**ATTACHMENT 1**

**Proposed Conditions of Consent**

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| **PARAMETERS OF THIS CONSENT** |

**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:** **Halcrow & Associates and R.J. Sinclair**

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| Drawing | Description | Sheets | Issue | Date |
| 15.01.049 | Site Plan – Halcrow & Associates | DA.1 of 4 | - | 30/03/2015 |
| A-01 | Sorting Area and Workshop Awning Plan - R. J. Sinclair | 1 | P1 | 10/08/2018 |
| A -10 | Site Office and Staff Building Floor Plan - R. J. Sinclair | 1 | P1 | 10/11/2019 |
| A -20 | Storage Area Plan - R. J. Sinclair | 1 | P1 | 11/11/2019 |

**Supporting Documentation**

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| Document | Title | Date |
| Unreferenced | Environmental Impact Statement prepared by L.D.A. Services – Planning & Development | 13/12/2017 |
| Appendix A | Waste Management Plan prepared by Rod Wall – Coastal Design Link | 9/08/2018 |
| L-01-Issue P2 | Landscape Plan prepared by R.J. Sinclair Pty Ltd | 27/11/2019 |
| 17/125- Issue D | Traffic Impact Assessment Report prepared by Intersect Pty Ltd | November 2017 |
| 1501049 | Water Cycle Management Plan prepared by Halcrow & Associates Pty Ltd | 12/03/2015 |
| 1501049 | Soil & Water Management Plan prepared by Halcrow & Associates Pty Ltd | November 2018 |
| DA.1 of 4 | Stormwater Concept Plan prepared by Halcrow & Associates Pty Ltd | 30/03/2015 |
| DA. 4 of 4 | Erosion & Sedimentation Control Plan Halcrow & Associates Pty Ltd | 30/03/2015 |
| B 173014 | Bushfire Protection Assessment Report prepared by Australian Bushfire Protection Planners Pty. Ltd | 1/08/2017 |
| ECDM Doc. No:23673747 | DPI Communication Letter prepared by A. Sutas- Senior Water Regulation Officer | 5/08/2016 |
| Ref :316145 | Aboriginal Heritage Information Management System (AHIMS) prepared by Office of Environment & Heritage | 04/12/2017 |
| Ref: 5259 | Weighbridge Design & Specifications prepared by AWS Scales & Weighing Systems | 16/04/2015 |
| 16/14241  SEAR 1108 | Secretary’s Environmental Assessment Requirements (SEAR’s) prepared by NSW Planning & Environment | 17/01/2017 |
| Notice No: 1564813 | General Terms of Approval-Attachments A & B prepared by Environmental Protection Authority | 14/05/2018 |
| Unreferenced | Biodiversity Impact Assessment prepared by Environmental Assessment Pty Ltd | 7/08/2018  Issue B |
| Ref No: 181913.1 | Addendum to Biodiversity Impact Assessment prepared by Everitt Ecology | 25/06/2019 |
| Ref: 18090 -A | Soil Testing Report – In – Situ Soil prepared by Larry Cook Consulting Pty Ltd | 30/07/2018 |
| Ref: 18092 -A | Draft Environmental Management and Stormwater Management Plan prepared by Larry Cook Consulting Pty Ltd | 12/08/2018 |
| Ref: 11393 R01v1 | DA Acoustic Report – Industrial Premises prepared by PKA Acoustic Consulting | 21/11/2018 |
| Unreferenced | Operational Plan of Management prepared by Coastal Design Link | 12/11/2019 |
| Project No. 18-077 | Retaining Walls and Associated Cross Section Details prepared by R. J. Sinclair Pty. Ltd. (Drawing No. A-29 - A-32) | 12/06/2020 & 28/05/2020 |

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

Comply with the General Terms of Approval from the Authorities as listed below and attached as a schedule of this consent.

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| Government Agency / Department / Authority | Description | Ref No | Date |
| Environmental Protection Authority | General Terms of Approval | Notice No: 1564813 | 14/05/2018 |

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| **PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE** |

All conditions under this section must be met prior to the issue of any Construction Certificate.

2.2 The development shall be undertaken in accordance with the requirements of the Environment Protection Authority, who have issued General Terms of Approval and comments dated 14 May 2018 (Notice No: 1564813), attached as a schedule of this consent.

