the site frontage to proposed "fire hydrant, sprinkler, and booster assembly" located on the western side of the proposed vehicle crossing.
- l) Reinforced (SL72 steel fabric, 100mm thick) concrete footpath within the frontage of site in Scaysbrook Drive from the existing footpath on the eastern side of the site frontage to proposed "fire hydrant, sprinkler, and booster assembly" located on the western side of the proposed vehicle crossing.
- m) Heavy-duty vehicle crossing in Scaysbrook Avenue Avoca Drive that has a width of 6m at the boundary and splayed to the kerb line, and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- n) All redundant vehicular crossings in Scaysbrook Drive are to be removed and footway formation reinstated.
- o) the piping of stormwater from within the site to Council's drainage system located in Scaysbrook Drive.
- p) Removal of a tree adjacent to the western side of the vehicle access crossing in Scaysbrook Drive to improve sight distance to comply with AS2890.
- q) Erosion and sedimentation control plan.

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.

- 2.7. 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.
- 2.8. 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
 - b) 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.
 - c) 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
- d) Piping of all stormwater from impervious areas within the site to Council's drainage system located in Scaysbrook Drive.

These design details and any associated reports must be included in the Construction Certificate. No fencing of the bio-retention basin is permitted and that should be reflected in the design detail of the basin.

- 2.9. Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent to Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.
- 2.10. The developer shall enter into a Works Authorisation Deed (WAD) with Transport for NSW (TfNSW)) prior to the approval of any Roads Act application for works within Avoca Drive.

The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the TfNSW.

- 2.11. Submit a pavement investigation and report prepared by a practising Geotechnical Engineer for the road works. This report must be submitted with the Construction Certificate application or application for work under the Roads Act 1993.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Avoca Drive	To be advised by TfNSW

- 2.12. Submit details to the Principal Certifier 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 National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate. Details of compliance are to be included in the plans and specifications for the Construction Certificate.
- 2.13. Submit details to the Principal Certifier 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 National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate, 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.

- 2.14. All trees shown on the E3 zoned land are to be retained. All land within the identified E3 – Environmental Management Zone is to be identified as a ‘No Go Area’, with no works to be undertaken within this area.
- 2.15. Submit to Council for approval an amended Landscape Design Report (*the plan*) that must be updated to include the following information:
- a) Design details that clearly identify the proposed palette, and specific location and quantity of individual tree species and mature tree heights including:
 - i. Larger canopy trees selected from the native buffer tree palette (or equivalent) sited mid-slope of the site that encompasses the area from the Scaysbrook Drive frontage to House B and blending from above the bio-retention basin and adjoining the access driveway to the lower edge of House A courtyard.
 - ii. A 10m width of native buffer palette planting including larger canopy trees within the site along the full Scaysbrook Drive frontage, including behind the service enclosures facing Scaysbrook Drive. If 10m width is not possible behind the service enclosures due to the bioretention basin, identify alternative native buffer palette planting areas to contribute to native streetscape presentation.
 - iii. Mounding adjacent the western boundary so that water flows are directed over the site to the street and not towards the western property at 90 Scaysbrook Drive.
 - iv. Cross-sections and mounding details including RLs.
 - b) Indicate the location and details of all retaining walls on the site including RLs, wall heights and cross-sections.
 - c) Provide a minimum of 4 street trees along the Avoca Drive frontage. The location of the street tree planting is to have regard to existing infrastructure in the road reserve and the proposed the pedestrian pathway.
 - d) No tree clearing in the E3 Environmental Management Zone.
 - e) Retain trees numbered 14, 15, 16 and 17 as identified in the Arboricultural Impact Report prepared by Landscape Matrix Pty Ltd dated 25 October 2019:
 - i. Provide design details of the building/retaining structures footings adjacent these trees (e.g. pier and beam construction).
 - ii. Provide ongoing measures for protection of these trees as identified in the Arboricultural Impact Report and as required by conditions of this consent.
 - f) Integration of the bio-retention basin into the landscape without the need for fencing around the basin.

The Landscape Design Report must be endorsed by an accredited Bushfire Consultant indicating the plan is consistent the Asset Protection Zone requirements of the General Terms of Approval/Bushfire Safety Authority issued by the NSW Rural Fire Service for the development.

