

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA/1685/2024

Development: Coastal Protection Works

Site: 1 (SP 83326), 3-7 (SP 6209), 9-13 (SP 84066)
Hutton Road, THE ENTRANCE NORTH

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

Date of determination: 04 August 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 1 (SP 83326), 3-7 (SP 6209), 9-13 (SP 84066) Hutton Road, THE ENTRANCE NORTH.

The conditions of consent are as follows:

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

Plan No	Revision No	Plan Title	Drawn By	Dated
DA Structural Documentation				
S01.1	K	Cover Sheet & Drawing List	Northrop	12.12.2025
S10.1	J	Sediment & Erosion Control Plan	Northrop	12.12.2025
S10.2	J	Sediment & Erosion Details	Northrop	12.12.2025
S10.3	G	Earthworks and Vegetation Removal Plan	Northrop	16.12.2025
S11.1	N	Low Level Pile Wall Plan	Northrop	16.12.2025
S12.1	M	Concrete Wall Plan	Northrop	16.12.2025
S13.1	K	Seawall Elevations – Sheet 1	Northrop	12.12.2025
S13.2	K	Seawall Elevations – Sheet 2	Northrop	12.12.2025
S13.3	M	Seawall Elevations – Sheet 3	Northrop	16.12.2025
S13.4	A	Seawall Elevations – Sheet 4	Northrop	12.12.2025
S14.1	M	Seawall Sections – Sheet 1	Northrop	12.12.2025
S14.2	M	Seawall Sections – Sheet 2	Northrop	12.12.2025
S15.1	R	Seawall Details – Sheet 1	Northrop	12.12.2025
Landscape Plan				
24076 DA 1-2	A	Legend / Details / Plant Schedule / Site Plan	Vision Dynamics	24.09.2024
24076 DA 2-2	A	Landscape Concept Plan	Vision Dynamics	24.09.2024

Document	Version	Prepare By	Dated
Preliminary (Desktop) Acid Sulfate Assessment And Acid Sulfate Soil Management Plan E37817BDletRev-ASSMP	-	JK Environments	
Coastal Engineering Report rpJ0563-1-13 Hutton Road The Entrance North Coastal Engineering	1	Horton Coastal Engineering	27.03.2024
Construction Management Plan 1001-CMP	3	Silk Road Engineering	09.10.2024
Addendum to Construction Management Plan 1001-CMP		Horton Coastal Engineering	9.2.2026
Ecological Assessment	5	Firebird ecoSultants	07.08.2025
Remedial Action Plan 22007 R02v3	2	Cavvanba Consulting	26.08.2025
Concept Stormwater Management Plan NL231626-00	C	Northrop	10.09.2024
Structural Report NL231626-00-ST-RP01	5	Northrop	09.09.2024
Waste Management Plan	-	Horton Coastal Engineering	25.03.2024
Safety Management Plan		Horton Coastal Engineering	06.02.2026
Maintenance Management Plan		Horton Coastal Engineering	04.02.2026

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 The consent operates until 31 December 2085.

The owners of the land to which this consent applies must give notice to the council within 2 months of practical completion of the coastal protection works specifying the date of practical completion.

20 years and 40 years respectively after the date of practical completion of the coastal protection works or the issue of the occupation certificate, whichever occurs first, the owners shall procure a Review Report, by a suitably qualified independent coastal engineer in relation to the coastal protection works. Each report must review the performance of the coastal protection works authorised by this consent using the evidence and coastal hazard projections known at that time.

A third review report shall be prepared within 12 months of the expiry of the consent on 31 December 2085, that is, by 31 December 2084.

If any Review Report recommends any upgrades or alterations to the approved development in accordance with this condition, those upgrades must be dealt with under the planning laws at that time.

If the Review Report recommends demolition and removal of the coastal protection works:

- a) Such removal will be undertaken by the Applicant at its own expense and within a reasonable period of time.
- b) A Decommissioning Plan must be provided to Council (or relevant approval authority) for review and approval no later than 6 months prior to the proposed cessation of operations.

In this condition "practical completion" means completion of construction of the coastal protection works the subject of this consent except for any minor defects or omissions, as verified by the Superintendent for the works.

