

Date: 15 January 2025
Responsible Officer: Robert Eyre
Location: 16-20 Brougham St, 29-45 Victoria St & 27 Adelaide St, EAST GOSFORD NSW 2250
 Lot 7A DP 365458, Lot 15 DP 1061216, Lot 7 DP 658304, Lot 4 DP 1016073, Lot 2 DP 1016073, Lot 3 DP 1016073
Owner: Bonython Elanora Pty Ltd and The Elanora Hotel Nominees Pty Ltd
Applicant: Bonython Elanora Pty Ltd
Date of Application: 12 December 2023
Application No: DA/2396/2023
Proposed Development: Alterations & Additions to existing Hotel, new Bottle Shop, Motel, Car Park & Demolition of some existing structures (RPP)
Land Area: 7775.40
Existing Use: Hotel, bottle shop, motel, car wash and shops.

PROPOSED CONDITIONS

The development taking place in accordance with the approved development plans reference number DA/2396/2023 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.

Plan No.	Revision No.	Plan Title	Drawn By	Dated
DA-000	01	Context Analysis Plan	loopcreative	25/10/2023
DA-001	02	Site Location Plan	loopcreative	29/09/2023
DA-002	03	Site Analysis	loopcreative	01/11/2024
DA-003	02	Survey	loopcreative	09/10/2023
DA-004	02	Demolition Plan	loopcreative	09/10/2023
DA-005	03	Cut & Fill Plan	loopcreative	01/11/2023
DA-	04	Lower Ground Floor Plan	loopcreative	01/11/2024

100				
DA-101	05	Ground Floor Plan	loopcreative	01/11/2024
DA-102	04	Second Floor Plan	loopcreative	01/11/2024
DA-103	04	Roof Plan	loopcreative	01/11/2024
DA-200	03	Elevations	loopcreative	19/07/2024
DA-201	03	Elevations	loopcreative	19/07/2024
DA-202	04	Elevations	loopcreative	01/11/2024
DA-300	03	Sections	loopcreative	19/07/2024
DA-301	04	Sections	loopcreative	01/11/2024
DA-302	04	Sections	loopcreative	01/11/2024
DA-303	04	Ramp Section	loopcreative	01/11/2024
DA-401	02	Shadow Analysis Diagram 9AM	loopcreative	09/10/2023
DA-402	02	Shadow Analysis Diagram 3PM	loopcreative	09/10/2023
DA-500	04	3D Site Diagram	loopcreative	01/11/2024
DA-501	04	3D Site Diagram	loopcreative	01/10/2024
DA-502	02	External Finishes Motel Façade Brougham Street	loopcreative	19/07/2024
DA-503	02	External Finishes Adelaide Street	loopcreative	19/07/2024
DA-504	02	External Finishes Bottle Shop Victoria Street	loopcreative	19/07/2024
DA-600	01	Visual Impression Brougham Street	loopcreative	09/10/2023
DA-601	02	Visual Impression Intersection Brougham & Adelaide Streets	loopcreative	13/05/2024
DA-602	03	Visual Impression Site Entry Adelaide Street	loopcreative	19/07/2024
DA-603	01	Visual Impression Main Entry Elanora Hotel	loopcreative	09/10/2023
DA-604	01	Visual Impression Intersection Brougham & Adelaide Streets	loopcreative	13/05/2024
DA-	02	GFA Plan Existing Hotel	loopcreative	09/12/2024

