



<b>DATE OF DETERMINATION</b>	6 June 2025
<b>DATE OF PANEL DECISION</b>	6 June 2025
<b>DATE OF PANEL MEETING</b>	3 June 2025
<b>PANEL MEMBERS</b>	Roberta Ryan (Alternate Chair), Amanda Wetzel, Stephen O'Connor
<b>APOLOGIES</b>	Alison McCabe, Tony McNamara
<b>DECLARATIONS OF INTEREST</b>	Rachel Stanton and Doug Eaton – Council is Applicant/Owner - Council Interest DA.

Public meeting held by teleconference on 3 June 2025, opened at 2:00pm and closed at 2.50pm.

#### **MATTER DETERMINED**

PPSHCC-257 – Central Coast – DA/2009/2023 at 253 Old Maitland Road, Mardi 2259 – Regional Animal Care Facility & Tree removal (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.

This is a Council interest application for replacement of two aging facilities with a new Regional Animal Care Facility. The Panel has had the benefit of detailed briefings on the proposal.

Arising from the Panel's consideration of the assessment report and submissions made during the public meeting, the Panel sought additional information in relation to traffic safety matters and requested Council amend some of the proposed conditions of consent to deal with operational management requirements, as well as noise management both during construction and operational phases. A supplementary memo dated 3 June 2025 was provided by Council in response to these requirements.

The Panel notes that Council sought independent assessment advice in respect of acoustic, contamination and wastewater management reports as part of their assessment reporting.

The Panel is satisfied that the proposal has planning merit and is supported in the proposed locality.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report and supplementary memo of 3 June 2025 and for the following reasons:

1. The site is suitable for the development.
2. Potential impacts arising from the development can be appropriately mitigated and managed.

#### **CONDITIONS**

The Development Application was approved subject to the conditions attached at Schedule 2. The following conditions have changed from those attached to the assessment report:

- Condition 3.13 which was amended to require a revised plan of management which includes details regarding preventative noise measures, a complaint's handling procedure, crime prevention measures and measures to deal with abandoned animals.
- Condition 6.7 which was amended to deal with noise monitoring and non-compliances
- New conditions 3.14 and 4.22 were included to deal with noise impacts during construction of the development.
- Condition 4.9 was amended to remove and incorrect reference to condition 2.15 which should have been 2.14.

**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:

- Surrender of animals / dumping of animals
- Location of the facility
- Noise disturbance, lack of barriers and mitigation measures
- Impacts from bushfire
- Staffing and management arrangements
- Impacts from adjacent TfNSW facility

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and amended conditions of consent.

PANEL MEMBERS	
 Roberta Ryan (Alternate Chair)	 Stephen O'Connor
 Amanda Wetzel	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-257 – Central Coast – DA/2009/2023
2	PROPOSED DEVELOPMENT	Regional Animal Care Facility
3	STREET ADDRESS	253 Old Maitland Road, Mardi 2259
4	APPLICANT/OWNER	ADW Johnson / Central Coast Council
5	TYPE OF REGIONAL DEVELOPMENT	<b>Council related development over \$5 million</b>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Industry and Employment) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>○ Central Coast Local Environmental Plan 2022</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Central Coast Development Control Plan 2022</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Section 66A – Council related development applications,</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• Public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 27 May 2025</li> <li>• Council supplementary memo dated 3 June 2025</li> <li>• Written submissions during public exhibition: 6</li> <li>• Verbal submissions at the public meeting: 2 <ul style="list-style-type: none"> <li>○ Warren Taylor, Katherine Smithson</li> <li>○ Council assessment officers – Jenny Tattam, Emily Goodworth</li> <li>○ On behalf of the applicant – Ben Jia, Andrew Littlefield, Shann Mitchell, Darcy Kilvert, John Atkins, Neil Pennington, Nathan Delaney, Lisa Sychevska, Jeff Olsen, Emma Coleman, Jeff Garry, Ben Asquith</li> </ul> </li> <li>• Total number of unique submissions received by way of objection: 6</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Preliminary Briefing: 16 January 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Roberta Ryan, Greg Flynn, Tony Tuxworth</li> <li>○ <u>Council assessment staff</u>: Jenny Tattam, Emily Goodworth</li> <li>○ <u>Department</u>: Leanne Harris</li> </ul> </li> <li>Site inspection: <ul style="list-style-type: none"> <li>- Roberta Ryan: 10 February 2024</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Final briefing to discuss council’s recommendation: 3 June 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Roberta Ryan (Alternate Chair), Amanda Wetzel, Stephen O’Connor</li> <li>○ <u>Council assessment staff</u>: Jenny Tattam, Emily Goodworth</li> <li>○ <u>Department</u>: Leanne Harris, Holly McCann</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	<b>Approval</b>
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached as Schedule 2

