



Telephone: 1300 463 954

Please Quote: DA58217/2020

S L Garling
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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: DA58217/2020 Part 1
Applicant: S L Garling
Property: LOT: 235 DP: 237227 , 35 Carolina Park Road AVOCA BEACH NSW 2251
Proposal: Proposed Conversion of Lower Ground Floor to Secondary Dwelling

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

8 July 2020

Consent to lapse on

8 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.

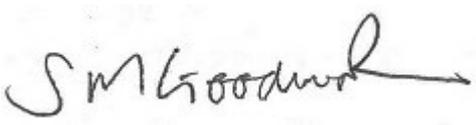
For further information contact Central Coast Council Customer Service Unit on 1300 463 954.

On behalf of the consent authority

Gary Murphy

Chief Executive Officer

Per:

A handwritten signature in black ink, appearing to read "SM Goodwin" with a long horizontal stroke extending to the right.

Date: 08/07/2020

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: Anthony Lewis

Drawing	Description	Sheets	Issue	Date
A.01.1 , A.01.2, A.02.1, A.02.2, A.02.3, A.03.1, A.03.2, A.04.1, A.05.1 A.5.2, A.05.3 & A.06.1	Architectural details	12	A	2 March 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.
- 1.3** Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the Environmental Planning and Assessment Regulation 2000.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1** All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2** No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- 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
- 2.3** Assessment of the development against the provisions of Planning for Bush Fire Protection (2019) (NSW) has determined a Bush Fire Attack level (BAL) of 29.
Submit to the Accredited Certifier for approval construction details showing that the development complies with this Bush Fire Attack Level (BAL) as prescribed by Australian Standard AS 3959-2018: Construction of buildings in bush fire prone areas and (where applicable) the additional measures contained within section 7.5.2 – 'NSW State variations to AS3959' of Planning for Bush Fire Protection (2019) (NSW).

2.4 As included to notations on the architectural details forming part of this development consent, building works will be required to the building to address life safety and amenity issues. In this regard a construction certificate will be required for the works as follows:

1. Smoke alarms are to be provided within each dwelling in locations as outlined within Specification E2.2a of the BCA Vol 1 2019, comply with AS3786 2014, be powered from the consumer mains source and be interconnected where there is more than one alarm (within each dwelling). A certificate from a licensed electrician is to be submitted demonstrating compliance with this point.
2. A vapour barrier must be installed within the floor area of the secondary dwelling consisting of the dining, living, kitchen and store room below a "topping slab". The vapour barrier must be of materials and installed as per the requirements of Clause F1.10 of BCA Vol 1 2019.
3. The commitments as listed within BASIX certificate No. 1086527S dated 30 March 2020 are to be fully implemented/installed within the development.
4. The floor separating dwellings is to be upgraded to have a required fire resistance as outlined within Specification C1.1 Clause 5.1 (e) of the BCA Vol1 2019.
5. The floor separating dwellings and any duct for waste,soil or water supply is to be upgraded to have the required sound transmission and insulation requirements of clause F5.3, F5.4 & F5.6 of the BCA Vol1 2019.
6. The stairs leading from the rear deck of the principle dwelling into the rear yard is to be removed to provide a sufficient level of privacy to the occupants of the secondary dwelling.

The above works are considered necessary and are required to be completed within a period of nine (9) months from the date of this consent, with the exception of the smoke alarms at point 1 which is to be completed within a period of three weeks (3) from the date of this consent.

2.5 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. Early application is recommended.

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

- a. The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
- b. Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au

3.3 Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:

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

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

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

This condition only applies if installation / alteration of plumbing and / or drainage works 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** 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.

- 3.6** 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*.

4. DURING WORKS

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

- 4.3 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:
- All excavation or disturbance of the area must stop immediately in that area, and
 - 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.

- 4.4 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 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.

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 Complete the building in accordance with the provisions of *Planning for Bush Fire Protection 2019 (NSW)* and the requirements of Australian Standard AS 3959-2018 - *Construction of Buildings in Bush Fire Prone Areas* and additional measures contained within section 7.5.2 – 'NSW State variations to AS3959' of *Planning for Bush Fire Protection (2019) (NSW)* for a Bush Fire Attack Level of BAL 29.
- 5.4 Install the required rainwater tank in the location 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%.

6. PENALTIES

- 6.1 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).