

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA/64/2022
Delegation level	Delegated
Property Lot & DP	Lot 4 DP 10108
Property Address	2 Ferry Road ETTALONG BEACH NSW 2257
Site Area	487 m2
Zoning	R1 General Residential
Proposal	Demolition of existing structures, construct new Dwelling, Garages, carports and car parking spaces
Application Type	Development Application - Local
Application Lodged	15/03/2022
Applicant	Osmond McLeod Architects
Estimated Cost of Works	\$ 348,000
Notified Only	22 September 2022 to 07 October 2022
Submissions	Three (3)
Disclosure of Political Donations & Gifts	No
Site Inspection	15 November 2022
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.

Summary of Non Compliance

Policy	Clause / Description	% Variance
Gosford DCP 2013	3.1.3.1c Side setbacks	34.32%

Background

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

[DA/48718/1988](#)

Development Application - AWNING

Lodged: 18/05/1988 (25/05/1988)

Address: 2 Ferry Road ETTALONG BEACH NSW 2257

Applicant : Pre Authority Bas Post 1986

Municipality : Central Coast Council

Owner : E Polselli

Owner : M H Polselli

Site & Surrounds



The site is located in a residential area and is not bush fire prone land as identified on Council's Bush Fire maps.



The Proposal

The proposal comprises:

- (i) demolition of the existing single storey clad residential dwelling and ancillary buildings;
- (ii) construction of the proposed two (2) storey residential dwelling comprising:
 - four (4) bedrooms (3 x ground level, 1 x first floor – master bedroom)
 - ground level living area;
 - first floor living area and kitchen;
 - lift;
 - front and rear decks;
 - inground pool;
 - two car garage off rear laneway; and
 - at grade car parking space off Ferry Road

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

State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Gosford Local Environmental Plan 2014

Gosford Development Control Plan 2013

Environmental Planning & Assessment Act, Section 4.15 and Local Government Act, Section 89

The application has been considered in light of the variations and is considered acceptable.

Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to this application.

Permissibility

The subject site is zoned R1 General Residential The proposed development is defined as Dwelling House which is

permissible in the zone with consent of Council.

dwelling house means a building containing only one dwelling.

State Environmental Planning Policies

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is considered to be consistent with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within the mapped coastal management areas.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

Gosford Local Environmental Plan 2014

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 - Height of buildings	8.5	8.162	Yes	Nil	Yes
4.4 - Floor space ratio	0.5:1	0.5:1	Yes	Nil	Yes

Zone R1 General Residential

The objectives of the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To promote best practice in the design of multi dwelling housing and other similar types of development.
- To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

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.

7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 3 Acid Sulfate Soils. In this instance, the proposed works are not considered to impact on Acid Sulfate Soils.

Gosford Development Control Plan 2013

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
3.1.2.1 - Building Height	Maximum building height required	8.5	7.9	Yes	Yes
	Number of storeys required	2	2	Yes	Yes

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
	Building height Outbuildings and Detached Ancillary Development required	4.8	3.7	Yes	Yes
3.1.2.2 - Site Coverage	Site coverage required	50%	49%	Yes	Yes
3.1.2.3 - Floor Space Ratio	FSR required	0.5:1	0.5:1	Yes	Yes
3.1.3.1a - Front Setback	Front setback where site area greater than 300m2 required	4.5	5.5 to wall of dwelling	Yes	Yes
	Front setback to a classified road required				
	Front setback where site area up to 300m2 required				
	Front setback for garage and carport required				
3.1.3.1b - Rear Setback	Rear setback to private allotment required			n/a	n/a
	Rear setback to parallel road or public reserve required	3.0	>3.0 (9.6m to the pool)	Yes	Yes
	Rear setback within coastal hazard area required			n/a	n/a
3.1.3.1c - Side Setback	Side setback for lots greater than 12.5m wide required			n/a	n/a
	Side setback for lots up to 12.5m wide required	0 (Zero) to one side only for a maximum length of 10m and as per point c(i) above for the remainder	Northern side 1.1 & Southern side 0.936	No - see comments below	Yes
	Side setback for lots less than 8m wide required			n/a	n/a
	Side setback for carports required			n/a	n/a
3.1.3.1g - Outbuildings Setback	Outbuilding on lots up to 300m2 rear and side setbacks required			n/a	n/a
	Outbuilding on lots greater than 300m2 rear and side setbacks required			n/a	n/a
	Outbuilding rear and side setbacks to a laneway required	0.5	>0.5	Yes	Yes
3.1.3.3.1 - Primary Road Articulation for dwelling houses	Articulation zone setback required	3.0	4.0	Yes	Yes
	Articulation zone total area required			n/a	n/a
	Articulation zone elevations required	10	8.2	Yes	Yes
3.1.4.1 - Views				Yes - see comments below	Yes - see comments below
3.1.4.2 - Visual Privacy				Yes	Yes

