

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA/1283/2024

Development: Construction of Shop Top Housing & Demolition of Existing Structures

Site: 43 - 46 The Esplanade,

ETTALONG BEACH NSW 2257

Lot 117 DP 10650, Lot 118 DP 10650, Lot 119 DP 10650, Lot 122 DP 10650, Lot 121 DP 10650, Lot 120 DP 10650

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 02 April 2026

Date from which consent takes effect: Date of determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 43 - 46 The Esplanade, ETTALONG BEACH NSW 2257.

The conditions of consent are as follows:

PROPOSED CONDITIONS WITHOUT PREJUDICE**1.PARAMETERS OF THIS CONSENT**

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

Architectural Plans prepared by ADG Architects			
Plan No.	Revision	Plan Title	Dated
A100	T	Cover Sheet	28.10.2025
A101	T	Proposed Data & Site Plan	28.10.2025
A102	T	Site Analysis and Demolition Plan	28.10.2025
A200	T	Basement Level Plan	28.10.2025
A201	T	Ground Level Plan	28.10.2025
A202	T	Level 1 Plan	28.10.2025
A203	T	Level 2 Plan	28.10.2025
A204	T	Level 3 Plan	28.10.2025
A205	T	Level 4 Plan	28.10.2025
A206	T	Roof Level Plan	28.10.2025
A300	T	Elevations – Sheet 1	28.10.2025
A301	T	Elevations – Sheet 2	28.10.2025
A302	T	Elevations – Sheet 3	28.10.2025
A400	T	Sections – Sheet 1	28.10.2025
A401	T	Sections – Sheet 2	28.10.2025
A402	T	Sections – Sheet 3	28.10.2025
A403	T	Section – Sheet 4 Roof Call Out	28.10.2025
A500	T	Perspective Views	28.10.2025
A600	T	Shadow Diagrams	28.10.2025
A701	U	Solar Access Diagrams	05.11.2025
A701a	U	Solar Access Diagrams – By Hour	05.11.2025
A701b	U	Solar Access – Sun Eye Views	05.11.2025
A702	U	Natural Ventilation Diagrams	05.11.2025
A703	T	GFA Diagrams	28.10.2025
A704	T	Height Plane Diagram	28.10.2025
A705	T	Cut & Fill Diagram	28.10.2025
A706	T	Landscape & Deep Soil Plan	28.10.2025
A800	T	Waste Diagrams – Sheet 1	28.10.2025
A801	T	Waste Diagrams – Sheet 2	28.10.2025

Civil Plans prepared by Northrop			
Plan No.	Revision	Plan Title	Dated

C1.01	A	Cover Sheet	30.07.2024
C2.01	B	Concept Sediment & Erosion Control Plan	12.12.2025
C2.02	A	Sediment & Erosion Control Details	30.07.2024
C3.01	B	Basement Stormwater Management & Levels Plan	12.12.2025
C3.02	C	Ground Stormwater Management & Levels Plan	12.12.2025
C4.01	B	Long Sections Sheet 1	05.08.2024

Geotechnical Reports		
Report	Revision	Date
Preliminary Geotechnical Assessment prepared by EI Australia	-	25.06.2024
Preliminary Site Investigation prepared by EI Australia	1	19.07.2024
Acid Sulfate Soils Management Plan of EI Australia	1	19.07.2024
Acid Sulfate Soils Assessment prepared by GSNE Services	0	26.09.2025
Geotechnical Investigation Report prepared by GSNE Services	0	30.09.2025
Detailed Site Investigation prepared by GSNE Services	0	26.09.2025
Remedial Action Plan prepared by GSNE Services	1	28.11.2025
Interim Site Audit Advice (Remedial Action Plan) prepared by Phreatic Consulting	-	28.11.2025
Interim Site Audit Advice (Detailed Site Investigation) prepared by Phreatic Consulting	-	18.11.2025

Other Reports & Plans		
Description	Issue	Date
Landscape Plans prepared by Concept Landscape Architects	A	06.08.2024
Flood Study prepared by SGC Consultants	-	01.10.2025
Flood Study Addendum prepared by SGC Consultants	-	03.10.2025
Road and Drainage Design prepared by SGC Consultants	A	01.10.2025
BCA Assessment Report prepared by Credwell	4	19.12.2025
BASIX Certificate by Credwell Energy	1758222M_02	19.12.2025
Section J Report by Credwell	6	18.12.2025
Waste Management Plan prepared by Modus Transport and Traffic Engineering	E	19.12.2025

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. 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 Regulation (Development Certification and Fire Safety) 2021*.
- 1.3. 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.
- 1.4. 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.
- 1.5. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.6. Comply with all commitments listed in the BASIX Certificate for the development as required under Section 75 *Environmental Planning and Assessment Regulation 2021*.

