

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 Crawford Architects Pty Ltd

Drawing	Description	Sheets	Issue	Date
A200(Doc.No.22634302)	Site Plan – Level 1	-	A	03/05/16
A210	Floor Plan – Level 0	-	A	03/05/16
A211	Floor Plan – Level 1	-	A	03/05/16
A212	Floor Plan – Level 2	-	A	03/05/16
A213	Roof Plan	-	A	03/05/16
A218	Floor plan – Level 0 – West New Production Line	-	A	03/05/16
A219	Floor Plan – Level 0 – East New Production Line	-	A	03/05/16
A221	Floor Plan – Level 1 – Existing and Proposed	-	A	03/05/16
A222	Floor Plan – Level 2 – Existing and Proposed	-	A	03/05/16
A301	North Elevation Sheet 1	-	A	03/05/16
A302	North Elevation Sheet 2	-	A	03/05/16
A303	South Elevation	-	A	03/05/16
A304	East Elevation	-	A	03/05/16
A305	West Elevation	-	A	03/05/16
A306	Routing Room Extensions Plan & Elevations	-	A	03/05/16
A310	Sections- Sheet 1	-	A	03/05/16
A612 (Doc.no 23962703)	Site Plan & Wall Sections, Easement Locations	03	-	02/02/17
US 60475 LP.01A (Doc.No 22633106)	Landscape Plan – Ground Floor	-	-	April 2016
US 60475 LP.02A (Doc.No 22633106)	Landscape Plan – first floor	-	-	April 2016
US 60475 SS (Doc.No 22633106)	Specification Sheet	-	-	April 2016
NE160073 (Doc.No 22633933)	Stormwater Management Plan	Figure 14	B	-

Supporting Documentation

Document	Title	Date
23579899	Outstanding Information Report	November 2016
22633944	Erosion & Sediment Control Plan	-
23579895	Air Quality Impact Assessment – Todoroski Air Sciences Pty Ltd	28 October 2016
23579896	ACOR Consultants - Civil Engineering Report	1 November 2016
23579897	Kleinfelder - Conservation Management Plan	November

		2016
22633871	Bushfire Assessment Report prepared by Newcastle Bushfire Consulting, Rev. 2	28 April 2016
22634056	Waste Management Plan prepared for CSR Hebel by Catalyst Project Consulting	27 April 2016
23579888	Operational Noise Assessment – Wilkinson Murray	October 2016

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

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

All conditions under this section must be met prior to the 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:

1. Site investigation for the preparation of the construction, and / or
2. Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

2.2. Provide details showing that the development complies with the recommendations under the Bushfire Assessment Report listed as supporting documentation under condition 1.1 of this consent.

2.3. 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:

1. Tapered Heavy-duty vehicle crossings to accommodate the swept turning path of the largest design vehicle accessing the development in accordance with AS2890.2:2002: Commercial Vehicle Facilities and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
2. All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.
3. 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.
4. Piping of the open drain in the frontage of the site.
5. 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.

- 2.4. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate 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 \$30000 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:
 - 1 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.
 - 2 A stormwater detention system must be designed in accordance with the Gosford DCP 2013 Chapter 6.7 - Water Cycle Management and Council's Civil Works Specification. The stormwater detention system must limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% AEP storm event. A runoff routing 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 flowpaths.
 - 3 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.
 - 4 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.
 - 5 Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system.

These design details and any associated reports must be included in the construction certificate.

- 2.8. Submit an application, with the relevant fee, to Council under Section 68 of the *Local Government Act 1993* for an approval to discharge liquid trade waste to Council's sewerage system. The *Application to Discharge Liquid Trade Waste* can be found on Council's website: www.gosford.nsw.gov.au
- 2.9. Obtain Liquid Trade Waste Approval from Council. This form can be found on Council's website: www.gosford.nsw.gov.au
- 2.10. Obtain a Controlled Activity Approval under the Water Management Act 2000 from NSW Office of Water.
- 2.11. Obtain the relevant approvals from the NSW Office of Water for the harvesting of stormwater reuse within the production process.
- 2.12. Update the existing Environment Protection Licence from the NSW Environment Protection Authority to include the extension to the facility.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

All conditions under this section must be met prior to the 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 Council's website www.gosford.nsw.gov.au
- 3.2. 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.
- 3.3. 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*.
- 3.4. 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 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.

