

# CENTRAL COAST COUNCIL

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA58954/2020
Delegation level	Delegated
Property Lot & DP	LOT: 2 DP: 572619
Property Address	107 Berecry Road MANGROVE MOUNTAIN NSW 2250
Site Area	106,600 m <sup>2</sup>
Zoning	RU1 PRIMARY PRODUCTION
Proposal	Alterations to Existing Dual Occupancy Attached
Application Type	Development Application - Local
Application Lodged	28/07/2020
Applicant	F B Longley
Estimated Cost of Works	\$ 152,000
Advertised and Notified	07 August 2020 to 28 August 2020
Submissions	Nil
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.

### Background

Council's records indicate that:

a. The following applications were previously lodged in relation to the site:

[DA14379/1991](#) (003.1991.00014379.001)  
Development Application - DWELLING-HOUSE  
Lodged: 15/03/1991 ( **Approved under Delegation** : 02/05/1991 )

[BA31096/1984](#) (004.1984.00031096.001)  
Building Application - GARAGE  
Lodged: 01/01/1984 ( **Approved** : 01/01/1984 )

[BA39719/1986](#) (004.1986.00039719.001)  
Building Application - SEPTIC TANK ONSITE DISPOSAL  
Lodged: 25/09/1986 ( **Approved** : 03/12/1986 )

[BA63637/1991](#) (004.1991.00063637.001)  
Building Application - DWELLING-HOUSE  
Lodged: 10/05/1991 ( **Finished** : 30/10/1991 )

[BA64475/1991](#) (004.1991.00064475.001)

Building Application - SEPTIC TANK ONSITE DISPOSAL

Lodged: 23/07/1991 ( **Approved** : 17/09/1991 )

[BA9917/2004](#) (004.2004.00009917.001)

Building Application - Septic Tank Onsite Disposal

Lodged: 25/11/2004 ( **Approved** : 01/04/2005 )

[CDC53299/2017](#) (010.2017.00053299.001)

Complying Development Cert. - Swimming Pool & Fence Barrier

Lodged: 13/11/2017 ( **Approved by Private Certifier** : 26/10/2017 )

[DA24207/2004](#) (011.2004.00024207.001)

Development Application - Dual Occupancy Attached

Lodged: 10/05/2004 ( **Approved under Delegation** : 08/09/2004 )

[CC24207/2004](#) (012.2004.00024207.001)

Construction Certificate - Dual Occupancy Attached

Lodged: 10/05/2004 ( **MATRIX COMPLIANT APPROVAL** : 08/09/2004 )

b. Council's historical records indicate that the following consent is relevant in the merit assessment of the subject site:

- i. Development Application No 14379/1991 was granted development consent for a dwelling on Lot: 2 DP:572619 No. 107 Berecny Road Mangrove Mountain on 2 May 1991.
  - The site area is noted to be 106,600 m<sup>2</sup> (10.66 ha).
- ii. Development Application No 24207/2004 was granted development consent for a Dual Occupancy attached on Lot: 2 DP:572619 No. 107 Berecny Road Mangrove Mountain on 8 September 2004.
  - Prior to Gosford LEP 2014 the site was zoned Rural (Agricultural) 1(a) whereby dual occupancies-attached were permissible with Consent of Council.
  - The consent granted was for the addition of a second dwelling on the site to form an attached Dual Occupancy. The method of attachment is the common walls of a carport of to the existing dwelling. Two car parking spaces are provided for Unit 1 (the existing residence which has an area of 145m<sup>2</sup>), and one car parking space is provided for the new Unit 2 (which has an area of 94.5m<sup>2</sup>). A visitors car parking space is also provided, and each unit has a courtyard of 123m<sup>2</sup>.
  - It is noted that the proposal at the time was found to be consistent with the stated objectives of the Rural (Agriculture) 1(a) Zone, did not detract from the immediate locality as well as being consistent with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.

