

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

XXXXXXXXXXXX

Director

Regional Assessments

Sydney

XX MONTH 2022

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

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

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD-10321
Applicant:	JWD Development
Consent Authority:	Minister for Planning
Site:	Lot 100 in DP 1075037 and Lot 1 in DP 45551 89 John Whiteway Drive, Gosford
Development:	Design changes to buildings A and B including basement and internal layout changes, reduction of building envelopes, reduction of number of dwellings from 201 to 198, introduction of a neighbourhood shop and associated works.

DRAFT

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10321-Mod-1	11 APRIL 2022	Director	Design changes to buildings A and B

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DEFINITIONS

Aboriginal Object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife act 1974</i>
Aboriginal Place	Has the same meaning as the definition of the term in section 5 of the National parks and wildlife act 1974
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the Building Professionals Act 2005 acting in relation to matters to which the accreditation applies.
Advisory notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	JWD Development or any other person carrying out any development to which this consent applies
Approved Disturbance Area	The area identified as such on the development layout
BCA	Building Code of Australia
BC Act	Biodiversity Conservation Act 2016
CEMP	Construction environmental management plan
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the contaminated land consultant certification policy version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a Council or accredited certifier
Conditions of this Consent	The conditions contained in schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Central Coast Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and public holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning and Environment
Development	The development described in the EIS and response to submissions, as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EES group	Environment, energy and science group of the department of planning, industry and environment (former office of environment and heritage)
EIS	The environmental impact statement titled environmental impact statement, prepared by ethos urban dated 26 March 2020, submitted with the application for consent for the development, including any additional information provided by the applicant in support of the application
ENM	Excavated natural material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW environmental protection authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000

Evening	The period from 6pm to 10am
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, community engagement of the department of premier and cabinet
Heritage Item	An item as defined under the Heritage Act 1977, and assessed as being of local, state and/ or national heritage significance, and/or an aboriginal object or aboriginal place as defined under the national parks and wildlife act 1974', the world heritage list, or the national heritage list or commonwealth heritage list under the environment protection and biodiversity conservation act 1999 (Cth), or anything identified as a heritage item under the conditions of this consent
IBRA	Interim biogeographic regionalisation for Australia
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance note: "material harm" is defined in this consent
Independent audit post approval requirements	Independent audit post approval requirements as available on the department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in part 7.0 of the EIS as updated by the RTS and additional information.
Material harm	Is harm that: <ul style="list-style-type: none"> a) Involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) Results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW minister for planning and public spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and public holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NSW RFS	New South Wales Rural Fire Service
OEMP	Operational environmental management plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A act.
Planning secretary	Planning secretary under the EP&A Act, or nominee
POEO Act	Protection of the Environment Operations Act 1997
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.

Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010” (DEECW)
<u>Registered Certifier</u>	<u>Means the holder of registration as an registered certifier under the Building and Development Certifiers Act 2018 acting in relation to matters to which the registration applies.</u>
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to Submissions	The applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in schedule 1
Site auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site audit report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site audit statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
TfNSW (RMS)	Transport for New South Wales (Roads and Maritime Services)
VEBN	Virgin excavated natural material
Waste	Has the same meaning as the definition of the term in the dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS and Response to Submissions;
 - (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by ADG Architects				
Dwg No.	Rev	Name of Plan	Date	Architect
DA001.1	12	Site Location	27.05.2021	ADG Architects
DA001.2	12	Site Analysis	27.05.2021	ADG Architects
DA001.3	4 13	Site Compliance Scheme	27.05.2021 16.11.2021	Marchese Partners
DA001.4A	4 12	Site Coverage (Footprint)	27.05.2021 16.11.2021	Marchese Partners
DA001.4B	4 12	Open Space	27.05.2021 16.11.2021	Marchese Partners
DA001.4C	4 2	Communal Open Space	27.05.2021 16.11.2021	Marchese Partners
DA001.5	4 14	Site Plan	27.05.2021 16.11.2021	Marchese Partners
DA001.7	4 5	Overall Building Dimensions	27.05.2021 16.11.2021	Marchese Partners
DA002.1	4 17B	Basement	26.07.2021 18.02.2022	Marchese Partners
DA002.2	4 18	Ground Floor Plan	27.05.2021 08.02.2022	Marchese Partners
DA002.3	4 15	Level 1	27.05.2021 16.11.2021	Marchese Partners
DA002.4	4 14	Level 2	27.05.2021 16.11.2021	Marchese Partners
DA002.5	4 13	Level 3	27.05.2021 16.11.2021	Marchese Partners
DA002.6	4 13	Level 4	27.05.2021 16.11.2021	Marchese Partners
DA002.7	4 13	Level 5	27.05.2021 16.11.2021	Marchese Partners
DA002.8	4 12	Level 6	27.05.2021 16.11.2021	Marchese Partners