- 1.3 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 CONSTRUCTION CERTIFICATES

- 2.1 Conditions 2.4, 2.7, 2.8 and 2.12 must be met prior to the issue of a Construction Certificate for the temporary sheet piling works. All conditions under this section must be met prior to the issue of a Construction Certificate for the approved sea wall.
- 2.2 Appoint a Principal Certifying Authority for the building work:
 - a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.

- b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 2.3 No activity is to be carried out on-site until a Construction Certificate for the temporary sheet piling works 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.
- 2.4 The Owners Corporations of the respective Strata Plans for 1 (SP83326), 3-7 (SP6209), 9-13 (SP84066) Hutton Road, The Entrance North ('the owners') are to provide evidence to Council of an enforceable agreement that all Owners Corporations will fund and construct the new coastal protection works as a single continuous project to be completed within 24 months of the on-site commencement of the construction works or a greater period if agreed by Council in writing. The agreement may provide that it will cease to operate upon the issue of the occupation certificate which wholly captures the completion of the approved works.
- 2.5 Submit evidence to the Certifying Authority demonstrating compliance with the recommendations within the Coastal Engineering Reports and the Structural Design Reports supporting this development and contained within Condition 1.1 of this Consent.
- 2.6 Prior to the release of a Construction Certificate the registered proprietors of the following parcels of land must enter into a deed of indemnity and release and instrument under s.88E of the *Conveyancing Act 1919* to ensure indemnity and release is provided in the format approved by Council in respect to Section 3.2 (Coastal Frontage) of *Central Coast Development Control Plan 2022*:
- a) SP 83326 (No. 1 Hutton Road, The Entrance North)
 - b) SP 6209 (Nos. 3-7 Hutton Road, The Entrance North)
 - c) SP 84066 (No. 9-13 Hutton Road, The Entrance North)
- The deed of indemnity and release and instrument under s.88E of the *Conveyancing Act 1919* shall be prepared by Council's solicitor at the cost of each registered proprietor respectively. The authority empowered to release, vary or modify the instrument under s.88E is Central Coast Council.
- 2.7 Submit a dilapidation report to Council, the Registered Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings, structures, retaining wall and sea walls located on properties immediately adjoining the site boundaries. The report must

document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, submit evidence in writing demonstrating that all steps were taken to obtain access to the adjoining property(s).

- 2.8 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 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.
- 2.9 Prior to soil disturbance for the seawall construction, a suitably qualified person must complete an intrusive ASS assessment as outlined in the Preliminary (Desktop) Acid Sulfate Assessment And Acid Sulfate Soil Management Plan referred to in Condition 1.1 of this consent. In the event that the inspection and analysis confirms that the material to be disturbed is not PASS, a letter must be prepared by the suitably qualified person to document the inspection findings and draw a conclusion to this effect. In the event that the inspection and analysis identify PASS, the ASSMP must be updated prior to implementation.
- 2.10 Provide written certification from the Coastal and Geotechnical Engineer to the Principal Certifier that the Structural Engineering Drawings adequately satisfy the following outlined coastal process parameters and site ground conditions, including assessment of the eroded toe level and the termination depth of the piles.
- 2.11 All balustrading and barriers to prevent falls shall comply with the National Construction Code and shall be open so as to minimise the impact of wave forces.
- 2.12 The design for the temporary sheet piling constructed on the beach to provide protection from coastal processes must be undertaken by a suitably qualified coastal engineer prior to the issue of the construction certificate.
- 2.13 Security for Maintenance Obligations and Public Safety:

The owners of the land to which this consent applies must provide an irrevocable bank guarantee (or other suitable legally binding obligation) to Council within 2 months of practical completion of the coastal protection works or prior to the issue of any occupation certificate whichever occurs first in the amount of \$1000 per lineal metre of work (based on the length of the main face of the seawall and southern return wall) to undertake maintenance of the coastal protection works in the event that they are damaged as a result of a coastal storm, including to undertake any works required to

remove any threat to public safety arising from the coastal protection works including the removal of debris, that has become dislodged from the coastal protection works approved under this consent, from the public beach and adjacent public land, and to implement the Maintenance Management Plan (MMP). In this condition "maintenance" means the restoration of the works to a standard in accordance with the approved plans and specifications following any damage caused by a coastal storm, and implementation of the MMP. The bank guarantee (or other suitable legally binding obligation) is to be replenished if drawn upon and increased to allow for Consumer Price Index (CPI) every 10 years from the date of establishment. The bank guarantee (or other suitable legally binding obligation) is to be in the favour of Council. The funds may be accessed by one or more owners, for the undertaking of works referred to in this condition and in the approved MMP, with the written consent of Council. The bank guarantee is to be released to the landowners at the time, if the coastal protection works are removed.