## Site & Surrounds

The site is legally identified as Lot:2 DP:572619 No. 107 Berecny Road Mangrove Mountain, has a site area of 106,600m<sup>2</sup> (10.66 ha) and is located on the northern side of Berecny Road east of Meriki Road. The subject site is near rectangular in shape, runs on an approximate east to west axis, the land falls gently towards the north-east and has an existing gravel vehicular and pedestrian access driveway from Berecny Road. Approximately 50% of the site is covered in natural bushland, predominantly tall trees and the remainder has been cleared for pasture and dwelling houses.

The site presently contains an attached single storey rendered brick and tile dual occupancy residential home with existing two (2) covered car parking area between the units and one (1) carport near unit on the west side, existing ancillary structures which include work tools and garage metal sheds, a pool and BBQ area and rainwater tanks. Approximately 50% of the site is covered in natural bushland, predominantly tall trees and the remainder has been cleared for pasture and dwelling houses. The site

Surrounding development comprises mainly of rural residential dwellings of similar scale to the subject allotment.





Figure 3: Photograph of existing brick and tile Dual Occupancy Dwelling.



Figure 4: Photograph of existing gravel entry access driveway from Berecny Road.



Figure 5: Photograph of existing cleared and natural bushland on site.

The site is identified as "bushfire prone land" on Council's bushfire maps. A Bushfire Assessment Report was submitted with the application recommending the proposal comply with BAL12.5.

## The Proposal

The development application proposes to carry out alterations and additions to the east dwelling of the existing attached dual occupancy unit and ancillary yard area. The proposal will add approximately 56.00m<sup>2</sup> to the existing gross floor area (of approximately 90.25m<sup>2</sup>) adjacent to the living area, resulting in a total GFA of 145.25m<sup>2</sup> and will also reconfigure internal habitable spaces. It is noted that overall the alterations and additions will not result in additional bedroom capacity nor will it encroach nor place additional hydraulic loading on the existing Aerated Waste Water Treated System (AWTS).

The proposed alterations and additions include the following works:

- New addition of open plan craft room (thoroughfare to main bedroom);
- New addition of master bedroom with en-suite and walk-in-wardrobe;
- New master bedroom deck area;
- Reconfiguration and extension of existing living room;
- Reconfiguration of kitchen area to accommodate new laundry area; and
- Reconfiguration of previous bedroom area to allow for new Home Office.