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. 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:

The Esplanade

- a) Removal and replacement of all damaged kerb & gutter within the frontage of the site in The Esplanade with new kerb & gutter.
- b) Construction of the footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in The Esplanade. Construction to include transitions to existing formation either side of the site.
- c) Removal of the existing concrete footpath and reconstruction of the footway to provide full width paving across the full frontage of the site in The Esplanade. The new footway treatment shall reflect either that associated with the Ettalong CBD Masterplan to match the paving across the frontage of the neighbouring property (No 49 The Esplanade) and other property frontages in the Ettalong CBD, or an alternative treatment approved by Council's Representative.
- d) Removal of the redundant vehicle layback/s and replacement with kerb & gutter.
- e) Removal of the redundant vehicle access crossing and reinstatement with the full footway treatment.

Picnic Parade

- f) Construction of the footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Picnic Parade. Construction to include transitions to existing formation either side of the site.
- g) Removal of the existing concrete footpath and reconstruction of the footway to provide full width paving across the full frontage of the site in Picnic Parade. The new footway treatment shall reflect either that associated with the Ettalong CBD Masterplan to match the paving across the frontage of the neighbouring property (No 49 The Esplanade) and other property frontages in the Ettalong CBD, or an alternative treatment approved by Council's Representative.
- h) Removal of the redundant vehicle layback/s and replacement with kerb & gutter.
- i) Removal of the redundant vehicle access crossing and reinstatement with the full footway paving treatment.

- j) Construction of a piped storm water drainage connection from the development site to the existing Council drainage system (kerb inlet pit) near the intersection of Picnic Parade & The Esplanade.

Laneway

- k) Construction (full width) of the laneway including an AC sealed road pavement and kerb & gutter both sides, for the length of the proposed development. The new laneway works are to grade towards Picnic Parade.
- l) Construction of an industrial/commercial vehicle access crossing and layback associated with the commercial carpark entry/exit. The width shall accommodate the vehicular swept turning paths of concurrent entry & exit of vehicles to & from the site.
- m) Construction of an industrial/commercial vehicle access crossings associated with the residential carpark entry/exit. The width shall accommodate the vehicular swept turning paths of concurrent entry & exit of vehicles to & from the site.
- n) Construction of an industrial/commercial vehicle access crossings associated with the off-street parallel waste service vehicle access arrangements. The width shall include that required for the vehicular swept turning path of the waste service vehicle to enter and exit the site.
- o) Reconstruction of industrial/commercial vehicle access crossings for properties on the northern side of the laneway where existing vehicle access crossings are affected by the proposed laneway way design and construction works. The minimum widths of these vehicle access crossings shall reflect the existing vehicles access crossings.
- p) Longitudinal street drainage in the laneway from the existing drainage pit at the western side of the site frontage (intersection of the laneway with the north-south laneway), across the full laneway frontage of the site, to connect stormwater from the laneway to the existing longitudinal drainage pipeline in Picnic Parade. Drainage pits to be provided within the laneway and for the connection to the drainage system in Picnic Parade.
- q) Service relocations and adjustments.

Intersection of The Esplanade & Picnic Parade

- r) Removal of the existing concrete footpath and reconstruction of the footway to provide full width paving across the full frontage of the site in Picnic Parade. The new footway treatment shall reflect either that associated with the Ettalong CBD Masterplan to match the paving across the frontage of the neighbouring property (No 49 The Esplanade) and other property frontages in the Ettalong CBD, or an alternative treatment approved by Council's Representative.
- s) Construction of kerb ramp(s) at the intersection of The Esplanade and Picnic Parade.

Intersection of Picnic Parade & the laneway

- t) Removal of the existing concrete footpath and reconstruction of the footway to provide full width paving across the full frontage of the site in Picnic Parade. The new footway treatment shall reflect either that associated with the Ettalong CBD Masterplan to match the paving across the frontage of the neighbouring property (No 49 The Esplanade) and other property frontages in the Ettalong CBD, or an alternative treatment approved by Council's Representative.