DA002.9	44 12	Level 7	27.05.2021 16.11.2021	Marchese Partners
DA002.10	42 13	Level 8	27.05.2021 16.11.2021	Marchese Partners
DA002.11	44 12	Level 9	27.05.2021 16.11.2021	Marchese Partners
DA002.12	42	Level 10	27.05.2021	ADG Architects
DA002.13	40	Level 11	27.05.2021	ADG Architects
DA002.14	40	Level 12	27.05.2021	ADG Architects
DA002.15	42 13	Roof Plan	27.05.2021 16.11.2021	Marchese Partners
DA003.0	11	Material Palette	27.05.2021	ADG Architects
DA003.1	42 13B	Elevations (Overall)	27.05.2021 18.02.2022	Marchese Partners
DA003.2	42 13B	Elevations (Overall)	27.05.2021 18.02.2022	Marchese Partners
DA003.3	42 13B	Elevations	27.05.2021 18.02.2022	Marchese Partners
DA004.1	41	Block A – Elevations	27.05.2021	ADG Architects
DA004.2	42	Block B – Elevations	27.05.2021	ADG Architects
DA004.3	42	Block C – Elevations	27.05.2021	ADG Architects
DA004.4	42	Block D – Elevations	27.05.2021	ADG Architects
DA005.1	44 12B	Site Sections (Overall)	27.05.2021 18.02.2002	Marchese Partners
DA005.2	44 12B	Site Sections (Overall)	27.05.2021 18.02.2002	Marchese Partners
DA005.3	44 12B	Site Sections (Overall)	27.05.2021 18.02.2002	Marchese Partners
DA005.4	3 4B	Site Section (Communal Block B)	27.05.2021 18.02.2002	Marchese Partners
DA005.5	41	Site Sections – Building A	27.05.2021	ADG Architects
DA005.6	40	Site Sections – Building B	27.05.2021	ADG Architects
DA005.7	40	Site Sections – Building C	27.05.2021	ADG Architects
DA005.8	40	Site Sections – Building D	27.05.2021	ADG Architects
DA005.9	42 13	Cut and Fill Diagrams	27.05.2021 16.11.2021	Marchese Partners
DA005.10	42 13	Cut and Fill Diagrams	27.05.2021 16.11.2021	Marchese Partners
DA005.11	1	Cut and Fill Diagrams	16.11.2021	Marchese Partners
DA007.1	44 12	Gross Floor Area - Floor to Floor	27.05.2021 16.11.2021	Marchese Partners
DA007.1B	1	Gross Floor Area – Building A & B	16/11/2021	Marchese Partners
DA007.2D	4 2	Circulation Diagrams	27.05.2021 16.11.2021	Marchese




















				Partners
DA007.5	9 10	Waste Management Diagrams – Sheet 1	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA007.6	9 10	Waste Management Diagrams – Sheet 2	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA008.1	7 8	Townhouse (2 Bedrooms)	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA008.2	7	Townhouse (3 Bedrooms)	27.05.2021	ADG Architects
DA008.3	7 8	Typical Unit Types	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA008.4	7	Typical Unit Types	27.05.2021	ADG Architects
DA008.5	7 8	Typical Unit Types	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA008.6	7	Typical Unit Types	27.05.2021	ADG Architects
DA008.7	7 8	Typical Unit Types	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA008.8	7 8	Typical Unit Types	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA008.9	7	Typical Unit Types	27.05.2021	ADG Architects
DA008.10	7 8	Typical Unit Types	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA008.11	7	Typical Unit Types	27.05.2021	ADG Architects
DA008.12	7 8	Typical Unit Types	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA008.13	7	Typical Unit Types	27.05.2021	ADG Architects
DA008.14	7	Typical Unit Types	27.05.2021	ADG Architects
DA008.16	7	Penthouses – Block D	27.05.2021	ADG Architects
<u>DA008.17</u>	<u>1</u>	<u>Typical Unit Types</u>	<u>16.11.2021</u>	Marchese Partners
<u>DA008.18</u>	<u>1</u>	<u>Typical Unit Types</u>	<u>16.11.2021</u>	Marchese Partners
<u>DA008.19</u>	<u>1</u>	<u>Typical Unit Types</u>	<u>16.11.2021</u>	Marchese Partners
<u>DA008.20</u>	<u>1</u>	<u>Typical Unit Types</u>	<u>16.11.2021</u>	Marchese Partners
<u>DA008.21</u>	<u>1</u>	<u>Typical Unit Types</u>	<u>16.11.2021</u>	Marchese Partners
<u>DA008.22</u>	<u>1</u>	<u>Typical Unit Types</u>	<u>16.11.2021</u>	Marchese Partners
<u>DA008.23</u>	<u>1</u>	<u>Typical Unit Types</u>	<u>16.11.2021</u>	Marchese Partners
<u>DA008.24</u>	<u>1</u>	<u>Typical Unit Types</u>	<u>16.11.2021</u>	Marchese Partners
<u>DA008.25</u>	<u>1</u>	<u>Typical Unit Types</u>	<u>16.11.2021</u>	Marchese Partners
<u>DA008.26</u>	<u>1</u>	<u>Typical Unit Types</u>	<u>16.11.2021</u>	Marchese Partners

