

# Development Consent

## Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, determines:

- that, pursuant to section 4.38 of the Environmental Planning and Assessment Act 1979, to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3
- that any subsequent part of the development that is not State significant development pursuant to the State Environmental Planning Policy (State and Regional Development) 2011 is to be determined by the relevant consent authority and that part of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, and/or offset environmental impacts
- ensure future buildings can achieve design excellence
- set standards and performance measures for acceptable environmental performance
- require regular monitoring and reporting
- provide for the ongoing environmental management of the development.



Chris Wilson (chair)



Wendy Lewin

Sydney

25 September 2020

File: EF19/17736

### SCHEDULE 1

<b>Application No.:</b>	SSD 9813
<b>Applicant:</b>	Lederer Group Pty Ltd
<b>Consent Authority:</b>	Independent Planning Commission
<b>Land:</b>	136-146 and 148 Donnison Street, Gosford Lot 6 DP598833; Lot 1 DP540292
<b>Development:</b>	<b>Concept Proposal</b> and <b>Stage 1 Works</b> comprising: <u>Concept Proposal</u> <ul style="list-style-type: none"><li>• building envelopes including three podia, five towers and basement, comprising:<ul style="list-style-type: none"><li>○ maximum podium heights RL 24 m and RL 31 m</li><li>○ maximum tower heights ranging between RL 60.7 m and RL 101 m</li><li>○ maximum GFA of 72,782 m<sup>2</sup> comprised of residential and commercial uses</li><li>○ site-wide concept landscape plan including through site links</li><li>○ design guidelines and design excellence strategy.</li></ul></li></ul> <u>Stage 1 works</u> <ul style="list-style-type: none"><li>• demolition of existing buildings and substation, removal of existing on-site vegetation, extinguish easements and realignment of stormwater / sewer infrastructure.</li></ul>

## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Lederer Group Pty Ltd, or any person carrying out any development to which this consent applies
<b>Application</b>	The development application and the accompanying drawings, plans and documentation described at Condition A2
<b>Concept Proposal</b>	A staged development application in accordance with the EP&A Act
<b>Construction</b>	Any works, including earth and building works
<b>Council</b>	Central Coast Council
<b>DAP</b>	Gosford Design Advisory Panel
<b>Design Guidelines</b>	Design Guidelines titled 'Gosford Alive Draft Design Guidelines' dated March 2020
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement and attachments, prepared by Mecone Pty Ltd and dated 27 September 2019
<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>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>ESD</b>	Ecologically Sustainable Design
<b>FEAR</b>	Future Environmental Assessment Requirement
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Future development application(s)</b>	Subsequent development application(s) for detailed proposal(s) pursuant to this consent in accordance with the EP&A Act
<b>GSEPP</b>	State Environmental Planning Policy (Gosford City Centre) 2018
<b>GFA</b>	Gross floor area
<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: involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or 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)
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<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>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to Submissions / RtS</b>	Response to Submissions report and attachments, prepared by Mecone Pty Ltd and dated April 2020
<b>Response to RFI / RRFI</b>	Response to request for further information
<b>Site</b>	The site as described at Schedule 1
<b>ToA</b>	Terms of Approval

## SCHEDULE 2

### CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL

#### PART A - TERMS OF APPROVAL

##### 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.

##### Development Description

- A2. Consent is granted to the Concept Proposal as described in Schedule 1 and the EIS (as amended by the RtS and RRFI) and as amended by Schedule 2 and does not authorise the carrying out of any physical works, including construction works, which must be the subject of future development application(s).

##### Determination of future development application(s)

- A3. In accordance with section 4.22 of the EP&A Act, all development under the Concept Proposal must be subject of future development application(s).
- A4. In accordance with section 4.24 of the EP&A Act, the determination of future development application(s) must not be inconsistent with the terms of this development consent (SSD 9813) as described in Schedule 1, and subject to the conditions in Schedule 2.
- A5. For the avoidance of doubt, the consent authority for any future development application(s) pursuant to this consent shall be in accordance with Clause 1.6 of the *State Environmental Planning Policy (Gosford City Centre) 2018* or the *State Environmental Planning Policy (State and Regional Development) 2011*.

##### Development in accordance with plans and documents

- A6. 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, RtS and RRFI
  - d) in accordance with the approved plans in the table below (as may be amended by the conditions in Schedule 2):

<b>Concept Proposal Drawings by Buchan</b>			
<b>Drawing No.</b>	<b>Revision*</b>	<b>Title</b>	<b>Date*</b>
DA-02	G	PROPOSED BUILDING ENVELOPE	09.09.20
DA-20	F	MASTERPLAN – ELEVATION HENRY PARRY DRIVE	01.06.20
DA-21	F	MASTERPLAN – ELEVATION WILLIAM ST	01.06.20
DA-22	F	MASTERPLAN – ELEVATION DONNISON STREET	01.06.20
DA-23	F	MASTERPLAN – ELEVATION ALBANY ST (N)	01.06.20
DA-24	F	MASTERPLAN – SECTION A	01.06.20
DA-25	F	MASTERPLAN – SECTION B	01.06.20
<b>Landscape Drawings by Acadia</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Title</b>	<b>Date</b>
Unnumbered	G	Landscape Master Plan (Page 21)	April 2020
Unnumbered	G	Ground Floor - Landscape Plan (Page 22)	April 2020

Unnumbered	G	Podium Level - Landscape Plan (Page 23)	April 2020
Unnumbered	G	Landscape Detail Plan Urban Forecourt (Page 24)	April 2020
Unnumbered	G	Landscape Detail Plan The Gully (Page 25)	April 2020
Unnumbered	G	Landscape Detail Plan Through Site Link (Page 26)	April 2020
Unnumbered	G	Landscape Detail Plan Tower 1 - Landscape Podium Level 05 (Page 27)	April 2020
Unnumbered	G	Landscape Detail Plan Tower 2 - Landscape Podium Level 05 (Page 28)	April 2020
Unnumbered	G	Landscape Detail Plan Landscape Podium Level 06 (Page 29)	April 2020
Unnumbered	G	Landscape Detail Plan Tower 5 - Landscape Podium Level 07 (Page 30)	April 2020
Unnumbered	G	Landscape Detail Plan Tower 5 - Landscape Podium Level 08 (Page 31)	April 2020
Unnumbered	G	Landscape Detail Plan Tower 2 - Landscape Podium Level 17 (Page 32)	April 2020
Unnumbered	G	Landscape Detail Plan Tower 1 - Landscape Podium Level 20 (Page 33)	April 2020
Unnumbered	G	Landscape Detail Plan Tower 1 - Landscape Podium Level 25 (Page 34)	April 2020
Unnumbered	G	Landscape Detail Plan Tower 4 - Landscape Podium Level 27 (Page 35)	April 2020
Unnumbered	G	Landscape Detail Plan Tower 5 - Landscape Podium Level 27 (Page 36)	April 2020
Unnumbered	G	Landscape Sections – Sections A & B – Urban Forecourt (Page 37)	April 2020
Unnumbered	G	Landscape Sections – Section C – Podium Gully Landscape (Page 38)	April 2020
Unnumbered	G	Landscape Sections – Section D – Through Site Link Section (Page 39)	April 2020
Unnumbered	G	Landscape Sections – Section E – Donnison Street Upgrade (Page 40)	April 2020
Unnumbered	G	Landscape Sections – Section F – William Street Upgrade (Page 41)	April 2020

\*Note: The date and drawing revision number is taken from the date and revision shown on the RHS at the top of each drawing.