- u) Construction of kerb ramp(s) at the intersection of Picnic Parade and the laneway.
- v) Construction of a drainage pit on the northern side of the laneway located at the end of the laneway at the intersection of the laneway and Picnic Parade, and piping (minimum 375mm diameter pipeline) across the laneway to the proposed drainage pit on the southern side of the laneway at the intersection.

Other

- w) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- x) Road pavement designs. An Investigation and Design report prepared by a practising Geotechnical Engineer must be provided. The pavement design thickness must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Laneway	2,000,000.

The design shall be generally in accordance with the plans prepared by SGC (Project No 20230088, Drawing No's S01-C301 Rev A dated 01.10.25, S01-C361 Rev A dated 01.10.25, and S01-C362 Rev A dated 02.10.25).

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.

- 2.4. 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 a 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.
- 2.5. 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. Furthermore:
 - The reduced level of the crest of the entry ramp to the residential basement parking area shall be at a minimum of RL 4.27m AHD.
 - b) 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.

- c) 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.
- d) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via the nutrient and pollution control measures to the approved connection with Council's piped drainage system located at the existing kerb inlet pit near the intersection of Picnic Parade & The Esplanade.
- e) Construction of buildings from materials that are used or located below Reduced Level (RL) 4.40m Australian Height Datum (AHD) must be of a type that is able to withstand the effects of immersion.
- f) 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.
- g) The existing impervious wall along the shared boundary with SP99403 (No 49 The Esplanade Ettalong Beach) is to remain in place.
- h) Stormwater associated with any ongoing dewatering of the site shall connect to Council's existing piped drainage system. (No discharge to kerb & gutter permitted).
- i) The basement car park shall be tanked to prevent ingress of ground water.
- j) Basement walls must be designed to be self-supporting and withstand soil and hydrostatic loading.
- k) No road anchors within the road reserve permitted to permanently support excavations / walls.
- l) Provision of a flood gate within the site located at the crest of the entry ramp to the residential basement parking area that can raise to a minimum level of RL 4.40m AHD (i.e. the PMF level) or amend the driveway profile to achieve a minimum crest level of 4.40m AHD.

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

- 2.6. Prior to the issue of a Construction Certificate, a *Hazardous Materials Survey* is to be provided to the Accredited Certifier. The survey is to be 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.
- 2.7. 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.

- 2.8 Prior to the issue of a Construction Certificate, a Construction Noise and Vibration Management Plan (CNVMP) is to be provided to the Accredited Certifier. The CNVMP is to be prepared by suitably qualified and experienced Acoustic Consultant. The CNVMP must be prepared in accordance with the Department of Environment and Climate Change NSW *'Interim Construction Noise Guideline (2009)'* & Department of Environment and Conservation NSW *'Assessing Vibration: a technical guideline (2006)'*. At a minimum, the following information must be included in an CNVMP:
- a) identification of the residences and other sensitive land uses near the works
 - b) description of the proposed works, including a discussion of alternative construction methods and justification for selected method. Clear justification of proposed works to be undertaken outside the recommended standard hours must be given.
 - c) description of proposed total duration of noise and vibration exposure at the identified assessment locations from the proposed works
 - d) discussion of expected noise and vibration at the most noise-exposed residences and other sensitive land uses. If a quantitative method is used, the predicted noise levels from the proposed construction works should be presented. A discussion of any community consultation undertaken in assessing the noise impacts should be included. Note: The *Interim Construction Noise Guideline* states that *'The qualitative assessment method may be used on short-term infrastructure maintenance'* & defines 'short-term' works as *'works not likely to affect an individual or sensitive land use for more than three weeks in total'*.
 - e) discussion of feasible and reasonable work practices and mitigation measures that will be applied to minimise noise and vibration impacts from the works
 - f) changes to the proposal in response to submissions and representations received.
 - g) description of the complaints handling process.
- 2.9. Obtain Council approval of Dewatering Management Plan (DMP) is to be provided to the Accredited Certifier. The DMP is to be prepared by a suitably qualified water quality expert. The DMP must:
- i. State why de-watering is necessary and confirm any required approvals;
 - ii. Clearly state that the DMP will be used as the basis for approval to enable connection and discharge to the stormwater system;
 - iii. Detail the proposed de-watering technique;
 - iv. Outline anticipated dewatering flow rate and total dewatering duration;
 - v. Details on the controls (e.g. settling tank, turbidity curtain etc.) and method of discharge to ensure compliance with conditions of approval and requirements of the *Protection of the Environment Operations Act 1997*;
 - vi. Explain the measures and techniques to monitor and record groundwater and tailwater quality, water discharges, and monitoring results. Groundwater must be discharged directly to the nearest stormwater pit and not spread over any road or footpath areas. Safe passage for pedestrians must be maintained;
 - vii. Records are to be kept on site at all times and be available to the appropriate regulatory authority upon request;
 - viii. Provide a contingency plan in case of emergency situation;
 - ix. Provide details of water quality analysis and testing that has been undertaken by a NATA accredited laboratory, and demonstrate compliance against

