

DATE OF DETERMINATION	26 September 2022
DATE OF PANEL DECISION	23 September 2022
PANEL MEMBERS	Alison McCabe (Chair), Juliet Grant, Sandra Hutton, Tony Tuxworth and Greg Flynn
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 31 August 2022.

MATTER DETERMINED

PPSHCC-91 – Central Coast - DA/1260/2021 at 24-26 Gallipoli Road and 315 The Entrance Road, Long Jetty – seniors housing (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 has had the benefit of a number of briefings from Council and the Applicant.

Arising from the final briefing and the Panels' deliberation of the matter, the Panel sought further information from Council regarding:

- Specifications of how the use will continue to be associated with the club and what mechanisms need to be included in the conditions.
- Additional details and possible wording for the Community Management Statement to ensure the continued association with the club.
- FSR calculations for the balance of the club's site and the mechanism required to avoid "double dipping" – i.e., covenants to restrict additional FSR.
- Advice regarding need for ROW and/or restriction as to use.
- Location and upgrade of bus stop.
- Capacity of the site to accommodate canopy trees and amendments required to landscape plan.
- Potential for EV charging ports and associated infrastructure.
- Replacement car park to be operational before commencement of any work.

The Panel considered a further memo from Council on 16 September 2022 and a revised set of conditions addressing the above matters.

The site relies on its permissibility via an additional use provision in the WLEP 2013 which requires an association with the club located on site. This requires additional conditions and positive statement in the CMS and ROW to ensure physical linkages are maintained. A revised CMS has been provided and additional conditions proposed.

The proposed development complies with the FSR across the two lots 3 and 4 – though it has redistributed FSR to lot 4. To ensure that the site does not accommodate FSR in excess of that anticipated by the controls, a covenant has been required by a condition to be registered on title.

Given the nature of the use and the demographic it is serving – the Panel considers that the bus stop should be upgraded to a sheltered stop. This will require dedication of the land at no cost to Council to

ensure sufficient pedestrian access along the footpath behind the bus shelter structure. The condition also allows the potential for relocation of the bus stop to an improved location if required.

The development is displacing an existing car park associated with the club. To ensure sufficient carparking is available for the existing club use, a replacement car park is required to be constructed and operational before any work is commenced on this site.

The capacity of the site to support canopy vegetation of a scale commensurate with the building is important to replace canopy being lost, mitigation of urban heat and to contribute to the greening of the area. Additional conditions requiring a revised landscape plan have been included.

The Panel is satisfied of the merits of the proposal and considers that the building has been designed having regard to the site's context and constraints. It is a use and built form suitable to the site.

The Panel considers that the application can be approved subject to conditions to manage and mitigate potential impacts.

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 in schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- The proposed development is generally consistent with the adopted policy framework for the site.
- The proposal addresses the housing needs of the community.
- The potential impacts of the development are reasonable.
- The design and siting of the development is responsive to the site.






CONDITIONS

The Development Application was approved subject to the conditions in Schedule 2 . The conditions were amended from those attached to the Council report as follows:

- Amend condition 1 to refer to CMS.
- Amend condition 2.6 to require bus shelter and land dedication.
- New condition 2.11 requiring EV charge ports.
- New condition 2.12 referencing requirement for an aquifer licence
- New condition 2.13 requiring amendment to landscape plan.
- New condition 3.16 requiring car park under DA 1196/2021 to be operational.
- New condition 5.18 requiring covenant and ROW.
- New condition 5.19 requiring amendment to CMS.
- New condition 5.20 External Finishes.
- New condition 5.21 requiring EV charge ports.
- Amend condition 6.7 to refer to 55 years.
- New condition 7.17 requiring association with Club.
- New condition 7.18 requiring compliance with CMS.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Sandra Hutton	 Tony Tuxworth
 Greg Flynn	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-91 – Central Coast - DA/1260/2021
2	PROPOSED DEVELOPMENT	Seniors Housing Development comprising 89 dwellings, in two buildings, strata subdivision and associated demolition, landscaping and other works
3	STREET ADDRESS	24-26 Gallipoli Road, Long Jetty Lot 4 DP 271196 and 315 The Entrance Road Long Jetty (club) Lot 3 DP.2791196
4	APPLICANT OWNER	Frank Mangione & Tim Shelley Tuggerah Lakes Memorial Club Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (Housing) 2021 Wyang Local Environmental Plan 2013 Central Coast Local Environmental Plan 2022 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Remediation of Land SEPP Draft Design and Place SEPP Draft SEPP (Environment) Development control plans: <ul style="list-style-type: none"> Wyang Development Control Plan 2013 Central Coast Development Control Plan 2022 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: 7 September 2022 Addendum Council Assessment memorandum: received 16 September 2022 Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 28 October 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Sandra Hutton, Tony Tuxworth and Greg Flynn <u>Applicant representatives</u>: Tim Shelly, Frank Mangione, Edward Cheung, Anthony Kelly and Stephen Byfield

