

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MP10_0195-Mod 1	Withdrawn		
MP10_0195-Mod 2	20 February 2026	Director, Regional Assessments	Reduce floor space and change parking and land uses

The Department has prepared a consolidated version of the approval which is intended to include all modifications to the original determination instrument.

The consolidated version of the approval has been prepared by the Department with all due care. This consolidated version is intended to aid the approval holder by combining all approvals relating to the original determination instrument, but it does not relieve an approval holder of its obligation to be aware of and fully comply with all approval obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.



Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

Under delegation of the Minister for Planning and Infrastructure executed on 14 September 2011, the Planning Assessment Commission determines to give approval to the project application referred to in Schedule 1, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979*, subject to the conditions referred to in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the project.

Member of the Commission

Member of the Commission

Sydney

SCHEDULE 1

PART A – PROJECT

Application made by:	Fabcot Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Major Project Number:	10_0195
On land comprising:	Lot 521 DP 594725
Local Government Area	Wyong Shire Council
For the carrying out of:	Retail Facility and associated works
Capital Investment Value	\$116,370,000
Type of development:	Project approval under Part 3A of the EP&A Act (transitional Part 3A)
Determination made on:	12 September 2013
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the approval. (12 September 2013)
Date approval is liable to lapse	10 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B - DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979 (as amended)*.

APZ means Asset Protection Zone

BCA means the Building Code of Australia.

Commission means the Planning Assessment Commission or its successors.

Council means Wyong Shire Council

DCP means Warnervale Town Centre Development Control Plan 2012

Department means the Department of Planning and Infrastructure or its successors.

EA means Environmental Assessment report

Environmental Assessment means the document titled Warnervale Town Centre Civic Precinct Environmental Assessment dated August 2011

Minister means the Minister for Planning and Infrastructure.

OEH means Office of Environment and Heritage or its successors

PPR means Preferred Project Report

Preferred Project Report means the document titled 'Preferred Project Report prepared by TPG dated October 2012'

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person proposing the carry out of development comprising all or any part of

the project, and includes persons certified by the Minister to be the proponent.

RailCorp means RailCorp or its successors

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Revised PPR means the document prepared by TPG dated 5 April 2013 amending the PPR, with the title 'Major Project Application No. 10_0195 - Warnervale Town Centre - Woolworths Retail Development at the Corner of Nikko Road and Hakone Road, Warnervale - Additional Response', and the document prepared by TPG dated 29 April 2013 further amending the PPR, with the title "Major Project Application No. 10_0195 - Warnervale Town Centre - Woolworths Retail Development at the corner of Nikko Road and Hakone Road, Warnervale - Additional Response"

RFS means Rural Fire Service or their successors

RMS means the Roads and Maritime Services or their successors

SEPP MD means the State Environmental Planning Policy (Major Development) 2005

Statement of Commitments means the Revised Statement of Commitments (as they apply to this project) made by the proponent in Appendix H of the PPR.

TSC Act means the Threatened Species Conservation Act 1995

UrbanGrowth NSW means UrbanGrowth NSW or their successors

FOR INFORMATION

SCHEDULE 2

**CONDITIONS OF APPROVAL FOR WOOLWORTHS RETAIL FACILITY
PROJECT APPLICATION NO MP10_0195**

PART A- ADMINISTRATIVE CONDITIONS**A1. Development Description**

Approval is granted only to carrying out the development described in detail below:

- Retail facility with a total Gross Floor Area of 12,905m² comprising:
 - 7,619m² of retail floor space (including 1,182m² of bulky goods retail);
 - 840m² of commercial floor space ;
 - 440m² of medical centre;
 - 2,408m² of e-commerce facilities;
 - 792m² of recreational facilities (indoor) (gym); and
 - 806m² for circulation space/mall and amenities, toilets etc.
- Car parking totaling 492 spaces
- Public domain with a total area of 1,591m² and 6,653m² of landscaping around the site.
- Site preparation and bulk earthworks
- Road construction including Gibraltar Road and Woongarra (Nikko) Road.
- Associated infrastructure works and servicing, including subdivision
- Use and fit out within the buildings of the proposed Woolworths Supermarket and E-commerce facility.
- Site remediation and landscaping.

