

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA 61540/2021

Development: Partial demolition of the existing structures (except the existing chemist located on 315 West Street), and construction of a mixed use building containing shop top housing, commercial premises and associated works over basement parking

Site: 315 West Street and 1 and 3 Alfred Street, Umina Beach

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 11 July 2023

Date from which consent takes effect: 11 July 2023

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 315 West Street and 1 and 3 Alfred Street, Umina Beach.

The conditions of consent are as follows:

1.PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by: ADG Architects

Drawing	Description	Sheets	Issue	Date
A000	Cover Sheet	1	6	02/06/2023
A001	Site Plan	1	6	02/06/2023
A100	Basement Plan	1	6	02/06/2023
A101	Ground Floor Plan	1	6	02/06/2023
A102	Level 1	1	6	02/06/2023
A103	Level 2	1	6	02/06/2023
A104	Level 3	1	6	02/06/2023
A105	Level 4	1	6	02/06/2023
A106	Roof Plan	1	6	02/06/2023
A107	Elevations	1	6	02/06/2023
A108	Elevations	1	6	02/06/2023
A109	Sections	1	6	02/06/2023
A110	Sections	1	6	02/06/2023
A111	Bin Diagram Plan	1	6	02/06/2023
A120	Materials Schedule	1	5	29/05/2023

Supporting Documentation

Document	Title	Date
Michael Leavey Consulting	Statement of Environmental Effects	March 2021
ADG Architects	SEPP 65 Design Verification Report - Revision B	17/06/2023
PM Anderson Consulting	Waste Management Plan	16/06/2023
Contour Landscape Architecture	Landscape Plans Cover Sheet and C1-C8 (9 Sheets) (Revision B)	07/06/2023
Granda Consulting Building Services	BCA Assessment Report 18-0073R3	June 2020
BJ Bradley & Associates	Traffic & Parking Assessment Report	04/03/2021
Acor Consultants (CC) Pty Ltd	Stormwater Drainage Plans C1-C9 (9 sheets) Revision B	26/03/2021
Greenworld Architectural Drafting	NatHERS Certificate No. 0003485950	23/06/2023
Greenworld Architectural Drafting	BASIX Certificate No. 973163M_04	23/06/2023

1.2. Carry out all building works in accordance with the Building Code of Australia.

1.3. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environment Planning and Assessment Regulation 2000*.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Retain the land where any excavation is required below the adjoining land level and preserve and protect from damage any improvements or buildings upon that land including public roads and utilities.

If necessary, the improvements or buildings must be designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared to comply with this condition are to include geotechnical investigations, any excavation that impacts on public infrastructure, and are to be submitted for the approval of the Registered Certifier.

- 2.3. Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's *Civil Works Specifications*.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

- a) Construction of an industrial/commercial vehicle access crossing in Alfred Street that has a width of 6.5 metres at the road gutter crossing and 5.5 metres at the property boundary including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- b) Removal of all redundant vehicle gutter crossings / laybacks in Alfred Street and replacement with kerb.
- c) Removal of all redundant vehicular access crossings in Alfred Street. The road verge/footway formation is to be reinstated from top of kerb to property boundary.
- d) Full width reconstruction of the footway across the frontage of the site in Alfred Street with pavers in accordance with the Umina CBD upgrade reflective of nearby properties in West Street and Alfred Street. (Contact Council for the type of pavers required.)
- e) Construction of a kerb inlet pit on the kerb line in Alfred Street and located near the southern end of the site frontage in Alfred Street. The design is to be generally in accordance with the concept plan prepared by ACOR Consultants (Project No CC180408 Dwg D3 Issue B dated 26.03.21).
- f) Construction of longitudinal street drainage in Alfred Street, to connect the new kerb inlet pit to the existing kerb inlet pit located approximately 33m south of the subject site in Alfred Street. The design is to be generally in accordance with the concept plan prepared by ACOR Consultants (Project No CC180408 Dwg D3 Issue B dated 26.03.21).
- g) Construction of a storm water drainage connection from the development site to the required Council's storm water pit and drainage system within the road reserve in Alfred Street. The design is to be generally in accordance with the concept plan prepared by ACOR Consultants (Project No CC180408 Dwg D3 Issue B dated 26.03.21).

- h) Reconstruction of the road pavement, kerb and gutter, footway paving and footways areas affected by the requirement for the longitudinal stormwater drainage in Alfred Street.
- i) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- j) Adjustments as required to regulatory signage to facilitate the required works in Alfred Street.

The section 138 Roads Act Works Approval must be issued by Council and all conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

Note: The relocation of the existing power pole in the footway within the northern frontage of the site in the Alfred Street will require separate approval from the appropriate service authority.

