

Telephone: (02) 4306 7900
Please Quote: DA/3482/2022
Responsible Officer: Sian Holmes



Mr C S Smith
11 Brisbane St
NORAVILLE NSW 2263

Notice of Determination of a Development Application
issued under the *Environmental Planning and Assessment Act 1979*
Sections 4.16, 4.17 and 4.18(1)(a)

Development Application No: DA/3482/2022
Applicant: Mr C S Smith
Property Address: Lot 1 DP 605538
11 Brisbane Street, NORAVILLE NSW 2263
Proposal: Integrated Development: Demolition, 1 into 2 lot Torrens Title
Subdivision, Dwelling, Attached Dual Occupancy and subsequent
1 in 2 lot Torrens Title Subdivision
Determination: Approved
Determination Date: 21 August 2023

Date from which this consent operates

In accordance with Section 4.20 of the *Environmental Planning and Assessment Act 1979*, this consent becomes effective and operates from the date of this notice being 21 August 2023.

Consent to lapse on

21 August 2028

Imposition of conditions

Subject to the provisions of Section 4.17 of the Act this Consent has been granted subject to conditions annexed to this consent.



Right of Appeal

Sections 8.7 and 8.10 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.

On behalf of the consent authority

David Farmer

Chief Executive Officer

Per:



Sian Holmes

Development Planner Consultant

EMPLOYMENT AND URBAN RELEASE



1. PARAMETERS OF THIS CONSENT

Approved Plans and Supporting Documentation

- 1.1 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 Plans by: RK Designs ref: 22-29

Plan No.	Revision No.	Plan Title	Drawn By	Dated
00	E	BASIX	EU	14/07/2023
1	E	Site and Roof Plan	EU	14/07/2023
2	E	Ground floor & First Floor	EU	14/07/2023
3	E	Elevations and Sections	EU	14/07/2023
4	E	Sections	EU	14/07/2023
7	C	Subdivision and Staging Plans	LS	14/11/2022
1 of 1	B	Erosion and Sediment Control Plan	EU	22/06/2022

Engineering Plans by: Modular Engineers Pty Ltd ref: STW117-2022

Plan No.	Revision No.	Plan Title	Drawn By	Dated
STW001	F	Title Page, Notes & Details	SR	12/07/2023
STW002	F	Stormwater Roof Floor Plan	SR	12/07/2023
STW003	F	Stormwater Roof Floor Plan - 1	SR	12/07/2023
STW004	F	Stormwater Details and Notes - 2	SR	12/07/2023

Landscape Plans by: Apex Studios ref: 01-23

Plan No.	Revision No.	Plan Title	Drawn By	Dated
LA00	B	Title Page	DD	20/05/2023
LA01	A	Landscape Plan	DD	20/05/2023
LA02	A	Plant Schedule	DD	20/05/2023

Document Title	Reference No.	Prepared by	Dated
BASIX Certificate	1322887M_02	rkdesigns	26/05/2023
BASIX Certificate	1322968s_02	rkdesigns	25/05/2023
NatHERS	0008082780	Enviiro	26/05/2023
Waste Management Plan	22-29	rkdesigns	19/07/2022
Bushfire Hazard Assessment	BR-539222-A	Bushfire Planning & Design	09/09/2022
Proposed External Material and Colour Finishes Schedule	22-29	rkdesigns	-

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. Approval is granted for the development to be carried out in 4 stages in the following manner:

Stage 1 – Demolition of the Existing Dwelling and Subdivision of the site to create:

Lot 1: 593.24m²

Lot 2: 492.38m²

Payment of Contributions for Stage 1 prior to Issue of a Subdivision Certificate for this stage.

Stage 2 – Erection of a single dwelling on Lot 2 that was created in Stage 1

Stage 3 – Erection of an attached dual occupancy on Lot 1 that was created in Stage 1 and payment of Contributions for Stage 3 prior to issue of an occupation certificate for this stage.