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the following documentation:

- a) Warnervale Town Centre Civic Precinct Environmental Assessment dated August 2011, as amended by the Preferred Project Report prepared by TPG dated October 2012 (including the Statement of Commitments), as further amended by the additional response prepared by TPG dated 5 April 2013, and as further amended by the additional response prepared by TPG dated 29 April 2013, except as modified by the conditions of this approval. A table of approved plans and reports is provided in Schedule 4 of this approval.
- b) As amended by the Modification Report for Warnervale Shopping Centre MP 10_0195 MOD 2 dated 21 October 2024 as amended by the Submissions Report prepared by Willowtree Planning Pty Ltd dated 8 May 2025 (including the mitigation measures table) as further amended by the additional responses prepared by Willowtree Planning Pty Ltd dated 11 July 2025 and 11 September 2025, except as modified by the conditions of this approval. A table of approved plans and reports is provided in Schedule 4 of this approval.

A3. Inconsistencies between Document

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, the conditions of this approval prevail.

A4. Lapsing of Approval

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

A5. Compliance with Relevant Legislation and Australian Standards

The proponent shall comply with all relevant Australian Standards, Codes (including Building Code of Australia) and Austroads Guides and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

A6. Deleted

A7. Construction Standards - Bushfire

- a) New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.
- b) The provision of new water, electricity and gas must comply with Table 7.4a of Planning for Bush Fire Protection 2019.
- c) Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019.

A8. Outdoor Lighting

All outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the commencement of public domain works.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Deleted

B2 Bicycle End of Trip Facilities

The approved plans are to be amended to include bicycle end of trip facilities (change and shower facilities) for cyclists within the retail facility building close to bicycle storage areas. The amended plans are to be approved by the Certifying Authority prior to issue of a Construction Certificate.

B3 Roads

The following details are to be approved by the Certifying Authority, in consultation with Council prior to issue of a Construction Certificate:

- a) Deleted
- b) Detailed design plans for the approved roads are to be prepared, and include pavement treatment, utility services, and lighting, in accordance with Council's standards.
- c) The footpath reserve width on the southern side of Gibraltar Road is to match the existing adjoining footpath width.
- d) Road signage and marking details are to be submitted to Council's traffic committee for approval.

B4 Construction Management Plan

A Construction Management Plan (CMP) shall be prepared and is to be approved by the Certifying Authority prior to the issue of the first Construction Certificate. The CMP must:

- a) detail arrangements for vehicle access to the site for construction. Council shall be consulted on the proposed vehicle access routes. In the event that **Woongarra** Road is not completed prior to commencement of construction, alternative access arrangements to the development site are to be made in consultation with Council.
- b) identify trees, including species, condition and remedial works, that will be retained on-site and protected during construction work.
- c) detail the type and quantities of construction waste, including excavated soil, and include an estimate of the waste materials that will be re-used or recycled, disposal locations, truck routes etc.
- d) outline a plan of management for the transportation and disposal of soil and ensure the road, kerb, gutter and footpath area adjacent to and nearby the subject site are kept clear of soil and debris.
- e) outline a plan of management for site preparation works including dust controls during bulk earthworks and strategies/clearing protocols that will be implemented on-site to manage vegetation clearance and the impact on local flora and fauna.
- f) document the soil and water management plan (SWMP) to manage stormwater and surface water runoff during the course of construction in accordance with the NSW Office of Environment and Heritage publication "Managing Urban Stormwater Soils and Construction" (Blue Book).
- g) detail the type of plant and construction vehicles that will access the subject site (during earthworks, road works, utility services and building works), identify and number of construction vehicles trips generated by the development and detail strategies to mitigate impacts on the local road network. The traffic management plan shall also have regard to the with the RMS (RTA) manual – 'Traffic Control at Worksites'.
- h) assess construction noise impacts against the relevant criteria contained within the Environmental Noise Control Manual and identify strategies to mitigate noise impacts on surrounding sensitive receivers.
- i) identify appropriate management procedures in the event that Aboriginal objects or human remains are identified as a result of construction activities within the area.