#### **Lapsing of approval**

- A7. This consent will lapse five years from the date of consent unless works the subject of Stage 1 of this consent have physically commenced.

#### **Legal notices**

- A8. Any advice or notice to the consent authority shall be served on the Planning Secretary.

#### **Inconsistency between documents**

- A9. In the event of any inconsistency between conditions of this approval and the drawings / documents referred in Term of Approval (**ToA**) **A6**, the conditions of this approval prevail.

#### **Car parking**

- A10. This consent does not approve car parking rates. Future development application(s) shall provide for on-site car parking in accordance with the requirements of Future Environmental Assessment Requirements (**FEAR**) **C19** to **C21**.

#### **Airspace protection.**

- A11. Prior to the lodgement of any future development application(s) the Applicant shall prepare an Aviation Impact Assessment (AIA) to assess the potential impact of building height(s) and construction crane height(s) on helicopter flight paths including management and mitigation measures where necessary. The AIA shall be prepared in consultation with NSW Central Coast Health.

#### **Development contribution levies**

- A12. Development contribution levies will be required in accordance with the Central Coast Council 7.12 Contributions Plan for Gosford City Centre and/or the Gosford City Centre Special Infrastructure Contribution Levy, as determined in the relevant future development applications(s).

**END OF PART A**

## PART B – MODIFICATIONS TO THE CONCEPT PROPOSAL

### Amendments to the Design Excellence Strategy

- B1. Prior to the lodgement of any future development application(s), the *Gosford Alive Design Excellence Strategy* prepared by Mecone Pty Ltd, dated April 2020 shall be amended to address the following requirements to the satisfaction of the Planning Secretary:
- a) all future DA(s) are to be presented to the City of Gosford Design Advisory Panel (DAP) prior to lodgement
  - b) a design competition is to be held for each future stage, unless deemed unnecessary by the DAP
  - c) ongoing retention of the architectural firm selected for each stage of development until the completion of that stage
  - d) If the DAP deems that a design competition is not required:
    - i) either collaborate with a variety of architects/design teams, or demonstrate how appropriate architectural diversity will be fostered throughout the precinct
    - ii) the Architect selection criteria shall be from a pool of Architects who have received awards or commendations from the Australian Institute of Architects.

### Design Guidelines

- B2. Prior to the lodgement of the first future development application, the Design Guidelines titled *Gosford Alive, Draft Design Guidelines* dated March 2020, shall be amended and submitted to the satisfaction of the Planning Secretary to:
- a) reflect **Attachment A**
  - b) require that the architectural design/resolution of the towers and podia must be appropriately articulated, proportioned and composed to ensure:
    - i) solar access is maximised to all public and private areas within and without the development site from March 22 to September 23 annually
    - ii) views to Rumbalara Reserve from Kibble Park through the Site are maximised.
    - iii) the scale and relationships of the podia and towers do not create 'blind' street walls
    - iv) the elements are designed to address or mitigate adverse environmental impacts
    - v) technological systems and visual separation are substantially integrated into the design of the fabric of the building structure(s)
    - vi) Tower 3 is to be chamfered on the western side as shown in Drawing DA-02
    - vii) Tower 4 is to be chamfered on the western side, similar to Tower 3.
  - c) address the Modifications/FEARs of this approval including:
    - i) a stepped graduation of heights to Rumbalara Reserve
    - ii) consideration of the extension of the east-west through site link to Albany Street North
    - iii) text and diagrams of the concept envelopes to be consistent with **Modification B3** of this consent including the amended envelopes, maximum podium and tower heights, dimensions and setbacks between towers, and street activation on Donnison and Albany Street North.

### Amendment to concept envelopes

- B3. Prior to the lodgement of the first development application, revised concept proposal envelope drawings must be submitted to and approved by the Planning Secretary, showing the following amendments to the concept envelopes:

#### Slender towers

- a) Towers 1 and 2 reduced in length to a maximum of 45m such that the eastern setback of the tower from the podium will be increased from 3m to 6m
- b) Tower 4 reduced in length on the western side by 3m to a maximum of 39m, retaining the same stepped profile.
- c) Tower 5 reduced in length on the western side by 3m to a maximum length of 39m. The stepped profile on the eastern side shall be retained.

Reason: To ensure that the future built form of these towers will be more slender to improve impacts on views from the public domain; to increase the separation distances between towers; and to improve overshadowing within the Site, to Donnison Street, the Gosford Local Court and the Gosford TAFE site.

#### Maximum heights

- d) Tower 1 to be maximum RL 60.7 m and RL 73 m
- e) Tower 4 to be a maximum of RL 76.2 m and RL 85.5 m

Reason: To improve the extent of overshadowing on land zoned B4 Mixed Use to the south of the Site and to provide a greater gradation in heights from Kibble Park to the ridgeline of Rumbalara Reserve noting that Tower 4 will be 15% lower than Tower 5; Tower 2 will be approximately 15% lower than Tower whilst Tower 1 will be at least 15% lower than Tower 3 and at the same height as Tower 2.

#### Activation of Donnison Street

- f) Within the Ground Level podium on Donnison Street, the residential use (the 'townhouses') deleted and this space allocated to retail/ commercial, or other non-residential uses, with residential above

#### Albany Street North Podium reduction and activation

- g) The podium on Albany Street North and on the corner of Donnison Street reduced by one storey from RL 31.00 to RL 28m
- h) The residential uses in the two storey podium fronting Albany Street, (as amended by g)) be used for Small Office/Home Office (SOHO) units or other non wholly residential use, and not 'townhouses'.

Reason: To reduce overshadowing to Donnison Street and to activate Albany Street North, through the introduction of mixed uses; and to support activation of future development on the eastern side of Albany Street North.

### **Building height control**

B4. The maximum building heights for the development as shown on the concept, as amended by **Modification B3** shall not exceed maximum:

- a) Tower 1 and podium comprising:
  - i) Podium maximum height RL 21 m
  - ii) Tower 1 maximum heights RL 60.7 m and RL 73 m
- b) Tower 2 and podium comprising:
  - i) Podium maximum height RL 21 m
  - ii) Tower 2 maximum heights RL 60.7 m and RL 73.0 m
- c) Towers 3, 4 and 5 and shared podium comprising:
  - i) Shared podium maximum heights RL 24 m and RL 28 m
  - ii) Tower 3 maximum height RL 88.6 m
  - iii) Tower 4 maximum heights RL 76.2 m and RL 85.5 m
  - iv) Tower 5 maximum height RL 91.7 m and RL 101 m.

### **Gross floor area control**

B5. The total gross floor area (GFA) will need to be revised, as consequence of **Modification B3**:

- a) The revised GFA of the proposal, including a breakdown for each building floor by floor showing the gross concept envelope, and GFA shall be submitted with the amended envelopes to the Planning Secretary for approval. This will represent the maximum approved GFA.
- b) Notwithstanding a) above, there shall be a minimum of 5,422 m<sup>2</sup> commercial premises GFA including:
  - i) a minimum of 886 m<sup>2</sup> retail GFA
  - ii) determination of precise use of remaining minimum 4,536 m<sup>2</sup> commercial GFA as part of future development application(s).

### **Childcare centre and community facility**

B6. The provision of a community facility and/or childcare facility or other equivalent public benefit shall be provided in the next construction stage or as otherwise agreed by the Planning Secretary.

