

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	18 September 2025
DATE OF PANEL DECISION	18 September 2025
DATE OF PANEL BRIEFING	16 September 2025
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Susan Budd
APOLOGIES	Tony McNamara; Stephen Leathley
DECLARATIONS OF INTEREST	Rachel Stanton – Declared a conflict-of-interest as council is a part owner of the land. Doug Eaton – Declared a conflict-of-interest as council is a part owner of the land.

Papers circulated electronically on 9 September 2025.

MATTER DETERMINED

PPSHCC-348 – Central Coast – DA/1629/2024 at 29 St John’s Road, Jilliby 2259 – Sewer Main Upgrade (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel has had the benefit of an initial briefing from Council and the applicant.

The proposal is a straightforward matter that is seeking to replicate an existing sewer system, including replacing the rising main and upgrading the existing sewer pump station.

The construction methodology of a combination of under boring and excavation has demonstrated that the proposal, subject to appropriate tree protection measures, will not result in tree loss. Furthermore, in order to avoid further ground disturbance and potential ecological impacts, the redundant pipe is proposed to remain in situ.

The Council has requested, by condition, that the redundant pipe be filled with grout to avoid any collapse and further damage to the road reserve.

The Panel was advised that this will potentially involve approximately 140 cubic metres of concrete, equating to some 30 trucks. This is proposed to occur once the new pipe is operational and will extend the construction period marginally. Additional conditions have been proposed regarding grouting methodology and construction management plans.

The Panel, in its deliberation of the matter, sought clarification regarding the private asset within the Council road reserve and notes that this is managed under the provisions of the *Roads Act 1993* and *Local Government Act 1993*.

The Panel is satisfied that the proposed development is suitable for the area and that potential impacts can be managed and mitigated.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to conditions in Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

1. The proposed route follows the same route as existing infrastructure and has been designed to minimise impacts on vegetation.
2. The proposed development provides for a much-needed upgrade to existing infrastructure.
3. The impacts arising from the development can be managed and mitigated.

CONDITIONS

The Development Application was approved subject to the conditions in Schedule 2. The conditions were amended from those in the public report to:

1. Require a grouting methodology plan prior to the commencement of works – new Condition 2.22.
2. Amend Condition 2.13 for the Construction Traffic and Pedestrian Management Plan (CTPMP) to include grout filling of the pipe.
3. Amend Condition 5. 6 for the grouting plan to be implemented.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-348 – Central Coast – DA/1629/2024
2	PROPOSED DEVELOPMENT	Sewage System Maintenance Works (Upgrade Existing Sewer Main)
3	STREET ADDRESS	29 St John's Road, Jilliby 2259
4	APPLICANT/OWNER	SLR Consulting Australia Pty Ltd The Trust Company (Australia) Limited
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	4. Environmental planning instruments: ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Central Coast Local Environmental Plan 2022 5. Draft environmental planning instruments: Nil 6. Development control plans: ○ Central Coast Development Control Plan 2002 7. Planning agreements: Nil 8. Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Section 23 and 24 9. Coastal zone management plan: Nil 10. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality 11. The suitability of the site for the development 12. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations 13. The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council Assessment Report: 9 September 2025 • Written submissions during public exhibition: 0 • Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Initial Briefing: 11 March 2025 ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Stephen Leathley ○ <u>Council assessment staff</u>: Jenny Tattam, Emily Goodworth ○ <u>Applicant representatives</u>: Kaveen Wickremaratchy, Kate Wheeler, Ben Jeavons-Fellows, Branon Paul ○ <u>Department</u>: Leanne Harris, Holly McCann • Site inspection: ○ Alison McCabe: 3 April 2025 ○ Roberta Ryan: 26 April 2025 • Final briefing to discuss council's recommendation: 16 September 2025 ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Susan Budd ○ <u>Council assessment staff</u>: Jenny Tattam, Emily Goodworth ○ <u>Applicant representatives</u>: Kaveen Wickremaratchy, Kate Wheeler, Ben Jeavons-Fellows, Branon Paul

		○ <u>Department:</u> Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2

PROPOSED CONDITIONS

The development taking place in accordance with the approved development plans reference number DA/1629/2024 except as modified by any conditions of this consent, and any amendments in red.