relevant water quality criteria including the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMCANZ 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA. The DMP must state that further analysis will be undertaken prior to connection to Council's stormwater system;

- x. State that the release of water into Council's stormwater system is to halt immediately where water quality does not meet discharge criteria identified above;
- xi. State that the water quality monitoring will be self-certified by an experienced water quality expert.
- xii. State that water quality parameters will be tested bi-weekly.

Approval must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and be available to the appropriate regulatory authority, including Council, upon request.

- 2.10. 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 Australian Standard AS 1668.1:2015 *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings* and Australian Standard AS 1668.2:2024 *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.
- 2.11. An updated Resource and Waste Management Plan (RWMP) is to be submitted to Council using Council's template addressing the Site Prep, Construction and Ongoing stages of the development prior to the issue of the Construction Certificate.
- 2.12. Prior to the issue of a Construction Certificate an updated landscape design must be provided for the approval of the Accredited Certifier.
- 2.13. Prior to the issue of the Construction Certificate, the approved architectural plans are to be amended to demonstrate either:
- A greater setback to the roof over the Unit 7 terrace, so that the inner edge of the curved roof form is located at least 10m from the front boundary, or
 - The incorporation of two large round operable skylights, with a minimum diameter of 1.5m, within the roof above the terrace of Unit 7 (and the garden above).
- 2.14. Before the issue of the Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Plan name		Amount
Housing and Productivity Contribution Central Coast Region_A&A		\$260,530.73

	Total:	\$260,530.73
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The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order)*.

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

- 2.15. Before the issue of a Construction Certificate, pursuant to Section 7.11 of the *Environmental Planning & Assessment Act*, the applicant must pay contributions to Council totalling \$547,222.80, as calculated at the date of this consent, in accordance with The Peninsula District Section 7.11 Plan 2012. Refer to table below for full itemised list of contributions levied under this condition.

CP 31A - Peninsula - Roadworks	\$ 31,516.75
CP 31A - Peninsula - Open Space - Land	\$ 77,420.00
CP 31A - Peninsula - Open Space - Embellishment	\$ 264,241.60
CP 31A - Peninsula - Community Facilities - Land	\$ 4,113.35
CP 31A - Peninsula - Community Facilities - Capital	\$ 80,669.90
CP 31A - Peninsula - Drainage - Land	\$ 15,250.00
CP 31A - Peninsula - Drainage - Capital	\$ 74,011.20
TOTAL	\$ 547,222.80

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of The Peninsula District Section 7.11 Plan 2012. Contributions under The Peninsula District Section 7.11 Plan 2012 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)

- 2.16. The construction certificate plans must demonstrate compliance with the following:
- 3.3m minimum ceiling heights to all ground floor tenancies and the ground floor residential lobby,

- b. 2.7m minimum ceiling heights to all units and upper level lobbies.
 - c. With the exception of flush mounted solar panels, no part of the development (including any vents, exhausts, plant or equipment) is to exceed RL20.75m AHD.
 - d. Air-conditioning units on individual balconies are to be located within a screened enclosure, designed to complement the finishes of the development.
- 2.17. All recommendations of the supporting documents referenced in Condition 1.1 are to be incorporated into the construction certificate plans. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
- 2.18. Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.
- 2.19. Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).
- 2.20. Service ducts, drainage, plumbing, pipes, cables and conduits are to be internalised and must not be visible from the public domain. All service, communication and electricity connections must be provided underground. Provision must also be made for any future ventilation or exhaust system required for the retail tenancies throughout the development. Details demonstrating compliance with this requirement must be provided to the certifying authority prior to the issuance of the construction certificate.

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. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 4.5. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - b) could cause damage to adjoining lands by falling objects, or
 - c) involve the enclosure of a public place or part of a public place.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

- 4.6. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or

- b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- c) be a temporary chemical closet approved under the Local Government Act 1993.

