Draft Conditions of Consent – DA/63453/2021 – 33 Pile Road and 3-5 Pinnacle Place, Somersby

|  |
| --- |
| 1. **PARAMETERS OF THIS CONSENT** |

* 1. **Approved Plans and Supporting Documents**

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 Set by Space Urban**

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan No.** | **Revision No.** | **Plan Title** | **Dated** |
| 010 | B | Proposed Full Site Plan | 12/09/2022 |
| 020 | F | Proposed Site Plan at Ground Level | 12/09/2022 |
| 021 | E | Proposed Truck Manoeuvre Plan | 12/09/2022 |
| 022 | C | Proposed Storm Water Drainage Plan & Details | 12/09/2022 |
| 030 | B | Elevations & Sections of Resource Recovery Facility | 12/09/2022 |

**Stormwater / Civil Works Plans by Eclipse Consulting Engineers Pty Ltd**

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan No.** | **Revision No.** | **Plan Title** | **Dated** |
| C100 | D | General Notes | 14/03/2022 |
| C101 | D | Sediment & Erosion Control Plan | 14/03/2022 |
| C102 | D | Sediment Basin Details | 14/03/2022 |
| C103 | D | Pre-Development SW Catchment Area Plan | 14/03/2022 |
| C104 | D | Post-Development SW Catchment Area Plan | 14/03/2022 |
| C105 | D | Stormwater Drainage Key Plan | 14/03/2022 |
| C106 | D | Stormwater Drainage Plan Sheet 1 of 3 | 14/03/2022 |
| C107 | E | Stormwater Drainage Plan Sheet 2 of 3 | 24/03/2022 |
| C108 | D | Stormwater Drainage Plan Sheet 3 of 3 | 14/03/2022 |
| C109 | D | External Pavement Plan Sheet 1 of 3 | 14/03/2022 |
| C110 | D | External Pavement Plan Sheet 2 of 3 | 14/03/2022 |
| C111 | D | External Pavement Plan Sheet 3 of 3 | 14/03/2022 |
| C112 | E | Stormwater Details Sheet 1 of 2 | 24/03/2022 |
| C113 | D | Stormwater Details Sheet 2 of 2 | 14/03/2022 |

**Supporting Documentation**

|  |  |  |
| --- | --- | --- |
| **Document Title.** | **Prepared by** | **Dated** |
| Environmental Impact Statement | Jackson Environment and Planning Pty Ltd | 14/10/2021 |
| Response to Submissions | Jackson Environment and Planning Pty Ltd | 04/02/2022 |
| Response to Submissions | Jackson Environment and Planning Pty Ltd | 06/04/2022 |
| Response to Submissions | Jackson Environment and Planning Pty Ltd | 12/09/2022 |
| Soil and Water Management Plan Report | Eclipse Consulting Engineers | 25/03/2022 |
| Waste Minimisation and Management Plan | Jackson Environment and Planning Pty Ltd | 06/04/2022 |
| Traffic Impact Statement | SECA Solution | 04/08/2021 |
| Noise and Vibration Assessment | RWDI | 18/01/2022 |
| Bushfire Threat Assessment | Anderson Environment & Planning | 16/07/2021 |
| Air Quality Impact Assessment | RWDI | 09/08/2021 |
| Fire Engineering Report | Affinity Fire Engineering | 23/11/2020 |
| Site Interaction Statement | ReDirect Recycling | 12/09/2022 |

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. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
  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 |
| NSW EPA | General Terms of Approval | 1618857 | 18/05/2022 |
| NSW RFS | s4.14 – Infill – Waste or resource management facility | DA20211027004637-CL55-1 | 06/03/2022 |

|  |
| --- |
| 1. **PRIOR TO ISSUE OF ANY CONSTRCTION CERTIFICATE** |

* 1. All conditions under this section must be met prior to the issue of any Construction Certificate.
  2. Submit amendments to the approved plans to the Registered Certifier that must detail:
* The chemical storage area is to be reinstated on the plans between the “tip and spread” and “offices and amenities” within the resource recovery facility.
  1. 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.
   1. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.
   2. Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

* location and materials for protective fencing and hoardings to the perimeter on the site • provisions for public safety
* pedestrian and vehicular site access points and construction activity zones
* details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
* protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council’s DCP, if applicable) and trees in adjoining public domain (if applicable)
* details of any bulk earthworks to be carried out
* location of site storage areas and sheds
* equipment used to carry out all works
* a garbage container with a tight-fitting lid
* dust, noise and vibration control measures
* location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

* 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:

1. Installation of vehicular safety barriers (e.g. guard rail and safety fencing) within the Pinnacle Place frontage of the site, compliant with Austroads Guides, NSW Transport Roads and Maritime Services Supplements and Australian Standards and manufacturers requirements.

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.

