

# CENTRAL COAST COUNCIL

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA58027/2020.2
Delegation level	Delegated
Property Lot & DP	LOT: 52 DP: 9912
Property Address	15 Alma Avenue WOY WOY NSW 2256
Site Area	481 m <sup>2</sup>
Zoning	IN1 GENERAL INDUSTRIAL
Proposal	Section 4.55(2) Amendment - Rebuild Workshop using existing Footprint of Damaged Workshop
Application Type	Amendment under Section 4.55 (2) - Local
Application Lodged	06/07/2020
Applicant	Raybal Constructions Pty Ltd
Estimated Cost of Works	\$ 300,000
Advertised	Not Advertised or Notified
Submissions	NA
Disclosure of Political Donations & Gifts	No
Recommendation	Approval, subject to conditions

### Assessment

This application has been assessed using the heads of consideration specified under Section 4.15 of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans.

### Background

Council's records show the following applications have been lodged on this site:

DA17389/1993 - SHOP USE - Approved: 08/09/1993

DA1328/1998 - Awning- Approved: 17/12/1998

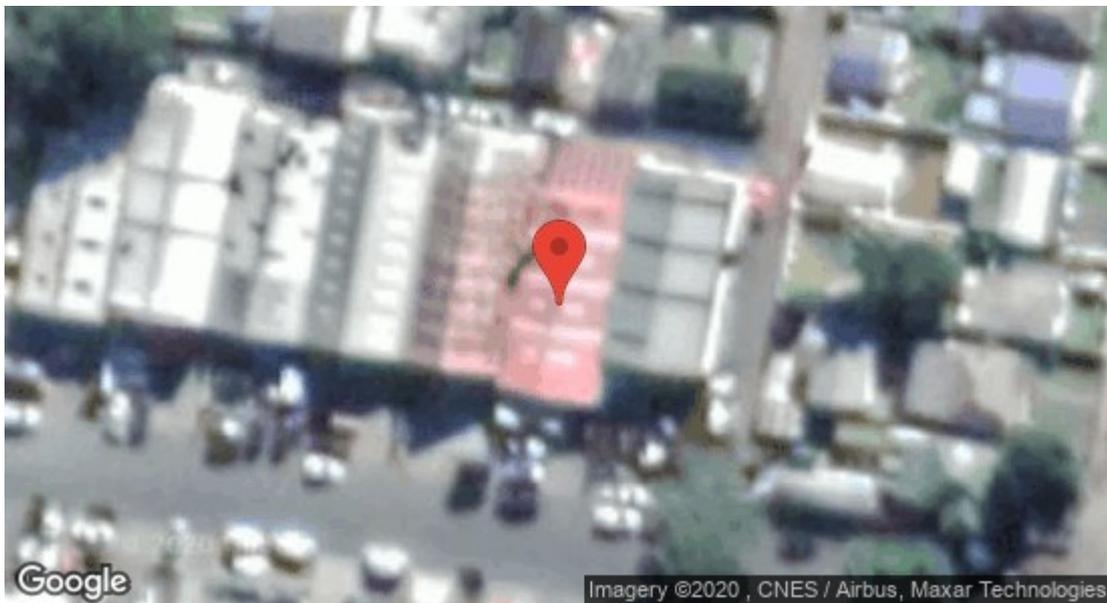
DA/58027/2020 which the current modification application relates to was lodged to Council which consisted of the demolition and replacement an existing industrial building which had been damaged by fire. DA58027/2020 was approved 24 April 2020.

### Site & Surrounds

The site is located on the northern side of Alma Avenue, a laneway is located to the north immediately adjacent to the northern boundary. Adjoining development comprises of industrial buildings to the south east and west, single dwelling residential areas are located to the north opposite the laneway. The topography of the site is flat land.

The site contains an existing industrial building which has been damaged by fire beyond repair.

The site is not identified as being "bushfire prone land" on Council's bushfire maps.



## The Proposal

The applicant is seeking to modify the consent for Development Application 58027/2020 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 by:

- Removal of condition 2.4
- Removal of condition 2.6
- Removal of condition 5.5

The applicant has provided supporting plans with accompanying commentary stating the plans will allow for the removal of the above conditions, the plans involve:

- reducing the rear door width to match the existing vehicle crossing
- connecting stormwater to the existing system

The amended plans will result in the following:

- Amend condition 1.1

## Applicable Planning Controls

The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

Environmental Planning & Assessment Act 1979 - Section 4.15

Local Government Act 1993 - Section 89

Draft Central Coast Local Environment Plan

Gosford Local Environmental Plan 2014

Gosford Development Control Plan 2013

## Draft Environmental Planning Instruments

The following draft Environmental Planning Instruments apply to this application:

- Draft Central Coast Local Environment Plan

The application has been assessed under the provisions of the *Draft Central Coast Local Environmental Plan* (DCCLEP 2018) in respect to zoning, development standards and special provisions.

Under the DCCLEP 2018 the proposal is to be located on land which will remain to be zoned as IN1 General Industrial.