1.PARAMETERS OF THIS CONSENT

Approved Plans and Supporting Documentation

- 1.1 Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Drawn By	Dated
H000	B	Cover Sheet and Drawing List	Richmond + Ross/JHA	27/05/2025
H001	C	Legend of Symbols and General Notes	Richmond + Ross/JHA	27/05/2025
H100	C	Sewer Rising Main Sheet 1	Richmond + Ross/JHA	27/05/2025
H101	C	Sewer Rising Main Sheet 2	Richmond + Ross/JHA	27/05/2025
H102	C	Sewer Rising Main Sheet 3	Richmond + Ross/JHA	27/05/2025
H103	C	Sewer Rising Main Sheet 4	Richmond + Ross/JHA	27/05/2025
H104	C	Sewer Rising Main Sheet 5	Richmond + Ross/JHA	27/05/2025
H105	C	Sewer Rising Main Sheet 6	Richmond + Ross/JHA	27/05/2025
H106	C	Sewer Rising Main Sheet 7	Richmond + Ross/JHA	27/05/2025
H107	C	Sewer Rising Main Sheet 8	Richmond + Ross/JHA	27/05/2025
H108	C	Sewer Rising Main Sheet 9	Richmond + Ross/JHA	27/05/2025
H109	C	Sewer Rising Main Sheet 10	Richmond + Ross/JHA	27/05/2025
H110	C	Sewer Rising Main Sheet 11	Richmond + Ross/JHA	27/05/2025
H111	C	Sewer Rising Main Sheet 12	Richmond + Ross/JHA	27/05/2025
H112	C	Sewer Rising Main Sheet 13	Richmond + Ross/JHA	27/05/2025
H113	C	Sewer Rising Main Sheet 14	Richmond + Ross/JHA	27/05/2025
H114	C	Sewer Rising Main Sheet 15	Richmond + Ross/JHA	27/05/2025
H115	C	Sewer Rising Main Sheet 16	Richmond + Ross/JHA	27/05/2025
H116	C	Sewer Rising Main Sheet 17	Richmond + Ross/JHA	04/09/2025
H117	C	Sewer Rising Main Sheet 18	Richmond + Ross/JHA	27/05/2025
H118	C	Sewer Rising Main Sheet 19	Richmond + Ross/JHA	27/05/2025
H119	C	Sewer Rising Main Sheet 20	Richmond + Ross/JHA	27/05/2025
H120	C	Sewer Rising Main Sheet 21	Richmond + Ross/JHA	27/05/2025
H121	C	Sewer Rising Main Sheet 22	Richmond + Ross/JHA	27/05/2025
H122	C	Sewer Rising Main Sheet 23	Richmond + Ross/JHA	27/05/2025
H123	C	Sewer Rising Main Sheet 24	Richmond + Ross/JHA	27/05/2025
H124	C	Sewer Rising Main Sheet 25	Richmond + Ross/JHA	27/05/2025
H125	C	Sewer Rising Main Sheet 26	Richmond + Ross/JHA	27/05/2025
H126	C	Sewer Rising Main Sheet 27	Richmond + Ross/JHA	27/05/2025
H500	C	Sewer Rising Main Detail Sheet 1	Richmond + Ross/JHA	27/05/2025
H501	C	Sewer Rising Main Detail Sheet 2	Richmond + Ross/JHA	27/05/2025