**END OF PART B**

## PART C – FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Requirements to be addressed in future development applications

### Design excellence

- C1. All future development application(s) shall be carried out in accordance with the *Gosford Alive Design Excellence Strategy* prepared by Mecone, dated April 2020, except as amended by this consent, and shall be reviewed by the DAP.

Note: Prior to the lodgement of any future development applications(s) the Applicant should conduct a design competition unless the DAP agrees that it is not required.

### Building design

- C2. All future development applications for new built form must include:
- detailed plans, elevations and sections
  - artist's perspectives and photomontages
  - a design statement demonstrating the design quality of the proposed development and having regard to the character of surrounding development
  - evidence that the Design Guidelines endorsed by the Secretary have been addressed (**Modification B2**).
- C3. The proposed new built form must be contained within the approved building envelopes illustrated in the approved plans referenced at **ToA A6**, as amended by **Modification B3**.
- C4. Future development application(s) shall demonstrate consistency with the:
- advice of the DAP (**FEAR C1**)
  - the Design Guidelines endorsed by the Secretary (**Modification B2**)
- C5. When amending the envelopes referred to in **Modification B3**, consideration should be given to extending the current east-west pedestrian link from Henry Parry Drive to the western boundary of No 37 William Street, and beyond to Albany Street North (min 24m wide). Consideration should also be given to the link being shared with the potential redevelopment of the four lot site known as no. 37 to 43 William Street. The extended link shall be shown in future development applications(s).
- C6. Future development application(s) shall ensure the design of all podiums provide for active street and through site link frontages and minimise the occurrence of long inactive facades.
- C7. Future development application(s) shall include a Reflectivity Analysis demonstrating that the external treatments, materials and finishes of the development do not cause adverse or excessive glare.
- C8. Future development application(s) shall include an Access Report demonstrating that the development achieves an appropriate degree of accessibility.

### Public domain and landscaping

- C9. Future development application(s) shall include a Public Domain and Landscape Report (Landscape Plan) including the design and treatment of all areas of public domain, through site links and landscaping and the relationship of these spaces with existing and proposed buildings, spaces, structures and connections.
- C10. The Landscape Plan must:
- be generally in accordance with the concept landscape report titled '*Gosford Alive Landscape Concept Package*' prepared by Acadia and dated April 2020 and the Design Guidelines, as endorsed by the Secretary (**Modification B2**)
  - include relevant details of the species to be planted (preferably species indigenous to the area), landscape treatments, including any paving and seating areas, soil depths and volumes and any other relevant information
  - include details of replacement street tree planting to the adjoining streets including Henry Parry Drive, Donnison Street, William Street and Albany Street North
  - consider, and incorporate where necessary, the recommendations of the Public Art Strategy (**FEAR C15**)

- e) confirm method(s) / arrangement(s) to ensure the on-site through site links are publicly accessible 24 hours-a-day 7 days-a-week.
- f) Show that all publicly accessible areas have all abilities access.

### **Crime prevention through environmental design**

C11. Future development application(s) shall include a Crime Prevention Through Environmental Design Report (CPTED) including method(s) / treatment(s) to ensure that all buildings, spaces and places within and around the development are safe and secure and the opportunity for crime has been minimised in accordance with CPTED principles.

### **Overshadowing**

C12. Future development application(s) shall include an Overshadowing Impact Assessment (OIP), including shadow studies and diagrams showing the likely overshadowing impact of the development on surrounding existing open spaces and neighbouring developments including (but not limited to) land to the south of Donnison Street (TAFE and Gosford Local Court). The OIP shall demonstrate that buildings have been designed to minimise overshadowing to adjoining public open spaces and surrounding sites and proposed through site links within the Site. This assessment shall include the cumulative impacts of all existing and approved development on the Site.

### **Future residential amenity**

- C13. Future development application(s) relating to residential use:
- a) shall demonstrate that adequate regard has been given to State Environmental Planning Policy 65 – Residential Apartment Development and the objectives specified in the associated Apartment Design Guide
  - b) address Gosford City Centre Development Control Plan 2018.

### **Social and economic Impact**

- C14. Future development application(s) shall include a Social and Economic Impact Assessment (SEIA) that considers the social and economic impacts of the proposal and includes:
- a) consideration of the cumulative impacts (including cumulative health impacts) of the development in context with other existing/approved large developments within the Gosford City Centre (in consultation with the Central Coast Local Health District)
  - b) consultation with Council for the provision of a community facility and childcare facility or other equivalent public benefits in the next construction stage, or as otherwise agreed with the Planning Secretary
  - c) investigation into the potential for the development to accommodate affordable housing.

### **Public art**

C15. Future Development Application(s) shall include a Public Art Strategy (PAS) for the inclusion of public art within the development. The PAS shall be prepared in consultation with Council.

### **Aboriginal archaeology**

- C16. Future development application(s) shall include an Aboriginal archaeological unexpected finds protocol (AUFPP) to address the potential for encountering Aboriginal archaeological resources on the site during construction. The AUFPP shall be prepared in consultation with the Biodiversity and Conservation Division (BCD).
- C17. In the event that an Aboriginal Cultural Heritage Assessment Report (ACHAR) is required in accordance with **Condition B1** of the Stage 1 Works (and has not be waived in accordance with **Condition B2**), or if additional ground disturbance is proposed in future Stages, then future development application(s) shall include an Aboriginal Archaeological Assessment that considers and responds to the findings of the ACHAR and incorporates any recommended management / mitigation measures.

### **Environmental performance**

C18. Future development application(s) for new built form must demonstrate how the principles of Ecologically Sustainable Development (ESD) have been incorporated into the design, construction and on-going

operation of the new buildings. The development must meet or exceed minimum environmental standards including the following or those equivalent to the following:

- a) 4-star Green Star Design and As Built rating
- b) 4-star NABERS Energy and Water rating
- c) BASIX certification
- d) National Construction Code of Australia 2019.

### **Traffic and transport**

- C19. Future development application(s) shall be accompanied by a Traffic Impact Assessment (TIA) that assesses the traffic, transport and pedestrian impacts on the road and footpath networks and nearby intersection capacity. The TIA shall also address:
- a) traffic generation impact and any necessary road infrastructure upgrades to adjoining and nearby roads and intersections
  - b) vehicle and pedestrian safety within and around the site
  - c) loading / unloading and servicing
  - d) on-site car parking provision, location, access and operation
  - e) the impact of the removal of any existing on-street car parking spaces
  - f) pedestrian and bicycle infrastructure and facilities
  - g) the Draft or Final Gosford City Centre Transport Plan (whichever is relevant at the time).
- C20. Future development application(s) shall include a Car Parking Assessment Report (CPAR) that represents a detailed assessment of car parking demand and impacts to confirm the most appropriate number of on-site car parking spaces for that stage of the development. In reaching the final car parking rate for the development, the CPAR shall:
- a) consider any existing or draft car parking study or guideline applying to the Central Coast Council local government area
  - b) provide for residential on-site car parking at a rate no more than the requirements of the Gosford City Centre Development Control Plan 2018 and no less than the requirements of the Roads and Maritime Guide to Traffic Generating Developments 2002
  - c) provide for on-site parking for 'commercial activities' as defined in the GSEPP at the rate no less than the rate established in clause 8.5 of the GSEPP
  - d) undertake a needs-based car parking assessment for the development
  - e) undertake parking surveys (or consider existing recent surveys that may have been undertaken) examining the existing parking pressure on surrounding streets and parking facilities
  - f) analyse existing and projected car ownership details of residents within Gosford and the development
  - g) compare the proposal with other existing and approved developments within Gosford and other similar NSW regional centres
  - h) consider green travel plan initiatives
  - i) consider the Draft or Final Gosford City Centre Transport Plan (whichever is relevant at the time).
- C21. Future development application(s) shall provide on-site car parking at a rate consistent with the findings / conclusions of the CPAR (**FEAR C20**) with the final rate to be determined by the consent authority.
- C22. Future development application(s) shall include green travel plans, identifying opportunities to maximise the use of sustainable transport choices.