DA009.1	44 <u>12</u>	Block A - Ground Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.2	44 <u>12</u>	Block A - Level 1 Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.3	44 <u>12</u>	Block A - Level 2 Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.4	44 <u>12</u>	Block A - Level 3 Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.5	44 <u>12</u>	Block A - Level 4 Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.6	44 <u>12</u>	Block A - Level 5 Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.7	44 <u>12</u>	Block A - Roof Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.8	44 <u>12</u>	Elevation Along John Whiteway Dr	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.9	44 <u>12</u>	Block A - North Elevation	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.10	44 <u>12</u>	Block A West Elevation	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.11	5 <u>6</u>	Block A – East Elevation	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.12	4 <u>5</u>	Block A - Sections	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA009.13	4 <u>5</u>	Block A - Section	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA010.0	44 <u>12</u>	Block B - Cover Page	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA010.1	44 <u>12</u>	Block B - Ground Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
<u>DA010.1B</u>	<u>1</u>	<u>Building B – Ground Floor – Common Areas</u>	<u>16.11.2021</u>	<u>Marchese Partners</u>
DA010.2	44 <u>12</u>	Block B - Level 1 Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA010.3	44 <u>12</u>	Block B - Level 2 Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA010.4	44 <u>12</u>	Block B - Level 3 Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA010.5	44 <u>12</u>	Block B - Level 4 Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA010.6	44 <u>12</u>	Block B - Level 5 Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA010.7	44 <u>12</u>	Block B - Level 6 Floor Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA010.8	8 <u>9</u>	Roof Plan	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>
DA010.9	44 <u>12</u>	Block B - Elevation Along John White Dr	27.05.2021 <u>16.11.2021</u>	<u>Marchese Partners</u>

DA010.9B	5 <u>6</u>	Block B – Townhouses (Elevation Along JWD)	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA010.10	42 <u>13</u>	Block B – West Elevation	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA010.11	42 <u>13</u>	Block B – North Elevation	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA010.12	5 <u>6</u>	Block B – South Elevation	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA010.13	4 <u>5</u>	Section 1	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA010.14	4 <u>5</u>	Section 2 and Section 3	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA010.15	4 <u>5</u>	Section 4	27.05.2021 <u>16.11.2021</u>	Marchese Partners
DA011.0	44 <u>12</u>	Block C - Cover Page	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.1	44 <u>12</u>	Block C - Level 1 Floor Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.2	44 <u>12</u>	Block C - Level 2 Floor Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.3	44 <u>12</u>	Block C - Level 3 Floor Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.4	44 <u>12</u>	Block C - Level 4 Floor Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.5	44 <u>12</u>	Block C - Level 5-6 Floor Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.6	44 <u>12</u>	Block C - Level 7 Floor Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.7	44 <u>12</u>	Block C - Level 8 Floor Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.8	44 <u>12</u>	Block C - Level 9 Floor Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.9	44 <u>12</u>	Block C - Roof Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.10	44 <u>12</u>	Block C - Elevation Along John White Dr	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.11	44 <u>12</u>	Block C - West Elevation	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.12	11	Block C - South and North Elevation	27.05.2021	ADG Architects
DA011.13	4 <u>5</u>	Block C - Section	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA011.14	4 <u>5</u>	Block C - Sections	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA012.0	11	Block D – Cover Page	27.05.2021	ADG Architects
DA012.1	42 <u>13</u>	Block D – Level 1 Floor Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA012.2	44 <u>12</u>	Block D – Level 2 Floor Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects
DA012.3	42 <u>13</u>	Block D - Level 3 Floor Plan	27.05.2021 <u>16.11.2021</u>	ADG Architects

DA012.4	42 13	Block D - Level 4 Floor Plan	27.05.2021 16.11.2021	ADG Architects
DA012.5	42 13	Block D - Level 5 Floor Plan	27.05.2021 16.11.2021	ADG Architects
DA012.6	42 13	Block D - Level 6	27.05.2021 16.11.2021	ADG Architects
DA012.6B	2 3	Block D - Level 7 Floor Plan	27.05.2021 16.11.2021	ADG Architects
DA012.7	42 13	Block D - Level 8	27.05.2021 16.11.2021	ADG Architects
DA012.8	42 13	Block D - Level 9	27.05.2021 16.11.2021	ADG Architects
DA012.12	7 8	Block D - Roof Plan	27.05.2021 16.11.2021	ADG Architects
DA012.13	9	Block D1 - North Elevation	27.05.2021	ADG Architects
DA012.13A	2	Block D1 - South Elevation	27.05.2021	ADG Architects
DA012.13B	3	Block D2 - North Elevation	27.05.2021	ADG Architects
DA012.14	12	Block D2 - South Elevation	27.05.2021	ADG Architects
DA012.15	42 13	Block D - East Elevation	27.05.2021 16.11.2021	ADG Architects
DA012.16	12	Block D - West Elevation	27.05.2021	ADG Architects
DA012.17	3	Section 1	27.05.2021	ADG Architects
DA012.18	3	Section 2	27.05.2021	ADG Architects
DA012.19	3 4	Section 3	27.05.2021 16.11.2021	ADG Architects
Landscape Plans prepared by Distinctive Living Design				
Dwg No.	Rev	Name of Plan	Date	
10 -19.00	Q	Coversheet	27.05.2021 16.11.2021	Distinctive Living Design
10 -19.01	Q	Context Plan	27.05.2021 16.11.2021	Distinctive Living Design
10-19.02	Q	Landscape Master Plan	27.05.2021 16.11.2021	Distinctive Living Design
10 -19.03	Q	Moodboard Imagery 01	27.05.2021 16.11.2021	Distinctive Living Design
10 -19.04	Q	Moodboard Imagery 02	27.05.2021 16.11.2021	Distinctive Living Design
10 -19.05	Q	Moodboard Imagery 03	27.05.2021 16.11.2021	Distinctive Living Design
10 -19.06	Q	Moodboard Imagery 04	27.05.2021 16.11.2021	Distinctive Living Design
10 -19.07	Q	Material Palette 01	27.05.2021 16.11.2021	Distinctive Living Design
10 -19.08	Q	Material Palette 02	27.05.2021 16.11.2021	Distinctive Living Design
10 -19.09	Q	Material Palette 03	27.05.2021 16.11.2021	Distinctive Living Design