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Salli Pendergast and Emily Goodworth ○ <u>Department staff</u>: Leanne Harris and Sharon Edwards <ul style="list-style-type: none"> • Briefing: 28 October 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Sandra Hutton and Tony Tuxworth ○ <u>Council assessment staff</u>: Salli Pendergast, Emily Goodworth and Tania Halbert ○ <u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley <ul style="list-style-type: none"> • Site inspections: <ul style="list-style-type: none"> ○ <u>Alison McCabe (Chair)</u>: 29 October 2021 ○ <u>Sandra Hutton</u>: 3 June 2022 ○ <u>Juliet Grant</u>: 1 November 2021 ○ <u>Greg Flynn</u>: 15 July 2022 ○ <u>Tony Tuxworth</u>: 22 June 2022 <ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 7 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Sandra Hutton, Tony Tuxworth and Greg Flynn ○ <u>Council assessment staff</u>: Salli Pendergast, Emily Goodworth, Michelle Gilson, Jon Scorgie and Eliza Williamson ○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley <ul style="list-style-type: none"> • Applicant Briefing: 7 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Sandra Hutton, Tony Tuxworth and Greg Flynn ○ <u>Council assessment staff</u>: Salli Pendergast, Emily Goodworth, Michelle Gilson, Jon Scorgie and Eliza Williamson ○ <u>Applicant representatives</u>: Edward Cheung, Frank Mangione, Tim Shelley, Shea Cullen, Johann Strey, Anthony Kelly, Steve Byfield and Les Mumford <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and as revised

SCHEDULE 2**SCHEDULE 2**

Attachment -A – Draft Conditions of consent

1. PARAMETERS OF THIS CONSENT

- 1.1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Description/Title	Drawing No	Rev	Date	Author
Detailed Site Analysis	A002	2	12.05.22	ADG Architects
Ground Floor Plan	A100	3	07.06.22	ADG Architects
Level 1	A101	4	07.06.22	ADG Architects
Level 2	A102	4	07.06.22	ADG Architects
Level 3	A103	4	07.06.22	ADG Architects
Level 4	A104	4	07.06.22	ADG Architects
Level 5	A105	4	07.06.22	ADG Architects
Roof	A106	4	07.06.22	ADG Architects
Proposed Link to Club	A107	4	07.06.22	ADG Architects
Section A, B & C	A200	4	07.06.22	ADG Architects
Section D, E & F	A201	4	07.06.22	ADG Architects
North & South Elevation	A300	3	07.06.22	ADG Architects
East & West Elevation	A301	3	07.06.22	ADG Architects
Internal Elevations	A302	3	07.06.22	ADG Architects
Height Plane Diagram	A400	3	07.06.22	ADG Architects
Common Outdoor Area	A404	4	07.06.22	ADG Architects
Ventilation Diagram	A604	2	07.06.22	ADG Architects
FSR Calculation	RFI01	4	07.06.22	ADG Architects
Wayfinding RFI	RFI102	4	07.06.22	ADG Architects
Section G, H, I & J	RFI103	4	07.06.22	ADG Architects
Fencing types	RFI113	4	07.06.22	ADG Architects
Waste Plan	RFI114	4	07.06.22	ADG Architects
Privacy Diagram and Entries	RFI115	4	07.06.22	ADG Architects
Edge Interface Sections	RFI116	4	07.06.22	ADG Architects
Accessible Path to Bus Stop	RFI117	4	07.06.22	ADG Architects
Ground Floor Plan-A	RFI118	2	07.06.22	ADG Architects
Ground Floor Plan - B	RFI119	2	07.06.22	ADG Architects
Ground Floor Plan - C	RFI120	2	07.06.22	ADG Architects
Ground Floor Plan - D	RFI 121	2	07.06.22	ADG Architects
Level 1 Plan - A	RFI122	3	07.06.22	ADG Architects
Level 1 Plan - B	RFI123	2	07.06.22	ADG Architects
Level 1 Plan - C	RFI124	2	07.06.22	ADG Architects
Level 1 Plan - D	RFI125	2	07.06.22	ADG Architects
Level 2 Plan - A	RFI126	2	07.06.22	ADG Architects
Level 2 Plan - C	RFI127	2	07.06.22	ADG Architects

