

Statement of Environmental Effects DN 26880080
Waste Management Plan, DN 25704241
Geotechnical and Acid Sulphate Soil Assessment Report DN 25704232
Landscape Plan DN 26880083
Traffic Impact Assessment DN 26880081
BCA Report DN 25704244
Noise Impact Assessment DN 25704192
Preliminary Site Investigation for Contamination DN 25704182
Crime Risk Assessment Report DN 25914769
Water Cycle Management Plan DN 26880078
Civil Stormwater Plans DN 26880079 (Sheet DA-0002 DN 25856269)
Clause 4.6 submission DN 25704193

Recommendation:	Approval, subject to conditions
Assessing Officer:	R A Eyre
Recommendation Reviewed by:	A Prendergast

Attachment 1- Architectural and Landscape Plans DN 26880066 and 26880083

Attachment 2 – Draft Conditions of Consent

Attachment 3-Applicant's Submission- Clause 4.6 Exception to Development Standards- Height of Building DN 25704193

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: WMK Architects

Landscape Plans by: Sturt Noble

Civil DA Stormwater Plans by: Lindsay Dynan

Drawing	Description	Sheets	Issue	Date
DA000	Cover Sheet & Drawing List	1	B	24/05/2019
DA001	CGI Perspective 01 NE view from Central Coast Highway	1	B	24/05/2019
DA002	CGI Perspective NW view from	1	B	24/05/2019

	Central Coast Highway			
DA003	Existing Conditions	1	B	24/05/2019
DA004	Existing Site Plan	1	C	24/05/2019
DA005	Demolition Plan	1	B	24/05/2019
DA006	Site Plan	1	C	24/05/2019
DA007	Site Analysis	1	B	24/05/2019
DA100	Ground Floor Plan	1	C	24/05/2019
DA101	Level 01 Floor Plan	1	C	24/05/2019
DA102	Level 02 Floor Plan	1	C	24/05/2019
DA103	Roof Plan	1	B	24/05/2019
DA104	Overall Car Park Layout	1	C	24/05/2019
DA105	Car Park Layout 01	1	C	24/05/2019
DA106	Car Park Layout 02	1	C	24/05/2019
DA500	Building Elevations	1	B	24/05/2019
DA600	Building Elevations	1	B	24/05/2019
DA650	Building Signage Detail 01	1	B	24/05/2019
DA651	Building Signage Detail 02	1	A	24/05/2019
DA700	Shadow Diagrams-Existing	1	B	24/05/2019
DA701	Shadow Diagrams-Existing	1	B	24/05/2019
DA702	Shadow Diagrams-Proposed	1	B	24/05/2019
DA703	Shadow Diagrams-Proposed	1	B	24/05/2019
DA900	Surrounding Height Plane Streetscapes	1	B	24/05/2019
DA910	Photomontage Perspective 01	1	A	24/05/2019
DA911	Photomontage Perspective 02	1	A	24/05/2019
	Landscape Cover Sheet	1	G	17/05/2019
DA-1742-01	Landscape Masterplan	1	G	17/05/2019
DA-1742-02	Level 1 Terrace	1	G	17/05/2019
DA-1742-03	Ground Floor Landscape	1	G	17/05/2019
DA-1742-04	Ground Floor Sections	1	G	17/05/2019
DA-1742-05	Planting Schedule	1	G	17/05/2019
DA-1742-06	Car Park Masterplan	1	G	17/05/2019
DA-1742-07	Car Park Planting Schedule & Images	1	G	17/05/2019
	Civil DA Stormwater Plans			
DA-0001	Cover Sheet	1	A	26/03/2018
DA-0002	Erosion & Sedimentation Control Plan	1	B	09/05/2018
DA-0003	Erosion & Sedimentation Control Details	1	A	26/03/2018
DA-0004	Stormwater Drainage Plan-Sheet 1	1	D	14/05/2019
DA-0005	Stormwater Drainage Plan-Sheet 2	1	D	14/05/2019
DA-0006	Stormwater Drainage Plan-Sheet 3	1	E	14/05/2019
DA-0007	Stormwater Drainage Details	1	B	26/03/2019

