

Date: 28 October 2016



P Shoghi
PO Box 219
AVOCA BEACH NSW 2251

pasha.shoghi@gmail.com

Notice of Determination of a Development Application
issued under the *Environmental Planning and Assessment Act, 1979*
section 81(1)(a)

Development Application No: 49918/2016 Part 1
Applicant: P Shoghi
Property: LOT: 31 DP: 1047841 No 308 Matcham Road MATCHAM
Proposal: Dual Occupancy Attached (Staged) and Demolition of Shed

Date from which this consent operates

Subject to Section 83 of the Act this consent becomes effective and operates from 28 October 2016.

Consent to Lapse on

Five (5) Years from date of Consent.

Imposition of Conditions

Subject to the provisions of Section 80A of the Act this Consent has been granted subject to conditions annexed to this consent.

On behalf of the consent authority

Rob Noble

Chief Executive Officer

Per: *S Hartley*

Date: 28 October 2016



Wyong Office: 2 Hely St / PO Box 20 Wyong NSW 2259 | P 02 4350 5555

Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250 | P 02 4325 8222

E ask@centralcoast.nsw.gov.au | W www.centralcoast.nsw.gov.au | ABN 73 149 644 003

1.. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans by SR House of Design

Drawing	Description	Sheets	Issue	Date
	Elevations	A04	B	05/07/2016
	First Floor and Section	A03	A	24/03/2016
	Ground Floor Plan	A02	A	24/03/2016
	Landscape Plan	A06	A	24/03/2016
	Site Plan/Stormwater Concept Plan	A01	B	05/07/2016
	Site Analysis/WMP/ Soil Erosion & ESD/Shadow Diagram	A09	A	24/03/2016

Supporting Documentation

Document	Title	Date
	Bushfire Risk Assessment prepared by Bushfire Consultancy Australia	Undated
	Wastewater Management Plan prepared by Sea Dragon Holdings Pty Ltd (Clean Drops Environmental); and addendum email dated 23/9/2016	July 2016
	Colour & Material Schedule prepared by SR House of Design	Undated
	Waste Management Plan prepared by SR House of Design	
	Basix Certificate No 715078M_02	24/03/2016
	Survey plan prepared by Chase Burke & Harvey	21/07/2015

1.2. Carry out all building works in accordance with the Building Code of Australia.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

All conditions under this section must be met prior to the issue of any Construction Certificate

2.1. No activity is to be carried out on site until any 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 etc that are required by this consent.

- 2.2. Provide details showing that the development complies with Bushfire Attack Level (BAL) 12.5 as Bushfire Consultancy Australia, Reference 308Mat-01, dated 7/12/2015 and prescribed by AS3959-2009: *Construction of buildings in bushfire prone areas*. Depending on the required BAL, the development must incorporate additional construction requirements that are contained in *subsection A3.7 - Additional Construction Requirements* of the document *Addendum: Appendix 3 to Planning for bushfire protection 2010* produced by the NSW Rural Fire Service.
- 2.3. Provide amended plans detailing the method of Fire Separating the two dwellings in accordance with Part 3.7.1 *Fire Separation* of the Building Code of Australia, Volume 2.
- 2.4. Submit an application to Council under Section 138 of the *Roads Act, 1993*, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Vehicle crossing constructed with a 25mm thick asphaltic concrete seal on a 225mm thick layer of base course material.
- b. All redundant vehicular crossings are to be removed and footway formation reinstated.
- c. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.5. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.6. Pay a security deposit of \$3600 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.7. Submit design details of the following engineering works within private property:

- a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.
- b. Piping of all stormwater from impervious areas within the site to Council's drainage system.

These design details and any associated reports must be included in the construction certificate.

- 2.8. Submit a Bushland Management Plan to Council's Environment Officer for approval for management of the native vegetation on the southern portion of the site as measured 130m from the southern property boundary.

The Bushland Management Plan must be prepared by a person qualified in natural vegetation management, ecology or bush regeneration. The Bushland Management Plan must be prepared in accordance with *Appendix 8.2 – Guidelines for Vegetation Management Plans Volume 1 (Wyong Shire Council, 2014)*, available on Central Coast Council's website and the *Regeneration Policy* of the Australian Association of Bush Regenerators.

The primary objectives of the Bushland Management Plan are weed management, regeneration of native vegetation, revegetation, enhancement of flora and fauna habitat, mitigation of environmental impacts and protection of threatened species.

- 2.9. Submit an application to Council under the provisions of Section 68 of the *Local Government Act 1993* for a permit to install an on-site sewage management system. The system must be designed in accordance with the Wastewater Report, Ref no. 0416/13-1A, dated July 2016 and prepared by Sea Dragon Holdings Pty Ltd. The Section 68 application can be found on Council's website at www.gosford.nsw.gov.au

3. PRIOR TO COMMENCEMENT OF ANY WORKS

All conditions under this section must be met prior to the commencement of any works

- 3.1. Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
 - a. The Principal Certifying Authority (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 Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days notice of the intention to commence building or subdivision work. The forms can be found on Council's website www.gosford.nsw.gov.au

- 3.2. 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 Certifying Authority or an officer of Council.
- 3.3. Do not commence site works until the sediment control measures have been installed in accordance with Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.
- 3.4. 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 certifying authority for the work; and
 - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited.