700				
DA-701	03	GFA Plan Lower Ground Floor	loopcreative	01/11/2024
DA-702	03	GFA Plan Lower Ground Floor	loopcreative	01/11/2024
DA-703	03	GFA Plan Ground Floor	loopcreative	01/11/2024
DA-704	03	GFA Plan Ground Floor	loopcreative	01/11/2024
DA-705	03	GFA Plan Second Floor	loopcreative	01/11/2024
DA-706	03	Ground Floor Waste Overlay	loopcreative	01/11/2024
DA-707	03	Lower Level Plan Waste Overlay	loopcreative	01/11/2024
DA-708	03	Ground Floor Setback Clarifications	loopcreative	01/11/2024
DA-709	03	Lower Ground Floor Setback Clarifications	loopcreative	01/11/2024
DA-710	01	Section- Setbacks Bottleshop	loopcreative	25/03/2024
DA-711	02	Clarification Glazing/Roof Extent	loopcreative	01/11/2024
DA-1000	03	Notification Plan	loopcreative	01/11/2024
LA00	P4	Cover Sheet	TaylorBrammer Landscape Architects P/L	05/11/2024
LA01	P6	Lower Ground Concept Plan	TaylorBrammer Landscape Architects P/L	07/11/2024
LA02	P5	Ground Floor Concept Plan	TaylorBrammer Landscape Architects P/L	05/11/2024
LA03	P4	Second Floor Concept Plan	TaylorBrammer Landscape Architects P/L	05/11/2024
LA04	P5	Beer Garden Concept Plan	TaylorBrammer Landscape Architects P/L	05/11/2024
LA05	P4	Accommodation Concept Plan	TaylorBrammer Landscape Architects P/L	05/11/2024
LA06	P3	Planting Character	TaylorBrammer Landscape	07/11/2024

			Architects P/L	
LA07	P5	Lower Ground Planting Plan	TaylorBrammer Landscape Architects P/L	05/11/2024
LA08	P5	Ground Floor Planting Plan	TaylorBrammer Landscape Architects P/L	05/11/2024
LA09	P4	Second Floor Planting Plan	TaylorBrammer Landscape Architects P/L	05/11/2024
LA10	P5	Beer Garden Planting Plan	TaylorBrammer Landscape Architects P/L	05/11/2024
LA11	P2	Landscape Elevation	TaylorBrammer Landscape Architects P/L	05/11/2024

Document Title	Version No.	Prepared by	Dated
Statement of Environmental Effects	-	Coastal Planning and Consulting	Oct. 2023
Acoustic Assessment	5	Renzo Tonin & Assoc.	26/07/2024
Internal Civil Works C1.1-C10.2 (8 Sheets)	-	Northrop	25/08/2023 28/08/2023 06/11/2024
Operational Management Plan	2	Barker Ryan Stewart	31/07/2024
Updated Social Impact Assessment	2	Barker Ryan Stewart	31/07/2024
Traffic Impact Assessment Report	4	Barker Ryan Stewart	21/05/2024
Waste Management Plan	-	Coastal Planning and Consulting	13/05/2024
Arboricultural Impact Assessment	-	Advanced Treescape Consulting	04/09/2023
Detailed Site Investigation	0	Foundation Earth Sciences	May 2023
National Construction Code Report	-	Design Right Consulting	06/11/2023
Remediation Action Plan	1	Foundation Earth Sciences	July 2023
Crime Prevention Through Environmental Design	2	Barker Ryan Stewart	11/10/2023
Acid Sulphate Soil Assessment	0	Foundation Earth Sciences	24/05/2023

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.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Submit 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. Early application is recommended.

The section 305 application will result in a section 306 letter of requirements 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, subdivision works certificate, occupation certificate and/or subdivision certificate.

- 2.3. Provide a *Hazardous Materials Survey* prepared by suitably qualified and experienced environmental consultant/ occupational hygienist. The Survey must provide details of the inspection of the existing buildings, the identification of the presence of hazardous materials through sampling and testing and provide recommendations for the safe removal and disposal of hazardous materials during the demolition works.
- 2.4. Engage an *Association of Australian Acoustical Consultants* member acoustic consultant to provide confirmation that the detailed design of the development is in accordance with the acoustic treatments recommended in the *DA Acoustic Assessment, Elanora Hotel, East Gosford*, dated 26 July 2024, prepared by Renzo Tonin and Associates.
- 2.5. Submit details to the Principal Certifier of the design of the fit out of the food premises. The design of the fit out of the food premises is to comply with the *Food Act 2003, Food Regulation 2010, Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate. Details of compliance are to be included in the plans and specifications for the Construction Certificate.
- 2.6. Submit details to the Principal Certifier of any proposed mechanical ventilation systems. The design of the mechanical ventilation is to comply with the relevant requirements of Clause F4.12 of the National Construction Code Series, Building Code

of Australia, Volume 1 and 2 as appropriate, Australian Standard AS 1668.1:2015 *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings* and Australian Standard 1668.2:2012 *The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings* (including exhaust air quantities and discharge location points). These details are to be included in the Construction Certificate

2.7. 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.

