

# 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.

Keiran Thomas  
**Director**  
**Regional Assessments**

Sydney

2022

### **SCHEDULE 1**

<b>Application Number:</b>	SSD 23588910
<b>Applicant:</b>	SH Gosford Residential Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Homes
<b>Site:</b>	26-30 Mann Street, Gosford Lot 111 DP 1265226, Lot 469 DP 821073 and Lots 2-7 DP 14761
<b>Development:</b>	Central Coast Quarter, Stage 1 Northern Tower, including: <ul style="list-style-type: none"><li>• site establishment works;</li><li>• construction of a 22 to 25 storey tower (RL 69.76 and RL 84.1) including podium providing for:<ul style="list-style-type: none"><li>○ 136 apartments;</li><li>○ 621m<sup>2</sup> retail accommodation;</li></ul></li><li>• on-site parking spaces for 183 cars, 10 motorcycles, 63 bicycles and a service vehicle; and</li><li>• provision of hard and soft landscaping, communal open space, a publicly accessible through site link and public art.</li></ul>

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	SH Gosford Residential Pty Ltd or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certified Contaminated Land Consultant</b>	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
<b>Certifier</b>	Means a council or accredited certifier
<b>Commission</b>	Independent Planning Commission
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Concept Approval</b>	The approved staged development application in accordance with the EP&A Act (ref: SSD 10114) approved by the Commission on 24 August 2020
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EESG or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	Central Coast Council
<b>DAP</b>	Gosford Design Advisory Panel
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays

<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the EIS and RtS, including the works, as modified by the conditions of this consent.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EESG</b>	Environment, Energy and Science Group of the Department of Planning and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled ' <i>Central Coast Quarter Northern Tower SSDA Environmental Impact Statement 26-30 Mann Street, Gosford</i> ', prepared by Urbis and dated September 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>ESD</b>	Ecologically sustainable development
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>GFA</b>	Gross floor area
<b>Gosford SEPP</b>	State Environmental Planning Policy (Gosford City Centre) 2018
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	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 <i>Note: "material harm" is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>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)</li> </ul>

<b>Minister</b>	NSW Minister for Planning and Homes (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	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.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
<b>Response to submissions / RtS</b>	The Applicant’s response to submissions reports and attachments prepared by Urbis Pty Ltd and titled: <ul style="list-style-type: none"> <li>▪ ‘<i>Central Coast Quarter – Stage 1, Northern Tower Response to Submissions Report for SSD-23588910 Report Number 02</i>’, dated 10 December 2021; and</li> <li>▪ ‘<i>Central Coast Quarter – Stage 1, Northern Tower (SSD-23588910) Response to RFI</i>’, dated 19 January 2022.</li> </ul>
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	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 RtS;
  - (d) in accordance with the approved plans in the table below (except where amended by the conditions of consent):

<b>Architectural plans prepared by DKO Architecture</b>			
<b>Plan No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA101	B	Staging Plan	06/12/2021
DA102	B	Site Plan	06/12/2021
DA103	B	Site Survey	06/12/2021
DA201	B	Ground Floor	18/11/2021
DA202	B	Level 1	06/12/2021
DA203	B	Level 2	18/11/2021
DA204	B	Level 3	18/11/2021
DA205	B	Level 4	18/11/2021
DA206	B	Level 5	06/12/2021
DA207	B	Level 6-12	06/12/2021
DA208	B	Level 13-20	06/12/2021
DA209	B	Level 21	06/12/2021
DA210	B	Level 22-23	06/12/2021
DA211	B	Level 24	06/12/2021
DA212	B	Roof Plan	06/12/2021
DA301	B	North Elevation	06/12/2021
DA302	B	South Elevation	06/12/2021
DA303	B	East Elevation (Mann Street)	06/12/2021
DA304	B	West Elevation (Baker Street)	06/12/2021
DA305	B	Sections - AA	06/12/2021
DA306	B	Sections - BB	06/12/2021
DA307	B	Materials & Finishes	06/12/2021
DA401	B	GFA Calculations	06/12/2021
DA402	B	GFA Calculations	06/12/2021
DA403	B	Unit Mix	06/12/2021
DA404	B	Cross Ventilation Calc.	06/12/2021
DA410	B	Communal Open Space & Deep Soil	06/12/2021
DA414	B	Apartment Types 1/3	06/12/2021
DA415	B	Apartment Type 2/3	06/12/2021
DA416	B	Apartment Type 3/3	06/12/2021