The assessment concluded the proposal is consistent with the DCCLEP 2018.

## **Permissibility**

The subject site is zoned IN1 GENERAL INDUSTRIAL under the Gosford Local Environmental Plan 2014. The IN1 zone permits the land to be used for a range of industrial and warehouse land uses. The current modification relates to an approved industrial which is permissible in the zone with consent of Council.

## **State Environmental Planning Policies**

There are no State Environmental Planning Policies relevant to this application.

## **Gosford Local Environmental Plan 2014**

The Gosford LEP 2014 was considered during assessment of this application. There are no variations in relation to the proposed development.

### **Zone IN1 General Industrial**

The objectives of the IN1 zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To promote ecologically, socially and economically sustainable development.
- To ensure that retail, commercial or service land uses in industrial areas are of an ancillary nature.
- To ensure that development is compatible with the desired future character of the zone.

In this instance, it is considered that the proposal is consistent with the stated objectives of the zone and consistent with the principles of Ecologically Sustainable Development as specified within the Local Government Act 1993.

## **Gosford Development Control Plan 2013**

The Gosford DCP 2013 was considered during assessment of this application. There are no variations in relation to the proposed development.

## **Other Matters for Consideration**

The applicants request for modification of consent is consistent with the statutory requirements of section 4.55(2) of the Environmental Planning and Assessment Act 1979 which states:

Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
- (c) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

The development which the consent as modified is considered to remain substantially the same. Consultation with authorities outside Council is not required. The application did not require notification as per the development control plan. There are no submissions which are required to be considered.

## Development Contribution Plan

The proposal is related to an approved building which replaces an existing building and is therefore not subject to section 7.11 development contributions under the Contribution Plan.

## Referrals

Internal Referral Body	Comments
Building	Referral not required
Engineering	Supported, subject to conditions
Environmental Health	Referral not required
Waste Service (Garbage)	Referral not required
Water and Sewer Assessment	Referral not required

### Engineering Summary

The application requests the deletion of conditions 2.4, 2.6., & 5.5 of the development consent. Condition 2.4 & 5.5 relate to the approval of and construction of engineering works under the Roads Act. Condition 2.6 relates to internal engineering matters.

#### Conditions 2.4 & 5.5 - Roads Act

The original development application indicated that the rear door was being widened to near full width at the boundary, however, the applicant has advised that with due regard to the 3m setback to boundary requirements under the BCA, the extent of the door is being now narrowed to reflect that of the existing vehicle crossing in the laneway associated with the original (fire destroyed) building.

Furthermore the applicant advised that the stormwater will connect to the existing stormwater system.

With these matters in mind, it is considered that the requirement for a Roads Act approval and associated works in the road reserves are not required and it is recommended that conditions 2.4 & 5.5 be deleted from the development consent.

#### Condition 2.6 - Internal engineering

The survey plan for both the original application and S4.55 application indicates the existing slab level of the ground at the boundary frontage to the laneway is RL 5.3m AHD, however the sections on the architectural plans of the original application and S4.55 amendment indicate the slab level of RL 5.44m AHD throughout to the rear boundary (laneway frontage). This matter was discussed with the applicant (today) whereby it was agreed that part 'c' of this condition be retained to ensure the existing slab level continues to transitions within the site to maintain the existing boundary level at the laneway. As part of those discussions it was also agreed to retain part 'b' of this condition as the application indicates that the proposed building will connect to the existing drainage system. Retention of parts 'b' & 'c' of this condition will ensure that these engineering matters are appropriately detailed and addressed in the construction certificate approval details. The development will be utilising existing access and parking arrangements and therefore, it is recommended that part 'a' of the development be deleted.

## Political Donations

During assessment of the application there were no political donations declared by the applicant, applicant's consultant, owner, objectors and/or residents.

## Public Submissions

The proposed development did not require notification in accordance with the provisions of Gosford Development Control Plan 2013.

## Conclusion

The proposed development has been considered under Sections 4.55 and 4.15 of the Environmental Planning and Assessment Act 1979. The proposal involves modifications to Rebuild Workshop using Existing Footprint of Damaged Workshop at 15 Alma Avenue WOY WOY NSW 2256. The proposed modifications will not result in adverse amenity impacts on the adjoining properties and the streetscape. The proposed development is substantially the same as the development that was originally granted consent.

As such, in accordance with Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, the Section 4.55(2) for modification is recommended for **approval**.

### Plans for Stamping

Amended Plans, CM9 Doc No. D14059062

### Supporting Documents for Binding with consent

Nil

## Recommendation

- a. Council as consent authority approve the Section 4.55(2) Part 2 application to modify Development Consent No 58027/2020 to the approved Rebuild Workshop using Existing Footprint of Damaged Workshop on Lot: 52 DP: 9912, 15 Alma Avenue WOY WOY NSW 2256. The Development Consent No 58027/2020 be modified as follows:
  - i. Amend Condition 1.1
  - ii. Remove Condition 2.4
  - iii. Amend Condition 2.6
  - iv. Remove Condition 5.5
- a. The applicant be advised that the approved amendment does not extend the terms of the approved original consent.