Level 2 Plan - B	RFI128	2	07.06.22	ADG Architects
Level 2 Plan - D	RFI129	2	07.06.22	ADG Architects
Fence Plan	RFI130	2	07.06.22	ADG Architects
Swept Path Analysis – 11m HRV	TX.01	C	13.04.22	Traffix
Landscape Plan Coversheet	CO	-	07/09/21	Contour Landscape Architecture
Landscape Masterplan	C1	E	07/09/21	Contour Landscape Architecture
GL Landscape Plan	C2	C	07/09/21	Contour Landscape Architecture
L1 Landscape Plan	C3	C	07/09/21	Contour Landscape Architecture
L2 & L5 Landscape Plan	C4	C	07/09/21	Contour Landscape Architecture
Section AA	C5	C	07/09/21	Contour Landscape Architecture
Sections Sheet	C6	C	07/09/21	Contour Landscape Architecture
Planting Zone 1 & 2 Plan	C7	C	07/09/21	Contour Landscape Architecture
Planting Zone 3-6 Plan	C8	C	07/09/21	Contour Landscape Architecture
GL Fencing Plan	C9	C	07/09/21	Contour Landscape Architecture
L1 Fencing Plan	C10	C	07/09/21	Contour Landscape Architecture
L2 & L5 Fencing Plan & Details	C11	C	07/09/21	Contour Landscape Architecture
Landscape Details	C12	B	07/09/21	Contour Landscape Architecture
Outline Specifications	C13	B	02/09/21	Contour Landscape Architecture
Pedestrian Link Plan	C14	B	12.05.22	Contour Landscape Architecture
Draft Strata Subdivision Plan Sheets 1 -8 of 8	240224-SP-001-B	-	Undated	Trevor James Carter

Supporting Documentation

Document	Title	Date
D14841030	Statement of Environmental Effects prepared by Tim Shelley Planning, Rev.C	13 Sept 2021
D4841001	Design Excellence Report (Rev 4) prepared by ADG Architects	Sept 2021
D14841029	Social Impact Assessment prepared by Aigis Group-Mark Sargent Enterprises (HCL1 P/L)	August 2021
D15165711	Operation Waste Management Plan (updated) prepared by TTM. Rev. 4	28 March 2022

D14841041	Waste Management Plan (Demolition and Construction) prepared by TTM Rev. 2	25 June 2021
D14841081 D14841004 D14841002	Basix Certificate 1195594 Basix NatHERS – Credwell Energy Basix Commitments Summary – Credwell Energy	9 Sept 2021 7 Sept 2021\9 Sept 2021
D14840958 D15236121	Noise Impact Assessment Report (Doc No.212076R-29339) prepared by Spectrum Acoustics and Further information Addendum Acoustic Report (Ref:212076R/29685) prepared by Spectrum Acoustics dated 17 March 2022 and 30 June 2022. And including- - Correspondence from Diggers dated 29 June 2022 - Diggers @ the entrance - Plan of Management – Operation, Security, Alcohol, car parking and Housing Policy. Dated 19.4.2006 - Southern Car Park Parking Policy adopted by Diggers Club- undated	July 2021 17 March 2022 30 June 2022
D14840947	Tree Impact Assessment Report prepared by Mark Bury Consulting	3 Feb 2021
D15059890	CPTED Report prepared by James Marshall & Co.	Nov 2021
D15165724 & D15105719	Traffic Impact Assessment (Ref - 21.057r01v04) prepared by Traffix and Correspondence prepared by Traffix dated 11 March 2022	4 May 2022
D14840948	Preliminary (Stage 1) Site Investigation (Contamination) prepared by JK Environments, Ref: E33829PHrpt.	19 April 2021
D14840954	Detailed (Stage 2) Site Investigation (Contamination) prepared by AssetGeoEnviro/Reditus, Ref: 6520-E1. Rev.0	21 July 2021
D14841054	Draft Operations Agreement	13 July 2021
D15342890	Revised Community Management Statement	13 Sept 2022
D14840990	Draft Management Statement	4 September 2021
D15165730	Correspondence – RFI response prepared by ADG Architects	12 May 2022
D14840972	Geotechnical Investigation prepared by JK Geotechnics Ref: 33829PNrpt	8 April 2021
D15165719	Correspondence (Groundwater) prepared by Reditus (Ref:21122L01)	16 March 2022
D14841047	Building services statement prepared by Epicentre Consulting Engineers, (Ref. 22315-001) Rev.A	14 May 2021
D14841014	Accessibility Design Review Report prepared by Mackenzie Group (Job No.210090) Rev.1	12 August 2021

