

**Panel Members**

Chairperson	Donna Rygate
Panel Experts	Greg Flynn Sue Francis
Community Representative/s	Lyn Hunt

**Central Coast Council Staff Attendance**

Larry Melican	Section Manager Natural Assets & Biodiversity
Emily Goodworth	Section Manager Development Assessment North
Robert Eyre	Principal Development Planner (South)
Jenny Tattam	Senior Development Planner (North)
Charlotte Ryan	Strategic Planner
Amy Magurren	Development Planner (South)
Lucy Larkins	Senior Strategic Planner
Chantelle Ahio	Civic Support Officer

The Chair, Donna Rygate , declared the meeting open at 2:05pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chair, Donna Rygate read an acknowledgement of country statement.

**Apologies**

***The Panel noted that no apologies had been received.***

**1.1 Disclosures of Interest**

---

No additional disclosures were made

**2.1 Confirmation of Minutes of Previous Meeting**

---

***The minutes of the previous Local Planning Panel Meeting held on 24 November 2022 were noted.***

**Public Forum**

---

The following people addressed the Panel:

Item 3.2 - DA/2017/2021 - 117 The Esplanade, Ettalong Beach - Residential Flat Building

- Luke Windress
- Angus Crowe (on behalf of applicant)

The Local Planning Panel public meeting closed at 2:40pm. The Panel moved into deliberation from 2:54pm, which concluded at 4:20pm.

## PLANNING REPORTS

### 3.1 DA/2161/2021 - 27-31 Wyreema Road, Warnervale - Proposed Multi Dwellings & Subdivision

---

**Site Orientation** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- 26 Submissions

**Council Recommendation** Refusal

**Panel Decision**

1. That the Local Planning Panel refuse the application DA/2161/2021 – 27-31 Wyreema Road, Warnervale (Lot 15 DP778199) – Demolition, Multi Dwellings (x15) and Subdivision subject to the reasons for refusal detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.
2. That Council advise those who made written submissions of the Panel's decision.
3. That Council advise relevant external authorities of the Panel's decision.

**Reasons**

1. The proposal represents an overdevelopment of the site by virtue of its orientation, layout and inadequate boundary setbacks such that it would result in unacceptable amenity for future residents and adjoining neighbours.
2. The development does not achieve the zone objectives of the R1 General Residential zoning of *Wyang Local Environmental Plan 2013*.
3. The proposed development is not sufficiently compatible with the character of the surrounding locality and fails to

relate well to its context, including its compatibility with the existing streetscape.

4. The loss of the significant and mature trees on the site is unacceptable.
5. The proposal does not adequately address the provisions of clause 7.9 of the *Wyong Local Environmental Plan 2013*. The application does not include sufficient detail to adequately demonstrate that the proposed access into the development would provide appropriate grades and transitions for vehicles.
6. The proposal fails to comply with the requirements of *Wyong Development Control Plan 2.4 Multiple Dwelling Residential Development* with respect to maximum ceiling height, setbacks, visual privacy, acoustic privacy, private open space, solar access, fill, built form and design, pedestrian access, and communal open space.
7. The proposal incorporates an unacceptable extent of fill on boundaries that would significantly and unreasonably contribute to overlooking, overshadowing and visual impacts associated with the proposed dwellings.
8. Insufficient information has been provided to demonstrate that the proposed waste management area could be accessed satisfactorily by the waste collection vehicle.

**Votes**

The decision was unanimous

**3.2 DA/2017/2021 - 117 The Esplanade, Ettalong Beach - Residential Flat Building**

---

**Site Orientation** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- 15 Submissions
- Additional memo (dated 8/12/22), revised plans and conditions

**Council Recommendation** Approval

**Panel Decision**

1. That the Local Planning Panel grant consent to DA/2017/2021 – Lot 287 DP10570, 117 The Esplanade, Ettalong Beach – three storey Residential Flat Building containing four dwellings, swimming pool, basement carparking & demolition of existing dwelling and ancillary structures subject to the conditions attached to these minutes and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.
2. That Council advises those who made written submissions of the Panel's decision

**Reasons**

1. Council received amended plans dated 07/12/2022 that addressed concerns raised in the assessment report and provided the Panel with draft conditions of consent in respect to removal of the 3<sup>rd</sup> level and amendments to the terraces on Units 2, 3 & 4. Council briefed the Panel on the changes and advised the Panel that no other amendments had been made to the plans. The amended plans were the plans that the Panel considered in its determination, meaning that conditions originally proposed were no longer required. The Panel further revised conditions of consent to address concerns raised during the Panels Public meeting in relation to parking and privacy.