DA417	B	Storage Diagram 1/2	06/12/2021
DA418	B	Storage Diagram 2/2	06/12/2021
DA419	B	DDA & Liveable Unit Calc.	06/12/2021
DA420	B	Pre & Post Adaptable	06/12/2021
DA421	B	Pre & Post Adaptable & Liveable	06/12/2021
<b>Landscape plans prepared by <i>Turf Design Studio</i></b>			
<b>Plan No.</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
L-DA-8	C	LANDSCAPE PRINCIPLES   CONNECTING TO COUNTRY	AUGUST 2021
L-DA-9	C	PLACE PRINCIPLES   LANDSCAPE	AUGUST 2021
L-DA-10	C	PLACES   LANDSCAPE	AUGUST 2021
L-DA-17	C	GROUND FLOOR LANDSCAPE PLAN	AUGUST 2021
L-DA-18	C	SECTION GROUND FLOOR	AUGUST 2021
L-DA-20	C	THROUGH SITE LINK LANDSCAPE PLAN	AUGUST 2021
L-DA-21	C	THROUGH SITE LINK DETAIL WEST LANDSCAPE PLAN	AUGUST 2021
L-DA-22	C	THROUGH SITE LINK DETAIL EAST LANDSCAPE PLAN	AUGUST 2021
L-DA-23	C	SECTION 1 THROUGH SITE LINK	AUGUST 2021
L-DA-24	C	SECTION 2 THROUGH SITE LINK	AUGUST 2021
L-DA-27	C	PODIUM LANDSCAPE PLAN	AUGUST 2021
L-DA-28	C	PODIUM TREE PLAN	AUGUST 2021
L-DA-29	C	SECTION 1 + 2 PODIUM	AUGUST 2021
L-DA-30	C	SECTION 3 + 4 PODIUM	AUGUST 2021
L-DA-31	C	SECTION 5	AUGUST 2021
L-DA-34	C	ROOFTOP LANDSCAPE PLAN	AUGUST 2021
L-DA-35	C	SECTION ROOFTOP	AUGUST 2021
L-DA-37	C	PLANTING PALETTE	AUGUST 2021
L-DA-38	C	PLANTING PALETTE	AUGUST 2021
L-DA-39	C	PLANTING CHARACTER	AUGUST 2021
L-DA-40	C	MATERIAL PALETTE	AUGUST 2021
<b>Civil plans prepared by <i>Northrop</i></b>			
<b>Plan No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
C1.1	A	INTERNAL CIVIL WORKS COVER SHEET	22.03.21
C2.1	B	INTERNAL CIVIL WORKS CONCEPT SOIL & WATER CYCLE MANAGEMENT PLAN	26.03.21
C2.2	A	INTERNAL CIVIL WORKS SOIL & WATER CYCLE MANAGEMENT DETAILS	22.03.21
C4.1	B	INTERNAL CIVIL WORKS STORMWATER MANAGEMENT & LEVELS PLAN GROUND	26.03.21
C4.2	A	INTERNAL CIVIL WORKS STORMWATER MANAGEMENT & LEVELS PLAN LEVEL 4	22.03.21

- 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

- (c) 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.

#### **Amendments to Plans and Documentation**

- A5. In accordance with Section 4.17(1)(g) of the EP&A Act, revised plans and documentation for the development are to be submitted to the Secretary for approval prior to the issue of any construction certificate which reflect the allotment boundary between Lots 111 and 112 in DP1265226 and any resulting adjustments to the development.

#### **Limits of Consent**

- A6. This consent lapses five years after the date of consent unless work is physically commenced.
- A7. This consent does not approve the following. Separate approvals must be obtained for the following works and uses, or any other works or uses, which do not meet exempt development provisions:
  - (a) fit-out of retail premises;
  - (b) tree removal, other than that approved under this consent;
  - (c) advertising or identification signage; and
  - (d) realignment / diversion of Central Coast Council sewer infrastructure.

#### **Design Excellence and Integrity**

- A8. The detailed design of the development and the assessment of design integrity shall be carried out in accordance with the document titled '*Design Excellence Strategy Central Coast Quarter, Revision 02*', prepared by St Hilliers, dated 26 November 2020 (DES).
- A9. The established City of Gosford Design Advisory Panel (DAP) outlined in the DES shall be retained / involved throughout the detailed design and construction phases of the development. In addition:
  - (a) the DAP shall review the design at the following stages (as a minimum):
    - (i) prior to construction;
    - (ii) prior to occupation;
    - (iii) prior to the lodgement of any planning modification that modifies the design, unless the Planning Secretary has confirmed in writing that DAP review is not required;
  - (b) the DAP shall provide independent, expert and impartial advice in relation to the achievement of design excellence and ensure the design integrity of the scheme is maintained or enhanced throughout the detailed design and construction phases of the development; and
  - (c) the Applicant shall consider the advice of the DAP and incorporate its recommendations into the development. Any departures from the DAP recommendations must be justified.
- A10. The architectural design team comprising DKO Architecture and Turf Design Studio (the Design Team) must have direct ongoing involvement in the design documentation, contract documentation and construction stages of the project. In addition:
  - (a) evidence of the Design Team's engagement is to be provided to the Planning Secretary prior to the commencement of any works (excluding any demolition and earthworks) of the development; and
  - (b) the Design Team is not to be changed without prior written notice and approval of the Planning Secretary.

### **Timing of the Construction of the Through Site Link**

- A11. The construction of the through site link must be completed no later than 18 months following the issue of the relevant occupation certificate which authorises use of the last apartment within the tower.

### **Prescribed Conditions**

- A12. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

### **Planning Secretary as Moderator**

- A13. 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**

- A14. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### **BCA requirements**

- A15. 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.

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

- A16. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### **Applicability of Guidelines**

- A17. 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.
- A18. 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**

- A19. 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**

- A20. 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

- A21. 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.
- A22. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

## Non-Compliance Notification

- A23. 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.
- A24. 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.
- A25. 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

- A26. Within three months of:
- (a) the submission of a compliance report under **Condition A28**;
  - (b) the submission of an incident report under **Condition A22**;
  - (c) the submission of an Independent Audit under **Condition A32**;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) 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.
- A27. 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.