### **Bicycle parking and facilities**

- C23. Future development application(s) shall include bicycle parking for residents / employees / visitors and end of trip facilities (toilets, change/locker rooms and showers) in accordance with the Gosford City Centre Development Control Plan 2018. Wayfinding / signage shall be provided as appropriate.
- C24. Future development application(s) shall demonstrate how the visitor bicycle parking requirements of the Gosford City Centre Development Control Plan 2018 which encourage sustainable modes of transport will be met or exceeded.

### **Wind assessment**

- C25. Future development application(s) shall include a detailed Wind Impact Assessment, including wind tunnel testing, which:

- a) assesses the existing and proposed wind environment including the cumulative impact of existing and proposed (approved) tower developments adjoining and nearby the Site
- b) demonstrates that spaces within and around the Site are suitable for their intended purpose
- c) includes mitigation measures to address adverse wind conditions, where necessary. In the event that the Wind Impact Assessment recommends landscaping / planting mitigation measures, these shall be shown on the Landscape Plan (**FEAR C9**).

### **Operational waste**

- C26. Future development application(s) shall include an Operational Waste Management Plan to address storage, collection, and management of waste and recycling within the development.

### **Utilities**

- C27. Future development application(s) shall include a Utility Services Infrastructure Assessment (USIA) which addresses the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure. The USIA shall be prepared in consultation with relevant authorities and service providers.
- C28. Future development application(s) shall consider the location of any existing drainage / sewer infrastructure on the Site and the impact of the development on that infrastructure in consultation with Council and/or relevant service owner/provider. A section 307 Certificate under the Water Management Act 2000 must be obtained for each stage of the development.

### **Operational noise and vibration**

- C29. Future development application(s) shall be accompanied by a Noise and Vibration Impact Assessment (NVIA) that identifies and provides a quantitative assessment of the main noise generating sources and activities during operation. The NVIA shall include details of any mitigation measures to ensure the amenity of sensitive land uses are protected during the operation of the development.

### **Hydrology**

- C30. Future development application(s) shall consider potential flooding, stormwater, climate change/sea level rise, groundwater impacts and water quality impacts. Buildings shall be designed to appropriately respond to any constraints and address water sensitive urban design principles and the Gosford Development Control Plan 2013 water cycle management requirements.

### **Land Contamination**

- C31. A Stage 2 Detailed Site Wide Investigation Report is required to be prepared prior to the commencement of the Stage 1 Works or within 6 months post the demolition of the existing shopping centre, whichever is the earlier. This Report must review the past history of the Site, and where contamination is found through site testing (post demolition of the existing buildings), a Remedial Action Plan (RAP) reviewed and approved by a site auditor accredited under the *Contamination Land Management Act 1997* is also to be submitted. Future development applications must include this Report and if applicable, a RAP.

### **Structure**

- C32. Future development application(s) shall include a Structural Report that demonstrates the proposal can be constructed in accordance with the Building Code of Australia.

### **Bushfire Assessment**

- C33. Future development application(s) shall include a Bushfire Assessment Report that demonstrates compliance with the requirements of 'Planning for Bush Fire Protection 2019' and Australian Standard 3959 'Construction of Buildings in Bushfire-Prone Area', unless the Applicant provides written advice from the NSW RFS stating that a Bushfire Assessment Report is not required for the application.

### **Construction**

- C34. All future development application(s) must provide an analysis and assessment of the impacts of construction and include:
- a) Construction Pedestrian and Traffic Management Plan (CPTMP), prepared in consultation with Transport for NSW and Council. The CPTMP must detail vehicles routes, numbers of trucks, hours

of operation, access arrangements and traffic control measures and cumulative construction impacts (i.e. arising from concurrent construction activity)

- b) Community Consultation and Engagement Plans
- c) Construction Waste Management Plan
- d) Air Quality Management Plan
- e) Water Impact Assessments (WIA) and an Erosion and Sediment Control Plan (including water discharge and dewatering considerations). The WIA shall be prepared in consultation with the Water and the Natural Resources Access Regulator of the Department of Planning, Industry and Environment
- f) Geotechnical and Structural Investigation Report
- g) Acid Sulphate Soil Assessment and Management Plan
- h) Sediment and Erosion Management Plan.

- C35. Future development application(s) shall provide for 170 temporary publicly accessible car parking spaces, with a two hour time limit, on the Site generally in accordance with the staging plan contained within the Design Report titled *Gosford Alive Stage 1 Development Application / Architectural Design Report Revision F* prepared by Buchan and dated 1 June 2020. The total number of temporary car parking spaces shall be incrementally reduced as each subsequent stage of the development is constructed.
- C36. Future development application(s) shall address the need for any approval under section 138 of the Roads Act 1993 for any works to be carried out in the road reserve having regard to Council's Civic Works Specifications.

**END OF PART C**

## ATTACHMENT A – AMENDMENTS TO DESIGN GUIDELINES

The Design Guidelines titled 'Gosford Alive Draft Design Guidelines' dated March 2020, shall be revised including the following amendments shown by the insertion of the following **bold and underlined** words/numbers and deletion of **~~bold and struck out~~** words/numbers

- 1) After page 2 Executive Summary insert a new Section 1.0 Design Guidelines as follows:

### **Design Guidelines**

**These Design Guidelines are intended to be used as a tool to achieve design excellence and a built form that is appropriate within the context of Gosford City Centre as well as providing for a human scale of development.**

**To this end, future development applications should aim to demonstrate consistency with these Design Guidelines. Where a future design varies from the Design Guidelines, such variation will need to be adequately explained and justified in the development application documentation.**

- 2) Page 6, amend 1.3 Set backs as follows:

### **1.3 Set backs**

~~The following diagrams provide approved set backs.~~ Tower forms and podiums shall be designed / articulated within ~~these the~~ set backs and building separations **set out in the Concept Approval**.

Future design is to provide adequate tower separation ensuring **the following is met**:

- preserve internal amenity,
- compliance with ADG,
- Breakdown scale of 5 towers
- View sharing – both apartments and ground level.

At Henry Parry Drive, future podium and tower designs should implement angled setbacks which extend further back from the envelopes, as envisaged in the reference design and to encourage a greater provision of publicly accessible open area.

- 3) Page 7, amend 2.1 Building Height as follows:

### **2.1 Building Height**

Building heights have been studied to achieve the best design outcomes for the site, maintaining views from Kibble Park to the ridgeline, minimising overshadowing, and providing for horizontal articulation.

**Developments shall not exceed the building heights set out in the Concept Approval.**

~~The following building heights shall not be exceeded:~~

- ~~Tower 1: RL 82.4~~
- ~~Tower 2: RL 73.0~~
- ~~Tower 3: RL 88.6~~
- ~~Tower 4: RL 101~~
- ~~Tower 5: RL 101~~

- 4) Page 9, amend 2.3 Building Envelope as follows:

### **2.3 Building Envelope**

The Masterplan Envelopes allow for variation and flexibility in achieving the proposed GFA ~~per tower,~~ **shown in the below table.**

Future applications will ensure variability in the bulk and scale is maintained between individual towers, with a distribution of **residential** floorspace generally aligning with the individual tower breakdowns and efficiencies indicated below.

