

Date: 13 January 2021
Responsible Officer: Katrina O'Malley
Location: 13 Lucca Road, WYONG NSW 2259
 Lot 14 DP 243037
Owner: Stop Waste Holdings Pty Ltd
Applicant: Iq Renew Pty Ltd
Date Of Application: 7 December 2020
Application No: DA/1295/2020
Proposed Development: Alterations & Additions to Existing Industry
Land Area: 10180.00
Existing Use: XXXX

1. PARAMETERS OF THIS CONSENT

- 1.1. **All stages.** 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: LCK Design & Drafting

Drawing	Description	Sheets	Issue	Date
#054	Proposed Site Plan – Stage 1 (Increased Processing Ability)	101	E	16-11-20
#504	Proposed Elevations – Stage 1 (Increased Processing Ability)	102	E	16-11-20
#504	Proposed Site Plan – Stage 2 (New Building and Infrastructure)	103	E	16-11-20
#504	Proposed Elevations – Stage 2 (New Building and Infrastructure)	104	E	16-11-20

- 1.2. **Stage 1.** Surrender the development consent(s) described below within six months of the date of commencement of this consent and in the manner prescribed by Clause 97 of the *Environmental Planning and Assessment Regulation 2000*.

Development Application No.	508/2020
Land description	Lot 14 DP 243037 13 Lucca Road, WYONG NSW 2259
Development Description	Installation of External Bunkers & Alterations to Onsite Carparking Arrangements of an

	existing Resource Recovery Facility (waste glass recycling)
Date of Determination	7 August 2020
Consent Authority	Central Coast Council

1.3. **All stages.** Carry out all building works in accordance with the Building Code of Australia.

1.4. **All stages.** 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
NSW Rural Fire Service	Development Application S4.14 – Infill – Industry 13 Lucca Road Wyong NSW 2259, 14//dp243037	DA20210113000128-Original-1	28 January 2021
Transport for NSW	Pacific Highway (HW10): DA 1295/2020, Expansion of Existing Glass Facility, Lot: 14 DP: 243037, 13 Lucca Road Wyong	CR2021/000135 SF2017/230107	23 March 2021
NSW EPA	General Terms of Approval - Issued	1608735	07 May 2021

1.5. **All stages.** A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.

1.6. **All stages.** Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

1.7. **All stages.** Approval is granted for the development to be carried out in two stages in the following manner:

Stage one:

- Increase the facility capacity to 75,000 tonnes per annum;
- Alteration of the existing driveway access near the existing office and office carpark;
- Installation of a second weighbridge near office/office carpark entrance/exit;
- Installation of a 100,000 litre water detention tank;

- Establishment of additional landscaping over stormwater improvements and near the northern site entrance; and
- Construction of a new proposed seven space carpark near the existing truck entrance.

Stage two:

- Construction of new industrial shed for research and development;
- Installation of a hooded conveyor belt from existing building to new shed;
- Construction of three (300 tonne) storage silos for storage of finished product;
- Installation of a gantry over silos and northern weighbridge;
- Increase in the storage capacity to 2,800 tonnes on site at any given time; and
- Alteration to the height of the inbound material loading area door by an additional 3.7 metres and roof of the existing shed by an additional 4.2 metres.

Works and contributions are to be finalised appropriate for each stage prior to the release of the Occupation Certificate.

- 1.8. **All stages.** This consent is to be carried out in association with Development Consent No. DA/624/1997/E (and any subsequent modifications) as previously issued for the glass recycling operation on the site.
- 1.9. **Stage 1.** In accordance with Sections 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979*, Condition 34 of Development Consent 624/1997 shall be modified as follows:

34. A maximum of **75,000** tonnes of glass is to be handled/recycled on-site per annum.

A notice of modification shall be carried out in accordance with Clause 97 of the *Environmental Planning and Assessment Regulation 2000*.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. **All stages.** All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. **Stage 1.** Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* pay to Council a total contribution amount of **\$34,571.45** that may require adjustment at the time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contributions Plan

The contributions amount will 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 on 1300 463 954 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or 49 Mann Street Gosford or on Council's website: [Development Contributions](#)

- 2.3. **Stage 1.** 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 www.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 issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone eg. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

- 2.4. **Stage 1.** 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:

- a) Construction of an industrial/commercial vehicle access crossing that has a width of 9.900 metres at the road gutter crossing and 9.900 metres at the property boundary including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing. Any damage to the existing Council drainage lintel will need replacement.
- b) Removal and replacement of all damaged kerb and gutter with new kerb and channel.