2.3 Submit to the Principal Certifying Authority for approval a detailed design of the weighbridge in accordance with Protection of the Environment (Waste) Regulation 2014 and Waste Levy Guidelines (NSW EPA, 2018).

2.4 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.

2.5 Submit engineering details prepared and certified by a practising structural engineer to the Council (Water Authority) for development constructed near or over the sewer main and/or adjacent to Council’s water mains. The engineering details must comply with Council’s guidelines for "Building Over or Near Council Sewer and Water Mains" and must be approved by Council. The submission of contractor’s documentation and sewer inspection fees may apply. Subject to approval of the engineering plans the developer must contact Council’s Water and Sewer Quality Inspector a minimum one week prior to commencement of any work involving building over / adjacent to sewer mains.

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

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

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

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

1. Heavy duty vehicle crossing that has a minimum width of 10.5m at the boundary and splayed to a width of 12.5m at the kerb line to accommodate the swept turning path of the AS2890.2 8.8m Medium Rigid Vehicle entering & exiting the site. The heavy duty vehicle crossing shall be constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
2. Erosion & sedimentation control plan.

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

2.7 Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council’s assets resulting from the development works.

2.8 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

1. Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition of Australian Standard AS2890: Parking Facilities and other applicable Australian Standards.
2. Construction of a stormwater detention system. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013 and Council’s *Civil Works Specifications*. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths.
3. Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
4. Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the Council’s drainage system located in Chivers Road. The connection to the Council drainage system to shall utilize the existing pipeline across the footway near the south-eastern corner of the site.
5. Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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

2.9 Submit engineering details prepared and certified by a practising structural engineer that comply with *Council’s Building Over or Adjacent to Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council’s Water Assessment Team for approval. Plan assessment fees apply.

2.10 Identify trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species and ecological communities must also be marked on all plans.

2.11 Submit a Vegetation Management Plan to Councils Ecologist prior to the issue of a construction certificate for all areas of retained vegetation on LOT: 10 DP: 876323, 1 Vere Place Somersby. The Vegetation Management Plan must be prepared by a suitably qualified Ecologist in accordance with Wyong Shire Council: Flora and Fauna Survey Guidelines, 2016 and have duration of no less than 5 years. The Vegetation Management Plan must be prepared to Council’s satisfaction for all areas of retained native vegetation on LOT: 10 DP: 876323, 1 Vere Place Somersby.

The Vegetation Management Plan must:

• Integrate with other relevant plans e.g. Landscape Plans or Erosion and Sediment Control Plans

• If relevant, integrate with NSW Department of Primary Industries: Water requirements.

• Recommend management actions to be undertaken during clearing, construction works and post construction.

• Clearly stage management actions to identify works required prior to commencement of construction works, during works, prior to subdivision certificate and ongoing.

• Include a protocol to prevent the transfer of weeds or pathogens onto or off the site.

• Include a protocol for transplanting individual specimen *Hibbertia procumbens* (Plant A, Figure 1 (Additional Ecology Report, Everitt Ecology, June 2019) into the retained native vegetation along the northern edge of the development fronting Vere Place.

• Detail ongoing reporting requirements.

• Be prepared by a suitably qualified and experienced restoration ecologist.

• Be implemented for no less than five years.

• Aiming to achieve the following outcomes by year 5 being:

1. Less than 2% woody weed cover in any 1000m2 of the subject site;

2. Less than 20% exotic ground cover in any 1000m2 of the subject site;

3. If replanting is required, that replanted canopy species achieve a median height of no less than three metres;

Progress reports are to be submitted to Council’s Ecologist by the 30th June each year for a minimum of 5 years after the commencement of works. Reports are to detail the progress of the works and any recommended additional actions, with a final report certifying completion of the Vegetation Management Plan at the end of the implementation period, or once the specific objectives of the plan have been met. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

The primary objective of the Plan is weed management, regeneration of the native vegetation and supplementary native plantings for the benefit of the local flora and fauna as well as habitat values, threats and ameliorative measures to ensure protection for threatened species.

2.12 Submit to the Principal Certifying Authority for approval, details of the external materials of construction associated with the sorting area awning, workshop awning and site office and staff building. Colour and texture of the external materials associated with the abovementioned structures are to be compatible with the colours, hues and texture of the surrounding natural environment. Roof cladding shall be non- reflective.

