

DATE OF DETERMINATION	15 October 2025
DATE OF PANEL DECISION	15 October 2025
DATE OF PANEL BRIEFING	7 October 2025
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Rachel Stanton
APOLOGIES	Tony McNamara
DECLARATIONS OF INTEREST	Doug Eaton - declared perceived conflict of interest - as he is a neighbour to the development.

Papers circulated electronically on 30 September 2025.

MATTER DETERMINED

PPSHCC-363 – Central Coast – DA/2371/2023 at 12-14 Jennings Road, Wyong 2259 – Multi Dwelling Development (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

This application has been under consideration for some 20 months and first came before the Panel in July 2025.

The Panel had the benefit of a final briefing from the applicant and Council. Subsequent to the preparation of the assessment report, the Council prepared two (2) supplementary memos dated 1 October and 2 October 2025. The applicant, in their presentation, requested a review of a number of proposed conditions. The Council provided a further supplementary memo dated 8 October 2025 addressing the conditions, which has been considered by the Panel.

The Panel understands this is a project that has federal funding and is one (1) of a package of three (3) projects. The proposal involves 13 affordable housing dwellings and seven (7) social housing dwellings. The social housing dwellings are to be provided in perpetuity.

The Panel recognises the need for both affordable and social housing in the Central Coast LGA. At the initial briefing, a number of issues were identified in terms of:

- Social impact
- Accessibility – all dwellings could only be accessed by steps
- Limited solar access
- Lack of communal open space
- Size of private open space (POS)
- Flood impacts and potential hazard
- Car parking

The application has been amended to address a number of these matters. The Panel notes that a Social Impact Assessment has been undertaken. Levels have been reviewed to ensure at least eight (8) of the 20 dwellings have at-grade access. Solar access now meets the non-discretionary standard in the SEPP (Housing) 2021 for 70% of dwellings.

Private open spaces have been amended and increased in size in some cases. The Panel notes that a proportion of POS does not meet either Council's DCP or the Low Rise Housing Diversity Guide for Development Applications for multi dwelling housing requirement of 45 m². They do, however, meet the Land and Housing Corporation Social Housing Design Requirements (2023), which require a minimum of 15 m² for townhouses. The Panel also notes that the Low Rise Housing Diversity Guide for Complying Development (2020) for terraces requires a minimum of 16 m² of POS.

While this development is defined as multi dwelling housing, the Panel considers that it is comparable to a terrace form and that the location and size of POS is adequate.

Car parking meets the requirements of the SEPP (Housing) 2021, and Waste Management has now been adequately addressed.

The product is not designed for those with physical mobility issues or necessarily ageing in place given the two (2) storey nature of the development. The allocation of dwellings is understood to be carefully matched to residents' needs through the housing provider.

The site is well located to services and transport. The street can accommodate some on street parking. While the private open space and communal open space do not meet Council controls – the POS is adequate and comparable to other medium density development. Communal open space is offset by the proximity to local facilities.

On balance, because this is providing much needed affordable and social housing in an area where there is high demand, the Panel is satisfied that the siting, form and layout of the building, and the amenity afforded residents is acceptable.

The proposal is compatible with the future character of the area as it evolves.

In the Panel's deliberation, the Panel considered the applicant's request to amend a number of conditions.

The Panel also considered the Council's supplementary memo dated 8 October 2025 and agrees with the changes to conditions relating to retractable hoods, deletion of irrelevant conditions, and change to the timing of payment of contributions. The memo also included additional conditions regarding standard construction management, which are proposed to be included.

The Panel agrees with the Council's position that:

- The requirement for up to half-road width construction should remain (Condition 2.3), and
- A Mangenta Lilly Pilly should be planted as per Condition 2.9.

The Panel, in its deliberation, also requires:

- Amendment to Condition 1.8.1 to refer to parking.
- Additional condition specifying that the approval is for 13 affordable housing dwellings and seven (7) social housing dwellings.
- Additional condition requiring the affordable housing component to be available for a minimum of 15 years.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in Schedule 2 and the following amendments and additional conditions:

1. Condition 1.8.1 amended to read as follows:

“The plan is to provide information relating to the management structure of Hume Community Housing, site maintenance, lighting, noise management, parking management, waste management, emergency procedures, complaint management procedures, and procedures for the periodical review of the OMP.”

