

Central Coast

Local Planning Panel

Central Coast
LOCAL PLANNING PANEL MEETING
Business Paper
01 October 2020



Meeting Notice

**The LOCAL PLANNING PANEL MEETING
of Central Coast
will be held remotely - online,
THURSDAY 1 OCTOBER 2020 at 2.00 pm,
for the transaction of the business listed below:**

1 PROCEDURAL ITEMS

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2 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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3 PLANNING REPORTS

3.1 DA/97/2020 - Use of Existing Premises for the purposes of an Animal
Boarding and Training Facility - Dog Breeding
604 Ourimbah Creek Road, PALM GROVE..... 15

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats
Ridge Road PEATS RIDGE..... 40

3.3 DA 57145/2019 - Demolition of existing dwelling houses and
construction of a Residential Flat Building
93-95 Henry Parry Drive, Gosford..... 132

Donna Rygate
Chairperson

Item No: 1.1
Title: Disclosures of Interest
Department: Governance

1 October 2020 Local Planning Panel Meeting

Reference: F2020/02502 - D14205789

The NSW Local Planning Panel Code of Conduct states that all panel members must sign a declaration of interest in relation to each matter on the agenda before or at the beginning of each meeting.

Recommendation

That Panel Members now confirm that they have signed a declaration of interest in relation to each matter on the agenda for this meeting and will take any management measures identified.

Item No: 2.1
Title: Confirmation of Minutes of Previous Meeting
Department: Governance

Central Coast
Local Planning Panel

1 October 2020 Local Planning Panel Meeting

Reference: F2020/02502 - D14205823

Author: Rachel Callachor, Local Planning Panel Support Coordinator

Summary

The Minutes of the following Meetings of the Local Planning Panel, which have been endorsed by the Chair of those meetings, are submitted for noting:

- ***Local Planning Panel Meeting held on 17 September 2020***

Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 17 September 2020 are submitted for noting.

Attachments

1 MINUTES - Local Planning Panel - 17 September 2020 D14198963



Local Planning Panel

Minutes of the
LOCAL PLANNING PANEL MEETING
Held remotely - online
on 17 September 2020

Panel Members

Chairperson	Jason Perica
Panel Experts	Stephen Leathley Sue Francis
Community Representative/s	Geoff Mitchell

Central Coast Council Staff Attendance

Brian Jones	Unit Manager Environment and Certification
Emily Goodworth	Section Manager Major Development Applications
Salli Pendergast	Section Manager Development Assessment North
Scott Rathgen	Section Manager Central Coast Building Certification North
Gary Evans	Principal Building Surveyor Development Assessment North
Janice Buteux-Wheeler	Senior Development Planner Major Development Applications
Amanda Hill	Development Planner Development Assessment North
Rebecca Samways	Development Planner Major Development Applications
Rachel Callachor	Local Planning Panel Support Coordinator

The Chairperson, Jason Perica, declared the meeting open at 2:00pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair, Jason Perica read an acknowledgement of country statement.

The Panel were invited to ask any questions of Council officers in relation to the application for agenda item 4.1 (for electronic determination after the meeting) during the public meeting. There were no questions asked.

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

That Panel Members confirmed that they have signed a declaration of interest in relation to each matter on the agenda for this meeting.

No declarations of Interest were made, apart from Ms Sue Francis in relation to item 3.2 at 15 Lynnette Crescent, East Gosford.

Ms Francis made a discretionary disclosure, in that: *"Clayton Votano, is a person that I am aware. Mr Votano was an employee of City Plan Services Pty Ltd (CPS) until approximately two years ago. My company is an associated company to CPS but at no time have I had (or have) any financial, operational or managerial involvement in CPS nor of Mr Votano. I mention this for abundant transparency but do not believe I have any conflict of interest in considering this matter.*

The Chair accepted the nature of this disclosure.

Public Forum

Speakers

For Item 3.1, Mark Sloane, David Harris MP (Member for Wyong) and Sandra Pazaridis spoke for the recommendation. Karen Kelly spoke against the recommendation. Charles Ahady and Sam Ahady spoke on behalf of the applicant for item 3.1.

For Item 3.2 Clayton Votano spoke on behalf of the applicant.

Item 3.3 there were no registered speakers.

Duration

The Local Planning Panel opened at 2pm and closed at 3:22pm.

