

# CENTRAL COAST COUNCIL

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA58488/2020
Delegation level	Delegated
Property Lot & DP	LOT: 40 DP: 5350
Property Address	28 Malinya Road DAVISTOWN NSW 2251
Site Area	620 m <sup>2</sup>
Zoning	R2 LOW DENSITY RESIDENTIAL
Proposal	Timber Framed Infill Addition, Covered Pool Deck & New Swimming Pool
Application Type	Development Application - Local
Application Lodged	04/06/2020
Applicant	M D Apps
Estimated Cost of Works	\$ 105,000
Notified Only	17 June 2020 to 08 July 2020
Submissions	One (1)
Disclosure of Political Donations & Gifts	No
Site Inspection	11 June 2020
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	3.1.3.1d / Secondary setback (south side) 3.1.3.1e / Natural Water body (deck) 3.1.7.4 / Swimming pools (setback water body only)	55% 57% and less 50% and less

### Background

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

[CDC41885/2012](#) (010.2012.00041885.001)

Complying Development Cert. - Residential Demolition

[DA41158/2011](#) (011.2011.00041158.001)

Development Application - Construction of a two (2) storey dwelling-house and ancillary structure

## 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.

Photo 1 below: Looking from near the north side boundary back onto the existing rear of the dwelling house where pool is to be located.



Photo 2 below: Looking from near the north side boundary south onto the existing water side yard where deck area is to be located.





Photo 3 below: Looking from the north side boundary back onto the existing rear deck which is to have openings enclosed / provided with two operable louvres.



## The Proposal

The proposal comprises:

- New raised swimming pool positioned on the water side of the lot with associated screen wall
- Associated raised decking with roof over and partially enclosing walls (attached to the rear of the existing decking)
- Further enclosure of the existing lower storey decking to the rear of the dwelling house on the northern elevation and internal wall removal

## 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 and Assessment Act 1979 - Section 4.15

Local Government Act 1993 - Section 89

State Environmental Planning Policy (Coastal Protection) 2018

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

Gosford Local Environmental Plan 2014

Gosford Development Control Plan 2013

## Draft Environmental Planning Instruments

The following draft Environmental Planning Instruments apply to this application:

*Draft Central Coast Local Environmental Plan 2018*

The application has been assessed under the provisions of the *Draft Central Coast Local Environment Plan 2018* currently on exhibition in respect to zoning, development standards and special provisions. The assessment concluded the proposal is consistent with the Draft Plan.

## Permissibility

The subject site is zoned R2 LOW DENSITY RESIDENTIAL

The proposed development is permissible in the zone with consent of Council.

## 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 (Coastal Management) 2018**

The provisions of State Environmental Planning Policy (Coastal Management) 2018 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 of *Coastal Use Area* & *Coastal Environment Area*.

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
4.4 - Floor space ratio			Yes	0	Yes
4.3 - Height of buildings	8.5m	4.75m	Yes	Nil	Yes

### **Zone R2 Low Density Residential**

The objectives of the R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.
- 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 encourage best practice in the design of low-density residential development.

- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.

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 2 Acid Sulfate Soils. In this instance, the proposed works are not considered to impact on Acid Sulfate Soils once the recommendations of the acid sulphate soils report is applied as necessary.

### **7.2 Flood planning**

This land has been classified as being under a "flood planning level" and subject to the imposition of a minimum floor level. The development is considered satisfactory in respect to Clause 7.2 of Gosford Local Environmental Plan 2014.

## **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,	4.75m	Yes	Yes
	Number of storeys required	2	1	Yes	Yes
	Building height Outbuildings and Detached Ancillary Development required			n/a	n/a
3.1.2.2 - Site Coverage	Site coverage required			Yes	Yes
3.1.2.3 - Floor Space Ratio	FSR required			Yes	Yes
3.1.3.1a - Front Setback	Front setback where site area greater than 300m <sup>2</sup> required	Average of the two adjoining dwelling houses	All works on the waterbody side	Yes	Yes
	Front setback to a classified road required			n/a	n/a
	Front setback where site area up to 300m <sup>2</sup> required			n/a	n/a
	Front setback for garage and carport required			n/a	n/a
3.1.3.1c - Side Setback	Side setback for lots greater than 12.5m wide required	900mm	988mm	Yes	Yes
	Side setback for lots up to 12.5m wide required			n/a	n/a
	Side setback for lots less than 8m wide required			n/a	n/a
	Side setback for carports required			n/a	n/a
3.1.3.1d - Secondary Setback	Secondary setback for corner lots required	2.0m	900mm	No - see comments below	Yes - see comments below