## Compliance Reporting

- A28. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- A29. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- A30. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A31. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

### **Independent Environmental Audit**

- A32. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- A33. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- A34. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 week's notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- A35. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under this consent;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- A36. 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 (2020), unless otherwise agreed by the Planning Secretary.
- A37. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (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 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.

### **Maximum Height**

- B2. The maximum heights of the development must not exceed the stepped tower heights of RL 69.76 and RL 84.1, 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

### **External Walls and Cladding**

- B3. Prior to the issue of any 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.

### **Certified Drawings**

- B4. Prior to the issue of the construction certificate the Applicant must submit structural drawings and certification to the Certifier that have been prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent. The structural drawings and certification must also confirm the development is able to withstand the level of flood hazard applicable to the site.

### **Building Code of Australia (BCA) Compliance**

- B5. 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).

### **Operational Car Parking, Access and Service Vehicle Layout**

- B6. Prior to the issue of a construction certificate evidence must be submitted to the Certifier demonstrating that the parking, access and service vehicle arrangements comply with the following:
- (a) the development provides for 183 car parking spaces and 10 motorcycle spaces on-site for use by the future occupants and their visitors as outlined in plans listed in **Condition A2**;
  - (b) all on-site car parking spaces are designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
  - (c) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, are in accordance with the latest version of AS 2890.2;
  - (d) all vehicles can enter and leave the site in a forward direction; and
  - (e) provision of one on-site vehicle turn-table for use during operation of the development that are designed in accordance with the latest versions of AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.

## Bicycle Parking and End-of-Trip Facilities

- B7. Prior to the issue of a construction certificate evidence must be submitted to the Certifier demonstrating that bicycle parking and end-of-trip facilities arrangements comply with the following:
- a) the provision of 63 bicycle parking spaces, including a minimum of 58 residential (including 12 visitor) spaces and five retail staff (including one visitor) spaces as outlined in plans listed in **Condition A2**;
  - b) the provision of four visitor bicycle parking spaces (in addition to the 63 required at parking **Condition B7a**) within the eastern part of the through site link, between the northern elevation of the Eastern Tower and 32 Mann Street;
  - c) 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*, and;
  - d) the provision of end-of-trip facilities comprising a minimum of one shower and one changing room.

## Public Domain Works

- B8. Prior to the issue of construction certificate for 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 achieving an appropriate materiality and interface with Council's public domain and addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

*Note: Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.*

## Reflectivity

- B9. Prior to the issue of a construction certificate, evidence must be submitted to the Certifier demonstrating that the design of the building and the materials used on the building facades are consistent with the recommended mitigation measures and maximum specular reflectivity stipulated within the document titled '*Solar Light Reflectivity Study Central Coast Quarter – North Tower, Gosford (WF011-02F03(REV3)- SR REPORT)*', prepared by Windtech Consultants and dated 24 August 2021.

## Crime Prevention Through Environmental Design

- B10. Prior to the issue of a construction certificate, evidence must be submitted to the Certifier demonstrating that the design of the building, landscaping and public domain have incorporated the recommended mitigation measures stipulated within the document titled '*CPTED Assessment Central Coast Quarter Northern Tower DA Revision 03*' prepared by Urbis Pty Ltd and dated 25 August 2021.

## BASIX

- B11. Prior to the issue of a construction certificate for the residential component of the building, the Applicant must submit evidence to the Certifier that the apartments would be constructed in accordance with the BASIX Certificate no.1186192M\_02 commitments. The BASIX Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans. An updated certificate must be issued if relevant design amendments are made.

## Mechanical Plant and Equipment

- B12. Prior to the issue of any construction certificate for the design of mechanical plant and equipment, the Applicant must incorporate appropriate noise mitigation measures into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the noise report prepared by Acoustic Logic and titled '*Central Coast Quarter – Northern Tower, 26-30 Mann Street, Gosford NSW Noise and Vibration Impact Assessment Revision 2*' dated 30 August 2021 as updated by letter from Acoustic Logic titled '*North Tower DA 26 Mann Street, Gosford – Response to Submissions (RTS)*' dated 18 November 2021.

- B13. Prior to the issue of the construction certificate details must be submitted to the Certifier confirming that 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.
- B14. Prior to the issue of a construction certificate, the mechanical exhaust systems and/or shafts of the commercial tenancies must be designed to allow for the treatment and removal of obnoxious odours and particulates, and the discharge of effluent air at a height and velocity that prevents discomfort and nuisance to the public. The mechanical system must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and *AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings*.

### **Operational Waste Storage and Processing**

- B15. 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.

### **Stormwater Management System**

- B16. 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 and be independently certified;
  - (b) be generally in accordance with the conceptual design in the document titled '*Water Cycle Management Plan for Residential Development at 26-30 Mann Street, Gosford Revision B*' prepared by Northrop and dated 18/08/2021;
  - (c) be in accordance with applicable Australian Standards;
  - (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; and
  - (e) ensure that there is no increase in stormwater discharge to the State road network.

