

**Date:** 2 December 2025  
**Responsible Officer:** Emma Brown  
**Location:** 167 Serpentine Road, TERRIGAL NSW 2260  
 Lot 2 DP 746654  
**Owner:** Malachite Holdings Pty Ltd  
**Applicant:** The Trustee For Malachite Superannuation Fund  
**Date of Application:** 23 December 2024  
**Application No:** DA/2113/2024  
**Proposed Development:** Child Care Centre & Demolition of Existing Structures  
**Land Area:** 17830.00  
**Existing Use:** Large Lot Residential

## PROPOSED CONDITIONS

### 1.PARAMETERS OF THIS CONSENT

#### 1.1 Approved Plans and Supporting Documentation

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 Title          | Plan No. | Revision No. | Drawn By          | Dated    |
|---------------------|----------|--------------|-------------------|----------|
| Architectural Plans | A100     | N            | ARMADA ARCHITECTS | 26/11/25 |
|                     | A101     | N            |                   |          |
|                     | A102     | M            |                   |          |
|                     | A103     | M            |                   |          |
|                     | A104     | M            |                   |          |
|                     | A105     | M            |                   |          |
|                     | A106     | M            |                   |          |
|                     | A107     | M            |                   |          |
|                     | A108     | K            |                   |          |
|                     | A109     | K            |                   |          |
|                     | A200     | I            |                   |          |
|                     | A301     | M            |                   |          |
|                     | A302     | M            |                   |          |
|                     | A303     | M            |                   |          |
|                     | A304     | M            |                   |          |
|                     | A305     | C            |                   |          |
|                     | A400     | M            |                   |          |
|                     | A450     | C            |                   |          |
|                     | A500     | N            |                   |          |
|                     | A550     | I            |                   |          |

|                         |                       |                 |                       |                  |
|-------------------------|-----------------------|-----------------|-----------------------|------------------|
|                         | A551<br>A522          | I<br>J          |                       |                  |
| Landscape Plan          | 1/4-4/4               |                 | Tessa Rose            | 4/11/25          |
| Civil Engineering Plans | Reference<br>2302068, | Revision<br>D-H | Beveridge<br>Williams | 29/7-<br>3/11/25 |

| Document Title | Version No. | Prepared by | Dated |
|----------------|-------------|-------------|-------|
|----------------|-------------|-------------|-------|

|                                     |                       |                           |                   |
|-------------------------------------|-----------------------|---------------------------|-------------------|
| Childcare Centre Plan of Management | Version 8             | Spout                     | November 2025     |
| Geotechnical Investigation Report   | 7531-B                | Foundation Earth Sciences | 22 October 2025   |
| Arboricultural Impact Assessment    |                       | Ian Hills                 | June 2025         |
| Wastewater Management Plan          | 24242 –<br>Revision E | Larry Cook Consulting     | 1 December 2025   |
| Water Cycle Management Report       | 2302068<br>Revision A | Beveridge Williams        | 6 December 2025   |
| Remediation Action Plan             | E3266-3<br>Revision 1 | Foundation Earth Sciences | 29 November 2025  |
| Resource and Waste Management Plan  |                       | Jarrod Lamshed            | 20 July 2025      |
| DA Acoustic Report                  | ID: 12921<br>R01 v4   | PKA                       | 29 September 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 Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.