<b>Tower Residential GFA (m<sup>2</sup>)</b>	<b>Masterplan Envelope (m<sup>2</sup>)</b>
<del>T1: 12,655,606</del> [to be updated in accordance with final GFA]	26,600 [to be updated in accordance with final envelope]
<del>T2: 11,449</del>	26,100
<del>T3: 9,960</del>	20,700
<del>T4: 17,217</del>	29,900
<del>T5: 16,128</del>	29,500
<b>Total 67,360</b>	<b>132,800</b>

**Development's shall not exceed the GFA as represented in the Concept Approval.**

- 5) Page 9, amend 2.3 Building Envelope as follows:

#### **2.4 Vertical Articulation**

The design of towers should achieve an architectural solution that is appropriately articulated and strives to reduce the perceived visual bulk.

Create a design that provides good visibility, **daylight receives good solar access**, captures views, is energy efficient, while reducing the need for mechanical cooling/heating.

Key design notes:

- Ensure vertical articulation
- Split towers to create a vertical proportion
- Orient and optimise each tower element
- Create visual pairs of towers

**Building articulation is to be generated through the expression of overall massing as well as separate parts of a building. Building articulation could comprise (but not be limited to) vertical recesses/shadow gaps within the elevations, architectural treatments (window grouping, blades / fins, louvres and other expressions), entries and stairs, sun shading and balconies.**

**Consideration should also be given to the following matters:**

- The long north and south elevations of the tower shall be articulated to break down the massing of those facades and reduce the perception of their scale and appearance when viewed from surrounding streets**
- the podium/tower relationship is to be clearly differentiated through means such as facade articulation, recesses, setbacks, colours and materials**
- the buildings must demonstrate contemporary architectural expression and respond to the urban character (existing/emerging) of the Gosford City Centre**
- architectural elements that create a sense of scale or rhythm on the facades are to be employed to add to the richness of the architectural expression**
- elements that are required to moderate environmental conditions shall be designed to enliven a building's facade**
- building entries must be clearly articulated and be visible from the public domain.**

- 6) Page 11, amend 2.5 Building Envelope as follows:

## 2.5 Design Language

~~Towers are to be appropriately designed to capture the language of Gosford and the region.~~

Drawing on inspiration from the layered nature of the local landscape, the proposal envisions a series of paired towers, each with a slightly different architectural language responding to their unique position and outlook.

Each pair should complement each other within the broader scheme. Mass design repetition across the five towers is to be avoided, but ~~a similar~~ complementary designs ~~language is to~~ should be adopted to balance and pair towers.

Achieve an architectural solution that is appropriately articulated, with language and materials that reduce perceived bulk

### 2.5.1 Materials

**Materials shall reinforce the contemporary and modern expression of buildings within the development. The following shall be considered:**

- a) a materials palette should be adopted for the precinct that complements the surrounding urban fabric and the existing/emerging character of Gosford**
- b) utilise variation in materials application and texture to achieve richness in architecture, with:**
  - i) a clear distinction expressed between podium and tower elements**
  - ii) a greater richness in materiality and texture provided at the lower levels.**
  - iii) the materiality of the towers is to respond to its context in the city skyline and to form a cohesive, distinctive precinct.**
- c) sustainability, longevity, durability, flexibility and maintenance shall be considered in the choice of materials.**

- 7) Page 12, amend 3.1 Podium / Streetscape as follows:

Consider human scale in the design of podiums to reduce the perceived tower heights at the ground level. Achieve this through activated podiums, broken up shopfront interfaces, fine grain design elements, landscaping, and awnings

### Through Site Link and Podia Guidelines

**Podia elevations facing surrounding streets and the through site links shall:**

- a) provide for a human scale 'street wall' and present a fine grain frontage to surrounding streets and through site links**
- b) include the principal entrances to each of the residential apartment buildings, which shall be provided with a strong sense of arrival**
- c) ensure above ground podium level car parking is:**
  - i) screened / sleeved by uses at ground floor level fronting surrounding streets and through site links**
  - ii) concealed by uses or high quality architectural treatments so as not to be noticeable at upper floor levels**
- d) provide for commercial and retail tenancies that have a high degree of visual transparency to reveal active uses**
- e) supports the use of bicycles and provision of visitor bicycle parking around and within the development**
- f) ensure buildings have street numbers prominently displayed on the main street elevations.**

**Podia shall be appropriately designed to respond to adjoining streets and through site links, provide an appropriate relationship between floor levels and streets / through site link levels and ensure the development:**

- a) is visually and physically connected to the street / through site link and allows for a seamless connection between buildings and the public domain
- b) does not result in inactive facades fronting the public domain
- c) does not result in extended sections of walls, ramps or barriers that unreasonably separate the ground floors of buildings from the public domain
- d) provides for appropriate and integrated hard and soft landscaping within proposed setbacks.

8) Page 17, amend 4.1 Open Space as follows:

#### **4.1 Open space**

Provide clearly delineated public and private spaces.

People activate spaces - create open public domain spaces that invite use by the public and residents. Use retail to create activation and creative passive public spaces

##### **The through site links shall:**

- a) include appropriate uses that avoid back of house elevations, support the character of the development and provide activation and animation
- b) allow pedestrians to permeate through the site and facilitate safe pedestrian movements within the links
- c) be open to the sky along their entire length, any canopies or awnings shall not enclose the space or reduce the perception of openness
- d) provide spaces that are accessible and inviting and include convenient and direct mobility impaired access to all parts of the ground level uses and within the through site links
- e) include areas within soil volumes / depths that can accommodate landscape and tree planting
- f) include courtyards for any residential uses fronting the through site links at ground floor level with a depth of no less than 2.5 m.

9) After page 19, insert new Section 6 as follows:

#### **6 Sustainability**

**The development shall be designed in accordance with ecologically sustainable development (ESD) principles, in accordance with the concept approval environmental standards and the following objectives:**

- a) incorporate best practice passive design features, such as thermal mass, orientation and solar shading, to minimise reliance on technologies to achieve low greenhouse emissions and low energy demand
- b) integrate modern energy efficient systems, technology, controls and metering
- c) use of high performance glazing and efficient façade design/construction
- d) reduce the dependence on mains water by incorporating water efficient fixtures and fittings and integrating rainwater tanks throughout the precinct and incorporate Water Sensitive Urban Design elements
- e) incorporate material choices that reduce environmental impacts
- f) consider opportunities for natural ventilation

## SCHEDULE 3

### CONDITIONS OF CONSENT FOR STAGE 1 WORKS

#### PART A – TERMS OF APPROVAL

##### 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 demolition works.

##### Development Description

- A2. Consent is granted to Stage 1 Works as described in **Schedule 1** and the EIS, as amended by the RtS and RFFI, and in accordance with the conditions contained in this development consent.

##### Terms of Consent

- A3. 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) in accordance with the EIS, RtS and RRFI
- A4. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) 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;
  - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.

##### Lapsing of Approval

- A5. This consent will lapse five years from the date of consent unless the Stage 1 works have physically commenced.

##### Legal Notices

- A6. Any advice or notice to the consent authority shall be served on the Secretary.