- 2.4. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.5. Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
 - a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b) Installation of the Evolution Parking System within the basement car park. Prior to the issue of a construction certificate, the applicant's consultant traffic engineer shall submit certification to the Principal Certifier, indicating that the configuration of the structural elements of the car stacking system, car parking spaces and trafficable aisles will comply with the requirements of AS2890.1:2004.
 - c) Construction of a stormwater detention system. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013 and Council's *Civil Works Specifications*. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths. The design of the on-site detention system shall be generally in accordance with the Stormwater management plans prepared by ACOR Consultants, Ref Project No CC180408, Drawing No's C1-C9, all Rev B dated 26.03.21.
 - d) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design. The nutrient/pollution controls shall be generally in

- accordance with the Stormwater management plans prepared by ACOR Consultants, Ref Project No CC180408, Drawing No's C1-C9, all Rev B dated 26.03.21.
- e) Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design. The on-site retention measures shall be generally in accordance with the Stormwater management plans prepared by ACOR Consultants, Ref Project No CC180408, Drawing No's C1-C9, all Rev B dated 26.03.21.
 - f) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the approved connection with Council's drainage system located in Alfred Street.
 - g) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
 - h) The basement car parking areas shall be waterproofed against infiltration of groundwater.
 - i) Installation of a convex mirror and load activated traffic light system on the vehicular access ramp. The traffic light system is to be provided at the top and bottom of the ramp. The convex mirror is to be positioned at the bottom of the ramp in a location that gives clear line of sight to a drivers eye at the top of the ramp.

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

- 2.6. Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979*, pay to Council a total contribution amount of **\$157,456.55** that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.

Roadwork - Capital	B	(Key No 789)	\$8,743.90
Open Space - Land	C	(Key No 791)	\$23,030.00
Open Space - Embellishment	C	(Key No 790)	\$72,124.80
Community Facilities - Land	D	(Key No 793)	\$1,241.10
Community Facilities - Capital	D	(Key No 792)	\$22,378.85
Drainage - Land	A	(Key No 787)	\$5,490.00
Drainage - Capital	A	(Key No 788)	\$24,447.90
TOTAL AMOUNT			\$157,456.55

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

Contact Council's Contributions Planner on 1300 463 954 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to

Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on Council's website: [Development Contributions - former Gosford LGA](#)

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

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

- 2.8. Submit amendments to the approved plans to the Registered Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:

- a) The treatment of the floor, walls and roof of the laneway aperture,
- b) A notation on the architectural plan that the area of communal open space at ground level is to be accessible to all residents;

- 2.9. Submit amended stormwater drainage drawings to the Registered Certifier prior to issue of any construction certificate.

2.10 Air Conditioning Plant

No air conditioning plant for residential or commercial uses is permitted on balconies or upon the roof. All such plant is to be located within the plant room nominated on Level 1 or within the area nominated for airconditioning plant on the rooftop area. Details are to be submitted to the Registered Certifier prior to issue of any construction certificate.

2.11 Through Site Link

Details of high quality materials and finishes for the floor, ceiling and walls of the through site link, and for the entry arbour, consistent with Architectural Plans (Revision 6) and the artist impression on Drawing A000, are to be submitted to the Registered Certifier prior to issue of any construction certificate.

2.12 Storage

Details of adequate storage being provided within the residential apartments and basement, in satisfaction of the design criteria at Objective 4G-1 of the Apartment Design Guide, is to be submitted to the Registered Certifier prior to issue of any construction certificate.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
- a) Site investigation for the preparation of the construction, and / or

- b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
- c) Demolition approved by this consent.

3.3. Appoint a Principal Certifying Authority for the building work:

- a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
- b) Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website www.centralcoast.nsw.gov.au

3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:

- a) The name, address and telephone number of the principal certifying authority for the work; and
- b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
- c) That unauthorised entry to the work site is prohibited.
- d) Remove the sign when the work has been completed.

3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au.

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

3.6. Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

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

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

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

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

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

- 3.7. Submit to Council, for approval, details of proposed haulage routes to and from the site. Approval of haulage routes may be subject to the provision of a dilapidation report of all or part of the approved haulage route.
- 3.8. Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 3.9. Submit a Hoarding Application to Council for approval under the Roads Act where it is proposed to erect construction fencing, a hoarding, site sheds or utilise the road reserve for any construction activity related to the development works within the site.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application and will be required to be paid prior to Council releasing any approval.

- 3.10. Submit an application to Council for approval under the Roads Act to install ground anchors should ground anchors within a road reserve be required for construction of this development.

The application to Council for Works Approval under Section 138 of the *Roads Act* must be made using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation endorsed by a suitably qualified professional. General requirements for anchoring proposals can be obtained from Council's Engineering Assessment Section.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application and will be required to be paid prior to Council releasing any approval.