Document	Title	Date
APP Corp P/L	Statement of Environmental Effects	27/05/2019
Lindsay Dynan	Water Cycle Management Plan Rev C Project No.00011955	14/05/2019
Seca Solution	Traffic Impact Assessment	May 2019
Douglas Partners	Geotechnical and Acid Sulphate Soil Assessment	March 2018
Douglas Partners	Preliminary Site Investigation for Contamination Project No.83326.00	March 2018
Spectrum Acoustics	Noise Impact Assessment Doc. No.171540-7699-R2	March 2018
APP Corp P/L	Clause 4.6 Variation-Building Height	28 March 2018
Pitt & Sherry	Waste Management Plan Rev 02	6 June 2018
NewCert	BCA 2016 Review Project 17-141	23 March 2018
Lindsay Dynan	Soil & Water Management Plan	9 May 2018
De Witt Consulting	Crime Risk Assessment Report	June 2018
Gosford RSL	Social Impact Assessment	21 June 2018

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. The development being carried out in two (2) stages being;
 - Stage 1-new club, and
 - Stage 2- Demolition of existing club and construction/completion of car parking area and landscaping within six (6) months of completion/occupation of stage1.

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. Submit to the Accredited Certifier structural plans prepared by a suitably qualified Registered Structural Engineer for the following building elements:
 - ground slabs
 - footings
 - retaining structures in excess of 0.6 metres in height
- 2.3. 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 Accredited Certifier.

- 2.4. Submit to Council as the Roads Authority an application for a vehicle access crossing including payment of the application fee.
- 2.5. Submit to the Accredited Certifier an Acid Sulphate Soils Assessment Report and Management Plan prepared in accordance with *Acid Sulphate Soils Planning Guidelines (Acid Sulphate Soil Management Advisory Committee, August 1998)*, by a suitably qualified consultant.
- 2.6. 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.

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

Design the required works as follows:

- a) Heavy-duty vehicle crossing in the north-south section of Yallambee Avenue (i.e. western frontage of the site) that has a width of 7.5m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- b) The redundant vehicular crossings within the north-south section Yallambee Avenue (i.e. western frontage of the site) are to be removed and the footway formation reinstated with turf and a 2.5m wide shared path to match surrounding footway treatment. The redundant layback shall be replaced with 150mm kerb & gutter.
- c) Reconstruction of the existing exit vehicle crossing within in the north-south section of Yallambee Avenue (i.e. western frontage of the site) with a new heavy-duty vehicle access crossing that has a width of 7.5m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- d) Heavy-duty vehicle crossing in the east-west section of Yallambee Avenue (i.e. southern frontage of the site) that has a width of 7.5m at the kerb line and splayed towards the west at the kerb line, and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- e) The redundant vehicular crossing within the east-west section of Yallambee Avenue (i.e. southern frontage of the site) is to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced concrete footpath to match surrounding footway treatment. The redundant layback shall be replaced with roll kerb.

- f) The piping of stormwater from within the site to Council's drainage system located in Narara Creek and/or Yallambee Avenue.
- g) Adjustments to signage in Yallambee Avenue.
- h) Erosion and sedimentation control plan.

The Roads Act application must be approved by Council prior to commencing works in the road reserve.

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 Service Centre on 1300 463 954.

- 2.8. 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. The dilapidation report may be updated with the approval of the Principal Certifying Authority prior to the commencement of works.
- 2.9. Submit design details of the following engineering works within private property:
 - a) Driveways, car parking areas, and servicing areas must be designed according to the requirements of Australian Standard AS 2890: Parking Facilities for the geometric designs, and industry Standards for pavement designs. The design shall be generally in accordance with the plans prepared by Lyndsay Dynan (Project No 11955 Drawing No's DA-0005 Rev D dated 14.05.19 and DA-0006 Rev E dated 14.05.19), and incorporate a minimum level of RL 1.60m AHD as indicated on these plans.
 - b) Provision of a "No entry" sign facing Yallambee Avenue, adjacent to the amended exit within the western frontage of site in Yallambee Avenue.
 - c) Nutrient/pollution control measures must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan. A nutrient / pollution control report including an operation and maintenance plan must accompany the design. The design shall be generally in accordance with the plans prepared by Lyndsay Dynan (Project No 11955 Drawing No's DA-0005 Rev D dated 14.05.19, DA-0006 Rev E dated 14.05.19, and DA-0007 Rev B dated 26.03.2018).
 - d) On-site stormwater retention measures must be designed 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.
 - e) Secondary stormwater flow paths through the site generally in accordance with the plans prepared by Lyndsay Dynan (Project No 11955 Drawing No's DA-0005 Rev D dated 14.05.19, DA-0006 Rev E dated 14.05.19, and DA-0007 Rev B dated 26.03.2018).
 - f) Piping of all stormwater from impervious areas within the site via nutrient/pollution control devices to Council's drainage system in Narara Creek and/or Yallambee Avenue. The design shall be generally in accordance with the plans prepared by Lyndsay Dynan (Project No 11955 Drawing No's DA-0005 Rev D dated 14.05.19, DA-0006 Rev E dated 14.05.19, and DA-0007 Rev B dated 26.03.2018).
 - g) The ground floor of the development is to comply with the following minimum floor levels as related to Australian Height Datum (AHD):
 - Ground Floor Foyer: RL 1.90m AHD
 - Ground Floor Staff Foyer: RL 1.90m AHD