Stage 4 – Subdivision of Lot 1 created in Stage 1 to create:

Lot A: 296.73m²

Lot B: 296.73m²

Stages 2 and 3 may be undertaken concurrently provided the subdivision undertaken in Stage 1 is registered.

Stage 4 must not be undertaken until an occupation certificate has been issued for Stage 3.

Works and contributions are to be finalised appropriate for each stage prior to the release of the Occupation / Subdivision Certificate.

All conditions apply to all stages unless otherwise stipulated.

- 1.4. Comply with the General Terms of Approval from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
NSW Rural Fire Service	General Terms of Approval	DA20221124011901-Original-1	10/01/2023

- 1.5. Comply with all commitments listed in the BASIX Certificate for the development as required under Clause 97A of the *Environmental Planning and Assessment Regulation 2000*.



2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Assessment of the development against the provisions of *Planning for Bush Fire Protection (2006) (NSW)* has determined a Bush Fire Attack level (BAL) of 12.5.

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

- 2.3. **STAGE 3** – Submit to the Accredited Building Certifier a report approved by a suitably qualified consultant demonstrating that the development complies with the design parameters outlined in the current edition of the Australian Building Codes Board (ABCB) *Construction of Buildings in Flood Hazard Areas* Standard or compliance with the Building Code of Australia as appropriate for the development. The following flooding characteristics are applicable to the development:
- 1% Annual Exceedance Probability (AEP) flood level of Reduced Level (RL) 21.62 metres Australian Height Datum (AHD)
 - average flood velocity of 1.0 metres per second
 - a minimum floor level of Reduced Level (RL) 21.92 metres Australian Height Datum (AHD) for all habitable rooms, as defined within the Building Code of Australia.
 - a minimum floor level of Reduced Level (RL) 20.63 metres Australian Height Datum (AHD) for all non-habitable rooms, as defined within the Building Code of Australia.
- 2.4. **STAGES 1, 2, & 3** – Lodge a completed *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form to Council where conditions of this consent require works approval from Council under the *Roads Act 1993*. The completed application form must be accompanied by detailed design drawings, supporting reports and information. 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.
- 2.5. **STAGES 2 & 3** – Submit to the Registered Certifier, responsible for issuing a Construction Certificate for works within the development properties, detailed design drawings approved by a suitably qualified consultant for fences and landscaping (including mailboxes) located on or in proximity to the road frontage of the site which ensure pedestrian and vehicle sight distance is maintained in accordance with of Australian Standard AS/NZS 2890: *Parking Facilities, Parts 1, 2 and 6*.
- 2.6. **STAGE 2** – 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 a residential vehicle access crossing with a width of 4.0 metres at the road gutter crossing and 4.0 metres at the property boundary including construction of a gutter crossing and road pavement adjacent to the gutter crossing. A minimum 1.0m clearance must be maintained between the vehicle access crossing and existing power pole within the frontage road reserve. The vehicle access crossing is to be constructed to match the new road reserve levels (as per the Stage 1 Roads Act Works approval).
- b) Removal and replacement of all damaged kerb and gutter with new kerb and channel.
- c) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

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.

- 2.7. **STAGE 3** – 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 two (2) residential vehicle access crossings with a width of 4.0 metres at the road gutter crossing and 3.0 metres at the property boundary including construction of a gutter crossing and road pavement adjacent to the gutter crossing. The vehicle access crossings are to be constructed to match the new road reserve levels (as per the Stage 1 Roads Act Works approval).
- b) Removal and replacement of all damaged kerb and gutter with new kerb and channel.
- c) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

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. **STAGES 2 & 3** – 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, streetlights, 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. **STAGE 2** – Submit to the Registered 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 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. Any portions of the driveway constructed more than 150mm above the surrounding adjacent finished ground level will require the installation of physical controls in accordance with *AS/NZS 2890.1:2004 Section 2.4.5*.
 - b) Construction of a Stormwater Management System comprising:
 - (i) A stormwater detention system. Design in accordance with 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 on-site stormwater detention report including an operation and maintenance plan must accompany the design.
 - (ii) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the approved connection with Council's drainage system located in Brisbane Street.
 - (iii) Construction to be generally in accordance with the *Stormwater Management Plan* prepared by Modular Engineers (Job No. STW117-2022, Rev. F, dated 12/07/2023).
 - c) 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 and design reports acceptable to the Registered Certifier must be included in the Construction Certificate documentation.

