

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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|---|--|
| Application Number | DA59367/2020 |
| Delegation level | Delegated |
| Property Lot & DP | LOT: 1912 DP: 860882 |
| Property Address | 19 Fairymede Road MANGROVE MOUNTAIN NSW 2250 |
| Site Area | 131,600 m ² |
| Zoning | RU1 PRIMARY PRODUCTION |
| Proposal | Steel-Framed Shed |
| Application Type | Development Application - Local |
| Application Lodged | 10/09/2020 |
| Applicant | CEO Architectural |
| Estimated Cost of Works | \$ 148,700 |
| Notified Only | 16 September 2020 to 08 October 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 show no recent applications have been lodged on this site.

Site & Surrounds

The site is described as Lot 1912 DP 860882 19 Fairymede Road Mangrove Mountain with an area of 13.17

The site a rural property, zoned RU 1 - Primary Production and is bordered by Fairymede Road to the north with Wisemans Ferry Road located further to the east of the site. Adjoining development comprises dwellings, agricultural uses including poultry farms, crops and pastures. Natural bushland occupies the valley floors and slopes on steeper land.



Figure 1: Aerial Photograph showing site and surrounding development

The site contains a dwelling house, bushland corridors and cleared pasture land.



Figure 2: Aerial Photograph showing subject site

The topography ranges from contour RL 284m AHD at the NE corner (ridgeline) of the property to RL 250m at the SW corner towards the valley floor Two branches of a water course identified as Craft Creek. traverse the site as indicated in Figure 3