2. Addition of the following condition prior to occupation:

88E Affordable Housing

Execute a section 88E instrument under the *Conveyancing Act 1919* to establish the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify.

The positive covenant(s) must ensure that for a minimum period of a 15 years from the date of the issue of the Occupation Certificate:

- i) 13 dwellings must be used for the purposes of affordable housing as defined by the provisions of *State Environmental Planning Policy (Housing) 2021*, and
- ii) all accommodation that is used for affordable housing must be managed by a registered community housing provider; and
- iii) the rent of the nominated 13 affordable rental dwellings is not to exceed the formula for Affordable Housing as defined by Section 13 of *State Environmental Planning Policy (Housing) 2021*; and use for in-fill development under Division 1 of *State Environmental Planning Policy (Housing) 2021*.

3. Addition of the following condition as an ongoing condition:

Ongoing

The development is to be maintained and operated as:

- i) 7 social housing dwellings in perpetuity
- ii) 13 affordable housing dwellings for a minimum of 15 years in accordance with *SEPP Housing 2021*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

1. The site is suitable for the development and is well located to services.
2. The proposed development provides much needed affordable and social housing in the locality.
3. The proposal will deliver good amenity for residents.
4. The proposal is in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions at Schedule 2 and the amendments outlined above.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS



Alison McCabe (Chair)



Roberta Ryan



Rachel Stanton

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-363 – Central Coast – DA/2371/2023
2	PROPOSED DEVELOPMENT	Demolition of 2 dwellings, tree and vegetation removal. Construction of 16 x 2 bedroom and 4 x 3-bedroom affordable houses, 12 car spaces, waste room (21 bins), 70 square metres communal open space.
3	STREET ADDRESS	12-14 Jennings Road, Wyong 2259
4	APPLICANT/OWNER	Hume Community Housing Association Company Limited
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - Central Coast Local Environmental Plan 2022 - Draft environmental planning instruments: Nil - Development control plans: - Central Coast Development Control Plan 2022 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> – section 61(1) – demolition requirements - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 30 September 2025 - List any clause 4.6 variation requests here - List any Council memo or supplementary report received: 1 October 2025, 2 October 2025 and 8 October 2025 - Written submissions during public exhibition: 0 - Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Initial Briefing: 22 July 2025 <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Rachel Stanton <u>Applicant representatives</u>: Dan Lincoln, Wei Ji, Bryce Luke, William Phelps, Susan Tabikh, Penny Smith <u>Council assessment staff</u>: Emma Brown, Tania Halbert, Salli Pendergast <u>Department</u>: Leanne Harris, Holly McCann - Site inspection: - Rachel Stanton: 19 July 2025 - Final briefing to discuss Council's recommendation: 7 October 2025 <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Rachel Stanton <u>Council assessment staff</u>: Emma Brown, Ilana Wilson, Lara Davis, Salli Pendergast, Tania Halbert

		○ <u>Applicant representatives:</u> Dan Lincoln, Bryce Luke, Josh Lyons, William Phelps, Penny Smith ○ Department: Leanne Harris, Holly McCann ○ Department: Vibha Meghnad and Stcey McMasters (observing)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

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 No.	Revision No.	Plan Title	Drawn By	Dated
DRAWING LIST A001 COVER SHEET / LOCATION PLAN NTS A002 SITE ANALYSIS 1 A003 STREETSCAPE ANALYSIS A101 DEMOLITION PLAN A102 SITE PLAN A103 ROOF PLAN A104 SITE SECTIONS / ELEVATIONS 1:200	5	Architectural Plans	McIntosh & Phelps	18 August 2025