2.8. Before the issue of a Construction Certificate, pursuant to Section 7.24 of the Environmental Planning & Assessment Act 1979, the applicant must pay the following contributions Via the NSW Planning Portal for:

HPC Area	Contribution Amount	Timing of Payment
Housing and Productivity Contribution Central Coast Region_A&A	\$81,197.83	Prior to issue of any Construction Certificate

The total amount payable under this condition is \$81,197.83 as calculated at the date of this consent. The total amount must be paid via the NSW Planning Portal in accordance with the Environmental Planning & Assessment (Housing and Productivity Contribution) Order 2023.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Environmental Planning & Assessment (Housing and Productivity Contribution) Order 2023.

Note: The Environmental Planning & Assessment (Housing and Productivity Contribution) Order 2023 can be viewed here: [Ministerial Orders | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)

- 2.9. The design drawings for the required "No Stopping" signage on Victoria Street between the access and egress must be endorsed by the Local Traffic Committee prior to any installation on site. The road signage and pavement marking design drawings are to be submitted to Council with the *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works*.
- 2.10. Submit to the Registered Certifier, responsible for issuing a construction certificate for works within the development properties, detailed design drawings approved by a suitably qualified consultant for fences and landscaping located on or in proximity to the road

frontage of the site which ensure pedestrian and vehicle sight distance is maintained in accordance with of Australian Standard AS/NZS 2890: *Parking Facilities, Parts 1, 2 and 6*.

- 2.11. 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 an industrial/commercial vehicle access crossing in Victoria Street that has a width sufficient to accommodate the swept turning path of vehicles entering the site to access the car park and bottle shop. The vehicle access crossing shall include construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing. Pavement restoration to be deeplift AC14 HD C450 in accordance with TfNSW QA Specification R116 Heavy Duty Dense Graded Asphalt.
- b) Construction of an industrial/commercial vehicle access crossing in Victoria Street that has a width to accommodate the swept turning path of vehicles exiting the site from the car park and bottle shop. The vehicle access crossing shall include construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- c) Construction of an industrial/commercial vehicle access crossing in Adelaide Street that has a width sufficient to accommodate the swept turning path of the AS2890.2:2018 12.5m HRV vehicle entering the site. The vehicle access crossing shall include construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- d) Construction of an industrial/commercial vehicle access crossing in Brougham Street that has a width sufficient to accommodate the swept turning path of the AS2890.2:2018 12.5m HRV vehicle exiting the site. The vehicle access crossing shall include construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- e) Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb. Kerb work to be constructed in accordance with TfNSW QA Specification R15 Kerbs and Channels (Gutters) with profiles to match existing.
- f) Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated to replicate the adjoining footway.
- g) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

- h) Installation of "No Stopping" signage on Victoria Street between the access and egress to maintain sight lines at the egress in accordance with Austroads guides, Transport for NSW Roads and Maritime Services Supplements and Australian Standards.
- i) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the Brougham Street road reserve.

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.