## 2.PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2 An updated landscape plan is to be submitted to Council for approval:
- a) The landscape documentation is to be updated to show trees that are proposed to be removed. The landscape documentation is currently inconsistent with the arborist's report. The Arborist's report identifies trees to be removed as Tree Nos. 4, 6, 9, 10 & 11. The landscape set currently shows tree nos. 4, 6 and 9 retained as part of the landscaping. The landscape drawings must be corrected to remove these trees and provide appropriate landscaping in this location to compensate for the tree loss.
  - b) Landscaped embankments are indicated on the drawings but no details are provided of the landscaping. The landscape documentation is to be updated to indicate landscaping on the embankments and details in the plant schedule. Landscaping to embankments is to continue around the building along the northern boundary.
  - c) The landscape documentation must be updated to indicate landscaping along the northern boundary and in the north-east corner of the site. The north-east corner of the site is one of the few locations with enough area to accommodate larger trees and landscaping. Landscaping must be provided both in front of and behind fencing within the site along the northern boundary. Landscaping must be sufficient to soften the view of the development from the roundabout corner, and to assist in the screening of car parking, waste and service areas.
- 2.3 No activity or work 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,
  - b) Tree and vegetation protection measures,
  - c) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - d) Demolition approved by this development consent
- 2.4. Identify trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species and ecological communities must also be marked on all plans.
- 2.5. Comply with and implement all Tree Protection recommendations and ecological mitigation measures outlined in the submitted Arboricultural Impact Assessment (Ian Hills, November 2024) and the Flora and Fauna Assessment (Enviro Ecology, December 2024). Where the recommendations contained within the Arboricultural Impact

Assessment and Flora and Fauna Assessment are inconsistent, the conditions of consent prevail.

- 2.6. Submit details to the Principal Certifier of the design of the fit out of the food premises. The design of the fit out of the food premises is to comply with the *Food Act 2003, Food Regulation 2010, Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate. Details of compliance are to be included in the plans and specifications for the Construction Certificate.
- 2.7. Submit details to the Principal Certifier of any proposed mechanical ventilation systems. The design of the mechanical ventilation is to comply with the relevant requirements of Clause F4.12 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate, Australian Standard AS 1668.1:2015 *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings* and Australian Standard 1668.2:2012 *The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings* (including exhaust air quantities and discharge location points). These details are to be included in the Construction Certificate.
- 2.8. The road signage and pavement marking design drawings identifying parking, other regulatory elements and traffic management facilities must be endorsed by the Local Traffic Committee prior to any installation on site. The road signage and pavement marking design drawings are to be submitted to Council with the *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.
- 2.9. Submit to the Registered Certifier, responsible for issuing a Construction Certificate for works within the development properties, detailed design drawings approved by a suitably qualified consultant for fences, retaining walls, landscaping, and/or signage located on or in proximity to the road frontage of the site which ensure pedestrian and vehicle sight distance is maintained in accordance with of Australian Standard AS/NZS 2890: *Parking Facilities, Parts 1, 2 and 6*.
- 2.10. Submit to the Registered Certifier, responsible for issuing a Construction Certificate for works within the development properties, lighting design drawings approved by an accredited electrical designer for the car park and/or public places. The design must be prepared in accordance with the requirements of the current editions of Australian Standard AS/NZS 1158: *Lighting for roads and public spaces* and AS/NZS 4282: *Control of the obtrusive effects of outdoor lighting*. The design is to include the provision of current best practice energy efficient lighting.
- 2.11. Obtain a Roads Act Works Approval by submitting an application to Council for a *Section 138 Roads Act Works Approval* for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or*

*Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

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

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

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

- a) Construction of a commercial vehicle access crossing (VAC) to:
  - (i) a width of approximately 6.65m at the road gutter crossing and approximately 6.55m metres at the property boundary (measured perpendicular to the VAC);
  - (ii) a maximum gradient of +2.5% across the shared path and  $\pm 5\%$  from the back of shared path to the front property boundary.
  - (iii) ensure minimum 1.0m clearance is maintained to the existing School Zone signage; and,
  - (iv) include construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- b) Construction of the road verge/footway formation, between the existing shared pathway and front boundary of the site, as required to achieve a generally consistent 'Low Level' profile (in accordance with Council's *CWS Standard Drawings*) across the full frontage of the site in Serpentine Road. Construction to include suitable transitions to the new [elevated] vehicle access crossing and existing formation either side of the site.
- c) Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.
- d) Removal and replacement of all damaged kerb and gutter with new kerb and channel.
- e) Removal of all redundant VACs. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary. Concrete shared path to be constructed as required.
- f) Installation of any roadside furniture and safety devices required by the final design, e.g., fencing, signage, guideposts, chevrons, directional arrows, and/or safety barriers, in accordance with Austroads *Guides*, Transport for NSW (TfNSW) *Supplements*, and *Australian Standards*, and manufacturer's requirements.
- g) Installation of road signage and pavement marking (including any amendment to the existing) in accordance with Austroads *Guides*, TfNSW *Supplements*, and *Australian Standards*, as well as any requirements of the Local Traffic Committee endorsement.
- h) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

