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| **ATTACHMENT A – DRAFT CONDITIONS**  **TO COUNCIL ASSESSMENT REPORT**  HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL | |

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| PANEL REFERENCE & DA NUMBER | PPSHCC-86 – Central Coast –  DA/882/2021 (PAN-125315, CNR-26970) |
| PROPOSAL | Seniors Housing Development in 2 stages comprising demolition works, construction of a residential aged care facility (RACF) and independent living units (ILU’s) with associated on-site support services and communal facilities, parking, landscaping, and other ancillary uses and works under SEPP (Housing for Seniors and People with a Disability) 2004. |
| ADDRESS | 19 Bias Avenue Lot 524 DP 823143 and  1 Harbour Street Lot 16 DP240129  Bateau Bay (known as Nareen Gardens) |
| APPLICANT | Gyde Consulting (formerly City Plan Strategy & Development) |
| OWNER | Uniting Church in Australia Property Trust NSW |
| DA LODGEMENT DATE | 12 August 2021 |
| APPLICATION TYPE | Development Application with a Capital Investment Value > $30 million |
| REGIONALLY SIGNIFICANT CRITERIA | Clause 2, Schedule 7 of the SRD SEPP |
| CIV | $129,718,351 (excluding GST) |
| RECOMMENDATION | Approval subject to conditions |
| DRAFT CONDITIONS TO APPLICANT | No |
| SCHEDULED MEETING DATE | 16 November 2022 |
| PREPARED BY | S Pendergast - Principal Development Planner |
| DATE OF CONDITIONS | 21 November 2022 |

***Draft Conditions***

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| **1. PARAMETERS OF THIS CONSENT** |