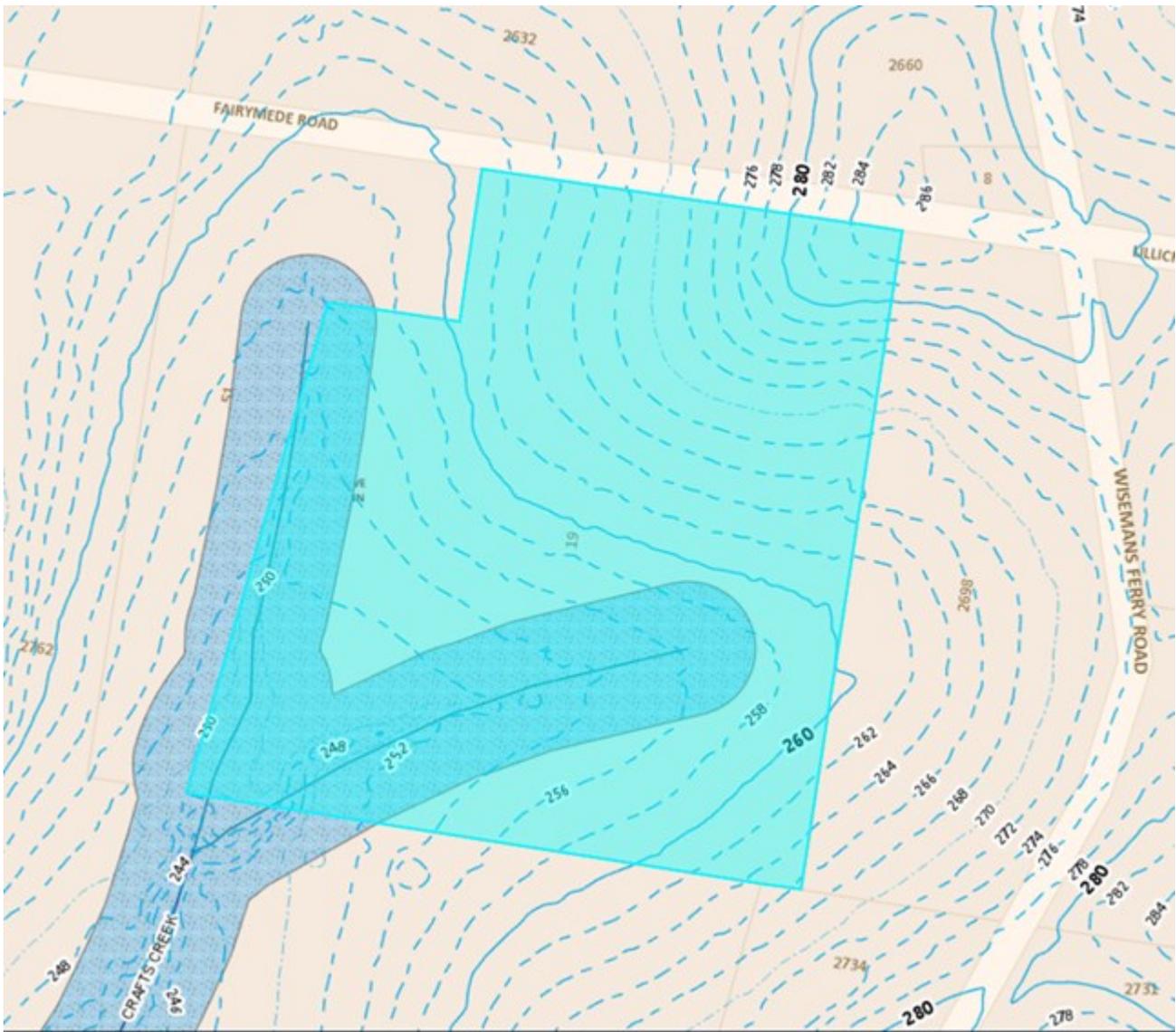


Figure 3: Topography layer showing water courses and 40 m buffer area.

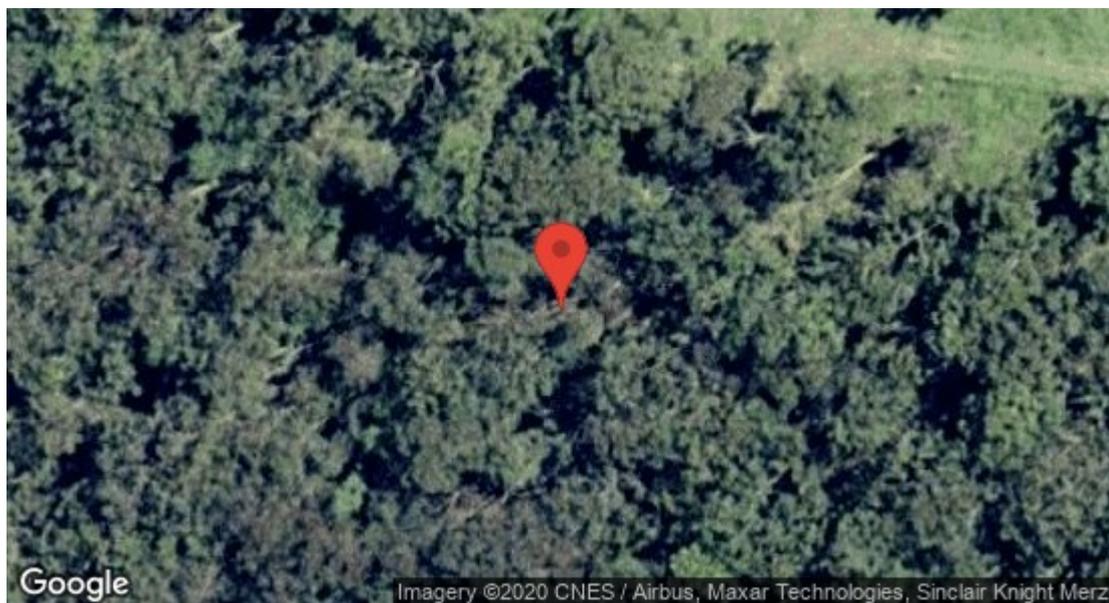
The site is identified as "bushfire prone land" on Council's bushfire maps containing Category 1 and buffer vegetation. The proposed shed is non habitable and will be located 164m distance form the main dwelling. Clause 8.3.2 of Planning for Bushfire Protection 2019, states that there is no bush fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas.

The site is located Mangrove Weir Water Supply Drainage Catchment Area and the property is unsewered.

The site is identified as having an "Immediate High Landslip" risk within a localised area. on Geoview (Geocortex mapping system)



Figure 4: Immediate High Geotechnical Hazard risk (Source: Geocortex Mapping)



The Proposal

The proposal comprises:

- A steel framed storage shed which is ancillary to the existing dwelling house located on the property
- The shed will have a maximum height of 6.592m and dimensions of 22.5m x 14.8m with an area of 333m² and includes a mezzanine floor
- External building materials consist mainly of powder coated metal roof sheeting, sheet metal wall cladding with aluminium and glass for windows
- The shed will be an ancillary structure used for storage and will not be used for or converted to habitable space, or for industrial or commercial purposes.
- Access to site is from Fairy Mede Road with an unformed gravel road leading to the shed.

Two cleared pads have previously been cleared for the shed and for a horse arena in the location shown on the site plan in Figure 5.

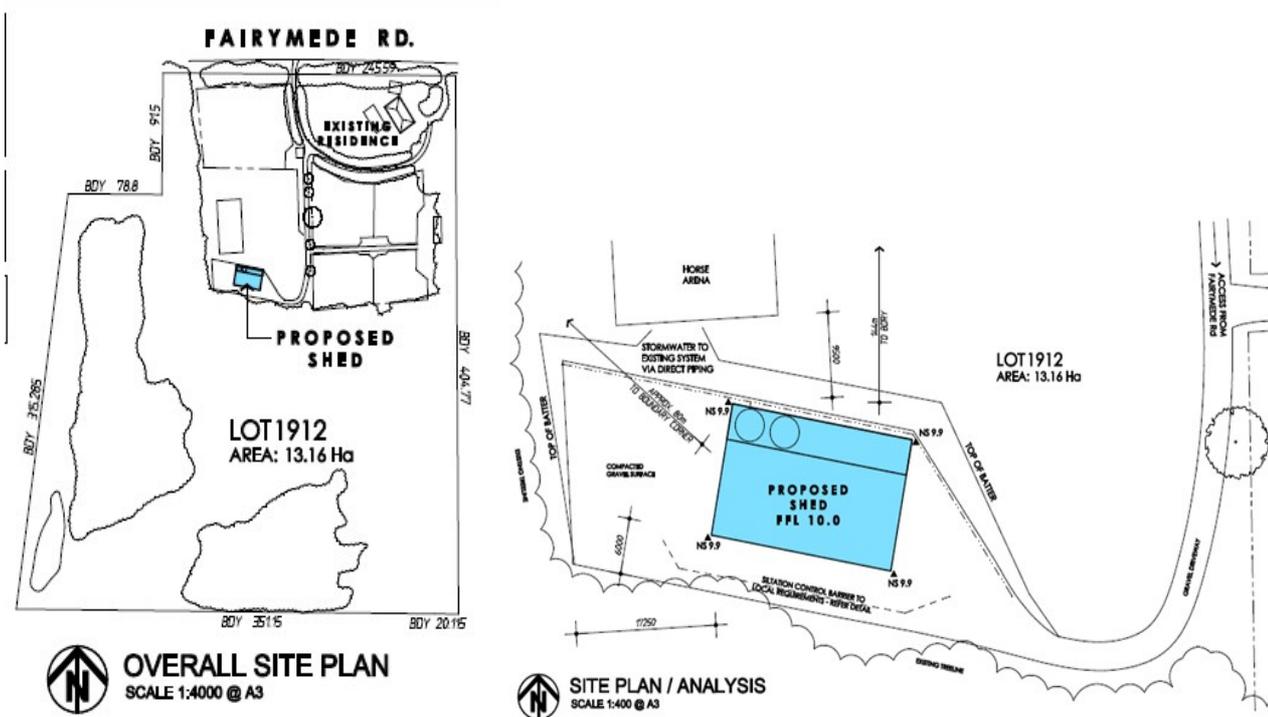


Figure 5: Extract of Site Plan for proposed Shed (Source: CEO)

The owner has advised the following in relation to the use of the shed:

"Our property is not a commercial operation, and the addition of the shed will not add any commercial operations.

The bottom level of the shed will mostly be used for machine storage: tractor and implements, horse float, mower etc.. It will also be used as a farm workshop. The farm is not a commercial operation, so the workshop is just for preparing fencing materials, equipment maintenance etc. An area of the shed will also be used for batteries, inverter etc. for a solar system to provide power to the workshop. Finally, two bays on the lower floor will be made into stables, for use by our horses if they are ill or have been prepared for a show the next day.

Part of the upstairs area will be used as storage and relaxation areas for our riders (our daughters and any agisters or other riders on site for the day). The remainder will be used as a woodworking workshop for the owner's (casual) use. I am an enthusiastic (if very amateur) wood worker and the whole of our double garage is currently occupied by woodworking equipment and a milling machine. My wife is keen to have somewhere to park our cars. So my woodworking equipment will be transferred to the top level of the shed.

Currently the only toilet and kitchen on the property are at the main house, and that works fine. We have spoken with our agisters and they are happy for it to stay that way.

So in summary there should be no additional effluent load on the site."

The application will be conditioned limiting the use of the shed as specified.

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 and 4.55
- Sydney Regional Environmental Plan (SREP) No 8 (Central Coast Plateau Areas)
- Sydney Regional Environmental Plan (SREP) No 20 - Hawkesbury-Nepean River (No 2 - 1997)
- 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

The RU1 zoning of the land remains unchanged under the draft plan.

Permissibility

The subject site is zoned RU1 PRIMARY PRODUCTION. The site contains an existing dwelling which is a permissible use in the RU1 Zone. The proposed shed is considered to be ancillary to the existing use of the land and is permissible in the zone with consent of Council.

State Environmental Planning Policies

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.

5 General planning considerations

The general planning considerations relevant for this Part are:

- (a) the aim of this plan, and
- (b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, and
- (c) whether there are any feasible alternatives to the development or other proposal concerned, and
- (d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored

Clause 6 relates to Specific planning policies and recommended strategies including:

- (1) Total catchment management
- (2) Environmentally sensitive areas
- (3) Water quality
- (4) Water quantity
- (5) Cultural heritage
- (6) Flora and fauna
- (7) Riverine scenic quality
- (8) Agriculture/aquaculture and fishing
- (9) Rural residential development
- (10) Urban development
- (11) Recreation and tourism
- (12) Metropolitan strategy

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 site is affected by Sydney Regional Environment Plan (SREP) No. 8 (Central Coast Plateau Areas).

The general aims of this plan are:

- (a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,
- (b) to encourage the use of land having a high agricultural capability for that purpose and, as much as possible, to direct development for non-agricultural purposes to land of lesser agricultural capability,
- (c) (Repealed)
- (d) to protect regionally significant mining resources and extractive materials from sterilization,
- (e) to enable development for the purposes of extractive industries in specified locations,
- (f) (Repealed)
- (g) to protect the natural ecosystems of the region, and
- (h) to maintain opportunities for wildlife movement across the region, and
- (i) to discourage the preparation of draft local environmental plans designed to permit rural residential development, and
- (j) to encourage the preparation of draft local environmental plans based on merits.

Clause 6 - Prime Agricultural Land

Clause 6(1) of the SREP stipulates the following:

(1) A person shall not:

- (a) erect a building on prime agricultural land,
- (b) construct a dam on prime agricultural land, or
- (c) subdivide prime agricultural land, except with the consent of the council.

Sub Clauses 6 (2), (5) and (6) of this planning instrument outlines the following matters to be considered as part of an application to carry out development with regards to prime agricultural land:

- Council is satisfied that the carrying out of the development would not adversely affect the present or future use of other prime agricultural land for the purposes of agriculture.

Comment - The land is being utilised as a residence and partially cleared land - pasture . A dwelling is located towards the frontage of the site. The proposed shed building is to be utilised for storage purposes only and is located approximately x distance from the main dwelling and does not result in fragmentation of prime agricultural land. The land is currently fragmented by water courses and wooded vegetated areas. The cleared pastures will remain available for agricultural use.

- Council is satisfied that no other land to which this plan applies, not being prime agricultural land, could provide a viable or workable alternative site for the carrying out of the development.

Comment - The proposed use is permissible with consent in the RU1 Primary Production Zone and is considered to be compatible with agricultural use. The building and use does not sterilise the land for primary production and natural resource use. It is preferable to locate the structure away from the main dwelling on bushfire prone land wooded areas and watercourses.

- Development may be carried out, but only with the consent of a council, on prime agricultural land for the purposes of extractive industries and rural tourist facilities within the locations respectively specified for them on the map.

Comment - The proposal does not involve use of the site for the purposes of extractive industries and rural tourist facilities

Based on the overall assessment above, the proposed development is consistent with the requirements and objectives 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.

Zone RU1 Primary Production

The objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that development is compatible with the desired future character within the zone.
- To protect biodiversity, water catchments, water quality, soil conditions and important ecosystems, such as streams (and associated riparian areas), sedgeland, estuaries and wetlands, from inappropriate development and land management practices.
- To ensure that the plateau remains free from land uses that may sterilise sustainable primary production and natural resource use and to minimise potential incompatible land uses.

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 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 | 7m on land zoned RUI | 6.4m | Yes | Yes |
| | Number of storeys required | maximum 2 | one storey and mezzanine level (not included as storey) | Yes | Yes |
| | Building height Outbuildings and Detached Ancillary Development required | maximum 7m | 6.4m | Yes | Yes |
| 3.1.2.2 - Site Coverage | Site coverage required | if the lot has an area of 1,500m ² or more —30% of the site area. | Site is 13.16 ha site coverage less than 30% | Yes | Yes |
| 3.1.2.3 - Floor Space Ratio | FSR required | 0.5:1 Maximum | FSR is less than 0.5:1 on rural site of 13.16 hectares | Yes | Yes |
| 3.1.3.2a - Front Setbacks | Front setback for large lots required | Primary frontage 20m | over 140m | Yes | Yes |
| 3.1.3.2b - Rear Setbacks | Rear setback excluding outbuildings required | 10m | >200m | n/a | n/a |
| | Rear setback for agricultural outbuildings required | 10m | >200m | Yes | Yes |
| | Rear setback for outbuildings - other required | 5m | >200m | Yes | Yes |
| 3.1.3.2c - Side Setbacks | Side setback excluding outbuildings required | | | n/a | n/a |
| | Side setback for agricultural outbuildings required | 10m | greater than 10m approx.80m | Yes | Yes |
| | Side setback for outbuildings - other required | 5m | 80m | Yes | Yes |
| 3.1.3.2f - Watercourse Setback | Setback to rivers, creeks, estuary or lake required | 40m | outside 40m buffer zone | Yes | Yes |
| 3.1.3.2g - Ridgelines Setback | Setback from ridgelines required | from crest, highest point or prominent brow 50m | not located on prominent crest existing house on ridge due to topography/vegetation | Yes | Yes |

| Development Standard | Description | Required | Proposed | Compliance with Controls | Compliance with Objectives |
|--|-----------------------------------|---|---|--------------------------|----------------------------|
| 3.1.6.1 - Earthworks | Earthworks maximum depth required | b.Excavation for the purposes of development must not exceed a maximum depth measured from existing ground level of 1m if less than 1m from any boundary, or 3m if located more than 1m from any boundary | minimal excavation involved less than 3m | Yes | Yes |
| | Earthworks maximum fill required | 1m above existing ground level. No retaining wall for fill is to be within 1m of a side or rear boundary | No retaining required, near level building site | Yes | Yes |
| 3.1.6.2 - Retaining Walls and Structural Support | | | | Yes | Yes |
| 3.1.6.3 - Drainage | | | | Yes | Yes |

Chapter 2.1 Character

Chapter 2.1 of GDCP 2013 stipulates that:

- All development applications must consider the following character issues:
 - Preferred land use + development density: conformity with the preferred use and compatibility with the amenity typically associated with that use,
 - Scenic prominence + distinctiveness: protection and enhancement,
 - Existing natural features: conservation and enhancement;
 - Siting of buildings + surrounding gardens: consistency with predominant patterns across the surrounding neighbourhood,
 - Height, size + scale of buildings: compatibility with predominant patterns across the surrounding neighbourhood,
 - Architectural form, construction + detail: appropriateness to existing scenic quality and streetscape character,
 - Garden design, including outdoor structures: compatibility with scenic quality and streetscape character;
 - Street verges: conservation of visually-prominent landscape features plus effective integration with urban services.
- Demonstrate their consistency or compatibility with applicable statements of “desired character” listed in the Schedule 1 – Character Statements applied to both the subject site and its surroundings.

Chapter 2.2 Scenic Quality

The visual and scenic impact has been assessed and the development is considered to be consistent with the objectives of scenic quality. The proposed development does not unreasonably contribute to the loss of characteristics of the natural or built environment, nor does it unreasonably dominate the local area.

3.1.3.2 Setbacks - Large Lots

Clause 3.1.3.2 applies to setbacks to large lots including all ancillary development on a lots zoned RU1.

3.1.6.3 Drainage

All stormwater drainage collecting as a result of the erection of an outbuilding or ancillary development must be conveyed by a gravity fed or charged system to a public drainage system, or an inter-allotment drainage system, or an on-site disposal system. Stormwater notation on site plan and clause 6.7 response.

6.3 Erosion Sedimentation Control

Appropriate siltation control to be conditioned.

6.4 Geotechnical Requirements For Development Applications

The objectives of Chapter 6.4 are:

- To provide a management strategy for development in areas within the City identified as having a landslip potential.
- To establish guidelines relating to the development of quarry areas within the City.
- To provide guidelines on the content and form of geotechnical reports submitted to Council.

Council's geocortex mapping system identifies the site as being within an immediate high hazard area Refer Figure 6, and the site would be classified as Category 4 in accordance with Table M2 High and Immediate High Hazard Areas. However there may be potential for some degree of inaccuracy in relation to the plotting of the hazard.

| Category 4 Immediate High Hazard Area |
|--|
| Land areas where there is evidence of active or past landslips, or areas where quarries, excavations/filling/erosion have created potentially unstable slopes during climate extremes, or areas of coastal and bluff instability, or rock face failures. |
| Category also includes areas that are highly susceptible to landslip, rockfalls, or excavation instability to steep slope and/or geological formations which inherently give rise to instability. More than one type of hazard is also usually present. |
| Unsuitable for development unless localised areas can be re-rated to Category 3 or better. |
| Any development usually subject to substantial restriction. |



Figure 6: Extract of hazard Table chapter 6. 4 of GDCP2013 and geocortex mapping identifying site as having an "Immediate High" geotechnical hazard risk.

Where this assessment indicates that a lot has a Hazard Category of 4, a Development Application will only be considered if the proposal is supported by a comprehensive report on the site [and adjoining lots] geotechnical conditions, stability and impact of development on the stability prepared by a recognised Geotechnical Engineer.

The application was referred to Council's Building surveyor who advised that: "Council's records indicate that the subject allotment is in a Immediate High landslip area and thus the Class 1 report is necessary but can be held over until the release of the Construction Certificate for this building use."

6.5 On-site Effluent and Greywater Disposal

Use of shed will be limited to storage shed and toilet /bathroom facilities will not be permitted within the shed.

6.7 Water Cycle Management

Plans indicate new downpipes into existing system to legal point of disposal.