## Schedule 2 – conditions of consent

<b>Date:</b>	17 May 2025
<b>Responsible Officer:</b>	Jennifer Tattam
<b>Location:</b>	253 Old Maitland Road, MARDI NSW 2259 Lot 2 DP 255531, Lot 100 DP 602992
<b>Owner:</b>	Central Coast Council
<b>Applicant:</b>	Central Coast Council
<b>Date of Application:</b>	6 October 2023
<b>Application No:</b>	DA/2009/2023
<b>Proposed Development:</b>	Regional Animal Care Facility

### PROPOSED CONDITIONS

The development taking place in accordance with the approved development plans reference number DA/2009/2023 except as modified by any conditions of this consent, and any amendments in red.

### 1. PARAMETERS OF THIS CONSENT

#### Approved Plans and Supporting Documentation

- 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.

Drawing No.	Revision No.	Plan Title	Drawn By	Dated
A-DA-001-002	01	Site Location	CKDS	14/05/2024
A-DA-001-005	-	Site Analysis	CKDS	-
A-DA-100-002	01	Overall Site Plan	CKDS	09/05/2025
A-DA-100-001	10	Site Plan	CKDS	09/05/2025
A-DA-102-001	02	Demolition Plan	CKDS	14/05/2024
A-DA-110-B01	02	Floor Plan – Admin & Cattery Building	CKDS	14/05/2024
A-DA-110-B02	02	Floor Plan – Kennel Dogs Building A, B, C & D	CKDS	14/05/2024
A-DA-110-B03	01	Floor Plan – Kennel Dogs Building E, F, G and H	CKDS	14/05/2024
A-DA-110-B04	02	Floor Plan – Seized Dogs Building	CKDS	14/05/2024
A-DA-110-B05	02	Floor Plan & Elevations – Overnight Lock Box	CKDS	14/05/2024
A-DA-110-B06	01	Carpark & Bin Store Elevations	CKDS	14/05/2024
A-DA-210-001	03	North/South Elevation – Admin Building	CKDS	14/05/2024

A-DA-210-002	02	West/East Elevation – Admin Building	CKDS	14/05/2024
A-DA-210-003	02	North/South Elevation – Kennel Dogs Buildings A, B	CKDS	14/05/2024
A-DA-210-004	01	North/South Elevation – Kennel Dogs Buildings C, D	CKDS	14/05/2024
A-DA-210-005	02	East/West Elevation – Kennel Dogs Buildings A, B, C & D	CKDS	14/05/2024
A-DA-210-006	01	North/South Elevation – Kennel Dogs Buildings E, F	CKDS	14/05/2024
A-DA-210-007	01	North/South Elevation – Kennel Dogs Buildings G, H	CKDS	14/05/2024
A-DA-210-008	01	East/West Elevation – Kennel Dogs Buildings E, F, G & H	CKDS	14/05/2024
A-DA-210-009	02	North/South Elevation – Seized Dogs Building	CKDS	14/05/2024
A-DA-210-010	02	East/West Elevation – Seized Dogs Building	CKDS	14/05/2024
A-DA-310-001	02	Section AA	CKDS	14/05/2024
A-DA-310-002	02	Section BB	CKDS	14/05/2024
A-DA-310-003	02	Section CC	CKDS	14/05/2024
A-DA-310-005	01	Section EE	CKDS	14/05/2024
A-DA-310-006	01	Section FF	CKDS	14/05/2024
A-DA-310-007	01	Section GG	CKDS	14/05/2024
A-DA-900-001	03	Material Schedule	CKDS	14/05/2024
A-DA-900-002	02	Signage Graphic	CKDS	14/05/2024
A-DA-900-003	-	Signage – Option 1	CKDS	-
L000	1	Landscape Plan Cover Sheet	Xeriscapes	28/11/2024
L001	H	Tree Management Plan	Xeriscapes	28/11/2024
L002	H	Tree Management Schedule	Xeriscapes	28/11/2024
L101	F	Landscape Overall Plan	Xeriscapes	28/11/2024
L102	F	Detailed Landscape Plan 1	Xeriscapes	28/11/2024
L103	F	Detailed Landscape Plan 2	Xeriscapes	28/11/2024
L104	E	Detailed Landscape Plan 3	Xeriscapes	28/11/2024
L105	E	Detailed Landscape Plan 4	Xeriscapes	28/11/2024
L201	B	Precedent Images 1	Xeriscapes	03/08/2023