B5 Utility Services

- a) The agreements of all relevant authorities to extend and connect utility services noting any necessary easements or other approved methods for provision of essential utilities shall be provided to the Certifying Authority prior to the issue of any Construction Certificate.
- b) All internal site utilities, including electricity and telecommunications, shall be undergrounded, where possible.
- c) In regard to the connection to, relocation and/or adjustment of the services affected by the construction and proposed works, any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

B6 Stormwater Drainage and Detention

- a) Prior to issue of a Construction Certificate, a detailed stormwater drainage design is to be prepared in consultation with council, UrbanGrowth and RMS, and approved by the Certifying Authority.

- b) Written evidence is to be provided to the Certifying Authority prior to issue of a Construction Certificate to demonstrate that there is agreement between the proponent and UrbanGrowth that the capacity of the stormwater detention pond to be constructed on the land owned by UrbanGrowth is adequate to cater for the stormwater run off from the development.
- c) Evidence is to be provided to the Certifying Authority to demonstrate that the stormwater detention pond will be constructed in time to cater for the runoff for the development. If the stormwater detention pond will not be completed in time or does not have sufficient capacity, alternative arrangements for stormwater run off disposal are to be prepared in consultation with UrbanGrowth and approved by the Certifying Authority.

B7 Bulk Earthworks

Detailed engineering plans for the proposed earthworks are required as part of the Construction Certificate applications and will be required to be consistent with the areas approved under the project application. Details are to be provided prior to issue of a Construction Certificate and include truck routes, disposal locations etc and demonstrating that any offsite disposal locations have approval to receive the material.

B8 Ecology and Biodiversity

A hollow and nest box management plan is to be prepared by a suitably qualified ecologist prior to issue of a Construction Certificate which clearly identifies any active use of hollow bearing trees on the site, relocation sites for wildlife, and recipient sites for replacement nest boxes. The management plan is to provide for the following:

- a) All construction contractors and personnel are to be advised of the importance of conserving No Go Areas as part of their site and OH&S induction program.
- b) No clearing of trees or vegetation or storage of vehicles, fill or materials or access is to occur within retained areas.

B9 Deleted

B10 Works in Proximity to the Rail Corridor

- a) An acoustic assessment is to be submitted to the Principle Certifying Authority prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.
- b) An Electrolysis/Stray Current Report is to be prepared. The Proponent must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- c) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- d) Prior to the issuing of a Construction Certificate the proponent is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must

comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- e) Where the Proponent proposes to enter the rail corridor, the Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted. No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the RailCorp. The proponent is to note that rock anchors/bolts will not be permitted within RailCorp's adjoining corridor.

B10A. Rail Corridor

- a) Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- b) Prior to the issue of a Construction Certificate, the Applicant shall provide to Sydney Trains satisfaction the following documentation for review, comment, and written endorsement, a Traffic Impact Assessment and Sydney Trains Data Checklist with regards to Warnervale Road level crossing. This report and Checklist must contain the current traffic and pedestrian movement data, and the proposed traffic and pedestrian movement data (including construction vehicles) as a result of the proposed development. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- c) During all stages of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- d) Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- e) The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- f) The Applicant/Developer shall not at any stage block any rail corridor access gates off Hakone Road and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- g) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - i. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - ii. acts as the authorised representative of the Applicant; and
 - iii. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- h) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in

relation to the works.

- i) Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to the Department for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

B11 Local Contributions

Before the issue of a Construction Certificate, pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning & Assessment Act, the applicant must pay contributions to Council totaling \$270,005.25 as calculated at the date of this consent, in accordance with the Warnervale Town Centre Section 7.11 Development Contributions Plan 2013. Refer to table below for itemized list of contributions under this condition.