- 2.12. 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, street lights 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.
- 2.13. 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, 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) Line marking of circulation driveways and ramps to define one-way and two-way vehicular movements through the site.
 - c) Construction of a stormwater detention system. The design shall be in accordance with Chapter 3.1 Part C of the Central Coast Development Control Plan 2022 and 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 drainage easements, and / or secondary flow paths. The design shall be generally in accordance with the 'Concept Water Cycle Management Plan' prepared by Northrop (Job No: NL230692 Rev A dated 25/08/23) and the Concept Engineering Drawings prepared by Northrop (Ref NL230692, Drawing No's C1.1 Rev B dated 06.11.24, C3.1 Rev B dated 06.11.24, C3.2 Rev C dated 06.11.24, C10.1 Rev A dated 25.08.23, & C10.2 Rev A dated 06.11.24).
 - d) Construction of nutrient and pollution control measures. The design shall be in accordance with Chapter 3.1 Part C of the Central Coast Development Control Plan 2022. A nutrient and pollution control report including an operation and maintenance

plan must accompany the design. The design shall be generally in accordance with the 'Concept Water Cycle Management Plan' prepared by Northrop (Job No: NL230692 Rev A dated 25/08/23) and the Concept Engineering Drawings prepared by Northrop (Ref NL230692, Drawing No's C1.1 Rev B dated 06.11.24, C3.1 Rev B dated 06.11.24, C3.2 Rev C dated 06.11.24, C10.1 Rev A dated 25.08.23, & C10.2 Rev A dated 06.11.24).

- e) Construction of on-site stormwater retention measures. The design shall be in accordance with Chapter 3.1 Part C of the Central Coast Development Control Plan 2022. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design. The design shall be generally in accordance with the 'Concept Water Cycle Management Plan' prepared by Northrop (Job No: NL230692 Rev A dated 25/08/23) and the Concept Engineering Drawings prepared by Northrop (Ref NL230692, Drawing No's C1.1 Rev B dated 06.11.24, C3.1 Rev B dated 06.11.24, C3.2 Rev C dated 06.11.24, C10.1 Rev A dated 25.08.23, & C10.2 Rev A dated 06.11.24), and provide a minimum retention volume of 20,000 litres.
- f) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the approved connection with Council's drainage system located in Brougham Street. The design shall be generally in accordance with the Concept Engineering Drawings prepared by Northrop (Ref NL230692, Drawing No's C1.1 Rev B dated 06.11.24, C3.1 Rev B dated 06.11.24, C3.2 Rev C dated 06.11.24, C10.1 Rev A dated 25.08.23, & C10.2 Rev A dated 06.11.24).
- g) Construction of footings for structures that are designed in accordance with the requirements of the Central Coast Development Control Plan 2022 (incorporating Council's *Guidelines for Building Adjacent to a Drainage Easement*). No new structures are permitted within the Council easement to drain water or over the associated Council stormwater pipeline.
- h) 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 Registered Certifier must be included in the Construction Certificate documentation.

- 2.14. Landscaping within the Council easement to drain water shall be limited to on grade gardens with low shrubs. No trees are permitted within the easement to drain water.

2.15. Before the issue of a Construction Certificate, pursuant to Section 7.12 of the Environmental Planning & Assessment Act, the applicant must pay a contribution to Council totalling **\$316,500.00**, as calculated at the date of this consent, in accordance with the Central Coast 7.12 Local Infrastructure Contributions Plan 2023.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Central Coast 7.12 Local Infrastructure Contributions Plan 2023. Contributions

under the Central Coast 7.12 Local Infrastructure Contributions Plan 2023 are subject to quarterly indexation by CPI.

A copy of the Contributions Plan is available for inspection at 2 Hely St, Wyong or on Council's website: [Development Contributions Plans and Planning Agreements | Central Coast Council \(nsw.gov.au\)](https://www.centralcoast.nsw.gov.au/development-contributions-plans-and-planning-agreements)

3. PRIOR TO ISSUE OF ANY SUBDIVISION WORKS CERTIFICATE

No Conditions

4. PRIOR TO COMMENCEMENT OF ANY WORKS

- 4.1. All conditions under this section must be met prior to the commencement of any works.
- 4.2. 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
- 4.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
 - a) The name, address and telephone number of the Principal Certifier 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.
- 4.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au

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

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

- 4.5. 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.

- 4.6. 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.