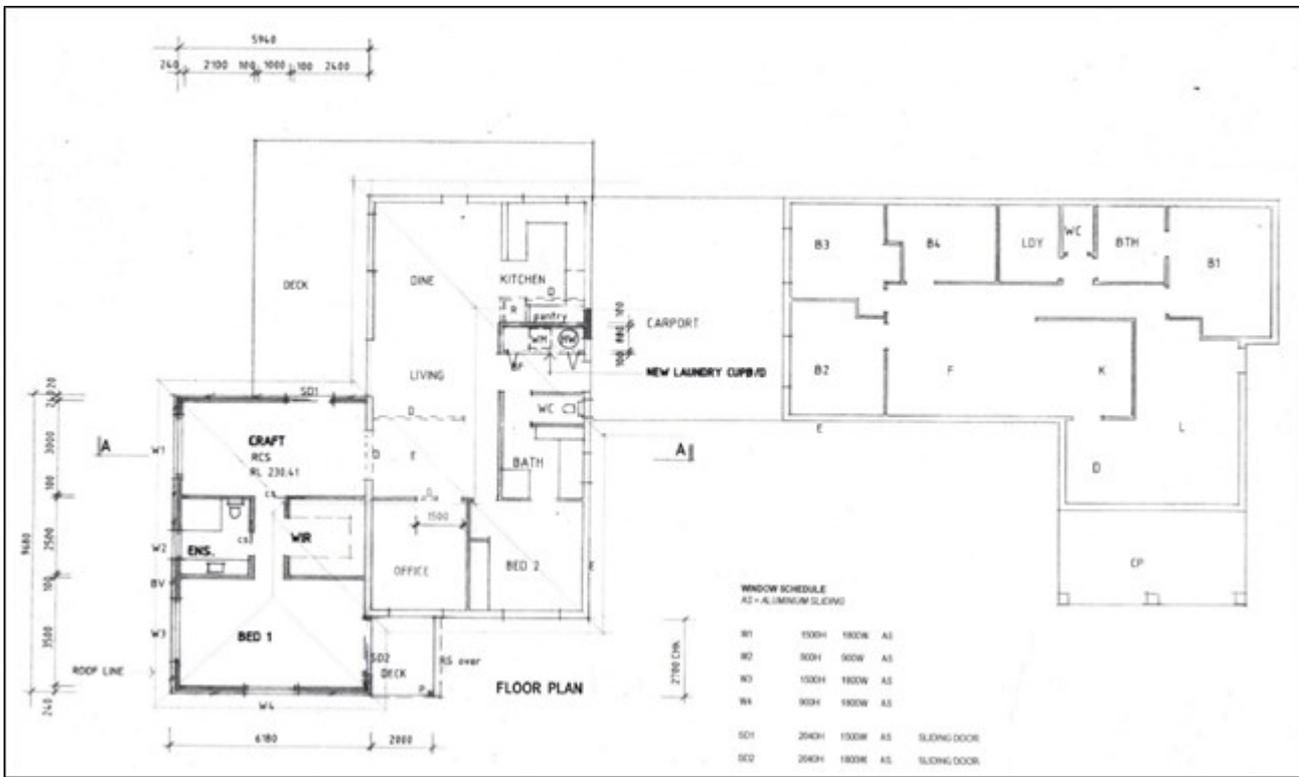


Figure 6: Proposed alterations and additions floor plans.



Figure 7: Proposed alterations and additions elevations and section.

## Applicable Planning Controls

The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

Environmental Planning & Assessment Act 1979 - Section 4.15

Local Government Act 1993 - Section 89

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

Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)  
Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997)  
Gosford Local Environmental Plan 2014  
Gosford Development Control Plan 2013  
Rural Fires Act 1997

## Draft Environmental Planning Instruments

The following draft Environmental Planning Instruments apply to this application:

- Draft Central Coast Local Environment Plan

The proposed modifications do not change the original assessment made against the relevant provisions of the *Draft Central Coast Local Environment Plan 2018 (Draft CCLEP)*.

## Permissibility

The subject site is zoned RU1 PRIMARY PRODUCTION where attached Dual Occupancies is prohibited in the zone. However, Council considers the site is benefited by existing use of rights that the provision of an attached Dual Occupancy on 10.66 ha land size was permissible, approved and constructed prior to the commencement of Gosford LEP 2014. Further more the use of these dwellings continues to date.

Existing use rights have been a feature of planning law in NSW since the 1940s. Existing use rights are designed to permit continuation of a lawful use of land for the purpose for which it was used immediately before the law was changed to prohibit that use.

An existing use right may be enlarged, expanded or intensified, altered or extended with the approval of a consent authority. In this case the Child care Centre is replacing and completing restoration works in line with what was previously there.

## State Environmental Planning Policies

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

The application is supported by a BASIX Certificate No. A382206 prepared by Peter Gore dated 05 July 2020, 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.

### **Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997)**

The site is affected by Sydney Regional Environmental Plan (SREP) No 20 - Hawkesbury Nepean River (No 2 - 1997). This planning instrument requires Council to consider the general planning considerations outlined in Clause 5 and specific planning policies and recommended strategies of Clause 6 prior to granting consent to a development application.

The proposed development does not raise any significant issues in relation to Clauses 5 and 6 of SREP No 20.