Description	Amount
Stormwater Land	\$ 140,052.70
<i>Offset for Entry Road Deed payments</i>	\$ 51,938.13
Revised Stormwater works	\$ 88,114.57
Storm water works	\$ 472,498.94
<i>Offset for Entry Road Deed payments</i>	\$ 472,487.94
Revised Stormwater works contribution	\$ -
Diversion Trunk Pipeline	\$ 154,042.74
Studies	\$ 16,908.86
Administration	\$ 10,939.07
Roads	\$ 3,551,263.97
<i>Offset for construction of Road W05</i>	\$ 2,027,553.82
<i>Offset for Entry Road Deed payments</i>	\$ 1,523,710.16
Revised roadworks contribution	\$ -
Total	\$ 270,005.25

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Warnervale Town Centre Section 7.11 Development Contributions Plan 2013. Contributions under the Warnervale Town Centre Section 7.11 Development Contributions Plan 2013 are subject to quarterly indexation by CPI.

A copy of the Contributions Plan is available for inspection at 2 Hely St, Wyong or on Council's website: Development Contributions Plans and Planning Agreements | Central Coast Council (nsw.gov.au) Payment instructions are also included at the above webpage link.

PART C – PRIOR TO COMMENCEMENT OF WORK

C1 Biodiversity

- a) The following measures are to be implemented prior to commencement of works for the protection of any potential nesting species on the site:
- (i) Trees identified as suitable for nesting should be visually inspected by a tree climber to investigate any evidence of past or present nesting activity by such hollow dependent threatened species, including the Little Lorikeet. Where the chamber is too deep for inspection, a viewing hole in the side of the trunk may be cut by chainsaw. This process is to be undertaken under the guidance of a fauna ecologist. In the absence of signs of nesting activity by these species then these trees can be removed.
 - (ii) Vegetation management for APZ purposes is to be limited to minimise impacts on potential threatened fauna habitat. No more than 50% of the existing canopy should be removed for asset protection purposes. However the understorey is to be fully managed with a maximum retention of up to 20% shrub cover in the understorey. All *Casuarina* trees are to be selectively retained within the APZ i.e. mature fruiting trees, to minimise impacts of foraging Glossy Black-Cockatoo.
 - (iii) Removal of hollow-bearing trees is to be conducted under the supervision of a fauna ecologist to ensure appropriate animal welfare procedures are taken, particularly for Flora and Fauna Assessment (A13004F) 45 threatened species. Hollows of high quality or with fauna recorded residing within should be sectionally dismantled and all hollows should be inspected for occupation, activity and potential for reuse.
 - (iv) Any wildlife that is captured or removed by the fauna ecologist is to be relocated into adjoining protected Council reserves.
 - (v) Good quality hollows are to be relocated or replaced by robust nest boxes with a long life span within proposed open space areas and/or reserves within the surrounding lands.
 - (vi) Standard Phytophthora cinnamomic protocol applies to the cleaning of all plant, equipment, hand tools and work boots prior to delivery onsite to ensure that there is no loose soil or vegetation material caught under or on the equipment and within the tread of vehicle tyres. Any equipment onsite found to contain soil or vegetation material is to be cleaned in a quarantined work area or wash station and treated with anti-fungal herbicides.
- b) Inspections of tree hollows are to be carried out in relation to forest owl habitat during the owl breeding season as a number of trees with nesting hollows very suitable for owl rearing have been found on the site or in close vicinity. An assessment of the potential use of tree hollows by Little Lorikeets for breeding is also to be carried out.
- c) All weeds are to be removed from the development site, and not be limited to noxious species.

C2 Bushfire Protection

Prior to commencement of works on site, the recommendations of the Bushfire Protection Assessment prepared by ABPP dated June 2024 are to be implemented including:

- a) **The landscaped buffer zone to the north of the complex shall be managed as a Defendable**

Space in accordance with Appendix 4 of Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's "Standards for Asset Protection Zones".

- b) The building shall be constructed to satisfy the requirements of Section 3 and Section 5 (BAL 12.5) of A.S. 3959 – 2018 – 'Construction of Building in Bushfire Prone Areas' is required.