5.DURING WORKS

- 5.1. All conditions under this section must be met during works.
- 5.2. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 5.3. Removal of greater than 10m² of non-friable asbestos and the removal of all friable asbestos must be undertaken by a licensed asbestos removal and in compliance with the *SafeWork NSW Code of Practice: How to Safely Remove Asbestos 2022*.
- 5.4. Undertake 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 licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2017*.
- 5.5. Provide a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that the site has been made free of asbestos material following completion of demolition works.
- 5.6. Undertake demolition works in accordance with the recommendations of the *Hazardous Materials Survey*.
- 5.7. Implement dust suppression measures on-site during the demolition, earthworks, and construction phase of the development in order to suppress dust generated by wind, vehicles and plant and equipment. Dust must be suppressed in order to comply with the *Protection of the Environment Operations Act 1997*.
- 5.8. Undertake site remediation works in accordance with the *Remediation Action Plan (RAP), 16-20 Brougham St, 29-45 Victoria St & 27 Adelaide St, East Gosford, prepared by Foundation Earth Sciences, dated July 2023*.
- 5.9. Following the completion of the site remediation works provide to Council, and obtain Council approval of a Validation Report, (and if required an Environmental

Management Plan and Ongoing Monitoring Report) prepared by a suitably qualified contaminated land consultant. Such investigation must be undertaken in accordance with *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land* (1998) and NSW Environment Protection Authority's *Contaminated Land Guidelines - Consultants Reporting on Contaminated Land 2020* and *Contaminated Sites – Sampling Design Guidelines* (2022) and confirm that following the completion of the remediation works the site is suitable for the proposed land use.

- 5.10. All construction, demolition, earthworks and/or vegetation removal is only permitted to be carried out between:

- 7.00 am and 5.00 pm on Monday to Saturday

All construction, demolition, earthworks and/or vegetation removal must not be 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.

- 5.11. 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*.
- 5.12. 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*.
- 5.13. Install all acoustic recommendations of the *DA Acoustic Assessment, Elanora Hotel, East Gosford*, dated 26 July 2024, prepared by Renzo Tonin and Associates.
- 5.14. Implement all soil and water management control measures and undertake works in accordance with the approved *Internal Civil Works Soil and Water Management Plan*, Drawing Number C2.1, Revision A, and *Internal Civil Works Soil and Water Management Plan Details*, Drawing Number C2.2, Revision A, dated 25 August 2023, prepared by Northrop with the following modifications:
- include 'material stockpiles' SD 4-1 of the Landcom 'Blue Book' in the Plan.

Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).

- 5.15. 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.

- 5.16. 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.

- 5.17. 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.
- 5.18. 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.
- 5.19. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

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

- 5.20. 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*.
- 5.21. Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.

6. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 6.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 6.2. 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.
- 6.3. Engage an *Association of Australian Acoustical Consultants* member acoustic consultant to provide confirmation that the development has been constructed, and can operate, in accordance with the acoustic treatments recommended in the *DA Acoustic Assessment, Elanora Hotel, East Gosford*, dated 18th October 2023, prepared by Renzo Tonin and Associates.
- 6.4. Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
 - a) provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*
 - b) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
 - c) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises
 - d) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
 - e) install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.
- 6.5. 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.

- 6.6. Tree replacement and street tree planting is to be as per the approved Landscape Plans 17/7/24. Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.
- 6.7. Provide certification to the Principal Certifier to confirm the final fit-out of the premises complies with the *Food Act 2003, Food Regulation 2010, Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 6.8. No food handling, as defined by the *NSW Food Act 2003*, is permitted in the food premises prior to the issue of the Occupation Certificate.
- 6.9. Provide certification from a mechanical engineer to the Principal Certifier that the construction, installation and operation of the exhaust hood ventilation system meet the requirements of:
- Australian Standard AS 1668 Part 1-2015: *The use of ventilation and air-conditioning in buildings - Fire and smoke control in buildings*
 - Australian Standard AS 1668 Part 2-2012: *The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings*
- 6.10. Submit a Food Premises registration form to Council. The form can be found on Council's website: www.centralcoast.nsw.gov.au
- 6.11. Obtain an inspection report from Council's Environmental Health Officer to confirm the final fitout of the premises complies with the *Food Act 2003, Food Regulation 2015, Food Standards Code*, and *Australian Standard AS46742004:Design, Construction and Fitout of Food Premises*.
- 6.12. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage).
- 6.13. 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.
- 6.14. 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.
- 6.15. 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.

