

Attachment 5: Amended Conditions of Consent

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans by: Fortey+Grant Architecture

Landscape Plans by Vision Dynamics Landscape Design

Drawing	Description	Sheets	Issue	Date
DA-00	Site Analysis	1	A	30/04/2018
DA-01	Roof & Site Plan	1	C	07/10/2020
DA-02	Basement 3 Plan	1	F	07/10/2020
DA-03	Basement 2 Plan	1	C	07/10/2020
DA-04	Basement 1 Plan	1	C	07/10/2020
DA-05	Level G Floor Plan	1	C	07/10/2020
DA-06	Level 1 Floor Plan	1	A	30/04/2018
DA-07	Level 2 Floor Plan	1	A	30/04/2018
DA-08	Level 3 Floor Plan	1	A	30/04/2018
DA-09	Level 4 Floor Plan	1	A	30/04/2018
DA-10	Level 5 Floor Plan	1	B	07/10/2020
DA-11	North Elevation	1	A	30/04/2018
DA-12	South Elevation	1	C	07/10/2020
DA-13	East Elevation	1	C	07/10/2020
DA-14	West Elevation	1	B	07/10/2020
DA-15	Section	1	C	07/10/2020
DA-16	Section	1	B	07/10/2020
DA-17	Calculations	1	C	07/10/2020
DA-18	Height Planes	1	D	07/10/2020
DA-19	Shadow Diagrams	1	C	07/10/2020
DA-20	Materials and Finishes	1	A	30/04/2018
DA-21	Photomontage	1	A	30/04/2018
DA-22	Shadow Views	1	B	07/10/2020
DA-23	Footpath & Traffic Safety Plan	1	B	07/10/2020
DA 1-2	Landscape Concept Plan	1	E	14/10/2020
DA 2-2	Landscape Concept Plan	1	E	14/10/2020

Supporting Documentation

Document	Title	Date
Coastplan	Statement of Environmental Effects Project No 1735	July 2019
Coastplan	Waste Management Plan	06/08/2020

0.0 Sample Report (contd)

Australian Consulting Engineers P/L	Stormwater Management Report No 180412.SQR.3	May 2020
Australian Consulting Engineers P/L	Stormwater Concept Plans	18/12/2019, 29/05/2020, 23/04/2018
Forty+Grant Architecture	SEPP 65 Report	March 2020
Varga Traffic Planning P/L	Traffic & Parking Assessment Report Ref 18161	08/06/2018
Clarke Dowdle & Associates	Bushfire Assessment Report	May 2018
CKGeotech	Preliminary Geotechnical Assessment CKG 0736-1	August 2019
Assistive Technology Australia	Access Report (FP1803-02)	04/05/2018
Victor Lin	Nathers Assessment Certificate No 0004097950	08/08/2019
Victor Lin	BASIX Certificate No 919707M_02	08/08/2019
Coastplan	Clause 4.6 Submission.	13/10/2020

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environment Planning and Assessment Regulation 2000*.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
 - a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition approved by this consent.

0.0 Sample Report (contd)

- 2.3. Submit an application to Council under section 305 of the Water Management Act 2000 to obtain a section 307 Certificate of Compliance. The Application for a 307 Certificate under section 305 Water Management Act 2000 form can be found on Council's website www.centralcoast.nsw.gov. Early application is recommended.

A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

- 2.4. Submit engineering details prepared and certified by a practising structural engineer that comply with Council's Building Over or Adjacent to Sewer and Water Main Guidelines to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

- 2.5. 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:

Construction of concrete footpath 1.5 metres wide for the full street frontage of the development in Henry Parry Drive.

Construction of concrete footpath 1.5 metres wide across the frontage of the Gertrude Street road reserve frontage of Henry Parry Drive, to connect the required footpath within the site frontage in Henry Parry Drive to the existing concrete footpath within the Henry Parry Drive frontage of No 92 John Whiteway Drive.

Construction of the road verge/footway formation graded at +2% from the top of existing kerb to the property boundary, across the full frontage of the site in Henry Parry Drive. Construction to include transitions to existing formation either side of the site.

Construction of road verge/footway formation at 2% within the extent the Gertrude Street road reserve frontage of Henry Parry Drive. The footway formation is to be from the back of kerb in Henry Parry Drive to a straight line projection between the south-eastern corner of No 93 Henry Parry Drive to the south western corner of the Henry Parry Drive frontage of No 92 John Whiteway Drive. Construction to include transitions to existing formation.