C3 Site Contamination Remediation

The site shall be made suitable for the approved development in accordance with the recommendations identified in (Stage 2 report by Coffey Geotechnics dated 28 November 2011), in particular:

- a) The Asbestos Containing Materials (ACM) observed around the former building area is to be removed by "emu-picking". An AS1 or AS2 licensed removal contractor (licensed with NSW WorkCover) will be required to undertake this work. The work will need to be carried out in accordance with an asbestos removal plan (ARP);
- b) The water and upslope/spillway soils in Dam 2 are sampled and analysed to confirm the presence of Total Petroleum Hydrocarbons (TPH), as recommended in the Stage 2 ESA report. Should TPH contamination be confirmed, the water would require treatment for disposal prior to development.

Note:

- The work pursuant to Condition C3(a) has been completed through the issuing of the 'Visual Clearance Inspection Certificate' prepared by Coffey, dated 13 September 2018 (ref. 754-NEWC00390AA).
- The work pursuant to Condition C3(b) has been completed through the issuing of the 'Surface Water and Soil Assessment of Dam 2' prepared by Coffey, dated 5 November 2018 (ref. 754-NEWC00390AA-R02).

C4 Dilapidation Report

A dilapidation report shall be prepared by a suitably qualified professional, documenting local roads within the Warnervale Town Centre site that will be used for construction access and include a photographic record to be submitted to council before commencement of works.

The photographic report must include clear images of the kerb and gutter, road carriageway, and all other existing infrastructure along each road to be used for construction access. Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage. A summary report must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record.

C5 Works in Proximity to the Rail Corridor

For any works that involve ground penetration of greater than 2m in depth and within 25m of the rail corridor, the proponent shall provide a Geotechnical Engineering report and construction methodology to TfNSW (Sydney Trains) for review by Sydney Trains Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by

the development.

PART D – DURING CONSTRUCTION

D1 Construction Certificate

The relevant Construction Certificate is to be issued by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

D2 Sediment and Erosion Control

During construction, all sediment and erosion control structures shall be installed, in accordance with the NSW Department of Housing / Landcom “Managing Urban Stormwater – Soils and Construction” (Blue Book) to the satisfaction of the Certifying Authority.

D3 Construction Hours

- a) All construction work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays, and between 8:00am and 5:00pm Saturdays. No construction work shall take place on Sundays or public holidays.
- b) Construction outside the hours stipulated above is permitted only where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental damage and the Certifying Authority has been notified.

D4 Approved Plans to be On Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for review by the Certifying Authority.

D5 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained 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 source of sediment.

D6 Dust Control Measures

The proponent shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Certifying Authority.

D7 Waste Management

All waste generated by the development shall be disposed to a facility to receive such waste. Hazardous materials including asbestos and lead shall be disposed of in accordance with WorkCover requirements and relevant Australian Standards. Any asbestos waste generated by the development must be disposed of in accordance with the requirements of Clause 42 of the Protection of the Environmental Operations (Waste) Regulation 2005.

D8 Aboriginal Cultural Heritage

- a) The proponent must continue to consult with and involve all the registered Aboriginal parties for the project in the ongoing management of the Aboriginal cultural heritage values. Evidence of this consultation must be collated and provided to the consent authority upon request.
- b) In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeological specialist and representatives of the local Aboriginal community must be contacted to determine the nature, extent and significance of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by OEH) and the management outcome for the site included in the information provided to the AHIMS. The proponent will consult with representatives of the local Aboriginal community, and the archaeological specialist to develop and implement management strategies for all objects/sites. If impacts are unavoidable, mitigation measures are to be undertaken in accordance with the Aboriginal heritage component of the Construction Management Plan. All sites impacted must have an Aboriginal Site Impact Recording form completed and be submitted to the AHIMS Registrar within three months of completion of these works.
- c) If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until the NSW Police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact the Environment Line on 131 555 and representatives of the local Aboriginal community. No works are to continue until OEH provides written notification to the proponent.
- d) An Aboriginal Cultural Education Induction Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project.
- e) **Prior to carrying out any development, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the development to the satisfaction of the Secretary. This plan must:**
 - i. **be prepared by a suitably qualified and experienced person;**
 - ii. **be prepared in consultation with the Registered Aboriginal Parties and reviewed by Heritage NSW**
 - iii. **include a description of the measures (and associated methodologies) that would be implemented for:**
 - o **protecting Aboriginal objects within the project area, where required, or items located outside the approved development footprint, including fencing off the Aboriginal objects prior to commencing construction noting that no harm is permitted to 'Hakone Road Artefact Scatter 2' (AHIMS #45-3-4996). This must include identification of appropriate protective buffers around the site boundary.**
 - o **A strategy for the short-term and long-term management of any Aboriginal objects or material recovered from the project area (including those recovered during previous test excavations).**
 - o **include updated mapping of all areas that have been and will be subject to mitigation measures such as protective fencing**

