

# CENTRAL COAST COUNCIL

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA58216/2020
Delegation level	Delegated
Property Lot & DP	LOT: 61 DP: 238335
Property Address	46 Hilltop Road WAMBERAL NSW 2260
Site Area	740 m <sup>2</sup>
Zoning	R2 LOW DENSITY RESIDENTIAL
Proposal	Alterations & Additions to Existing Dwelling & New Pool
Application Type	Development Application - Local
Application Lodged	16/04/2020
Applicant	Luke Farrugia Architect
Estimated Cost of Works	\$ 750,000
Notified Only	23 April 2020 to 14 May 2020
Submissions	Two (2)
Disclosure of Political Donations & Gifts	No
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 LEP 2014	4.3 height of Buildings	8.2%
Gosford DCP 2013	3.1.3.1 Side Setbacks	16%

### Background

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

[BA3716/1979](#) (004.1979.00003716.001)

Building Application - DWELLING-HOUSE

Lodged: 01/01/1979 ( **Approved** : 01/01/1979 )

Address: 46 Hilltop Road WAMBERAL NSW 2260

[BA67188/1992](#) (004.1992.00067188.001)

Building Application - DWELLING-HOUSE

Lodged: 27/02/1992 ( **Finished** : 15/06/1992 )

Address: 46 Hilltop Road WAMBERAL NSW 2260

## Site & Surrounds

The site is located on the southern side of street, the nearest cross street to the east is Rysdyk Parade. Adjoining development comprises of two storey dwelling houses with ancillary development. The topography is sloping from the street to the rear southern boundary.

The site contains an existing two storey dwelling house.

The site is not identified as being "bushfire prone land" on Council's bushfire maps.



## The Proposal

The proposal is for alterations and addition to the existing dwelling house and a swimming pool in the rear yard.

## 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 Environment 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**

## **Gosford Local Environmental Plan 2014**

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 - Height of buildings	8.5m	9.2m	No - see comments below	8.2%	Yes - see comments below
4.4 - Floor space ratio	0.5:1	0.41:1	Yes	n/a	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.

### **4.3 Height of buildings**

The proposed dwelling roof has a height of 9.2m which is located in the centre of the site where the fall of the site is steepest. This is 0.7m above the maximum allowable 8.5 metres shown on the height of building map for the land. This is a 8.2% variation to the development control. The applicant has submitted an objection to a development standard under Gosford LEP 2014 Clause 4.6 Exception to development standards.

The reason for the variation is that the site is burdened by sloping topography and the established levels of the existing dwelling that makes it more difficult to achieve a complying design within the current controls. The variation occurs at the rear of the proposed upper storey addition and consist of a small area of roof area and is located in the centre of the site.

The proposed variation will have limited impact on the adjoining properties and streetscape as it will not block any views from properties directly to the north. The proposed noncompliant will not impact the street character in any way.

The proposal meets the objectives of the clauses which are:

(a) To establish maximum height limits for buildings.

Comments – The height for the site has been set by the current height of building map as 8.5m. The proposed variation is considered to be minimal and the proposal will conform to the existing status of the area.

(b) To permit building heights that encourages high quality urban form.

Comments – The proposal is a good architectural design and is aesthetically appealing.

(c) To ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight.

Comments – The proposal is a low density residential dwelling that will have very limited impact on public areas. Given the dwelling is situated in the middle of the lot, the impacts of overshadowing to adjoining properties are minimal and will allow good access to sunlight.

(d) To nominate heights that will provide an appropriate transition in built form and land use intensity.

Comments – The height of the dwelling is consistent with adjoining development and use of the site is appropriate for a low density residential area.

(e) To ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area.

Comment – The design steps to accommodate the fall of the land and will not impact on views of surrounding properties.

(f) To protect public open space from excessive overshadowing and to allow views to identify natural topographical features.

Comments – The development will not affect the amenity of public open space as a result of overshadowing and does not impact on views.

The proposal complies with the objectives of the clause and the height of the development will have very limited impact on adjoining properties. The development will not have unreasonable impacts on the neighbouring residents or character of the area and remains consistent with the objectives of the standard and objectives of the R2 Zone. Thus it is recommended for approval.

#### **4.6 Exceptions to development standards**

Clause 4.6 of Gosford LEP 2014 requires consideration of the following:

1. has the applicant submitted a written request that seeks to justify the contravention of the development standard by demonstrating:
  - a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - b. that there are sufficient environmental planning grounds to justify contravening the development standard?