D14841010	BCA Regulatory Compliance Report prepared by Mackenzie Group Rev.2	13 July 2021
D14841045	Section J Report prepared by Credwell Energy, (Ref. E21055-Senior Living Office SJ Report-Draft-r1	1 July 2021
D14840992	View Sharing Analysis Report prepared by ADG Architects, Rev.3	September 2021
D14841043	Water and Sewer Capacity Assessment Report prepared by RGH Consulting	3 May 2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- 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 all commitments listed in the BASIX Certificate for the development as required under clause 97A of the *Environmental Planning and Assessment Regulation 2000*.
- 1.4. Submit, and have approved, an application for a Subdivision Certificate to Council / Certifying Authority. The Subdivision Certificate application is to satisfy the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 1.5. A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 1.6. 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 the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 1.7. Where conditions of this consent require approval from Council under Section 138 of the *Roads Act 1993*, Section 68 of the *Local Government Act 1993* or Section 305 of the *Water Management Act 2000*, a completed Works application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 1.8. The recommendations of the Arborist Report, the CPTED Report, the Accessibility Design Review Report and Social Impact Assessment are to be implemented as part of the development during the relevant stages of construction.

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:
- 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.
- 2.3 Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* pay to Council a total contribution amount of **\$1,109,227.61** that may require adjustment at the time of payment, in accordance with The Entrance District Development Contributions Plan with the applicable amounts as follows:

THE ENTRANCE/LONG JETTY OPEN SPACE LAND	\$ 24,387.85
THE ENTRANCE/LONG JETTY OPEN SPACE WORKS	\$ 182,011.81
THE ENTRANCE COMMUNITY FACILITIES LAND	\$ 114,762.55
THE ENTRANCE COMMUNITY FACILITIES WORKS	\$ 187,605.36
THE ENTRANCE/LONG JETTY ROADS	\$ 600,460.04
Total	\$ 1,109,227.61

The contributions amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council on 1300 463 954 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or 49 Mann Street Gosford or on Council's website: [Development Contributions](#)

'Section 7.11 contributions may be satisfied by the value of works as part of a "Works in Kind" agreement with Council. Works in kind to be carried out shall be agreed to by Council in writing prior to the payment of the contributions and issue of a construction certificate (related to the works in kind). All such agreements shall be in accordance with Council's policies.'

- 2.4 Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* pay to Council a total contribution amount of **\$77,431.96** that may require adjustment at the time of payment, in accordance with the Shire wide Infrastructure, Services and Facilities Development Contributions Plan with the applicable amounts as follows:

Shire Wide Regional Open Space	\$ 13,325.03
Shire Wide Cycleway Network	\$ 27,338.85
Shire Wide Performing Arts & Public Art	\$ 30,847.05
Shire Wide Administration	\$ 5,921.03
Total	\$ 77,431.96

The contributions amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council on 1300 463 954 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong, or 49 Mann Street Gosford, or on Council's website: [Development Contributions](#)

- 2.5 Retain the land where any excavation is required below the adjoining land level and preserve and protect from damage any improvements or buildings upon that land including public roads and utilities.

If necessary, the improvements or buildings must be designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared to comply with this condition are to include geotechnical investigations, any excavation that impacts on public infrastructure, and are to be submitted for the approval of the Registered Certifier.

- 2.6 Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's *Civil Works Specifications*.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

- a) Up to half width road construction including kerb and guttering, subsurface pavement drainage, concrete footpath, verge formation, street stormwater drainage (as required) and new road pavement with end transitions across the full frontage of the site in Gallipoli Road.