### **Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)**

The subject site is affected by Sydney Regional Environmental Plan No. 8 (Central Coast Plateau Areas). Details applicable to this application are summarised as follows:

SREP 8 aims to provide for the environmental protection of the Central Coast plateau areas, to encourage the use of land having high agricultural capability, and to maintain opportunities for wildlife movement across the region.

The proposed development of alterations and additions to the existing attached Dual Occupancy on the subject property is

considered an acceptable use of the land, and will not adversely affect the present or future use of other prime agricultural land for the purpose of agriculture. The proposed alterations and additions to the existing second (east) attached dwelling are to be carried out on a cleared portion of the site, therefore the proposal will involve minimal disturbance of the rural land and is not anticipated to have any effect on wildlife movement.

As such, based on the overall assessment above, the proposed development is consistent with the requirements of SREP No. 8 (Central Coast Plateau Areas).

## **Gosford Local Environmental Plan 2014**

The Gosford LEP 2014 was considered during assessment of this application. There are no variations in relation to the proposed development.

### **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**

The Gosford DCP 2013 was considered during assessment of this application. There are no variations in relation to the proposed development.

### **Chapter 1.1 Introduction**

The Gosford DCP 2013 was considered during assessment of this application. There are no variations in relation to the proposed development.

### **Chapter 2.1 Character**

The proposal is subject to the provisions of Gosford Development Control Plan (DCP) 2013 Chapter 2.1 Character, which provides for the following objectives:

- i the protection and enhancement of Gosford City's environmental character; and*
- ii enhancement of character related to built form and landscape design.*

### **Mangrove Mountain**

The proposed development is consistent with the desired character of Mangrove Mountain.

### **Mangrove Mountain 4: Agricultural Plateau and Hillside - Desired**

The site is located within the Mangrove Mountain Character 4 Agricultural Plateau and Hillside. The desired character statement for this locality (summarized) recommends that:

*'These areas should remain productive rural landscapes that accommodate broad-hectare agricultural or livestock activities, together with a scattering of residential and small-scale tourist activities that do not interfere with the preferred primary-productive uses. Future development and land management, including major developments such as extractive industries, should not compromise scenically-distinctive qualities of backdrops to Gosford City's major tourist routes.*

*Achieve bushfire asset protection zones preferably by thinning the canopy to establish breaks between existing trees. Locate new dwellings and accommodation buildings to avoid extensive additional clearing, and use fire-resistant design and construction techniques for all new structures as well as effective land management. Screen all verandahs, windows and suspended floors to exclude bushfire embers and sparks.*

*Complement the existing informal landscape quality of buildings scattered across paddocks or slopes that are surrounded by trees. Locate all new buildings and works (other than roadside stalls) well back from road frontages, and vary both siting and form of adjacent structures in order to avoid the appearance of continuous walls of development or visually-dense clusters of buildings. Promote the natural or informal scenic qualities of existing road verges and frontages by avoiding opaque fences, urban-style entrance walls, extensive landfilling or terracing, and large commercial signs. Conceal wastewater treatment systems, and ensure that any discharges would not compromise the composition or scenic quality of*

*bushland, encourage weed growth, or affect water quality within any watercourse.*

*Ensure that new buildings would not visually-dominate any property within these scenically-prominent settings. Minimise scale and bulk by using strongly-articulated forms, such as stepped floor-levels that follow natural slopes, and irregular floorplans, such as linked pavilions that are capped by individual roofs and separated by landscaped courtyards. Roofs should be simple forms without elaborate articulation, with wide eaves plus gentle pitches. Use extensive windows and shady verandahs, as well as a variety of exterior finishes and cladding rather than expanses of plain masonry or metal sheeting. Ensure that outbuildings are compatible with scale and design quality of the principal structures upon any property by using similar roof pitches and eaves, plus appropriate exterior materials and finishes'.*

The proposed development is consistent with the desired character of the Mangrove Mountain Agricultural Plateau and Hillside for the following reasons:

- The proposed development will provide small-scale alterations and additions to an existing attached dual occupancy residential dwelling in a land area that is already cleared and will not affect nor interfere with the preferred primary-productive uses;
- The development is positioned well back from the road frontage and will not visually-dominate any property within these scenically-prominent settings; and
- The roof design, elevational design, materials and colour schemes are simple and complement the existing principle residential structures.