Reason: To satisfy the requirements of Section 27 of the Coastal Management Act 2016 and to ensure that the coastal protection works will not pose any significant threat to public safety.

3. PRIOR TO COMMENCEMENT OF WORKS

- 3.1 Conditions 3.2, 3.6, 3.11, 3.12, and 3.14(a), (d) (e) must be met prior to the commencement of any works associated with the temporary sheet piling works. All conditions under this section must be met prior to the commencement of any works associated with the sea wall.
- 3.2 Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the Principal Certifying Authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
- 3.3 Provide toilet facilities at a ratio of one toilet plus one additional toilet for every 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 closet approved under the *Local Government Act 1993*.
- 3.4 Install a hoarding or construction site fence, or approved temporary sheet piling on the beach, between the work site and any public place to prevent any materials from or in

connection with the work falling onto the public place. The use of barbed wire and/or electric fencing is not to form part of the hoarding or construction site fence.

A separate application made under the *Roads Act 1993* will need to be lodged with Council if the hoarding or construction site fence must be erected on the road reserve or a public place.

- 3.5 Undertake works involving asbestos in accordance with the *Work Health and Safety Act 2011* and the Remedial Action Plan included as supporting documentation to the consent.

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*.

- 3.6 Induct all relevant personnel and contractors involved in the construction of the project of the relevant legislative requirements in relation to Aboriginal heritage management.
- 3.7 Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.8 Protect trees located on Public and Crown Land by installing protective fencing. Any tree damaged during works must be immediately reported to Council, which may incur a compensation fee, rectifying and / or replaced with a tree of similar height and species at no cost to Council.
- 3.9 Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 3.10 The Landscape Plan is to be revised under the advice of the engaged Project Ecologist and submitted to Council for approval. Revegetation is to be provided for any areas disturbed by construction works (including the site compound) in the adjoining Reserve (Lot 7313/DP1147369). All plant species used in revegetation in the Reserve are to be locally occurring native species found within Coastal Sand Banksia Scrub and/or Coastal Sand Foredune Scrub (Bell 2019).

3.11 Submit to Council for approval a Biodiversity Management Plan. The plan is to be prepared by a suitably experienced and qualified Ecologist with documented expertise in shorebirds. At a minimum the plan is to include:

- Plan with locations for tree and vegetation protection fencing;
- Little Tern monitoring procedures, management of sand stockpiles and litter collection. Litter and rubbish must be controlled at all times;
- A map of minimum buffer distances to Little Tern breeding habitat. During the breeding season (typically October to February), a minimum buffer of 150 m is to be maintained between the edge of the nesting area and any vehicle movement and construction activities;
- Specify heavy machinery movement and noise is to be minimised as much as possible during the Little Tern breeding season;
- Be consistent with the requirements of *The best practice guidelines for the management of threatened beach-nesting birds* (DECC NSW, 2008) and the *EPBC Act Policy Statement 3.21—Industry guidelines for avoiding, assessing and mitigating impacts on EPBC Act listed migratory shorebird species* (DEC 2015);
- All mitigation measures outlined in the Ecological Assessment Report by Firebird, Ver 5, dated August 2025. This includes weekly monitoring of the Little Tern during the breeding season (typically October to February).

No works are to commence on site until the Biodiversity Management Plan has been approved by Council.