1. Construction of the road verge/footway formation within the Henry Parry Drive frontage of No 97 Henry Parry Drive, with a minimum width of 1.5m graded at +2% from the top of existing kerb towards the property boundary, and additional footway formation adjustments and removal of vegetation as required to achieve the minimum sight stopping distance

- lines as per Australian Standard 2890. Construction to include transitions to existing formation.
2. Construction of an industrial/commercial type vehicle access crossing within the western side of the site frontage in Henry Parry Drive, that has a width and splay that can accommodate the swept turning path of an AS2890.2018 12.5m HRV entering the site from an eastbound direction in Henry Parry Drive.
 3. Construction of an industrial/commercial type vehicle access crossing within the eastern side of the site frontage in Henry Parry Drive that has a width and splay that can accommodate the swept turning path of an AS2890.2018 12.5m HRV exiting the site to an eastbound direction in Henry Parry Drive.
 4. Heavy-duty gutter crossings and road pavement adjacent to the required vehicle access crossings. .
 5. Removal and replacement of all damaged kerb and gutter with new kerb and gutter.
 6. Removal of all redundant laybacks in the kerb line and replacement with new kerb & gutter.
 7. Removal of the existing two vehicle access crossings (i.e. one for the access to No 95 and one for the access to the driveway in Gertrude Street road reserve). The road verge/footway formation is to be reinstated and stabilised with topsoil, turf and footpath.
 8. Removal of the redundant driveway within the Gertrude Street road reserve and reinstatement of the disturbed area with suitable landscaping.
 9. Construction of longitudinal street drainage with a minimum 375mm diameter RCP, to connect stormwater from the site to Council's existing piped storm water drainage system in Henry Parry Drive.
 10. Construction of a stormwater pipeline across the footway in Henry Parry Drive with a minimum 375 diameter RCP to connect to the required longitudinal stormwater pipeline and existing Council's piped stormwater drainage system in Henry Parry Drive.
 11. 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.

2.6. Where works required by this condition are located on a Classified Roads concurrence to the design of the works from The Roads and Maritime Services (RMS) must be received by Council from the RMS and the developer will be required to enter into a Works Authorisation Deed (WAD) with the RMS prior to Council issuing the Section 138 Works Approval.

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.

2.7. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of 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.

- 2.8. 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:
Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
1. Construction of a stormwater detention system. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan 2013. and Council's Civil Works Specifications. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths.
 2. Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
 3. Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
 4. Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the approved connection with Council's drainage system located in Henry Parry Drive.
 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.
 6. Provision of signage adjacent to the western driveway and within the property boundary to advise exiting vehicles "No exit".

7. Provision of signage adjacent to the eastern driveway and within the property boundary to advise exiting vehicles "Left Turn Only" and "No Right Turn".
8. All subsoil pipes shall be connected to drainage pits.

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

- 2.9. As road works are required on Henry Parry Drive (MR673), Transport for NSW will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Transport for NSW would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD.

Conditions of Consent do not guarantee Transport for NSW's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. Transport for NSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the Transport for NSW.

- 2.10. Pay to Council a contribution amount of **\$98,608.96**, that may require adjustment at time of payment, in accordance with the Section 7.12 Development Contribution Plan - Gosford City Centre.

The total amount to be paid must be indexed each quarter in accordance with the Consumer Price Index (All Groups index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

Contact council's Contributions Planner on Tel 4325 8222 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the Section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contributions Plan may be inspected at the office of Central Coast Council, 49 Mann Street or on Council's website:

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

2.11. **Special Infrastructure Contribution – Gosford City Centre**

Obtain a determination by the Planning Secretary as to whether a special infrastructure contribution is required to be made under the *Environmental Planning and Assessment (Special Infrastructure Contribution - Gosford City Centre) Determination 2018 (2018 Determination)*. The developer must do so before the time by which a special infrastructure contribution, if made as a monetary contribution, would have to be paid under the 2018 Determination.

To assist the Planning Secretary in making that determination, the developer is to provide the Planning Secretary with an up-to-date estimate of the proposed cost of carrying out the development, as referred to in the 2018 Determination.

If the Planning Secretary determines that a special infrastructure contribution is required to be made under the 2018 Determination, a contribution must be made in accordance with that Determination (as in force when this consent takes effect).