- SB Offices: RL 2.75m AHD
 - Staff Offices & Amenities RL 2.75m AHD
 - Back of house (BOH) RL 2.75m AHD
 - Loading and Waste Room RL 1.75m AHD
- h) The minimum level of the electrical substation shall be Reduced Level (RL) 2.75m Australian Height Datum (AHD)
- i) All building materials used or located below Reduced Level (RL) 2.75m Australian Height Datum (AHD) must be of a type that is able to withstand the effects of immersion.
- j) The location of the proposed electrical substation and associated structures (including the surrounding concrete slab and stairs) shall be sited such that it is clear of the provision of minimum 3.5m wide footway behind the future kerb line when an additional west bound lane is constructed in the future. Refer to conceptual road widening plan associated with the DA assessment.)

These design details and any associated reports must be included in the Construction Certificate.

- 2.10. Pay a security deposit of \$50,000 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.
- 2.11. The landscaping plan must ensure that plants within a 32m x 32m splay within the south-western corner of the site have a maximum height of 500mm.
- 2.12. Submit to Council's Environmental Health Officer for approval an Unexpected Finds Protocol detailing how unexpected contamination encountered within the site during future development works will be managed. The Unexpected Finds Protocol must be prepared by a suitably qualified environmental consultant and make reference to the *Preliminary Site Investigation for Contamination* prepared by Douglas Partners dated March 2018 (Project 83326.00).
- 2.13. Submit details to the Principal Certifying Authority of the design of the fit out of the food premises. The design of the fit out of the food premises is to comply with the *Food Act 2003*, *Food Regulation 2010*, *Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the Building Code of Australia. Details of compliance are to be included in the plans and specifications for the Construction Certificate.
- 2.14. Submit details to the Principal Certifying Authority of any proposed mechanical ventilation systems. The design of the mechanical ventilation is to comply with the relevant requirements of Clause F4.12 of the Building Code of Australia, Australian Standard AS 1668.1:2015 *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings and Australian Standard 1668.2:2012 The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings* (including exhaust air quantities and discharge location points). These details are to be included in the Construction Certificate.

- 2.15. Submit to Council to Council and have approved by Council's Environmental Health Officer an Investigation of Hazardous Ground Gases for the site prepared in accordance with the *Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases (NSW EPA, 2012)*.

The investigation must be prepared by a suitably qualified contaminated land professional and must make reference to the *Preliminary Site Investigation for Contamination* prepared by Douglas Partners dated 28 March 2018 (Project 83326). The report should include mitigation and gas protection measures if required.

- 2.16. Submit to Council's Environmental Health Team for approval a Noise Management Plan for construction works prepared in accordance with *Interim Construction Noise Guidelines (Department of Environment and Climate Change NSW, 2009)*.

- 2.21. The surrender of Development Consent 49069/2015 to Council prior to the issue of any Construction Certificate.

- 2.22. Pay to Council a total contribution amount of **\$68,901.00** that may require adjustment at the time of payment, in accordance with the relevant Contribution Plan No. 164 - Gosford Regional Centre.

Recreation Facilities - Embellishment	A	(Key No 851)	\$18,893.00
Roadworks - Capital	A	(Key No 850)	\$26,625.00
Community Facilities - Capital	A	(Key No 852)	\$15,526.00
Environmental Protection	A	(Key No 853)	\$7,857.00
TOTAL AMOUNT			\$68,901.00

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 Tel 4325 8222 for an up-to-date contribution payment amount.