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

**Architectural Plans:**

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| Description/Title | Drawing No | Issue  /Rev | Date | Author |
| Coversheet | A-0001 | D-03 | 01.11.22 | CKDS Architecture |
| Demolition Plan | A-0004 | D-02 | 14.09.22 | CKDS Architecture |
| Site Yield / Calculations | A-0005 | D-03 | 01.11.22 | CKDS Architecture |
| Site Context | A-0006 | D-02 | 14.09.22 | CKDS Architecture |
| Site Analysis / Constraints | A-0007 | D-02 | 14.09.22 | CKDS Architecture |
| Functional Diagram | A-0008 | D-02 | 14.09.22 | CKDS Architecture |
| Design Development | A-0009 | D-02 | 14.09.22 | CKDS Architecture |
| Site Massing | A-0010 | D-02 | 14.09.22 | CKDS Architecture |
| Proposed Massing Strategy | A-0011 | D-02 | 14.09.22 | CKDS Architecture |
| Site Diagram | A-0012 | D-02 | 14.09.22 | CKDS Architecture |
| Site / Roof Plan | A-0111 | D-04 | 01.11.22 | CKDS Architecture |
| Site Circulation | A-0112 | D-02 | 14.09.22 | CKDS Architecture |
| Waste Management | A-0113 | D-02 | 14.09.22 | CKDS Architecture |
| Parking Allocation Diagram | A-0114 | D-02 | 14.09.22 | CKDS Architecture |
| Staging - Stage 1: Overall | A-0121 | D-02 | 14.09.22 | CKDS Architecture |
| Staging - Stage 1A: Early Works | A-0122 | D-02 | 14.09.22 | CKDS Architecture |
| Staging - Stage 1B: Building Works | A-0123 | D-02 | 14.09.22 | CKDS Architecture |
| Staging - Stage 1C: Altona Avenue Connection | A-0124 | D-02 | 14.09.22 | CKDS Architecture |
| Staging - Stage 2: Overall | A-0125 | D-02 | 14.09.22 | CKDS Architecture |
| Staging - Stage 2A: Early Works | A-0126 | D-02 | 14.09.22 | CKDS Architecture |
| Staging - Stage 2B: Building Works | A-0127 | D-02 | 14.09.22 | CKDS Architecture |
| Staging - Stage 2C: External Works | A-0128 | D-02 | 14.09.22 | CKDS Architecture |
| Staging - Overall Staging Plan | A-0129 | D-02 | 14.09.22 | CKDS Architecture |
| Photomontage | A-0131 | D-02 | 14.09.22 | CKDS Architecture |
| Site - Ground Floor Plan | A-1001 | D-03 | 01.11.22 | CKDS Architecture |
| Site - Level 01 Plan | A-1002 | D-03 | 01.11.22 | CKDS Architecture |
| Site - Level 02 Plan | A-1003 | D-03 | 01.11.22 | CKDS Architecture |
| Site - Level 03 Plan | A-1004 | D-03 | 01.11.22 | CKDS Architecture |
| Site - Street Elevation | A-1011 | D-02 | 14.09.22 | CKDS Architecture |
| Site - Sections | A-1021 | D-02 | 14.09.22 | CKDS Architecture |
| Site - Sections | A-1022 | D-02 | 14.09.22 | CKDS Architecture |
| East Boundary -Boundary Section 1 | A-1023 | D-02 | 14.09.22 | CKDS Architecture |
| East Boundary -Boundary Section 2 | A-1024 | D-02 | 14.09.22 | CKDS Architecture |
| East Boundary -Boundary Section 3 | A-1025 | D-02 | 14.09.22 | CKDS Architecture |
| East Boundary -Boundary Section 4 | A-1026 | D-02 | 14.09.22 | CKDS Architecture |
| East & Harbour Street Boundary Sections | A-1027 | D-02 | 14.09.22 | CKDS Architecture |
| Altona Avenue Street Boundary Sections | A-1028 | D-02 | 14.09.22 | CKDS Architecture |
| Harbour Street -Boundary Sections | A-1029 | D-02 | 14.09.22 | CKDS Architecture |
| Lakin Street -Section | A-1030 | D-02 | 14.09.22 | CKDS Architecture |
| Altona Avenue -Street Boundary Sections | A-1031 | D-02 | 14.09.22 | CKDS Architecture |
| RACF - Ground Floor Plan | A-2101 | D-02 | 14.09.22 | CKDS Architecture |
| RACF - Level 01 Plan | A-2102 | D-02 | 14.09.22 | CKDS Architecture |
| RACF - Level 02 Plan | A-2103 | D-02 | 14.09.22 | CKDS Architecture |
| RACF - Level 03 Plan | A-2104 | D-03 | 01.11.22 | CKDS Architecture |
| RACF - Roof Plan | A-2105 | D-03 | 01.11.22 | CKDS Architecture |
| RACF - North & South Elevations | A-2111 | D-03 | 01.11.22 | CKDS Architecture |
| RACF - East & West Elevations | A-2112 | D-03 | 01.11.22 | CKDS Architecture |
| RACF - Sections AA & BB | A-2121 | D-02 | 14.09.22 | CKDS Architecture |
| RACF - Door Schedule | A-2131 | D-03 | 01.11.22 | CKDS Architecture |
| RACF - Window Schedule | A-2141 | D-03 | 01.11.22 | CKDS Architecture |
| RACF - Window Schedule | A-2142 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 01 - Ground Floor Plan | A-3101 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 01 - Level 1 Floor Plan | A-3102 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 01 - Level 2 Floor Plan | A-3103 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 01 - Roof Plan | A-3104 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 01 - North & South Elevations | A-3111 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 01 - East Elevation | A-3112 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 01 - West Elevation | A-3113 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 01 - Sections AA & BB | A-3121 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 01 - Door Schedule | A-3131 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 01 - Door Schedule | A-3132 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 01 - Window Schedule | A-3141 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 01 - Window Schedule | A-3142 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 02 - Ground Floor Plan | A-3201 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 02 - Level 1 Floor Plan | A-3202 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 02 - Level 2 Floor Plan | A-3203 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 02 - Roof Plan | A-3204 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 02 - North & South Elevations | A-3211 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 02 - East Elevation | A-3212 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 02 - West Elevation | A-3213 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 02 - Sections AA & BB | A-3221 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 02 - Door Schedule | A-3231 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 02 - Door Schedule | A-3232 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 02 - Window Schedule | A-3241 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 02 - Window Schedule | A-3242 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - Ground Floor Plan | A-3301 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - Level 1 Floor Plan | A-3302 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - Level 2 Floor Plan | A-3303 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - Level 3 Floor Plan | A-3304 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - Roof Plan | A-3305 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - North & South Elevations | A-3311 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - East Elevation | A-3312 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - West Elevation | A-3313 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - Sections AA & BB | A-3321 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 03 - Door Schedule | A-3331 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - Door Schedule | A-3332 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - Window Schedule | A-3341 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - Window Schedule | A-3342 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 03 - Window Schedule | A-3343 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 05 - Ground Floor Plan | A-3501 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 05 - Level 1 Floor Plan | A-3502 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 05 - Level 2 Floor Plan | A-3503 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 05 - Roof Plan | A-3504 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 05 - North & South Elevations | A-3511 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 05 - East Elevation | A-3512 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 05 - West Elevation | A-3513 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 05 - Sections AA & BB | A-3521 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 05 - Door Schedule | A-3531 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 05 - Door Schedule | A-3532 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 05 - Window Schedule | A-3541 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 05 - Window Schedule | A-3542 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 06 - Ground Floor Plan | A-3601 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 06 - Level 1 Floor Plan | A-3602 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 06 - Roof Plan | A-3603 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 06 - North & South Elevations | A-3611 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 06 - East Elevation | A-3612 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 06 - West Elevation | A-3613 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Block 06 - Sections AA & BB | A-3621 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 06 - Door Schedule | A-3631 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 06 - Window Schedule | A-3641 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Block 06 - Window Schedule | A-3642 | D-03 | 01.11.22 | CKDS Architecture |
| ILU - Apartment Plans - 1 Bedroom | A-3701 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Apartment Plans - 2 Bedroom | A-3702 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Apartment Plans - 2 Bedroom | A-3703 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Apartment Plans - 3 Bedroom | A-3704 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Apartment Plans - 3 Bedroom | A-3706 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Apartment Plans - 3 Bedroom | A-3707 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Apartment Plans - 3 Bedroom | A-3708 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Apartment Plans - 3 Bedroom | A-3709 | D-02 | 14.09.22 | CKDS Architecture |
| ILU - Apartment Plans - 3 Bedroom | A-3710 | D-01 | 01.11.22 | CKDS Architecture |
| Schedule - RACF External Finishes | A-7001 | D-02 | 14.09.22 | CKDS Architecture |
| Schedule - ILU External Finishes | A-7002 | D-02 | 14.09.22 | CKDS Architecture |
| SEPP 65 - Compliance Table | A-8001 | D-03 | 01.11.22 | CKDS Architecture |
| Landscape - Coversheet | L000 | JJ | 13.09.22 | Xeriscapes |
| Landscape- Design Report | L001 | DD | 06.05.22 | Xeriscapes |
| Landscape – Tree Management | L002 | HH | 13.09.22 | Xeriscapes |
| Existing Tree Schedule 1 0f 2 | L003 | CC | 28.04.22 | Xeriscapes |
| Existing Tree Schedule 2 0f 2 | L004 | CC | 28.04.22 | Xeriscapes |
| Proposed Tree Plan | L005 | HH | 13.09.22 | Xeriscapes |
| Landscape Design Principles | L006 | GG | 13.09.22 | Xeriscapes |
| Landscape Masterplan | L101 | HH | 13.09.22 | Xeriscapes |
| Detailed Landscape Plan 1 of 3 | L102 | FF | 13.09.22 | Xeriscapes |
| Detailed Landscape Plan 2 of 3 | L103 | EE | 13.09.22 | Xeriscapes |
| Detailed Landscape Plan 3 of 3 | L104 | FF | 13.09.22 | Xeriscapes |
| RACF Level 1 Podium Landscape Plan | L105 | CC | 28.04.22 | Xeriscapes |
| Landscape Sections (1of 2) | L111 | CC | 28.04.22 | Xeriscapes |
| Landscape Sections (2of 2) | L112 | CC | 28.04.22 | Xeriscapes |
| Plant Schedule - General | L114 | EE | 13.09.22 | Xeriscapes |
| Village Green Concept Plan | L115 | DD | 24.05.22 | Xeriscapes |
| Screen/Buffer Planting Plan | L201 | DD | 24.05.22 | Xeriscapes |
| Screen/Buffer Planting Plan | L202 | EE | 13.09.22 | Xeriscapes |
| Screen/Buffer Planting Plan | L203 | EE | 13.09.22 | Xeriscapes |
| Plant Schedule -Screen/Buffer | L204 | CC | 28.04.22 | Xeriscapes |