- c) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- d) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve.

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.

- 2.5. **Stage 1.** 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.
- 2.6. **Stage 1.** Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
- a) The design plans shall include the relocation of the on-site stormwater detention facility from within the landscape area to an alternative location within the site.
 - b) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - c) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the approved connection with Council's drainage system located in the Lucca Road frontage.

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

- 2.7. **Stage 1.** Design and construct all water and sewer work or works impacting on water and sewer assets to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Water Management Act Section 306 Letter of Requirements.

Note: The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

- 2.8. **Stage 1.** The submission of an amended Landscape Plan that includes the removal of the on-site stormwater detention facility and the provision of additional tree planting within the northern frontage of the site.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. **All stages.** All conditions under this section must be met prior to the commencement of any works.
- 3.2. **All stages.** 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. **All stages.** 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. **All stages.** 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. **All stages.** 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:
- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or

- b) could cause damage to adjoining lands by falling objects, or
- c) 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.

- 3.6. **All stages.** 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*.
- 3.7. **All stages.** Submit a Noise Management Plan as part of the overall construction management plan for approval by the Principal Certifying Authority.
- 3.8. **Stage 1.** Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service 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:

- a) Ingress and egress of construction related vehicles to the development site.
- b) Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- c) Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- d) 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).
- e) Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- f) Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- g) Temporary Road Closures.

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.

- 3.9. **Stage 1.** Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* Form with supporting documentation prior to the commencement of any Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 3.10. **All stages.** Establish Tree Protection Zones (TPZ) around trees identified to be retained along the northern boundary in proximity to the proposed new carpark and industrial shed. 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.

4. DURING WORKS

- 4.1. **All stages.** All conditions under this section must be met during works.
- 4.2. **All stages.** 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. **All stages.** 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 and 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. **All stages.** 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. **All stages.** 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. **Stage 2.** Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifier for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.7. **All stages.** 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.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. **All stages.** All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. **All stages.** Obtain an Environment Protection Licence from the New South Wales Environment Protection Authority.
- 5.3. **Stage 1.** Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 5.4. **Stage 1.** Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.

- 5.5. **Stage 1.** 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.
- 5.6. **Stage 1.** 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.
- 5.7. **Stage 1.** Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.8. **Stage 1.** Amend the Deposited Plan (DP) for Lot 14 DP 243037 to:
- a) 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:
 - 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.
 - b) 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:
 - To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - i. the facility will remain in place and fully operational.
 - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
 - iv. 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.

- 5.9. **Stage 1.** Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.10. **Stage 1.** Obtain the Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Subdivision Certificate.

All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. 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 adopted fees and charges.

- 5.11. **Stage 1.** Complete the landscaping works in accordance with the Landscape Plan provided in accordance with Condition 2.8.

6. ONGOING

- 6.1. **All stages.** Only waste glass that is to be processed and/or that has been processed onsite to meet the requirements of a resource recovery order can be stored on the site.
- 6.2. **Stage 2.** A sprinkler system must be installed on or fixed to the exterior of the silos that can wet down waste glass as it is transferred to trucks.
- 6.3. **All stages.** Maintain the site landscaping for the life of the development.
- 6.4. **All stages.** Maintenance of all buildings and surrounds within the site shall be carried out in such a manner to render the site neat, tidy and clean at all times. =
- 6.5. **All stages.** Do not store goods, equipment, packaging material or machinery exposed outside the building so as to be visible from any public road or thoroughfare.
- 6.6. **All stages.** Restrict the hours of operation of the use to those times listed below:
- 24 hours per day seven (7) days per week

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

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.



Katrina O'Malley

Development Planner

DEVELOPMENT ASSESSMENT

Reporting Officer

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Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein.

Approved/Refused:

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Date __/__/__