### **Flood Management**

- B17. Prior to the issue of the construction certificate, evidence must be submitted to the Certifier demonstrating that the development will comply with the flood planning levels, floodgate installation and flood management measures contained within the document titled '*Water Cycle Management Plan for Residential Development at 26-30 Mann Street, Gosford Revision B*' prepared by Northrop and dated 18/08/2021.
- B18. Prior to the issue of the construction certificate, the Applicant must prepare a Flood Management Plan (FMP) for the site in consultation with the Department of Planning and Environment Biodiversity and Conservation Division (BCD). The FMP must be endorsed by BCD and include details of failsafe egress to flood free refuge for any occupants of the basement carpark during a large flood event. The route to the refuge should be fail safe, plainly evident and self-directing. The required floodgate installation and all other flood management measures contained within the document titled '*Water Cycle Management Plan for Residential Development at 26-30 Mann Street, Gosford Revision B*' prepared by Northrop and dated 18/08/2021, must also be detailed in the FMP.
- B19. Prior to the issue of the construction certificate, certification from a suitably qualified and practicing structural engineer must be submitted to the Certifier confirming the structural details for the required flood gates and that flood compatible materials will be used below the flood

planning levels as referred to in *Water Cycle Management Plan for Residential Development at 26-30 Mann Street, Gosford Revision B* prepared by Northrop and dated 18/08/2021.

### **Biodiversity**

- B20. Prior to the issue of the construction certificate, the two ecosystem credits as set out in the Concept Approval (SSD 10114) *Biodiversity Development Assessment Report (Appendix 5 BAM Ecosystem Credits Summary Report)* prepared by Niche Environmental and Heritage and dated 29 August 2019 must be retired.
- B21. The requirement to retire credits in **Condition B20** above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits.
- B22. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of **Condition B21** must be provided to the Planning Secretary prior to carrying out development that will impact on biodiversity values.

### **Development Contributions**

- B23. Prior to the issue of the first occupation certificate for the proposed development, a payment of a levy of 2% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

Certifiers are required to obtain a document from Council confirming the payment of infrastructure contributions prior to the issuing of an occupation certificate. An Occupation Certificate shall not be issued unless Council has confirmed in writing all contributions have been paid.

Deferred contributions prior to the issue of the first occupation certificate applies from publication in the Gazette (8 July 2020) until the COVID-19 prescribed period ends.

The payment deferral arrangements cease to apply if a construction certificate has not been issued for the development by 25 September 2022, in which case the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.

### **Special Infrastructure Contributions**

- B24. 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 may not apply for an occupation certificate (or a construction certificate after 25 September 2022) in relation to development the subject of this development consent unless the person provides, in connection with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development has been made or that arrangements are in force with respect to the making of the contribution.

#### ***In this condition:***

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

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

#### ***More information***

A request for assessment by the Department of Planning, Industry and Environment of the amount of the special infrastructure contribution that is required under this condition can be made through the NSW planning portal

*(<https://www.planningportal.nsw.gov.au/special-infrastructure-contributionsonline-service>). Please refer enquiries to  
SIContributions@planning.nsw.gov.au*

## 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.

### Protection of Public Infrastructure

- C3. 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

- C4. 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.

### Demolition

- C5. 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

- C6. 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/majorprojects/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

- C7. Prior to the commencement of any demolition, earthworks or 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, in accordance with **Conditions D6 to D9**;
    - (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) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - (vii) community consultation and complaints handling;
    - (viii) incorporation of all acoustic management and treatments;



- (b) Construction Traffic and Pedestrian Management Sub-Plan (**Condition C8**);
- (c) Construction Noise and Vibration Management Sub-Plan (**Condition C9**);
- (d) Construction Waste Management Sub-Plan (**Condition C10**);
- (e) Construction Soil and Water Management Sub-Plan (**Condition C11**);
- (f) 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.

#### **Construction Traffic and Pedestrian Management Sub-Plan**

- C8. Prior to the commencement of any demolition, earthworks or construction, the Applicant must submit a Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be submitted to the Certifier. The CTPMSP shall be prepared in consultation with Council and TfNSW and must include, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) a description of the development;
  - (c) location of any proposed work zone(s);
  - (d) details of crane arrangements including location of any crane(s);
  - (e) haulage routes;
  - (f) for vehicles that due to their size/length result in a multi-lane movement turning into or out of Vaughan Avenue from the Central Coast Highway:
    - (i) specify amended/alternative haulage route(s); or
    - (ii) upgrade the Vaughan Avenue intersection to accommodate these vehicle movements prior to the commencement of any construction works. If proposed, any State Road intersection upgrade must first be approved by TfNSW as a Works Authorisation Deed under section 64 and section 138 of the Roads Act;
  - (g) proposed construction hours, in accordance with **Conditions D6 to D9**;
  - (h) predicted number of construction vehicle movements and detail of vehicle types;
  - (i) details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;
  - (j) details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site;
  - (k) pedestrian and traffic management measures, noting no traffic control is permitted on state roads;
  - (l) construction program and construction methodology;
  - (m) a detailed plan of any proposed hoarding and/or scaffolding;
  - (n) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
  - (o) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
  - (p) cumulative construction impacts of other nearby projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMSP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network; and
  - (q) proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMSP.

#### **Noise and Vibration Management Sub-Plan**

- C9. Prior to the commencement of any demolition, earthworks or construction, the Applicant must submit a Construction Noise and Vibration Management Sub-Plan (CNVMSP) to the Certifier.