The amendments to the Landscape Design Report shall be consistent with the marked-up plans submitted on 16 June 2020 to the Hunter and Central Coast Regional Planning Panel as follows:

- Architectural Plan by Jackson Teece - Ground Floor Plan 253824-K1-AD-200-01 Issue 2 marked up with the retaining wall extent and heights dated 15 June 2020.
- Landscape Design Report by Aspect Studios with comments included in B17035 SK 2.0 Rev G covering mound/bund tree heights and B17035 SK3.0 Rev G covering the northern boundary tree heights at maturity.

- 2.16. The bio-retention basin is to be provided on site and integrated into the landscape setting without the need for any fencing. No approval is granted for any fencing.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
- a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition approved by this consent.
- 3.3. Appoint a Principal Certifier for the building work:
- a) The Principal Certifier (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 Work* form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website www.centralcoast.nsw.gov.au
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the principal certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
- 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au.
- Contact Council prior to submitting these forms to confirm the relevant fees.
- 3.6. Apply for and obtain a Controlled Activity Approval from the Natural Resources Access Regulator (NRAR) prior to commencement of any work or activity.

Advice from NRAR:

A completed application form must be submitted to NRAR together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date of the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>

- 3.7. Submit to the Principal Certifier a Traffic and Pedestrian Management Plan (for works internal of the site) prepared by a suitably qualified professional.

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

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

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

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

- 3.8. Submit to the Principal Certifier 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
- 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.

This plan shall have regard to Conditions 3.7 & 4.18 of this consent.

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

- 3.9. 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.

- 3.10. 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*.

- 3.11. Provide certification to the Principal Certifier that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.

- 3.12. Install a temporary fence around the identified ‘No Go Area’ (E3 – Environmental Management Zone).

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.

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

- 3.14. Trees to be retained are to be protected by fencing and / or other accepted protection measures in accordance with Australian Standard AS 4970-2009: *Protection of Trees on Development Sites and in accordance with Section 7, Tree Protection Measures of the Arboricultural Impact Report* by Landscape Matrix Pty Ltd, dated 25 October 2019. All required tree protection measures are to be maintained for the duration of construction works.

Sign-post fences around Tree Protection Zones to warn of its purpose.

4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction (including earthworks) or demolition works during the construction phase of the development only between the hours as follows:
- Monday to Friday: 7am to 6pm
 - Saturday: 8am to 1pm
- 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. 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*.
- 4.4. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately in that area, and
 - b) The Office of Environment & 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*.
- 4.5. 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. Submit a report prepared by a registered Surveyor to the Principal Certifier at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor

level is in accordance with the approved plans. A compilation of these reports is to be provided to Council at completion of the Occupation Certificate.

- 4.8. Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 4.9. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent and where modified by conditions of consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.10. All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Transport for NSW or Council, and to Council's requirements.
- 4.11. Maintain the temporary fence around identified 'No Go Area' (E3 – Environmental Management Zone). The fence must be maintained for the duration of construction works.
- 4.12. Undertake clearing in accordance with the approved Arboricultural Impact Assessment Report (Landscape Matrix, 25/10/19). Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.
- 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 trees. Where, in spite of precautions, wildlife is injured, the Fauna Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as WIRES or Wildlife Arc.
- 4.14. Utilise timber from felled native trees by:
 - Re-instating logs as ground habitat in areas of retained vegetation, and/or
 - Wood chip or tub grind into mulch for landscaping, soil stabilisation or bush regeneration, and/or
 - Using for firewood (but not piled burned on-site); and/or
 - Recycling for use in construction materials, furniture or fencing.
- 4.15. Undertake the removal of any tree located on Council managed land due to works approved by a Development Application at the full cost and responsibility of the developer / owner using a Pre-qualified Tree Contractor.

Contact Central Coast Council on 1300 463 954 for the current list of relevant contractors.

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

Note:

Activities generally excluded from the Tree Protection Zone, but not limited to:

- Machine excavation, trenching, material storage, prepare chemicals or cement, park, refuel, dump waste, wash down, fill or change soil level.
- 4.17. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by Waste Audit and Consultancy Services, dated February 2018.
- 4.18. Conduct earthworks and construction activities in accordance with the following documents:
- Noise and vibration management plan Revision 1 dated 25 October 2019 prepared by Lendlease.
 - Air quality management subplan Revision 3 dated 5 August 2019 prepared by Lendlease.
- 4.19. Implement all soil and water management control measures and undertake works in accordance with the approved Soil and Water Management Plan ref: 30916-5 prepared by Wood and Grieve Engineers dated 15 October 2019. 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).
- 4.20. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.21. No filling or debris shall be placed within any watercourse or drain.
- 4.22. No soils to be imported to the subject site except for Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the Protection of the Environment Operations Act 1997.
- 4.23. Classify all excavated material removed from the site in accordance with NSW EPA Waste Classification Guidelines prior to disposal. All excavated material must be disposed of to an approved waste management facility except where it meets the NSW EPA Resource Recovery Exemptions, and receipts of the disposal must be kept on-site.
- 4.24. 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.