A201 FLOOR PLANS 01-04 & 08-13				
A202 FLOOR PLANS 05-07 & 14-16				
A203 FLOOR PLANS 17-20				
A204 FLOOR PLAN - LOWER GROUND				
A301 ELEVATIONS 01-16				
A302 ELEVATIONS 01-16				
A303 ELEVATIONS 01-16				
A304 ELEVATIONS 01-16				
A305 ELEVATIONS 17-20				
A401 STREET VIEW NTS				
A402 AERIAL VIEW NTS				
A403 AERIAL VIEW NTS				
A501 EXTERNAL FINISHES SELECTIONS NTS				
A601 SHADOW DIAGRAMS - 21 JUNE - 0900				
A602 SHADOW DIAGRAMS - 21 JUNE - 1200				
A603 SHADOW DIAGRAMS - 21 JUNE - 1500				
A604 VIEW FROM SUN NTS				
A605 VIEW FROM SUN NTS				
A606 SOLAR ACCESS SUMMARY TABLE NTS				
A701 LANDSCAPE PLAN				
A702 PLANTING SCHEDULE NTS				
A703 LANDSCAPE AREAS CIVIL				
001 LOCATION PLAN & DRAWING SCHEDULE NTS				
101 EROSION & SEDIMENT CONTROL PLAN				
111 EROSION & SEDIMENT CONTROL DETAILS AS SHOWN				

201 BULK EARTHWORK PLAN 301 STORMWATER PLAN 401 SITEWORK PLAN 461 LONGITUDINAL SECTION - MC00 AS SHOWN 601 OSD DETAILS AS SHOWN HYDRAULICS H000 COVERSHEET, LEGENDS, NOTES AND DRAWING LIST NTS H001 HYDRAULIC SPECIFICATION NTS H002 SITE PLAN SURVEY 1/1 DETAIL SURVEY PLAN OF LOT 1 DP 1230068				
001 LOCATION PLAN & DRAWING SCHEDULE 101 SOIL WATER AND MANAGEMENT PLAN 111 SOIL & WATER MANAGEMENT NOTES & DETAILS SHEET 1 OF 2 112 SOIL & WATER MANAGEMENT NOTES & DETAILS SHEET 2 OF 2 201 BULK EARTHWORK PLAN 301 STORMWATER PLAN 401 SITEWORK PLAN 461 LONGITUDINAL SECTION - MC00 602 OSD DETAILS 701 VEHICLE CLEARANCES - SHEET 1 OF 3 702 VEHICLE CLEARANCES - SHEET 2 OF 3 703 VEHICLE CLEARANCES - SHEET 3 OF 3 801 VERGE SECTION	3	Civil Engineering Plans and	Tonkin	18 August 2025
H000-H002	P4	Civil Engineering Hydraulic Plans	Centric	13 August 2025

Document Title	Version No.	Prepared by	Dated
Operational Waste Management	Revision 1	Elephants Foot	27 March 2025
Demolition and Construction Waste Management Plan	Revision B	Elephants Foot	29 November 2023

Noise Impact Assessment	P00844 Revision B	E-LAB	29 November 2023
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Integrated Development - General Terms of Approval

Document Title	Reference	Prepared by	Dated
NSW Rural Fire Services Letter of Support		NSW Rural Fire Services	18 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: Any inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- 1.2 Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.3 The communal open space is to be landscaped with deep soil and soft ground cover for play spaces (equipment), bench seating, shaded areas (such as pergola and the like), and planters for a community garden. The space should be flexible open space usable in all climates with suitable shelters and landscape opportunities. Examples include freestanding structures with solid roofs that offer full protection from sun and rain, often with integrated seating; gazebos which are permanent, often octagonal or hexagonal structures with solid roofs, providing a shaded, communal gathering point; pergolas: Open-roofed structures with cross-beams, providing partial shade and a sense of enclosure, often used with climbing plants.
- 1.4 Dwellings are to incorporate solar panels on the roof.
- 1.5 New street trees are to include banksia and grevillea in addition to tuckeroo to provide visual interest and diversity to the landscape.
- 1.6 The built form presentation of the development to Jennings Road should include a variety of materials, colours and finishes, as well as articulation to break up the façade and provide visual interest and reduce the perceived bulk.
- 1.7 A safety rail will be required along the interface between the bin room landing area on the footpath and the driveway to ensure separation between vehicles and the safety of the people transferring bins to and from collection on Jennings Road.
 - 1.7.1 The footpath will be required to be 2 metres width along the full frontage of the development on Jennings Road, to facilitate adequate space for the storage of bins on collection day and pedestrian thoroughfare.
- 1.8 An updated Operational Management Plan (OMP) is to be submitted to the Principal Certifying Authority to reflect the recommendations of the conditions contained in this consent.
 - 1.8.1 The plan is to provide information relating to the management structure of Hume

Community Housing, site maintenance, lighting, noise management, waste management, emergency procedures, complaint management procedures, and procedures for the periodical review of the OMP.