- 2.10. **STAGE 3** – Submit to the Registered 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 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. The driveways between the front boundary and garage must not exceed 5% longitudinal gradient. Any portions of the driveway constructed more than 150mm above the surrounding adjacent finished ground level will require the installation of physical controls in accordance with *AS/NZS 2890.1:2004 Section 2.4.5*.

- b) Construction of a Stormwater Management System(s) comprising:
 - (i) A stormwater detention system(s). Design in accordance with 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 on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within drainage easements and/or secondary flow paths.
 - (ii) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility(s) to the approved connection with Council's drainage system located in Brisbane Street.
 - (iii) Construction to be generally in accordance with the *Stormwater Management Plan* prepared by Modular Engineers (Job No. STW117-2022, Rev. F, dated 12/07/2023).
- c) Construction of a secondary overland flow path around the Dual Occupancy structure. Construction to be generally in accordance with the *Stormwater Management Plan* prepared by Modular Engineers (Job No. STW117-2022, Rev. F, dated 12/07/2023), with the provision of a min. 0.6m high brick wall immediately adjacent to the existing northern boundary and new central boundary (i.e., between proposed Lots 1 and 2).
- d) Construction of open type fences in flood affected areas that are of a height and type as not to restrict the flow of water or cause an accumulation of debris. Open type fencing, or Colorbond fencing with a gap of no less than 150mm below the bottom of the fence and finished ground level, is required along the extent of the rear boundary of proposed Lot 1. Open type fencing is required along the new central boundary between proposed Lots 1A and 1B (i.e., separating the rear yards of the Dual Occupancy dwellings; standard Colorbond fencing is not acceptable in this location).
- e) 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 and design reports acceptable to the Registered Certifier must be included in the Construction Certificate documentation.

- 2.11. **STAGES 1, 2 & 3** – Submit an application to Council under Section 305 of the Water Management Act 2000 for a Section 306 Requirements Letter. The Application form can be found on Council's website 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, e.g., prior to Construction Certificate, Subdivision Works Certificate, Occupation Certificate, and/or Subdivision Certificate.

- 2.12. No activity is to be carried out on-site until the Construction Certificate has been issued for that relevant stage, 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.
- 2.13. 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 certifier.
- 2.14. Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979*, pay to Council, prior to issue of a Subdivision Certificate for Stage 1 pay the contribution amount of \$1,299.75 and prior to issue of a Construction Certificate for Stage 3 pay the contribution amount of \$2,027.30.

This may require adjustment at the time of payment, in accordance with the Shire wide Infrastructure, Services and Facilities Development Contributions Plan with the applicable amounts as follows:

Stage 1

Shire Wide Regional Open Space	\$	223.70
Shire Wide Cycleway Network	\$	458.85
Shire Wide Performing Arts & Public Art	\$	517.80
Shire Wide Administration	\$	99.40
Total	\$	1,299.75

Stage 3

Shire Wide Regional Open Space	\$	348.90
Shire Wide Cycleway Network	\$	715.80
Shire Wide Performing Arts & Public Art	\$	807.70
Shire Wide Administration	\$	154.90
Total	\$	2,027.30

The contributions amount will 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 on (02) 4306 7900 for an up-to-date contribution payment amount.

Any Subdivision Certificate for Stage 1 or Construction Certificate for Stage 3 must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid for that stage. 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*.

A copy of the Contributions Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or on Council's website: [Development Contributions](#).