2.13 Submit to the Principal Certifying Authority for approval, a detailed final landscaping plan which also incorporates street tree planting, detailing the species proposed ,including height and spread at maturity. The landscaping plan is to also incorporate the requirements of condition number3.8of this development consent.

2.14 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](http://www.centralcoast.nsw.gov.au)

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| **PRIOR TO COMMENCEMENT OF ANY WORKS** |

All conditions under this section must be met prior to the commencement of any works.

No activity is to be carried out on-site until the 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 and the like that are required by this consent
3. Demolition approved by this consent.

Appoint a Principal Certifying Authority for the building work:

* 1. 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.
  2. 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](http://www.centralcoast.nsw.gov.au)

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:

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

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](http://www.centralcoast.nsw.gov.au).

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

Submit a tree removal/retention survey plan to Council’s Ecologist for approval. The Plan must include all trees proposed for removal or pruning inclusive of APZ, services (water, sewer and electricity) and any clearing associated with fence lines. All retained trees must include tree protection measures consistent with the Australian Standard AS4970-2009 Protection of Trees on Development Sites.

Trees to be retained/removed within the bush fire asset protection zone and driveway area are to be selected as per the following criteria:

**Trees to be retained:**

• hollow bearing trees

• larger healthy native trees with a long expected longevity.

• trees containing nests or signs of fauna usage; and

• trees growing in clusters

**Trees that may be suitable for removal:**

• damaged trees or trees with poor structural form

• non-natives

• small/regrowth trees; and

• trees that are likely to damage assets or infrastructure

The location of retained trees must be shown on all approved plans.

Erect a chain wire link security fence along the boundary of the area identified for vegetation retainment. A lockable access gate must be provided for maintenance purposes. The fence must be sign posted at intervals of no less than thirty (30) metres to identify the conservation value of the land and discourage access. The sign must read as follows:

“KEEP OUT”

This is an environmental protection area.

Fines will apply for offences which cause damage to this area, under the NSW Biodiversity Conservation Act 2016.

Engage a suitably qualified Ecologist to oversee and transplant the individual specimen *Hibbertia procumbens* (Plant A, Figure 1 (Additional Ecology Report, Everitt Ecology, June 2019) into the retained native vegetation along the northern edge of the development fronting Vere Place in accordance with the approved vegetation management plan prepared under condition number 2.11 of this consent.

3.9 Establish Tree Protection Zones (TPZ) around trees to be retained - Trees to be retained are to be protected by fencing in accordance with Australian Standard AS 49702009:

*Protection of Trees on Development Sites*.- Protective fencing is to be located no less than 2m from trees to be retained and must remain intact until construction is completed. Signpost fences around Tree Protection Zones to warn of its purpose.

3.10 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:

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 chemical closet approved under the *Local Government Act 1993*.

3.11 Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:

1. could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
2. could cause damage to adjoining lands by falling objects, or
3. involve the enclosure of a public place or part of a public place.

**Note 1:**  A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

**Note 2:** The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

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| **DURING WORKS** |

All conditions under this section must be met during works.

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.

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:

1. All excavation or disturbance of the area must stop immediately in that area, and
2. 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*.

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 stablised and rehabilitated so that it no longer acts as a source of sediment.

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.

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 Implement all soil and water management control measures and undertake works in accordance with the approved Soil and Water Management Plan dated November 2018 and the Soil and Water Management Staging Plan dated 21 November 2018 prepared by Halcrow & Associates. 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)*.

4.8 Maintain permanent fence around the Vegetation Management Zone. All fenced conservation areas are to be clearly marked as a "No Go Area" on the fencing itself. No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced conservation area.

4.9 Undertake clearing in accordance with the approved tree removal/retention survey plan. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

4.10 Reuse, recycle or dispose of all building materials during the construction phase of the development in accordance with the Waste Management Plan signed by R. Wall dated 9 August 2018.

4.11 Undertake the removal of trees as shown on the approved plan in a manner so as to prevent damage to those trees that are to be retained.

4.12 Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifying Authority.

4.13 Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.

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| **PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE** |

All conditions under this section must be met prior to the issue of any Occupation Certificate.

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*.

Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council’s Fees and Charges.

Repair any damage to Council’s infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.

Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.

