



Telephone: 1300 463 954

Please Quote: DA58218/2020

M Brennan  
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**Notice of Determination of a Development Application**  
issued under the *Environmental Planning and Assessment Act 1979*  
section 4.18(1)(a)

**Application Number:** DA58218/2020 Part 1  
**Applicant:** M Brennan  
**Property:** LOT: 3 DP: 24779 , 23 Wharf Street EAST GOSFORD NSW 2250  
**Proposal:** Jetty

**Date from which this consent operates**

In accordance with section 4.20, 8.13 of the *Environmental Planning and Assessment Act 1979*, this consent becomes effective and operates from the date of this notice.

**Consent to operate from**

6 July 2020

**Consent to lapse on**

6 July 2025

**Imposition of conditions**

In accordance with section 4.17 of the *Environmental Planning and Assessment Act 1979*, this consent has been granted subject to conditions of this consent.

**Review of Determination**

In accordance with section 8.2, 8.3, 8.4, 8.5 of the *Environmental Planning and Assessment Act 1979*, 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**

Section 8.7, 8.10 of the *Environmental Planning and Assessment Act 1979* 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. To ascertain the date upon which the determination becomes effective refer to section 4.20, 8.13 of the Act.

For further information contact Central Coast Council Customer Service Unit on 1300 463 954.

On behalf of the consent authority

Gary Murphy

**Chief Executive Officer**

A handwritten signature in black ink, appearing to read 'G. Murphy', written over a faint circular stamp or watermark.

Per:

Date: 06/07/2020

# 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: Clarke Dowdle & Associates

Drawing	Description	Sheets	Issue	Date
Reference #Go: 19677C	Jetty Plans	1	C	06/03/2020

#### Supporting Documentation:

Title	Prepared by	Date
Waste Management Plan	Clarke Dowdle & Associates	15 April 2020
Aquatic Habitat Assessment Report	Clarke Dowdle & Associates	November 2019

## 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:
- Site investigation for the preparation of the construction, and / or
  - Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - Demolition

## 3. PRIOR TO COMMENCEMENT OF ANY SUBDIVISION WORKS CERTIFICATE

### 3.1 Install run-off and erosion controls

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 above the tidal zone.

- 3.2** Comply with Aquatic Habitat Assessment Report  
Comply with mitigation measures as stated in the Aquatic Habitat Assessment Report (Clarke Dowdle & Associates, dated 12/11/19). Where these recommendations contained within the Aquatic Habitat Assessment Report are inconsistent, the conditions of consent prevail.

## 4. PRIOR TO COMMENCEMENT OF ANY SUBDIVISION WORKS CERTIFICATE

- 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](http://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:
- 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.
- 4.4** Install run-off and erosion controls
- 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 above the tidal zone.
- 4.5** Comply with Aquatic Habitat Assessment Report  
Comply with mitigation measures as stated in the Aquatic Habitat Assessment Report (Clarke Dowdle & Associates, dated 12/11/19). Where these recommendations contained within the Aquatic Habitat Assessment Report are inconsistent, the conditions of consent prevail.

## 5. DURING WORKS

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

**5.2** 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.

**5.3** 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.

**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** 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*.

**5.7** Implement the following measures during works:

- Do not locate stockpiles of soil and other material in the tidal zone, and cover when not in use
- Construct horizontal deck materials to allow at least 40% light penetration to the seabed below (eg. mesh, grid or grated materials)
- Implement bunds and runoff containment devices to inhibit movement of silt away from the construction area
- Do not remove mangroves without the consent of NSW Fisheries

**5.8** Comply with Aquatic Habitat Assessment Report

Comply with mitigation measures as stated in the Aquatic Habitat Assessment Report (Clarke Dowdle & Associates, dated 12/11/19). Where these recommendations contained within the Aquatic Habitat Assessment Report are inconsistent, the conditions of consent prevail.

## 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** 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*.

## 7. ONGOING OPERATION

- 7.1 Maintain public liability insurance in accordance with the requirements of the license issued by Department of Primary Industries - Lands. The water recreation structure must be demolished if the license lapses.
- 7.2 Maintain the new water recreation structure in a proper and safe condition at all times in accordance with the license issued by Department of Primary Industries - Lands.
- 7.3 Do not use red or green lighting in association with a pontoon or walkway.
- 7.4 The tenant shall not be exempted from the provisions of the Marine Legislation, and shall at all times comply with the requirements of all Acts and Regulations administered by Roads and Maritime Services.
- 7.5 Tenant shall at all times comply with any directions given by Roads and Maritime Services or an officer of the Authority in regard to painting, lighting or use or alteration of any structure as may, from time to time, be required in the interests of safe navigation, equitable use of and conservation of waterways and the prevention of pollution.
- 7.6 Area of tenure shall include only that area below high water mark covered by the actual structures plus the berthing area.
- 7.7 The sites of any freestanding piles installed for the purpose of mooring a vessel at a jetty/pontoon shall be included in the area of the tenure.
- 7.8 Any existing moorings affected by the proposal will be relocated at the developers expense.
- 7.9 Freestanding piles for the mooring of a vessel at a jetty/pontoon shall be erected to a height of at least 1.0m above the level of local mean high water and have the bark stripped off 0.6m down from the top and be painted white and the permissive occupancy number displayed thereon.

## 8. PENALTIES

- 8.1 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
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- 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.