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
3.1.3.1e - Natural Waterbody	Setback to natural waterbody for ground storey required	6m	Deck: 2.5m. Pool: 3.0m	No - see comments below	Yes - see comments below
	Setback to natural waterbody for above ground storey required			n/a	n/a
	Setback to natural waterbody from Hawkesbury River required			n/a	n/a
3.1.4.1 - Views				Yes - see comments below	Yes
3.1.4.2 - Visual Privacy				Yes	Yes
3.1.4.3 - Private Open Space Areas	Private open space for lots less than 10m wide required			Yes	Yes
	Private open space for lots greater than 10m wide required			Yes	Yes
	Private open space dimension required			Yes	Yes
	Private open space gradient required			Yes	Yes
3.1.5 - Car Parking and Access	Number of car spaces required	2	2+ (no change)	Yes	Yes
	Car space measurements required			n/a	n/a
	Driveway width required			n/a	n/a
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
3.1.7.4 - Swimming Pools				No - see comments below	Yes - see comments below

### **Davistown 1: Cottage Foreshores - Desired**

The proposal retains the low-density residential foreshores of the area with the design complementing the scenic and architectural qualities of surviving early Twentieth Century cottages by being smaller in scale, pitched roof and light weight cladding with a bearer and joist construction method..

There is adequate space to provide gardens and maintain the waterfront setbacks that are similar to neighbouring properties. The wide side setback to the north ensures the appearance of a discontinuous wall of buildings along the waterway.

The raised floor level avoids disturbing natural landforms and prevents extensive landfilling. The design features avoid terraces, fences and outdoor structures that would disrupt the desired informal landscape setting and or compromise the privacy and amenity enjoyed by neighbouring dwellings.

Bulk and scale is minimised by the use of simple pitched roof forms such gables, with wide eaves and a gentle pitch to minimise the height of the ridge. The individual roof creates a pavilion style structure further blending the design with existing building.

The design is compatible with both the existing and desired character of the area.

#### **3.1.3.1d Secondary Setback**

To the south side of the lot is effectively a corner lot (featuring remnant vegetation and an unformed pathway, the address is and known as "26A") acting as an access handle to the public reserve. The setback control is 2.0m for this area. The proposed setback is 900mm. This setback is common place in the suburb and is in keeping with the character of the area. The vegetation ensures the variant will have no impact on the further south neighbours (including their view lines and solar access) or the community walking through 26A. The variation is supported as proposed.

#### **3.1.3.1e Natural Waterbody**

The development control for land adjoining the public reserve which then abuts a water body is 6.0 m for ground storey works. The proposed swimming pool is 3.0 m and more due to the lot boundary angle. The covered deck area also has a variable setback down to 2.5 m. The dwelling houses along the reserve feature various setbacks with older cottages, verandahs and swimming pools being part of the urban development on foreshore area. The location of the deck nestled up against the adjoining reserve lot of 26A is suitable for a variation placing it the furthest distance from the nearest neighbour that can readily see the works and ensure no view loss, privacy or over shadowing issues occur. The adjoining property to the north (house number 30) features a similar deck area with enclosing walls/ louvers on a setback which is compatible with the proposed variation. The variation is supported as proposed.

#### **3.1.4.1 Views**

There are views taken across from all proprieties to the west of Brisbane Water. The existing dwelling house designs, vegetation and lot orientation ensures no practical impact on views is expected.

The extent of view loss proposed is considered to be acceptable, and in accordance with the view sharing principles of LEC Planning Principle Tenacity v Warringah NSWLEC140.







#### **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. The conversion of the existing deck area includes a new part of the wall and windows on the room and adjoining deck area however, the impact of this area is considered to be similar to the current use. A feature privacy screen near the access stairs and swimming pool ensures sufficient privacy. It must be remembered this is an open reserve frontage and has limited to no privacy as the status quo.

#### **3.1.6.3 Drainage**



Drainage via the new rain water tank then to the existing system which is expected to cope with the new rood area.

#### **3.1.7.4 Swimming Pools**

The proposed cut is minimal for a pool in this area and is generally considered desirable to reduce the impact of acid sulphate soils. The pool location is not considered to be detrimental to the stability of the subject site or the adjoining properties. There is a variation to water body setback which is considered elsewhere in this report. 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.