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
3.1.4.3 - Private Open Space Areas	Private open space for lots less than 10m wide required			n/a	n/a
	Private open space for lots greater than 10m wide required	24	>24	Yes	Yes
	Private open space dimension required	3	3	Yes	Yes
	Private open space gradient required	1:50	<1:50	Yes	Yes
3.1.4.4 - Sunlight Access				Yes	Yes
3.1.6.1 - Earthworks	Earthworks maximum depth required			Yes	Yes
	Earthworks maximum fill required			Yes	Yes
3.1.6.2 - Retaining Walls and Structural Support				Yes	Yes
3.1.6.3 - Drainage				Yes	Yes
3.1.7.2 - Outbuildings	Outbuildings maximum floor area required	45m ²	40.43m ²	Yes	Yes
3.1.7.4 - Swimming Pools				Yes	Yes

Chapter 2.1 Character

The proposed development is in keeping with the development in the immediate area and would not have a negative impact to the existing character or the streetscape

Ettalong Beach

The proposed development is consistent with the desired character of Ettalong Beach.

Chapter 2.2 Scenic Quality

The visual and scenic impact has been assessed and the development is considered to be consistent with the objectives of scenic quality. The proposed development does not unreasonably contribute to the loss of characteristics of the natural or built environment, nor does it unreasonably dominate the local area.

3.1.1.1 Objectives

Considered to meet the objectives and desired future character of the area

3.1.3.1c Side Setback

3.1.3.1c Side Setback (Northern elevation)

The proposed dwelling will have a side setback of 1.1m to the northern elevation of the dwelling. The council's DCP minimum side setback requirement is 1.675m and due to the height of the proposed dwelling on the northern elevation this requirement has not been complied with. The setback of 1.1m to the northern wall is a variation of 0.575m. This equates to a variation of 34.32 %. The variation will not have any significant visual impact on the adjoining property to the north. The variation does not detract from the streetscape of the area. The variation is therefore supported for approval.



3.1.3.1c (ii) Side Setback(Southern elevation)

The proposed dwelling will have a side setback of 0.936m to the southern elevation of the dwelling. The council's DCP minimum side setback requirement for lots less than 12.5m wide at the building line a 0 (Zero) setback to one side only for a maximum length of 10m only. The southern elevation complies with clause 3.1.3.1c(ii)

3.1.4.1 Views

The proposal is consistent with the objectives of Consideration of Views. The primary views and outlook from the existing neighbouring dwellings will not be substantially affected.

3.1.4.2 Visual Privacy

Minimal to nil impact on privacy considering the location, size and setbacks of the proposed habitable spaces and windows from allotment boundaries.

3.1.4.4 Sunlight Access

On June 21, 50% of the required principal private open space area receives at least 3 hours of unobstructed sunlight access between 9am and 3pm. On June 21, 50% of the required principal private open space on adjoining land receives at least 3 hours of unobstructed sunlight access between 9am and 3pm.

3.1.7.4 Swimming Pools

The proposed cut for the pool will provide a depth that is generally typical of an in-ground pool, is contained within the footprint of the pool and is not considered detrimental to the stability of the subject site or the adjoining properties. The proposal has a minimal impact on the natural ground levels, achieves the objectives of the DCP and is supported.

6.3 Erosion Sedimentation Control

Appropriate siltation control to be conditioned.

6.6 Tree and Vegetation Management

The proposed application has been supported subject to Conditions

Protect street trees by installing protective fencing. Any street tree damaged during works must be immediately reported to Council, which may incur a compensation fee, rectifying and / or replaced with a tree of similar height and species at no cost to Council.

Plant a minimum of two (2) replacement trees (advanced specimens min 25lt pot size) in available landscape areas at the front and rear of the development. Replacement trees must be native species capable of achieving a height of 8m. New trees are not to be located within an authority's service easement. Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.

6.7 Water Cycle Management

The proposed development requires a combined total of 5000L rainwater tanks (3000L for dwelling and 2000L for the pool)

7.1 Car Parking

Development Type	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
Dwelling House	Min car spaces	2	2	Yes	Yes

7.2 Waste Management

Waste Management Plan submitted. A condition has been included in the development consent.

Planning Agreements

The proposed development is not subject to a planning agreement or draft planning agreement.