10 -19.10	Q	Planting Palette - Podium	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.11	Q	Planting Palette - APZ	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.12	Q	Plant Schedule& Notes	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.13	Q	Directory Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.14	Q	Site Deep Soil Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.15	Q	Development Site Tree Canopy Coverage Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.16	Q	Site Tree Canopy Coverage Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.17	Q	Wildlife Corridor And Boardwalk Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.18	Q	Spatial Programme Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.19	Q	Circulation Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.20	Q	Built Form & Character Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.21	Q	Site Green Roof Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.22	Q	Landscape Vegetation Corridor Diagram	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.23	Q	Sheet Directory	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.30	Q	Podium Hardscape Plan 01	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.31	Q	Podium Hardscape Plan 02	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.32	Q	Podium Hardscape Plan 03	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.00	Q	Coversheet	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.01	Q	Context Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.33	Q	Podium Hardscape Plan 04	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.34	Q	Podium Hardscape Plan 05	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.35	O	Podium Hardscape Plan 06	27.05.2021	Distinctive Design	Living
10 -19.36	O	Podium Hardscape Plan 07	27.05.2021	Distinctive Design	Living
<u>10 -13.37</u>	<u>Q</u>	<u>Podium Hardscape Plan 08 – Communal Area 1</u>	<u>16.11.2021</u>	<u>Distinctive Design</u>	<u>Living</u>

10 -19.40	 <u>Q</u>	Podium Softscape Plan 01	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.41	 <u>Q</u>	Podium Softscape Plan 02	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.42	 <u>Q</u>	Podium Softscape Plan 03	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.43	 <u>Q</u>	Podium Softscape Plan 04	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.44	 <u>Q</u>	Podium Softscape Plan 05	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.45	O	Podium Softscape Plan 06	27.05.2021	Distinctive Design	Living
10 -19.46	 <u>Q</u>	Podium Softscape Plan 07	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.50	 <u>Q</u>	Landscape Sections Key Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.51	 <u>Q</u>	Communal Area Detail Plan - Lower Podium	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.52	 <u>Q</u>	Landscape Sections 01	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.53	 <u>Q</u>	Communal Area Detail Plan - Upper Podium	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.54	 <u>Q</u>	Landscape Sections 02	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.55	 <u>Q</u>	Landscape Sections 03	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.56	 <u>Q</u>	Landscape Sections 04	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.60	 <u>Q</u>	Landscape Details 01	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.61	 <u>Q</u>	Landscape Details 02	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10 -19.62	O	Boardwalk Details 01	27.05.2021	Distinctive Design	Living
10 -19.63	O	Boardwalk Details 02	27.05.2021	Distinctive Design	Living
10-19.70	 <u>Q</u>	ADG Compliant Planters 01	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.71	 <u>Q</u>	ADG Compliant Planters 02	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.72	 <u>Q</u>	ADG Compliant Planters 03	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.73	 <u>Q</u>	ADG Compliant Planters 04	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.74	O	ADG Compliant Planters 05	27.05.2021	Distinctive Design	Living
10-19.75	O	ADG Compliant Planters 06	27.05.2021	Distinctive Design	Living

10-19.76	O	ADG Compliant Planters 07	27.05.2021	Distinctive Design	Living
10-19.80	O Q	Addendum - Section Key Plan	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.81	O Q	Addendum - Landscape Sections 01	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.82	O Q	Addendum - Landscape Sections 02	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.83	O Q	Addendum - Landscape Sections 03	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.84	O Q	Addendum - Site Tree Removal Diagram	27.05.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.85	P Q	Addendum - Landscape Sections 04	40.08.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.86	P Q	Addendum - Landscape Sections 05	40.08.2021 <u>16.11.2021</u>	Distinctive Design	Living
10-19.87	P Q	Addendum - Landscape Sections 06	40.08.2021 <u>16.11.2021</u>	Distinctive Design	Living

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

- A5. This consent lapses five years after the date of consent unless work is physically commenced.

PRESCRIBED CONDITIONS

- A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

LONG SERVICE LEVY

- A7. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

PLANNING SECRETARY AS MODERATOR

- A8. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

EVIDENCE OF CONSULTATION

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document for information or approval; and
 - provide details of the consultation undertaken including:
 - the outcome of that consultation, matters resolved and unresolved; and
 - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING

- A10. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A11. A Staging Report prepared in accordance with condition A10 must:
- if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A12. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A13. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A14. The Applicant may:
- prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A15. Any strategy, plan or program prepared in accordance with condition A14, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A16. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A17. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

STRUCTURAL ADEQUACY

- A18. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes: Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

APPLICABILITY OF GUIDELINES

- A19. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A20. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

A21. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

COMPLIANCE

A22. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A23. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

A24. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

NON-COMPLIANCE NOTIFICATION

A25. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

A26. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A27. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

A28. Within three months of:

- (a) the submission of an incident report under condition A24;
- (b) the submission of an Independent Audit under condition D35;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

A29. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE

B1. Work must not commence until a Construction Certificate in respect of the work has been issued.