The CNVMSP shall be prepared in consultation with Council and 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); Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;
- (c) incorporate the recommendations of the noise report prepared by Acoustic Logic and titled '*Central Coast Quarter – Northern Tower, 26-30 Mann Street, Gosford NSW Noise and Vibration Impact Assessment Revision 2*' dated 30 August 2021 as updated by letter from Acoustic Logic titled '*North Tower DA 26 Mann Street, Gosford – Response to Submissions (RTS)*' dated 18 November 2021;
- (d) details of non-tonal alarms, materials handling and work site training;
- (e) include strategies that have been developed with the community for managing high noise generating works and describe the community consultation/liaison to develop the strategies;
- (f) details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum;
- (g) what plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts;
- (h) include a complaints management system that would be implemented for the duration of the construction; and
- (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures.

#### **Construction Waste Management Sub-Plan**

C10. Prior to the commencement of any demolition, earthworks or construction, the Applicant must submit a Construction Waste Management Sub-Plan (CWMSP). The CWMSP must address, but not be limited to, the following elements:

- (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
- (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
- (c) procedures for minimising the movement of waste material around the site and double handling;
- (d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
- (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (f) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises;
- (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
  - (i) a traffic plan showing transport routes within the site;
  - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and
  - (iii) the name and address of each licensed facility that will receive waste from the site (if appropriate).

### **Construction Soil and Water Management Sub-Plan**

- C11. Prior to the commencement of any demolition, earthworks or construction, the Applicant must submit a Construction Soil and Water Management Plan (CSWMSP). The CSWMSP 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* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) include an Acid Sulfate Soils Management Plan, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.
  - (d) include an Asbestos Management Plan, including measures for the management, handling, treatment and disposal of asbestos in accordance with the recommendations of the '*Updated Detailed Site Investigation 26-30 Mann Street, Gosford Revision V04*' prepared by EDP and dated 31/08/2021;
  - (e) 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);
  - (f) detail all off-Site flows from the Site; and
  - (g) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, 1 in 5-year ARI and 1 in 100-year ARI.

### **Soil and Water**

- C12. Prior to the commencement of any demolition, earthworks or construction, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP (**Condition C11**).

### **Construction Worker Transportation Strategy**

- C13. Prior to the commencement of any demolition, earthworks or construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

### **Construction Parking and Truck Movements**

- C14. Prior to the commencement of any demolition, earthworks or construction, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.
- C15. 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.

### **Outdoor Lighting**

- C16. 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.

## **Ecologically Sustainable Development**

- C17. Prior to the commencement of construction, evidence must be submitted to the Certifier demonstrating that the development has incorporated all sustainable design and construction measures as identified in the sustainability report titled '*Central Coast Quarter North Tower ESD Report (Revision B)*', prepared by S4B Studio and dated 1 September 2021.
- C18. Prior to the commencement of construction, the Applicant must provide evidence to the Certifier confirming the development achieves the equivalent of a minimum target of a 4-star Green Star Design rating (Green Building Council Australia). The evidence must be prepared by a suitably qualified and practicing ESD consultant.

## **Public Art**

- C19. Prior to the commencement of construction of the through site link connecting Mann Street to Baker Street, the Applicant must prepare a detailed Public Art Plan to be submitted to and endorsed by Council. The plan must include, but not be limited to:
- (a) consideration of the Public Art Strategy titled '*Central Coast Quarter, Gosford Public Art Strategy V4*' prepared by Guppy Associates Art Management and dated 9 April 2014;
  - (b) evidence of artist's engagement with the GANSW's Connecting with Country Framework November 2020;
  - (c) evidence of involvement by indigenous artist(s);
  - (d) proposed methods of integration of the public art concepts developed by artist(s) with the public domain / through site link; and
  - (e) confirmation of funding for the proposed carrying out of public art within the development.

## PART D DURING CONSTRUCTION

### Approved Plans to be On-Site

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for inspection by any officer of the Department, Council or the Certifier.

### Site Notice

- D2. 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

- D3. 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.

### Airspace Protection

- D4. During construction all cranes must be fitted with aviation lighting in accordance with NSW Health GL2020\_014 Guidelines for Hospital HLS in NSW and the report titled: '*Aviation Impact Assessment (Version 1.5)*', prepared by AviPro and dated 19 August 2021. The aviation lighting shall be operable and maintained in place for the entire duration of the use of any crane.

### Demolition

- D5. 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 C5**.

### Construction Hours

- D6. 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 4pm, Saturdays.

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

- D7. Construction activities may be undertaken outside of the hours in **Condition D6** 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.

- D8. Notification of such construction activities as referenced in **Condition D7** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- D9. Rock breaking, rock hammering, sheet piling, pile driving and similar activities generating high noise impact (i.e. work exceeding a NML of  $L_{Aeq}$  75dBA) as measured at the sensitive receiver, 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

- D10. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP **Condition C7** (including Sub-Plans).

### Construction Traffic

- D11. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

### Road Occupancy Licence

- D12. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### Hoarding Requirements

- D13. 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.

### Outdoor Lighting

- D14. 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.