Development Contribution Plan

The proposed development is a development type that is not subject to S94 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

Referrals

Internal Referral Body	Comments
Engineering	Supported, subject to conditions
Trees	Supported, subject to conditions
Water and Sewer Assessment	Supported, subject to conditions
Vehicle Access Crossings	Supported, subject to conditions

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

Three(3) public submissions were received in relation to the application. Those issues associated with the key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act 1979.

A summary of the submissions are detailed below.

1. This 2 storey development on a 486.9 M2 block exceeds the permissible development by at least 8.1% . A gross over development.

Comment -

Due to the submissions received and Council's concerns the applicant has reduced the Floor space Ratio from 0.53:1 (8.1% variations) to 0.5:1. The proposed development is now compliant with the Floor space ratio control. The proposal is therefore supported for approval.

2. too big a dwelling for the block, too many car spaces/garages for the dwelling, not enough green space left, 4) 4 trees removed, new replacement trees?

Comment -

The proposed two storey dwelling complies with Floor space ratio of 0.5:1 and also with site coverage control (ie 49% site coverage), The proposed dwelling is also below the 8.5m height limit.

The applicant has removed the concrete parking hard stand area off Ferry road. The double garage off the rear lane provides adequate parking for the proposed development. With the removal of the concrete hard stand in the front yard it provides an additional 18m² of landscaped area for the proposed development.

Council has also included the following condition of consent:___

Protect street trees by installing protective fencing. Any street tree damaged during works must be immediately reported to Council, which may incur a compensation fee, rectifying and / or replaced with a tree of similar height and species at no cost to Council.

Plant a minimum of two (2) replacement trees (advanced specimens min 25lt pot size) in available landscape areas at the front and rear of the development. Replacement trees must be native species capable of achieving a height of 8m. New trees are not to be located within an authority's service easement. Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.

The proposal is therefore supported for approval.

3. my backyard will lose natural light due to height, too close to my boundary fence, all house single story ferry road parking already congested during holiday and commute times,

Comment -

The properties to the North of the development site will receive ,On June 21, 50% of the required principal private open space area receives at least 3 hours of unobstructed sunlight access between 9am and 3pm. On June 21, 50% of the required principal private open space on adjoining land receives at least 3 hours of unobstructed sunlight access between 9am and 3pm. This meets the DCP control in respect of impact of overshadowing

4. The set back on the southern elevation two storey development in part is only 1 metre, The set back on the southern elevation two storey development in part is only 1 metre.

Comment -

3.1.3.1c (ii) Side Setback(Southern elevation)

The proposed dwelling will have a side setback of 0.936m to 1.709m to the southern elevation of the dwelling. The council's DCP minimum side setback requirement for lots less than 12.5m wide at the building line a 0 (Zero) setback to one side only for a maximum length of 10m only applies . The southern elevation complies with clause 3.1.3.1c(ii)

The proposal is therefore supported for approval

Conclusion

This application has been assessed against the heads of consideration of Section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed

and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for **approval** pursuant to Section 4.16 of the Environmental Planning and Assessment Act.

Plans for Stamping

Amended Plans, CM9 Doc No D15436398

Supporting Documents for Binding with consent

Nil

Recommendation

- A. Council as consent authority grant consent to the development application as detailed in the body of this report, subject to the conditions attached.
- B. In accordance with Section 4.53(1) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.
- C. The objector(s) be notified of Council's decision.

Recommendation:	Approval, subject to conditions
Assessing Officer:	Robert Williams
Recommendation Reviewed by:	Grant Killen Peer Review Complete - Principal

Conditions

1. PARAMETERS OF THIS CONSENT

1.1 Approved Plans and Supporting Documents

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

Plan No.	Revision No.	Plan Title	Drawn By.	Dated
DA.01	B	Cover page	Osmond McLeod	15/11/2022
DA.03	B	Existing Plan	Osmond McLeod	15/11/2022
DA.04	B	Site plan	Osmond McLeod	15/11/2022
DA.05	B	Ground Floor Plan	Osmond McLeod	15/11/2022
DA.06	B	Ground Floor Plan	Osmond McLeod	15/11/2022
DA.07	B	First Floor Plan	Osmond McLeod	15/11/2022
DA.09	B	Highlight Plan	Osmond McLeod	15/11/2022
DA.11	B	Elevations	Osmond McLeod	15/11/2022
DA.12	B	Elevations	Osmond McLeod	15/11/2022
DA.13	B	Shadow Diagrams	Osmond McLeod	15/11/2022
DA.14	B	Window Schedule Ground Floor	Osmond McLeod	15/11/2022
DA.15	B	Window Schedule First Floor	Osmond McLeod	15/11/2022
DA.16	B	Window Schedule Highlight	Osmond McLeod	15/11/2022
DA.17	B	Window Schedule	Osmond McLeod	15/11/2022
DA.18	B	Finishes Schedule	Osmond McLeod	15/11/2022
DA.19	B	Side Envelope (Northern)	Osmond McLeod	15/11/2022
DA.20	B	Side Envelope (Southern)	Osmond McLeod	15/11/2022