3.1 Development Application DA/153/2020 - 51 Peel Street, Toukley - Change of Use from Nursing Home to Boarding House and Associated Works

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Refusal

Panel Decision

That the majority of the Local Planning Panel refuse the application for the following reasons:

1. The proposal is considered unsatisfactory with regard to State Environmental Planning Policy (Affordable Rental Housing) 2009. The development does not comply with regard to Clause 30A Character of local area.
2. The proposal is not consistent with the R1 General Residential zone objectives of Wyong Local Environmental Plan 2013 as the development does not provide for development that is compatible with the physically desirable attributes of the local area.
3. The proposal results in unacceptable streetscape impacts on the surrounding area. The building is visually obtrusive and the substantial refit, together with its use as residential accommodation, warrant a far greater degree of design improvement to the building, both internally and externally, than illustrated on the plans accompanying the application.
4. The proposal results in poor amenity for intended residents of the boarding house, including related to private open space, solar access, ventilation, length and amenity of corridors, access to reasonable communal facilities on each level, poor surveillance and CPTED measures, inadequate disabled access and high levels of landscaping. Reasonably high levels of amenity were warranted and the design does little to redress the institutional look and feel of the building.
5. The proposal is an overdevelopment of the site by virtue of the following:-
 - a) Too many rooms per floor with poor internal amenity in respect of solar access
 - b) Internal corridors too long and narrow
 - c) Need communal open space on each floor not on one floor only.
 - d) Communal room to open on to outside communal open space.
 - e) A better interface of rooms to the open space is required

6. The scale and intensity of the proposed development is unsuitable for the site, particularly noting a lack of adequate communal facilities and services for a large population. It has not been demonstrated that the number of boarders proposed can be appropriately managed on the site.
7. The documentation submitted with application has not satisfactorily addressed potential social impacts of the proposal ,also noting concerns raised by the NSW Police Force.
8. The plans and documentation submitted with the application are unclear, inconsistent or not provided to be able to determine the application:-
 - a) The plans are inconsistent with elevations
 - b) The elevations and plans provide insufficient detail to understand the nature of the changes to the building
 - c) There is insufficient detail as to the structural integrity of the building to withstand the proposed changes
 - d) There is insufficient detail in respect of landscaping
 - e) There is no shadow analysis of the impact of the building on the landscaped areas nor analysis of solar access to the rooms within the development
 - f) There is no detail as to waste management
 - g) The Plan of management does not provide sufficient detail to understand the future operation of the proposal
 - h) Insufficient information is provided in respect of safety and security for the site.
 - i) Lack of detail for disabled access throughout the site

Reasons

The reasons for the decision are outlined above. The Panel was not conceptually opposed to a Boarding House use on the site. However, it was far too dense, amenity for residents would be substandard, there has been little effort to redress the institutional feel of the building, inadequate communal areas are provided and the building design, if it is retained must be substantially improved.

Sue Francis would refuse the application but only reason for refusal 5 and 8 above. She considers that the existing building is part of the character of the local area of which it has been a part for many decades. The adaptive reuse of this building as low rental housing in the form of boarding rooms could be a good use for this building, as a matter of principle.

However, the form and density of the proposal as submitted is unacceptable in respect of its density, poor amenity, design and unresolved plans and documentation such that the consent authority cannot be satisfied as to the impact and appropriateness of the proposal. Whilst the applicant did state that the proposal would satisfy the relevant criteria it had not been provided with the application and it needs to be before any reasonable consideration can be given.

Geoff Mitchell also had a dissenting view and believed the application should be deferred. He noted the applicant stated a willingness to make further changes and improvements to the building to address Council staff concerns and deferral would allow this to occur.

Votes The decision to refuse the application was 3-1. However the terms of the refusal were split 2-2 with the Chair using his casting vote to refuse the application for the reasons above. As above, Mr Mitchell favoured deferral of the application.

3.2 DA/58327/2020 - 15 Lynnette Crescent East Gosford - Alterations and Additions to the existing Dwelling, Carport, Cabana, Inground swimming pool and retaining structures

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Refusal

Panel Decision

That the Local Planning Panel defer consideration of the Development Application and invite the applicant to submit amended plans and details to address the following:

1. Deletion of the carport;
2. Move the rear southern retaining wall off the boundary by at least 900mm (the proposed height can be retained, but not increased), with appropriate details, including a cross section which identifies the relative level of the subject site to its neighbours so that the resulting height of the boundary fencing can be clearly understood,;
3. Landscaping details in the setback between the southern boundary and the retaining wall to grow to a mature height of around 3m to address potential overlooking from the raised backyard.

These plans and supporting information shall be submitted to Council within 21 days of written advice to the applicant. When the documentations is resubmitted, a supplementary report by Council will be referred to the Panel as soon as practicable, for electronic determination.