- 2.15. Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979*, pay to Council, prior to issue of a Subdivision Certificate for Stage 1 pay the contribution amount of \$11,132.90 and prior to issue of a Construction Certificate for Stage 3 pay the contribution amount of \$17,367.35.

This may require adjustment at the time of payment, in accordance with the Toukley District Development Contributions Plan with the applicable amounts as follows:

Stage 1:

Toukley Open Space Works	\$ 5,576.50
Toukley District Community Facilities Land	\$ 864.00
Toukley District Community Facilities Works	\$ 4,692.40
Total	\$ 11,132.90

Stage 3:

Toukley Open Space Works	\$ 8,699.35
Toukley District Community Facilities Land	\$ 1,347.85
Toukley District Community Facilities Works	\$ 7,320.15
Total	\$ 17,367.35

The contributions amount will 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 on (02) 4306 7900 for an up-to-date contribution payment amount.

Any Subdivision Certificate for Stage 1 or Construction Certificate for Stage 3 must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid relevant to that stage. 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*

A copy of the Contributions Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or on Council's website: [Development Contributions](#).

3. PRIOR TO ISSUE OF ANY SUBDIVISION WORKS CERTIFICATE

- 3.1. All conditions under this section must be met prior to the issue of any Subdivision Works Certificate.
- 3.2. **STAGE 1** – 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) Up to half width road construction (with end transitions as appropriate) including kerb and guttering, subsurface pavement drainage, concrete footpath, verge formation, and new road pavement (with appropriate extension to adjoin the new kerb alignment) across the full frontage of the site in Brisbane Street.
- b) Construction of concrete footpath 1.5 metres wide for the full street frontage of the development in Brisbane Street.
- c) Construction of the road verge/footway formation, graded at between 2% to 5%, and to match the existing adjacent verge gradient to the south of the site, from the top of the new kerb to the property boundary, across the full frontage of the site in Brisbane Street. Construction to include transitions to existing formation either side of the site.
- 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 reinstated and stabilised with topsoil and turf from top of kerb to property boundary. Concrete path to be constructed as required.
- f) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- g) Construction of three (3) storm water drainage connections from the development site to Council's storm water drainage system within the road reserve, in accordance with the *Stormwater Management Plan* prepared by Modular Engineers, Job No. STW117-2022, Rev. F, dated 12/07/2023.
- h) Road pavement designs. An Investigation and Design report prepared by a practising Geotechnical Engineer must be provided. The pavement design thickness must be determined in accordance with Council's specifications and the following traffic loadings:

<u>Name of Street</u>	<u>Traffic Loading (ESAs)</u>
Brisbane Street	2 x 10 ⁶

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.

- 3.3. **STAGE 1** – 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, streetlights, 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.

4. PRIOR TO COMMENCEMENT OF ANY WORKS

- 4.1. All conditions under this section must be met prior to the commencement of any works.
- 4.2. 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.
- 4.3. 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.

- 4.4. 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.
- 4.5. 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 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
 - b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

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

- 4.6. **STAGES 1, 2, & 3** – 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 pre-construction 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.

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.

- 4.7. **STAGES 1, 2, & 3** – 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 Roads Act Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 4.8. **STAGES 1, 2, & 3** – Submit a Hoarding Application to Council for approval under the Roads Act where it is proposed to erect construction fencing, a hoarding, site sheds or utilise the road reserve for any construction activity related to the development works within the site.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application and will be required to be paid prior to Council releasing any approval.

- 4.9. 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
- 4.10. 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.

5. DURING WORKS

- 5.1. All conditions under this section must be met during works.
- 5.2. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 5.3. 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.



- 5.4. 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.

- 5.5. 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 significance

- 5.6. 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.
- 5.7. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.

6. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 6.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 6.2. Complete the buildings in accordance with the provisions of *Planning for Bush Fire Protection 2006 (NSW)* and the requirements of Australian Standard AS 3959-2009 - *Construction of Buildings in Bush Fire Prone Areas* and additional measures as contained within Appendix 3 of the *Planning for Bush Fire Protection Guidelines 2010*, for a Bush Fire Attack Level of BAL 12.5.
- 6.3. **STAGES 2 & 3** – Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 6.4. **STAGES 2 & 3** – 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.
- 6.5. **STAGES 2 & 3** – 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.
- 6.6. **STAGES 2 & 3** – 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.
- 6.7. **STAGES 2 & 3** – Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the Construction Certificate.
- 6.8. **STAGE 2** – Amend the [new] Deposited Plan (DP), as created at the completion of Stage 1 to subdivide the previous Lot 1 DP605538, for [new] Lot 2 (created via Stage 1) 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 on-site stormwater detention system 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 on-site stormwater detention system 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.

6.9. **STAGE 3** – Amend the [new] Deposited Plan (DP), as created at the completion of Stage 1 to subdivide the previous Lot 1 DP605538, for [new] Lot 1 (created via Stage 1) 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 on-site stormwater detention system restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - b) Create a 'Restriction on the use of Land' over all land affected by a secondary flow path to ensure:
 - (i) the shape of the flow path is not altered.
 - (ii) no structure is erected within or over the flow path, excluding fences that are flood compatible.
 - c) Create Easements for Support over those parts of the building common to both Lots including walls, eaves, roof, and guttering.
 - d) Create Easements for Services, as required.
- 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 on-site stormwater detention system 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.



- 6.10. **STAGES 2 & 3** – Complete construction of driveways and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the Construction Certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 6.11. **STAGE 2** – Submit to the Principal Certifier certification prepared by a Registered Surveyor certifying that all construction has been affected within the appropriate property boundaries. The certification must be accompanied by a copy of the final survey plan, with the distances from the boundaries to the edges of these structures endorsed in red and signed by the surveyor.
- 6.12. **STAGE 3** – Submit to the Principal Certifier certification prepared by a Registered Surveyor certifying that all construction has been affected within the appropriate property and easement boundaries. The certification must be accompanied by a copy of the proposed subdivision plan, with the distances from the boundaries to the edges of these structures endorsed in red and signed by the surveyor.
- 6.13. **STAGES 2 & 3** – Obtain the Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Occupation Certificate.

7. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 7.1. All conditions under this section must be met prior to the issue of any Subdivision Certificate.
- 7.2. **STAGES 1 & 4** – Submit details to Council/Principal Certifier that demonstrate the completion of all works and implementation of any plans required under Development Consent No 3482/2022, as applicable to the subject Stage.
- 7.3. **STAGE 1** – Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 7.4. **STAGE 1** – Repair any damage to Council's infrastructure and the 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.
- 7.5. **STAGE 1** – 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.

- 7.6. **STAGE 1** – Include on the Deposited Plan (DP) 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 'Positive Covenant' over all Lots requiring the registered proprietor to provide an on-site stormwater detention system incorporated with any future dwelling(s) on the Lot, to attenuate all post-developed stormwater flow rates to pre-developed flow rates in all design storm events, up to and including the 1% AEP event.
 - b) Create a 'Restriction on the use of Land' that requires a minimum habitable floor level on proposed Lot 1 for any dwelling to be minimum 300mm above the 1% Annual Exceedance Probability (AEP) flood level (related to Australian Height Datum).

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

- 7.7. **STAGE 1** – Obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Subdivision Certificate.

All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. 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 adopted fees and charges.

- 7.8. **STAGE 1** – Provide a report to Council prepared by a practising Geotechnical Engineer classifying each of the proposed and completed lots in accordance with AS 2870: *Residential Slabs and Footings*, prior to issue of a Subdivision Certificate.
- 7.9. **STAGES 1 & 4** – Submit, and have approved, an application for a Subdivision Certificate to Council / Certifying Authority. The Subdivision Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

8. PRIOR TO OCCUPATION OF THE MANUFACTURED HOME

No Conditions

9. ONGOING

No Conditions



10. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- 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.