The applicant contends that the site is topography challenged that makes compliance with the development standard unreasonable.

Comment

The applicant's written request has adequately justified that compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental planning grounds to justify contravening the development standard.

2. Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

Comment

The proposed dwelling roof has a height of 9.2m which is located in the centre of the site where the fall of the site is steepest. This is 0.7m above the maximum allowable 8.5 metres shown on the height of building map for the land. This is a 8.2% variation to the development control. The applicant has submitted an objection to a development standard under Gosford LEP 2014 Clause 4.6 Exception to development standards.

The reason for the variation is that the site is burdened by sloping topography and existing building levels that makes it more difficult to achieve a complying design within the current controls. The variation occurs at the rear of the proposed upper storey addition house where the fall of the land is at its steepest and is located in the centre of the site.

The proposed variation will have limited impact on the adjoining properties and streetscape as it will not block any views from properties directly to the north. The proposed noncompliant roof sits lower than the street and will not be seen from

the street nor impact the street character in any way.

The development will not have unreasonable impacts on the neighbouring residents or character of the area and remains consistent with the objectives of the standard and objectives of the R2 Zone.

3. Has the concurrence of the Director-General been obtained?

Comment – Planning Circular PS 08033 issued 9 May 2008 states that Council may assume the concurrence of the Director-General when considering exceptions to development standards under clause 4.6. The Council is therefore empowered to approve the application.

The request for a variation under Clause 4.6 is considered to be well founded and is recommended for support.

### **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 5 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	8.5m	9.2m	Yes	Yes
	Number of storeys required	2	2	Yes	Yes
	Building height Outbuildings and Detached Ancillary Development required			n/a	n/a
3.1.2.2 - Site Coverage	Site coverage required	50%max	43%	Yes	Yes
3.1.2.3 - Floor Space Ratio	FSR required	0.5:1	0.41:1	Yes	Yes
3.1.3.1a - Front Setback	Front setback where site area greater than 300m <sup>2</sup> required	11.2m	9.5m existing unchanged	Yes - see comments below	Yes - see comments below
	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	12.2m	9.5m existing unchanged	Yes - see comments below	Yes - see comments below
3.1.3.1b - Rear Setback	Rear setback to private allotment required	3m	3.5m (to pool)	Yes	Yes
	Rear setback to parallel road or public reserve required			n/a	n/a
	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	1.8m	1.5m	No - see comments below	Yes - see comments below
	Side setback for lots up to 12.5m wide required			n/a	n/a

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
	Side setback for lots less than 8m wide required			n/a	n/a
	Side setback for carports required			n/a	n/a
3.1.3.3.1 - Primary Road Articulation for dwelling houses	Articulation zone setback required			Yes	Yes
	Articulation zone total area required			Yes	Yes
	Articulation zone elevations required			Yes	Yes
3.1.3.3.2 - Garage Door Articulation	Garage door articulation zone required	6m	4.8m	Yes	Yes
3.1.4.1 - Views				Yes	Yes
3.1.4.2 - Visual Privacy				Yes - see comments below	Yes - see comments below
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	24m <sup>2</sup>	36m <sup>2</sup>	Yes	Yes
	Private open space dimension required	3m	5m	Yes	Yes
	Private open space gradient required	1:50	1:1	Yes	Yes
3.1.5 - Car Parking and Access	Number of car spaces required			Yes	Yes
	Car space measurements required			Yes	Yes
	Driveway width required			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
3.1.7.4 - Swimming Pools				Yes	Yes
3.1.7.5 - Fencing	Height of fencing to primary road required			Yes	Yes
	Height of side and rear fencing required			Yes	Yes
	Setback and openings of front fencing required			Yes	Yes
	Minimum opening of fencing on flood control lot required			Yes	Yes

### **3.1.2.1 Building Height**

The height of the dwelling is 9.2m which is a 8.2% variation to the requirements of the clause. This variation has been discussed under Clause 4.3 of the LEP and is recommended for support. The proposal also satisfies the objectives of the DCP as the building height will be compatible with the height, bulk and scale of the existing and desired future character of the locality, will ensure that the height of building protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views. The building height is compatible with the scenic qualities of the location and

respects the sites natural topography.

#### **3.1.3.1a Front Setback**

The setback of the existing dwelling is established at 9.5m. The proposal does not seek to decrease the front setback and is consistent with the established building line for the street. The proposal includes a small on ground deck to the eastern side of the front elevation and consist of minor works to level the area. This area sits below the road level and will not be visible from the street and is screened in part by the proposed 1.2m front fence and will have no impact on the amenity of the street. The proposal is supported.