DESIGN AMENDMENTS

B2. Prior to the issue of the relevant construction certificate, revised plans must be submitted to the Certifier and the Planning Secretary for approval. The revised plans must detail the following:

- (a) ~~Redesign of the south eastern basement entry structure to:~~
 - (i) ~~increase the setback from John Whiteway Drive;~~
 - (ii) ~~improve integration of the entry structure into the overall building envelope by reducing the overall bulk and associated visual prominence within the streetscape; and~~
 - (iii) ~~minimise blank wall interfaces to the bushland corridor and the public domain.~~
- (b) Provide screening along the southern edge of the public walkway opposite the northern elevations of Blocks C and D to protect visual and acoustic privacy. In consultation with Council, the screening is to be designed to include public art to acknowledge the former historic heritage of the land as required by condition B26.
- (c) ~~Details of materials and finishes to reduce the extent of the blank wall areas on the southern façade of Block B to improve the presentation to the street and the relationship between Blocks A and B.~~
- (d) Redesign of the roof form to Block C to:
 - (i) include a roof overhang on the eastern façade,
 - (ii) improve articulation and the proportions of the building profile; and
 - (iii) provide protection from weathering.
- (e) The balconies located on the western elevation of Block D are to be redesigned to include solid elements within, around, or instead of, the glazed balustrades at levels 7, 8 and 9.
- (f) Due to poor residential amenity, delete the following units within Block D:
 - (i) D1-06
 - (ii) D1-07
 - (iii) D1-08
- (g) Provide details to resolve the use of the void/vacated area resulting from the design change in condition (f) for use as communal space (indoor or outdoor) or an alternative ancillary to the residential character of the development, to the satisfaction of the Planning Secretary.
- (h) **Provide a privacy screen on the northern elevation of the outdoor private open space of unit A0-04 to prevent direct sightlines into unit B0-01.**

EXTERNAL WALLS AND CLADDING

B3. Prior to the issue of the relevant construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE

B4. The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions; or
- (b) formulating an alternative solution which:
 - (i) complies with the performance requirements; or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (a) and (b).

CERTIFIED DRAWINGS

B5. Prior to the issue of the relevant construction certificate the Applicant must submit to the satisfaction of the Certifier, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the Certifier and the Department prior to commencement of each stage of the works and shall include details as required by any of the following conditions. A copy of the Construction Certificate shall be submitted to the Planning Secretary.

DESIGN AND CONSTRUCTION FOR BUSH FIRE

- B6. New construction for the following must comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-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*:
- (a) Southern, western and eastern elevations and new roof of proposed Building Block 'A';
 - (b) Southern and eastern elevations and new roof of proposed Building Block 'B';
 - (c) Northern and eastern elevations and new roof of Building Block 'C'; and
 - (d) Northern, eastern and western elevations of the northern wing of proposed Building Block 'D' and entire roof of proposed Building Block 'D'.
- B7. New construction for the following must comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-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*:
- (a) Northern elevation(s) of proposed Building Block 'A';
 - (b) Northern and western elevations of proposed Building Block 'B';
 - (c) Southern and western elevations of proposed Building Block 'C'; and
 - (d) Southern elevation(s) of the northern wing of proposed Building Block 'D', and entire southern wing of proposed Building Block 'D' including the Clubhouse.
- B8. Construction details demonstrating compliance with conditions B7 and B8 are to be submitted to the satisfaction of the certifier prior to the issue of the relevant construction certificate.

WATER AND UTILITY SERVICES FOR BUSHFIRE

- B9. The provision of water, electricity and gas must comply with Table 5.3c of *Planning for Bush Fire Protection 2019*. Details are to be submitted to the satisfaction of the certifier prior to the issue of the relevant construction certificate.

MAXIMUM HEIGHT

- B10. The maximum height of the development must not exceed RL 99.100m AHD, including plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

OPERATIONAL NOISE – DESIGN OF MECHANICAL PLANT AND EQUIPMENT

- B11. Prior to the issue of any construction certificate for the design of mechanical plant and equipment, a qualified acoustic consultant must undertake a detailed review of mechanical plant equipment to ensure that the noise emissions comply with the intrusiveness noise criterion provided in Table 4.1 of the Noise and Vibration Impact Assessment prepared by EMM Consulting dated February 2020. Where mitigation measures are required to meet the criterion, the measures are to be incorporated into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design prior to the issue of the relevant Construction Certificate.

MECHANICAL VENTILATION

- B12. All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards AS1668.2 and AS3666 - Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

OPERATIONAL WASTE STORAGE AND PROCESSING

- B13. Prior to the issue of any construction certificate for the operational waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

CAR PARKING AND SERVICE VEHICLE LAYOUT

- B14. Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the Site in a forward direction;
 - (b) a maximum of ~~305~~ **296** on-site car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and

- (c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2.

BICYCLE PARKING

- B15. Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
- the provision of a minimum ~~85~~ **87** visitors/residents bicycle parking spaces outlined in plans listed in condition A2;
 - compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*.

PUBLIC DOMAIN WORKS

- B16. Prior to the issue of any construction certificate for the footpath along the frontage of the site and connecting to the existing footpath adjacent to 91-95 John Whiteway Drive and associated public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval from Council to the Certifier.

BASIX CERTIFICATION

- B17. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 1060237M_05 (dated 23 July 2021) and 1060237M_06 (dated 18 November 2021) as relevant, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B18. The buildings must incorporate all design, operation and construction measures as identified in the ESD Assessment Report, prepared by BCA Energy, dated 20 February 2020. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

OUTDOOR LIGHTING

- B19. 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 issue of the relevant Construction Certificate.

DEVELOPMENT CONTRIBUTIONS

- B20. Prior to the commencement of works for any part of the development other than demolition, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

SPECIAL INFRASTRUCTURE CONTRIBUTIONS

- B21. The Applicant must 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 Applicant 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 Applicant 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 must 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, Industry 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.