2. The rear neighbour at 128 Broken Bay Road, Ettalong Beach, addressed the Panel in relation to loss of view and privacy. The proposed development complies with the height limit and its orientation minimises view loss in compliance with the controls relevant to the site. In relation to privacy, an additional condition has been added to require hedge planting along the rear boundary with a height minimum of 3 metres.
3. The Panel considers the amended design appropriate for its context and has had regard for adjoining developments. It supported the imposition of additional conditions in relation to visitor parking and accessible parking, in addition to Council's proposed condition about an adaptable unit.

**Votes**

The decision was unanimous

## PLANNING REPORTS- OUTSIDE OF PUBLIC MEETING

### **4.1 Request to prepare a Planning Proposal for 33 Gugandi Road Narara (Narara Eco Village) to amend Central Coast Local Environmental Plan 2022**

---

The Panel has no specific advice about the following proposed amendments:

- Reduce the minimum lot size map applying to the R2 - Low Density Residential land from 550m<sup>2</sup> to 450m<sup>2</sup>,
- Amend Schedule 1 of CCCLEP 2022 to permit the following additional permitted uses on land zoned R2 Low Density Residential;
  - *Multi-dwelling housing* – up to a maximum of 15 additional multi-dwelling houses, and
  - *Commercial premises* (comprising a maximum GFA of 1,500m<sup>2</sup>, including 200m<sup>2</sup> food and drink premises.

The Panel, however, has serious concern with the proposed amendment to rezone RE1 Public Recreation zoned land to C3 Environmental Management, for the following reasons:

- The open space zoning was included in the rezoning of the Narara Research Station in 2007 to provide open space for future residents of the residential precinct.
- The land was identified in a Voluntary Planning Agreement (VPA) that was entered into between Gosford City Council and Narara Eco-village Co-operative Ltd. The VPA was executed on 31 May 2013.
- The VPA is not independent of the subject planning proposal – it was and is integral to the overall redevelopment of the site as originally and now proposed.
- Per the executed VPA:
  - The developer was required to lodge a subdivision within 60 days of executing the deed.
  - Subdivision was to create separate lots for land being zoned 6(a).
  - A further separate allotment containing an area of land around the Hoop Pines was to be dedicated to Council as public reserve, free of cost to Council.
  - Subject to development consent being issued, the developer agreed that the 6(a) allotment and the Hoop Pines allotment would be dedicated to Council free of cost as public reserve upon registration of the plan of subdivision for the first stage of the development of the site.
  - Stage 1 is currently completed, however land dedication (at no cost) has not proceeded.
- This draft Planning proposal and proposed amending VPA recommends increasing development yields, however it is recommending the deletion of all public open space within the precinct. The land is purported in the assessment report to be unsuitable for public open space due to being part flood prone and

having poor public accessibility. It is proposed to be part of a land swap for 11ha of a E2 land on adjoining site. It is unclear to the Panel why the RE1 land could not be used for public open space. More specifically, the Panel notes that the land council will receive in this land swap appears to be completely unsuitable for active or passive open space and forms part of the regional Coastal Open Space System. The provision of open space able to be accessed by the broader precinct was key to the initial rezoning and its swap for 'unusable' open space is not justified on the Panel's view.

- Rezoning of 6(a) open space land should be supported by a recreational/open space needs report that justifies not proceeding with the provisions of the executed VPA of 2013.
- Valuations should also be provided to Council with respect to pre and post value of the 6(a) zoned land i.e. as 6(a) open space and as zoned E3 – Conservation Management and the value of the 11ha of E3 Environmental Conservation land.