- include evidence that Aboriginal Site Impact Recording Form/s (ASIRFs) have been submitted to the Aboriginal Heritage Information Management Systems (AHIMS) registrar as soon as practicable for 'Hakone Road Isolated Artefact 1' (AHIMS #45-3-4994) and 'Hakone Road Artefact Scatter 1' (AHIMS #45-3-4995) following unmitigated harm to these Aboriginal sites following development activities.
 - ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions;
 - ongoing consultation with RAPs during the implementation of the ACHMP
 - include a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains Procedure prepared in relation to Aboriginal cultural heritage, with these measures to be prepared in accordance with the guidelines and standards specified by Heritage NSW, be implemented for the duration of the project and to include the requirement to registrar any newly identified Aboriginal objects or sites in the AHIMS database.
- f) Following the Planning Secretary's approval, the Applicant must implement the ACHMP.

D9 Works in Proximity to the Rail Corridor

- a) The proponent is to note that rock anchors/bolts will not be permitted within RailCorp's property or easements.
- b) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- c) No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp.

D10. Asset Protection Zones - RFS

- a) At the commencement of building works and in perpetuity, the entire property must be maintained as an inner protection zone (IPA) in accordance with the requirements of Appendix 4 of the Planning for Bush Fire Protection 2019 and the NSW RFS document Standards for Asset Protection Zones to ensure ongoing protection from the impact of bushfires.
- b) This approval is subject to the proposed easement being registered pursuant to section 88B of the Conveyancing Act 1919 on the adjoining land for part of the asset protection zone (APZ) as detailed in the document Bushfire Protection Assessment For The Proposed Woolworths Metro On Lot 5211 in DP 1200804 No. 262 Hakone Road, Woongarah, prepared by Australian Bushfire Protection Planners, Reference Number: B244125 - 3, dated 5 June 2024, which identifies the following:
 - c) A 30 metre wide managed Landscaped Buffer zone is to be provided to the north of the development precinct. The residual land to the north of the development precinct (within the development site) will be managed to maintain a low fuel hazard in the northern portion of the development site. The name of authority empowered to release, vary or modify any instrument must be Central Coast Council.

PART E - PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

E1 Works as Executed Plans

Prior to issue of any Occupation Certificate, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to **Central Coast** Council for information purposes only.

E2 Road Construction

- a) Land within the site required for the construction of **Woongarra (Nikko)** Road shall be dedicated to council.
- b) The proponent shall be responsible for the construction of the sections of **Gibraltor Road and Woongarra (Nikko) Road** as shown on **Civil Plans C1501 Rev G and C2501 Rev G dated 31/07/2024**. These works are to be completed by the proponent prior to issue of an Occupation Certificate.
- c) **Woongarra (Nikko)** Road shall be completed by others.
- d) Documentation is to be provided for the Certifying Authority that the access arrangements to the car park and loading docks from **Gibraltor Road and Woongarra Road**, including turning circles, comply with the Austroads standards.
- e) All roads constructed under this approval are to be constructed to **Central Coast** Council's engineering requirements.

E3 Subdivision

The Plan of Subdivision for the relevant stage must not be lodged for registration with NSW Land Registry Services, until:

- a) a Subdivision Certificate has been issued for the relevant works, certifying that all works under the Subdivision Works Certificate have been completed in relation to those works;
- b) the Certifier is satisfied that the matters specified in section 6.15 of the EP&A Act have been addressed in relation to the relevant works; and
- c) any other matters for the relevant works prescribed in the development consent for the subdivision and the EP&A Act and EP&A Regulation have been complied with.