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 Certifier. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.

- 5.3. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.4. 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*.
- 5.5. Provide the Principal Certifier with written certification from a recognised Bushfire Consultant certifying the development has been completed in accordance with the General Terms of Approval/Bush Fire Safety Authority, Reference D18/6056 DA18062113616 dated 13 March 2019 issued by the NSW Rural Fire Service.
- 5.6. Complete the landscaping works in accordance with the approved landscape plan/landscape design report.
- 5.7. Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- 5.8. Provide certification from a geotechnical engineer to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.
- 5.9. Revegetate and stabilise all areas disturbed by construction activities associated with the development so as to prevent erosion and dust nuisance occurring.
- 5.10. 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.
- 5.11. 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) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
 - c) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises

- d) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
- 5.12. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 5.13. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.14. 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 Works Specification* 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.
- 5.15. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.16. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports/plans within the construction certificate.
- 5.17. 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 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 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.

- 5.18. All road works under the WAD entered into with Transport for NSW shall be completed prior to issuing any Occupation Certificate for the development.
- 5.19. Provide certification to the Principal Certifier 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 National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 5.20. 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.
- 5.21. Provide certification from a mechanical engineer to the Principal Certifier that the construction, installation and operation of the exhaust hood ventilation system meet the requirements of:
 - Australian Standard AS 1668 Part 1-2015: *The use of ventilation and air-conditioning in buildings - Fire and smoke control in buildings*
 - Australian Standard AS 1668 Part 2-2012: *The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings*
- 5.22. Submit a Food Premises registration form to Council. The form can be found on Council's website: www.centralcoast.nsw.gov.au
- 5.23. Submit an emergency evacuation plan prepared by the operators to Council.

6. ONGOING OPERATION

- 6.1. Provide a minibus service to residents on a regular basis for organised events and activities.
- 6.2. Load and unload delivery vehicles wholly within the site.
- 6.3. All vehicles shall enter and exit the site in a forward direction.
- 6.4. Maintain all security/front/perimeter fencing for the life of the development in the approved location.
- 6.5. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.6. Maintain the entire property 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*'.
- 6.7. Maintain all works associated with the approved Landscape Plans for the lifetime of the development.

- 6.8. 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.
- 6.9. Use external lighting that minimises overspill into retained vegetated areas.
- 6.10. Any proposed advertising sign must not have / use:
- Flashing lights or messages.
 - Animated display, moving parts or simulated movement.
 - Complex displays that hold a driver's attention beyond "glance appreciation".
 - Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'.
 - A method of illumination that distracts or dazzles.
- 6.11. Maintain the illumination and reflectance of the signs in accordance with Section 3.3.3 of the Department of Planning and Infrastructure's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017) – Illumination and reflectance.
- 6.12. Maintain the signs and means of fixing and support in a presentable and structurally satisfactory state of repair at all times.
- 6.13. Do not erect third party advertisement on or in conjunction with the proposed development.
- 6.14. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.15. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.16. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 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 Waste Audit and Consultancy Services, dated February 2018.
- 6.19. Locate the approved waste storage enclosure / area as indicated on Project Number 253824-KI-AD-200-01 Revision 2, dated 2 October 2019, prepared by Jackson Teece.
- 6.20. 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.

- 6.21. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.22. Mixed and recyclable waste to be separated, stored in sealed containers and serviced by a private, commercial waste contractor consistent with swept turning path details in the report by SECA Solutions dated 26 March 2019, Attachment C – Swept Paths.
- 6.23. Clinical waste to be stored in a secure location for servicing by a specialist medical waste disposal contractor.

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
- Transport for NSW may direct the screening, modification or removal of a structure if, in the opinion of Transport for NSW, the structure is considered a traffic hazard under Section 104 of the Roads Act 1993.
- 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.

- Use of the Brentwood Village minibus
Brentwood Village operates a minibus and will provide a transport service and facilitate integration between Brentwood Village and the residential aged care facility. The service will be

available on a regular basis and provide residents access to services such as shops, bank service providers, general medical, community and other retail and commercial services, and for specially organised and occasional trips to meet the recreational and entertainment needs of residents. The Brentwood bus will provide a stop at the residential aged care facility as required by residents.