4.DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

- 7:00am and 5:00pm Monday to Saturday

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

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

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.7. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by P M Anderson Consulting Pty Ltd dated 1 September 2021.
- 4.8. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 4.9. Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: *Chapter 7.2 - Waste Management*, Appendix D and Appendix G, as applicable.
- 4.10. Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
- a) provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*
 - b) paint the ceiling of the car park white or provide adequate lighting.
 - c) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity

- d) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises
 - e) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
- 4.11. Submit a report prepared by a registered Surveyor to the Principal Certifier at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans. A compilation of these reports is to be provided by the Principal Certifier to Council at completion of the Occupation Certificate.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.3. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 5.4. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.5. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.
- 5.6. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.7. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.8. Amend the Deposited Plan (DP) for development lot to:
- 1) 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. The plan and instrument must:
 - Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any

- alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - Create an easement for support of the adjoining land within the front boundary of the site where the basement car park wall adjoins the property boundary.
- 2) Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
- a) To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - i. the facility will remain in place and fully operational.
 - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
 - iv. Council is indemnified against all claims of compensation caused by the facility.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

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

- 5.9. Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.10. Complete installation of the Evolution Parking System within the basement car park. Prior to the issue of an Occupation Certificate, the applicant's consultant traffic engineer shall submit certification to the Principal Certifier, indicating that the configuration of the structural elements of the car stacking system, car parking spaces and trafficable aisles will comply with the requirements of AS2890.1:2004.
- 5.11. Before issue of any occupation certificate, the principal certifier must be satisfied all landscape works have been completed in accordance with approved plans and documents and any relevant conditions of this consent
- 5.12. Consolidate Lots 32, 33, and 35 Sec A DP 8872 into a single allotment under one Certificate of Title.
- Documentary evidence of the lodgement of the Consolidation Plan with the NSW Land and Property Information can be accepted by the Principal Certifier as satisfying this requirement.
- 5.13. Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.14 **Floor Space Ratio**

The floor space ratio for the completed development must not exceed 1.76:1 (calculated using the definition of gross floor area in Gosford Local Environmental Plan 2014). Prior to issue of any occupation certificate, a registered surveyor must provide certification of compliance with the approved maximum FSR of 1.76:1 to the satisfaction of the principal certifier.

5.15 Landscape Maintenance for Common Open Space

Applicant is to engage the service of an experienced landscape maintenance company to support the establishment of the deep soil zone plantings and landscaping established in planters within the common areas throughout the development. Evidence of this engagement contract for a minimum period of 2 years is to be provided to the principal certifier prior to issue of any occupation certificate. The engagement contract is to include the following works:

- a) the regular watering of the plants on a weekly basis (or as deemed necessary),
- b) fertilising the plants on a seasonal basis,
- c) restoration of mulched surfaces around the plantings with supplementary mulching every 6 months, and
- d) weed control in the mulched planted areas.

5.16 Security

Mailbox facilities, residential entry foyer, basement and through site link are required to be under constant CCTV surveillance, with satisfactory electronic storage provided for 14 day feed backup. Appropriate signage shall be installed at the site to notify occupants and visitors that CCTV cameras are present.

5.17 Privacy Screens

Privacy screens illustrated on Architectural Plans (Revision 6) are to be installed to the satisfaction of the Registered Certifier prior to issue of any occupation certificate.

5.20 Public access

Register on title an easement for access by foot or by bicycle in favour of the council and all persons authorised by the council, being the general public, and on terms approved by the council, over the site of the laneway but limited in height to the underside of the structure above the laneway and in depth to the top of the height of the basement carpark.

6.ONGOING OPERATION

- 6.1. The easement for sight distance 2m x 2.5m within the south-eastern corner of Lot 31 Sec A DP 8872 that benefits the subject site shall remain unobstructed by boundary fencing, landscaping, and any structures that could obstruct sight distance to pedestrians in the Alfred Street footway.
- 6.2. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.3. Not used
- 6.4. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.

6.5. Place the residential mobile garbage/recycling/green waste containers at the approved location at the kerbside no earlier than the evening prior to the collection day and return to the approved residential waste storage room as soon as possible after service, no later than the evening on collection day. The residents, caretaker, owner, Owners Corporation are responsible for the placement and return of the mobile waste containers.

6.6. Commercial mixed and recyclables waste containers to be transferred to the kerbside on arrival of the commercial waste servicing side lift waste truck and returned to the approved commercial waste room immediately after servicing.

6.7. Commercial mixed and recyclables waste containers be serviced by a side lift waste truck at the kerbside at times that do not conflict with residential waste servicing

6.8. The Commercial waste storage enclosure to be constructed with sufficient width to permit a minimum 1.0 m aisle width between rows of 360 litre mixed and recyclables waste mobile garbage bins as indicated on plan and as approved for kerbside collection with a side lift waste truck.

6.9. The residential waste bin presentation location at the kerbside at the Alfred St frontage to be managed to ensure no obstructions to servicing of waste bins with a side lift waste truck

6.10. Residential waste bins are to be presented at minimum 1.0m spacing per waste bin to facilitate servicing by the side lift waste truck.

6.11. Landscape Maintenance – General

All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

The management of vegetation, gardens, communal areas, fences, lighting and other similar areas is to be incorporated within any future strata management plan.

6.12 Communal Open Space

The roof top terrace and ground level communal open space must be available for the use all residents of the building, and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment* Policy. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au