3.12 Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree, vegetation and biodiversity protection conditions. A Project Ecologist is to be engaged to supervise erection of tree protection and no go fencing, directly supervise any tree removal and vegetation clearing works, and undertake minimum monthly inspections of the construction site (year round) to ensure all required vegetation and biodiversity protection controls are in place, including controls specified in the approved Biodiversity Management Plan. The Project Ecologist is also to undertake the required biodiversity monitoring specified in these conditions and the approved Biodiversity Management Plan. The Project Ecologist is to provide a biodiversity induction initially to the main civil contractors and project managers, and also provide written instructions for biodiversity inductions to be given to all civil contractors and subcontractors. Records shall be maintained of all inductions.

3.13 Implement the pre works mitigation measures outlined in the Ecological Assessment Report by Firebird, Ver 5, dated August 2025 and the Biodiversity Management Plan approved under this consent. This includes protective fencing of all trees and vegetation required to be retained. Where the recommendations contained within the Ecological Assessment Report are inconsistent, the conditions of consent prevail. Within three weeks following commencement of works the Project Ecologist is to submit to Council a certification letter that summarises all protection measures and inductions undertaken.

3.14 The following requirements of Crown Lands must be complied with prior to the commencement of works, and during works:

- a) Work on Crown land cannot commence without a current tenure from Crown Lands authorising such work, irrespective of any development consent or approval given by other public authorities.
- b) The Minister reserves the right to issue landowner's consent for the lodgement of applications for any other development on the subject land concurrent with this landowner's consent.
- c) The presence of asbestos containing materials on Lot 7314 DP1147369 and 'unidentified Crown land' has been notified to the Environmental Protection Authority (EPA) under s.60 of the Contaminated Land Management Act 1997. Should the development application be approved, the local EPA contact should be notified and kept informed of the outcome of the development application, any further related authorisations issued by the Department under the Crown Land Management Act 2016 (CLM Act).
- d) The proponent will need to obtain a Crown Lands licence to authorise the temporary occupation of Crown land (i.e. Lot 7314 DP1147369 and 'unidentified Crown land') for various temporary construction activities and vegetation removal.
- e) The proponent will need to obtain a licence from Central Coast Council to authorise the temporary occupation of Crown land i.e. Lot 7313 DP1147369 for various temporary construction activities and vegetation removal.
- f) The proponent will need to consult with Central Coast Council concerning potential impacts on the licenced dredging activity as per Licence 368371 during the construction phase, and any measures that may be required to mitigate these impacts.
- g) In parallel with providing Landowner's Consent, the proponent should be advised of the following requirements in terms of obtaining a licence over Crown land for the temporary construction activities on Lot 7314 DP1147369 and 'unidentified Crown land':
 - i. In consultation with Central Coast Council, prior to and during construction, rock, debris, geotextile and contaminated material encountered or disturbed shall be collected and disposed of appropriately, offsite.
 - ii. In consultation with Central Coast Council, at completion of construction and prior to the decommissioning of the worksite, sand on adjacent Crown land to a specified depth and width, as agreed to in consultation with Crown Lands, shall be screened to remove any remaining rock, debris, geotextile and contaminated material from the beach. Retained rock, debris, geotextile and

contaminated material shall be collected and disposed of appropriately, offsite.

- iii. At completion of construction and prior to the decommissioning of the worksite, the Crown land seaward of the coastal protection works shall be left in a condition that reflects the natural character and profile of the beach north and south of the immediate work zone.
 - h) In parallel with providing Landowner's Consent, the proponent should be advised that if activities associated with monitoring and/or maintenance of the coastal protection works are likely to extend on to adjacent Crown land, then an authorisation under the CLM Act i.e. a licence, will be required.
- 3.15 The face of the concrete works that is oriented away from the eastern and southern site boundaries (excluding piling), shall be finished in a sand-matching colour and to a minimum Class 3 finish in accordance with Australian Standard AS 3610-1995 – Formwork for Concrete. A test panel must be prepared and approved by Council prior to the commencement of the seawall works.

4. DURING WORKS

- 4.1 All conditions under this section must be met during works.
- 4.2 During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately in that area, and
 - b) Department of Climate Change, Energy, the Environment and Water must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.
- Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.
- 4.3 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.4 Do not carry out construction work or store building materials on the road reserve unless they are associated with a separate approval under the *Roads Act 1993*.
- 4.5 Action the following when an excavation extends below the level of the base of the footings of any building, structure or work on adjoining land:
- a. notify the owner of the adjoining land, and

- b. protect and support the building, structure or work from possible damage from the excavation, and
- c. underpin the building, structure or work where necessary, to prevent any such damage.