##### Prescribed Conditions

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

##### Evidence of Consultation

- A8. 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:
    - the outcome of that consultation, matters resolved and unresolved; and
    - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

##### Applicability of Guidelines

- A9. 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.
- A10. 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

A11. 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.*

### Access to Information

A12. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
  - i) the documents referred to in **Condition A3** of this consent;
  - ii) all current statutory approvals for the development;
  - iii) all approved strategies, plans and programs required under the conditions of this consent;
  - iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
  - v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - vi) a summary of the current stage and progress of the development;
  - vii) contact details to enquire about the development or to make a complaint;
  - viii) a complaints register, updated monthly;
  - ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
  - x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### Compliance

A13. 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

A14. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) 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.

A15. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

### Non-Compliance Notification

A16. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.

A17. 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.

A18. 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**

A19. Within three months of:

- (a) the submission of a compliance report under **Condition B19**;
- (b) the submission of an incident report under **Condition A14**;
- (c) the submission of an Independent Audit under **Condition C54**;
- (d) the issue of a direction of the Planning Secretary under **Condition A3** 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.

A20. 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. Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier 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.

**END OF PART A**

## **PART B PRIOR TO COMMENCEMENT OF DEMOLITION WORKS**

### **Aboriginal Archaeology – Cultural Values**

- B1. Prior to the commencement of demolition, the Applicant shall prepare, and submit to the Planning Secretary for approval, an Aboriginal Cultural Heritage Assessment Report (ACHAR). The Applicant shall consult with the local Aboriginal community and the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (BCD) to inform the consideration of cultural value(s). Any ACHAR recommended management and mitigation measures shall be implemented.
- B2. Notwithstanding **Condition B1**, the Applicant can write to the Planning Secretary to request the requirement to prepare an ACHAR be waived. Any request to waive the ACHAR requirement shall include the following:
- (a) a clear description of the SSD major project area
  - (b) a detailed description of the proposed works to be undertaken in relation to the level of ground surface and subsurface disturbance required
  - (c) the predicted extent of impacts from proposed demolition works with details of location, extent and depth of excavation of the ground surface. Including a comparison of the proposed depth and location of ground disturbance relative to previous ground disturbance for the development (i.e. will any impacts extend below previous ground disturbance for the development?)
  - (d) the proposed extent of ground disturbance from any proposed construction works including installation of associated infrastructure and utilities
  - (e) a detailed description of the consultation process undertaken with the Aboriginal community
  - (f) evidence of consultation with the Aboriginal community regarding any Aboriginal cultural heritage values relating to the site including a statement of significance
  - (g) evidence of support from the Aboriginal community for the findings of the ACHAR waiver application
  - (h) a predictive model identifying the likelihood of Aboriginal objects being present at the site and background research including an AHIMS search
  - (i) the results of any archaeological field survey an impact assessment detailing the extent of impacts from the proposed development on Aboriginal cultural heritage
  - (j) proposed mitigation and management of any Aboriginal cultural heritage values
  - (k) appendices should be attached showing evidence of consultation, extensive AHIMS search and any technical information

### **Aboriginal Archaeology – Management**

- B3. All demolition contractors, subcontractors and personnel are to be inducted and informed by the nominated archaeological consultant prior to commencing work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW.
- B4. An unexpected finds protocol must be created to manage the unexpected discovery of potential relics during demolition works. This should include details of what constitutes an archaeological relic for the project, stop work procedures, procedures for contacting a suitably qualified archaeologist to assess the find, and processes for notification and consultation with the Heritage Council. If a relic is uncovered work must cease in the affected area(s) and the BCD must be notified. Work may only recommence after approval from the BCD. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

### **Notice of Commencement of Works**

- B5. The Applicant must notify the Planning Secretary and Council in writing of the intended dates of commencement of construction and operation at least 48 hours before those dates.

### **Access to Information**

- B6. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

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

### **Protection of Public and Private Property Infrastructure**

- B7. Prior to the commencement of demolition, 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);
  - (c) prepare a dilapidation report identifying the condition of all adjoining and nearby premises including heritage items;
  - (d) submit a copy of the dilapidation report and engineers report to the Certifier and Council.

### **Pre-Construction Dilapidation Report**

- B8. Prior to commencement of demolition, 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.

### **Utilities and Services**

- B9. Prior to commencement of demolition or disconnection of any utilities / services, the Applicant must obtain relevant approvals from service providers.
- B10. Prior to commencement of demolition written advice must be obtained from the relevant electricity supply authority, telecommunications provider, gas carrier (where relevant) and water authority stating that satisfactory arrangements have been made with regard to services and connections.

### **Demolition**

- B11. Prior to commencement of demolition, 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 Council, the Certifier and the Planning Secretary.

### **Demolition Environmental Management Plan**

- B12. Prior to the commencement of works, a Demolition Environmental Management Plan (DEMP), shall be prepared in consultation with Council and submitted to the certifier.
- a) The DEMP shall address, but not be limited to, the following matters, where relevant:
    - i) hours of work
    - ii) 24 hour contact details of site manager
    - iii) traffic management, in consultation with Council and TfNSW

- iv) demolition noise and vibration management plan (DNVMP), prepared by a suitably qualified person, which addresses the relevant provisions of Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009)
  - v) management of dust and odour to protect the amenity of the neighbourhood
  - vi) erosion and sediment control
  - vii) procedures for encountering groundwater during demolition works including contact with NSW Office of Water and the Natural Resource Access Regulator (NRAR) of the Department of Planning, Industry and Environment
  - viii) stormwater control and water discharge management
  - ix) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site
  - x) waste storage and recycling control
  - xi) construction material storage
  - xii) litter control
  - xiii) unexpected finds protocol
  - xiv) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
- b) The DEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the DEMP, the consent shall prevail
  - c) The Applicant shall submit a copy of the DEMP to Council prior to commencement of works.
  - d) The DEMP (as revised from time to time) must be implemented by the Applicant for the duration of the demolition works.

#### **Unexpected Contamination Procedure**

B13. Prior to the commencement of demolition, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the DEMP and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

#### **Demolition Traffic and Pedestrian Management Plan**

B14. Prior to the commencement of demolition, a Demolition Traffic and Pedestrian Management Plan (DTPMP), shall be prepared in consultation with Council and Transport for NSW (RMS) and submitted to the certifier.

- a) The DTPMP shall address, but not be limited to, the following matters:
  - i) location of proposed work zone(s)
  - ii) location of any cranes
  - iii) haulage routes
  - iv) vehicle access arrangements
  - v) management of the impacts to pedestrian and cyclist movements during and following demolition. Access arrangements should be able to cater for the current pedestrian and cyclist demand for the pedestrian bridge that is to be demolished
  - vi) construction hours
  - vii) estimated number of construction vehicle movements
  - viii) construction program
  - ix) consultation strategy for liaison with surrounding stakeholders
  - x) 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
  - xi) cumulative construction impacts of other construction projects within Gosford City Centre. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network

- xii) 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 CPTMP.
- b) The Applicant shall submit a copy of the final DTPMP to Council and Transport for NSW, prior to the commencement of work
- c) The DTPMP (as revised from time to time) must be implemented by the Applicant for the duration of demolition works.