**Supporting Documentation**

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| Document | Title | Date |
| D14761656  & D15177499 | Statement of Environmental Effects (Project N18-32 Rev.02) prepared by Cityplan as amended by Response to RFI and Submissions Report dated 20.5.22 prepared by Gyde Consulting Including Clause 4.6 Exception to Development Standards | 13 July 2021  & 20 May 2022 |
| D15406538 | Final RFI Response letter dated 13 Sept 2022 prepared by Gyde Consulting | 13 Sept 2022 |
| D15406537 | Architectural (CKDS) & Landscaping (Xeriscapes) Response to RFI | Undated |
| D15276101 | Response to RFI of 19 July 2022 prepared by Gyde Consulting dated 2 August 2022 | 2 August 2022 |
| D15346485 | Architectural response to RFI prepared by CKDS Drawing list 001-024 Issue A. | 13 Sept 2021 |
| D15177611 | Boundary Interface Sections Report | May 2022 |
| D15346499 | Operational letter from Uniting | 9 Sept 2022 |
| D15346489 | Visual Impact Statement (Rev C) prepared by CKDS | 13 Sept 2022 |
| D15177496 & D15177528  D14761998 | Acid Sulphate Soils Management Plan Ref E2001-3 -Rev 1 prepared by Foundation Earth Sciences & addendum statement dated 13 May 2022  Acid Sulphate Soils Assessment (Ref.E2001-2 Doc 1) prepared by Benviron Group dated 15 Dec 2018 | 13 May 2022 |
| D15177498 | Disability Access Report Ref: LP\_21020 Rev6 prepared by Lindsay Perry Access | 20 May 2022 |
| D15177495  & D15177530 | Arboricultural Impact Assessment Report Ref: 220414\_Nareen Gardens\_AIA\_Rev7 prepared by Urban Arbor & Purpose of Statement prepared by Urban Arbor dated | 14 April 2022 |
| D15177484  D15346488 | Traffic Impact Assessment prepared by Traffix Ref.18.444r01v12 and  Traffic Statement prepared by Traffix (swept paths) (Ref.18.444r01v02) | 20 May 2022  13 Sept 2022 |
| D15406574 | Geotechnical Investigation Report Ref G333-1 prepared by Benviron group | 20 Dec 2018 |
| D15177505 | Operational, Demolition and Construction Waste Management Plan prepared by Waste Audit & Consultancy Services | May 2022 |
| D14762106  & D15177507 | Field Ambient Odour Assessment Study prepared by The Odour Unit Version 1 dated 3 May 2021 and Addendum report prepared by The Odour Unit dated 20 May 2022 | 22 May 2022 |
| D14762095  &  D15177516 | Noise Impact Assessment prepared by ADP Consulting dated 18 May 2021 as amended under  Revised Noise Impact Assessment No SYD1600 Rev 04 prepared by ADP Consulting P/L | 19 May 2022 |
| D15177519 | Preliminary BCA and Certification Assessment prepared by Steve Watson & Partners Rev 1.1 | 13 May 2022 |
| D15434844 | Basix Assessment Report (Ref: SYD1600 Rev.05) prepared by ADP Consulting P/L | 15 Nov 2022 |
| D15434839 | Basix Certificate prepared by ADP Consulting | 15 Nov 2022 |
| D15434849 | Nathers Group Certificate | 15 Nov 2022 |
| D15177533 | SEPP No.65 – Apartment Design Guide – Compliance Statement prepared by CKDS  -Design Verification Statement -Resubmission - Issue B-02 | May 2022 |
| D14762094  &  D15177540 | Crime Risk Report (Ref#18-032 Version1), Rev01 prepared by City Plan and addendum report prepared by Gyde Consulting dated 19 May 2022 | 13 May 2021 &  19 May 2022 |
| D14810876  &  D15177538 | Social Impact Assessment No. N-18032 prepared by City Plan Rev 02 dated July 2021, and SIA Addendum prepared by Gyde Consulting dated 17 May 2022 | 17 May 2022 |
| D15177501 | Engagement Outcomes Report (Ref 2192 - 1) prepared by Mara Consulting | 17 May 2022 |
| D14762135 &  D15177522 | Bush Fire Assessment Report (Ref,18092)  prepared by Peterson Bushfire dated 20 May 2021 and Addendum report Prepared by Peterson Bushfire dated 16 May 2022. | 20 May 2021 & 16 May 2022 |
| D15276116 | QS Statement and labour costings prepared by Newton Fisher Group | 16 May 2022 |
| D15177518 | Indicative Operations Management Plan prepared by Uniting | 16 May 2022 |
| D15177514 | Uniting Response to RFI (social impacts) | 18 May 2022 |
| D15177511 | Flood impact Assessment (Ref NE-RPT-0002) Rev.3 prepared by Northrop | 19 May 2022 |
| D15177613 | Streamlined Biodiversity Development Assessment Report (Ref. Unit 1var3) Ver3 prepared by NARLA Environmental | 19 May 2022 |
| D15177482 | External Lighting Strategy Statement prepared by ADP Consulting | 14 April 2022 |
| D15177517 | Certificate of Registration -Community Housing | 27 Feb 2018 |
| D15177544 | Construction Statement prepared by Savills | 20 May 2022 |

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.

The recommendations of the supporting documentation above are to be implemented as part of the development during the relevant stages of construction and operation except as otherwise specifically stated under the conditions below.

**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. GL002

* 1. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
  2. Approval is granted for the development to be carried out in two stages in accordance with the adopted staging plans. Works are to be finalised appropriate for each stage prior to the release of the Occupation Certificate.
  3. Comply with the General Terms of Approval from the Authorities as listed below and attached as a schedule of this consent.

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| Government Agency / Department / Authority | Description | Ref No | Date |
| NSW Rural Fire Service | General Terms of Approval (& BFSA dated 3.11.22) | DA20210901003748-Original-1 | 25 Nov 2021 |
| Natural Resources Access Regulator | General Terms of Approval for DA/882/2021 | IDAS – 2021-10023 | 16 Feb 2022 |

* 1. Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the *Environmental Planning and Assessment Regulation 2000*.
  2. A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all the requirements of the *Environmental Planning and Assessment Regulation 2000.*
  3. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. The Occupation Certificate application is to satisfy all the requirements of the *Environmental Planning and Assessment Regulation 2000*.
  4. Where conditions of this consent require approval from Council under Section 138 of the *Roads Act 1993*, Section 68 of the *Local Government Act 1993* or Section 305 of the *Water Management Act 2000*, a completed Works application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council’s Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

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| **2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE** |

2.1 **ALL STAGES -** All conditions under this section must be met prior to the issue of the relevant Construction Certificate.

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

1. Site investigation for the preparation of the construction, and / or
2. Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
3. Demolition.

2.3 **ALL STAGES -** Submit amendments to the approved plans to the Accredited Certifier that must detail:

1. Increase POS in the 1-bedroom units R.3.01, R.3.02, R.3.03, and R.3.04 to comply with the minimum area of 8m2 and the minimum dimension of 2m.
2. Increase POS in the 2-bedroom unit R.3.08 to comply with the minimum area of 10m2 and the minimum dimension of 2m.

2.3 **ALL STAGES –** The road signage, pavement marking, and pedestrian crossing treatment 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, pavement marking, and pedestrian crossing treatment design drawings are to be submitted to Council with the relevant *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

2.4 **STAGE 1 –** 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:

1. Construction of a shelter for the bus stop on Bias Avenue along the frontage of the site, in accordance with Council’s *Standard Drawing SD0605*, *Type 1*. Design plans for the bus shelter (including location) and any required footpath realignment shall be prepared in consultation with Council's Traffic Committee and the relevant Bus Service provider.
2. Removal of the redundant 1 Harbour Street vehicle gutter crossing / layback and replacement with kerb.
3. Removal of the redundant 1 Harbour Street vehicular access crossing. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary.
4. Removal of the existing footpath within the Bias Avenue / Harbour Street frontage, between the existing vehicle access crossings servicing 19 Bias Avenue and 1A Harbour Street, and construction of a concrete shared pathway 2.5 metres wide through this extent.
5. Construction of concrete footpath 1.5 metres wide for the full street frontage of the development in Altona Avenue.
6. Construction of a commercial vehicle access crossing within the Altona Avenue frontage, with a width of 11.7 metres at the property boundary, including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing. The width of the vehicle access at the road gutter crossing is to be redesigned to ensure all wheel paths detailed in the Swept Path Analysis prepared by Traffix (Project No. 18.444, Rev. D, 14/05/21 and/or any iteration of this Analysis) are contained within the hardstand vehicle access crossing areas.
7. Removal and replacement of all damaged kerb and gutter with new kerb and channel within the Altona Avenue frontage.
8. Installation of road signage within the Bias Avenue / Harbour Street and Altona Avenue frontages in accordance with Austroads guides, Transport for NSW Roads and Maritime Services Supplements and Australian Standards.
9. Construction of storm water drainage connections from the development site to Council’s storm water drainage system within the Bias Avenue and Altona Avenue road reserves. Construction to be generally in accordance with the Concept Stormwater Management & Levels Plan prepared by NORTHROP (Job no. NL181583, Rev. 11, dated 17/05/22).
10. Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

The design is to be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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.