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

- 2.12. Submit to Council a *Dilapidation Report* detailing the condition of all Council assets within the vicinity of the development as well as land in proximity to the boundary of 169 Serpentine Road. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, streetlights, or any other Council assets in the vicinity of the development. The *Dilapidation Report* will be required to be submitted to Council prior to the issue of the *Section 138 Roads Act Works Approval* or the issue of any Construction Certificate for works on the site. The *Dilapidation Report* may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.13. Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
  - a) Construction of driveways, ramps, and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards. The driveway must not exceed  $\pm 5\%$  gradient, from the front boundary line through to [generally] the rear (west) of the driveway connection to the carparking aisle.
  - b) Construction of a concrete accessway comprising a minimum 4.0m wide reinforced concrete pavement with integral kerb on the low side, 2.5-3% reverse cross fall, and drainage, through the left (south) side of the site to the concrete turning head and carparking to be provided within the rear (west) area of the site.
  - c) Installation of any physical controls required by *AS2890.1*, adjacent to any part of the driveway, concrete accessway and/or carparking area(s) where the adjacent batter gradients and/or drop-off to NGL exceed those allowed by *AS2890.1*.
  - d) Construction of a Stormwater Management System comprising:
    - (i) An onsite stormwater detention (OSD) system designed in accordance with *CCDCP ch.3.1 Water Cycle Management, Part C* and Council's *Civil Works Specifications* to limit post-development peak flows from the proposed development to less than or equal to pre-development peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design.
    - (ii) An onsite rain-water re-use/retention system, designed in accordance with the relevant requirements of *CCDCP Ch.3.1 Pt C s.3.1.11.1* and/or *s.3.1.11.2*.
    - (iii) Nutrient and pollution control measures, designed in accordance with *CCDCP ch.3.1 Water Cycle Management, Part C* and the requirements of the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design*, to treat stormwater run-off from any impervious areas prior to

being discharged from the site. A nutrient and pollution control report including an operation and maintenance plan must accompany the design. The nutrient and pollution control report must demonstrate all water quality targets of Council's *Civil Works Specification Design Guideline* have been achieved and/or satisfied by the proposal.

- (iv) Secondary stormwater flow paths / swales, where shown on the approved plans, including (but not limited to) along the toe of the retaining walls through the right (north) side of the site. The secondary flow paths / swales must be designed in accordance with Council's CWS and capable of conveying 100% of the stormwater run-off from the 100-Year Average Recurrence Interval (ARI) design storm events.
- (v) Suitable tail-out drainage, scour protection, and/or energy dissipation measures (as required), designed in accordance with the requirements of Council's *CWS Design Guideline* (including but not limited to s.10.12.9), at the headwall to be installed at the rear (west) end of the drainage line from the right (north) side swale, to ensure run-off simulates natural overland flow prior to passing over the rear (west) property boundary.
- (vi) Suitable sub-soil drainage for any/all retaining walls constructed throughout the site, connected through to a suitable point of disposal within the site.
- (vii) Stormwater drainage collection and piping of all stormwater runoff from areas within the site, via the rainwater re-use and/or OSD facility as required, to the approved connection with a [new] level spreader within the rear (west) area of the site, adjacent to the turning area and overflow carparking detailed in the approved plans.
- e) Construction of retaining walls, where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Designs for retaining walls greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
- f) Design and construction to be generally in accordance with the *Concept Civil Engineering Plans* prepared by Beveridge Williams (Project Ref. 2302068, Rev. H, dated 03/11/25), amended as required to suit any condition of this consent.