### **Waste Management Plan during demolition**

- B15. Prior to the commencement of demolition, a Demolition Waste Management Plan (DWMP), prepared by a suitably qualified person, shall be submitted to the certifier.
- a) The DWMP shall address, but not be limited to, the following matters:
    - i) recycling of demolition materials including concrete
    - ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
  - b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the certifier prior to the removal of any hazardous materials.
  - c) The Applicant shall provide a copy of the DWMP to Council, prior to commencement of work.
  - d) The Applicant must notify the Transport for NSW Traffic Management Centre of the truck routes(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

### **Ongoing site treatment**

- B16. Prior to the commencement of works, an Ongoing Site Treatment Management Plan (OSTMP) shall be submitted to and approved by the Planning Secretary following consultation with Council. The OSTMP shall provide details of the treatment and management of the site following demolition and before construction of an approved Stage 2 development. A final copy of the approved OSTMP shall be provided to Council prior to the commencement of demolition work.
- a) The OSTMP shall include, but not be limited to, the following matters:
    - i) the provision on-site of 170 temporary publicly accessible car parking spaces
    - ii) site surface treatment/stabilisation
    - iii) site access and fencing
    - iv) security
    - v) environmental health and prevention of contact with contaminants
    - vi) management of dust and odour to protect the amenity of the neighbourhood
    - vii) erosion and sediment control
    - viii) stormwater control and discharge
    - ix) water discharge management and protection of Brisbane Water.
  - b) The OSTMP (as revised from time to time) must be implemented by the Applicant for the duration of the period between the demolition works and the construction of a future Stage 2 development.

### **Erosion and sedimentation control**

- B17. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the certifier prior to commencement of above ground works involving vegetation removal or soil disturbance.

## **Community Involvement Plan**

B18. A Community Involvement Plan (CIP) shall be prepared in consultation with Council and submitted to the certifier prior to commencement of works. The CIP shall include how notification of residents and complaints associated with the demolition works will be mitigated/managed.

## **Compliance Reporting**

B19. No later than two weeks before the date notified for the commencement of demolition, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.

B20. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

B21. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.

B22. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), 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.

## **Water management and infrastructure**

B23. Prior to commencement of demolition the Applicant shall obtain the appropriate approvals/licenses from the NSW Office of Water and Council for any dewatering of the site required as a result of the proposed works.

B24. Prior to commencement of demolition the Applicant shall submit an application to Council under Section 305 of the Water Management Act 2000 to obtain a Section 307 Certificate of Compliance. The Application form for a 307 Certificate can be found on Council's website [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au). Early application is recommended.

B25. A Section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

B26. Prior to commencement of demolition the Applicant shall submit engineering details prepared and certified by a practising structural engineer that comply with Council's Building Over or Adjacent To Sewer and Water Main Guidelines to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

B27. Prior to commencement of demolition the Applicant shall submit to the Council and the Planning Secretary design details of the following engineering works within private property:

- a) Inter-allotment drainage within the site to capture stormwater from Lot 7 Sec 2 DP 6039, Lot 8 Sec 2 DP 6039, SP 53237, & Lot 2 DP 270116 and discharge this stormwater to Council's piped drainage system in William Street. The inter-allotment drainage system must be designed in accordance with Council's Civil Works Specification and have a minimum capacity for the 1%AEP storm event.
- b) Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in Henry Parry Drive.
- c) Sewer re-alignment works
- d) These design details and any associated reports must be included in the Construction Certificate.

## **Roads**

B28. Prior to commencement of demolition the Applicant shall submit an application to Council under section 138 of the *Roads Act 1993* for the approval of required works to be carried out within the road reserve.

B29. Prior to commencement of demolition the Applicant shall submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's *Civil Works Specification* and Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013. The Engineering plans must be included with the Roads Act application for approval by Council. The required works should be designed as follows:

- a) Construction and/or reconstruction of stormwater drainage within Albany Street North, William Street, and Henry Parry Drive to comply with the following:

- i) Trunk drainage pipelines with a design capacity for the 1%AEP storm event along the following alignment: Commencing on the eastern side of Albany Street North at the Albany Street North / William Street intersection, across Albany Street North at this intersection (in the vicinity of the existing pedestrian crossing), continuing down the full length of William Street to the Henry Parry Drive / William Street Intersection, and then along Henry Parry Drive to the existing sag low pit within this frontage of the site.
  - ii) Reconstruction/upgrade of the stormwater drainage that crosses Henry Parry Drive from the sag low point within the site frontage in Henry Parry Drive to accommodate the 1%AEP storm event and connect to the existing trunk drainage system (that has a 1%AEP capacity) within Kibble Park (and that is presently constructed to the eastern boundary of Kibble Park near the Henry Parry Drive boundary).
  - iii) The existing pipe and pit in the Albany Street North adjacent to Lot 2 DP 270116 is blocked off so that the pipeline within Lot 7 Sec 2 DP 6039, Lot 8 Sec 2 DP 6039, SP 53237, & Lot 2 DP 270116 will be decommissioned as a Council stormwater pipelines such that it will then only operate as an inter-allotment drainage pipeline.
  - iv) The pipeline within the site frontage in William Street that crosses William Street is blocked off at the pit.
  - v) The inter-allotment drainage system is to be connected to Council's trunk drainage system in William Street.
- b) Erosion and sedimentation control plan
  - c) The Roads Act application must be approved by Council prior to commencing works in the road reserve.

**END OF PART B**

## PART C DURING DEMOLITION AND WORKS AS APPLICABLE

### Approved Plans to be On-Site

- C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the certifier.

### Site Notice

- C2. 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 including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements:
- (a) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (c) the approved hours of work, the name of the 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 notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- C3. All demolition/works plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Demolition

- C4. 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 B11**.

### Demolition Hours

- C5. Demolition, including the delivery/removal of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00am and 5:00pm, Mondays to Fridays inclusive; and
  - (b) between 7:30am and 3:00pm, Saturdays.
  - (c) No work may be carried out on Sundays or public holidays.
- C6. Demolition activities may be undertaken outside of the hours in **Condition C5** 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; or
  - (c) where the works are inaudible at the nearest sensitive receivers.
- C7. Notification of such demolition activities as referenced in **Condition C6** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

### Implementation of Management Plans

- C8. The Applicant must carry out the demolition work and management of the site in accordance with the most recent version of the approved DEMP and associated management plans (**Condition B12 to B15**).

### Construction Traffic

- C9. All 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 approved on-street work zone before stopping.

### Road Occupancy Licence

- C10. 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

C11. 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
- (c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

## No Obstruction of Public Way

C12. 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

C13. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved DEMP (**Condition B12**).

C14. The Applicant shall schedule intra-day 'respite periods' for demolition activities identified in the Interim Construction Noise Guideline as being particularly annoying to surrounding residents and other noise sensitive receivers. Respite periods shall be scheduled at the same time each day (e.g. 8 am to 11 am Monday to Saturday, 12 pm to 3 pm Monday to Friday and 4 pm to 6 pm Monday to Friday) unless otherwise negotiated with the most affected noise sensitive receivers.

C15. If the noise from a demolition activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.

C16. The Applicant must ensure demolition plant and equipment does not arrive at the Site or surrounding residential precincts outside of the construction hours of work outlined under **Condition C5**.

C17. The Applicant must implement, where practicable and without compromising the safety of demolition staff or members of the public, the use of audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.

C18. Any noise generated during demolition 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.

## Vibration Criteria

C19. Vibration caused by demolition 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).

C20. 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 C19**.

C21. The limits in **Conditions C19** and **C20** apply unless otherwise outlined in a DEMP.