Document Title	Version No.	Prepared by	Dated
Preliminary Site Investigation – Contamination Assessment, Rising Sewer Main Works,	1.0	SLR	04/07/2025
Preliminary Acid Sulfate Soil Management Plan – Rising Sewer Main Works	1.0	SLR	04/07/2025
Aboriginal Archaeological Due Diligence Assessment, 29 St Johns Road, Jillyby, NSW	2	Virtus Heritage	27/05/2025
Ecological Assessment Report – Proposed upgrade and realignment of Sewer Services along Brolga Way, Hue Hue Road, and Alison Road in Wyong NSW	01	AEP	07/11/2024
Arborist Impact Assessment, Proposed upgrades and realignment of Sewer Services along Brolga Way, Hue Hue Road, and Alison Road in Wyong NSW	01	AEP	07/11/2024
Soil and Water Management Plan, Rising Sewer Main Works	0.1	SLR	14/12/2023
Acoustic & Vibration Report, Rising Sewer Main Works	0.1	SLR	05/12/2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

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

Government Agency / Department / Authority	Description	Ref No	Date
Transport for NSW	Agency requirements	NTH24/00842/003	18/06/2025
WaterNSW	General Terms of Approval	IDAS1163060	27/08/2025
Jemena	Agency requirements	CNR-76112	27/03/2025
Ausgrid	Agency requirements	DA/1629/2024	03/12/2024

- 1.3. Where conditions of this consent require approval from Council under the *Roads Act 1993*, *Local Government Act 1993* or *Water Management Act 2000*, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

2. PRIOR TO COMMENCEMENT OF ANY WORKS

- 2.1. All conditions under this section must be met prior to the commencement of any works.
- 2.2. Detailed engineering plans and an accompanying letter from the Project Ecologist shall be provided to Council to confirm that the proposal will not result in any tree or vegetation impacts outside that assessed within the Ecological Assessment Report, Rev 01, prepared by AEP, dated 7 November 2024 and the Arborist Impact Assessment, Rev 01, prepared by AEP, dated 7 November 2024.

- 2.3. Submit to Council for approval an Emergency Response Management Plan. The Emergency Response Management Plan shall include (but not be limited to) the following:
- Sewer Overflow Abatement Plan
 - Rising Sewer Main Preventative Maintenance Visual Inspection checklist procedure
 - Environmental Incident Response Guide
 - Operator of last resort in the event of failure of the system.
- 2.4. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.5. Submit a Construction Environmental Management Plan (CEMP) for review and approval by Council's Environmental Protection Officer. The CEMP is to bring together environmental mitigation and management recommendations included in the following documents:
- Preliminary Acid Sulfate Soils Management Plan, prepared by SLR Consulting in July 2025
 - Acoustic and Vibration Assessment prepared by SLR Consulting Australia, December 2023.
 - Preliminary Site Investigation – Contamination Assessment prepared by SLR Consulting in July 2025
 - Erosion and Sediment Control Plan, SLR March 2025 and the associated Soil and Water Management Plan, SLR Consulting Australia, December 2023

Environmental controls relating to the management of excavated materials, the potential for intersection of regional groundwater, and the potential for unexpected finds should also be addressed.

The CEMP shall also detail how sewage will be managed from the Twin Service Centres when the existing rising main is offline. Relevant environmental management and mitigation measures shall also be provided.

- 2.6. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 2.7. Tree protection is to be as per the recommendations within sections 6.0, 7.0 and Appendix A of the Arboricultural Impact Assessment, prepared by AEP, dated November 2024.

Trees to be retained are to be protected by fencing and / or other accepted protection measures in accordance with Australian Standard AS 4970-2009: Protection of Trees on Development Sites. All required tree protection measures are to be maintained for the duration of construction works.

Sign-post fences around Tree Protection Zones to warn of its purpose.

- 2.8. Trees and native vegetation proposed for retention must be clearly marked on all final engineering plans, consistent with the plans approved under these conditions of consent. All fenced tree and vegetation protection areas must be clearly marked as "No Go Area" on all plans.
- 2.9. Implement the Recommendations of the *Ecological Assessment Report*, Rev 01, prepared by AEP, dated 7 November 2024 (section 13.0). This includes engaging a suitably qualified and licenced Project Ecologist to supervise installation of fencing and/or bunting to delineate work areas and protect trees and vegetation, undertake pre clearing surveys and directly supervise all clearing.

The Project Ecologist must provide updates in writing to Council's Ecologist upon completion of the above environmental control measures.