<b>Recommendation:</b>	Approval, subject to conditions
<b>Assessing Officer:</b>	Cade Tracey Trainee Development Planner
<b>Recommendation Reviewed by:</b>	Robert Eyre Peer Review Complete - Principal

# 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: KM Design Partners

Drawing	Description	Sheets	Issue	Date
<del>100</del>	<del>Site Plan &amp; Site Analysis</del>	<del>-</del>	<del>-B</del>	<del>February 2020</del>
<del>200</del>	<del>Floor Plan</del>	<del>-</del>	<del>-B</del>	<del>February 2020</del>
<del>300</del>	<del>Elevations as Noted</del>	<del>-</del>	<del>-B</del>	<del>February 2020</del>
<del>310</del>	<del>Elevations as Noted and Section AA</del>	<del>-</del>	<del>-B</del>	<del>February 2020</del>

#### Supporting Documentation:-

Title	Prepared by	Date
<del>Waste Management Plan</del>	<del>KM Design Partners</del>	<del>24 February 2020</del>

### 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: KM Design Partners

Drawing	Description	Sheets	Issue	Date
100	Site Plan & Site Analysis	-	C	01/06/2020
200	Floor Plan	-	C	01/06/2020
300	Elevations as Noted	-	C	01/06/2020
310	Elevations as Noted and Section AA	-	C	01/06/2020

#### Supporting Documentation:

Title	Prepared by	Date
Waste Management Plan	KM Design Partners	24 February 2020

- 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.

## 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 an application to Council under section 305 of the *Water Management Act 2000* to obtain a section 307 Certificate of Compliance. The *Application for a 307 Certificate under section 305 Water Management Act 2000* form can be found on Council's website [www.centralcoast.nsw.gov](http://www.centralcoast.nsw.gov). Early application is recommended.

A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

- 2.4** ~~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 a vehicle crossing in the laneway with a width equivalent to the proposed roller door. The ground levels in the laneway must not be raised.~~
- ~~b. Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve in Alma Avenue.~~

~~-~~

~~The design is to be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.~~

~~-~~

~~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** 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** ~~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/retention 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.~~
- ~~b. Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site to the approved connection to Council's storm water drainage system located in Alma Avenue.~~
- ~~c. Any transition of levels from the ground floor slab level to the laneway must occur within the property/building.~~

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

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 stormwater drainage collection and piping of all stormwater runoff from areas within the site to the approved connection to Council's storm water drainage system located in Alma Avenue.
- b. Any transition of levels from the ground floor slab level to the laneway must occur within the property/building.

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

### 3. PRIOR TO 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](http://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](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 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** 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.
- 3.6** 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:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - could cause damage to adjoining lands by falling objects, or
  - involve the enclosure of a public place or part of a public place

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

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

- 3.7** Undertake 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:*
- more than 10m<sup>2</sup> 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
  - 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 2017*.

- 3.8** Install sediment and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- diverting uncontaminated run-off around cleared or disturbed areas, and
  - 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
  - preventing the tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

- 3.9** 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.

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.

## 4. DURING WORKS

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

- 4.3** 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.

- 4.4** 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 proposed (excludes stormwater drainage).

- 4.5** 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*.
- 4.6** 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.
- 4.7** 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 signed by K.M Design Partners, dated 24 February 2020.
- 4.8** Maintain all erosion and sediment control measures within their operating capacity until the completion of the works and stabilisation of the site, to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- 4.9** 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.

## 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.
- This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).
- 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 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** ~~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 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. ONGOING OPERATION

- 6.1 Do not store goods, equipment, packaging material or machinery exposed outside the building so as to be visible from any public road or thoroughfare.
- 6.2 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.
- 6.3 Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.4 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.5 Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.6 Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.7 Waste servicing to be undertaken at a determined servicing frequency to ensure waste storage availability at all times.
- 6.8 All waste generated by the activities at the development to be separated into mixed and recyclables sealed waste storage containers.
- 6.9 Waste storage containers to be stored internally within the structure out of public view at all times. No external storage of waste materials, waste product or waste packaging external of the approved structure permitted.
- 6.10 Mixed and recyclables waste to be stored within mobile garage bins (MGB's) and serviced at the kerbside by a private commercial waste collection contractor with a side lift waste collection vehicle.
- 6.11 Mixed and recyclables MGB's to be wheeled out to the kerbside on arrival of the commercial waste contractor for servicing by a side lift waste collection vehicle and immediately returned to the internal waste bin storage location out of public view after servicing.

## 7. PENALTIES

- 7.1 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.

### **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.

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
  - a. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
  - b. Jemena Asset Management for any change or alteration to the gas line infrastructure
  - c. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
  - d. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
  - e. Central Coast Council in respect to the location of water, sewerage and drainage services
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig  
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)  
  
This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).
- A development application must be lodged to Council for establishment of use if use of the site is not considered as exempt or complying development.