#### **3.1.3.1c Side Setback**

The proposal setback of the upper storey addition is 1.5m from the western side boundary. The wall height is 8.1m at the most disadvantaged point and requires a side boundary setback of 1.8m. the proposed setback is 16% variation. The side boundary setback has been established by the existing dwelling which is being maintained and utilised as foundation for the proposed additions. The variation occurs due the topography falling away from the building towards the rear of the site. The impact of the variation is considered minor and will have limited impact on the adjoining property to west. As its will maintain adequate access to sunlight and over shadowing is considered minimal. The proposed variation is supported.

#### **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**

The existing dwelling allows overlooking of the adjoining properties to the east and south from the existing deck and windows in the southern elevation. The proposed alterations will maintain the existing levels of visual amenity currently experienced. The proposal has included measures to reduce potential impact including privacy screens and vegetation screen plants proposed along the eastern boundary.

A submission has been received regarding the overlooking form the southern windows in the proposed upper storey addition. The proposed setbacks of the windows from adjoining properties allows adequate separation to maintain amenity coupled with the use of the room as bedroom here people tend to spend less waking time. In addition, viewing to areas below the proposed window will be obscured by the roof structure projecting form the base of the window sill. The proposed development satisfies the objectives of the DCP for the privacy and amenity and amendments to the design are not warranted in this instance.

### **6.3 Erosion Sedimentation Control**

Appropriate siltation control to be conditioned.

### **6.7 Water Cycle Management**

The required retention volume for the development is 5000ltrs. A condition requiring the installation of a rainwater tank will be included.

### **7.2 Waste Management**

Waste Management Plan has been 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
Water and Sewer Assessment	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

A summary of the submission is detailed below.

### Submission 1

1. The proposed development includes the addition of an extra level on top of the existing building. This will make a section of the house three stories high at the rear, which is not appropriate for the area (single and 2 story houses are typical - no multi story units etc).

Comment - The proposed upper storey addition adds height to the building and when viewed from the southern elevation gives the appearance of a three storey dwelling. The proposal upper storey addition is located over the front single storey portion of the existing dwelling. The rear part of the dwelling is an existing two storey dwelling and this part of the dwelling is to remain unchanged. There is small area through the centre of the dwelling where the three levels overlap as shown in the cross section however the existing lower level has been excavated into the site and the of the building design has been keep height to a minimum to the reduce impact. The site is sloping, and the dwelling design responds to the topography appropriately.

2. The third story room also has full width windows facing south, which means that the occupant would look directly into the back yards and into the rooms of numerous houses in the area to the rear of the property. I request that the width of the southern windows (to the room that has been added on top), be reduced from full room width to a single window with a maximum width of 1.4 metres. The glass should also be slightly frosted.

Comment - The windows located in the southern elevation of the proposed upper storey addition are to service the proposed bedroom. The use of a space determines the importance of its privacy. Overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time. Privacy can be achieved by separation and in this instance the windows are located a substantial distance from adjoining properties and viewing into the rear yards of properties to the south will be obscured by the roof below. Taking into consideration density, separation, use and design the proposal satisfies the requirement for visual privacy of the DCP and modification of the development is not warranted.

3. The plans do not indicate the location of the pool pump, but I request that the pump should be located on the northern side of the proposed pool, well away from the rear boundary of the property. The pump should also be enclosed in a sound proof housing

Comment - The location of the pool pump has been identified as being under the stairs of the rear of the dwelling. This location provides adequate distance from properties to the south to mitigate noise transition. The dwelling to east of the pump location has no windows in its western wall. This solid wall will provide a barrier for noise in addition the noise insulated pump cover which will be required and enforce with a condition of development consent.

### Submission 2.

1. Addition of a third story, whereby the majority of homes in this area are either single or double story only. This will lead to:

- loss of privacy within my rear living rooms/kitchen, where we do most of our day to day living.
- complete loss of privacy to my backyard and entertaining area.

Comment – The proposed upper storey addition will cause the dwelling to appear as a three storey dwelling when viewed from the southern elevation. However, the upper storey addition is located over the front single storey part of the existing dwelling and will only appear as a two storey dwelling when viewed from the north street elevation. The assessment shows that the proposed design responds to the slope of the site appropriately.