As such, the proposed built form is considered acceptable in the context of the site and the proposed works

## **Chapter 2.2 Scenic Quality**

The proposal is subject to the provisions of Gosford Development Control Plan (DCP) 2013 Chapter 2.2 Scenic Quality and is located within the Upper Hawkesbury Geographic Unit encompassing the Lower Mangrove Creek Landscape Unit. The relevant development objectives of the landscape unit in question are summarised as follows:

- *Retain and enforce existing provisions contained within instruments and policies relating to the location and appearance of development within this geographic unit;*
- *Encourage new buildings in all landscape units to blend into existing natural environment with darker colours being preferred; and*
- *Development Applications in all landscape units should aim to prevent the creation of further development outcomes which create additional detracting elements.*

The proposed development alterations and additions retains the low density nature of the Lower Mangrove Creek by means of expressing and retaining the forms of the existing residential rural residences. The articulation of the proposed forms, colours and materials will reinforce a distinct but cohesive presentation to the existing dual occupancy dwellings.

## **6.3 Erosion Sedimentation Control**

Appropriate siltation control to be conditioned.

## **6.5 On-site Effluent and Greywater Disposal**

The application does not seek to increase the number of bedrooms, it remains unchanged as a total of six (36 bedrooms, therefore it is considered there will be no additional hydraulic loading placed on the existing AWTS. As such, Council's Environmental Health Officers have assessed the application and is supported without conditions.

## **6.7 Water Cycle Management**

The Statement of Environmental Effects prepared by Peter Gore and dated 23 July 2020 states that the new roof area will be piped into the existing rainwater tanks and any possible overflow from the tank is directed to the grassed paddock. Surface stormwater is managed by being detained by surrounding lawn and pasture where it is absorbed into the soil. Council's Environmental Health Officer has assessed the application and is supported without conditions.

## **7.1 Car Parking**

Development Type	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
<b>Dual Occupancy</b>					
Dwellings less than 125m <sup>2</sup> - 1 car parking space					
Dwellings greater than or equal to 125m <sup>2</sup> - 2 car parking spaces	Min car spaces	4	4	Yes	Yes
Note: One space to be covered (ie carport or garage)					

It is noted that the rural residential block has ample parking spaces/area to park visitors, workers and residents vehicles. Notwithstanding, there are open covered carport spaces for 3 vehicles.

## **7.2 Waste Management**

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

## **Planning Agreements**

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

## **Development Contribution Plan**

The site is subject to the provisions of the Central Coast Regional section 7.12 development contribution plan 2019. It is noted that Development contributions are only levied where the proposed works exceeds \$100,000 and the gross floor area is being increased.

In this instance, the proposed development increases the gross floor area by approximately 56m<sup>2</sup> and the proposed cost of works is \$152,000.00. Therefore, a contribution levy of 0.5% is applicable. A standard condition of consent has been imposed requiring the development contribution to be paid prior to the issue of any Construction Certificate. **Refer to Condition 2.3.**

## **Referrals**

Internal Referral Body	Comments
Environmental Health (OSSM)	Supported, without conditions
External Referral Body	Comments
NSW Rural Fire Service - Sydney	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

The development has been notified in accordance with the provisions of Gosford Development Control Plan 2013. There were no submissions received in relation to this proposal.

## 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

Original Lodged Plans, ECMD No. 14090450

## Supporting Documents for Binding with consent

Bushfire Assessment Report ECMD No.14090493

Waste Management Plan, ECMD No. 14090496

Statement of Environmental Effects No. 14090494

## Recommendation

Council as consent authority grant consent to the development application No 58954/2020 for the alterations and additions to existing Dual Occupancy Attached on Lot 2 DP: 572619, No. 107 Berecroy Road MANGROVE MOUNTAIN, subject to the conditions attached.