4.7. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

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

- a) more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal 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 2011*.

4.8. 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 Transport for NSW 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 Transport for NSW 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 Local Transport Forum 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.

- 4.9. 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.
- 4.10. 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.

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

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

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

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

- 4.12. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - diverting uncontaminated run-off around cleared or disturbed areas, and
 - preventing the tracking of sediment by vehicles onto roads, and
 - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- 4.13. Implement all erosion and sediment control measures and undertake works in accordance with the approved Soil and Water Management Plan. Update the plan as required during all stages of the construction or in accordance with *the 'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004)*.

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. 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.

- 5.4. 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

- 5.5. 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.
- 5.6. 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.
- 5.7. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 5.8. Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 5.9. Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifier for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 5.10. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.

5.11. Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2018* and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:

- "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
- "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"
- "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES"
- A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)

5.12. Do not fill the swimming pool with water until the pool is fully enclosed by swimming pool safety fencing complying with the provisions of Australian Standard AS 1926.1-2012.

The maintenance and effectiveness of the fence is the responsibility of the pool owner whilst ever the pool exists

5.13. Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged to the satisfaction of the Principal Certifier.

5.14. 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.

5.16. Undertake works in accordance with the *Soil and Water Management Plan (C2.01 Rev A & C2.02 Rev A)*, dated 30 July 2024, prepared by Northrop. 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)*.

5.17. Implement dust suppression measures on-site during demolition works 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*.

5.18. Undertake works in accordance with the *Hazardous Materials Survey*.

- 5.19. Undertake works in accordance with the *Construction Noise & Vibration Management Plan*.
- 5.20. Undertake works in accordance with the *Dewatering Management Plan*
- 5.21. Undertake works in accordance with the *Acid Sulphate Soils Management Plan, (E26354.E14_Rev11), dated 19 July 2024, prepared by EI Australia (ASSM). As the Acid Sulfate Soils Assessment prepared by GSNE Services dated 26 September 2025 undertook intrusive investigations to obtain soil samples and testing to conclude that neither actual nor potential acid sulphate soils were identified at the site, the additional investigation identified at Section 2.6 is not required and the recommendations in the ASSM are to be implemented for abundant caution.*
- 5.22. A notice of completion of remediation work must be provided to council within 30 days of the completion of remediation work. The notice must include particulars as specified by clause 4.15 of *State Environment Planning Policy No 55 (Resilience and Hazards) 2021*.
- 5.23. Works to implement recommendations and design construction standards contained in the '*Noise Impact Assessment: Section 5 – Recommended Noise Control Site Operation & Section 6 - Construction Noise and Vibration, dated May 2024, Acoustic Logic*'.
- 5.24. 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*.
- 5.25. 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*.
- 5.26. 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 licensed waste management facility licensed to receive such waste.
- 5.27. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011 & SafeWork NSW Code of Practice: How to Safely Remove Asbestos 2022*

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*.

- c) Provide an Asbestos 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.
- 5.28. Immediately notify Council of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation.
- 5.29. Install outdoor lighting in accordance with *AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting*.
- 5.30. Upon completion of demolition to existing site structures on the premises, the following actions must be undertaken prior to the commencement of any further works:

Submit to Council's Environment Protection Officer for approval a Data Gap Investigation prepared by a suitably qualified contaminated land consultant that takes into consideration areas under existing site structures, including confirmation of the extent of remediation required for groundwater, and to a lesser extent for soil. Such investigation must be undertaken in accordance with previous site contamination investigations including, the '*Detailed Site Investigation (ES9709/2 Rev 0)*, dated 26 September 2025, prepared by GSNE services', '*Remediation Action Plan (ES9709/5 Rev 1)* dated 28 November 2025, prepared by GSNE services' & '*Interim Site Audit Advice: Review of Revised Remedial Action Plan*, dated 28 November 2025, prepared by Phreatic Consulting, & '*National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (ASC NEPM)*', '*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, Contaminated Sites – Sampling Design Guidelines (2022)*'. A Section B Site Audit Statement or Letter of Interim Advice from a New South Wales Environment Protection Authority (NSW EPA') Accredited Contaminated Site Auditor must accompany the Data Gap Investigation, endorsing that the scope of investigation has delineated the extent of contamination on site, with advice on whether a revised Remediation Action Plan is required to ensure the land can be made suitable for the intended use.