- b) Up to full width road reconstruction in Gallipoli Road, comprising new road pavement, for approximately 8m from the intersection with Archbold Road.
- c) Construction of the road verge/footway formation from the top of existing kerb to the property boundary, across the full frontage of the site in Archbold Road. Construction to include transitions to existing formation at the eastern end of the site and into new Gallipoli Road formation at the western end of the site.
- d) Construction of concrete footpath 1.5 metres wide for the full street frontage of the development in Gallipoli Road and Archbold Road. Extend the concrete footpath approximately 3.5m to north of site, to adjoin the existing 18 Gallipoli Road property vehicle access, and to adjoin the existing footpath on The Entrance Road.
- e) Construction of kerb ramps fronting Archbold Road, in a suitable location toward the western end of the site frontage and directly opposite.
- f) Construction of a residential vehicle access crossing that has a width of 7.0 metres at the road gutter crossing and 6.0 metres at the property boundary including construction of a gutter crossing and road pavement adjacent to the gutter crossing.
- g) Removal of two redundant vehicle gutter crossings / laybacks, one each fronting Archbold Road and The Entrance Road, and replacement with kerb and gutter.
- h) Removal and replacement of all damaged kerb and gutter with new kerb and channel, along all road frontages to the development, as required.
- i) Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary.
- j) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- k) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve. Connection is to be directly into the back of the existing kerb inlet pit (DPIT-3861) on Archbold Road.
- l) Road pavement designs. An Investigation and Design report prepared by a practising Geotechnical Engineer must be provided. The pavement design thickness must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Gallipoli Road	2×10^6
- m) A bus shelter is to be created for the bus stop on The Entrance Road along the frontage of the site. Design plans for the bus shelter and adjacent footpath shall be prepared in consultation with Council's Traffic Committee and the relevant Bus Service provider. The provision of the bus shelter will require dedication of land on the subject site of up to 10m² and up to 1.8 metres in depth which shall be provided at no cost to Council.

The final location of the bus shelter may be adjusted in consultation with Council traffic committee and relevant bus service provider.

The design is to be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

Where works required by this condition are located on a Classified Roads concurrence to the design of the works from The Roads and Maritime Services (RMS) must be received by Council from the RMS and the developer will be required to enter into a Works Authorisation Deed (WAD) with the RMS prior to Council issuing the Section 138 Works Approval.

The section 138 Roads Act Works Approval must be issued by Council and all conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

- 2.7 Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, streetlights, or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.8 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
- a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b) Construction of a Stormwater Management System, comprising:
 - (i) A stormwater on-site detention / bio-retention basin. Design in accordance with Council's *Civil Works Specifications*. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/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.
 - (ii) Construction of nutrient and pollution control measures. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
 - (iii) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site, via an on-site stormwater detention / bio-retention basin facility, to the approved connection with Council's drainage system located in Archbold Road.
 - (iv) Design to be generally in accordance with the Concept Stormwater Management Plans prepared by RGH Consulting Group, Job No. 20210015, Rev. B, dated 12/05/22).
 - (v) A Discharge Management Plan is to be submitted to detail the treatment and disposal of any groundwater encountered, during construction and / or ongoing for the development, including in an event whereby the absorption system overflows.
 - c) Construction of a car wash bay (shared with a designated visitor parking space) within the basement car parking area. The car wash bay design must incorporate appropriate bunding (to prevent runoff to other parking spaces / driveway areas), drainage, and water servicing (i.e., provision of a tap directly adjacent to the bay, connected to the Common Strata water meterage).
 - d) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

