

Telephone: (02) 4306 7900
Please Quote: DA/63169/2021/A
Responsible Officer: Robert Eyre



Mr T Luedecke



29 May 2023

Application to Modify
Development Consent – Notice of Determination
issued under the *Environmental Planning and Assessment Act 1979*
Section 4.55(1A)

Development Application No: DA/63169/2021/A
Applicant: Mr T Luedecke
Property Address: Lot 368 DP 7736
386 Booker Bay Road, BOOKER BAY NSW 2257
Proposal: Demolition of Existing Structures & Erection of Multi
Dwelling Housing x 6 Units (Amended Application)
Modified On: 29 May 2023 (A)
Determination: Approved
Determination Date: 12 July 2022

Date from which this consent operates

In accordance with Section 4.20 of the *Environmental Planning and Assessment Act 1979*, this consent becomes effective and operates from the date of this notice being 12 July 2022.

Consent to lapse on

12 July 2027

Imposition of conditions

Subject to the provisions of Section 4.17 of the Act this Modification has been granted subject to conditions annexed to this consent.

Review of Determination

Subject to provisions of Sections 8.2 & 8.3 of the *Environmental Planning & Assessment Act 1979* the applicant may make an application seeking a review of this determination, providing it is lodged within 28 days of notification.



Right of Appeal

Section 8.9 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within 28 days, from the date of determination.

On behalf of the consent authority

David Farmer

Chief Executive Officer



Per:

Robert Eyre

Principal Development Planner

DEVELOPMENT ASSESSMENT

Conditions

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans by: Moov.Modular

Drawing	Description	Revision	Date
1	Site Plan	Q	03/12/2022
2	Site plan 1 st Floor	Q	03/12/2022
3	Site Analysis	Q	03/12/2022
4	Landscape Plan	Q	03/12/2022
5	Rooftop Garden Plans	Q	03/12/2022
6	Ongoing Domestic Waste MGT Plan	Q	03/12/2022
7	Roof plan	Q	03/12/2022
8	Floor Plans	Q	03/12/2022
9	Elevations	Q	03/12/2022
10	Sections	Q	03/12/2022
11	Shadows 9.00am 21 June	Q	03/12/2022
12	Shadows 12.00 noon 21 June	Q	03/12/2022
13	Shadows 3.00pm 21 June	Q	03/12/2022
14	Materials & Finishes	Q	03/12/2022
15	Demolition & Waste Management Plan	Q	03/12/2022

Document Title.	Version No.	Prepared by.	Dated.
BASIX Certificate No 1219810S_04		Tom Luedecke	01/11/2022
Waste Management Plan		Thomas Luedecke	15 January 2022
Geotechnical Report	CKG 0667-1	Motian Group	January 2019
Water Cycle Management Plan		Halcrow & Associates	31 August 2021
NatHERS Certificate	0006959944-02	Ian Zappala	25/11/2022
S4.55 Statement of Environmental Effects		Moov.modular	03/12/2022

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.

- 1.2. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.3. Comply with all commitments listed in the BASIX Certificate for the development as required under Clause 97A of the Environmental Planning and Assessment Regulation 2000

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. 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.
- 2.3. Submit amendments to the approved plans to the Registered Certifier pursuant to the *Environmental Planning and Assessment Regulation 2000* that must detail:
 - a) With the exception of the bin enclosure, the front fence is to have a maximum solid height of 1.2m
 - b) Above 1.2m, at least one third of the surface area of the front fence should be "open" materials such as spaced pickets or palings or battens, or lattice.
- 2.4. Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979*, pay to Council a total contribution amount of **\$46,183.40**, that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.

Roadwork - Capital	B	(Key No 789)	\$2,508.90
Open Space - Land	C	(Key No 791)	\$2,508.90
Open Space - Embellishment	C	(Key No 790)	\$17,166.75
Community Facilities - Land	D	(Key No 793)	\$382.55
Community Facilities - Capital	D	(Key No 792)	\$6,417.90
Drainage - Land	A	(Key No 787)	\$2,684.00
Drainage - Capital	A	(Key No 788)	\$11,143.30
TOTAL AMOUNT			\$46,183.40

The total amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council's Contributions Planner on 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 104/160(2) of the *Environmental Planning and Assessment Regulation 2000*

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 2 Hely St Wyong or on Council's website: [Development Contributions - former Gosford LGA](#)

- 2.5. 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. 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.

- 2.6. Submit to the Accredited Certifier, responsible for issuing a construction certificate for works within the development properties, detailed design drawings approved by a suitably qualified consultant for fences located on or in proximity to the road frontage of the site which ensure pedestrian and vehicle sight distance is maintained in accordance with of Australian Standard AS/NZS 2890: *Parking Facilities, Parts 1, 2 and 6*.
- 2.7. 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 concrete footpath 1.5 metres wide for the full street frontage of the development in Booker Bay Road.
- b) Construction of the road verge/footway formation graded at 2% from the top of existing kerb to the property boundary, across the full frontage of the site in Booker Bay Road. Construction to include transitions to existing formation either side of the site.
- c) Construction of a residential vehicle access crossing that has a width of 5 metres including construction of a gutter crossing and road pavement adjacent to the gutter crossing.
- d) Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb & gutter.
- e) Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary. Concrete path to be constructed if required.
- f) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

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.