1.8.2 The OMP is to provide clear stakeholder roles and responsibilities to ensure that the development is well managed, and that tenants and management are aware of their rights and obligations.

1.8.3 The Social Impact Assessment recommends the following be factored into the design and management plan at the detailed design stage:

- To maintain good surveillance, it is recommended that landscaping be regularly maintained to ensure existing natural surveillance across the site and to and from the street is maintained.
- To ensure good visibility and increase a sense of safety at night, lighting is to be installed:
 - at all dwelling entrances and exits;
 - at all front gates to the dwellings fronting Jennings Road
 - along footpaths (foot level lighting) to front doors for dwellings fronting Jennings Road
 - on all stairwells to front doors
 - along the driveway (foot level lighting);
 - in the car parking areas with lighting installed at a sufficient height to reduce the potential for tampering, and of a design to minimise light spill;
 - within the communal open space;
 - a sensor light is recommended for the bin area.
- Bin area to be secured to prevent access by non-residents.
- A clearly visible street number is to be provided on the site frontage.
- Signage to be installed to advise that the premises is under 24-hour CCTV surveillance.
- Clear directional signage to be included to indicate where different dwellings are located within the site, and to indicate the location of the garbage bins.
- Each dwelling to have a visible number on the front of the dwelling.
- The proposed space management practices suggested to be implemented at the proposed development include:
 - regular maintenance of the premises, including cleaning up of litter or rubbish from the car parking areas and grounds;
 - regular waste removal;
 - rapid removal of any graffiti that may be undertaken on the site;
 - regular checks of and rapid repairs to lighting and signage and any damage on the site.
- Individual letterboxes should be lockable to impeded unauthorised access.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.

2.2. Submit an application to Council under section 305 of the Water Management Act 2000 for a section 306 Requirements Letter. The Application form can be found on Council's website centralcoast.nsw.gov.au. Early application is recommended.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements

letter will outline which requirements must be met prior to each development milestone e.g. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

- 2.3. Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

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

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

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

- a) Construction of a residential vehicle access crossing that has a minimum width of 11 metres at the road gutter crossing and minimum width of 5.5 metres at the property boundary, including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- b) Up to half width road construction including kerb and guttering, subsurface pavement drainage, verge formation, with end transitions across the full frontage of the site in 12-14 Jennings Road with a minimum longitudinal length of 42 metres.
- c) Construction of a concrete shared pathway 2 metres wide, including any end treatments or road crossing treatments, for the full street frontage of the development in 12-14 Jennings Road with a minimum longitudinal length of 42 metres.
- d) Construction of the road verge/footway formation graded upwards from the top of new kerb to the property boundary, across the full frontage of the site in 12-14 Jennings Road for a minimum length of 42 metres. Construction to include transitions to existing formation either side of the site.
- e) Removal of all redundant vehicular access crossings.
- f) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- g) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve generally in accordance with the information presented on Civil Engineering Plans version E, by Tonkin, 26/03/2025.
- h) Road pavement designs. An Investigation and Design report prepared by a practising Geotechnical Engineer must be provided. The pavement design

thickness must be

determined in accordance with Council's specifications and the following traffic loadings:

a. Name of Street	Traffic Loading (ESAs)
b. Jennings Road	2 x 10 ⁶

- i) The design is to be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
- j) The section 138 Roads Act Works Approval must be issued by Council and all conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

2.4. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development.

- a) 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.

2.5. Obtain a Section 68 Local Government Act Works Approval for Stormwater Drainage works by submitting an application to Council for a 'Section 68 Local Government Act Works Approval – stormwater drainage' for storm water drainage works connecting to or within Council's storm water system using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

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

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

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

- a) Construction the connection of all piped and collected stormwater runoff from within the development site to Council's stormwater system located in Jennings Road.

- b) Construction of stormwater drainage system required to be generally in accordance with the details shown in the Civil Engineering Drawings version E, by Tonkin, 26/03/2025.