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 Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on [Council's website](#).

- 2.23. Submit a Trade Waste application for approval to Council as the Water and Sewer Authority in order to discharge liquid trade waste into the sewerage system. This form can be found on Council's website: www.centralcoast.nsw.gov.au.

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. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.

- 3.7. 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.
- 3.8. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
 - b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c) be a temporary chemical closet approved under the *Local Government Act 1993*.
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- 3.9. Submit to the Principal Certifying Authority a Traffic and Pedestrian Management Plan prepared by a suitably qualified professional.

The Plan must be prepared in consultation with Council, and where required, the approval of Council's Traffic Committee obtained.

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

- ingress and egress of vehicles to the Subject Site
- loading and unloading, including construction zones
- predicted traffic volumes, types and routes
- pedestrian and traffic management methods, and
- other relevant matters

The Applicant must submit a copy of the final Plan to Council, prior to the commencement of work.

- 3.10. Implement all erosion and sediment control measures and undertake works in accordance with the approved erosion and sedimentation control plan.

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. Demolish all buildings and/or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.8. 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).
- 4.9. Submit to Council a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that the site has been made free of asbestos material prior to demolition works.

If asbestos is identified onsite provide to Council's Environmental Health Officer for approval, an Asbestos Removal Control Plan prepared in accordance with the NSW WorkCover Authority Guidelines: *How to Safely Remove Asbestos, Code of Practice, Safe Work Australia, December 2011*. Removal of asbestos and other hazardous materials from the site is to occur prior to commencement of bulk demolition works and in accordance with the approved Asbestos Removal Plan.

- 4.10. Implement the approved Unexpected Finds Protocol if an unexpected find is encountered during works.

- 4.11. Implement all recommendations from the Investigation of Hazardous Ground Gases Report approved by Council including mitigation and gas protection measures.
- 4.12. No soils to be imported to the subject site except for Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and Excavated Natural Material (ENM) that meets the resource recovery exemptions under Part 9, Clause 91 and 92 of the *Protection of the Environment Operations Act 1997*.
- 4.13. Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- 4.14. Classify all excavated material removed from the site in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.

Please refer to the *Preliminary Site Contamination Report* prepared Douglas Partners dated March 2018 (Project 83326.00) for the preliminary waste classification of soils onsite.

- 4.15. Implement all soil and water management control measures and undertake works in accordance with the approved Soil and Water Management Plan prepared by Lindsay Dynan dated 9 May 2018 and the Erosion and Sediment Control Plan provided as DWG 11955 – DA-0002 and 11955 – DA-0003 prepared by Lindsay Dynan dated 9 May 2018. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).
- 4.16. 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 Pitt & Pherry, dated June 2018 Rev. 02.
- 4.17. Undertake works in accordance with the Acid Sulphate Soil Management Plan in the *Geotechnical and Acid Sulphate Soil Assessment* prepared by Douglas Partners dated March 2018 (Project 83326).
- 4.18. Undertake works in accordance with the approved Noise Management Plan for Construction Work.
- 4.19. 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.
- 4.20. Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section that are relevant to Stage 1 must be met prior to the issue of any Occupation Certificate, subject to all remaining conditions relevant to Stage 2, as well as the Stage 2 works, being completed within six (6) months of issue of an interim occupation certificate or commencement of use for stage 1.
- 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. 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. Construct the stormwater management system in accordance with the approved Stormwater Management Plan and Australian Standard AS 3500.3-2004: *Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifying Authority.
- 5.5. Complete works within the road reserve in accordance with the approval under the *Roads Act 1993*. The works must be completed in accordance with Council's *Civil Works Specification* and Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013. Documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.6. Rectify to the satisfaction of the Council any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the developer's expense.
- 5.7. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.8. Amend the Deposited Plan (DP) to:
 - 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
 - a) create a Restriction as to use of land 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 facilityAnd,
 - 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. 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.