Where the recommendations contained within the Ecological Impact Assessment are inconsistent, the conditions of consent prevail.

- 2.10. The Form 867 Deed of Agreement to install a utility on a Transport for NSW (TfNSW) bridge is to be completed by the applicant and received by TfNSW prior to the commencement of any works.
- 2.11. Prior to commencement of any works Jemena Lands Team is to be consulted so that any proposed construction activities can be managed with Jemena Engineering and Field staff.
- 2.12. Physically locate the Private Sewer Rising Mains from both the Old Wyong Dairy and the Wyong Christian Community School to ensure the proposed design does not conflict with this existing private infrastructure.
- 2.13. Prepare and obtain Council approval for a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to installation of the new sewer rising main and grout filling of the existing main. The plan must be prepared and implemented only by persons with SafeWork NSW accreditation for preparing and implementing traffic management plans at work sites.

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

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

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

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

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

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

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

2.14. Submission to Central Coast Council as the owner of the bridge over Porters Creek detailing a report by a suitably qualified Structural Engineer experienced in Bridge design detailing the following:

- a) A detailed assessment of the Bridge and review of the proposed pipe design and fixings,
- b) Confirm that the works are comparable to existing conditions and do not compromise the structural integrity of the bridge, and
- c) Provide certification to that effect.

2.15. Submit an application to Central Coast Council for a Road Opening Permit.

2.16. Obtain a Section 68 approval from Council under the *Local Government Act 1993* to alter the existing private sewer pump station.

2.17. Implement the recommendations of the Aboriginal Archaeological Due Diligence Assessment Report, prepared by Virtus Heritage, and dated 27 May 2025.

2.18. The attached General Terms of Approval issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for a Water Supply Work approval before the commencement of any dewatering activity.

2.19. Prior to the commencement of any works obtain a Controlled Activity Approval under section 91 of the *Water Management Act 2000*.

2.20. Provide a minimum of 21 days written notice of upcoming construction works to all adjacent landowners along the route of the proposed rising main.

2.21. Submit an application to Council under section 305 of the *Water Management Act 2000* for a section 307 certificate of compliance. The Application form can be found on Council's website centralcoast.nsw.gov.au. Early application is recommended.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the Commencement of Works. The requirements letter will outline which requirements must be met prior to each development milestone.

2.22. Prepare and obtain Council approval for a Grout Filling Management Plan (GFMP) for the existing sewer rising main. The GFMP must detail the proposed grouting procedure and methodology, grout mix specifications and quantities including a material safety data sheet, equipment details, safety and environmental controls, type and number of proposed truck movements, staging and timeframes, and impacts on the local area and how these will be addressed.

3.DURING WORKS

3.1. All conditions under this section must be met during works.

3.2. Appoint a Project Arborist (AQF 5) to oversee the works in relation to tree protection measures during critical stages of construction. The Project Arborist is to ensure all trees identified for retention are retained with tree protection measures consistent with the Australian Standard AS4970-2009 Protection of Trees on Development Sites.

- 3.3. Design, locate and install underground services to minimise or prevent tree root damage in accordance with Australian Standard AS 4970-2009: Protection of Trees on Development Sites.
- 3.4. Activities generally excluded from the Tree Protection Zone, but not limited to:
 - Machine excavation, trenching, material storage, prepare chemicals or cement, park, refuel, dump waste, wash down, fill or change soil level.
- 3.5. No tree or vegetation removal is permitted outside the areas of impact shown the Ecological Assessment Report, Rev 01, prepared by AEP, dated 7 November 2024. No removal of vegetation included on the Biodiversity Values Map is approved.
- 3.6. Implement the Recommendations of the Ecological Assessment Report, Rev 01, prepared by AEP, dated 7 November 2024.

The Project Ecologist to supervise installation of fencing or bunting to delineate work areas, undertake pre clearing surveys, provide an environmental induction to contractors and directly supervise all clearing and earthworks that may impact trees or vegetation.

The Project Ecologist must provide updates in writing to Council's Ecologist upon completion of the required environmental control measures.

