

Telephone: (02) 4306 7900
Please Quote: DA/89/2024
Responsible Officer: Jeff Adams



Ian Cubitts Classic Home Improvements Pty Ltd
152 Russell St
EMU PLAINS NSW 2750

Notice of Determination of a Development Application
issued under the *Environmental Planning and Assessment Act 1979*
Sections 4.16, 4.17 and 4.18(1)(a)

Development Application No: DA/89/2024
Applicant: Ian Cubitts Classic Home Improvements Pty Ltd
Property Address: Lot 18 DP 243865
32 Connex Road, UMINA BEACH NSW 2257
Proposal: Secondary Dwelling
Determination: Approved
Determination Date: 1 March 2024

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 1 March 2024.

Consent to lapse on

1 March 2029

Imposition of conditions

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

Review of Determination

Subject to provisions of Sections 8.2, 8.3, 8.4 and 8.5 of the Act the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

Right of Appeal

Sections 8.7 and 8.10 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 six (6) months, from the date of determination.



On behalf of the consent authority
David Farmer
Chief Executive Officer

Per:



Jeff Adams
BUILDING SURVEYOR



1. PARAMETERS OF THIS CONSENT

Approved Plans and Supporting Documentation

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

Plan No.	Revision No.	Plan Title	Drawn By	Dated
DA 01	C	Cover Sheet	cubitt's Granny Flats	10/01/2024
DA 02	C	Commitments & Schedules	cubitt's Granny Flats	10/01/2024
01	0	Topographical Detail Survey	Metiri Engineers Surveyors Planners	24/10/23
S1	B	Stormwater Plan	cubitt's Granny Flats	5/12/2023
DA 03	C	Site Plan	cubitt's Granny Flats	10/01/2024
DA 04	C	Floor Plan	cubitt's Granny Flats	10/01/2024
DA 05	C	Roof Plan	cubitt's Granny Flats	10/01/2024
DA 06	C	Elevations & Section	cubitt's Granny Flats	10/01/2024
DA 07	C	Landscape Plan	cubitt's Granny Flats	10/01/2024
DA 08	C	Shadow Diagrams	cubitt's Granny Flats	10/01/2024
1/4	-	External Schedule	cubitt's Granny Flats	16/12/2023
2/4	-	Cladding	cubitt's Granny Flats	16/12/2023
3/4	-	Flyscreens/Painting & Finishes	cubitt's Granny Flats	16/12/2023

Document Title	Version No.	Prepared by	Dated
BASIX Certificate	1378655S	Ian Cubitt's Classic Home Improvements PTY LTD	05/12/2023
Acid Sulphate Management Report	REF: 2023480	Agility Engineering	25/10/2023

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

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

- 1.2. 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 Section 75 *Environmental Planning and Assessment Regulation 2021*.



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. Retain the land where any excavation is required below the adjoining land level and preserve and protect from damage any improvements or buildings upon that land including public roads and utilities.

If necessary, the improvements or buildings must be designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared to comply with this condition are to include geotechnical investigations, any excavation that impacts on public infrastructure, and are to be submitted for the approval of the Registered Certifier.

- 2.4. Submit to the Accredited Building Certifier a report approved by a suitably qualified consultant demonstrating that the development complies with the design parameters outlined in the current edition of the Australian Building Codes Board (ABCB) Construction of Buildings in Flood Hazard Areas Standard or compliance with the Building Code of Australia as appropriate for the development. The following flooding characteristics are applicable to the development:
 - All building materials used or located below RL 5.50m AHD must be of a type to withstand the effects of immersion.
 - Non-habitable floor levels: Garage, shed, decks, laundry, or public toilets/sporting amenities to have floor levels or at least 300mm preferably 500mm above surrounding finished ground level.
 - Materials, equipment or contents are not to be stored below the FPL unless they are flood compatible, capable of withstanding the forces of floodwater, debris and buoyancy, and not prone to causing pollution or an environment hazard. (Refer to DCP 2013 Part 6.7.7.6.4 B)

These design details and any associated reports must be certified and included in the Construction Certificate. (Or the amended plans are to be submitted to the authority issuing the Construction Certificate).