Amend the Deposited Plan (DP) for lot 10 DP 876323 to:

1. Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
2. Create a ‘Restriction on the use of Land’ over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
3. Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
4. To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
   * 1. the facility will remain in place and fully operational.
     2. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
     3. Council’s officers are permitted to enter the land to inspect and repair the facility at the owner’s cost.
     4. Council is indemnified against all claims of compensation caused by the facility.

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

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

Implement vegetation management activities in accordance with the Vegetation Management Plan.

Implement vegetation management activities in accordance with the Vegetation Management Plan prepared under Condition number of this consent.

Protect Vegetation/ Landscape/ Aboriginal Heritage Management Zone through establishing a Restriction on the Use of Land and Positive Covenant on the Title.

**Positive Covenant**

All bushland included for restoration and maintenance by a Vegetation Management Plan (VMP) approved by Council’s ecologist must be established pursuant to Section 88B/88E of the Conveyancing Act 1919 (NSW).

* The weeds being continually supressed and destroyed and the land to be maintained as an ecologically sensitive area, in line with the Council approved Vegetation Management Plan VMP).

Central Coast Council’s “Standard Positive Covenant Vegetation Management Plan” Recital can be obtained by Contacting Council’s Subdivision Certificate PCA Officer.

**Restriction on the Use of Land**

Protect Vegetation/ Landscape Management Zone through the establishment of a Restriction on the Use of Land pursuant to Section 88B/88E of the Conveyancing Act 1919 (NSW) on the title of the subject lot.

* No bushland is to be removed or modified, including for bushfire Asset protection purposes without the consent of Central Coast Council.
* The stockpiling of materials or equipment is prohibited.

5.10 Complete the landscaping works.

5.11 Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

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| **ONGOING OPERATION** |

6.1 The maximum amount of building and demolition waste permitted to be received in conjunction with the facility is restricted to 12,000 tonnes per year and must not contain asbestos.

6.2 No concrete crushing activities are to be undertaken on site in conjunction with the proposed development.

6.3 Restrict the hours of operation of the use to those times listed below:

* Monday to Friday - 7.00 am to 5.00 pm; or
* Hours of operation as stipulated by the Environmental Protection Authority

Any variation to these hours is subject to the prior consent of Council.

6.4 Comply with all Environmental Protection License requirements and conditions set by the NSW Environmental Protection Authority

6.5 Implement vegetation management activities in accordance with the vegetation management plan prepared under Condition number 2.11 of this consent.

6. 6 Store all waste generated on the premises in a manner so that it does not pollute the environment.

6.7 Transport all waste generated on the premises to a facility which is licensed to receive that material.

6.8 Comply with all commitments as detailed in the Waste Management Plan signed by R. Wall, dated 9 August 2018.

6.9 Mixed and recyclables waste bins ancillary to the office/toilets/lunchroom to be stored out of public view at all times.

6.10 Do not store materials, waste matter or products outside the building or the approved storage area at any time.

6.11 Maintain the site landscaping for the life of the development.

6.12 Load and unload delivery vehicles wholly within the site. Delivery vehicles must enter and exit the site in a forward direction.

6.13 Operate and maintain all external lighting so as not to impact on any adjoining property.

6.14 Implement and comply with all recommendations in the acoustic report prepared by PKA Acoustic Consulting, dated 21 November 2018.

6.15 Implement and comply with all recommendations in the Bushfire Protection Assessment Report prepared by Australian Bushfire Protection Planners Pty Ltd, dated 1 August 2017.

6.16 Implement and comply with the requirements of the Operational Plan of Management, prepared by Coastal Design Link, dated 12 November 2019.

6.17 Maintain the on-site stormwater detention facility in accordance with the operation and maintenance plan.

6.18 Maintain the nutrient /pollution control facilities in accordance with the operation and maintenance plan.

6.19 All vehicles associated with the operation of this site must enter and exit the site in a forward direction.

6.20 The largest vehicle to be utilised for the operation of this development shall be restricted to the AS2890.2:2018 8.8m Medium Rigid Vehicle.

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| **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.

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| **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:
  1. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
  2. Jemena Asset Management for any change or alteration to the gas line infrastructure
  3. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
  4. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
  5. 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](http://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*](http://search.gosford.nsw.gov.au/documents/00/13/00/54/0013005465.pdf) Policy. This policy can be found on Council’s website at: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
* 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.

* 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.
* It is an offence under the *National Parks and Wildlife Act 1974* to knowingly disturb an Aboriginal artefact without consent.

*Do not delete*