Reasons

The Panel agreed with concerns within the Council staff report. However, key concerns could be addressed by amended plans and details. While it was understood such an opportunity

was provided to the applicant during assessment, the Panel was open to one last opportunity following the applicants verbal submission to the Panel, so that aspects of the proposal which were not of concern may be approved.

Votes The decision was unanimous

3.3 DA/182/2020 125-135 Tuggerah Parade, Long Jetty - mixed use building comprising 23 dwellings, tourist and visitor accommodation, business premises, food and drink premises (café) and function centre, basement parking and associated works

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Late submission from the applicant requesting deferral

Council Recommendation Refusal

Panel Decision

That the Local Planning Panel refuse the application subject to reasons below and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

1. The development does not meet the definition of shop top housing. The development is more properly characterised as residential accommodation, which is a prohibited use in the B2 Local Centre zone under Wyong Local Environmental Plan 2013. The proposal does not meet the definition of shop top housing because:
 - a) The application proposes ground floor residential apartments
 - b) The application proposes ground floor commercial uses
 - c) The application proposes ground floor function centre uses.
2. The proposal does not comply with the maximum 16 metres Height of Building provisions of Clause 4.3 of the Wyong Local Environmental Plan 2013. A Clause 4.6 written contravention request has not been lodged and accordingly there is no power to approve the application. Further, The height of the building of 17.39 metres to the lift overrun contributes to an unsympathetic development form that is not appropriate in the context of directly adjoining and nearby development sites and contrary to the objectives of the standard resulting in unacceptable scale, bulk, form and amenity concerns to neighbouring properties. The proposal does not achieve the objectives of the height of building development standard of Clause 4.3 because the proposal is not

compatible with the bulk, height and scale of existing and future character and the development results in poor visual bulk and privacy impacts to neighbouring properties.

As the proposal does not comply with the maximum 16 metres Height of Building provisions of Clause 4.3 of the *Wyong Local Environmental Plan 2013*. A Clause 4.6 written contravention request has not been lodged and accordingly there is no power to approve the application.

Further, the height of the building at 17.39 metres to the lift overrun contributes to an unsympathetic development form that is not appropriate in the context of directly adjoining and nearby development sites and contrary to the objectives of the standard resulting in unacceptable scale, bulk, form and amenity concerns to neighbouring properties

3. The development does not achieve the zone objectives of the B2 Local Centre zoning of *Wyong Local Environmental Plan 2013*.

The proposal does not sufficiently minimise conflict between land uses within the zone and the adjacent R2 zone and the RE1 zone. The proposed development is not sufficiently compatible with character of the surrounding locality and fails to relate to its context, including a zone and height interface area. Unarticulated elevations Sheer-sided walls of four to five storeys, insufficient setbacks facing Pacific Street, and facades with inappropriate architectural character, result in overbearing visual impact upon the adjoining R2 Low Density Residential zone and the lakeside reserve.

The development does not have sufficient regard for ground floor activation. The level changes are inappropriately managed between ground floor uses and the street frontage. The proposed function centre use is not a sufficiently activating use for the corner. The design of the ground floor of the development does not encourage the movement of people through and around the site in a way that supports the function of the non-residential uses as active uses. The proposal does not comply with the maximum 1.5:1 Floor Space Ratio provision of Clause 4.4 of the *Wyong Local Environmental Plan 2013*.

- a) The floor space ratio of the proposal is 1.78:1. The proposal does not achieve the objectives of the floor space ratio development standard of Clause 4.4 because the proposal does not achieve a compatible bulk that is appropriate for the site and it does not sufficiently integrate with the streetscape and character of the area. a. The proposed mass and scale of the building form is inappropriate for the corner location, does not adequately respond to the RE1 and R2 zone interface, and results in poor amenity outcomes.
- b) The written request that has been submitted with the development application under the provisions of Clause 4.6 of the *Wyong Local Environmental Plan 2013* does not adequately demonstrate that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case or that there are sufficient environmental planning grounds to justify contravening the standard.