2.5 **STAGE 2 –** 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:

1. Construction of a commercial vehicle access crossing within the Bias Ave frontage, with a width of 10.8 metres at the property boundary, including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing. The width of the vehicle access at the road gutter crossing is to be redesigned to ensure all wheel paths detailed in the Swept Path Analysis prepared by Traffix (Project No. 18.444, Rev. D, 14/05/21 and/or any iteration of this Analysis) are contained within the hardstand vehicle access crossing areas.
2. Concrete shared pathway 2.5 metres wide to be constructed along the western side of Bias Avenue (to the north of the site frontage), between the new vehicle access crossing into the development and terminating in a kerb ramp opposite the existing ramp for the sheltered bus stop on the eastern side of Bias Avenue. An appropriate end transition between the shared pathway and existing footpath will be required at the northern extent.
3. Construction of a suitable pedestrian crossing treatment, designed by a suitably qualified traffic engineering professional, within Bias Avenue to the north of the site frontage, aligned with the new shared pathway kerb ramp on the western side of Bias Avenue and the existing bus stop ramp on the eastern side of Bias Avenue.
4. Removal of all redundant sections of the existing vehicle gutter crossing / layback servicing the site within the Bias Avenue / Harbour Street frontage and replacement with kerb.
5. Removal of all redundant sections of the existing vehicular access crossing servicing the site within the Bias Avenue / Harbour Street frontage. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary. Concrete shared pathway 2.5 metres wide to be constructed between end of Stage 1 shared pathway and new vehicle access crossing.
6. Removal and replacement of all damaged kerb and gutter within the Bias Avenue / Harbour Street frontage with new kerb and channel.
7. Removal and replacement of all damaged kerb and gutter, within the Altona Avenue frontage construction accessway footprint, with new kerb and channel
8. Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

The design is to be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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.

2.6 **ALL STAGES –** 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, 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.

2.7 **STAGE 1 –** 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:

1. Construction of temporary stormwater scour protection works to connect the Stage 1 [temporary] upsized 750mm RCP discharge outlet pipe from the development to the existing concrete drainage channel adjacent to Saltwater Creek.
2. Removal of all redundant stormwater discharge pipe outlets from the development to the existing concrete drainage channel adjacent to Saltwater Creek and reinstatement of these areas to match the adjacent landform and vegetation conditions.

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.

2.8 **STAGE 2 –** 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:

1. Construction of a new concrete channel/chute from the headwall for the discharge pipe outlet from the development to the existing concrete drainage channel adjacent to Saltwater Creek.
2. Removal of the Stage 1 temporary discharge outlet pipe from the development, and associated scour protection works, to the existing concrete drainage channel adjacent to Saltwater Creek and reinstatement of this area to match the adjacent landform and vegetation conditions.

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.

2.9 **STAGE 1 –** Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

1. Construction of driveways 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.
2. Construction of a Stormwater Management System comprising:
   1. Overland flow paths, channels, surface inlet pits, and piping, along the eastern side of Blocks 2, 5 & 6, to the approved connections with Council’s drainage system within Bias Avenue and Altona Avenue, as detailed on the Concept Stormwater Management & Levels Plan prepared by NORTHROP (Job No. NL181583, Rev. 11, dated 17/05/22).
   2. Temporary Stage 1 stormwater collection and drainage works to the approved connection with the existing concrete drainage channel adjacent to Saltwater Creek, as detailed within the Stage 1 Civil Markup Plan prepared by NORTHROP (Job No. NL181583, dated 12/05/22). Temporary nutrient and pollution controls measures are to be incorporated to treat all run-off from hardstand and roadway areas prior to discharge from the site.
3. Construction of buildings with the minimum floor level of all habitable rooms in the development to be equal to or greater than the applicable PMF level within the respective area of the site, as detailed within the Flood Impact Assessment prepared by Northrop (Ref. No. NL193350, Rev. 2, dated 19/05/22).
4. Construction of buildings from materials that are used or located below Reduced Levels (RLs) detailed above must be of a type that is able to withstand the effects of immersion.
5. Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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

2.10 **STAGE 2 –** Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

1. Construction of driveways 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.
2. Construction of a Stormwater Management System comprising:
3. An on-site bio-filtration basin and associated piped drainage system.
4. Overland flow paths and channels.
5. Drainage collection and piping of stormwater runoff from areas within the site, via the on-site bio-filtration basin, to the approved connection with Council’s existing concrete drainage channel to the west of the site.
6. Drainage collection and piping of stormwater runoff from the Bias Avenue entry driveway grated drain and adjacent driveway areas to Council’s existing street drainage system within Bias Avenue. Nutrient and pollution controls measures are to be incorporated to treat all run-off prior to discharge from the site.
7. Construction to be generally in accordance with the Concept Stormwater Management & Levels Plan prepared by NORTHROP (Job No. NL181583, Rev. 11, dated 17/05/22).
8. Construction of buildings with the minimum floor level of all habitable rooms in the development to be equal to or greater than the applicable PMF level within the respective area of the site, as detailed within the Flood Impact Assessment prepared by Northrop (Ref. No. NL193350, Rev. 2, dated 19/05/22).
9. Construction of buildings from materials that are used or located below Reduced Levels (RLs) detailed above must be of a type that is able to withstand the effects of immersion.
10. Construction of footings for structures that are designed in accordance with the requirements of Council’s *Guidelines for Building Adjacent to a Drainage Easement*.
11. Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
12. The retaining wall along the northern boundary, supporting fill for the internal roadway around the northern side of the RACF, is to be designed to incorporate protection measures for Council’s adjacent trunk stormwater drainage pipes. Design to be in accordance with *Central Coast Development Control Plan Chapter 3.1*, *Section 3.1.14*.

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

2.11 **ALL STAGES –** 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](https://www.centralcoast.nsw.gov.au/council/forms-and-publications/forms). 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 for the relevant stage of construction. The requirements letter will outline which requirements must be met prior to each development milestone for each construction stage, e.g., prior to Construction Certificate, Commencement of Works, Subdivision Works Certificate and/or Occupation Certificate.

2.12 **ALL STAGES –** All electrical circuits are to be provided above the applicable 1% AEP flood level at that location of the site, including for any lifts, otherwise a residual current device is to be provided on all electrical circuits below this level.

2.13 **ALL STAGES** - Prior to the issue of any construction certificate, a suitably qualified and currently practicing environmental consultant must prepare a Construction Environmental Management Plan for the approval of the Principal Certifying Authority.