A copy of the relevant Subdivision Certificate must be submitted to the Department and Council no later than seven business days from the date of issue.

All drainage easements, rights of way, restrictions and covenants must be included on the subdivision plan. All dedications of roads/drainage are to be undertaken at no cost to the Department.

Note: Lodgement for registration may occur within 3 months following issue of occupation certificate.

E4 Public Domain

- a) **The public open space** shall be publicly accessible 24 hours as day seven days a week.
- b) The maintenance of **the public domain**, including the pavement, lighting, landscaping and furniture, shall be the responsibility of the proponent.

E5 Deleted**E6 Landscaping Works**

All landscaping works are to be completed and certified prior to the issue of an Occupation Certificate.

ADVISORY NOTES**AN1 Roads Act, 1993**

A separate application for approval under Section 138 of the Roads Act, 1993 shall be made to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN2 Stormwater Drainage Works or Effluent Systems

Any approvals for water supply or sewerage are to be obtained from council in accordance with the relevant legislation. Any contributions required for the works are to be paid to Council.

AN3 Water Licensing

Under the Water Management Act 2000, if groundwater is intercepted a water access licence (WAL) must be obtained prior to any water take occurring unless an exemption under the Water Management (General) Regulation 2025 applies. An exemption may be available where the groundwater take during construction or operation is less than or equal to 3ML per water year (cl 19, sch 4 of WM Reg). To claim this exemption certain requirements must be met, such as

- The person claiming the exemption keeps a record of water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and
- The records are kept for 5 years.

AN4 Deleted**AN5 Deleted**

SCHEDULE 3

APPENDIX C MITIGATION MEASURES

Source: Willowtree Planning Pty Ltd Submissions Report Appendix C Mitigation Measures Table dated 6 June 2025

Prepared by: Fabcot Pty Ltd

In relation to: Modification Application (MP10 0195 Mod-2) For Warnervale Shopping Centre

Site: 262 Hakone Road, Warnervale (Lot 5211 in DP 1200804) Lot 5211 in DP 1200804

FOR INFORMATION

SCHEDULE 4

TABLE OF APPROVED PLANS AND REPORTS

Warnervale Town Centre MOD 2 Application Information Submitted to Department of Planning, Housing & Infrastructure			
Architectural Drawings	Prepared by Clarke Hopkins		
Drawing no	Issue	Name of Plan	Date
DA1.0	E	RESPONSE TO RFI	09.05.2025
DA2.0	E	LOT AND ROAD BOUNDARY PLAN	
DA2.1	E	SITE PLAN - EXISTING AND DEMOLITION	09.05.2025
DA2.2	F	SITE PLAN	09.05.2025
DA2.3	F	GROUND FLOOR	09.05.2025
DA2.4	E	LEVEL 1	09.05.2025
DA2.5	E	ROOF PLAN	09.05.2025
DA2.6	E	AWNING PLAN	09.05.2025
DA2.7	E	GFA AREA	09.05.2025
DA4.1	E	ELEVATIONS	09.05.2025
DA4.2	E	ELEVATIONS	09.05.2025
DA4.5	D	SECTIONS	09.05.2025
DA5.0	F	SIGNAGE PLAN	09.05.2025
DA5.1	F	SIGNAGE DETAILS - SHEET 1	09.05.2025
DA5.2	F	SIGNAGE DETAILS - SHEET 2	09.05.2025
DA7.1	E	SHADOW DIAGRAMS JUNE	09.05.2025
DA8.1	E	ARTIST IMPRESSIONS - SHEET 1	09.05.2025
DA8.2	E	ARTIST IMPRESSIONS - SHEET 2	09.05.2025
DA8.3	E	ARTIST IMPRESSIONS - SHEET 3	09.05.2025
DA8.4	E	ARTIST IMPRESSIONS - SHEET 4	09.05.2025
DA8.5	E	ARTIST IMPRESSIONS - SHEET 5	09.05.2025
DA5.0	F	SIGNAGE PLAN	09.05.2025
DA5.1	F	SIGNAGE DETAILS - SHEET 1	09.05.2025
DA5.2	F	SIGNAGE DETAILS - SHEET 2	09.05.2025
DA7.1	E	SHADOW DIAGRAMS JUNE	09.05.2025
DA8.1	E	ARTIST IMPRESSIONS - SHEET 1	09.05.2025
DA8.2	E	ARTIST IMPRESSIONS - SHEET 2	09.05.2025
DA8.3	E	ARTIST IMPRESSIONS - SHEET 3	09.05.2025
DA8.4	E	ARTIST IMPRESSIONS - SHEET 4	09.05.2025
DA8.5	E	ARTIST IMPRESSIONS - SHEET 5	09.05.2025
Landscape Design Report prepared by Square One Landscape Architects dated 29 April 2025			
Civil Engineering Package prepared by van der Meer Consulting (Appendix			
C0101	H	Site Plan	12.05.2025
C0112	1	Early Works- Erosion and	21.05.2025