A person may not apply for a construction certificate in relation to development the subject of this development consent unless the person provides, in connection with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

In this condition:

developer means the person having the benefit of this development consent, and

Planning Secretary means the Secretary of the Department of Planning and Environment.

More information

Please contact the Department of Planning and Environment by email to:

SIContributions@planning.nsw.gov.au

2.12. The preparation and submission of an acoustic report prepared by a qualified and experienced acoustic engineer to address the impact of traffic noise from Henry Parry Drive on the amenity of the residential units. The recommendations of the acoustic report shall be incorporated into the building design and the Construction Certificate.

2.13. Submit to Council, the accredited certifier and relevant adjoining property owners a dilapidation report, prepared by a practising structural engineer, detailing the structural characteristics of all buildings and land located on adjoining properties. The report must indicate the land and structure's ability to withstand the proposed excavation, and any measures required to ensure that no damage to these structures or land will occur during the course of works.

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

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifying Authority for the building work:
 - a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b) Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website www.centralcoast.nsw.gov.au
- 3.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
 - a) The name, address and telephone number of the principal certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
- 3.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au.

[Contact Council prior to submitting these forms to confirm the relevant fees.](#)

3.5. 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.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

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

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

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

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

- 3.6. 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.

4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7:00am and 5:00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately in that area, and
 - b) The Office of Environment & Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

- 4.4. 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. 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. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.7. 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.
- 4.8. The proposed work will involve excavation close to Roads and Maritime assets. As such, proposed development shall meet requirements of RMS Technical Direction GTD 2012/001 Excavation adjacent to RMS infrastructure which is available at link: https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-directions/gtd_2012-01.pdf .
- 4.9. All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council, and to Council's requirements.
- 4.10. Incorporate the following Crime Prevention Through Environmental Design (CPTED) principles and strategies to minimize the opportunity for crime:
- a. Provide adequate lighting to common areas as required under *AS1158: Lighting for roads and public spaces*.
 - b. Paint the ceiling of the car park white.
 - c. Design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity.
 - d. Design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
 - e. Provide signage within the development to identify all facilities, entry/exit points and direct movement within the development.
- 4.11. Submit a report prepared by a registered Surveyor to the Principal Certifying Authority at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans.
- 4.12. Undertake demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

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

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

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

- 4.13. Implement the requirements of the Waste Management Plan listed as supporting documentation in this development consent.
- 4.14. Demolish buildings in a safe and systematic manner in accordance with AS2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.15. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.3. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.

5.4. Amend the Deposited Plan (DP) to:

- include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan

- 1. create a Restriction as to use of land over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility

And,

- include an instrument under the Conveyancing Act 1919 for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s)
 - to ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that
 - the facility will remain in place and fully operational
 - the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
 - Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost
 - Council is indemnified against all claims of compensation caused by the facility

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

- 5.5. Complete construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities, other applicable Australian Standards and detailed designs and reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifying Authority.
- 5.6. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 5.7. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-Stormwater drainage systems. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.8. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.
- 5.9. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.10. All road works under the required Works authorisation Deed (WAD) entered into between the developer and Transport for NSW shall be completed prior to issuing any Occupation Certificate for the development.
- 5.11. Complete landscaping works.
- 5.12. The provision and marking of seven (7) visitor car spaces. In the event of strata subdivision, the seven (7) visitor car spaces are to be retained within common property and not allocated to any residential unit.

- 5.13. The consolidation of lots 6 and 7 DP28807 into one (1) allotment prior to the issue of an Occupation Certificate.
- 5.14. 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. ONGOING OPERATION

- 6.1 Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.2 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.
- 6.3 The following traffic safety measures are applicable for the ongoing operation of the development.
- The western driveway will be restricted to entry only vehicle movements.
 - The eastern driveway will be restricted exit only vehicle movements.
 - Vehicles exiting the site must turn lefty into Henry Parry Drive. No right turn into Henry Parry drive are permitted.
- 6.4. Do not store materials, waste matter or products outside the building or the approved waste storage area at any time.
- 6.5. The provision and marking of seven (7) visitor car spaces. In the event of strata subdivision, the seven (7) visitor car spaces are to be retained within common property and not allocated to any residential unit.
- 6.6. Compliance with the Waste Management Plan dated 6 August 2020 prepared by Coastplan Consulting.
- 6.7. Operate and maintain all external lights in accordance with the *AS4282-1997: Control of the obtrusive effects of outdoor lighting*.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- 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.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before

excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment Policy*. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au