BIODIVERSITY

- B22. Prior to the issue of any construction certificate, the number and classes of ecosystem credits and species credits (like-for-like) set out in the BAM Biodiversity Credit Report contained in Appendix 1 of the Biodiversity Development Assessment Report, prepared by Conacher Consulting and dated March 2021 must be retired.

- B23. The requirement to retire like-for-like ecosystem credits and species credits in condition B23 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits and species credits.
- B24. Evidence of the retirement of credits in satisfaction of condition B23 or payment to the Biodiversity Conservation Fund in satisfaction of condition B24 be provided to the Planning Secretary and the certifier prior to issue of any construction certificate.

HERITAGE INTERPRETATION PLAN

- B25. A detailed Heritage Interpretation Plan is to be prepared and submitted to the Planning Secretary for approval prior to the issue of the construction certificate. The Heritage Interpretation Plan must include (but not be limited to):
- (a) be prepared by a suitably qualified and experienced expert in consultation with Council;
 - (b) be consistent with the recommendations of the Heritage Impact Assessment Report prepared by Barker Ryan Stewart, dated 21 January 2020;
 - (c) incorporates interpretive information into the landscaping of the site such as in the use of materials, signage, planting or lighting;
 - (d) provide details of the mural to be located on the façade of Block B; and
 - (e) include a public art strategy for the screening along the public walkway as required by condition B2(b).

STORMWATER MANAGEMENT SYSTEM

- B26. Prior to the issue of the construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s) in consultation with Council;
 - (b) be generally in accordance with the conceptual design in the approved documentation;
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

REFLECTIVITY

- B27. The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed to minimise glare. A report/statement demonstrating compliance with these requirements is to be submitted to the Certifier prior to issue of the relevant Construction Certificate.

GEOTECHNICAL DESIGN, CERTIFICATION AND MONITORING PLAN

- B28. The proposed development involves site excavation and the construction of subsurface structures that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Geotechnical Engineer, to design, certify and oversee all site excavation and the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation:

- (a) Further geotechnical detail as outlined in section 6.10 of the Geotechnical Investigation by JK Geotechnics dated 14 November 2019.
- (b) Inspect and undertake site mapping of exposed rock faces and headlands across the northern and western parts of the site to identify potential rock wedges, and provide additional mitigation and management measures in addition to the rock catcher fence if required.
- (c) Certification that the civil and structural details of all structures are designed to:
 - (i) provide appropriate support and retention to neighbouring property;
 - (ii) ensure the design of foundations, particularly adjacent to the western cliff face, have loads transferred down to the zone of influence;
 - (iii) ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and
 - (iv) ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- (d) A Geotechnical Monitoring Plan (GMP) to be implemented during construction that:

- (i) is based on a geotechnical investigation of the site and subsurface conditions, including groundwater;
- (ii) details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
- (iii) details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical measures by the professional engineer; and
- (iv) details an action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP is to be submitted to the certifier prior to the issue of the construction certificate. Copies of the certification and GMP must be provided to the Planning Secretary.

B29. If estimates or monitoring indicate that ingress of groundwater (to the development site, at any stage of the development) exceeds, or is likely to exceed, 3ML/year in total volume the proponent must:

- (a) Complete a full investigation of the potential groundwater take (prior to further site development), and provide the take details for the whole of the development site.
- (b) Prepare a Dewatering Management Plan. This will include full details of: the method used to estimate groundwater volumes; groundwater ingress monitoring; any proposed water treatment; related water quality criteria and controls; and details of the method of water disposal.
- (c) Obtain the appropriate Water Access Licence(s) and approvals from NRAR.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

NOTIFICATION OF COMMENCEMENT

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

PROTECTION OF PUBLIC INFRASTRUCTURE

- C4. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

PRE-CONSTRUCTION DILAPIDATION REPORT

- C5. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

COMMUNITY COMMUNICATION STRATEGY

- C6. A community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- C7. The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
 - (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- C8. The Community Communications Strategy must be submitted to the Planning Secretary no later than one month before the commencement of any work.
- C9. Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.
- C10. The Community Communication Strategy must be implemented for a minimum of 12 months following the completion of construction.

DEMOLITION

- C11. Prior to the commencement of construction, demolition work plans required by *AS 2601-2001 The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

ENVIRONMENTAL MANAGEMENT PLAN REQUIREMENTS

- C12. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Note: *The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>*

Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C13. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling as set out in the Community Communication Strategy required by condition C6
 - (ix) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C15);
 - (c) Construction Noise and Vibration Management Sub-Plan (see condition C16);
 - (d) Construction Soil and Water Management Sub-Plan (see condition C17);
 - (e) Aboriginal Cultural Heritage Management Plan (see condition C18);
 - (f) Biodiversity Management Sub-Plan (see condition C19);
 - (g) an unexpected finds protocol for contamination and associated communications procedure;
 - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;

- (i) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- C14. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- C15. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- C16. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition C16(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C12.
- C17. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'BlueBook';
 - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site); and
 - (d) detail all off-Site flows from the Site.
- C18. The Aboriginal Cultural Heritage Management Plan (ACHMP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties; and
 - (b) be consistent with the conclusions and recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by RPS and dated 10 February 2020; and
 - (c) include measures for the mitigation and management of any unexpected finds that may be found.
- C19. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person/s;
 - (b) identify areas of land where impacts on biodiversity are to be avoided as outlined in the biodiversity development assessment report prepared by Conacher Consulting and dated March 2021 and set out how these areas will be protected from construction impacts; and
 - (c) set out the measures identified in the Biodiversity Development Assessment Report to minimise, mitigate and manage impacts on biodiversity, including timing and responsibility for delivery of the measures.
- C20. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

SOIL AND WATER

- C21. Prior to the commencement of construction, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP.