- 2.9 Submit an application to Council under section 305 of the *Water Management Act 2000* for a section 307 certificate. The *Application form* can be found on Council's website www.centralcoast.nsw.gov.au. Early application is recommended. The application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate.
- 2.10 An Unexpected Finds Management Plan must be developed and implemented prior to the issue of any Construction Certificate for the discovery of any asbestos fragments, or any other unexpected contamination during any future construction works at the site.
- 2.11 Prior to the issue of the relevant Construction Certificate, the following must be demonstrated to the satisfaction of the certifying authority:
- a) The car park must provide an Electric Vehicle (EV) Ready Connections (minimum 'Level 2' electric vehicle circuitry) to at least 25% of allocated on-site parking spaces.
 - b) EV Distribution Board(s) shall be of sufficient size and capacity to allow for any future EV connections to all residential car parks. C1 Electric circuitry to accommodate 'Level 2' electric vehicle charging points should be integrated into off-street car parking to ensure that car spaces can install electric vehicle charging points in the future. This must include:
 - a. Ensuring adequate distribution board size for the electric vehicle charging point system and identifying load management requirements; and
 - b. Providing either buried cables underground or cable trays sufficient to accommodate electric circuitry to each car space.
 - c) Locate EV Distribution board(s) so that no future EV Ready Connection will require a cable of more than 50m from the parking bay to connect.
 - d) Each EV Ready Connection is served from a cable tray and a dedicated spare electrical circuit provided in an EV Distribution Board to enable easy future installation of cabling from an EV charger to the EV Distribution Board and a circuit breaker to feed the circuit.
 - e) EV Load Management System is to be capable of:
 - Reading real time current and energy from the electric vehicle chargers under management;
 - Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are full recharged;
 - Scale to include additional chargers as they are added to the site over time.
 - f) The above EV electrical design is to be done by an appropriately qualified and licenced electrician and is to be done to the relevant Australian Standards and BCA requirements.
- 2.12 If an aquifer interference license is required during the construction phase and/or ongoing operation of the development, it shall be obtained prior to the issue of any Construction Certificate.
- 2.13 The landscape plans shall be amended to clearly demonstrate that the replacement tree canopy planting is viable and can be achieved as proposed and providing replacement planting of a minimum 26 canopy trees of a suitable species planted with root barriers. The plan shall also provide sufficient soil volume free of obstructions to ensure that the long term health and growth of each of these replacement trees is viable.

- 2.14 The schedules and finishes shall be consistent with those provided in the Design Excellent Report, Revision 4 dated September 2021 prepared by ADG Architects and shown on Construction Certificate drawings.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1 All conditions under this section must be met prior to the commencement of any works.
- 3.2 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition approved by this consent.
- 3.3 Appoint a Principal Certifying Authority for the building work:
- a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 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 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.

- 3.6 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.

- 3.7 Prior to commencement of construction or site works, a Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication "Managing Urban Stormwater: Soils and Construction – Volume 1" (the Blue Book). Sediment control fencing must remain in place until such time as the site is landscaped or turf is established.

Note: 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.

- 3.8 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*.

- 3.9 Notify the intention to commence works by giving written notice to the owner of the adjoining property (including public roads and utilities) affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.

- 3.10 Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

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

- Ingress and egress of construction related vehicles to the development site.

- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate, and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

- 3.11 Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 3.12 Submit a Hoarding Application to Council for approval under the Roads Act where it is proposed to erect construction fencing, a hoarding, site sheds or utilise the road reserve for any construction activity related to the development works within the site.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application and will be required to be paid prior to Council releasing any approval.

- 3.13 Submit an application to Council for approval under the Roads Act to install ground anchors should ground anchors within a road reserve be required for construction of this development.

The application to Council for Works Approval under Section 138 of the *Roads Act* must be made using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation endorsed by a suitably qualified professional. General requirements for anchoring proposals can be obtained from Council's Engineering Assessment Section.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application and will be required to be paid prior to Council releasing any approval.

Where ground anchors are within a Classified Road reserve concurrence to the design of the works from The Roads and Maritime Services (RMS) must be received by Council from the RMS and the developer may be required to enter into a Works Authorisation Deed (WAD) with the RMS prior to Council issuing the Section 138 Works Approval.

- 3.14 Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.15 Engage a suitability qualified and experienced Project Arborist (minimum AQF level 5 qualification in Arboriculture). The Project Arborist must implement tree protection measures provided in Appendix 6 Tree Management Plan in the Public Tree Assessment Report by Mark Bury 3rd February 2021.
- 3.16 The car park approved under development consent 1196/2021 must be completed and operational prior to the commencement of any work approved under this development consent.