* 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. 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:

1. 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.
2. Construction of stormwater detention systems. 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. The on-site stormwater detention systems shall be designed generally in accordance with the “Soil and Water Management Plan Report” prepared by Eclipse Consulting Engineers (Ref: 9346-008-smp Issue 5 dated 31 January 2022) including associated ‘Stormwater / Civil Works’ plans prepared by Eclipse Consulting Engineers (Ref Project 9346 Sheets C100 – C113, Issue C dated 26.11.20).
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. The nutrient and pollution control measures shall be designed generally in accordance with the “Soil and Water Management Plan Report” prepared by Eclipse Consulting Engineers (Ref: 9346-008-smp Issue 5 dated 31 January 2022) including associated ‘Stormwater / Civil Works’ plans prepared by Eclipse Consulting Engineers (Ref Project 9346 Sheets C100 – C113, Issue C dated 26.11.20).
4. Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design. The on-site stormwater detention systems shall be designed generally in accordance with the “Soil and Water Management Plan Report” prepared by Eclipse Consulting Engineers (Ref: 9346-008-smp Issue 5 dated 31 January 2022) including associated ‘Stormwater / Civil Works’ plans prepared by Eclipse Consulting Engineers (Ref Project 9346 Sheets C100 – C113, Issue C dated 26.11.20).
5. Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via the on-site stormwater detention facilities to the approved connection with Council’s drainage system located in Pile Road. Prior to discharging offsite, the stormwater system is to connect to the internal stormwater system constructed under DA56372/2019.
6. 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.
7. Installation of the weighbridges and associated infrastructure.

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

* 1. 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 be found on council’s website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
  2. Submit an application to Council under section 305 of the Water Management Act 2000 for a section 306 Requirements Letter. The Application form can be found on Council’s website [centralcoast.nsw.gov.au](https://www.centralcoast.nsw.gov.au/council/forms-and-publications/forms). 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 e.g. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

* 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.

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.

|  |
| --- |
| 1. **PRIOR TO THE COMMENCEMENT OF ANY WORKS** |

* 1. All conditions under this section must be met prior to the commencement of any works.
  2. Appoint a Principal Certifier for the building work:

1. The Principal Certifier (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 Work form giving at least two (2) days’ notice of the intention to commence building work. The forms can be found on Council’s website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
   1. 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:
3. The name, address and telephone number of the Principal Certifier for the work; and
4. The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
5. That unauthorised entry to the work site is prohibited.
6. Remove the sign when the work has been completed.
   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:

* 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.

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.

* 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.
  2. 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.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

|  |
| --- |
| 1. **DURING WORKS** |

* 1. All conditions under this section must be met during works.
  2. Carry out construction works between the following times only:
* Monday to Friday: 7:00am to 6:00pm,
* Saturday: 7:00am to 2:00pm,
* No construction is permitted on Sundays and Public Holidays.
  1. 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:

1. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
2. 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 sign.

* 1. Classify all excavated material removed from the site in accordance with NSW EPA (November 2014) Waste Classification Guidelines and/or the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014.*
  2. 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*.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage

* 1. 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.
  2. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.
  3. 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.
  4. While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.
  5. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.

|  |
| --- |
| 1. **PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE** |

* 1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
  2. All works required by the underlying approvals of DA/51047/2016 and DA/26372/2019 are to be completed prior to the issue of any Occupation Certificate.
  3. 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.
  4. 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. 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.
  6. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
  7. Amend the Deposited Plan (DP) for the site 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:

* 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.
* Create a ‘Restriction on the use of Land’ to prohibit direct vehicular access to and from Pinnacle Place.

1. 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:
2. 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.

* 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.
  2. The consolidation of Lot 1 DP 1194897, Lot 1 DP 1093201, and Lot 51 DP 1151970 into one lot by registered subdivision. Documentary evidence of the lodgement of the Consolidation Plan with NSW Land and Property Information can be accepted by the Principal Certifier as satisfying this requirement.
  3. Obtain an Environmental Protection Notice from the New South Wales Environment Protection Authority.
  4. The following works must be completed to the Mechanical Workshop/Tyre Repair Centre:
* Grade and drain the floor of the mechanical workshop to a level-controlled collection pit and oil/water separator. The oil/water separator must be connected to sewer in accordance with AS/NZS 3500 Plumbing and Drainage Regulations.
* Install a sampling point on the outlet of the oil/water separator.

Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.

A Site Operational Traffic Management Plan is required to be prepared by a suitably qualified person. The Site Operational Traffic Management Plan must ensure all trucks associated with the development will access and egress from Pile Road.

* 1. 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*.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage).

* 1. Obtain a satisfactory plumbing and drainage final inspection in accordance with the requirements of the *Plumbing and Drainage Act 2011*.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

* 1. Plant street tree on the road reserve - provide one (1) advanced specimen (minimum 25 litre pot size) that is to be evenly located in relation to existing street trees along the street and adequately staked / protected to prevent vandalism. The street trees must be native tree species such as Water Gum capable of achieving a minimum height of 10m.