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

- 2.14 Submit an application to Council under Section 305 of the *Water Management Act 2000* for a *WMA s.306 Requirements Letter*. The Application form can be found on Council's website [centralcoast.nsw.gov.au](http://centralcoast.nsw.gov.au). Early application is recommended. The *WMA s.305 Application* will result in the issue of a *WMA s.306 Requirements Letter*, which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone, e.g., prior to Construction Certificate and/or Occupation Certificate.
- 2.15. Submit an application to Council under the provisions of section 68 of the Local Government Act 1993 for an approval to install an on-site sewage management system

prior to the issue of any Construction Certificate. The application must be submitted with an updated wastewater report which must include a compliant flow balance analysis and design. The report must be prepared in accordance with AS1547:2012 Onsite domestic wastewater management and OLG (2025) Onsite Wastewater Management Guidelines.

Note: The section 68 application can be found on Council's website:  
[www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

2.16 Central Coast Contributions Plan

Before the issue of a Construction Certificate, pursuant to Section 7.12 of the Environmental Planning & Assessment Act, the applicant must pay a contribution to Council totalling **\$78,023.05**, as calculated at the date of this consent, in accordance with the Central Coast 7.12 Local Infrastructure Contributions Plan 2024.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Central Coast 7.12 Local Infrastructure Contributions Plan 2024. Contributions under the Central Coast 7.12 Local Infrastructure Contributions Plan 2024 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 \(nsw.gov.au\)](#)

2.17 Housing and Productivity Contribution (HPC)

Before issue of a Construction Certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

| Housing and productivity contribution                  | Amount       |
|--------------------------------------------------------|--------------|
| Housing and productivity contribution (base component) | \$28,080.00. |
| <b>Total</b>                                           | \$28,080.00. |

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.

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
  - a) Site investigation for the preparation of the construction, and / or
  - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent.
  - c) Any demolition approved by this consent.
- 3.3 Appoint a Principal Certifying Authority for the building work:
  - a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.4 Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
  - a) The name, address and telephone number of the Principal Certifying Authority for the work; and
  - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - c) That unauthorised entry to the work site is prohibited.
  - d) Remove the sign when the work has been completed.
- 3.5 Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
  - a) 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
  - b) diverting uncontaminated run-off around cleared or disturbed areas, and
  - c) preventing the tracking of sediment by vehicles onto roads, and

- d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- 3.6 Prior to commencement of construction or site works, a Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication "Managing Urban Stormwater: Soils and Construction – Volume 1" (the Blue Book). Sediment control fencing must remain in place until such time as the site is landscaped or turf is established.
- Note:** Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- 3.7 Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site. Each toilet must:
- a) be a standard flushing toilet connected to a public sewer, or
  - b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- 3.8 Tree removal, retention and protection is to be as per the recommendations of the Arboricultural Impact Assessment, prepared by Accurate Tree Assessment, dated November 2024.
- 3.9 The applicant is to engage a Project Ecologist is to undertake the following prior to commencement of any works including any vegetation clearing works:
- a) Mark trees for retention and removal;
  - b) Supervise the installation of protective fencing around trees and vegetation to be retained;
  - c) Undertake a pre-clearance survey prior to any vegetation clearing to locate any possible residing fauna, this must include checking for active bird nests;
  - d) Prior to any vegetation clearing ensure all trees are clearly marked for retention and all required temporary fencing is established and functional;
  - e) If applicable, any fauna encountered during the pre-clearance survey must be captured and relocated to adjacent bushland and provided with adequate resources and/ or where relevant taken into care by a vet or licenced wildlife carer.
- 3.10. Comply with and implement all Tree Protection recommendations and ecological mitigation measures outlined in the submitted Arboricultural Impact Assessment (Ian

Hills, November 2024) and the Flora and Fauna Assessment (Enviro Ecology, December 2024). Where the recommendations contained within the Arboricultural Impact Assessment and Flora and Fauna Assessment are inconsistent, the conditions of consent prevail.