The proposal includes a southern facing window in the upper storey addition. The window will service a proposed bedroom. People tend to spend less waking time in bedroom which reduces the impact of over looking from the room. The window is located an extensive distance from the rear of the adjoining dwelling to the southeast and the assessment shows that the distance between the window and the adjoining property provides and adequate level of privacy.

2. Stormwater runoff from the proposed pool addition. As you know, my property lies on the lower diagonal aspect (South East) side to 46 Hilltop Rd, Wamberal.

- water issues have been experienced and have been ongoing since the development of other neighbour's houses and pool



areas.

- when it rains, I am now inundated with substantial runoff being on the downward side, something which was never the case prior

Comment – The disposal of stormwater from the site has been designed by an engineer. The proposed design will require the majority of the water to be disposed to the kerb and gutter at Hilltop Rd. The remaining stormwater is to be captured and collected in a stormwater tank which will be drawn down via connection to internal house plumbing i.e laundry and toilets. Over flow from the tank will need to be disposed to a infiltration trench at the rear of the site which will be designed to engineering specification. Conditions will be included in the development consent to ensures compliance is achieved.

3. I would also like to question as to why I was not informed of this DA by Council? I only found out by word of mouth from my neighbours. This development affects my property greatly and I would like my concerns to be taken seriously.

Comment – Notification of the development was completed in accordance with the requirement of Council development controls. The proposed was did not received notification as it was not directly adjacent to the proposed development. The customers submission has been recorded and a site inspection at the customers property to assessment the concerns raised.

## 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.D14021442

### Supporting Documents for Binding with consent

BASIX Certificate Number, CM9 Doc No.D13928206

## Recommendation

- A. Council assume the concurrence of the Secretary of Planning for the use of Clause 4.6 to vary the height development standard of clause 4.3 of the Gosford LEP 2014 to permit the proposed development.
- B. Council as consent authority grant consent to the development application as detailed in the body of this report, subject to the conditions attached.
- C. 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.
- D. The objector(s) be notified of Council's decision.

<b>Recommendation:</b>	Approval, subject to conditions
<b>Assessing Officer:</b>	James Sammut 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: Luke Farrugia

Drawing	Description	Sheets	Issue	Date
DA-1001	Cover Sheet	1 of 14	-	-
DA-1004	Basix Commitments	2 of 14	B	04/06/20
DA-1011	Site Plan	3 of 14	B	04/06/20
DA-1101	Lower Ground Floor Plan	4 of 14	B	10/06/20
DA-1102	Ground Floor Plan	5 of 14	B	04/06/20
DA-1103	First Floor Plan	6 of 14	B	04/06/20
DA-1201	Sections	7 of 14	B	04/06/20
DA-1202	Sections	8 of 14	B	04/06/20
DA-1203	Pool Section	9 of 14	B	04/06/20
DA-1301	Elevations	10 of 14	B	04/06/20
DA-1302	Elevations	11 of 14	B	04/06/20
DA-1501	Development Calculations	12 of 14	B	04/06/20
DA-1502	Stormwater Calculations	13 of 14	B	04/06/20
DA-1851	Solar Access Analysis	14 of 14	B	04/06/20

#### Supporting Documentation:

Title	Prepared by	Date
Stormwater Management Plan & Details	Eddy Consulting	06.08.2020

- 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 a stormwater management plan (SWMP). The design must detail construction and connection of all piped and collected stormwater runoff from within the development site. Disposal of roof water to the street kerb and gutter must be in accordance with the design by Eddy Consulting reference 2007012 Dated 06 August 2020. Infiltration trenches are to cater for rainwater tank over flow, as per the design by Eddy Consulting reference 2007012 Dated 06 August 2020, and all other hardstand areas on the site. The infiltration trench must be located a minimum setback of three (3) metres from any sewer main and lot boundaries. The stormwater management plan (SWMP), including infiltration trenches must be designed by a practising engineer experienced in hydraulics. The design details are to cater for a 1 in 20 year AEP storm event.
- 2.4** 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](http://www.centralcoast.nsw.gov). Early application is recommended.
- A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.
- 2.5** Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent To Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

### 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](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:
- 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](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.

### 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** 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.
- 4.9** 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)

## 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 stormwater system in accordance with design by Eddy Consulting reference 2007012 Dated 06 August 2020 Overflow from the rainwater tanks and/or stormwater tanks are to be directed by piped drainage line to 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.

## 6. ONGOING OPERATION

- 6.1 Do not let, adapt or use the dwelling for separate occupation in two or more parts.
- 6.2 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*.

## 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).