4. DURING WORKS

- 4.1 All conditions under this section must be met during works.
- 4.2 The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00 am and 5.00 pm on Monday to Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods, or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

- 4.3 During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately in that area, and
- b) The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

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

- 4.4 Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6 Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*. This condition only applies if no installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage).
- 4.7 Place all building materials, plant, and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 4.8 Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan (Demolition and Construction) and Operational Waste Management Plan submitted with the subject application.
- 4.9 During construction works, all cut or fill is to be constructed in such a manner that surface water will not be permanently or temporarily diverted to adjoining land and so that natural drainage from adjoining land will not be obstructed or affected.
- 4.10 Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.11 Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

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

- a) more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal license

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

- 4.12 Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 4.13 Ensure a qualified arborist (AQF 5) is on-site to oversee the works in relation to tree protection measures during critical stages of construction as advised in Appendix 6 Tree Management Plan in the Public Tree Assessment Report by Mark Bury 3rd February 2021.
- 4.14 Trees to be removed to accommodate for the development as specified in the Public Tree Assessment Report by Mark Bury 3rd February 2021.
- 4.15 Undertake the removal of trees as shown on the approved plan in a manner to prevent damage to those trees that are to be retained.
- 4.16 Undertake the removal of stumps in a manner that avoids damaging or disturbing roots of trees to be retained.
- 4.17 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.
- 4.18 Implement dust control measures to ensure airborne dust particulates are abated and airborne movement of sediment blown from exposed disturbed areas is contained within the site.
- 4.19 After all demolition works have been completed a "Clearance Certificate" from a suitably qualified occupational hygienist must be obtained, which demonstrates that all the asbestos material has been successfully removed from off the property.
- 4.20 While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

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 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.
- 5.3 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.
- 5.4 Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of

all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.

- 5.5 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.
- 5.6 Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.7 Complete Construction of driveways, ramps, and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.8 Submit to the Principal Certifier certification prepared by a Registered Surveyor certifying that all construction has been affected within the appropriate property, easement boundaries and rights of carriageway. The certification must be accompanied by a copy of the proposed subdivision plan, with the distances from the boundaries to the edges of these structures endorsed in red and signed by the surveyor.
- 5.9 Obtain the Section 307 Certificate of Compliance under *the Water Management Act 2000* for water and sewer requirements for the development from Central Coast Council (North) as the Water Supply Authority, prior to issue of the Occupation Certificate. All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance / defects bond to Council in accordance with Council's adopted fees and charges.
- 5.10 Complete the landscaping works.
- 5.11 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.
- 5.12 Install lighting to common areas within the development in accordance with the requirements of Australian Standard 1158: *Lighting for roads and public spaces* and Australian Standard 2890.1.
- 5.13 Provide to the Principal Certifier a design verification statement from a qualified designer, being a statement in which the qualified designer verifies that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Schedule 1 of *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*.

- 5.14 Prior to the issue of any Occupation Certificate, implement all recommendations and noise control measures specified in the acoustic report (including all addendums) by Spectrum Acoustics (CCC ref: D14840958)
- 5.15 Prior to the issue of any Occupation Certificate, an independent suitably qualified acoustic consultant who is currently practising in this field must provide the Principal Certifying Authority a "Compliance Certificate". This compliance certificate must certify that all acoustic measures outlined in the Noise Assessment by Spectrum Acoustics (including all addendums) has been correctly applied and installed. A copy of the "Compliance Certificate" must be provided to Council with the Occupation Certificate.
- 5.16 Prior to the issuing of any Occupation Certificate an independent, suitably qualified and currently practising acoustic consultant who is a member of the Association of Australasian Acoustical Consultants must provide an acoustic compliance certificate to the Principal Certifying Authority, which demonstrates that the construction of the multi storey level units attenuates any road noise to the following criteria;
- (a) in any bedroom in the residential accommodation to no more than 35 dB(A) at any time between 10.00 pm and 7.00 am,
 - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) to no more than 50 dB(A) at any time.
- 5.17 Install a system of Closed Circuit Television (CCTV) of a type and in locations on the site that will provide high-quality images of all public areas within the site in accordance with the recommendations of the CPTED report.
- 5.18 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.
- (a) Any future development on Lot 3 or Lot 4 is restricted to a combined floor space ratio no greater than that permitted under CCLEP 2022 over both Lots 3 and 4.
 - (b) A right of access for the pedestrian link is to be created over Lot 3 for the benefit of Lot 4.

Council is the sole authority to vary.