L202	B	Precedent Images 2	Xeriscapes	03/08/2023
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Document Title	Version No.	Prepared by	Dated
Arborist Impact Assessment, AEP Ref: 3149	07	AEP	07/05/2025
Ecological Assessment Report, AEP Ref: 3149.01	06	AEP	May 2025
Biodiversity Management Plan, AEP Ref: 3149.04	05	AEP	10/04/2025
Noise Impact Assessment, Doc No: 222258-9800-R5	R5	Spectrum Acoustics	08/04/2025
CPTED – Proposed Animal Care Facility	-	James Marshall & Co	June 2023
Wastewater Management Report – Central Coast Council Animal Shelter – 253 Old Maitland Road, Mardi, NSW	01	Decentralised Water Australia	26/07/2023
Plan of Management- For the Operation of CCC Regional Animal Care Facility	C	ADW Johnson	05/07/2024
Waste Management Plan	-	ADW Johnson	12/09/2024

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 the requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
NSW Rural Fire Service	Conditions	DA20250410001367-Original-1	11/04/2025

- 1.4. 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 of the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

- 1.5. 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.
- 1.6. Where conditions of this consent require approval from Council under the *Roads Act 1993*, *Local Government Act 1993* or *Water Management Act 2000*, a completed Subdivision Construction Certificate 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.

## 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. Provide an Unexpected Finds Protocol detailing how unexpected contamination encountered within the site during future development works will be managed. The Unexpected Finds Protocol must be prepared by a suitably qualified environmental consultant and refer to contaminated site report prepared by Qualtest dated 4 March 2025.
- 2.4. Submit to the Registered Certifier, responsible for issuing a Construction Certificate for works within the development properties, lighting design drawings approved by an accredited electrical designer for the car park and public places / internal roadways. The design must be prepared in accordance with the requirements of the current editions of Australian Standard AS/NZS 1158: *Lighting for roads and public spaces* and AS/NZS 4282: *Control of the obtrusive effects of outdoor lighting*. The design is to include the provision of current best practice energy efficient lighting.
- 2.5. 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) Construction of a [rural] commercial vehicle access crossing (VAC) that has a width of approximately 21 metres at the edge of road carriageway bitumen and approximately 13 metres at the property boundary, including construction of road pavement adjoining and/or adjacent to the new VAC and a hard edge (i.e., concrete) restraint along the edge of road carriageway, as required to reinforce the frontage road carriageway for the additional traffic accessing the site.
- b) Removal of all redundant portions of the existing VAC. The road verge formation is to be reinstated and stabilised with topsoil and turf and/or as appropriate.

- c) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- d) Modification of the existing roadside furniture and/or safety devices, e.g., safety barriers adjacent to existing and/or new VAC, as required by the design and in accordance with relevant Austroads Guides, NSW Transport Roads and Maritime Services Supplements and Australian Standards and manufacturers requirements:

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.