6.16. 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.

6.17. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.

6.18. Amend the Deposited Plan (DP) for the site to:

1) Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:

- Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

2) Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:

a) To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:

- i. the facility will remain in place and fully operational.
- ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
- iii. Council's officers are permitted to enter the land to inspect and repair the facility at the 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.

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

- 6.19. Submit certification from a qualified civil or structural engineer to Council and the Principal Certifier stating that all slabs and / or footings within the zone of influence associated with Council stormwater system and / or drainage easement have been constructed in accordance with the Development Consent, the Central Coast DCP2022, and the Construction Certificate.
- 6.20. 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.
- 6.21. The consolidation of Lot 7 DP 658304, Lot 15 DP 1061216, Lot 2 DP 1016073, Lot 3 DP 1016073, Lot 7A DP 365458, and Lot 4 DP 1016073 into one lot by registered subdivision. Documentary evidence of the lodgement of the Consolidation Plan with NSW Land and Property Information can be accepted by the Principal Certifier as satisfying this requirement.
- 6.22. Complete the landscaping works.

7. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

No Conditions

8. PRIOR TO OCCUPATION OF THE MANUFACTURED HOME

No Conditions

9. ONGOING

9.1. The permitted operating times are set out below:

- Hotel:
 - Monday to Saturday 10:00 AM to midnight.
 - Sunday 10:00 AM to 10:00 PM.
- Bottle shop:
 - Monday to Saturday 9:00 AM to 11:00 PM.
 - Sunday 10:00 AM to 10:00 PM.

Any variation to the permitted hours of operation requires the prior consent of the Council.

9.2. Operate in accordance with the *Elanora Hotel Pty Ltd, Operational Management Plan, 41 to 45 Victoria St East Gosford*, July 2024, prepared by Barker Ryan Stewart, except whereby modified by conditions of consent.

- 9.3. Operate in accordance with the recommendations of the *DA Acoustic Assessment, Elanora Hotel, East Gosford*, dated 26 July 2024, prepared by Renzo Tonin and Associates, except whereby modified by conditions of consent.
- 9.4. Deliveries and waste collection are permitted between the following times only:
- Monday to Friday: 7:00 AM to 6:00 PM.
 - Saturday and Sunday (including public holidays): 8:00 AM to 6:00 PM.
- 9.5. Restrict motel guest use of the two communal terrace areas located on the ground and second floors of the Motel facing Brougham Street to allow guest use between 7:00am to 10:00pm only.
- 9.6. Maintain the two-point two (2.2) metre high solid acoustic fence located on the southeast property boundary for the life of the development.
- 9.7. Manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner / operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.
- 9.8. Fit illuminated advertising signs with an automatic timing device to extinguish the illumination between the hours of 10.00pm and 7.00am to maintain amenity for adjoining properties.
- 9.9. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 9.10. Maintain the installed system of Closed Circuit Television (CCTV) that monitors / records all public areas within the site.
- 9.11. 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.
- 9.12. The provision of a minimum 12 seat shuttle bus to take patrons to and from the site during the following days/times:
- 4.30pm to 9.30pm Fridays and Saturdays.
 - 10am to 3.00pm Sundays.
- 9.13. The provision and maintenance of a minimum 148 on site car parking spaces.
- 9.14. Compliance with the approved Waste Management Plan.
- 9.15. Do not place or store waste material, waste products or waste packaging outside the approved waste storage enclosure.

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 or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new

development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website:

www.centralcoast.nsw.gov.au

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