7.2 Waste Management

A Waste Management Plan by CEO dated 7 August 2020 (CM D141669810) was submitted with the application for construction of a steel framed structure with slab on ground and with metal frame and roof. A condition has been included in the development consent requiring compliance with the plan.

Other Matters for Consideration

Water and Sewer Assessment

Water & sewer reticulated service are not available to the property. However the property is located within the Mangrove Weir water catchment boundary. The property is also located on the upstream of the crafts creek. Although the DA proposal states that the proposed 330 square meters shed will be used for storage, WAT has concerns about developments occurs within drinking water supply catchment area, if the shed is used for industrial or commercial or any activities increase of sewage discharge to the water catchment area. Therefore applicant must provide the following prior to obtain the DA consent.

1. A table comparing the OSSM effluent quantity and quality detailing the pathogens & chemical before and after the development.
2. A table indicating all the potential risk of OSSM failure and risk management

It was suggested that such conditions be included as deferred commencement conditions.

Planning Assessment comment

The applicant has advised that the shed will only be used for storage purposes and no sanitary facilities are proposed. It is considered that the W&S deferred commencement requirements are not necessary given the nature of the proposed use of the shed and the imposition of the following conditions of consent:

A condition has been imposed requiring:

Prior to CC

Do not install any sanitary or toilet facilities within the storage shed or install any on site sewage management systems to service such facilities.

Ongoing operation

The proposed storage shed shall only be used for non habitable storage purposes (including storage of rural machinery and equipment, workshop for (hobbies, property and equipment maintenance), solar power generation, two stables. Any other use including any commercial use is prohibited. The structure shall not be used for habitable purposes at any time and shall not be fitted with a kitchen or any sanitary or toilet facilities.

Prior to CC

Submit an application to Council under section 305 of the Water Management Act 2000 to obtain a section 307 Certificate of Compliance. The Application for a 307 Certificate under section 305 Water Management Act 2000 form can be found on Council's website www.centralcoast.nsw.gov. Early application is recommended. A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

Planning Agreements

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

Development Contribution Plan

The proposal is for a storage shed ancillary to an existing dwelling house. A cost estimate for the shed of \$148,700 has been submitted with the application.

Central Coast Regional Section 7.12 Development Contributions Plan 2019 applies to Development that is not subject to a section 7.11 contribution under any other contributions plan adopted by the Council under the Environmental Planning & Assessment Act, other than

development that is exempt under Clause 1.5 of this Plan

A 0.5% levy is imposed under the plan for proposed cost of development of more than \$100,000 and up to and including \$200,000.

Under clause 1.5 Exemptions to the levy, the levy will not be imposed in respect of development: for a dwelling house or alterations and additions to a dwelling house or any development ordinarily incidental or ancillary to the use of the dwelling house such as swimming pools, garages, sheds and the like;

However the proposed shed is large in size 330m², is larger than the existing dwelling, is physically located some distance from the dwelling and is used for other uses which are not considered ordinarily incidental or ancillary to the use of the dwelling but rather for the rural use of the property and represents an intensification of the current land use.

Accordingly a contribution of \$743.50 applies to the proposed development refer contribution. The applicable contribution amount was calculated and imposed as a standard condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate

Referrals

| Internal Referral Body | Comments |
|----------------------------|----------------------------------|
| Building | Supported, subject to conditions |
| Environment | Supported, subject to conditions |
| Water and Sewer Assessment | Supported, subject to conditions |

Environment Summary

The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. Council's Ecologist has no objection to the proposal subject to the attached conditions being included within any consent granted.

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 proposed development did not require notification in accordance with the provisions of Gosford Development Control Plan 2013.

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, CM9 Doc No D14166983

No Electronic Stamping

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.