- 2.8. 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.
- 2.9. Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
 - a) Construction of driveways and garages in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b) 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 design shall be generally in accordance with the Water Cycle Management Plan prepared by Halcrow &



Associates (Reference 2106323 dated 31 August 2021 and the Stormwater Drainage Plan and Stormwater Drainage Details plan prepared by Halcrow & Associates (Drawing No 21.06.023 Sheet CC.1 of 4 and Sheet CC.2 of 4, both dated 22.8.22). (Amended)

- c) 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 design shall be generally in accordance with the Water Cycle Management Plan prepared by Halcrow & Associates (Reference 2106323 dated 31 August 2021 and the Stormwater Drainage Plan and Stormwater Drainage Details plan prepared by Halcrow & Associates (Drawing No 21.06.023 Sheet CC.1 of 4 and Sheet CC.2 of 4, both dated 22.8.22). (Amended)
- d) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via nutrient & pollution control measures to the approved level spreader as indicated on the Stormwater Drainage Plan and Stormwater Drainage Details plan prepared by Halcrow & Associates (Drawing No 21.06.023 Sheet CC.1 of 4 and Sheet CC.2 of 4, both dated 22.8.22).
- e) Construction of buildings with the minimum floor level of all habitable rooms in the development being Reduced Level (RL) 2.4m Australian Height Datum (AHD).
- f) Construction of buildings from materials that are used or located below Reduced Level (RL) 2.4m Australian Height Datum (AHD) must be of a type that is able to withstand the effects of immersion.
- g) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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

3. PRIOR TO THE COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifier for the building work:
 - a) 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.
 - b) 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

- 3.3. 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 Certifier 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.

- 3.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au

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

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.

- 3.5. Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for food scraps and papers.
- 3.6. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - diverting uncontaminated run-off around cleared or disturbed areas, and
 - preventing the tracking of sediment by vehicles onto roads, and
 - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- 3.7. Submit a dilapidation report to Council, the Registered Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries and any Council asset in the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site and to the road, kerb, footpath, driveways, water supply and sewer infrastructure, street trees and street signs or any other Council asset in the vicinity of the development.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, submit evidence in writing demonstrating that all steps were taken to obtain access to the adjoining property(s).

- 3.8. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 3.9. Provide certification to the Principal Certifier that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent
- 3.10. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- a) more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

- 3.11. 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.

- 3.12. 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.

4.DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. 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.

- 4.3. 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.
- 4.4. 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.
- 4.5. 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).

- 4.6. 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*.
- 4.7. While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.
- 4.8. Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 4.9. 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.
- 4.10. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted and approved with the subject application.

- 4.11. Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.12. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.13. Implement dust control measures to ensure airborne dust particulates are abated and airborne movement of sediment blown from exposed disturbed areas is contained within the site
- 4.14. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.15. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan submitted and approved with the subject application

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.3. 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 Certifier. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.4. Complete the landscaping works.
- 5.5. Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- 5.6. Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.7. Provide fold-away clothes lines for clothes drying purposes that must not extend above courtyard fencing.

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

5.9. Amend the Deposited Plan (DP) for lot 368 DP 7736 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 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.

2. 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:

- a. To ensure on any lot containing a nutrient / pollution facility that:
 - i. the facility will remain in place and fully operational.
 - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the 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.

5.10. Construct the access driveway and garages in accordance with Australian Standard AS2890.1-2004: *Parking facilities - Off-street parking*. Certification of the construction of the access driveway and garages by a suitably qualified consultant must be provided to the Principal Certifier.

5.11. 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.

- 5.12. 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.
- 5.13. 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.
- 5.14. 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.
- 5.15. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.16. Provide certification from a geotechnical engineer to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.

6.ONGOING

- 6.1. The green roofs over the garages are to remain non-trafficable and are not be used as balconies / roof terraces or for any recreational purposes.
- 6.2. Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas.
- 6.3. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.4. Place the mobile garbage / recycling / green waste containers at a suitable location at the kerbside no earlier than the evening prior to the collection day and return to a screened area as soon as possible after service, no later than the evening on collection day. The residents/ caretaker / owner/ Owners Corporation are responsible for the placement and return of the mobile waste containers.
- 6.5. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.6. Comply with all commitments as detailed in the Waste Management Plan submitted and approved with this application.



- 6.7. Locate the approved waste storage enclosure / area as indicated on the approved plans.
- 6.8. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.9. Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.10. Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions

PENALTIES

Penalties failure to comply

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 pollution

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.

Public authorities' requirements

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 work in accordance to WH&S Act

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

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)

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 backflow prevention device

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

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