- c) The variation to the Floor Space Ratio development standard of Clause 4.4 is not in the public interest because it is not consistent with the objectives of the development standard and the objectives for the zone (4.6(4)(ii)).
5. The proposal does not adequately address the provisions of Clause 7.2 of the Wyong Local Environmental Plan 2013 because:
 - a) the flood assessment submitted with the development application does not adequately address climate change considerations for the development
 - b) shelter in place as identified within the submitted flood assessment is not an appropriate strategy for the site.
6. 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 address water quality measures to treat stormwater prior to entering Council's stormwater drainage system.
7. The proposal does not adequately address the provisions of State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development). Adequate regard to the design quality principles and the objectives of the design criteria specified by the apartment design guide has not been given as required by Clause 30(2), including design quality, context, neighbourhood character, built form and character, density, amenity and safety.
8. The proposal does not satisfactorily achieve the objectives and design criteria of the Apartment Design Guide, including
 - a) insufficient solar access (only 61%), Ground floor communal open space which is extensively shadowed,
 - b) Inadequate building separation and privacy impacts to neighbouring properties and within the development, compromised safety and security as a result of the narrow diagonal alley with limited sight lines and shared public and commercial access to lobbies that service residential apartments,
 - c) insufficient deep soil landscaping, façade treatment, unit layout and space planning.
9. Car parking is inadequate for the intended uses, nor does it provide required accessible spaces.
10. The proposal does not adequately address the provisions of State Environmental Planning Policy (Coastal Management) 2018 related to visual amenity for a highly visible coastal location, bulk and scale and stormwater management.

11. Insufficient information:-

- a) A valid BASIX Certificate has not been submitted and waste management is not demonstrated to meet Chapter 3.1 of Wyong Development Control Plan 2013 and the former Wyong Shire Council Waste Control Guidelines.
- b) A Loading Dock Management Strategy as referred to in the Traffic Impact Assessment report by Seca Solution has not been provided.
- c) Demolition details are inconclusive or not clearly indicated There is insufficient information including levels at the Tuggerah Parade property boundary.
- d) There is no acoustic report. A plan of management has not been submitted to address the amenity conflicts arising from tourist and visitor accommodation onto permanent residential apartments, nor the intended use or operation of the proposed "function space".
- e) No information has been provided in relation to a Social Impact Assessment (SIA) that addresses current tenant accommodation and the loss of affordable housing and available alternative housing for tenants.
- f) No longitudinal driveway profile has been provided, nor dimensioned basement plans.

Reasons

As the application is refused, the reasons are outlined in the terms of the decision above.

The Panel had regard to the applicant's request for deferral, however, the Panel considered three principles in deciding whether deferral should be granted:

1. Whether the issues were clearly definable and understood, and likely to lead to a positive outcome;
2. Whether the changes needed to make the proposal acceptable would be likely to result in sustainably the same development;
3. The likely timeliness in reaching a satisfactory outcome.

Having regard to these principles the Panel decided deferral was not the appropriate course of action and refusal was warranted, as outlined above.

Votes The decision was unanimous

4.1 DA/349/2019/A - Charmhaven Park, 35W Parkside Drive, Charmhaven - Tennis clubhouse ancillary to recreation facility (outdoor) and demolition (amended application)

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report

Council Recommendation Approval, subject to conditions

Panel Decision

That the Local Planning Panel approve the modifications to Development Application 349/2019 as recommended in the Council staff report to the Panel meeting.

Reasons

The Panel agreed with the Council staff report assessment. The proposal is minor.

A Panel member noted due to the enclosed nature of the toilets this may lead to concealment, although this was not a matter related to the application before the Panel.

Votes The decision was unanimous

Item No: 3.1
Title: Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding
604 Ourimbah Creek Road, PALM GROVE
Department: Environment and Planning

1 October 2020 Local Planning Panel Meeting

Reference: DA/97/2020 - D14116497
Author: Amanda Hill, Town Planner
Manager: Salli Pendergast, Principal Development Planner North
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for the use of existing premises for the purposes of an Animal Boarding & Training Facility - Dog Breeding at 604 Ourimbah Creek Road, Palm Grove.

The proposal is for the use of the existing shed known as the Evening House and 10 outdoor dog kennels for the purposes of an animal boarding and training establishment where dog breeding of French Bulldogs will occur.

The application has been examined having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application has been referred to the Local Planning Panel as a result of the number of written objections received during the public exhibition period. A total of 45 submissions in objection have been received. The application is recommended for refusal.