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

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

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

- a) Ingress and egress of construction related vehicles to the development site.
- b) Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- c) Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- d) 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).
- e) Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- f) Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- g) Temporary Road Closures.

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

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

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

- 3.12 Submit to Council, for approval, details of proposed haulage routes to and from the site. Approval of haulage routes may be subject to the provision of a *Dilapidation Report* of all or part of the approved haulage route.
- 3.13. Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any *Roads Act Works Approval* works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 3.14. Submit a Hoarding Application to Council for approval under the *Roads Act* where it is proposed to erect construction fencing, a hoarding, site sheds or utilise the road reserve for any construction activity related to the development works within the site.

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

- 3.15. 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.DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.3. Supervision by a suitably qualified Ecologist is required for all vegetation clearing and construction works. The Ecologist must:
- a) Mark trees for retention and removal
  - b) Supervise the installation of fencing around any conservation areas
  - c) Provide an environmental induction to civil contractors and subcontractors

d) Supervise clearing, removal of habitat trees and earthworks

The Ecologist must provide updates in writing to Council's Ecologist upon completion of the above environmental control measures.

4.4. Install a temporary fence to delineate the construction zone.

All fenced conservation areas are to be clearly marked as a "No Go Area" on the fencing itself. No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur outside of the approved construction footprint.

4.5. Maintain the temporary fence delineating the construction zone. The fence must be maintained for the duration of construction works.

4.6. Undertake clearing in accordance with the approved tree removal/retention survey plan within the submitted Arboricultural Impact Assessment (*Ian Hills, November 2024*). Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

4.7. Manage native fauna appropriately during clearing and construction phase of the approved works. In this regard, an appropriately licensed Fauna Ecologist is to be engaged to advise and supervise the clearing of trees. Where, in spite of precautions, wildlife is injured, the Fauna Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as WIRES or Wildlife Arc.

4.8. Comply with and implement all Tree Protection recommendations and ecological mitigation measures outlined in the submitted Arboricultural Impact Assessment (*Ian Hills, November 2024*) and the Flora and Fauna Assessment (*Enviro Ecology, December 2024*).

Where the recommendations contained within the Arboricultural Impact Assessment and Flora and Fauna Assessment are inconsistent, the conditions of consent prevail.

4.9. Arrange with the relevant service provider / Authority (e.g., 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/or dedication of easements for mains and services.

4.10. Protect the land application area from damage from vehicles during all construction works on-site.

4.11 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 or a public holiday, except where there is an emergency.

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

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

#### 4.12 Use of High Noise emission appliances and plant

The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers

Monday to Friday – 9:00am to 12:30pm and 2:00pm to 4:30pm

Saturday – 9:00am to 1:00pm

Sunday and Public Holidays – No works permitted

All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with The Interim Construction Noise Guideline in NSW and Australian Standard 2436- 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

- 4.13 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 sign

- 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 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.
- 4.16 Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for food scraps and papers.
- 4.17 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*.
- 4.18 While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.
- 4.19 Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility. (BU032)
- 4.20 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 10m<sup>2</sup> 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*.

- 4.21 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. (BU015)

- 4.22 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. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1 All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2 Tree replacement is to be generally 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.
- 5.3 Provide certification to the Principal Certifier to confirm the final fit-out of the premises complies with the *Food Act 2003*, *Food Regulation 2010*, *Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 5.4 No food handling, as defined by the *NSW Food Act 2003*, is permitted in the food premises prior to the issue of the Occupation Certificate.
- 5.5 Provide certification from a mechanical engineer to the Principal Certifier that the construction, installation and operation of the exhaust hood ventilation system meet the requirements of:
- a) Australian Standard AS 1668 Part 1-2015: *The use of ventilation and air-conditioning in buildings - Fire and smoke control in buildings.*
  - b) Australian Standard AS 1668 Part 2-2012: *The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.*
- 5.6 Submit a Food Premises registration form to Council. The form can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 5.7 Install a designated hand wash facilities with minimum dimensions of 500mm x 400mm providing warm running water through a common mixing spout with hands-free tap operation (consisting of elbow or wrist operated tap levers, foot or hip operated tap levers, or electronic sensor tap operation).
- 5.8 Complete construction of all works within the road reserve in accordance with the *Section 138 Roads Act Works Approval*. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction

compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.