The Construction Environmental Management Plan must address all environmental factors associated with this development and provide corrective actions for the entirety of the construction phase. These corrective actions and preventative measures must include:

1. **Erosion and Sediment Control Plan** designed in accordance with the ‘Blue Book’ (Managing Urban Stormwater: Soils and Construction, Landcom, 2004).
2. **Dust Control Plan** that includes a set of procedures on how the construction operators of the development will reduce the amount of dust being blown off the subject property. This will include but not limited to a monitoring checklist that considers which protective measures apply to the current environmental and physical conditions that may influence the movement and generation of dust.
3. **Unexpected Finds Management Plan** that includes a set of procedures for the management, monitoring, disposal and remediation of any land that has encountered unexpected land contamination.
4. All recommendations specified in the **Noise Impact Assessment** by ADP Consulting dated 19 May 2022, CM ref: D15177516.
5. All recommendations specified in the **Acid Sulphate Soil Management Plan** by Foundation Earth Sciences dated May 2022, CM ref: D15177528,
6. **Diesel Emission Management Plan** that is designed in accordance with the NSW Environment Protection Authority strategies for Reducing Emissions from Non-road Diesel Engines, these must include but not limited to
7. purchase/hire engines that conform with the highest available US, EU or equivalent international standards,

ii.         ensure any fuel used conforms with the national diesel fuel quality standard,

iii.        ensure engines are correctly repaired and maintained,

iv.        improve an engine’s emission performance by fitting it with an anti-pollution control device,

v.          restrict unnecessary engine idling,

vi.         locate plant and equipment away from sensitive populations (e.g. schools, hospitals, childcare facilities) and/or use lowest emissions equipment near these areas,

vii.        locate plant and equipment away from residential areas and restrict access to essential vehicles and machinery only,

viii.       avoid the onsite use of diesel- or petrol-powered generators by substituting mains electricity or battery powered equipment where possible.

1. The Biodiversity Management Plan as required under these conditions.

2.14. **STAGE 2 -** Submit to the Principal Certifier detailed plans and specifications for each food handling area. The fit-out of the food premises is to comply with the *NSW Food Act 2003*, *NSW Food Regulation 2015*, *Australia New Zealand Food Standards Code*, and *Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises*. Details required only for areas where there is food for sale.

2.15. **STAGE 2 -** Submit to the Principal Certifier details of any proposed mechanical ventilation system. The design of the mechanical ventilation system is to comply with Australian Standard *AS1668.1-2015: The use of Ventilation and Air Conditioning in Buildings: Fire and Smoke Control in Buildings* andAustralian Standard *AS1668.2-2012: The use of Ventilation and Air Conditioning in Buildings: Mechanical Ventilation in Buildings*.

2.16. **STAGE 2 -** Submit to the Principal Certifier for approval, plans and specifications for the hair dressing salon and/or beauty salon which demonstrate compliance with Schedule 2 of the *Local Government (General) Regulation 2005*, and the *Guidelines for The Construction & Operation of Hairdressing, Beauty & Skin Penetration Premises (Hunter Regional Health Education Committee, 2015)*.

2.17. **STAGE 2 -** Submit to the Principal Certifier for approval, plans and specifications for the skin penetration premises which demonstrate compliance with *the Public Health Act 2010*, *Public Health Regulation 2012*, and the *Guidelines for The Construction & Operation of Hairdressing, Beauty & Skin Penetration Premises (Hunter Regional Health Education Committee, 2015)*.

2.18 **ALL STAGES -** Vegetation clearing along the boundaries and trees proposed for retention or removal must be clearly marked on all final engineering and landscaping plans as identified in the approved Arboricultural Impact Assessment and Biodiversity Development Assessment Report. All vegetation and tree protection areas must be clearly marked as "No Go Area" on all plans.

2.19 **ALL STAGES -**Prior to the issue of the relevant Construction Certificate, the following must be demonstrated to the satisfaction of the certifying authority:

1. Each car park must provide Electric Vehicle (EV) Ready Connections (minimum ’Level 2’ electric vehicle circuitry).
2. EV Distribution Board(s) shall be of sufficient size and capacity to allow for any future EV connections to all residential car parks. C1 Electric circuitry to accommodate ‘Level 2’ electric vehicle charging points should be integrated into off-street car parking to ensure that car spaces can install electric vehicle charging points in the future. This must include:
   1. Ensuring adequate distribution board size for the electric vehicle charging point system and identifying load management requirements; and
   2. Providing either buried cables underground or cable trays sufficient to accommodate electric circuitry to each car space.
3. Locate EV Distribution board(s) so that no future EV Ready Connection will require a cable of more than 50m from the parking bay to connect.
4. Each EV Ready Connection is served from a cable tray and a dedicated spare electrical circuit provided in an EV Distribution Board to enable easy future installation of cabling from an EV charger to the EV Distribution Board and a circuit breaker to feed the circuit.
5. EV Load Management System is to be capable of:

* Reading real time current and energy from the electric vehicle chargers under management;
* Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are full recharged;
* Scale to include additional chargers as they are added to the site over time.

1. The above EV electrical design is to be done by an appropriately qualified and licenced electrician and is to be done to the relevant Australian Standards and BCA requirements.
2. Charging points for mobility scooters shall also be provided.

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| **3. PRIOR TO COMMENCEMENT OF ANY WORKS** |

3.1 **ALL STAGES -** All conditions under this section must be met prior to the commencement of any works.

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

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

3.3 **ALL STAGES -** Appoint a Principal Certifying Authority for the building work:

1. 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.
2. 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 **ALL STAGES -** 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:

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

3.5 **ALL STAGES -** 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. (BU012)

3.6 **ALL STAGES -** Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:

1. could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
2. could cause damage to adjoining lands by falling objects, or
3. involve the enclosure of a public place or part of a public place.

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

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

3.7 **ALL STAGES -** Prior to commencement of construction or site works, a Soil and Water Management Plan (SWMP) in accordance with the latest edition of the Landcom Publication “Managing Urban Stormwater: Soils and Construction – Volume 1” (the Blue Book) is to be prepared and provided to the Certifying Authority. 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.

3.8 **ALL STAGES -** 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:

1. be a standard flushing toilet connected to a public sewer, or
2. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
3. be a temporary chemical closet approved under the *Local Government Act 1993*. (BU018)

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

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

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

* Ingress and egress of construction related vehicles to the development site from Bias Avenue only.
* Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
* Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
* Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
* Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
* Control of pedestrian and vehicular traffic where pre-construction routes are affected.
* Temporary Road Closures.

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

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.

3.10 **ALL STAGES –** 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.

3.11 **ALL STAGES –** 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.

3.12 **ALL STAGES –** 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](https://www.centralcoast.nsw.gov.au/council/forms-and-publications/forms). 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 for the relevant stage of construction. The requirements letter will outline which requirements must be met prior to each development milestone for each construction stage, e.g., prior to Construction Certificate, Commencement of Works, Subdivision Works Certificate and/or Occupation Certificate.

3.13 **ALL STAGES –** The area covered by the existing Easement for Sewerage Purposes, as detailed within Deposited Plan 823143, is to be temporarily fenced as an exclusion zone for heavy machinery during construction works. The Easement area to be fenced for each Stage is to be relative to the applicable designated Stage areas, in accordance with the approved Staging Plans.