## Protection of Trees

C22. No street tree is to be trimmed or removed unless prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.

C23. All street trees to be retained shall be protected at all times during demolition. Any tree on the footpath, which is damaged or removed due to an emergency, shall be replaced, to the satisfaction of Council.

## Safety

C24. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

## Contamination / Waste

C25. All material in the buildings to be demolished are to be removed in accordance with the guidelines of the WorkCover Authority and the requirements of the EPA.

C26. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 shall be satisfied, with particular reference to Part 7 'asbestos waste'. In addition, the Applicant shall consult with Safework NSW concerning the handling of any asbestos waste that may be encountered during the course of the project.

C27. All waste generated and any subsurface soils excavated during the demolition shall be assessed, classified and managed in accordance with the Waste Classification Guidelines: Part 1 Classifying Waste NSW DECC, 2009.

C28. A site auditor accredited under the Contamination Land Management Act 1997 shall be engaged for the various stages of the project which involve remediation work.

C29. The Applicant shall implement the unexpected contamination finds procedure for identifying and dealing with unexpected finds of site contamination (**Condition B13**).

C30. In the event that unexpected ground contamination is discovered, the site auditor is to review the site contamination assessments and undertake the following actions:

- a) provide an opinion on whether the nature and extent of contamination has been appropriately determined
- b) ensure any necessary remedial work is carried out in accordance with best practice and reporting is to the standards required by the EPA.

C31. Should any new information come to light during demolition works which has the potential to alter previous conclusions about site contamination then the Planning Secretary must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Planning Secretary.

C32. Prior to the commencement of works referred to in **Condition B27**, or within 6 months of the completion of demolition, whichever is the earlier:

- a) a Stage 2 Detailed Site Investigation Report must be prepared. This Report must review the past history of the Site, and if contamination is found through site testing in the locations subject to infrastructure works or locations in any other areas to be disturbed by the Stage 1 Works, a Remedial Action Plan for that part of the Site must be prepared and reviewed and approved by a site auditor accredited under the *Contamination Land Management Act 1997*. A copy of this Report shall be submitted to the Planning Secretary and Council.
- b) if remediation is required, the requirements of SEPP 55 including clause 16 *Prior notice of Category 2 remediation work* and clauses 17, 18 and 19 of SEPP 55 must be complied with.

## Waste Control and Management

C33. The body of any vehicle or trailer, used to transport waste or excavation spoil from the site, shall be covered before leaving the site to prevent any spill or escape of dust, waste or spoil from the vehicle or trailer.

C34. Mud splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site, shall be removed before the vehicle, trailer or motorised plant leaves the site.

C35. Concrete waste and rinse water shall not be disposed of on the project site and instead that:

- a) waste concrete shall either be returned to the agitator truck(s) to the supplier or directed to a dedicated watertight skip protected from the entry of precipitation
- b) concrete rinse water shall be directed to a dedicated watertight skip protected from the entry precipitation or a suitable water treatment plant.

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

C36. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to 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.

### **Erosion and Sediment Control**

C37. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the demolition and works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

### **Dust Control and Management**

C38. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C39. During demolition, 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.

C40. The Applicant shall minimise dust emissions on the site and prevent dust emissions from the site resulting from:

- a) the breaking down of existing structures and structural elements
- b) excavation, processing and handling of excavation spoil
- c) wind action on demolition waste and excavation spoil stock piles
- d) wind action on and plant movement across areas bare of vegetation or other cover.

C41. The Applicant must install and operate equipment in line with best practice.

### **Unexpected Finds Protocol – Aboriginal Heritage**

C42. The demolition shall be carried out in accordance with the Aboriginal archaeology unexpected finds protocol (**Condition B2**)

C43. 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 Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (BCD) 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 EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of BCD.

### **Protection of Public Infrastructure**

C44. 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.

### **Waste Storage and Processing**

C45. All waste generated during demolition 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.

- C46. All waste generated during demolition must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C47. 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.
- C48. The Applicant must record the quantities of each waste type generated during demolition and works and the proposed reuse, recycling and disposal locations for the duration of construction.
- C49. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

### Outdoor lighting

- C50. 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.

### Independent Environmental Audit

- C51. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- C52. Prior to the commencement of demolition, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.
- C53. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the demolition and works phase is:
  - (a) An initial demolition and works Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
  - (b) A subsequent demolition and works Audit must be undertaken no later than six months from the date of the initial Independent Audit.

In all other respects Table 1 remains the same. 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 weeks notice to the applicant of the date upon which the audit must be commenced.

- C54. Independent Audits of the development must be carried out in accordance with:
  - (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under **condition C52** of this consent; and
  - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C55. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under **Condition C54** of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.
- C56. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance

### Roads

- C57. The Applicant shall complete works within the road reserve in accordance with the approval under the Roads Act 1993. The works must be completed in accordance with Council's Civil Works Specification and Chapter 6.3 - Erosion Sedimentation Control of the Gosford Development Control Plan 2013. Documentary evidence for the acceptance of such works must be obtained from the Roads Authority.

C58. The Applicant shall not carry out any works or store building materials on the road reserve unless they are associated with a separate approval under the Roads Act 1993.

### **Damage**

C59. The Applicant shall rectify to the satisfaction of Council any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the developer's expense.

### **Covenants**

C60. The Applicant shall amend the Deposited Plan (DP) as follows and submit to the Certifier copies of registered title documents showing the restrictive covenants:

- (a) include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan
- (b) create an easement to drain water for the diverted stormwater line through the site.

### **Safety**

C61. The Applicant shall prevent public access to the site as required by Clause 298 of the Work Health and Safety Regulation 2011 when building work is not in progress or the site is unoccupied. Site fencing specifications are outlined under Australian Standard AS1725.1-2010 - Chain-link fabric fencing - Security fencing and gates. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

C62. The Applicant shall action the following when an excavation extends below the level of the base of the footings of any building, structure or work on adjoining land:

- (a) notify the owner of the adjoining land, and
- (b) protect and support the building, structure or work from possible damage from the excavation, and
- (c) underpin the building, structure or work where necessary, to prevent any such damage.
- (d) these actions must be undertaken by the person having the benefit of the development consent at their own expense.

### **Asbestos / contamination**

C63. Demolition work involving asbestos shall be undertaken in accordance with the Work Health and Safety Act 2011. The person having the benefit of this consent must ensure that the removal of:

- (a) more than 10m<sup>2</sup> of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- (b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

C64. The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the Work Health and Safety Regulation 2011.

C65. The Applicant shall submit to Council, a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that the site has been made free of asbestos material following completion of demolition works.

C66. In the event that demolition or works cause the generation of odours or uncovering of previously unidentified contaminants, works must immediately cease, Council and the Principal Certifying Authority must be notified in writing within 7 days and an appropriately qualified environmental consultant appointed to undertake an assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm.

C67. The applicant shall complete the internal drainage works required by **Condition B29** within private property in accordance with the plans and details approved with the construction certificate.

## **END OF PART C**

## APPENDIX 1 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 at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) 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 A14 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.

## **ADVISORY NOTES**

### **Appeals**

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

### **Other Approvals and Permits**

AN2. The Applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

### **Responsibility for Other Consents / Agreements**

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### **Prescribed Conditions**

AN4. The Applicant shall comply with all relevant prescribed conditions of the development consent under Part 6, Division 8A of the Regulation.

### **Disability Discrimination Act**

AN5. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the BCA which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN6.

- a) The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of the Environment and Energy to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.