- 3.5. 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.gosford.nsw.gov.au.

Contact Council prior to submitting these forms to confirm the relevant fees.

- 3.6. Provide toilet facilities at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- 1) Be a standard flushing toilet connected to a public sewer, or
- 2) Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- 3) Be a temporary closet approved under the *Local Government Act 1993*

- 3.7. Prevent public access to the construction 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.

A separate application made under the *Roads Act 1993* will need to be lodged with Council if a hoarding or construction site fence must be erected on the road reserve or a public place.

- 3.8. Install a hoarding or construction site fence between the work site and any public place to prevent any materials from or in connection with the work falling onto the public place. The use of barbed wire and/or electric fencing is not to form part of the hoarding or construction site fence.

A separate application made under the *Roads Act 1993* will need to be lodged with Council if the hoarding or construction site fence must be erected on the road reserve or a public place.

- 3.9. Erect a minimum 2 metre high chain wire link security fence along the boundary of the area identified within the Conservation Areas Management Plan. At intervals of no less than thirty (30) metres, the fence must be sign posted to identify the conservation value of the land and discourage access.

The sign must read as follows:

WARNING – NO UNAUTHORISED ENTRY

"STOP! Land beyond this fence has been identified as having significant environmental value. Placing of people, materials, machinery, equipment or vehicles beyond this fence will result in fines.

Fines of up to \$110,000 for an individual and \$1.1m for a corporation under the *NSW Threatened Species Conservation Act 1995* are applicable to persons in breach of this warning".

- 3.10. In consultation with and under the oversight of a suitably qualified ecologist; protect the conservation area and management zone. The works include the placement of a temporary fence along the edge of the development area. The ecologist must notify Council in writing of compliance with this condition.
- 3.11. Stormwater structures and erosion and sediment control structures (including drains, basins, pipes, culverts, pits, headwalls, haybales, silt fencing etc) shall not be located or constructed within the Conservation Areas or the Management Zone Piles (1e) Piles Creek Riparian (Somersby Industrial park Plan of Management).
- 3.12. Stormwater generated from the development site must be managed so as to attenuate post-development flows to pre-development flows for a full range of design rainfall events. The principles of Water Sensitive Urban Design may be applied in order to achieve this goal.
- 3.13. 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. (Note: A Soil and Water Management Plan is a more comprehensive document than an Erosion and Sediment Control Plan).

4. DURING WORKS

All conditions under this section must be met 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 except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i. Minor renovation or refurbishments to single dwelling construction.
 - ii. Owner occupied renovations or refurbishments to single dwelling construction.
 - iii. Owner builder construction of single dwelling construction; and / or
 - iv. Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.
- 4.2. Undertake and maintain Erosion and Sedimentation 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. 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.

- 4.4. 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*.
- 4.5. Do not carry out construction work or store building materials on the road reserve unless they are associated with a separate approval under the *Roads Act 1993*.
- 4.6. Implement the requirements of the Waste Management Plan listed as supporting documentation in this development consent.
- 4.7. 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.
- 4.8. Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.9. Cease all works if any Aboriginal objects or artefacts are uncovered during works. Immediately contact the NSW Office of Environment & Heritage and comply with any directions or requirements.
- 4.10. Remove trees and ground stumps in a manner so as to not damage trees to be retained.
- 4.11. Locate stockpiles of soil and other material away from sensitive environmental receptors (including the conservation area, management zone, creeks and watercourses) and cover when not in use.
- 4.12. Suppress dust with the use of a water cart.
- 4.13. No development or any works contrary to the Conservation Areas Management Plan are permitted in the designated the conservation area and management zone as shown on the approved plan.
- 4.14. Clearing of vegetation must take place outside the dominant breeding season for threatened species as guided by a suitably qualified ecologist.
- 4.15. Fill material must only comprise of Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).