Where the recommendations contained within the Ecological Impact Assessment are inconsistent, the conditions of consent prevail.

- 3.7. Maintain the temporary fence and bunting delineating the approved work areas from adjoining vegetation and trees required to be retained. The fence must be maintained for the duration of construction works.
- 3.8. Revegetate and stabilise all areas disturbed by construction activities with suitable plants native to the Central Coast. The Project Ecologist is to recommend suitable species based on adjoining native plant communities.
- 3.9. Comply with the requirements of the Road Opening Permit and the Road Occupancy Licence issued by Council.
- 3.10. Undertake works in accordance with the approved Construction Environment Management Plan.
- 3.11. Immediately notify Council of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation. Implement all erosion and sediment control measures and undertake works in accordance with the Erosion and Sediment Control Plan prepared by SLR in March 2025 and the associated Soil and Water management Plan prepared by SLR in December 2023. Update the plans as required during all stages of the construction or in accordance with the *'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004)*.
- 3.13. 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*.
- 3.14. 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.
- 3.15. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00 am and 5.00 pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

- 3.16. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. To ensure the protection of objects of potential significance.

- 3.17. 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 Certifier or an officer of Council.
- 3.18. Implement the recommendations of the Aboriginal Archaeological Due Diligence Assessment Report, prepared by Virtus Heritage, and dated 27 May 2025.

4. PRIOR TO OPERATING

- 4.1. All conditions under this section must be met Prior to Operating.
- 4.2. Prior to operating the system obtain an Approval to Operate under Section 68 of the *Local Government Act 1993*. A Section 307 compliance certificate under the *Water Management Act 2000* must be obtained prior to issue of the Approval to Operate.

5. UPON COMPLETION OF WORKS

- 5.1. All conditions under this section must be met within three months upon completion of works unless otherwise specified in the conditions below.
- 5.2. Repair any damage to Council's infrastructure and the road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.3. Upon completion of construction of the new sewer main, Remove all surface structures (pits) associated with decommissioned main.

- 5.4. Works as Executed information for the development shall be submitted to Council. The required Works as Executed information shall be submitted to Council identifying the location of the main and surface features within the road reserve by survey from a registered Surveyor. The Works as Executed information shall also identify the location of the redundant sewer main.
- 5.5. Upon completion of construction, submit the following to Council prepared by a suitably qualified Structural Engineer:
1. A detailed assessment of the Bridge and confirm if the works are in-line with the proposed pipe design and fixings.
 - a. If there are any variations from proposal, then highlight the differences and any impacts on the Bridge Structure in a detailed report.
 2. Confirm that the installation has not impacted the Bridge Structure.
 - a. If the installation was observed to have impacted the bridge structure in 1(a) then:
 - i. Identify the required works to rectify any introduced defects.
 - ii. Advise on the timeline to undertake the required works.
 3. Certify post works completion that Bridge Structure will continue to perform in as 'before' condition, traffic loading and LoS (Level of Service) and will continue to have the same Remaining Useful Life. If there were actions identified in 2(a)(i) and 2(a)(ii) then:
 - a. Confirm the works were completed by the developer at the time of certification in line with the recommendations in 2(a)(i) and 2(a)(ii).
 4. Undertake a final inspection with Council representatives at the time of completion of defect liability period (12 months) to confirm the Bridge condition.
- 5.6. Within six months of commissioning the new sewer rising main, the redundant sewer rising main that is left in-situ shall be grout filled for its entire length. The grout filling activity shall be undertaken in accordance with the approved Traffic and Pedestrian Management Plan required by Condition 2.13 of this consent, and the approved Grout Filling Management Plan required by Condition 2.22 of this consent.

6. ONGOING

- 6.1. Maintain trade waste approvals for the site in accordance with the requirements of s68 of the *Local Government Act 1993*.
- 6.2. Ongoing maintenance of the sewer rising main and associated sewer pump station are the responsibility of the developer.
- 6.3. Do not give rise to offensive odour as defined in the *Protection of the Environment Operations Act 1997*.

10. 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.