These actions must be undertaken by the person having the benefit of the development consent at their own expense.

- 4.6 Do not access the development site through a public reserve unless a temporary access licence is obtained from Council. A copy of the licence must be available for viewing on site at all times during work.
- 4.7 Implement all recommendations of the geotechnical report(s) listed as supporting documentation in the construction certificate.
- 4.8 The site is to be remediated and validated in accordance with the Remedial Action Plan listed within condition 1.1. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Environmental Protection Officer, the Site Auditor and the Principal Certifying Authority.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Site Auditor and Council prior to the commencement of such work.

Following the completion of remediation and validation associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council.

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Environmental Protection Officers in writing before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a s4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).

- 4.9 All works conducted on site which form part of this development must be carried out in accordance with the submitted and approved Construction Management Plan prepared by Silk Road.
- 4.10 Carry out works in accordance with the approved Acid Sulfate Soils Management Plan.
- 4.11 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*. The Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:
- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
 - (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.
- 4.12 Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- Do not give rise to air pollution as defined in the *Protection of the Environment Operations Act 1997*.
- 4.13 Classify all excavated material removed from the site in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.
- 4.14 Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.15 Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction

work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.

- 4.16 Operate and maintain all external lighting to the construction site so as not to impact on any adjoining property.
- 4.17 Screen all deleterious material (e.g. vegetation, rocks and debris) from the excavated sand and place the clean sand seaward of the location from where it was removed. The excavated sand must be placed at a location approved by Council or the engineer supervising the works.

Confirmation of this requirement is to be provided to Council by the engineer supervising the works.

- 4.18 Construction works are not to proceed during storm conditions unless a suitably qualified coastal engineer provides a written opinion stating that placement of the works under those conditions does not pose a significant safety risk and will not result in damage to the beach. This opinion must be retained by the landowner until completion of the works.

In the event of adverse weather forecasts, the worksite must be secured—where practicable—to prevent the dispersal of equipment or debris onto the beach or into the surf zone.

The construction contract must include requirements for the contractor to:

- Monitor and remain informed of coastal weather and wave conditions;
- Take all necessary actions to secure the site and prevent environmental pollution caused by tidal or wave activity; and
- Remediate any environmental impacts to Council's satisfaction if pollution occurs as a result of wave or tidal activity.

- 4.19 All tree and vegetation protection fencing is to be maintained for the period of construction works.
- 4.20 Stockpiling will only be undertaken within the approved works footprint.
- 4.21 Implement the during works mitigation measures outlined in the Ecological Assessment Report by Firebird, Ver 5, dated August 2025 and the Construction Biodiversity Management Plan approved under this consent. Within three weeks following commencement of works the engaged Project Ecologist is to submit to Council's Ecologist a certification letter that summarises all protection measures and inductions undertaken. The weekly monitoring of Little Terns is to be reported to Council's Ecologist monthly, or more frequently if any management issues are identified. Where the recommendations contained within the Ecological Assessment Report are inconsistent, the conditions of consent prevail.

- 4.22 During the Little Tern breeding season typically (October to February), a minimum 150 metre buffer between the edge of the nesting area and any vehicle movement and construction activities is to be maintained at all times.
- 4.23 In carrying out the approved works, the works shall comply with the noise criteria stated within The Interim Construction Noise Guideline in NSW for the typical construction hours of 07.00am to 5.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

5. FOLLOWING CONSTRUCTION OR PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1 All conditions under this section must be met within 26 weeks of practical completion (as defined in condition 1.2) of the development or prior to the issue of any Occupation Certificate, whichever is earlier.
- 5.2 Rectify to the satisfaction of Council any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the developer's expense.
- 5.3 Revegetate and stabilise all areas disturbed by construction activities associated with the development so as to prevent erosion and dust nuisance occurring.
- 5.4 Repair any damage to assets on neighbouring properties as agreed with landowner. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.5 Provide written certification from a suitably qualified geotechnical engineer to the Principal Certifier confirming that all works have been carried out in accordance with the Geotechnical Engineering Report (to be provided).
- 5.6 A suitably qualified coastal engineer must certify that any existing coastal protection works on adjacent properties have been reinstated and that the constructed seawall does not compromise the original condition or effectiveness of those coastal protection works, nor pose any increased risk of erosion to the adjacent land.