3.14 **STAGE 1 -** Like for Like (Ecosystem Credit Retirement)

1. Prior to commencement of any works the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.
2. The requirement to retire ecosystem credits in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
3. Evidence of the retirement of ecosystem credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to commencement of any works, including prior to any vegetation clearing works.

*Table 1. Ecosystem credits required to be retired – like for like*

| **Impacted plant community type** | **Number of ecosystem credits** | **HBT** | **IBRA sub-region** | **Plant community type(s) that can be used to offset the impacts from development** |
| --- | --- | --- | --- | --- |
| 1717 - Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast | 4 | No | Wyong, Hunter, Pittwater and Yengo.  or  Any IBRA subregion that is within 100  kilometers of the outer edge of the impacted site. | Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCTs 837, 839, 926, 971, 1064, 1092, 1227, 1230, 1231, 1232, 1235, 1649, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1730, 1795, 1798 |
| 1717 - Broad-leaved Paperbark - Swamp Mahogany - Swamp Oak - Saw Sedge swamp forest of the Central Coast and Lower North Coast | 1 | No | Wyong, Hunter, Pittwater and Yengo.  or  Any IBRA subregion that is within 100  kilometers of the outer edge of the impacted site. | Coastal Swamp Forests >=50% and <70% This includes PCTs: 839, 1064, 1064, 1227, 1230, 1231, 1232, 1716, 1717, 1718, 1719, 1723, 1730, 1731, 1795, 1798 |

3.15 **STAGE 1 -** Like for Like (Species Credit Retirement)

1. Prior to commencement of any works the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.
2. The requirement to retire species credits outlined in Table 2 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator
3. Evidence of the retirement of ecosystem credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to commencement of any works, including prior to any vegetation clearing works.

*Table 2. Species credits required to be retired – like for like*

|  |  |  |
| --- | --- | --- |
| **Impacted species credit species** | **Number of species credits** | **IBRA sub-region** |
| ***Lathamus discolor*** / Swift Parrot | 2 | Anywhere in NSW |

3.16 **STAGE 1 -**Prior to commencement of any works, a site-specific Biodiversity Management Plan (BMP) must be approved by Council’s Ecologist. The BMP shall form part of the Construction Environmental Management Plan.

Specific management actions and/or matters to be addressed in the BMP must include:

* Identify the development site as per the Biodiversity Development Assessment Report and approved plans.
* Identify trees that are to be retained as outlined in the approved Arboricultural Impact Assessment
* Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the approved Biodiversity Development Assessment Report.
* The Biodiversity Management Plan must identify all impact mitigation and minimisation measures from the approved Biodiversity Development Assessment Report (Narla Environmental, 19/05/2022) to mitigate and manage impacts on biodiversity, including performance measures for each commitment.
* **All Stages -**Ongoing reporting requirements are to be detailed. Certification reports are to be provided to Council’s Ecologist at the following stages.

1. Prior to any vegetation clearing (for stage 1 and 2); and
2. Two weeks following vegetation clearing (for stage 1 and 2).

Certification reports must detail compliance with the conditions of consent and the Biodiversity Management Plan.

Note: A service fee now applies for Council to review compliance with a condition of development consent where the concurrence of Council staff is required, as identified in Council's Fees and Charges.

3.17 **ALL STAGES -**Implement the impact mitigation and minimisation measures in the Biodiversity Management Plan approved under Condition 3.16. Where these recommendations contained within the Biodiversity Management Plan are inconsistent, the conditions of consent prevail.

3.18 **ALL STAGES -**Engage a suitability qualified and experienced project ecologist to oversee and / or implement tree and ecological conditions.

3.19 **STAGE 1** - Confirmation of the depth and alignment of Council’s existing 600mm Asbestos Cement Sewer Effluent Main on the site.

3.20 **ALL STAGES -**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.

3.21 **ALL STAGES -**The project Ecologist is to undertake the following:

* Undertake a pre-clearance survey within 48 hours prior to any vegetation clearing (for both stages) to locate any possible residing fauna, this must include checking for active bird nests;
* Within 48 hours prior to any vegetation clearing ensure all trees are clearly marked for retention and all required temporary fence is established and functional;
* 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 licenced wildlife carer; and
* The project Ecologist is to submit to Council’s Ecologist a certification letter that summarises results of the pre-clearance survey and compliance with ecology/tree conditions within two weeks following vegetation clearing as per the approved Biodiversity Management Plan.

3.22 **STAGE 1 -**Prior to any works commencing, a Community Consultation Strategy is to be prepared to facilitate communication between the applicant, the Council/PCA and the community (including adjoining affected landowners and others directly impacted by the development) immediately prior to, during the construction of the development and for a minimum of 6 months following completion of construction of Stage 2.

The strategy is to be prepared and implemented at the applicants cost and is to:

1. provide for the formation of a community consultative committee to advise on environmental Management issues for the development including specific requirements around traffic, noise and vibration, and general amenity. The committee is to be established prior to the construction phase of the development and operate throughout the construction phase of the development.
2. Identify people (residing on the site and in surrounding properties to be consulted during the construction phase of the project.
3. Set out procedures and mechanisms:
   1. Through which the community can discuss or provide feedback to the applicant,
   2. Through which the applicant will respond to enquiries or feedback from the community, and,
   3. To resolve any issues and mediate any disputes that may arise in relation to the construction works.

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| **4. DURING WORKS** |

4.1 **ALL STAGES -**All conditions under this section must be met during works.

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

7.00 am and 5.00 pm on Monday to Saturday

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

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

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

4.3 **ALL STAGES -**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.

4.4 **ALL STAGES -**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.

4.5 **ALL STAGES -**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.

4.6 **ALL STAGES –**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.

4.7 **ALL STAGES -**Place all building materials, plant, and equipment on the site of the development during the construction phase of the development 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*.

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

4.9 **ALL STAGES -**Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, communications provider) for the supply of services concurrently with the engineering work approved by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.

4.10 **ALL STAGES -**During construction works, all cut or fill is to be constructed in such a manner that surface water will not be permanently or temporarily diverted to adjoining land and so that natural drainage from adjoining land will not be obstructed or affected.

4.11 **ALL STAGES -**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.

4.12 **STAGE 1 –** No cut or fill is permitted within the area covered by the existing Easement for Sewerage Purposes, as detailed within Deposited Plan 823143.

4.13 **STAGE 1 –** No heavy machinery is to operate within the Easement for Sewerage Purposes, as detailed within Deposited Plan 823143, during construction of the development without protective measures.

4.14 **STAGE 2 –** No heavy machinery is to operate within the Easement for Sewerage Purposes, as detailed within Deposited Plan 823143, and/or over the realigned sewer effluent pressure main, during construction of the development without protective measures.

4.15 **STAGE 1 –** No above ground temporary or permanent structure is to be placed within the Easement for Sewerage Purposes, as detailed within Deposited Plan 823143.

4.16 **STAGE 2 –** No above ground temporary or permanent structure is to be placed within the Easement for Sewerage Purposes, for a minimum clearance overhead height of 10 metres, as detailed within Deposited Plan 823143, and/or within the proposed amended Easement for Sewerage Purposes to cover the realigned sewer effluent pressure main.