#### **6.4 Geotechnical Requirements For Development Applications**

The property is mapped as being in a medium hazard landslip risk. It has been considered due to the existing area where there is no evidence of landslip and the site being relatively flat, there would be no additional geotechnical information required to support the development at the DA stage.

#### **6.6 Tree and Vegetation Management**

No trees impacted by this proposal.

#### **6.7 Water Cycle Management**

The water retention target requires 2,000 litres to be retained onsite for the swimming pool. As there is no ponding or slow infiltration proposed, the minimum tank size required under this clause is 2,000L. The existing on site rain water tank accounts for the new roof area.

#### **7.2 Waste Management**

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

### **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

### **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**

One (1) public submission was 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 submission is detailed below.

1. issue: Loss of privacy from the front yard (water body side).

Comment - The proposal does not increase the privacy impacts already experienced from the public reserve area. The design of the objector's dwelling affords sufficient privacy from fixed privacy glazing along the south side and adjustable louvers to the forward water side verandah area.

2. issue: Significant loss of privacy from the master bedroom (upper storey room).

Comment - The master bedroom is located on the upper storey and the windows are some distance in from the boundary with

windows facing west. The proposed works are located at ground storey and not considered to be on the same viewing lines in the majority of the objector's window. These features ensure privacy impact in practical terms is little to none.

3. issue: Design protrudes beyond our building (as shown in a blue line in the submission drawing)

Comment - The blue line ignores the line of the lot boundary and that the lot projects further west on the applicant lot. The actual relative building line is sufficiently addressed by the amended design (which was notified) and is supported as proposed.

## 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: D14029332

## 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.

<b>Recommendation:</b>	Approval, subject to conditions
<b>Assessing Officer:</b>	Neil Skeates Building Surveyor
<b>Recommendation Reviewed by:</b>	Wayne Herd Peer Review Complete - Section Manager

# 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: RJS & CE Price

Drawing	Description	Sheets	Issue	Date
20027	Plans	1	A	22.05.2020
20027	Plans	7	A	16.06.2020

- 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 Submit to the Accredited Certifier an Acid Sulfate Soils Assessment Report and Management Plan prepared in accordance with *Acid Sulfate Soils Planning Guidelines (Acid Sulfate Soil Management Advisory Committee, August 1998)*, by a suitably qualified consultant.
- 2.4 Submit design details of the following engineering works within private property:
- All building materials used or located below RL 2.20 m AHD must be of a type to withstand the effects of immersion.
  - Non-habitable floor levels: Garage, shed, laundry, or public toilets/sporting amenities to have the floor levels at or above the 1% AEP flood level (RL 1.50m AHD) or at least 300mm (desirable 500mm) above the surrounding finished ground level, whichever is higher. 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 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](http://www.centralcoast.nsw.gov.au)
- 3.3** Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- 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](http://www.centralcoast.nsw.gov.au)
- Contact Council prior to submitting these forms to confirm the relevant fees.
- This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.
- 3.5** 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** 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*

- 3.8** 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:

- a. more than 10m<sup>2</sup> of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b. 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:
- a. All excavation or disturbance of the area must stop immediately in that area, and
  - b. The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.

**Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

- 4.4** 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** Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.9** 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)
- 4.10** 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.
- 4.11** 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.
- 4.12** No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.13** Do not access the development site through a public reserve unless approval for temporary access over the public reserve is obtained from the council as the Land Manager. A copy of the approval must be available for viewing on-site at all times during work.
- 4.14** Carry out works in accordance with the approved Acid Sulfate Soils Management Plan.
- 4.15** Locate all electrical fixtures (including meter box) and/or gas outlets associated with the proposed works at a minimum height of RL 2.20m AHD. Alternatively, all electrical outlets and fixtures located between RL 2.20m AHD (minimum floor level) and RL 1.50m 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** 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** Install a rainwater tank with a minimum capacity of 2,000 litres. The tank should be fitted with suitable plumbing connections to collect rainwater from all of the deck roof area as detailed within the approved development plans. 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. All overflow must be connected via piped drainage line to street kerb outlet / allotment drainage line where available / infiltration trench / an existing approved stormwater disposal system.
- 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.

## 6. ONGOING OPERATION

- 6.1** 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*.
- 6.2** Do not further enclose any part of the deck area without prior 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

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