### No Obstruction of Public Way

- D15. 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

- D16. All work, including earthworks and building work, must be undertaken 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 Construction Noise and Vibration Management Plan (**Condition C9**).
- D17. The Applicant must ensure all construction vehicles and trucks do not arrive at the site or surrounding are outside of the construction hours of work outlined under **Condition D6**.
- D18. 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.
- D19. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.
- D20. The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

### Vibration Criteria

- D21. 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).
- D22. 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 D21**.
- D23. The limits in **Condition D21** and **Condition D22** apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by **Condition C9** of this consent.

#### Tree Protection

- D24. For the duration of the earthworks and construction works:
- (a) the Port Jackson Fig tree, located adjacent to the intersection of Mann Street and Vaughan Avenue must be protected during the works in accordance with the recommendations of the report titled '*Arboricultural Impact Assessment*' prepared by Urban Forestry Australia and dated August 2021 (AIA). In addition, no works, storage of materials or access (vehicle or pedestrian) shall occur within the AIA Designated Tree Protection Zone.
  - (b) 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;
  - (c) all street trees not approved for removal and 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; and
  - (d) 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

- D25. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D26. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (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

- D27. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP (**Condition C11**).

#### Imported Soil

- D28. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
- D29. All fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

D30. make these records available to the Certifier / EPA Auditor upon request.

#### **Disposal of Seepage and Stormwater**

D31. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building 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**

D32. 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**

D33. Construction works shall be carried out in accordance with the unexpected finds plan of action outlined within the '*Aboriginal Cultural Heritage Management Plan*' prepared by AMAC Archaeological and dated April 2021.

D34. 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 EESG 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 EESG to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EESG.

#### **Unexpected Finds Protocol – Historic Heritage**

D35. 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**

D36. 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.

D37. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

D38. 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.

D39. 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.

D40. 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.



## Site Contamination

- D41. Remediation of the site must be carried out in accordance with the recommendations of the report titled '*Updated Detailed Site Investigation 26-30 Mann Street, Gosford Revision V04*' prepared by EDP and dated 31/08/2021 (UDSI) and any variations to the UDSI approved by an NSW EPA-accredited Site Auditor).
- D42. If work is to be 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).
- D43. 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 contamination.

## **PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION**

### **Occupation Certificate**

- E1. An Occupation Certificate must be obtained from the Certifier prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

### **Notification of Occupation**

- E2. At least one month before the issue of the occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **Through Site Link**

- E3. The footings associated with the through site link are to be commenced prior to the issue of the relevant occupation certificate which authorises use of the final apartment with the tower. The footings must be inspected by the relevant certifying authority as being in place prior to the issue of the occupation certificate referred to in this condition.
- E4. The through site link must be fully completed prior to the issue of the final occupation certificate for the development.
- E5. Following its construction, the through site link shall be open for use by the public 24 hours a day, seven days a week and shall not be closed except for essential maintenance, repair or in the case of an emergency.
- E6. Within 6 months of the last occupation certificate, an easement is to be established/registered over the public areas of the through site link. The easement and its terms must provide for 24 hour seven day a week public access in accordance with **Condition E7**.

### **GFA and Building Height Certification**

- E7. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details shall be provided to the Certifier demonstrating compliance with this condition prior to the issue of the occupation certificate.

### **Works as Executed Plans**

- E8. 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.

### **External Walls and Cladding**

- E9. 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.
- E10. 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.

### **Street numbering**

- E11. Prior to the issue of the occupation certificate, evidence must be submitted to the Certifier that building street numbering has been displayed on the main street elevation in accordance with Council's requirements and the street numbering shall be maintained thereafter.

### **Post-construction Dilapidation Report**

- E12. 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**

E13. 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 **Condition B23** of this consent.

#### **Protection of Property**

E14. 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**

E15. Prior to the issue of the any 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.

E16. 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.

#### **Roadworks, Signposting and Associated Markings**

E17. Prior to occupation and commencement of the use, the Applicant must submit evidence to the Certifier demonstrating that the following requirements are complied with:

- (a) the road network amendments have been implemented as detailed in the TIA titled *Central Coast Quarter, 26-30 Mann Street, Gosford Stage 1 – North Tower State Significant Development Application Transport Impact Assessment Issue #:A* prepared by Stantec and dated 31 August 2021, comprising:
  - (i) extension of the on-street 'no-stopping' parking restrictions on the Vaughan Avenue and Mann Street approaches to the Vaughan Avenue / Mann Street intersection (resulting in the removal of a maximum of one car parking space on Vaughan Avenue and one car parking space on Mann Street); and
  - (ii) removal of the 'left turn only' vehicle movement restriction from Baker Street onto Vaughan Avenue.
- (b) all roads and traffic facilities outside the site boundary must be designed to meet the requirements of Council as the relevant roads authority. The necessary permits and approvals from Council as the relevant road authority must be obtained prior to the commencement of any works associated with the network amendments;
- (c) all required kerbside parking controls must be approved by Council as the relevant roads authority, installed by the Applicant, inspected by Council and implemented; and
- (d) any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