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|------------------------------------|---|
| Recommendation: | Approval, subject to conditions |
| Assessing Officer: | Diane Spithill Town Planner |
| Recommendation Reviewed by: | 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: CEO Architectural Cad design + presentation / Ranbuild Job No. : 375-1985, CMD 14166983

| Drawing | Description | Sheets | Issue | Date |
|-------------|---------------------|--------|-------|------------|
| A01 | Site Plan/Analysis | A01 | A | 07.08.2020 |
| GOSF06-4634 | General Arrangement | | A | undated |

Supporting Documentation:

| Title | Prepared by | Date |
|---------------------------------------|-------------|------------|
| Waste Management Plan (CM D 14166981) | CEO | 07.08.2020 |

- 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.

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 Pay to Council a contribution amount of **\$743.50**, 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.

Any Construction Certificate must not be issued until the developer has provided the 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](#)

- 2.3** 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
- 2.4** Do not install any sanitary or toilet facilities within the storage shed or install any on site sewage management systems to service such facilities.
- 2.5** Submit an application to Council under section 305 of the *Water Management Act 2000* to obtain a section 307 Certificate of Compliance. The *Application for a 307 Certificate under section 305 Water Management Act 2000* form can be found on Council's website www.centralcoast.nsw.gov. Early application is recommended.
- A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.
- 2.6** Provide to the Construction Certificate determining authority and where this is not the Council, a copy to the Council a current written geotechnical engineer report supporting the proposal in accordance with the requirements of Council *DCP 2013, Chapter 6.4 (grade 1 report)*. The report is to have a final risk assessment outcome of "low" or "very low" after the implementation of recommendations as deemed necessary by the geotechnical engineer.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1** All conditions under this section must be met prior to the commencement of any works.
- 3.2** Appoint a Principal Certifier for the building work:
- a. The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b. Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.3** Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a. 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
 - b. diverting uncontaminated run-off around cleared or disturbed areas, and
 - c. preventing the tracking of sediment by vehicles onto roads, and
 - d. 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:

- 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 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*.

4.6 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.

4.7 Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.

4.8 Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).

4.9 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 CEO dated 7 August 2020.

4.10 Stockpiling

Stockpiling will be undertaken within the approved works foot print.

Stockpiling will not be undertaken in locations that impact on adjacent areas of retained native, estuarine or aquatic vegetation or within a tidal zone or that has the potential to cause water pollution.

Stockpiles are to be managed to suppress dust, prevent erosion and reduce the impact of sediment and other contaminants on the environment. This may require compaction and the installation of adequate sediment and erosion control measures around the stockpiles in accordance with the Blue Book and Best Practice Erosion and Sediment Control (IECA) guidelines.

No contaminated material is permitted to be stockpiled onsite.

4.11 Weeds and pathogens

Vehicles and other equipment to be used on site must be free of soil, seeds and plant material before entering/leaving the site to prevent the spread of exotic plant species and pathogens. Standard hygiene protocols will be used to clean tools and other equipment. All vehicles and machinery must be inspected prior to site entry and those failing inspection are to be sent away for cleaning. Appropriate records of inspections shall be maintained.

4.12 Comply with all recommendations of the approved geotechnical engineering report.

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 Provide certification from a geotechnical engineer to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.

6. ONGOING OPERATION

- 6.1 Do not give rise to water pollution as defined in the *Protection of the Environment Operation Act 1997*.
- 6.2 Comply with all commitments as detailed in the submitted Waste Management Plan
- 6.3 The proposed storage shed shall only be used for non-habitable storage purposes including storage of rural machinery and equipment, workshop for (hobbies, property and equipment maintenance), solar power generation and two stables. Any other use including any commercial use is prohibited. The structure shall not be used for habitable purposes at any time and shall not be fitted with a kitchen or any sanitary or toilet facilities.
- 6.4 Do not store dangerous goods, flammable and combustible liquids, materials, oils, chemicals or fertilisers within the shed.
- 6.5 Use external lighting that minimises overspill into retained vegetated areas.

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.

- **No clearing of native vegetation**

No clearing of native vegetation has been assessed or approved under this development application.

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b. Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e. Central Coast Council in respect to the location of water, sewerage and drainage services
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: www.centralcoast.nsw.gov.au

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