(if required) Should the Data Gap Investigation & accompanying Interim Site Audit advice indicate other areas of concern with requirement for further remediation, an addendum or revision to the submitted '*Remediation Action Plan (ES9709/5 Rev 1)*

dated 28 November 2025, prepared by GSNE services' will be required to amend the remediation strategy. Submit to Council's Environment Protection Officer for approval a revised Remedial Action Plan (RAP) prepared by a suitably qualified contaminated land consultant. Such investigation must be undertaken in accordance with '*National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (ASC NEPM)*', '*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, Contaminated Sites – Sampling Design Guidelines (2022)*'. A Section B Site Audit Statement or Letter of Interim Advice from a New South Wales Environment Protection Authority (NSW EPA') Accredited Contaminated Site Auditor must accompany the RAP, endorsing that the remediation strategy specified by the RAP is feasible and will make the land suitable for the proposed use.

Obtain Council approval of a Validation Report, prepared by a suitably qualified contaminated land consultant that is accredited by the Certified Environmental Practitioners Scheme- Site Contamination (CEnvP(SC)) and/or the Certified Professional Soil Scientist- Contaminated Site Assessment and Manager (CPSS CSAM). The Validation Report must be endorsed by a Site Audit Statement prepared New South Wales Environment Protection Authority (NSW EPA') Accredited Contaminated Site Auditor certifying that the land has been made suitable for the intended land use. Such report must adhered to a previous letters of Interim Advice and be undertaken in accordance with the approved *Remediation Action Plan*, '*National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (ASC NEPM)*', '*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, Contaminated Sites – Sampling Design Guidelines (2022)*'.

5.31. A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At each level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

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. Replacement trees are to be generally located as per the approved landscape plan. New trees are not to be located within an authority's service easement. Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.
- 6.3. Street tree planting is to be generally located as per the approved Landscape Plan. Adequately stake/protect trees for establishment to prevent vandalism. Do not locate trees within an authority's underground service easement.
- 6.4. 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.
- 6.5. Prior to the issue of an Occupation Certificate, to ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- 6.6. 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.
- 6.7. 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.
- 6.8. 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.
- 6.9. 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.
- 6.10. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 6.11. 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 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.
- Create an easement for Access and Waste Collection with the following terms:

- (a) The Authority having the benefit of this easement and any person authorised by it may by any reasonable means including waste collection vehicles pass across each lot burdened, but only within the site of this easement, for the purpose of collecting and removing waste from the lot burdened.
- (b) The registered proprietor of the lot burdened must at its own cost maintain, repair and keep trafficable the carriageway within the site of the easement so that the Authority benefitted and persons authorised by it may exercise their rights under this easement.
- (c) The registered proprietor of the lot burdened from time to time releases the Authority benefitted to the fullest extent the law permits from, and indemnifies the Authority against, all actions, claims and demands of any kind arising from:
 - (i) damage to the lot burdened within the site of the easement including any trafficable surface, kerbing, guttering and other road infrastructure within the site of the easement;
 - (ii) loss of or damage to any vehicles, equipment or other goods or chattels on the lot burdened within the site of the easement; and
 - (iii) the death of, or injury to any person,

caused by the Authority or by any person authorised by it while exercising any rights under this easement, except to the extent that the damage, loss, death or injury is caused or contributed to by a negligent or wrongful act or omission of the Authority.

- (d) The Authority releases the registered proprietor of the burdened lot from time to time to the fullest extent the law permits from all actions, claims and demands of any kind for or arising from:

- (i) loss or damage to any vehicles, equipment and materials brought onto the burdened lot; and
- (ii) the death of, or injury to the Authority and every person authorised by it while exercising any rights under this easement,

except to the extent that the death, injury, loss or damage is caused or contributed to by a negligent or wrongful act or omission of the registered proprietor, of an agent or employee of the registered proprietor or any person acting under the direction of the registered proprietor, or of an agent or employee of the registered proprietor.

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 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.

- 6.12. 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.
- 6.13. The consolidation of Lot 117 DP 10650, Lot 118 DP 10650, Lot 119 DP 10650, Lot 120 DP 10650, Lot 121 DP 10650, and Lot 122 DP 10650 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.
- 6.14. Confirmation must be provided by a suitably qualified and experienced acoustic consultant that all acoustic treatments recommended in the '*Noise Impact Assessment: Section 5 – Recommended Noise Control Site Operation, dated May 2024, Acoustic Logic*'

have been implemented.