- 5.19 The Community Management Statement shall provide the following information as a public authority by law that can only be varied with the permission of Council:
- a) Any future development on Lots 3 and 4 is restricted to a combined floor space ratio as permitted under the CCLEP 2022 on lots 3 and 4.
 - b) A dedicated and covered walkway is to be provided between the Club (Lot 3) and the seniors living development (Lot 4).
 - c) Each resident being provided membership of the Club as part of the purchase of their apartment and in doing so, gaining full access to the use of the Club and its numerous dining facilities, restaurants and bars and other facilities and being conferred with voting rights as to the running of the Club.

- d) Participation of the residents in the many community groups and hobby/special-interest groups that use Diggers as their base.
 - e) Council having the benefit of being the sole authority to release and modify.
- 5.20 The schedules and finishes shall be consistent with those provided in the Design Excellence Report, Revision 4, dated September 2021, prepared by ADG Architects.
- 5.21 The basement car park shall provide Electric Vehicle charging points in accordance with condition 2.11.

6. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 6.1 All conditions under this section must be met prior to the issue of any Subdivision Certificate.
- 6.2 Submit details to Council/Principal Certifier that demonstrate the completion of all works and implementation of any plans required under Development Consent No 1260/2021.
- 6.3 Submit to the Principal Certifying Authority certification prepared by a Registered Surveyor certifying that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. The certification must be accompanied by a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red and signed by the surveyor.
- 6.4 Submit written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot where available:
- telecommunications
 - electricity supply
 - gas supply
 - national broadband network
 - water supply
 - sewerage
- 6.5 Include on the Strata Plan (SP) 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. The plan and instrument must:
- a) Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system and/or bio-retention basin restricting any alterations to such a facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - b) Create a 'Restriction on the use of Land' over all lots containing a nutrient / pollution control facility restricting any alteration to such a facility or the erection of any structure over the facility or the replacement of any obstruction over the facility.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

- 6.6 Include on the Strata Plan (SP) a positive covenant by the registered proprietor in favour of Council pursuant to the *Conveyancing Act 1919* establishing the following with the authority empowered to release, vary or modify the positive covenant is Central Coast Council.
- a) Ensure on any lot containing an on-site stormwater detention system and/or bio-retention basin that:
 - (i) the facility will remain in place and fully operational
 - (ii) the facility is maintained so that it operates in a safe and efficient manner
 - (iii) Council staff is permitted to inspect and repair the facility at the owner's cost
 - (iv) Council is indemnified against all claims of compensation caused by the facility
 - b) Ensure on any lot containing a nutrient/pollution control facility that:
 - (i) the facility will remain in place and fully operational
 - (ii) the facility is maintained so that it operates in a safe and efficient manner
 - (iii) Council staff is permitted to inspect and repair the facility at the owner's cost
 - (iv) Council is indemnified against all claims of compensation caused by the facility

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

- 6.7 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
- 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.

7. ONGOING

- 7.1 Provide a minimum of 106 off-street car parking in the basement including 90 allocated for residents of the building and 16 spaces for the sole use of visitors to the building.
- 7.2 Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 7.3 Provide fold-away clothes lines for clothes drying purposes that must not extend above courtyard fencing.
- 7.4 Load and unload delivery vehicles wholly within the site. Delivery vehicles must enter and exit the site in a forward direction. Do not obstruct loading bays when not in use.
- 7.5 Maintain all security/front/perimeter fencing for the life of the development in the approved location.
- 7.6 Maintain the site landscaping for the life of the development.

- 7.7 Do not store materials, waste matter or products outside the building or the approved waste storage area at any time.
- 7.8 Maintain internal pavement and pavement marking.
- 7.9 A minimum of one on site manager is to be based on the site at all times.
- 7.10 Maintain the external finishes of the building(s), structures, walls, and fences for the life of the development and remove any graffiti within seven (7) days.
- 7.11 Comply with all commitments as detailed in the Waste Management Plan.
- 7.12 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment. All waste generated on the premises shall be transported to a facility which is licensed to receive that material.
- 7.13 All waste collection services must not be undertaken before 7am any day of the week.
- 7.14 The requirements of the Plan of Management (with regard to noise impacts) are to be implemented and complied with at all times (CCC ref: D15236121).
- 7.15 The requirements of the Carparking Policy (with regard to noise impacts) are to be implemented and complied with at all times (CCC ref: D15236121).
- 7.16 This consent is to operate in association with the operation of the club on Lot 3 DP. 2791196.
- 7.17 The operation of the development is to be carried out in accordance with the Community Management Statement (as revised v15.9.2022) and amended by condition 5.19.

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.