- 5.9. Provide certification to the Principal Certifying Authority to confirm the final fit-out of the premises complies with the *Food Act 2003*, *Food Regulation 2010*, *Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the Building Code of Australia.
- 5.10. No food handling, as defined by the NSW *Food Act 2003*, is permitted in the food premises prior to the issue of the Occupation Certificate.
- 5.11. Provide certification from a mechanical engineer to the Principal Certifying Authority that the construction, installation and operation of the exhaust hood ventilation system meet the requirements of:
- Australian Standard AS 1668 Part 1-2015: *The use of ventilation and air-conditioning in buildings - Fire and smoke control in buildings*
 - Australian Standard AS 1668 Part 2-2012: *The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings*
- 5.12. Submit a Food Premises registration form to Council. The form can be found on Council's website: www.centralcoast.nsw.gov.au
- 5.13. For café/restaurant;
- Install in-sink strainers within the commercial kitchen sink waste outlets.
 - Install floor waste bucket traps in commercial kitchen food preparation and handling areas.
 - Install approved commercial grease arrestor/s (minimum capacity 1000 litres), sized in accordance with relevant liquid trade waste discharge flow rates.
 - Devices designed to digest, dehydrate, compost or macerate food waste are not authorized to connect to Council's sewerage system.
 - Use of enzyme or biological additives in grease arrestors to enhance the performance of Liquid Trade Waste pre-treatment equipment is not permitted unless specifically approved by Council and concurred by Department of Industry (Water).
- 5.14. Garbage Bin Wash Areas;
- Install floor waste screens or basket arrestors in garbage bin wash areas.
 - Connect garbage bin wash waste water to sewer in accordance with Australian Standards AS/NZ 3500.2:2003 Plumbing and Drainage-Sanitary plumbing and drainage.
 - Garbage bin wash waste water shall discharge to sewer via a grease arrestor where practical.

5.15. Completion of landscaping works and construction of a minimum 291 car parking spaces.

6. ONGOING OPERATION

- 6.1. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.2. Landscaping within a 32m x 32m splay within the south-western corner of the site must be maintained at a maximum height of 500mm.
- 6.3. Construct, operate and manage the site in accordance with the Noise Impact Assessment prepared by Spectrum Acoustics dated March 2018.
- 6.4. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.5. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.6. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.7. Comply with all commitments as detailed in the Waste Management Plan signed by Pitt & Sherry, dated 6 June 2018 Rev. 02.
- 6.8. Locate the approved waste storage enclosure / area as indicated on Project No. 17047 Dwg No DA100, Issue C dated 24 May 2019, prepared by WMK Architecture.
- 6.9. 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 G, as applicable.
- 6.10. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.11. All noise generated by the proposed development shall not exceed the background noise level by more than 5dB(A) at the property boundary of adjacent residential zoned premises at any time. The modifying factors in Table C1 of the *Noise Policy for Industry* (NSWEPA, 2017) should be incorporated into any measurements taken.
- 6.12. An acoustic assessment including a review of operational noise emissions from the premises shall be undertaken by an accredited Acoustic Consultant one (1) month after occupation in order to compare operational noise levels to the predicted noise levels (i.e. during peak usage periods and the night time period) and identify any areas where further noise mitigation measures **will be required**. A copy of the Report shall be submitted to the

satisfaction of Council's Environmental Health Team within fourteen (14) days of the review being undertaken.

- 6.13. Waste to be serviced at a determined frequency to ensure waste storage capability at all times.
- 6.14. Lodge a new Trade Waste application when there is a change of ownership/occupancy or change to the activities licensed under this approval. As a part of this process, Council will re-assess the Liquid Trade Waste requirements for the site and update the Liquid Trade Waste approval document as appropriate. This form can be found on Council's website: www.centralcoast.nsw.gov.au.
- 6.15. Settled solids and sludge generated during the Micro Brewing processes shall be removed for off-site disposal and not discharged into the sewerage system.
- 6.16. Operate and maintain all external lights in accordance with the *AS4282-1997: Control of the obtrusive effects of outdoor lighting*.
- 6.17. Line-mark and maintain the line-marking of all car parking areas and spaces required by this consent. Such spaces must be made available to all users of the site at all times during trading hours.
- 6.18. Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.19. Replace all damaged, dead 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.
- 6.20. Dispose of organic and/or treated organic waste to sewer not permitted. Contact Trade Waste Officer for further information.
- 6.21. Waste vehicle manoeuvring to be in accordance with Project No DH198, Dwg No HD02, Rev 2 dated 9 March 2018 by Seca Solutions.

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
- The inspection fee for works associated with approvals under the *Roads Act 1993* is calculated in accordance with Council's current fees and charges policy.
- 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.
- 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.