4.17 **ALL STAGES -**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.

4.18 **ALL STAGES -**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:

1. 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
2. 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*.

4.19 **ALL STAGES -**Implement the impact mitigation and minimisation measures in the Biodiversity Management Plan approved under Condition 3.16. Where these recommendations contained within the Biodiversity Management Plan are inconsistent, the conditions of consent prevail.

4.20 **ALL STAGES -** Implement dust control measures on-site during earthworks to suppress dust generated by vehicles and equipment and to ensure airborne dust particulates are abated and airborne movement of sediment blown from exposed disturbed areas is contained within the site.

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| **5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE** |

5.1 **ALL STAGES -**All conditions under this section must be met prior to the issue of any Occupation Certificate.

5.2 **ALL STAGES -**Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.

5.3 **ALL STAGES –** 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.

5.4 **ALL STAGES –** 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.

5.5 **ALL STAGES –** 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.

5.6 **ALL STAGES –** 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.

5.7 **ALL STAGES –** Complete construction of all works approved in the Local Government Act Section 68 Stormwater Drainage Works Approval. Completion 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 adopted fees and charges.

5.8 **ALL STAGES –** Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the Construction Certificate.

5.9 **STAGE 1 –** The consolidation of Lot 524 DP 823143 and Lot 16 DP 240129 into one lot by registered subdivision. Documentary evidence of the lodgement of the Consolidation Plan with NSW Land and Property Information can be accepted by the Principal Certifier as satisfying this requirement.

5.10 **STAGE 1 –** include on the Deposited Plan (DP) for the consolidated Lots an Instrument under the *Conveyancing Act 1919* for the following:

1. 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:
2. Create a ‘Restriction on the use of Land’ over any on-site interim water quality basin and/or any nutrient/pollution control facilities restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility, until such time as the final Stage 2 bio-filtration and/or nutrient/pollution control facilities are completed and accepted by Council.
3. Create an Easement to Drain Water along the eastern side of the site as indicated on approved plans.
4. Create a ‘Restriction on the use of Land’ over all land affected by a secondary flow path and/or permanent stormwater channel to ensure:
   * 1. the shape of the flow path is not altered.
     2. no structure is erected within or over the flow path, excluding fences that are flood compatible.
5. Positive covenants, with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
6. To ensure that, for any on-site interim water quality basin and/or any nutrient/pollution control facilities (until such time as the final Stage 2 bio-filtration and/or nutrient/pollution control facilities are completed and accepted by Council):
7. the facility will remain in place and fully operational.
8. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
9. After a reasonable period of notice, if the owner does not repair the facility, Council’s officers are permitted to enter the land to inspect and repair the facility at the owner’s cost.

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.

5.11 **STAGE 2 –** include on the Deposited Plan (DP) for the consolidated Lots an Instrument under the *Conveyancing Act 1919* for the following:

1. 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:
2. Create a ‘Restriction on the use of Land’ over all lots containing an on-site bio-filtration and/or nutrient/pollution control 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.
3. Create a ‘Restriction on the use of Land’ over all land affected by a secondary flow path and/or channel to ensure:
4. the shape of the flow path is not altered.
5. no structure is erected within or over the flow path, excluding fences that are flood compatible.
6. Adjust the existing Easement for Sewerage Purposes 5 Wide (Vide Gov. Gaz. 14-8-1981 Fol. 4302) to be centrally located over the realigned sewer effluent pressure main.
7. Create a Right of Access to the adjusted Easement for Sewerage Purposes, to ensure Council’s officers can enter the land to undertake emergency maintenance works at any time such works are required.
8. Positive covenants, with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
9. To ensure on any lot containing an on-site bio-filtration and/or nutrient/pollution control facility that:
10. the facility will remain in place and fully operational.
11. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
12. After a reasonable period of notice, if the owner does not repair the facility, Council’s officers are permitted to enter the land to inspect and repair the facility at the owner’s cost.
13. To ensure for the realigned sewer effluent pressure main that:
14. Council’s officers are permitted to enter the land to inspect and repair the facility at the owner’s cost.
15. Council is indemnified against all claims of compensation caused by the facility.
16. Council is indemnified against all claims of financial loss and/or damages caused by any required maintenance being undertaken on 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 **STAGE 2 –** Submit certification from a qualified civil or structural engineer to Council stating that all slabs and / or footings within the zone of influence associated with Council stormwater system and / or drainage easement have been constructed in accordance with the Construction Certificate.

5.13 **ALL STAGES –** Complete construction of driveways 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.

5.14 **ALL STAGES –** Submit to the Principal Certifier certification prepared by a Registered Surveyor certifying that all construction has been affected within the appropriate property, easement boundaries and rights of carriageway. The certification must be accompanied by a copy of the final Stage survey plan, with the distances from the boundaries to the edges of these structures endorsed in red and signed by the surveyor.

5.15 **ALL STAGES –** 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 (North) as the Water Supply Authority, prior to issue of the Occupation Certificate for the relevant stage of construction.

All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. 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 adopted fees and charges.

5.16 Deleted.

5.17 **ALL STAGES -** Prior to the issue of any Occupation Certificate, an independent suitably qualified acoustic consultant who is currently practising in this field must provide the Principal Certifying Authority a “Compliance Certificate”. This compliance certificate must certify that all acoustic measures outlined in the Noise Assessment by ADP Consulting Pty Ltd has been correctly applied and installed. A copy of the “Compliance Certificate” must be provided to Council with the Occupation Certificate.

5.18 **ALL STAGES -** Prior to the issue of an Occupation Certificate, lighting shall be constructed and implemented in accordance with the requirements of AS4282-2019, AS/NZS 1158 and AS/NZS 2890.1.

5.19 **STAGE 2** - Prior to the issue of any Occupation Certificate for the Residential Aged Care Facility, the Principal Certifying Authority is to be provided with evidence that provision has been made to allow for the future installation of an odour control filtration system in accordance with the recommendations of the Odour Statement prepared by The Odour Unit, dated 20 May 2022.

5.20 **STAGE 2** - Provide certification to the Principal Certifier to confirm the fit-out of the food premises complies with the *NSW Food Act 2003*, *NSW Food Regulation 2015*, *Australia New Zealand Food Standards Code* and *Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises*.

5.21. **STAGE 2** - No food handling, as defined by the *NSW Food Act 2003*, is permitted within the food premises prior to the issue of the Occupation Certificate.

5.22. **STAGE 2 -** Provide certification from a mechanical engineer to the Principal Certifier to confirm the construction, installation and operation of any mechanical ventilation system complies with the requirements of:

* Australian Standard *AS1668.1:2015: The Use of Ventilation and Air Conditioning in Buildings: Fire and Smoke Control in Buildings*
* Australian Standard *AS1668.2:2012: The Use of Ventilation and Air Conditioning in Buildings: Mechanical Ventilation in Buildings*

5.23 **STAGE 2 -** Submit to Council the Food Premises Registration Form. The Form is available on Council’s website <https://www.centralcoast.nsw.gov.au/council/forms/registration-food-premises-online-form>

5.24 **STAGE 2 -** Submit to Council an application for registration of premises for the hair and/or beauty premises. The form is available on Council’s website <https://www.centralcoast.nsw.gov.au/council/forms/registration-health-premises-online-form>

5.25 **STAGE 2 -** Submit to Council a notification of the premises where skin penetration procedures are to be carried out in accordance with section 38 of the *Public Health Act 2010* prior to commencement of trade. The form is available on Council’s website <https://www.centralcoast.nsw.gov.au/council/forms/registration-health-premises-online-form>

5.26 **STAGE 2** - Submit to Council a notification of the premises where skin penetration procedures are to be carried out in accordance with section 38 of the *Public Health Act 2010* prior to commencement of trade. Notification forms can be accessed on Council’s website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au/).