- 2.5. Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979*, pay to Council a total contribution amount of **\$9,480.40**, 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	CP 31B	\$518.60
Open Space - Land	C	CP 31C	\$1,470.00
Open Space - Embellishment	C	CP 31C	\$4,731.75
Community Facilities - Land	D	CP 31D	\$72.00
Community Facilities - Capital	D	CP 31D	\$1,327.45
Drainage - Land	A	CP 31A	\$244.00
Drainage - Capital	A	CP 31A	\$1,116.60
TOTAL AMOUNT			\$9,480.40

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 (02) 4306 7900 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 Section 59 *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

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

3. PRIOR TO ISSUE OF ANY SUBDIVISION WORKS CERTIFICATE

No Conditions

4. PRIOR TO COMMENCEMENT OF ANY WORKS

- 4.1. All conditions under this section must be met prior to the commencement of any works.
- 4.2. 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



- 4.3. 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:
- The name, address and telephone number of the Principal Certifier for the work; and
 - The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - That unauthorised entry to the work site is prohibited.
 - Remove the sign when the work has been completed.
- 4.4. 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.

- 4.5. 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 topsoil, excavated materials, construction and landscaping supplies and debris within the lot.
- 4.6. 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.

- 4.7. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:



- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- c) be a temporary chemical closet approved under the Local Government Act 1993.

5. DURING WORKS

- 5.1. All conditions under this section must be met during works.
- 5.2. 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.

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

In this condition:

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

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

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



- 5.4. 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.
- 5.5. 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.
- 5.6. 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).

- 5.7. 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*.
- 5.8. 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.
- 5.9. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 5.10. Locate all electrical fixtures (including meter box) and/or gas outlets associated with the proposed works at a minimum height of RL 5.50m AHD. Alternatively, all electrical outlets and fixtures located between RL 5.50m AHD (minimum floor level) and RL 5.00m AHD (1% AEP flood level) can be protected by a residual current device (safety switch).

These details and any associated reports must be certified and included in the Construction Certificate or (Or the amended plans are to be submitted to the authority issuing the Construction Certificate).

6. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 6.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 6.2. 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 are proposed (excludes stormwater drainage).

- 6.3. 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.

- 6.4. 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 (Development Certification and Fire Safety) Regulation 2021*.
- 6.5. Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 6.6. Contact Council's Land Information Officer or email ask@centralcoast.nsw.gov.au for allocation of a street address for the Secondary Dwelling.
- 6.7. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 6.8. Drain all roof water by a piped drainage line to the street kerb outlet / an interallotment drainage line / an infiltration trench.

Note: Infiltration trench details are to be designed by a practicing engineer experienced in hydraulics. The design details are to cater for a 1 in 20-year Annual Exceedance Probability (AEP) storm event and are to allow for a minimum setback of three (3) metres from any sewer main and lot boundaries.

- 6.9. Install a rainwater tank with a minimum capacity of 3000 litres. The tank should be fitted with suitable plumbing connections to collect rainwater from 80m² of roof area as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%. All overflow must be connected via piped drainage line to street kerb outlet / allotment drainage line / infiltration trench.

Note: Infiltration trenches are to be designed by a practicing engineer experienced in hydraulics. The design details are to cater for a 1 in 20-year AEP storm event and are to allow for a minimum setback of three (3) metres from any sewer main and lot boundaries.

- 6.10. Internal Engineering Works
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. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

No Conditions

8. PRIOR TO OCCUPATION OF THE MANUFACTURED HOME

No Conditions

9. ONGOING

9.1. Operate and maintain all external lighting so as not to impact on any adjoining property.

10. PENALTIES

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

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

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mailboxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services



- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- 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)