- 2.6. 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, verge, street furniture and/or safety devices, 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, the issue of any Construction Certificate for works on the site, and/or the commencement of any demolition works within 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.
- 2.7. Submit to the Registered 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, servicing areas, 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, including for (but not limited to):
    - (i) Construction of suitable, designated Public/Customer and Staff carparking areas, in accordance with the requirements of *AS2890.1*, to User Class 3 requirements for Customer carparking and User Class 1 requirements for Staff carparking.
    - (ii) Construction of a Service/Loading Bay, adjacent to the Seized Dogs structure (as denoted as Sally Port in the approved plans), and any/all driveways through the site to this Bay, to be compliant with the requirements of AS/NZS 2890.2 for a Small Rigid Vehicle (SRV), including for suitable headroom under the Awning.
    - (iii) Construction of suitable all-weather gravel hardstand across the waste collection area and associated vehicle standing and turning area detailed within the approved plans, and sealed road carriageway through the front of the site to the waste collection area, to withstand the dynamic vehicular loads of a fully loaded AS/NZS 2890.2 Heavy Rigid Vehicle (HRV).
    - (iv) Installation of suitable physical controls along the north edge of the new access driveway into the site, atop and/or adjacent to the retaining wall structure supporting the driveway in this location, in accordance with the requirements of AS2890.1 Clause 2.4.5, anywhere the drop-off from the top of the retaining wall to the adjacent finished ground level exceeds 150mm in height.
    - (v) Construction of suitable kerb along both sides of all sealed internal driveways and/or roadways.
    - (vi) Design and construction to be generally in accordance with the *Concept Engineering Plans* prepared by ADW Johnson (Project No. 190872-CENG, Rev. F, dated 05/12/2024).
  - b) Construction of Stormwater Management System, comprising:
    - (i) An onsite stormwater detention (OSD) facility, designed in accordance with Council's *Civil Works Specifications*, to limit post-development peak flows from the proposed development to less than or equal to pre-development (i.e., fully pervious site) 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 *Onsite Stormwater Detention Report*, including an operation and maintenance plan, must accompany the design.

- (ii) On-site stormwater retention and reuse measures, to minimum 40kL capacity. An *Onsite Stormwater Retention & Reuse 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.
  - (iii) Nutrient and pollution control measures, to be designed in accordance with Council's *Civil Works Specifications* and the requirements of the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design*, to treat stormwater run-off from any impervious areas prior to being discharged from the site. A *Nutrient & Pollution Control Report*, including an operation and maintenance plan, must accompany the design. The nutrient and pollution control report must demonstrate all water quality targets of Council's *Civil Works Specification Design Guideline* have been achieved and/or satisfied by the proposal.
  - (iv) Construction of Diversion Drains and/or Table Drains atop/above the retaining wall(s) inside the south side property boundary and around the new structures, and across the north end of the new Waste Collection Area, to capture and convey overland flows to the table drain across the front setback of the site and/or new onsite drainage system.
  - (v) Construction of suitable pipe culvert and associated headwalls under/across the new access driveway into the site, to align with the existing table drain through the front setback of the site. The pipe culvert is to be designed to be capable of withstanding dynamic vehicular loads for all vehicles accessing the site, up to and including a full loaded AS2890.2 HRV.
  - (vi) Construction of stormwater collection and drainage piping for all stormwater runoff from areas within the site, via an OSD facility as required, to a new established headwall discharge outlet, with appropriate scour protection, to be provided within the low-lying area of the site to the north-north-west of the new Waste Collection area.
  - (vii) Design and construction to be generally in accordance with the *Stormwater Detail Plan* prepared by ADW Johnson (Project No. 190872-CENG, Rev. F, dated 05/12/2024) and the *Water Cycle Management Plan* prepared by ADW Johnson (Ref: 190872, Rev. B, dated 07/05/2024).
- c) Construction of retaining walls, where indicated on development approval documentation. Retaining wall designs 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. Retaining wall designs must detail suitable toe support areas, rear-of-wall sub-soil drainage, and any required/proposed drains along the top of any wall.

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

- 2.8. Submit an application to Council under Section 305 of the *Water Management Act 2000* for a Section 306 Requirements Letter. The Application form can be found on Council's website [centralcoast.nsw.gov.au](http://centralcoast.nsw.gov.au). Early application is recommended.

The Section 305 application will result in the issue of a Section 306 Requirements Letter, which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone, e.g., prior to Construction Certificate and/or Occupation Certificate.

- 2.9. A detailed drainage plan shall be submitted showing that the proposed 10kL (non-domestic) pre-treatment tank can be appropriately sealed and vented to allow foul air to escape from the high stack in accordance with AS/NZS3500.2 and the Plumbing Code of Australia (PCA 2011).