CONSTRUCTION PARKING

- C22. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

OUTDOOR LIGHTING

- C23. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

SITE CONTAMINATION

- C24. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

PUBLIC DOMAIN WORKS

- C25. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

PART D DURING CONSTRUCTION

SITE NOTICE

- D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

OPERATION OF PLANT AND EQUIPMENT

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

DEMOLITION

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C11.

CONSTRUCTION HOURS

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- D5. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such construction activities as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

HOARDING REQUIREMENTS

- D9. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

NO OBSTRUCTION OF PUBLIC WAY

- D10. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

CONSTRUCTION NOISE LIMITS

- D11. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.

- D12. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition D4.
- D13. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

VIBRATION CRITERIA

- D14. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D15. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D14.
- D16. The limits in conditions D14 and D15 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C16 of this consent.

TREE PROTECTION

- D17. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
 - (b) all street trees immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Vegetation Management Plan (Version 4) prepared by Conacher Consulting, dated March 2021 and the Tree Assessment Report (Version 3) prepared by Conacher Consulting, dated March 2021; and
 - (e) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

AIR QUALITY

- D18. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D19. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

EROSION AND SEDIMENT CONTROL

- D20. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

IMPORTED SOIL

- D21. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Certifier upon request.

DISPOSAL OF SEEPAGE AND STORMWATER

- D22. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the buildings to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

EMERGENCY MANAGEMENT

- D23. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

UNEXPECTED FINDS PROTOCOL – ABORIGINAL HERITAGE

- D24. 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 archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.

UNEXPECTED FINDS PROTOCOL – HISTORIC HERITAGE

- D25. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

WASTE STORAGE AND PROCESSING

- D26. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D27. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D28. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D29. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D30. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

OUTDOOR LIGHTING

- D31. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

SITE CONTAMINATION

- D32. Remediation of the site must be carried out in accordance with the Remedial Action Plan prepared by Trace Environmental and dated 20 January 2020 and any variations to the Remedial Action Plan approved by an NSW EPA-accredited Site Auditor.
- D33. Where remediation is carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- D34. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

INDEPENDENT ENVIRONMENTAL AUDIT

- D35. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D36. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (DPIE 2020).
- D37. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those agreed to above, upon giving at least four weeks notice to the applicant of the date or timing upon which the audit must be commenced.

- D38. D38. In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (DPIE 2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D36 and D37 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days of submission to the Planning Secretary.
- D39. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (DPIE 2020).
- D40. Notwithstanding the requirements of the *Independent Audit Post Approval Requirements* (DPIE 2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

OCCUPATION CERTIFICATE

- E1. An Occupation Certificate for the relevant stage must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of the approved buildings. A copy of the Occupation Certificate shall be submitted to the Planning Secretary.

EXTERNAL WALLS AND CLADDING

- E2. Prior to the issue of the occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

POST-CONSTRUCTION DILAPIDATION REPORT

- E4. Prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads;
 - (c) to be forwarded to Council for information.

PROTECTION OF PUBLIC INFRASTRUCTURE

- E5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by this consent.

PROTECTION OF PROPERTY

- E6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

UTILITIES AND SERVICES

- E7. Prior to the issue of the occupation certificate, a compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Council and submitted to the Certifier.
- E8. Prior to issue of the occupation certificate, written advice shall be obtained from the relevant electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

STRUCTURAL INSPECTION CERTIFICATE

- E9. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

ENVIRONMENTAL PERFORMANCE

- E10. Prior to the issue of the any Occupation Certificate, the Applicant shall implement the commitments outlined in BASIX Certificate No. 1060237M_05 (dated 2 July 2021).

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E11. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifier demonstrating compliance with the recommendations and principles highlighted within the ESD Assessment Report ESD Assessment Report, prepared by BCA Energy, dated 20 February 2020 (see Condition B19).

WORKS AS EXECUTED PLANS

- E12. Prior to the issue of the occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

MECHANICAL VENTILATION

- E13. Prior to the issue of the occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

OPERATIONAL NOISE – DESIGN OF MECHANICAL PLANT AND EQUIPMENT

- E14. Prior to the issue of the occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise and Vibration Impact Assessment prepared by EMM Consulting dated February 2020 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the assessment.

ROAD DAMAGE

- E15. Prior to the issue of the occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development must be met in full by the Applicant.

FIRE SAFETY CERTIFICATION

- E16. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

- E17. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

STORMWATER QUALITY MANAGEMENT PLAN

- E18. Prior to the issue of the occupation certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

WARM WATER SYSTEMS AND COOLING SYSTEMS

- E19. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

OUTDOOR LIGHTING

- E20. Prior to the issue of the occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

SIGNAGE

E21. Prior to the commencement of operation, way-finding signage identifying building entries, car parking entrances and bicycle parking is to be installed.

PUBLIC WALKWAY

E22. The public walkway and viewing platform is to be completed prior to the issue of any occupation certificate for the last of the four approved buildings.