- 5.9. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the *Section 138 Roads Act Works Approval* do not adequately address transition works.
- 5.10. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the *Dilapidation Report* submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.11. Complete construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the Construction Certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.12. Complete construction of the stormwater management system throughout the site in accordance with Australian Standard AS3500.3-*Stormwater drainage systems* and the Stormwater Management Plan accepted for issue of the Construction Certificate. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.13. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the Construction Certificate.
- 5.14. Obtain the *Section 307 Certificate of Compliance* under the *Water Management Act 2000* for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Occupation Certificate.
- 5.15. Submit to the Principal Certifier certification prepared by a Registered Surveyor certifying that all construction has been affected within the appropriate property and easement boundaries. The certification must be accompanied by a copy of the Final Survey Plan, with the distances from the boundaries to the edges of all new structures (including retaining walls) and the OSSM treatment areas endorsed in red and signed by the Surveyor.
- 5.16. Amend the Deposited Plan (DP) for Lot 2 DP 746654 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:

- a) Create a *Restriction on the Use of Land* over all lots containing an OSD, re-use, and/or a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
  - b) Create a *Restriction on the Use of Land* over all land affected by a secondary flow path / swale to ensure:
    - (i) the shape of the flow path is not altered.
    - (ii) no structure is erected within or over the flow path, excluding fences that are flood compatible.
- 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 an OSD, re-use, and/or 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.

- 5.17 Obtain an Approval to Operate the on-site sewage management system from Council.
- 5.18 Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.19 Complete the landscaping works. Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
  - a) Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.

## 6.ONGOING

- 6.1. Use external lighting that minimises overspill into retained vegetated areas.
- 6.2. Operations to comply with the final Council approved Plan of Management.
- 6.3. Obtain a service approval from the NSW Regulatory Authority for early childhood education prior to the commencement of the operation of the child care facility.
- 6.4. No more than 21 staff and 113 children are to be on site at any given time.
- 6.5. Hours of operation of the childcare centre are limited to between 7.30am – 5:30pm Monday to Friday, 52 weeks of the year and close on all Public Holidays.
- 6.6. Drop Off and Pick Up of Children is to be between the following hours only (unless in case of a centre emergency):  
  
Morning drop-off: Arrive between 7:30am–8:00am, or after 9:15am.  
  
Afternoon pick-up: Before 3:00pm or after 4:00pm - 5:30pm.  
  
Exiting the driveway: No right turns are allowed onto Serpentine Road.  
  
Safe turnaround: Always turn left when leaving, then use the nearby roundabout on Serpentine Road to return towards Terrigal Drive.
- 6.7. Place the mobile garbage / recycling / green waste containers at a suitable location at the kerbside no earlier than the evening prior to the collection day and return to a screened area as soon as possible after service, no later than the evening on collection day. The residents/ owner's association are responsible for the placement and return of the mobile waste containers.
- 6.8. Maintain all works associated with the approved Landscape Plans for the life of the development to ensure the survival and establishment of the landscaping.
- 6.9. Maintain the external finishes of the building(s), structures, walls and fences for the life of the development and remove any graffiti within seven (7) days.
- 6.10. Maintain internal pavement and pavement marking.

## 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.

## **ADVISORY NOTES**

- **Offence to harm native protected fauna**

It is an offence under the Biodiversity Conservation Act 2016 to harm protected native wildlife. If during works fauna is displaced, it must not be harmed.

If required works will cease and fauna will be transferred to the nearest veterinary hospital and Councils Ecologist will be notified within 24hrs.