Remove the sign when the work has been completed.

- 3.5. 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.gosford.nsw.gov.au.

[Contact Council prior to submitting these forms to confirm the relevant fees.](#)

- 3.6. Prevent public access to the construction site in accordance with the NSW WorkCover publication titled '*Site Security and Public Access onto Housing Construction Sites*' when building work is not in progress or the site is unoccupied. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

A separate application made under the *Roads Act 1993* will need to be lodged with Council if a hoarding or construction site fence must be erected on the road reserve or a public place.

- 3.7. Undertake 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. DURING WORKS

All conditions under this section must be met during works

- 4.1. Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i. Minor renovation or refurbishments to single dwelling construction.
 - ii. Owner occupied renovations or refurbishments to single dwelling construction.
 - iii. Owner builder construction of single dwelling construction; and / or
 - iv. Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.
- 4.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.3. 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 Certifying Authority or an officer of Council.
- 4.4. 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*.
- 4.5. Do not carry out construction work or store building materials on the road reserve unless they are associated with a separate approval under the *Roads Act 1993*.
- 4.6. Implement the requirements of the Waste Management Plan listed as supporting documentation in this development consent.
- 4.7. Demolish buildings in a safe and systematic manner in accordance with AS2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.8. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.

- 4.9. Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.10. No development or any works contrary to the Management Plan are permitted in the designated Bushland Management Zone as described as 'the native vegetation on the southern portion of the site as measured 130m from the southern property boundary'.
- 4.11. Cease all works if any Aboriginal objects or artefacts are uncovered during works. Immediately contact the NSW Office of Environment & Heritage and comply with any directions or requirements.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

All conditions under this section must be met prior to the issue of any Occupation Certificate

- 5.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.2. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.3. 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*.
- 5.4. Provide certification to the Principal Certifying Authority that the requirements of the BASIX certificate listed as supporting documentation in this development consent have been complied with.
- 5.5. Install a stormwater retention system consisting of either rainwater tanks and/or stormwater tanks (as defined in DCP 2013 Chapter 6.7 - *Water Cycle Management* with a minimum total capacity of 8000 litres, capturing water from at least 90% of the total roof area of each dwelling. The water collected must be suitably treated and connected to an external tap, all toilet cisterns and cold washing machine tap(s). Overflow from the rainwater tanks and/or stormwater tanks are to be directed by a piped drainage line to an infiltration trench.

Note: infiltration trench details are to be designed by a practising engineer experienced in hydraulics. The design details are to cater for a 1 in 20 year AEP storm event and are to allow for a minimum setback of three (3) metres from any sewer main and lot boundaries.
- 5.6. Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.7. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.

5.8. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.

5.9. Protect the Bushland Management Zone by either of the two following approaches:

- a. This area will be placed under a 'Restriction on Use' pursuant to Section 88B and 'Public Positive Covenant' 88E of the *Conveyancing Act 1919*. These instruments must require the land to be managed under an approved Bushland Management Plan for the conservation of all identified threatened species. The public positive covenant must be created to require the implementation of the Bushland Management Plan.

The public positive covenant must permit Council or its nominee to enter and inspect the site and carry out any works required under the Bushland Management Plan, at the owner's cost, if the owner fails to implement and maintain the site in accordance with the Bushland Management Plan as amended and approved by Council.

The public positive covenant must be prepared by Council's Solicitor at the cost of the registered proprietor.

The authority empowered to release, vary or modify the Restriction is Central Coast Council.

- b. The area must be dedicated under a conservation covenant to an eligible environmental body that is on the Register of Environmental Organisation (the Register). The dedication of this area, under a conservation covenant, must be conserved in perpetuity for the conservation of threatened species and their habitat.

Provide written evidence to Council from a suitably qualified ecologist detailing the implementation, supervision and compliance of the ecological protection measures specified in this consent and the Bushland Management Plan.

5.10. Obtain an Approval to Operate the on-site sewage management system from Council.

5.11. Submit an application under the provisions of the *Plumbing and Drainage Act 2011* for plumbing and drainage inspection a minimum of 48 hours prior to any inspection being carried out. A Notice of Work, Certificate of Compliance and Sewer Service Diagram must be submitted by a licensed plumber.

6. ONGOING OPERATION

6.1. Operate all mechanical plant equipment and machinery (ie. air conditioning unit and/or heat pump) in accordance with the *Protection of the Environment Operation Act 1997*.

6.2. Implement the Bushland Management Plan and submit progress reports to Council's Environment Officer immediately after initial works have commenced and then at intervals of 1 year, 2 years, 5 years and 10 years following works.

7. ADVICE

- 7.1. Consult with public authorities who 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.
- 7.2. Carry out all work under this Consent in accordance with WorkCover 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.

7.3. 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.

- 7.4. Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.

- 7.5. Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment* Policy. This policy can be found on Council's website at: www.gosford.nsw.gov.au
- 7.6. Submit a separate application to Council for the installation of a sewage effluent disposal system (fees apply).
- 7.7. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.

8. 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.

9. REVIEW OF DETERMINATION

- 9.1. Subject to provisions of Section 82A of the Act the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

10. RIGHT OF APPEAL

- 10.1. Section 97 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.
- 10.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.