## Green Travel Plan

- E18. Prior to the commencement of operation, a Green Travel Plan (GTP) must be submitted to and endorsed by TfNSW to promote the use of active and sustainable transport modes and a copy of the final GTP shall be submitted to the Planning Secretary for information. The plan must:
- (a) be prepared by a suitably qualified traffic consultant;
  - (b) consider the recommended draft GTP initiatives contained within the document titled '*Central Coast Quarter 26-30 Mann Street, Gosford Stage 1 North Tower Development Application Car Parking Assessment Report Issue C*' prepared by Stantec and dated 25 August 2021;
  - (c) include objectives and mode share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (d) include specific tools and actions to help achieve the objectives and mode share targets;
  - (e) include an Implementation Strategy incorporating measures to promote and support the implementation of the plan, financial and human resource requirements, specific management actions, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (f) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

## Mechanical Ventilation

- E19. Prior to the issue of any 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) any conditions of this consent
  - (b) the BCA
  - (c) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
  - (d) any dispensation granted by Fire and Rescue NSW.
- E20. Prior to issue of any occupation certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Certifier.

## Operational Noise – Design of Mechanical Plant and Equipment

- E21. Prior to the issue of the occupation certificate, the Applicant must submit evidence to the Certifier that appropriate noise mitigation measures have been incorporated into the design of the development to ensure operational mechanical plant and equipment will not exceed the recommended operational noise levels identified in the EPA Noise Policy for Industry 2017 acoustic noise (amenity and intrusiveness) criteria.

## Car Parking, Motorcycle, Service Vehicle and Bicycle parking Arrangements

- E22. Prior to the issue of any occupation certificate, evidence must be submitted to the Certifier demonstrating that:
- (a) the on-site car, motorcycle and service vehicle parking spaces have been provided in accordance with **Condition B6**;
  - (b) bicycle facilities, including parking spaces and end of trip facilities, have been installed in accordance with **Condition B7**;
  - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;

- (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance;
- (e) appropriate way-finding / advisory signage for pedestrians and cyclists is provided, including way-finding signage:
  - (i) identifying the location of the on-site service vehicle area and retail parking;
  - (ii) stating that the servicing vehicle and retail parking spaces are for their designated use only and parking of private vehicles is prohibited; and
  - (iii) to direct cyclists from footpaths to designated bicycle parking areas.

### **Road Damage**

- E23. 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**

- E24. Prior to the issue of the relevant occupation certificate, a Fire Safety Certificate must be obtained for all the Essential Fire and/or Other Safety Measures. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier. The Fire Safety Certificate must be prominently displayed in the building.

### **Structural Inspection Certificate**

- E25. Prior to the issue of the occupation certificate 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 Operational Quality Management**

- E26. Prior to the issue of any occupation certificate, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier along with evidence of compliance with the SOMP. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) confirmation of consistency with the requirements of **Condition B16**;
  - (b) maintenance schedule of all stormwater quality treatment devices;
  - (c) record and reporting details;
  - (d) relevant contact information; and
  - (e) Work Health and Safety requirements.

### **Warm Water Systems and Cooling Systems**

- E27. 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**

- E28. 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.

### Operational Waste Management Plan

- E29. Prior to the commencement of operation, the Applicant must prepare an Operational Waste Management Plan (OWMP) for the development and submit it to the Certifier. The OWMP must:
- (a) ensure the adequate storage and collection of waste and all garbage and recyclable materials emanating from the premises in a designated waste storage area(s) appropriately managed so that it does not attract pests or create litter;
  - (b) detail the type and quantity of waste to be generated during operation of the development;
  - (c) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - (d) detail the materials to be reused or recycled, either on or off site; and
  - (e) be consistent with the requirements of **Condition B15**.

### Site Contamination

- E30. Prior to commencement of operation, the Applicant must submit a Validation Report for the development to the Certifier. The Validation Report must:
- (a) be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;
  - (b) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
  - (c) include, but not be limited to:
    - (i) comment on the extent and nature of the remediation undertaken;
    - (ii) if material is to remain in-situ and capped, describe the location, nature and extent of any remaining contamination on site as well as any ongoing management requirements;
    - (iii) sampling and analysis plan and sampling methodology undertaken as part of the remediation;
    - (iv) if treated material is to remain on the subject site, results of sampling of treated material;
    - (v) results of any validation sampling, compared to relevant guidelines/criteria;
    - (vi) comment on the suitability of the area for the intended land use; and
  - (d) be submitted to the Planning Secretary for information.
- E31. Prior to commencement of operation, the Applicant must obtain confirmation from the Certifier in writing that the requirements of **Condition C16** have been met.
- E32. If, based on further site investigations, it is determined that ongoing on-site management of soil or groundwater contamination is required, then the following requirements must be satisfied:
- (a) the Applicant must engage a NSW EPA-accredited Site Auditor to confirm the appropriateness of the site for the proposed use. The Applicant must obtain from a NSW EPA-accredited Site Auditor a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a certified consultant and submit it to the Planning Secretary and relevant Council for information no later than one month before the commencement of operation.

- (b) the development must not be used for the purpose approved under the terms of this consent until a Site Audit Statement determines the land is suitable for that purpose and any conditions on the Site Audit Statement have been complied with.