The constructed coastal protection works must be certified by:

- A suitably qualified coastal engineer; and
- A suitably qualified structural engineer,

confirming that the works have been constructed in accordance with the approved design and performance criteria.

- 5.7 Upon completion of construction, sand on the public beach seaward of the works (as well as sand to the south of the southern return wall to the southern limit of the works area) and above the mean low water mark is to be shaped to a natural beach profile.

Details of the sand shaping are to be submitted to the Principal Certifying Authority. A copy of these details must also be provided to Council.

- 5.8 A Maintenance Management Plan (MMP) must be prepared for the ongoing maintenance including the visual appearance of the coastal protection works over their intended design life. The MMP is to be prepared by a suitably qualified coastal engineer and must be approved in writing by Council (and not by the certifier, unless Council is the certifier). The MMP must be implemented and complied with throughout the design life of the works.
- 5.9 A Site Audit Statement is to be submitted to and approved by Council.

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of a Long Term Environmental Management Plan (LTEMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor and the Council's Environmental Protection Officers prior to the issue of the final Site Audit Statement.

The owner of the land is required to comply with the ongoing obligations of any LTEMP which form part of the final Site Audit Statement for the site.

A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to the Council's Environmental Protection Officers and the Principal Certifying Authority.

- 5.10 Prepare and submit a final certification report detailing the level of compliance for each stage of the development. The report addressing all conditions relating to ecology and trees, and outlining the results of monitoring, must be prepared by the engaged Project Ecologist and forwarded to Council for approval.
- 5.11 Provide the Principal Certifier with written certification from a qualified architect, landscape architect or professional landscape consultant certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

- 5.12 Submit to the Council/Principal Certifier certification prepared by a Registered Surveyor certifying that all construction has been affected within the appropriate properties.
- 5.13 A sign shall be erected on the approved seawall to advise on potential safety risks of swimming at the unpatrolled beach adjacent to the site. Council shall approve the size, location, and content of the sign, and the sign shall be erected at the cost of the applicant/landowners.

6. ONGOING

- 6.1 The registered proprietor (s) of the land must ensure the continued maintenance and performance of the seawall approved under this development consent.
- 6.2 Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping. Replace all damaged, dead, or missing plantings at the completion of the landscaping maintenance period to a healthy and vigorous condition in accordance with the approved Landscape Plan. The maintenance period is 5 years for the revegetation of the reserve, as required by Condition 6.4.
- 6.3 The coastal protection works must be maintained in accordance with the Development Consent, including all conditions, approved plans, and specifications referenced in this consent, and the MMP. Maintenance must be carried out to a standard that does not compromise the structural integrity or protective function of the works, nor endanger adjoining land. Sufficient access for the ongoing maintenance of the coastal protection works must be preserved on the landward side.

Any debris deposited on the beach as a result of damage to or failure of the coastal protection works must be promptly removed and rectified by the owner(s) of the relevant works. This obligation forms part of the maintenance responsibilities approved under this consent.

- 6.4 Complete landscaping, revegetation, maintenance and monitoring works in accordance with the approved Landscape Plan for the Reserve (Lot 7313/DP1147369). The revegetation area must achieve 90% survival rate after 12 months, with a report certifying targets have been met, provided to Council at 12 months.

Where a replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.

- 6.5 Maintain all landscaped areas on private property free of weeds in perpetuity.

7. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

8. ADVISORY NOTES

- (a) 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.
- (b) The following public authorities may have separate requirements in the following aspects:
- i. Jemena Asset Management for any change or alteration to the gas line infrastructure
 - ii. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - iii. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - iv. Central Coast Council in respect to the location of water, sewerage and drainage services.
 - v. 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
- (c) Before You Dig Australia
- 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 Australia 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 Before You Dig Australia 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 Before You Dig Australia service in advance of any construction or planning activities.

(d) 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.