Virgin Excavated Natural Material (VENM) is defined under Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997* as follows:

"virgin excavated natural material" means natural material (such as clay, gravel, sand, soil or rock fines):

- 1) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and
- 2) that does not contain any sulfidic ores or soils or any other waste,

Excavated Natural Material (ENM) that has been issued with an exemption under the *Protection of the Environment Operations (Waste) Regulation 2014* in accordance with the Excavated Natural Material exemption 2014.

The placement of any other type of fill material other than that defined under VENM or ENM is prohibited under this consent.

The applicant must provide Council with validation documents verifying and certifying that the material placed on the land complies with:

1. the definition of VENM under Schedule 1 of the *POEO Act 1997*, or
2. an exemption issued under the Excavated Natural Material Exemption 2014.

Any exposed soil surface areas must be grassed / landscaped to minimise soil erosion.

- 4.16. Maintain the temporary fencing surrounding the conservation area and management zone as indicated in the Conservation Areas Management Plan.
- 4.17. 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 Council's Code of Practice of Erosion and Sedimentation Control.
- 4.18. All stormwater/sediment and nutrient control systems shall be implemented and functioning prior to any development occurring on the site.
- 4.19. Any tree located on Council managed land that requires removal due to works approved by a Development Application must be undertaken at the full cost and responsibility of the developer / owner using a Pre-qualified Tree Contractor. Contact Central Coast Council on 02 4325 8222 for the current list of relevant contractors.
- 4.20. Compliance with the commitments detailed within the Waste Management Plan dated 27 April 2016 prepared by N. Whitton.
- 4.21. Plant species used for landscaping must be restricted to locally native species appropriate to the locality and /or those introduced species that do not have known potential to become environmental weeds.
- 4.22. No development works will be permitted in the area designated as Management Zone 1(e) Piles Creek Riparian and Habitat Protection Zone identified within the Plan of Management for the Somersby Industrial Park.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

All conditions under this section must be met prior to the 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. 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*.
- 5.4. 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. Rectify 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 applicant's expense.
- 5.6. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.7. Lots 1 and 22 must be consolidated into a single allotment under one Certificate of Title.
- 5.8. 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 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.

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).

- b. 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 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.

- 5.9. Protect the Conservation Area and Management Zone by either of the two following approaches:
 - a. This area will be placed under a 'Restriction on Use' pursuant to Section 88B and 'Public Positive Covenant' 88E of the *Conveyancing Act 1919*. These instruments must require the land to be managed under an approved Bushland Management Plan for the conservation of all identified threatened species. The public positive covenant must be created to require the implementation of the Bushland Management Plan.

The public positive covenant must permit Council or its nominee to enter and inspect the site and carry out any works required under the Bushland Management Plan, at the owner's cost, if the owner fails to implement and maintain the site in accordance with the Bushland Management Plan as amended and approved by Council.

The public positive covenant must be prepared by Council's Solicitor at the cost of the registered proprietor.

The authority empowered to release, vary or modify the Restriction is Central Coast Council.

- b. The area must be dedicated under a conservation covenant to an eligible environmental body that is on the Register of Environmental Organisation (the Register). The dedication of this area, under a conservation covenant, must be conserved in perpetuity for the conservation of threatened species and their habitat.

Provide written evidence to Council from a suitably qualified ecologist detailing the implementation, supervision and compliance of the ecological protection measures specified in this consent and the Conservation Area and Management Zone.

5.10. A Section 88E instrument under the Conveyancing Act 1919 must establish the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. The covenant must be prepared by Council's Solicitor at the owner's cost prior to the issue of the Subdivision Certificate.