- 2.10. The proposed LAA must be sufficiently isolated from pedestrian traffic areas (footpaths) and public access areas. Fencing (or other proposed measures) shall be clearly shown on construction plans to demonstrate that potential risks can be safely mitigated.
- 2.11. A detailed construction specification (including planting schedule) and operational management plan (e.g. harvesting, supplementary planting and weed management) shall be provided for the proposed reed bed treatment system.
- 2.12. To maintain the consistency of the (non-domestic) kennel wastewater stream, appropriate procedures shall be developed to ensure animal waste solids are physically removed from kennel surfaces and diverted to dry-waste disposal prior to wash-down activities. Kennel cleaning procedures shall be clearly documented in an operational plan for staff direction.
- 2.13. Trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans and are to be consistent with the revised plans approved under these conditions of consent. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans.
- 2.14. Obtain approval from the Principal Certifier for Erosion and Sediment Control Plans prepared by a suitably qualified and experienced civil engineer/environmental consultant. The Plans must be prepared in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal 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](http://www.centralcoast.nsw.gov.au)
- 3.3. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions as recommended within the Arboricultural Impact Assessment report by AEP on the 26/8/23.
- 3.4. Tree protection is to be as per the recommendations within sections 6.0,7.0 and Appendix A of the Arboricultural Impact Assessment, prepared by AEP, Revision 7 dated 7/5/25.  
Sign-post fences around Tree Protection Zones to warn of its purpose.
- 3.5. Submit a Dilapidation Report to Council, the Registered Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site. In the event that access to an adjoining property(s) for the purpose of undertaking the Dilapidation Report is denied, submit evidence in writing demonstrating that all steps were taken to obtain access to the adjoining property(s).

- 3.6. 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.

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 CTPMP must be reviewed and updated during construction of the development to address any changing site conditions. A copy of the CTPMP must be held on site at all times and be made available to Council upon request.

- 3.7. 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 Roads Act Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.

- 3.8. 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.

- 3.9. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.

- 3.10. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- The name, address and telephone number of the Principal Certifier for the work; and
  - The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - That unauthorised entry to the work site is prohibited.
  - Remove the sign when the work has been completed.
- 3.11. Prior to commencement of any works, a revised Arboricultural Impact Assessment is to be provided to Council's Assessment Tree Officer for approval. Figure 9 of the Arborist Report shall be updated to show tree protection fencing around all trees to be retained. Measures are to be in accordance with *AS 4970-2009 Protection of Trees on Development Sites*.
- 3.12. Implement the recommendations of the Revised Ecological Assessment Report (EAR), Rev 6, by Andersen Environment and Planning dated 7 May 2025 and Revised Biodiversity Management Plan (BMP), Rev 5, by Andersen Environment and Planning dated 6 May 2025 approved under these conditions of consent.
- The Baseline Data Report detailed in the Biodiversity Management Plan must be provided to Council's Ecologist for review no less than one month prior to commencement of any works.
- The nest boxes detailed in the Biodiversity Management Plan must be installed no less than one month prior to commencement of any clearing works, and a report provided to Council's Ecologist as detailed in the BMP.
- Where these recommendations contained within the EAR and BMP are inconsistent, the conditions of consent prevail.
- 3.13. A revised Plan of Management shall be submitted to the satisfaction of Council. The revised Plan of Management shall include the following information:
- Noise – preventative management measures that will be employed to minimise and mitigate noise impacts on neighbours.
  - Complaints handling procedure – detail how noise and other complaints shall be addressed, particularly if no staff are present on site eg, overnight/weekends.
  - Security – detail Crime Prevention Through Environmental Design measures that will be employed at the facility and how these will be managed and enforced to ensure that the site is safe and secure at all times.
  - Abandoned animals – detail the measures that will be employed to monitor and manage animals that are left/abandoned at the facility when staff are not present.
- 3.14. Submit to Council's Environment Protection Officer for approval a Construction Environment Management Plan that outlines specific actions to be taken to prevent, control, and mitigate environmental impacts which includes reference to the Department of Environment & Climate Change NSW '*Interim Construction Noise Guideline*' & NSW Environment Protection Authority '*Draft Construction Noise Guideline*' during construction.

#### 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. Trees are to be removed to accommodate for the development as specified in sections 6.0 and Appendix A of the Arboricultural Impact Assessment report by AEP, revision 7 dated 7/5/25.
- 4.4. Appoint a Project Arborist (AQF 5) to oversee the works in relation to tree protection measures during critical stages of construction. The Project Arborist is to ensure all trees identified for retention are retained with tree protection measures consistent with the Australian Standard AS4970-2009 Protection of Trees on Development Sites.
- 4.5. 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.
- 4.6. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.7. Undertake works in accordance with Unexpected Finds Protocol.
- 4.8. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. To ensure the protection of objects of potential significance.