E23. Satisfactory arrangements are to be made in consultation with Council to secure maintenance, management and accessibility of the walkway and viewing platform to the public in perpetuity. Details of the confirmed arrangements are to be provided to the Planning Secretary for information prior to the issue of any occupation certificate.

POCKET PARK

E24. The pocket park is to be completed prior to the issue of any occupation certificate for the last of the four approved buildings.

E25. Satisfactory arrangements are to be made in consultation with Council to secure maintenance, management and accessibility of the park to the public in perpetuity. Details of the confirmed arrangements are to be provided to the Planning Secretary for information prior to the issue of any occupation certificate.

SITE CONTAMINATION

E26. Prior to the issue of any occupation certificate, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

LANDSCAPING

E27. Prior to the issue of the occupation certificate, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition A2(d) or as amended by this consent.

E28. Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:

- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
- (b) be consistent with the Vegetation Management Plan (Version 4) prepared by Conacher Consulting, dated March 2021.

EVACUATION AND EMERGENCY PLANNING

E29. Prior to the issue of any occupation certificate, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

ASSET PROTECTION ZONES

E30. E30. Prior to the issue of any occupation certificate, the entire property must be managed as an inner protection area (IPA) as per the Vegetation Management Plan (prepared by Conacher Consulting Pty Ltd, Version 4, 16 March 2021, ref: 21020) and in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:

- (a) tree canopy cover should be less than 15% at maturity;
- (b) trees at maturity should not touch or overhang the building;
- (c) lower limbs should be removed up to a height of 2m above the ground;
- (d) tree canopies should be separated by 2 to 5m;
- (e) preference should be given to smooth barked and evergreen trees;
- (f) large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;

- (g) shrubs should not be located under trees;
 - (h) shrubs should not form more than 10% ground cover;
 - (i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
 - (j) grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
 - (k) leaves and vegetation debris should be removed.
- E31. In accordance with section 88B of the Conveyancing Act 1919, a restriction to the land use shall be placed on Lot 0/SP72557- 80 John Whiteway Drive Gosford requiring the provision of a 5 metre wide Asset Protection Zone (APZ) along the north western boundary beyond the property access ramp, which must be maintained as an Outer Protection Area (OPA) as outlined within Appendix 4 of Planning for Bush Fire Protection 2019. The OPA must comprise:
- (a) Tree canopy cover not more than 30%;
 - (b) tree canopies should be separated by 2 to 5m;
 - (c) shrubs should not form a continuous canopy;
 - (d) shrubs should not form more than 20% of ground cover;
 - (e) grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
 - (f) leaves and vegetation debris should be removed.

HERITAGE INTERPRETATION PLAN

- E32. Prior to the issue of the occupation certificate, the Applicant must implement the recommendations of the Heritage Interpretation Plan approved under condition B26.

NEIGHBOURHOOD SHOP MANAGEMENT PLAN

- E33. **Prior to the issues of and occupation certificate, the Applicant must prepare and submit a Management Plan for the ongoing operation of the Neighbourhood Shop to the Certifier for approval. The plan should include, but not be limited to:**
- (a) **The operation of the car parking spaces, how access would be made available for staff to the garage, and for customers to parking spaces behind the security gate.**
 - (b) **Procedures for the management of waste generated by the neighbourhood shop. Either an agreement for waste to be disposed of via the buildings waste services or via a licensed waste contractor must in place prior to the operation of the neighbourhood shop.**
 - (c) **Procedures for the management of deliveries for the neighbourhood shop. Deliveries are not to take place outside of the approved hours of operation and must be undertaken within the boundaries of the subject site.**

PART F POST OCCUPATION

OPERATION OF PLANT AND EQUIPMENT

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

WARM WATER SYSTEMS AND COOLING SYSTEMS

- F2. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

COMMUNITY COMMUNICATION STRATEGY

- F3. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

- F4. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

GREEN TRAVEL PLAN

- F5. The Green Travel Plan prepared by Barker Ryan Stewart, dated September 2020 must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

OUTDOOR LIGHTING

- F6. Notwithstanding condition D31, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

LANDSCAPING

- F7. The Applicant must maintain the landscaping and vegetation on the site in accordance with the landscape plans approved under A2(d) and the Operational Landscape Management Plan required by condition E28 for the duration of occupation of the development.

ASSET PROTECTION ZONES

- F8. The asset protection zones required by condition E30 and E31 shall be maintained for the duration of occupation of the development.

ONGOING MAINTENANCE OF CEMENT RENDER

- F9. The building's rendered walls are to be painted every seven years unless otherwise agreed to by the Planning Secretary.

NEIGHBOURHOOD SHOP HOURS OF OPERATION

- F10. The approved hours of operation of the neighbourhood shop are:
- Monday to Friday 7am to 7pm
 - Saturday 7am to 7pm
 - Sunday and Public Holiday Closed

USE OF COMMUNAL AREAS

- F11. Communal areas of the development shall not to be used for commercial purposes without prior development consent.

APPENDIX 1 ADVISORY NOTES

GENERAL

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

LONG SERVICE LEVY

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

LEGAL NOTICES

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

ACCESS FOR PEOPLE WITH DISABILITIES

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

UTILITIES AND SERVICES

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

ROAD DESIGN AND TRAFFIC FACILITIES

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW(RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

ROAD OCCUPANCY LICENCE

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SAFEWORK REQUIREMENTS

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

HOARDING REQUIREMENTS

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

HANDLING OF ASBESTOS

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

FIRE SAFETY CERTIFICATE

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A23 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident