

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 Group GSA

Drawing	Description	Sheets	Issue	Date
0000	Title Page	1	B	18/3/2016
0001	Site Context Plan & Site Analysis Plan	1	D	6/4/2016
1100	Site Plan	1	E	13/10//2016
2000	Level 3 Car Park Plan	1	M	21/12/2016
2001	Level 2 Car Park Plan	1	M	21/12/2016
2002	Level 1 Car Park Plan	1	L	21/12/2016
2003	Level Ground Plan	1	P	21/12/2016
2004	Typical Level 1-Level3 Plan	1	N	21/12/2016
2005	Level 4 Plan	1	L	22/12/2016
2006	Level 5 Plan	1	L	21/12/2016
2007	Level Plantroom Plan	1	L	21/12/2016
2008	Level Roof Plan	1	L	21/12/2016
3000	East Elevation	1	H	21/12/2016
3001	North Elevation	1	J	21/12/2016
3002	West Elevation	1	K	21/12/2016
3003	South Elevation	1	J	20/12/2016
3100	Section AA	1	J	20/12/2016
3101	Section BB	1	J	20/12/2016
4000	Shadow Diagrams 22 March/22 June/9am, 12 noon and 3pm	1	D	12/4/2016
4001	Shadow Diagrams 22 September/22 December/9am, 12 noon, 3pm	1	D	12/4/2016
5000	GFA Diagrams	1	C	16/3/2016
6000	Finishes Materials	1	C	16/3/2016
L-1100	Landscape Tree Locations Plan & Schedule	1	C	26/8/2016
L-2000	Landscape Plan	1	G	14/12/2016
L-3000	Landscape Sections	1	D	13/10/2016
L-6000	Landscape Finishes Materials & Planting	1	B	28/4/2016

Supporting Documentation

Document	Title	Date
JBA	Statement Of Environmental Effects	April 2016
JBA	Gosford DCP Assessment	29/4/2016

Cardno	Traffic and Parking Assessment	29/4/2016
John Carr Heritage Design & AMAC Archaeological	Heritage Impact Assessment Rev D	28/4/2016
Travers	Flora and Fauna Assessment	29/4/2016
Travers	Tree Assessment	29/4/2016
Reverb Acoustics	Acoustic Assessment	29/4/2016
Cardno	Geotechnical Report	29/4/2016
Douglas Partners	Preliminary Site Investigation	29/4/2016
Cardno	Water Cycle Management Plan	29/4/2016
Cardno	Waste Management Plan	29/4/2016
Cardno	Infrastructure Assessment	29/4/2016
Morris Gooding Accessibility Consulting	Access Report	29/4/2016
Philip Chun Building Compliance	Fire Safety Schedule	29/4/2016
Cardno	Sustainability Report	29/4/2016
JBA	Crime Prevention Through Environmental Design	29/4/2016
Macro	Economic Benefit Statement	29/4/2016
AMAC Archaeological	Archaeological Component for Statement of Heritage Impact	March 2016
Streat Archaeological Services	Interim Aboriginal Archaeological Assessment	June 2016
Cardno	Traffic Addendum	12/8/2016
Douglas Partners	Report on Detailed Site Investigation for Contamination. Project 82945.01	October 2016
Group GSA	Design Report	24 October 2016
Douglas Partners	Acid Sulphate Soil Management Plan Project 82945.03	December 2016

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

2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1. No activity is to be carried out on site until any 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 etc that are required by this consent.

2.2. 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.

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 Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Intersection between Georgiana Terrace and Baker Street.
- b. Full width road including kerb and guttering, subsoil drainage, footpath formation, drainage and a minimum 15.3m wide road pavement across the full frontage of the site on both sides of the road in Baker Street and extending 13.5m past the southern side of the entry driveway to the site.

The Baker Street road reserve shall be divided up as follows from east to west:

- 4.5m footpath from the property boundary to the face of kerb
- 3.55m southbound travel lane
- 3.55m northbound travel lane
- 2.9m manoeuvring strip
- 5.4 perpendicular parking
- 0.215m strip from the end of the parking space to the public reserve boundary.

NB No parking will be permitted on the eastern side of Baker Street.

In addition:

- Kerb and gutter shall be provided on the eastern side of Baker Street
- The pavement shall be crowned between the two travel lanes
- A dish drain shall be provided between the manoeuvring strip and the perpendicular parking on a 10m alignment from the face of kerb
- Perpendicular parking pavement shall be constructed of permeable paving
- Wheel stops shall be provided within the perpendicular parking spaces
- Bollards shall be provided along the western side of the Baker Street road reserve
- Street tree plantings shall be placed east of the kerb and gutter and west of the dish drain.

c. Relocate all flood lights associated with Gosford City Park affected by the proposed Baker Street road works to locations approved by Gosford City Council.

d. Footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Baker Street.

e. Full width reinforced (SL72 steel fabric, 100mm thick) concrete footpath and pavers across the full frontage of the site in Baker Street. The surface treatment shall be

in accordance with the Gosford City Centre Streetscape Design Guidelines prepared by Oculus (September 2011).

- f. Tapered heavy-duty vehicle crossing located in Baker Street that has a minimum width of 11.5m at the rear of the heavy-duty gutter crossing and 7m at the property boundary, constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom. The heavy-duty vehicle crossing shall be graded at 2.5% from the rear of the heavy-duty gutter crossing to the property boundary.
- g. Heavy-duty gutter crossing to suit the width of the heavy-duty vehicle crossing.
- h. The piping of stormwater from within the site to Council's drainage system located in Baker Street.
- i. Roadside furniture and safety devices as required e.g. fencing, signage, guide posts, chevrons, directional arrows, and/or guard rail in accordance with RMS and relevant Australian Standards.
- j. Signage and line marking. The signage and line marking plan must be approved by Council's Traffic Committee.
- k. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.3. Submit a pavement report prepared by a practising Geotechnical Engineer for works within a public road reserve. This report must be submitted with the Roads Act application and approved by Council under the *Roads Act, 1993*.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Baker Street	2 x 10 ⁶

- 2.4. Submit a dilapidation report to Council with the Roads Act application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.5. Pay a security deposit of \$10,000 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.

- 2.6. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.

- 2.7. Submit design details of the following engineering works within private property:
- a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: Parking Facilities for the geometric designs, and industry Standards for pavement designs.
 - b. The minimum driveway crest level of the vehicle access driveway from Baker Street to the basement car park shall be RL 2.61m AHD.
 - c. A weatherproof structure shall be provided over the Baker Street vehicle access driveway from the driveway crest to entry into the building to prevent the ingress of stormwater into the proposed building. The driveway shall have a waterproof bund wall with a minimum crest level of RL 2.61m AHD, constructed from the driveway crest (RL 2.61m AHD) to the building to prevent the ingress of stormwater into the building.
 - d. No external openings are permitted below RL 2.61m AHD unless they are protected by a waterproofed bund wall that has a crest level of RL 2.61m AHD is covered by a weatherproof structure.
 - e. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
 - f. On-site stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management. 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.
 - g. Piping of all stormwater from impervious areas within the site to Council's drainage system located in Baker Street.
 - h. The building shall be waterproofed below RL 2.61m AHD.
 - i. All building materials used or located below RL 2.61m AHD must be of a type that is able to withstand the effects of immersion.

These design details and any associated reports must be included in the approved documentation issued for construction.

- 2.8. Pay to Council a contribution amount of **\$1,368,320.00** that may require adjustment at time of payment, in accordance with the Section 94A Development Contribution Plan - Gosford City Centre.

The total amount to be paid 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 contribution plan. .

Contact Council's Duty Planner for an up-to-date contribution payment amount on 4325 8222.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the Section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contributions Plan may be inspected at the office of Gosford City Council, 49 Mann Street or on Council's website:

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

- 2.9. Submit to Council's Environment Officer for approval, a Soil and Water Management Plan in accordance with Section 6.3 of the Gosford Development Control Plan 2013 and the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*). The plan shall be prepared by a suitably qualified environmental/civil consultant and shall be adaptive to address all stages of the construction.
- 2.10 Undertake an archaeological test excavation within the development footprint area to identify if any Aboriginal Objects are present. The test excavation shall be undertaken by a suitably qualified experienced Archaeologist in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (NSW Department of Environment, Climate Change and Water, 2010)*.

Provide Council's Heritage Officer with copies of relevant reports and test excavation results.

If Aboriginal archaeological objects or deposits are detected within the development footprint area, obtain an Aboriginal Heritage Impact Permit (AHIP) from the NSW Office of Environment and Heritage to allow the development to proceed. Notify Council's Environment Officer if an AHIP is required.

If no Aboriginal archaeological objects or deposits are detected, the development may 'proceed with caution' in accordance with the *Due Diligence Code of Practice for Protection of Aboriginal Objects in NSW (NSW Department of Environment, Climate Change and Water, 2010)*.

- 2.11 Implement all recommendations from the *Detailed Site Investigation for Contamination – Proposed Mixed Use Commercial Premises, 32 Mann Street, Gosford (Douglas Partners, Nov 2016, Ref: 82945.01)* including:
1. Engage a suitably licenced Asbestos Removalist to remove fragments of asbestos containing material from the ground surface. This is to be undertaken in accordance with a site specific Asbestos Removal Control Plan.
 2. Provide to Council's Environment Officer, a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that the site is free of asbestos material.

3. Submit to Council's Environment Officer for approval, a Construction and Waste Management Plan that includes an Unexpected Finds Protocol. The Construction and Waste Management Plan shall include:

- Delineation investigations into the BaP contamination in the north-east portion of the site.
- Management actions for the BaP contamination in the north-east portion of the site.
- Management actions for the excavation, handling and classification of materials that require off-site disposal/reuse.
- The Unexpected Finds Protocol will be developed to manage any additional asbestos fragments, or other unexpected contamination, encountered at the ground surface or within soils during works at the site.

4. Undertake remediation of the BaP contamination in the north-east portion of the site in accordance with the approved Construction and Waste Management Plan. Provide to Council's Environment Officer, a Validation Report certifying that the BaP contamination has been fully managed/remediated. (Ensure that any relevant permits or consents are obtained for the physical remediation works e.g. tree removal or bulk earthworks).

The above shall be prepared in accordance with *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (1998)* and the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (amended May 2013).

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
 - 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 Gosford City Council's website www.gosford.nsw.gov.au
- 3.2. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.
- 3.3. 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 may be contacted outside of working hours; and
- c. That unauthorised entry to the work site is prohibited.

Remove the sign when the work has been completed.

- 3.4. Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 3.5. Submit to Council details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site. Approval of these details must be obtained from Council. Details must be provided at latter stages of construction if details change.
- 3.6. An Aboriginal Archaeological Assessment in accordance with the Due Diligence Code of Practice (DECCW 20100) is required prior to any construction on the site or any activity that will result in soil disturbance.
- 3.7. If the Aboriginal Archaeological Assessment indicates that it is necessary, an AHIP (Aboriginal Heritage Impact Permit, NP&W Act 1974)) will be required prior to any construction works or any activity that will result in soil disturbance.
- 3.8. A s140 Excavation Permit (NSW Heritage Act 1977) will be required prior to any construction works or any activity that will result in soil disturbance being conducted.

4.. DURING WORKS

- 4.1. Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm
Saturdays - 8:00am to 4:00pm.
No work is permitted on Sundays and Public Holidays, except for emergency work.
- 4.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.3. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.4. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.

- 4.5. Locate all* electrical fixtures and/or gas outlets associated with the proposed works at a minimum height of RL 2.61 AHD. (* Does not include those electrical fixtures and/or gas outlets located within the waterproofed portion of the building below RL 2.61m AHD, e.g. within the basement car park).
- 4.6. 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.
- 4.7. Submit a report prepared by a registered Surveyor to the Principal Certifying Authority 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.
- 4.8. Incorporate the following Crime Prevention Through Environmental Design (CPTED) principles and strategies to minimize the opportunity for crime:
 - a. Provide adequate lighting to common areas as required under *AS1158: Lighting for roads and public spaces*.
 - b. Paint the ceiling of the car park white.
 - 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.
- 4.10 Cease work if substantial intact archaeological deposits and/or state significant relics are discovered and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- 4.11 If any Aboriginal archaeological deposits and /or objects are found during the development that do not fall under the jurisdiction of the AHIP then all work must cease in the immediate vicinity of the deposits and /or objects, the area to be demarcated, and the NSW Office of Environment and Heritage, a qualified archaeologist and the participating Aboriginal stakeholders notified and a course of action agreed to before work may resume.
- 4.12 Carry out works in accordance with the approved Acid Sulfate Soils Management Plan.
- 4.13 Locate stockpiles of soil and other material away from sensitive environmental receptors and cover when not in use.
- 4.14 Suppress dust with the use of a water cart.

- 4.15 Undertake works in accordance with the approved Soil and Water Management Plan and update the plan as required during all stages of the construction.
- 4.16 Undertake works in accordance with the approved Construction and Waste Management Plan. Notify Council's Environment Officer in writing if any unexpected contaminants are identified during works. Provide details of proposed actions to manage the identified contaminants.
- 4.17 A qualified Arborist must be in attendance to provide instructions during initial excavations within 5m of the Brush Box tree to be retained on the adjoining ATO site.
All care is to be taken not to damage tree roots during excavation. If roots are found that cannot be avoided, they are to be correctly severed by the Arborist.
No underground services are to be located within 3m of the trees trunk.
- 4.18 Compliance with all Construction commitments detailed within the Waste Management Plan dated 29 April 2016 by Cardno (NSW/ACT) Pty Ltd.

5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.2. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.3. Provide certification from a geotechnical engineer to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.
- 5.4. Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.5. Complete the internal engineering works within private property in accordance with the plans and details contained within the approved documentation issued for construction.
- 5.6. Amend the Deposited Plan (DP) to:
- Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the 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.
 - a. Create a 'Restriction as to User' over all lots containing 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.

And,

- Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
 - a. To ensure on any lot containing 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 owners cost.
 - (iv) Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

- 5.7. Street tree planting is to be as per the approved Landscape Plan and *Gosford City Centre Streetscape Design Guidelines*.
- 5.8 Completion of landscaping works prior to the issue of an Occupation Certificate, and construction of the pedestrian pathway on the southern side of the building between Mann Street and the western side of the building within six (6) months of occupation of the building.
- 5.9 Construct, grade, drain, seal and line mark including directional arrows with impervious paving material the driveway, vehicle manoeuvring area and car parking spaces as shown on the approved plan, in accordance with *AS2890.1-2004: Parking facilities - Off-street parking*.
- 5.10 The street number is to be at least 100mm high and be clearly visible from the street frontage.
- 5.11 If an archaeological relic is found to be located within the development site, prepare an Interpretation Strategy Plan with information about the archaeological relics, their significance, history and location.
- 5.12 Service Waste Management in accordance with Gosford DCP 2013, Part 7: Chapter 7.2 - *Waste Management, Appendix H*.

6.. ONGOING OPERATION

- 6.1. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.2. Maintain all works associated with the approved Landscape Plans for a period of 12 months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.3. Replace all damaged or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of

decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.

- 6.4. No materials, waste matter or products shall be stored outside the building or the approved waste storage area, at any time.
- 6.5. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs etc.
- 6.6. Compliance with all On-Going use commitments detailed within the Waste Management Plan dated 29 April 2016 by Cardo (NSW/ACT) Pty Ltd.

7.. OTHER APPROVALS

7.1. The issue of a groundwater licence by the Department of Primary Industries (Water) prior to the commencement of any extraction of groundwater exceeding 3 ML. A copy of the DPI Water General Terms of Approval are included in attachment A.

8.. ADVICE

- 8.1. Consult with public authorities who 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. *Gosford City Council* in respect to the location of water, sewerage and drainage services.
- 8.2. Carry out all work under this Consent in accordance with WorkCover 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.
- 8.3. 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.

- 8.4. Ensure the proposed building or works comply with the requirements of the *Disability Discrimination Act*.

NOTE: The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. This development consent does not indicate nor confirm that the application complies with the requirements of the DDA.

- 8.5. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 8.6. Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- 8.7. Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.

9.. 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.

10.. RIGHT OF APPEAL

- 10.1. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.
- 10.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.