**4.2 DA/157/2022 - 132 Paton Street Woy Woy - Dual Occupancy**

---

**Site Orientation** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- [1 Submission](#)

**Council Recommendation** Refusal

**Panel Decision**

1. Pursuant to the provisions of clause 4.6 of the Gosford Local Environmental Plan 2014 ("the LEP"), the Panel is not satisfied that the written request in relation to the contravention of the minimum lot size for multi dwelling housing development standard in clause 4.1B of the LEP has adequately addressed the required matters in clause 4.6 of the LEP. The Panel does not consider the written request demonstrates that compliance with the development standard is either unnecessary or unreasonable in the circumstances of the case and the written request does not contain sufficient environmental planning grounds to justify contravening the development standard. Further, the Panel considers that the proposed development will not be in the public interest because it is not consistent with either the objectives of the minimum lot size for multi dwelling housing development standard or the objectives for development within the Residential R1 zone in which the development is proposed to be carried out.
2. That the Local Planning Panel refuse consent to DA/157/2022 at 132 Paton Street, Woy Woy, Lot 13 Sec 6 in DP 5099 for the dual occupancy housing development, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 3 That Council advise those who made written submissions of the Panel's decision.

**Reasons**

1. The clause 4.6 written request does not adequately address the provisions of clause 4.6(3) to demonstrate that compliance with the Minimum Lot Size development standard under clause 4.1B of Gosford Local Environmental Plan 2014 is unreasonable or unnecessary in the circumstances of the case or that there are sufficient environmental planning grounds to deviate from the standard.
2. The proposed development is inconsistent with clause 4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings of the Gosford Local Environmental Plan 2014.
3. The proposal is not consistent with the R1 zone objective of the Gosford Local Environmental Plan 2014 as the proposal has not demonstrated that development is compatible with the desired future character of the zone or that it exhibits best practice design given its excessive impervious hardstand and resulting flooding issues.
4. The proposal is inconsistent with Gosford Development Control Plan 2013: Chapter 3.2 Dual Occupancy Developments in particular regard to setbacks, deep soil, private open space, building separation, articulation and carparking.
5. The application is not supported by Council's Flood Engineer in accordance with Chapter 6.7 of the Gosford Development Control Plan 2013 in particular 6.7.8 Development Identified as Drainage Black Spots on the Peninsula.

**Votes**

The decision was unanimous

**4.3 DA/1337/2021 - 33 Athol Street, Toukley - Demolition & Residential Flat Building (20 Units)**

---

**Site Orientation** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- 1 Submission

**Council Recommendation** Approval

**Panel Decision**

1. The Panel is satisfied that the Applicant's clause 4.6 written request demonstrates that compliance with the clause 4.3 Height of Buildings development standard in Wyong Local Environmental Plan 2013 is unnecessary in the circumstances of the case because the proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts, and that there are sufficient environmental planning grounds to justify contravening that development standard.

Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the R3 Medium Density Residential zone in which the development is proposed to be carried out.

2. That the Local Planning Panel grant consent to DA/1337/2021 at 33-35 Athol Street, Toukley 2263 for Demolition & Residential Flat Building (20 Units) under SEPP (Affordable Rental Housing) 2009, subject to the conditions detailed in the schedule attached to Council's assessment report and below, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

- 2.1 That the setback to the northern, eastern and southern boundaries be increased to a minimum of 6 metres to satisfy the provisions of the Apartment Design Guide. While this may involve reduction in balcony and/or unit sizes, any amendments must not reduce the size of the any balcony to less than that required under the ADG. Details are to be provided and approved prior to the issue of the relevant construction certificate.
- 3 That Council advise those who made written submissions of the Panel's decision.