- 4.9. Implement all erosion and sediment control measures and undertake works in accordance with the approved Soil and Water Management Plan required by Condition 2.14 of this consent. 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)*.
- 4.10. 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 Certifier or an officer of Council.
- 4.11. 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.

- 4.12. Tree Retention and Removal is to be as per the Arborist Impact Assessment, Rev 7, by Andersen Environment and Planning dated 7 May 2025 and as modified by additional plans or reports approved by Councils Ecologist or Tree Assessment Officer under this consent. Measures are to be in accordance with *AS 4970-2009 Protection of Trees on Development Sites*. Tree Protection fencing is to be provided around all trees to be retained.
- 4.13. Supervision by a suitably qualified Ecologist is required for all vegetation clearing and construction works. The Ecologist must:
- Mark trees for retention and removal
  - Supervise the installation of fencing around any tree protection and conservation areas
  - Provide an environmental induction to civil contractors and subcontractors
  - Supervise clearing, removal of habitat trees and earthworks
  - Undertake any other works specified in the approved management plans

Submit to Council's Ecologist a certification letter that summarises results of the pre-clearance survey, clearing supervision and any additional replacement hollow installation within three weeks following vegetation clearing.

- 4.14. Maintain the temporary fence around retained trees and vegetation. The fence must be maintained for the duration of construction works.
- 4.15. Undertake clearing in accordance with the approved tree removal/retention survey plan. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.
- 4.16. Implement the recommendations of the Revised Ecological Assessment Report (EAR), Rev 6, by Andersen Environment and Planning dated 7 May 2025 and Revised Biodiversity Management Plan (BMP), Rev 5, by Andersen Environment and Planning dated 6 May 2025 approved under these conditions of consent.

Implementation of the revegetation, weed control, rehabilitation and monitoring works specified in the Biodiversity Management Plan must commence at commencement of any works, and be completed within one year of the commencement.

Monitoring is to be undertaken every 6 months following commencement of any construction, with annual reports provided to Council.

- 4.17. Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- 4.18. Decommission the existing septic tank in accordance with NSW Health Advisory Note 3 – Revised January 2017 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF).
- 4.19. Classify all excavated material removed from the site in accordance with NSW EPA (November 2014) *Waste Classification Guidelines* and/or the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
- 4.20. Ensure all excavated material removed from the site is transported to a site that is a lawful waste facility and/or a site that meets the requirements of the Resource Recovery Exemptions under Part 9, Clause 91 and 92 *Protection of the Environment Operations (Waste) Regulation 2014*.
- 4.21. 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* and/or Excavated Natural Material (ENM) that meets the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

- 4.22. Undertake the operation and management of the site in accordance with the approved Construction Environmental Management Plan.

## 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. 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.
- 5.3. 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.
- 5.4. 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.
- 5.5. Complete construction of driveways, servicing areas, 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.
- 5.6. Complete construction of the Stormwater Management System, in accordance with the Stormwater Management Plan accepted for issue of the Construction Certificate, 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 prior to the issue of any Occupation Certificate for the development and is to include certification for (but not limited to) the required onsite stormwater detention and retention/reuse measures, diversion/table drains, onsite stormwater collection and drainage system, and onsite discharge outlet with suitable scour protection.
- 5.7. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the Construction Certificate. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier prior to the issue of any Occupation Certificate for the development and is to include certification for (but not limited to) any/all retaining walls constructed within the site.
- 5.8. 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 as the Water Supply Authority, prior to issue of the Occupation Certificate.
- 5.9. Submit to the Principal Certifier certification prepared by a Registered Surveyor certifying that all construction has been affected within the appropriate property boundaries. The certification must be accompanied by a copy of the final survey plan, with the distances from the boundaries to the edges of these structures endorsed in red and signed by the Surveyor.
- 5.10. Submit to the Principal Certifier a collated *Stormwater Management System Operation & Maintenance Plan*, for ongoing use for the site, to combine the operation and maintenance plan requirements (amended as required) of the *Onsite Stormwater Detention Report*, *Onsite Stormwater Retention & Reuse Report*, and *Nutrient & Pollution Control Report* accepted for issue of the Construction Certificate, into a single document including a collated single *Detailed Schedule* for all required/recommended Stormwater Management System maintenance activities.
- 5.11. Complete the landscaping works.