- 6.15. Provide certification from a mechanical engineer to the Principal Certifier that the construction, installation and operation of the mechanical ventilation system meet the requirements of:
- Australian Standard AS 1668.1:2015 *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings*
 - Australian Standard AS 1668.2:2024 *The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings*
- 6.16. Screening is to be provided to any air conditioning units associated with the development.
- 6.17. A Plan of Management (POM) is to be prepared with respect to the management of the building approved in this consent. The POM is to include:
- a. All on-going conditions of this consent. Where a condition requires compliance with the terms of a specific report, the POM must individually identify all specific requirements.
 - b. Complaint management strategies.
 - c. Graffiti and pollution management strategies.
 - d. Landscape maintenance.
- 6.18. Car parking spaces are to be appropriately line-marked and identified, including:
- a. 21 x retail car parking spaces, inclusive of one space for people with a disability,
 - b. 38 x residential car parking spaces, including all required adaptable and livable parking spaces.
- 6.19. All recommendations of the supporting documents referenced in Condition 1.1 are to be incorporated into the as-built development. Compliance with the recommendations of each individual report is to be certified by a suitably qualified professional and provided to the principal certifying authority prior to the issue of an occupation certificate.

7.ONGOING

- 7.1. Maintain the site landscaping for the life of the development. Landscaping is to be replaced if any part of the approved landscaping dies or is destroyed or removed. Landscaping is to be managed cohesively by the land owner or any future Owners Corporation.
- 7.2. Do not erect advertising sign(s) on or in conjunction with the use and / or development without development consent unless the advertisement is exempt development or otherwise permitted without development consent.
- 7.3. Operate in accordance with the approved '*Noise Impact Assessment: Section 5 – Site Operational Noise Emissions Assessment, dated 20 May 2024, Acoustic Logic*'.

7.4. In the event that Council receives one (1) written report of a noise nuisance from the activities conducted at the premises the following is required:

- Obtain Council approval of an Operational Acoustic Assessment within (60) days of Councils request. The Assessment must be undertaken by an acoustic consultant that is a member of the *Association of Australasian Acoustical Consultants* and monitoring must be undertaken during all hours of operation. The monitoring shall report on noise levels generated by the development and compare with the predicted noise levels in the Noise Impact Assessment report submitted with the application. If the noise levels exceed that permitted in the Noise Impact Assessment, the report shall identify measures proposed to be implemented to achieve compliance with the conditions of consent. The Assessment must be prepared in accordance with the current in force NSW EPAs Noise Guidelines and any recommendations of the Assessment must be implemented within thirty (30) days of Councils approval.

7.5. Operate all mechanical plant equipment and machinery (i.e. air conditioning unit and/or heat pump) in accordance with the *Protection of the Environment Operation Act 1997*.

7.6. Do not give rise to offensive noise as defined in the *Protection of the Environment Operations Act 1997*.

7.7. Do not give rise to water pollution as defined in the *Protection of the Environment Operation Act 1997*.

7.8. Do not give rise to offensive odour as defined in the *Protection of the Environment Operations Act 1997*.

7.9. Do not give rise to air pollution as defined in the *Protection of the Environment Operations Act 1997*.

7.10. Separate consent is required for the fit out and use of all ground floor commercial units.

7.11. The flood gates are to be maintained and operational.

7.12. No plant equipment is to be installed or located on the roof of the approved development at any time.

7.13. A minimum of 59 parking spaces is to be provided on the site consisting of 21 commercial spaces and 38 residential spaces. All spaces are to be clearly marked and allocated.

Car spaces are to be solely used for the parking of vehicles and not used for the storage of goods.

A minimum of 1 car parking space must be allocated to each individual residential unit.

Unrestricted access to the retail car parking spaces must be available when any of the ground floor tenancies are trading.

- 7.14. Plant equipment must not be visible from the public domain.
- 7.15. The use of the communal roof terraces and swimming pool is limited to 7am-10pm. Access to the communal roof terraces is to be restricted outside of these hours.
- 7.16. The building is to be managed in accordance with the Plan of Management required by this consent. The Plan of Management is to be adopted by any future Owners Corporation.
- 7.17. Units 2, 10, 21 and 23 are to be maintained as adaptable units (AS4299 Adaptable Housing Class C Requirements).
- 7.18. Units 5, 6, 8 & 9 are to comply with the Silver Level Livable Housing Guidelines.

8. 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

- 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.