The *Section 68 Local Government Act Works Approval – stormwater drainage* must be issued and all conditions of that approval addressed prior to commencing any works that are the subject of the approval.

2.6. Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

- a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
- b) Minimum driveway width of 5.5 metres at the property boundary for a minimum length of 6 metres into the site.
- c) Vehicle regulatory signage to be included at the entry and through the development restricting vehicle access to the site to vehicles 6 metres length and under.
- d) Construction of a stormwater drainage retention, detention and pollution control measures generally in accordance with the details shown in Civil Engineering Drawings version E, by Tonkin, 26/03/2025, including connection into Council's storm water drainage system in Jennings Road. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
- e) Construction of buildings with the minimum floor level of all habitable rooms in the development being Reduced Level (RL) 9.90 m Australian Height Datum (AHD).
- f) Bin storage areas to include maximum grade of 3%.
- g) Inclusion of a safety rail between the walkway and the driveway at the bin room landing area to ensure no interaction between vehicles and people transferring bins to and from Jennings Road for collection.
- h) Design of footings for structures, structures and retaining walls to be designed in accordance with the requirements of Council's *Guidelines for Building Adjacent to a Drainage Easement* and *Building in Proximity to Water and Sewer Pipelines* procedure.
- i) Any retaining walls supporting excavation or fill across the site are to be wholly located within the site and include a 60 year design life.
- j) Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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

- 2.7. Submit an application to Council under section 305 of the Water Management Act 2000 for a section 306 Requirements Letter. The Application form can be found on Council's website centralcoast.nsw.gov.au. Early application is recommended.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone e.g. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

- 2.8. Submit to the Registered Certifier, responsible for issuing a construction certificate for works within the development properties, a carpark, access, and traffic facilities certificate of compliance approved by a suitably qualified traffic professional, demonstrating compliance with design plans, relevant Australian Standards, relevant parts of Councils DCP and Council Standard Drawings as applicable.
- 2.9. Provide a revised Landscape Plan for Councils Ecologist approval. The landscape plan is to be revised to offset the impacts to the identified threatened entities proposed to be removed. *Syzygium paniculatum* (Mangenta Lilly Pilly) is to replace *Cupaniopsis anacardioides* (Tuckeroo) individuals located in the centre of the proposed development.

2.10 Contributions Section 7.11

Before the issue of a Construction Certificate, pursuant to Section 7.11 of the Environmental Planning & Assessment Act, the applicant must pay contributions to Council totalling \$135,912.50 as calculated at the date of this consent, in accordance with the Wyong District Section 7.11 Plan 2020. Refer to table below for full itemised list of contributions levied under this condition.

Wyong Open Space Works	\$ 58,160.80
Wyong District Community Facilities Land	\$ 13,789.45
Wyong District Community Facilities Works	\$ 63,962.25
Total	\$ 135,912.50

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Wyong District Section 7.11 Plan 2020. Contributions under the Wyong District Section 7.11 Plan 2020 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)

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. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.3. **Protective fencing**
 - a) Fencing is to be erected before any machinery or materials are brought onto the site and before commencement of works. Once erected, protective fencing must not be removed or altered with.
 - b) Erect a barrier fence between works and trees to be retained, no closer than two metres from tree trunk. Radius is measured from the centre of the stem at ground level and to be constructed of 1.8-meter-high temporary chain wire fencing.
 - c) Sign-post fences around Tree Protection Zones to warn of its purpose.
- 3.4. 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 or the Roads and Maritime Service where on a classified road.

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

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

- 3.5. 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 Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.

- 3.6. 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.

- 3.7 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

- a) Site investigation for the preparation of the construction, and / or
- b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent.
- c) Any demolition approved by this consent.

3.8 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

3.9 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. (GL011)

3.10 Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- diverting uncontaminated run-off around cleared or disturbed areas, and
- preventing the tracking of sediment by vehicles onto roads, and
- stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

3.11 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.

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

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

4.DURING WORKS

4.1. All conditions under this section must be met during works.

4.2. **Tree Removal**

Trees to be removed to accommodate for the development as specified in the Arborist Report by Tattersall Lander in September 2023.

4.3. Manual (hand) excavation must occur when within three metres of trees to be retained.

All care is to be taken to avoid damage to tree roots.