- 5.12. 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.
- 5.13. Prepare and submit a final certification report detailing the level of compliance for each stage of the development. The report with all conditions relating to ecology/trees must be prepared by the engaged Ecologist and forwarded to Council for review.
- Implement the recommendations of the Revised Ecological Assessment Report (EAR), Rev 6, by Andersen Environment and Planning dated 7 May 2025 and Revised Biodiversity Management Plan (BMP), Rev 5, by Andersen Environment and Planning dated 6 May 2025 approved under these conditions of consent. Monitoring is to be undertaken every 6 months following commencement of any construction, with annual reports provided to Council.
- 5.14. The fencing, required by Condition 2.10 of this consent, to separate pedestrian traffic/public access areas and the LAA must be installed.

## 6. ONGOING

- 6.1. Implement ongoing, for the life of the development, the collated *Stormwater Management System Operation & Maintenance Plan*, submitted to the Certifier prior to the issue of the Occupation Certificate, in accordance with the *Detailed Schedule*, and any requirements and/or recommendations, within that *Plan*.
- 6.2. Maintain all security fencing for the life of the development in the approved location.
- 6.3. Maintain the site landscaping for the life of the development.
- 6.4. Restrict the hours of operation of the use to those times listed below:
- Weekdays 7:00am to 6:00pm
  - Saturdays 7:00am to 6:00pm
  - Sundays and Public Holidays 8:00am to 4:00pm
- Any variation to these hours is subject to the prior consent of Council.
- 6.5. Implement and comply with the Plan of Management, included as an approved supporting document to this consent, at all times during operation of the premises as an Animal Care Facility.
- 6.6.1. The applicant shall ensure that the noise generated by the development does not exceed the criteria in Table 1.

Table 1 – Noise criteria dB(A)

Land	Day LAeq(15minute)	Evening LAeq(15minute)	Night LAeq(15minute)	Night LAmax
All residential receivers	53	43	38	56

Noise generated by the development is to be measured in accordance with the relevant requirements of the NSW Noise Policy for Industry including any applicable modification factors.

The noise criteria in Table 1 are to apply to a receiver under all meteorological conditions except under

- (a) Wind speeds greater than 3 m/s at 10m above ground level

(b) Temperature inversion conditions greater than stability category F or Stability category F with winds greater than 2 m/s.

- 6.7. Provide Council's Environmental Protection Officer with an acoustic report for review and approval that assesses compliance with Condition 6.6. Noise generated by the development is to be measured against Table 1 during the third month of operation. Where non-compliances are identified, employ additional acoustic mitigation measures and undertake further acoustic monitoring until compliance is met. If required, provide Council's Environmental Protection Officer with a supplementary report that demonstrates the ongoing operation does not exceed criteria.
- 6.8. Implement the recommendations of the Revised Ecological Assessment Report (EAR), Rev 6, by Andersen Environment and Planning dated 7 May 2025 and Revised Biodiversity Management Plan (BMP), Rev 5, by Andersen Environment and Planning dated 6 May 2025 approved under these conditions of consent.

Monitoring is to be undertaken every 6 months following commencement of any construction, with annual reports provided to Council until year 5, or after year 5 until the BMP maintenance period is confirmed by Council as complete.

Weeding of Landscaped areas must be ongoing.

- 6.9. Monitor nest boxes/salvaged hollows and report to Council's Ecologist in accordance with the Biodiversity Management Plan (BMP), Rev 5, by Andersen Environment and Planning dated 6 May 2025.
- 6.10. Use external lighting that minimises overspill into retained vegetated areas.
- 6.11. The operational management plan required by Condition 2.11 in relation to the reed bed treatment system shall be implemented.
- 6.12. The procedures required by Condition 2.12 of this consent shall be implemented.
- 6.13. Operate and maintain all external lighting so as not to impact on any adjoining properties.
- 6.14. Implement the 'site specific comments' in Section 5 of the CPTED report prepared by James Marshall & Co (dated June 2023) for the life of the development.

## 10. 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)  
 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.