**Reasons**

1. The Applicant's clause 4.6 written request demonstrates that compliance with the clause 4.3 Height of Buildings development standard in *Wyang Local Environmental Plan 2013* is unnecessary in the circumstances of the case because the proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts, and there are sufficient environmental planning grounds to justify contravening that development standard
2. The proposal is satisfactory having regard to the relevant environmental planning instruments, plans and policies.
3. There are no significant issues or impacts identified with the proposal under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
4. The proposed development satisfies the provisions and pre-condition of the grant of consent of *State Environmental Planning Policy (Resilience and Hazards) 2021* having regard to the suitability of the site in terms of land contamination, as required under Chapter 4 Remediation of Land.

5. The proposal is considered satisfactory in relation to the pre-condition of the grant of consent under clause 7.1 of *Wyong Local Environmental Plan 2013*, and an acid sulfate soils management plan has been provided for the proposed development.
6. The proposal is considered satisfactory in relation to the pre-condition of the grant of consent under clause 7.9 of *Wyong Local Environmental Plan 2013*. Adequate arrangements are in place or can be made for essential servicing of the proposed development.

**Votes**

The decision was unanimous

**Draft Conditions of Consent – DA/2017/2021 – 117 The Esplanade, Ettalong Beach**

**1. PARAMETERS OF THIS CONSENT**

**1.1. Approved Plans and Supporting Documents**

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

**Architectural Plan Set by True North Architects**

Plan No.	Revision No.	Plan Title	Dated
DD-01	DA4	Cover Sheet	07/12/22
DD-02	DA4	Perspectives	07/12/22
DD-03	DA4	Site Plan	07/12/22
DD-04	DA4	Site Basement Plan	07/12/22
DD-05	DA4	Site Ground Floor Plan	07/12/22
DD-06	DA4	Site First Floor Plan	07/12/22
DD-07	DA4	Site Roof Plan	07/12/22
DD-08	DA4	Lower Basement Plan	07/12/22
DD-09	DA4	Upper Basement Plan	07/12/22
DD-10	DA4	Lower Ground Floor Plan	07/12/22
DD-11	DA4	Upper Ground Floor Plan	07/12/22
DD-12	DA4	Lower First Floor Plan	07/12/22
DD-13	DA4	Upper First Floor Plan	07/12/22
DD-14	DA4	Lower Roof Plan	07/12/22
DD-15	DA4	Upper Roof Plan	07/12/22
DD-16	DA4	Unit Type A	07/12/22
DD-17	DA4	Unit Type B	07/12/22
DD-18	DA4	Elevations 1:200	07/12/22
DD-19	DA4	1 (South)	07/12/22
DD-20	DA4	2 (East) 1/2	07/12/22
DD-21	DA4	3 (East) 2/2	07/12/22
DD-22	DA4	3 (North)	07/12/22
DD-23	DA4	4 (West) 1/2	07/12/22
DD-24	DA4	4 (West) 2/2	07/12/22
DD-25	DA4	Longitudinal Section A	07/12/22
DD-26	DA4	Cross Sections B & C	07/12/22
DD-27	DA4	Site Analysis Plan	07/12/22
DD-28	DA4	Area Plans – Site Cover	07/12/22
DD-29	DA4	Area Plans – GFA	07/12/22
DD-30	DA4	Area Plans – Private Open Space	07/12/22
DD-31	DA4	Perspectives – Height Envelopes	07/12/22
DD-32	DA4	Perspectives – Setback Envelopes	07/12/22
DD-33	DA4	Perspectives – View from Street	07/12/22
DD-34	DA4	Perspectives – View from Beach	07/12/22
DD-35	DA4	Perspectives – View Sharing 1/3	07/12/22
DD-36	DA4	Perspectives – View Sharing 2/3	07/12/22
DD-37	DA4	Perspectives – View Sharing 3/3	07/12/22

DD-38	DA4	Perspectives – Shadow Study	07/12/22
DD-39	DA4	Window Schedule 1/3	07/12/22
DD-40	DA4	Window Schedule 2/3	07/12/22
DD-41	DA4	Window Schedule 3/3	07/12/22
DD-42	DA4	Door Schedule 1/2	07/12/22
DD-43	DA4	Door Schedule 2/2	07/12/22
RFI-01	DA4	Perspectives – Shadow Study 1/2	07/12/22
RFI-02	DA4	Perspectives – Shadow Study 2/2	07/12/22
RFI-03	DA4	Plans – Shadow Study 1/2	07/12/22
RFI-04	DA4	Plans – Shadow Study 2/2	07/12/22
RFI-05	DA4	Basement Roof Greater Than 1,200	07/12/22
RFI-06	DA4	Additional Cross Sections	07/12/22
RFI-07	DA4	Additional Longitudinal Section	07/12/22
RFI-08	DA4	Perspectives – View Sharing 1/4	07/12/22
RFI-09	DA4	Perspectives – View Sharing 2/4	07/12/22
RFI-10	DA4	Perspectives – View Sharing 3/4	07/12/22
RFI-11	DA4	Perspectives – View Sharing 4/4	07/12/22

**Concept Stormwater / Civil Works Plans by Eclipse Consulting Engineers Pty Ltd**

<b>Plan No.</b>	<b>Revision No.</b>	<b>Plan Title</b>	<b>Dated</b>
C01	D	General Notes	17/05/22
C02	D	Sediment & Erosion Control Plan	17/05/22
C03	D	Stormwater Catchment Area Plan	17/05/22
C04	D	Stormwater Drainage Plan - Basement	17/05/22
C05	D	Stormwater Drainage Plan - Ground Floor and Roof	17/05/22
C06	D	External Pavement Plan and Details	17/05/22
C07	D	Stormwater Details	17/05/22
C08	D	Bulk Earthworks Cut and Fill Plan	17/05/22
C09	D	Site Cross Sections	17/05/22
C10	D	Car (B85) Turning Path Plans	17/05/22
C11	D	Car (B85) Turning Path Plans	17/05/22
C12	D	Driveway Entry Sections	17/05/22

**Supporting Documentation**

<b>Document Title.</b>	<b>Prepared by</b>	<b>Dated</b>
Survey Plan	Clarke Dowdle and Associates	29/06/21
Arboricultural Impact Assessment	Advanced Treescape Consulting	02/12/21
BASIX Compliance Certificate	Department of Planning and Environment	10/12/21
Cost Estimate	Global Estimating System	01/12/21
Limited Geotechnical Investigation	5QS Consulting Group	21/09/22
Waste Management Plan	SJH Planning & Design	16/08/22
Landscape Plan	Little Box Apartments	02/05/22
Statement of Environmental Effects	SJH Planning & Design	12/21

Supplementary Statement of Environmental Effects	SJH Planning & Design	03/22
Traffic Impact Statement	Intersect Traffic	21/03/22
Design Verification Statement	True North Architects	27/10/22

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- 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 Section 75 Environmental Planning and Assessment Regulation 2021.-

## **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. A minimum of 1 dwelling within the development is to be designed as suitable for adaption for occupation by disabled/aged persons as outlined in AS4299:Adaptable Housing and a minimum of 1 accessible car parking space is to be provided.
- 2.4. Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the Principal Certifier. The plan must include the following matters:
  - location and materials for protective fencing to the perimeter on the site
  - provisions for public safety
  - pedestrian and vehicular site access points and construction activity zones
  - details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
  - protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
  - details of any bulk earthworks to be carried out
  - location of site storage areas and sheds
  - equipment used to carry out all works
  - a garbage container with a tight-fitting lid
  - dust, noise and vibration control measures
  - location of temporary toilets.



The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

- 2.5. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the Principle Certifier.
- 2.6. Pay to Council a contribution amount of \$53,101.15 that may require adjustment at time of payment, in accordance with the following:
  - Contributions Plan No. 31A – Peninsula – Drainage
  - Contributions Plan No. 31B – Peninsula – Roadworks
  - Contributions Plan No. 31C – Peninsula – Open Space and Recreation
  - Contributions Plan No. 31D – Peninsula – Community Facilities and Services

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 contributions plan.

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

Any Construction Certificate must not be issued until the developer has provided the Principal Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the Environmental Planning and Assessment Regulation 2000.

- 2.7. Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's Civil Works Specifications.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

- a. Construction of concrete footpath 1.5 metres wide for the full street frontage of the development in The Esplanade.
- b. Construction of the road verge/footway formation graded at +2% from the top of existing kerb to the property boundary across the full frontage of the site in The Esplanade. Construction to include transitions to existing formation either side of the site.

- c. Construction of a residential vehicle access crossing that has a minimum width of 5.5 metres at the road gutter crossing and minimum width 5.5 metres at the property boundary including construction of a gutter crossing and road pavement adjacent to the gutter crossing.
- d. Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.
- e. Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstate and stabilised with topsoil and turf from top of kerb to property boundary. Concrete path to be constructed if required.
- f. Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- g. Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve

The section 138 Roads Act Works Approval must be issued by Council and all conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

- 2.8. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.9. Submit a dilapidation report to Council, the Principal Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, submit evidence in writing demonstrating that all steps were taken to obtain access to the adjoining property(s).

- 2.10. Submit to the Principal Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
  - a. Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards. Provide warning lights to prevent two way traffic.
  - b. Construction of a stormwater detention system. Design in accordance with Chapter 6.7 Water Cycle Management of the Gosford Development Control Plan 2013 and Council's Civil Works Specifications. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An onsite stormwater detention report including an operation and maintenance plan must accompany the

- design. Onsite stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths.
- c. Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 Water Cycle Management of the Gosford Development Control Plan. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
  - d. Construction of onsite stormwater retention measures. Design in accordance with Chapter 6.7 Water Cycle Management of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for reuse on the site and an operation and maintenance plan must accompany the design.
  - e. Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an onsite stormwater detention facility to the approved connection with Council's drainage system.
  - f. Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

Detailed design drawings justified by a detailed Geotechnical and Hydrogeological Report and complying with Groundwater Management Handbook Sydney Coastal Councils Group September 2006 A Guide for Local Government and design reports acceptable to the Principal Certifier must be included in the Construction Certificate documentation.

- 2.11. The foundation must be designed to support all the loads and other structural actions. The Structural Engineer must provide building foundation design based on the geotechnical parameters outlined in the Geotechnical Engineering Report prepared by 5QS Consulting Group, dated 21 September 2021.
- 2.12. Submit to Council's Environmental Health Officer for approval an Unexpected Finds Protocol detailing how unexpected contamination encountered within the site during future development works will be managed. The Unexpected Finds Protocol must be prepared by a suitably qualified environmental consultant.
- 2.13. Submit an application to Council under section 305 of the Water Management Act 2000 for a section 307 certificate of compliance. The Application form can be found on Council's website [centralcoast.nsw.gov.au](http://centralcoast.nsw.gov.au). Early application is recommended.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone eg. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

- 2.14. Updated Landscape Plans are to be submitted to the Principal Certifier which ensure consistency with the Architectural Plans.
- 2.15. Submit amendments to the approved landscape plans to the satisfaction of Council to provide hedging, such as a Murraya hedge or similar, along the entire length of the rear (northern) boundary which is capable of achieving a minimum mature height of 3m.

### 3. PRIOR TO THE 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. Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

- Ingress and egress of construction related vehicles to the development site.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of
- Work Zones (if required) and location of cranes (if required).
- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where preconstruction routes are affected.
- Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road

Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

- 3.5. Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 3.6. Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 3.7. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 3.8. Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 3.9. 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 are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

3.10. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- diverting uncontaminated run-off around cleared or disturbed areas, and
- preventing the tracking of sediment by vehicles onto roads, and
- stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

3.11. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- a) more than 10m<sup>2</sup> of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

3.12. 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.

3.13. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

**Note 1:** A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

**Note 2:** The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

- 3.14. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

#### **4. DURING WORKS**

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

- 4.2. The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00 am and 5.00 pm on Monday to Saturday

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency. Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

- 4.3. Submit a report prepared by a registered Surveyor to the Principal Certifier at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans. A compilation of these reports is to be provided to Council at completion of the Occupation Certificate.
- 4.4. Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 4.5. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- b) is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. To ensure the protection of objects of potential sign.

- 4.6. 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.
- 4.7. 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.
- 4.8. 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.
- 4.9. 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 are proposed (excludes stormwater drainage).

- 4.10. 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*.
- 4.11. While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.
- 4.12. While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out
- 4.13. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.14. 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 Regulation 2018* and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:



- “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”
- “POOL GATES MUST BE KEPT CLOSED AT ALL TIMES”
- “KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES” and
- A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)

4.15. Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifier.

4.16. Implement all recommendations of the geotechnical report 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).

## **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. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.

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 **OR** Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (as appropriate).

5.4. 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 are proposed (excludes stormwater drainage).

5.5. Obtain a satisfactory plumbing and drainage final inspection in accordance with the requirements of the *Plumbing and Drainage Act 2011*.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

5.6. To ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has

been implemented in accordance with the approved landscape plan as amended by any conditions of this consent. This includes street tree planting.

- 5.7. A minimum of 1 dwelling within the development is to be designed as suitable for adaptation for occupation by disabled/aged persons as outlined in AS 4299: *Adaptable Housing* and a minimum of 1 accessible car parking space is to be provided.
- 5.8. Provide a minimum of 7 off-street car parking spaces for residents of the building and 1 space for the sole use of visitors to the building. Appropriate intercom services are to be provided to allow access to the basement by visitors.
- 5.9. Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
  - a) provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*
  - b) paint the ceiling of the car park white
  - c) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
  - d) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises
  - e) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
  - f) install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.
- 5.10. Erect a 1.8 metre high fence along the length of the side and rear boundaries behind the building line.
- 5.11. Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.12. Provide to the Principal Certifier a design verification statement from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Part 2 of *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development*.
- 5.13. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.
- 5.14. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.15. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3 *Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.16. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and

acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.

- 5.17. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.18. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.

- 5.19. Amend the Deposited Plan (DP) for lot 287 DP 10570 to:

1. Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
  - a. Create a 'Restriction on the use of Land' over all lots containing an onsite stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
2. Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
  - a. To ensure on any lot containing onsite stormwater detention system and / or a nutrient / pollution facility that:
    - i. the facility will remain in place and fully operational.
    - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
    - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
    - iv. Council is indemnified against all claims of compensation caused by the facility.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

Submit to the Principal Certifier copies of registered title documents showing the restrictive and positive covenants.

- 5.20. Construct the car park and access in accordance with Australian Standard AS2890.12004: *Parking facilities Offstreet parking*. Certification of the construction of the car park and associated access by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.21. Plant a street tree on the road reserve. Provide an advanced specimen (minimum 25 litre pot size) that is to be evenly located and adequately staked / protected to prevent vandalism. The street tree must be native tree species suitable for planting under power wires, such as Tuckeroo or Coastal Banksia. Do not locate trees within an

authority's underground service easement nor be closer than 3m from a driveway or power pole.

- 5.22. 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.
- 5.23. A powered bin trolley is to be provided in accordance with the Waste Management Plan prepared by SJH Planning & Design

## **6. ONGOING**

- 6.1. Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.2. Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.3. Maintain all fencing for the life of the development in the approved location.
- 6.4. Maintain the site landscaping for the life of the development.
- 6.5. Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas.
- 6.6. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.7. 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 Owners Corporation are responsible for the placement and return of the mobile waste containers.
- 6.8. Comply with all commitments as detailed in the Waste Management Plan signed by John Hancock, dated 9/12/2021.
- 6.9. Locate the approved waste storage enclosure / area as indicated on Project / Drawing Number DD-08, Revision DA3, dated 27/04/2022, prepared by True North Architects.
- 6.10. Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: Chapter 7.2 - *Waste Management*, Appendix D and Appendix G, as applicable.
- 6.11. Service Waste Management in accordance with Gosford Development Control Plan 2013, Part 7: Chapter 7.2 - *Waste Management*, Appendix H.
- 6.12. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.

- 6.13. A powered bin trolley is to be maintained at the site accordance with the Waste Management Plan prepared by SJH Planning & Design

## **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.

- 7.2. Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and / or custodial sentences for serious offences.

## **ADVISORY NOTES**

- It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit.
- 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.