1) To ensure on any lot containing an onsite stormwater detention system that:

- a) The facility will remain in place and fully operational.
- b) The facility is maintained so that it operates in a safe and efficient manner.
- c) Council staff are permitted to inspect and repair the facility at the owner's cost.
- d) Council is indemnified against all claims of compensation caused by the facility.

2) To ensure on any lot containing a nutrient/pollution control facility that:

- a) The facility will remain in place and fully operational.
- b) The facility is maintained so that it operates in a safe and efficient manner.
- c) Council staff are permitted to inspect and repair the facility at the owner's cost.
- d) Council is indemnified against all claims of compensation caused by the facility.

5.11. Appropriate licenses from the Department of Environment and Climate Change must be obtained to undertake prescribed burns on the Conservation Area and Management Zone.

5.12. Ensure compliance with the NSW Industrial Noise Policy.

5.13. Undertake works in accordance with the approved Soil and Water Management Plan and update the plan as required during all stages of the construction.

6. ONGOING OPERATION

- 6.1. Maintain the on-site stormwater detention facility in accordance with the operation and maintenance plan.
- 6.2. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.3. Implement the Conservation Areas Management Plan and submit progress reports to Council.
- 6.4. Comply with the requirements of the Protection of the *Environment Operations Act 1997* for all gases, odours, fumes, steam, moisture and particulate matter generated by the use of the premises.
- 6.5. Store and handle all flammable and combustible liquids in accordance with AS1940-2004: *The storage and handling of flammable and combustible liquids* and SafeWork NSW requirements.

Provide and maintain the following safety equipment in association with the hazardous chemical and dangerous goods storage area.

- 1) spill kits or clean-up materials must be stored within close proximity;
- 2) emergency washing facilities and first aid supplies must be located within immediate proximity;
- 3) fire fighting equipment must be located within close proximity;
- 4) signage warning of any hazards associated with the hazardous chemical and dangerous goods must be displayed at the entrance of chemical storage areas.

Such signage must contain relevant information relating to the class of dangerous or hazardous materials stored, emergency contact numbers and safety precautions to be taken. This is only required if the chemicals are stored above manifest or placard quantities.

- 6.6. Comply with conditions of Liquid Trade Waste Approval.
- 6.7. Waste generated by the activities on site to be separated into mixed and recyclable waste streams and stored in appropriate sealed containers.
- 6.8. No waste, waste material or waste product to be placed or stored outside of the approved, existing waste storage area/s.
- 6.9. Water quality shall be monitored and the water suitably treated or lawfully disposed of to ensure water pollution does not occur. Water quality must meet the relevant water quality trigger values within the "Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Australian and New Zealand Environment and Conservation Council (ANZECC Guidelines), October 2000".
- 6.10. Monitor and maintain the stormwater detention basin on site. Maintenance shall include removal of rubbish and debris, control of algae and weeds as well as removal of built up sediment.
- 6.11. All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting so not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.

6.12. Ensure compliance with the NSW Industrial Noise Policy

7. ADVICE

- 7.1. 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. *Central Coast Council* in respect to the location of water, sewerage and drainage services.
- 7.2. 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.
- 7.3. 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.
- 7.4. Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.
- 7.5. 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.gosford.nsw.gov.au

- 7.6. 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.

- 7.7. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 7.8. 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.
- 7.9. It is an offence under the *National Parks and Wildlife Act 1974* to knowingly disturb an Aboriginal artefact without consent.
- 7.10. Fines of up to \$110,000 for an individual and \$1.1m for a corporation under the *NSW Threatened Species Conservation Act 1995* are applicable to individuals / corporations who cause damage or harm to any threatened species, endangered ecological communities or their habitats.

8. PENALTIES

- 8.1. 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.

9. REVIEW OF DETERMINATION

- 9.1. Subject to provisions of Section 82A of the Act the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

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.