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

<b>Recommendation:</b>	Approval, subject to conditions
<b>Assessing Officer:</b>	Susana Machuca Town Planner
<b>Recommendation Reviewed by:</b>	Robert Eyre Peer Review Complete - Principal

# 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:** Peter Gore Architectural Planning & Design

Drawing	Description	Sheets	Issue	Date
DA-2003.1	Site Plan	1	-	July 2020
DA-2003.2	Floor Plan	1	-	July 2020
DA-2003.3	Elevations and Section A-A	1	-	July 2020

#### Supporting Documentation:

Title	Prepared by	Date
Statement of Environmental Effects	Peter Gore	23 July 2020
Bushfire Assessment Report	Fred Longley	23 July 2020
BASIX Certificate Number A382206	Peter Gore	05 July 2020
Waste Management Plan	Peter Gore	27 June 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 the requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
NSW RFS	Determination Letter	DA20200807002877	25 August 2020

**1.4** 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:

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

- 2.3** Pay to Council a contribution amount of **\$760.00**, that may require adjustment at time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contribution Plan 2019.

The total amount to be paid must be indexed each quarter in accordance with the Consumer Price Index (All Groups index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

Contact Council's Contributions Planner on 1300 463 954 for an up-to-date contribution payment amount.

The contribution amount is to be paid before any works authorised under a Complying Development Certificate commences and the developer is to provide the principal certifier with a copy of a receipt issued by Council that verifies the contributions have been paid. A copy of this receipt must accompany the documents submitted by the principal certifier to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 49 Mann Street Gosford, or 2 Hely Street Wyong or on Council's website:

[Development Contributions - former Gosford LGA](#)

- 2.4** Assessment of the development against the provisions of Planning for Bush Fire Protection (2006) (NSW) has determined a Bush Fire Attack level (BAL) of 12.5.

Submit to the Registered Certifier for approval construction details showing that the development complies with this Bush Fire Attack Level (BAL) as prescribed by Australian Standard AS 3959-2009: *Construction of buildings in bush fire prone areas and additional measures as contained within Appendix 3 of the PBP Guidelines 2010* produced by the NSW Rural Fire Service.

### 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.

- 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

## 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** 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** Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.10** 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.
- 4.11** Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- 4.12** Cease work immediately in that area if any relics are uncovered during excavation on-site. Contact the Heritage Office in accordance with section 146 of the NSW Heritage Act 1977.

Work must not recommence until any necessary Excavation Permit has been obtained from the Heritage Council under section 140 of the NSW Heritage Act, 1977.

- 4.13** Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by Peter Gore, dated 27 June 2020.

## 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** Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.4** Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.5** Submit to the Principal Certifier certification prepared by a Registered Surveyor certifying that all construction has been affected within the appropriate property, easement boundaries and rights of carriageway. The certification must be accompanied by a copy of the proposed subdivision plan, with the distances from the boundaries to the edges of these structures endorsed in red and signed by the surveyor.

## 6. ONGOING OPERATION

- 6.1 Load and unload delivery vehicles wholly within the site. Delivery vehicles must enter and exit the site in a forward direction.
- 6.2 Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas.
- 6.3 Do not store materials, waste matter or products outside the building or the approved storage area at any time.
- 6.4 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.5 Comply with all commitments as detailed in the Waste Management Plan signed by Peter Gore, dated 27 June 2020.
- 6.6 Place the mobile garbage / recycling / green waste containers at a suitable location at the kerbside no earlier than the evening prior to the collection day and return to a screened area as soon as possible after service, no later than the evening on collection day. The general waste garbage bin must be at least 240L capacity.

The owner is responsible for the placement and return of the mobile waste containers.

## 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).