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 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 Submit to Council as the Roads Authority an application for a vehicle access crossing including payment of the application fee.
- 2.4 Submit an application to Council under section 305 of the Water Management Act 2000 for a section 307 certificate of compliance. The Application form can be found on Council's website centralcoast.nsw.gov.au. Early application is recommended.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone eg. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

- 2.5 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:
 1. All building materials used or located below RL 3.90m AHD must be of a type to withstand the effects of immersion.
 2. Non-habitable floor levels: Garage, shed, laundry, public toilets/sporting amenities to have floor levels at the 1% AEP flood level (RL 3.40m AHD) or at least 300mm (desirable 500mm) above surrounding finished ground level,. Materials, equipment and/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 and to Brisbane Water Risk Management Plan).

These design details and any associated reports must be certified and included in the Construction Certificate.

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:
- 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.
 - 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:
- 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.
- 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 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** 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.

- 3.8** 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.

- 3.9** 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:

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

- 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:

- 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
- 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** Protect street trees by installing protective fencing. Any street tree damaged during works must be immediately reported to Council, which may incur a compensation fee, rectifying and / or replaced with a tree of similar height and species at no cost to 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** 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 sign.

- 4.4** 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.
- 4.5** 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.
- 4.6** 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 proposed (excludes stormwater drainage).

- 4.7** 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*.
- 4.8** 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.
- 4.9** While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.
- 4.10** 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.
- 4.11** Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.

- 4.12** Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulations 2018* and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:
- “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”
 - “POOL GATES MUST BE KEPT CLOSED AT ALL TIMES”
 - “KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES” and
 - A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)

- 4.13** Do not fill the swimming pool with water until the common boundary fence forming part of the pool enclosure has been installed with a minimum height of 1.8 metres when measured inside the pool enclosure in accordance with the provisions of Australian Standard AS 1926.1 2012. The maintenance and effectiveness of the fence is the responsibility of the pool owner whilst ever the pool exists.

Alternatively, the pool must be fully enclosed by swimming pool safety fencing complying with the provisions of Australian Standard AS 1926.1-2012 in lieu of any boundary fencing.

- 4.14** Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifier.
- 4.15** 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.
- 4.16** No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.17** Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.
- 4.18** Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

(a) Council's Waste Management Development Control Plan OR

(b) details the following:

- the contact details of the person(s) removing the waste
- an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
- the address of the disposal location(s) where the waste is to be taken.

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

- 4.19** Locate all electrical fixtures (including meter box) and/or gas outlets associated with the proposed works at a minimum height of RL 3.90m AHD. Alternatively, all electrical outlets and fixtures located between RL 3.90m AHD (minimum floor level) and RL 3.40m 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.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1** Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the Plumbing and Drainage Act 2011.

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

- 5.2** 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.

- 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 (Development Certification and Fire Safety) Regulation 2021*.

- 5.4** Install a rainwater tank with a minimum capacity of 6000 litres. The tank should be fitted with suitable plumbing connections to collect rainwater from numberm² 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 practising 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.

- 5.5** Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.

- 5.6** Drain all stormwater from impervious surface areas, including pathways and driveways, to the street kerb outlet / interallotment drainage easement serving the allotment / 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.

- 5.7** Construct the vehicle access crossing in accordance with the vehicle access crossing Notice of Determination issued by Council.

- 5.8** Obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Occupation Certificate.

- 5.9** Plant a minimum of two (2) replacement trees (advanced specimens min 25lt pot size) in available landscape areas at the front and rear of the development. Replacement trees must be native species capable of achieving a height of 8m. New trees are not to be located within an authority's service easement. Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.

6. ONGOING OPERATION

- 6.1 Do not adapt or use the non-habitable garage or outbuilding for residential, commercial or industrial purposes.
- 6.2 Do not let, adapt or use the dwelling for separate occupation in two or more parts.
- 6.3 Insulate and / or isolate the motor, filter, pump and all sound producing equipment or fitting associated with or forming part of the pool filtering system so as not to create an offensive noise to the occupants of the adjoining premises as defined in the *Protection of the Environment Operations Act 1997*.
- 6.4 Do not change the location of the Vehicle Access Crossing without prior written approval from Council.

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.

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 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 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 proposed (excludes stormwater drainage).