#### **Treatment of Stage 2 and 3 Site Areas following use for Construction Purposes**

- E33. Prior to the issue of any occupation certificate, and in the event that construction of Stage 1 is completed prior to the commencement of substantive construction works relating to the redevelopment of Stage 2 or Stage 3, a Central Coast Quarter Precinct Ongoing Site Treatment Management Plan (OSTMP) shall be submitted to, and approved by, the Planning Secretary. The OSTMP shall be prepared in consultation with Council, consider the interim treatment of the Stage 2 and Stage 3 site areas following the completion of Stage 1 and include, but not be limited to, the following:
- (a) site surface treatment / stabilisation;
  - (b) landscaping / beautification options, maintenance and litter prevention to prevent adverse visual amenity impacts resulting from the vacant site;
  - (c) site access, fencing and security;
  - (d) environmental health prevention and contact with contaminants;
  - (e) management of dust and odour to protect the amenity of the neighbourhood;
  - (f) erosion and sediment control;
  - (g) tree protection;
  - (h) stormwater control, discharge and water discharge management / protection of Brisbane Water.
- E34. The OSTMP must be implemented by the Applicant on an ongoing basis following the completion of the construction of the Stage 1 development and the commencement of any construction works relating to Stage 2 or Stage 3.

#### **Landscaping**

- E35. Prior to the commencement of operation, landscaping of the site, including provision of no less than 78 trees, must be completed in accordance with landscape plan(s) listed in **Condition A2**.
- E36. Prior to the issue of an 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 describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping.
- E37. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

#### **Operational Flood Emergency Response Management Plan**

- E38. Prior to the issue of any occupation certificate, a Flood Emergency Response Management Plan must be submitted to the Certifier, Council and NSW State Emergency Service (SES) that:
- (a) is prepared by a suitably qualified and experienced person(s), in consultation with Council, the SES, BCD and be endorsed by BCD;
  - (b) is consistent with the requirements of **Conditions B17, B18 and B19**;
  - (c) addresses the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (d) includes details of:
    - (i) the flood emergency responses for operational phase of the development, including managing any medical emergencies during a flood event;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
  - (e) awareness training for employees and contractors, and visitors.

## **BASIX**

- E39. Prior to the issue of the occupation certificate for the residential component of the building, the Applicant must implement the BASIX commitments required by **Condition B11**.

## **Ecologically Sustainable Development**

- E40. Prior to the issue of an occupation certificate, evidence shall be submitted to the Certifier demonstrating the development has incorporated all design and construction measures as identified in the sustainability report titled '*Central Coast Quarter North Tower ESD Report (Revision B)*', prepared by S4B Studio and dated 1 September 2021.

## **Wayfinding Signage**

- E41. Prior to the commencement of operation, way-finding signage identifying building entries, car parking entrances and bicycle parking is to be installed.

## **Public Art**

- E42. Prior to the first use of the pedestrian through site link, public art must be installed within the site in accordance with the Detailed Public Art Plan (**Condition C19**).



## PART F POST OCCUPATION

### Use of study rooms

- F1. All residential study rooms that do not have direct access to an external window shall at no time be used as a bedroom or habitable room and comply with light and ventilation requirements of the BCA.

### Operation of Plant and Equipment

- F2. 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

- F3. 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.

### Operational Noise Limits

- F4. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the noise report prepared by Acoustic Logic and titled '*Central Coast Quarter – Northern Tower, 26-30 Mann Street, Gosford NSW Noise and Vibration Impact Assessment Revision 2*' dated 30 August 2021 as updated by letter from Acoustic Logic titled '*North Tower DA 26 Mann Street, Gosford – Response to Submissions (RTS)*' dated 18 November 2021.

### Unobstructed Driveways and Parking Areas

- F5. 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.

### Ecologically Sustainable Development

- F6. Within six months of commencement of operation, it must be demonstrated that the development achieves the minimum sustainability targets stipulated at **Condition C18**. Evidence must be prepared by a suitably qualified and practicing ESD consultant and provided to the Certifier and the Planning Secretary.

### Outdoor Lighting

- F7. Notwithstanding **Condition D14**, 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

- F8. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved landscaping plans (**Conditions A2**) for the duration of occupation of the development.

### Wind Mitigation Measures

- F9. Prior to the issue of any occupation certificate, wind mitigation measures must be installed in accordance with the recommendations of the wind report titled '*Pedestrian Wind Environmental Study Central Coast Quarter – North Tower, Gosford Issue Revision 2*' prepared by Windtech Consultants and dated 24 August 2021.

### Servicing vehicles

- F10. The size of vehicles servicing the property must not exceed 12.5m in length.
- F11. All loading and unloading associated with the site must be carried out within the site at all times and must not obstruct other properties/units or the public way.
- F12. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

### Implementation of the Various Operational Management Plans

- F13. The following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following the issue of the occupation certificate:
- (a) Green Travel Plan (**Condition E18**), which shall also be updated annually in consultation with TfNSW;
  - (b) Stormwater Operation and Maintenance Plan (**Condition E26**);
  - (c) Operational Waste Management Plan (**Condition E29**);
  - (d) Operational Landscape Management Plan (**Condition E36**);
  - (e) Operational Flood Emergency Management Plan (**Condition E38**); and
  - (f) Central Coast Quarter Precinct Ongoing Site Treatment Management Plan (**Condition E33**).

## **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 (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.

### **SafeWork Requirements**

AN8. 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**

AN9. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### **Handling of Asbestos**

AN10. 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.

### **Annual Fire Safety Statement**

AN11. During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

## 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 A21** 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.