Do not locate trees within an authority’s underground service easement nor be closer than:

1. 12m from an intersection, or
2. 3m from a driveway or access way, or
3. 3m from a power pole.

|  |
| --- |
| 1. **ONGOING** |

* 1. A valid Environmental Protection License must be maintained for the duration of operation of the approved resource recovery facility.
  2. Lodge a new Trade Waste application when there is a change of ownership/occupancy or change to the activities licensed under this approval. As a part of this process, Council will re-assess the Liquid Trade Waste requirements for the site and update the Liquid Trade Waste approval document as appropriate. This form can be found on council’s website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au).
  3. Restrict the hours of operation of the use to those times listed below:

Materials handling:

* 24 hours/ 7 days a week
* This excludes wood shredding which is restricted as follows:
  + Monday to Sunday: 7:00am to 6:00pm

Waste deliveries:

Monday to Friday: 6:00am to 7:00pm

Saturday and Sunday: 7:00am to 2:00pm

Product collection:

Monday to Friday: 10:00pm to 6:00am.

* 1. No trucks are to be parked on site.
  2. A copy of the Site Operational Traffic Management Plan must remain on site at all times. Truck drivers entering and existing the site must be briefed on the requirements of this plan.
  3. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
  4. Store all waste generated on the premises in a manner so that it does not pollute the environment.
  5. Transport all waste generated on the premises to a facility which is licensed to receive that material.
  6. Construct, operate and manage the site in accordance with the Noise and Vibration Assessment, prepared by Wilkinson Murray, dated 18/01/2022.
  7. Operate and manage the site in accordance with the Air Quality Impact Assessment, prepared by Wilkinson Murray, dated 09/09/2021.
  8. Comply with all commitments as detailed in the Waste Minimisation and Management Plan prepared by Jackson Environment and Planning Pty Ltd dated 6 April 2022.
  9. Business Operations and staff amenities mixed and recyclables waste bins are to be serviced by a commercial waste contractor at the kerbside. Alternatively these waste bins are to be serviced by the commercial waste contractor vehicle entirely within the boundaries of the site.
  10. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
  11. Waste storage containers to be stored as approved out of site from adjoining premises and public view.
  12. Load and unload delivery vehicles wholly within the site. Delivery vehicles must enter and exit the site in a forward direction.
  13. Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas.
  14. Do not obstruct loading bays when not in use.
  15. Maintain the site landscaping for the life of the development.
  16. Do not, park, store or otherwise stand vehicles in a public street that are awaiting repair, under repair or awaiting delivery.
  17. Do not store goods, equipment, packaging material or machinery exposed outside the building so as to be visible from any public road or thoroughfare.
  18. Do not erect advertising sign(s) on or in conjunction with the use and / or development without development consent unless the advertisement is exempt development or otherwise permitted without development consent.
  19. Do not store materials, waste matter or products outside the building or the approved storage area at any time.
  20. Do not store goods, equipment, packaging material or machinery exposed outside the building so as to be visible from any public road or thoroughfare.
  21. Comply with all commitments as detailed in the Waste Minimisation and Management Plan, prepared by Jackson Environment and Planning Pty Ltd and dated 06/04/2022.
  22. No development, vehicle movements or materials stockpiling is permitted in the Aboriginal heritage site buffer area as approved under DA/51047/2016. Access shall be limited to authorised personnel for the purposes of monitoring or protecting the Aboriginal heritage site.
  23. Store all Dangerous Goods in accordance with: AS 1940­2017: T*he Storage and Handling of Flammable and Combustible Liquids*; and / or the *Protection of the Environment Operations Act 1997*.
  24. Bund all above ground storage of hazardous materials, oils, chemicals or fertilisers. The bund is to be made from an impervious material and must be covered and large enough to hold the contents of the largest container plus 10%.
  25. Keep a sufficient supply of appropriate spill control equipment on the premises at all times. Materials used in the clean­up of a spill must be disposed of to an appropriately licensed waste facility.
  26. Do not give to offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
  27. Do not give rise to water pollution as defined in the *Protection of the Environment Operation Act 1997*.
  28. Maintain internal pavement and pavement marking.
  29. Maintain all fencing for the life of the development in the approved location.
  30. Manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner / operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.

|  |
| --- |
| 1. **PENALTIES** |

* 1. Failure to comply with this development consent and any condition of this consent may be a criminal offence. Failure to comply with other environmental laws may also be a criminal offence.

Where there is any breach Council may without any further warning:

* Issue Penalty Infringement Notices (On-the-spot fines);
* Issue notices and orders;
* Prosecute any person breaching this consent, and/or
* Seek injunctions/orders before the courts to retain and remedy any breach.
  1. Maximum Penalties under NSW Environmental Laws include fines up to $1.1 Million and / or custodial sentences for serious offences.

|  |
| --- |
| **ADVISORY NOTES** |

* It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit.
* 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](file:///C:\Users\cours\Documents\Condition%20Presentation\www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

* *Telecommunications Act 1997* (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

* Install and maintain backflow prevention device(s) in accordance with Council’s WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council’s website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

**Schedule 1 – NSW EPA General Terms of Approval**

**Schedule 2 – RFS NSW Conditions**