5.27 **STAGE 2** - No procedures as defined by the *Public Health Act 2010* are permitted in the premises prior to the issue of the Occupational Certificate.

5.28 **STAGE 2** - Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2018* and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:

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

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

5.29 **ALL STAGES -** Implement the impact mitigation and minimisation measures in the Biodiversity Management Plan approved under Condition 3.16. Where these recommendations contained within the Biodiversity Management Plan are inconsistent, the conditions of consent prevail.

5.30 **ALL STAGES -** 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 in accordance with the recommendations of the CPTED report.

5.31 **ALL STAGES -** Provide to the Principal Certifier a design verification statement from a qualified designer, being a statement in which the qualified designer verifies that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Schedule 1 of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development.

5.32 Deleted.

5.34 **ALL STAGES -** Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping for each stage has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

5.35 **ALL STAGES -** Prior to the issue of any Occupation Certificate, comply with the access and usability standards outlined in Schedule 3 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 for the development (except for Clause 5) and comply with the provision of a fire sprinkler system within the residential care facility. Details of compliance are to be submitted to the Registered Certifier for approval.

5.36 **STAGE 2 -** Execute 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.

The approved development is only to be occupied by:

1. people aged 55 years or over or people with a disability
2. people who live with such people as defined in sub-clause above; and
3. staff employed to assist in the administration of and provision of services to housing provided in this development.

5.38 **ALL STAGES -** The visitor parking spaces and accessible parking spaces within the buildings are to be line marked and identified.

5.39 **ALL STAGES -** Carry out the development in accordance with recommendations of the CPTED report and addendum statement.

5.40 **ALL STAGES -** Prior to the issue of an Occupation Certificate, the units as shown on the plans numbered R.1.01; R.1.02; R.1.06; R.1.09; R.1.10; R.2.01; R.2.02; R.2.05; R.2.10; R.3.01; R.3.09; R.3.10; R.4.01; R.4.02; R.4.10 on level 3 of the RACF building and units numbered 6.G.03; 6.G.04; 6.G.05; 6.1.03; 6.1.04; 6.1.05 at ground and level 1 in Block 6 and units numbered 3.1.03 and 3.1.05 at Level 1 in Block 3 are to be provided as affordable housing units within the development. Details of compliance are to be submitted to the Registered Certifier for approval.

5.41 **ALL STAGES -**The basement car park shall provide Electric Vehicle charging points in accordance with condition 2.19. Provision of charging facilities for mobility scooters shall also be included within the basement.

5.42 **ALL STAGES** - 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.

(i) the units as shown on the plans numbered R.1.01; R.1.02; R.1.06; R.1.09; R.1.10; R.2.01; R.2.02; R.2.05; R.2.10; R.3.01; R.3.09; R.3.10; R.4.01; R.4.02; R.4.10 on level 3 of the RACF building and units numbered 6.G.03; 6.G.04; 6.G.05; 6.1.03; 6.1.04; 6.1.05 at ground and level 1 in Block 6 and units numbered 3.1.03 and 3.1.05 at Level 1 in Block 3 are to be provided as affordable housing units within the development.

(ii) all accommodation that is used for affordable housing must be owned and managed by a registered community housing provider; and

(iii) the rent of the affordable units, is not to exceed the formula for ‘affordable place’ as defined in Clause 45(12) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

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| **6. ONGOING** |

6.1 No above ground temporary or permanent structure is to be placed within the Easement for Sewerage Purposes for a minimum clearance overhead height of 10 metres.

6.2 All lighting must be managed in a manner that does not unreasonably impact the amenity of the surrounding neighbourhood.

6.3 All lighting must be directed away from all adjoining properties and towards the ground.

6.4 Store all waste generated on the premises in a manner so that it does not pollute the environment.

6.5 Transport all waste generated on the premises to a facility which is licensed to receive that material.

6.6 All waste collection services are restricted from Monday to Friday between 9am to 5pm.

6.7 Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas.

6.8 Operate the skin penetration premises in accordance with the requirements of the *Public Health Act 2010*, *Public Health Regulation 2012* and the *Guidelines for* *The Construction & Operation of Hairdressing, Beauty & Skin Penetration Premises (Hunter Regional Health Education Committee, 2015*).

6.9 Use external lighting that minimises overspill into retained vegetated areas.

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 the site landscaping for the life of the development.

6.12 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.

6.13 Maintain internal pavement and pavement marking.

6.14 Load and unload delivery vehicles wholly within the site. Delivery vehicles must enter and exit the site in a forward direction. Do not obstruct loading bays when not in use.

6.15 Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.

6.16 Provide a minimum of 38 parking spaces for sole use of visitors to the development comprising 18 visitor parking spaces for the Independent Living Units and 20 visitors parking spaces for the Residential Aged Care Facility (RACF).

6.17 A minimum of 15 accessible parking spaces are to be provided for the self-contained dwellings of which 6 spaces are to have a space dimension of 3.8m and 9 spaces are to be designed in accordance with AS 2890.6 (2009) with a shared space. This number of spaces is a minimum as enough accessible parking spaces are to be always provided on the site according to demand.

6.18 Operate and manage the site in accordance with the adopted Odour Report.

6.19 Resident’s caravans are not to be stored in the streets surrounding the site.

6.20 Keep the pool surrounds clean, including any toilets or change rooms, in such condition as to minimise the transmission of disease.

6.21 Insulate and / or isolate the motor, filter, pump, and all sound producing equipment or fitting associated with or forming part of the pool filtering system so as not to create an offensive noise to the occupants of the adjoining premises as defined in the *Protection of the Environment Operations Act 1997.*

6.22 Do not erect advertising sign(s) on or in conjunction with the use and / or development without development consent unless the advertisement is exempt development or otherwise permitted without development consent.

6.23 The continued provision of at least 23 affordable housing units within the development in accordance with the plans.

6.24 The development is to be always carried out in accordance with the Operational Management Plan prepared by Uniting and updated from time to time.

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| **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. (GL024)

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| **ADVISORY NOTES** |

* Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event. (GL027)
* The following public authorities may have separate requirements in the following aspects:

1. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
2. Jemena Asset Management for any change or alteration to the gas line infrastructure
3. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
4. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
5. Central Coast Council in respect to the location of water, sewerage and drainage services. (GL028)

* 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. (GL029)

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](file:///C:\Users\cours\Documents\Condition%20Presentation\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. (GL030)

*Telecommunications Act 1997* (Commonwealth)

* Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443. (GL031)

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.