		Sediment Control Plan	
C0202	1	Early Works Bulk Earthworks Plan	21.05.2025
C0211	1	Bulk Earthworks Sections – Sheet 1	30.05.2025
C0212	1	Bulk Earthworks Sections – Sheet 2	30.05.2025
C0251	1	Retaining Wall Plan	21.05.2025
C0252	1	Retaining Wall Long Section – Sheet 1	21.05.2025
C0253	1	Retaining Wall Long Section – Sheet 2	21.05.2025
C0261	1	Retaining Wall Details – Sheet 1	21.05.2025
C0262	1	Retaining Wall Details – Sheet 2	21.05.2025
C0263	1	Retaining Wall Details – Sheet 3	21.05.2025
C0400	1	Early Works Drainage Plan	21.05.2025
C0401	1	Drainage Layout – Sheet 1	30.05.2025
C0402	1	Drainage Layout – Sheet 2	30.05.2025
C0403	1	Drainage Layout – Sheet 3	30.05.2025
C0404	1	Drainage Layout – Sheet 4	30.05.2025
C0405	1	Drainage Layout – Sheet 5	30.05.2025
C0406	1	Drainage Layout – Sheet 6	30.05.2025
C0421	E	Drains Catchment Plan	01.04.2025
C0422	E	Music Catchment Plan	01.04.2025
C0451	1	Drainage Details – Sheet 1	21.05.2025
C0452	1	Drainage Details – Sheet 2	21.05.2025
C0453	1	Drainage Details – Sheet 3	21.05.2025
C0521	A	Bulk Earthworks Plan	20.05.2025
C01501	G	Woongarra Road Plan & Long Section	20.05.2025
C2501	G	Gibraltar Road Plan & Long Section	20.05.2025
Appendix/Dwg No.	Prepared By	Document Title	Date
Appendix D19	Australian Bushfire Protection Planners Pty Ltd	Bushfire Protection Assessment	01/05/2025

and generally in accordance with the following documents:

- (i) Aboriginal Cultural Heritage Assessment prepared by Austral Archaeology Version 7, dated 11 September 2025
- (ii) Traffic and Accessibility Impact Assessment prepared by Colston Budd Rogers & Kafes Pty Ltd dated March 2025
- (iii) Acoustic Assessment prepared by Acoustic Logic, Rev 5, dated 06 August 2025
- (iv) BCA and Fire Safety Assessment Report prepared by Hontas Hatzi & Co, Rev 1.4, dated 08 May 2025
- (v) Accessibility Design report prepared by Hontas Hatzi & Co, Rev 1.5, dated 08 May 2025
- (vi) Electrical and Communications Infrastructure Delivery Report prepared by BSE, Rev 4, dated 21 March 2025
- (vii) Resource and Waste Management Plan prepared by Salt³, Rev F04 dated 30 July 2025
- (viii) Acid Sulfate Soils Management Plan prepared by Environmental Consulting Services, Rev 1 dated 29 January 2025.
- (ix) Geotechnical Report prepared by Geo-Logix, Rev V03, dated 14 June 2025 and additional response letter dated 29 July 2025.
- (x) Arborist Impact Assessment prepared by AEP, dated 5 May 2025.