Roots that can't be avoided are to be cut (not ripped) with a sharp tool such as pruners or handsaw.

Seek Arboricultural advice before severing roots greater than 75mm diameter.

4.4. Activities generally excluded from the Tree Protection Zone, but not limited to:

- a) Machine excavation, trenching, material storage, prepare chemicals or cement, park, refuel, dump waste, wash down, fill or change soil level.

4.5. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.

4.6. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.

4.7. Undertake clearing in accordance with the approved tree removal/retention survey plan. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

4.8. Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity. Plant stock should be sourced from local nurseries to Wyong. Non-provenance specific material is prohibited.

4.9. No activity is to be carried out on-site until the Construction Certificate has been issued,

other than:

- Site investigation for the preparation of the construction, and / or
- Implementation of environmental protection measures, such as erosion control and the like that are required by this consent.
- Any demolition approved by this consent.

4.10 Appoint a Principal Certifying Authority for the building work:

- 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.
- 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

4.11 Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:

- The name, address and telephone number of the Principal Certifying Authority for the work; and
- The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
- That unauthorised entry to the work site is prohibited.
- Remove the sign when the work has been completed.

4.12 Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- diverting uncontaminated run-off around cleared or disturbed areas, and
- preventing the tracking of sediment by vehicles onto roads, and
- stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

4.13 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.

- 4.14 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:

- be a standard flushing toilet connected to a public sewer, or
- have an on-site effluent disposal system approved under the Local Government Act 1993, or
- be a temporary chemical closet approved under the Local Government Act 1993.

- 4.15 The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00 am and 5.00 pm on Monday to Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays or a public holidays, except where there is an emergency.

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

Note: Any variation to the hours of work requires Council's approval. GL014

- 4.16 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.

- 4.17 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 GL015

- 4.18 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. (GL016)
- 4.19 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. (GL017)
- 4.20 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.
- 4.21 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.
- 4.22 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.
- 4.23 Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: The demolition of structures. Waste materials must be disposed of at a waste management facility.

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

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

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

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the Work Health and Safety Regulation 2011.

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

4.26 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. 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.
- 5.3. Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
 - a) provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*
 - b) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
 - c) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises
 - d) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development

- e) install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.
- 5.4. Install a system of Closed Circuit Television (CCTV) of a type and in locations on the site that will provide high-quality images of all public areas within the site.
- 5.5. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 5.6. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.7. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.
- 5.8. 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.
- 5.9. Complete construction of all works approved in the Local Government Act Section 68 Stormwater Drainage Works Approval. Completion include 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 adopted fees and charges.
- 5.10. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.11. Amend the Certificate of title for lot 1 DP 1230068 to:
- 1) Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants (as applicable) and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
 - Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention and retention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

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

- a) To ensure on any lot containing on-site stormwater detention and retention system and / or a nutrient / pollution facility that:
 - i. the facility will remain in place and fully operational.
 - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
 - iv. Council is indemnified against all claims of compensation caused by the facility.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

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

5.12. Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.

5.13 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.

5.14 Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.

5.15 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.

6.ONGOING

6.1. Manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner / operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.

6.2. Operate and maintain all external lighting so as not to impact on any adjoining property.

6.3. Implement and comply with all recommendations in the acoustic report prepared by E-LAB dated 29 November 2023.

- 6.4. Maintain the installed system of Closed Circuit Television (CCTV) that monitors / records all public areas within the site.
- 6.5. 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.
- 6.6. All vehicles greater than 6 metres in length are to be restricted from entering the site.
- 6.7. 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.
- 6.8. 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.
- 6.9. Maintain all works associated with the approved Landscape Plans for the life of the development to ensure the survival and establishment of the landscaping.
- 6.10. 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.
- 6.11. Maintain internal pavement and pavement marking.

10. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- Offence to disturb Aboriginal artefact.

It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit. If during works suspected Aboriginal heritage items (stone tool artefacts, shell middens, axe grinding grooves, pigment or engraved rock art, burials or scar trees) are identified, works will cease and OEH (131555) will be contacted.

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

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

- Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of

any construction or planning activities. 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

- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- 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.

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 Council's Ecologist will be notified within 24hrs.