Applicant	SJH Planning & Design
Owner	Mr K Lewis
Application No	DA/97/2020
Description of Land	Lot 45 DP 2244 604 Ourimbah Creek Road, PALM GROVE NSW 2258
Proposed Development	Use of Existing Premises for the purposes of an Animal Boarding & Training Facility - Dog Breeding
Site Area	68,800.00m ² (6.88 ha)
Zoning	RU1 Primary Production
Existing Use	Dwelling House
Employment Generation	Yes
Estimated Value	\$10,000.00

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

Recommendation

- 1 That the Local Planning Panel refuse the application subject to reasons for refusal detailed in Attachment 1 to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.**

- 2 That Council advise those who made written submissions of the Panel's decision.**

Key Issues

- Whether the proposal is considered unsatisfactory with regard to *Wyong Local Environmental Plan 2013*, particularly with regard to the objectives of the zone;
- The potential impacts of the proposal to the residents of the surrounding rural area (including noise, health and amenity) and whether there is sufficient information submitted in support of the application to determine the extent of likely significant impacts;
- Whether the existing shed (evening house) and 10 outdoor dog runs that are to be used for the animal boarding and training facility – dog breeding are appropriately designed and located to demonstrate the proposed use will have a minimal impact on the locality;
- Whether the proposal is suitable for the site; and
- Whether the proposal is in the public interest, having regard for the matters raised in submissions received in relation to the proposal.

Precis:

Proposed Development	Use of Existing Premises for the purposes of an Animal Boarding & Training Facility - Dog Breeding.
Permissibility and Zoning	The subject site is zoned RU1 Primary Production under the provisions of <i>Wyong Local Environmental Plan 2013</i> . The proposed development is defined as <i>animal boarding or training establishment</i> which is permissible in the zone with consent of Council.
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Draft Central Coast Local Environmental Plan 2018</i> • <i>Wyong Local Environmental Plan 2013</i> • <i>Wyong Development Control Plan 2013</i>
Current Use	Dwelling House

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

Integrated Development Submissions	No The development application was notified (in accordance with the provisions of the <i>Wyangong Development Control Plan 2013</i>) from 26 February 2020 to 11 March 2020. 45 written submissions were received. (An evaluation of matters raised in these submissions is included later in this report).
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Background

In July 2019, Central Coast Council (Council) received a complaint regarding an unlawful use at the subject site for the purpose of an animal boarding and training establishment. Council conducted an investigation into the complaint and commenced compliance action on 28 August 2019 in accordance with Council Policy for Compliance and Enforcement.

On 10 October 2019, a Notice of Intent (NOTICE/167/2019) was issued by Council, requiring the unlawful use to cease. A subsequent non-compliance led to the Order being issued 28 November 2019.

On 24 January 2020, Council issued a 'Show Cause' letter regarding an intent to issue a Penalty Infringement Notice (PIN) for non-compliance with Council's Order. Representations received outlined that a Development Application was imminent and requested an extension of two weeks in which to lodge the application.

The development application was lodged with Council on 13 February 2020 seeking approval to regularise the animal boarding and training establishment operating at the subject site. The development application included the adaptive re-use of the existing shed as a dog breeding facility and outdoor dog runs which are open to the air.

During a site inspection on 4 March 2020 it was found that 10 outdoor dog kennels had been constructed that were not proposed as part of the original development application and these were in place of the outdoor dog runs which were small fenced off areas within the existing paddock. The site inspection also confirmed that the premises was operating as an animal boarding and training establishment without development consent and the existing shed known as the Evening House was being used to accommodate the dogs. Works had been undertaken to the shed with regard to installation of internal wall linings, solid core doors and air conditioning. Refer to figures 1 to 3 below.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)



Figure 1 – Photo of existing shed currently being used to accommodate the dogs.



Figure 2 – Constructed outdoor dog kennels

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)



Figure 3 – Constructed outdoor dog kennels and evening house in the background

On 9 March 2020, a request for further information was sent to the applicant in relation to a number of matters which included amended plans for the evening house (shed) and outdoor dog kennels and for the application to include the use of the outdoor dog kennels.

The current development application which forms part of this assessment includes:

- the proposed use as an animal boarding and training facility; and
- proposed improvements to the Evening House; and
- 10 outdoor dog kennels

On 12 March 2020, Council's Compliance officer issued a Notice of Intent requiring the demolition of the unlawfully constructed 10 outdoor dog kennels.

A Building Information Certificate Application (BIC) was subsequently lodged with Council. This application relates to the buildings and structures on the subject site, namely the works undertaken within the existing shed (evening house) and the constructed 10 outdoor dog kennels. The BIC is under assessment by Council's Building Certification Unit and will only be approved if development consent is granted.

During the assessment of the development application on-going complaints about noise (barking dogs) have been received by Council – the contention being that the premises continues to operate as an animal boarding and training establishment without development consent. Having regard to the noise complaints received, Council requested a Noise Impact Assessment Report and Plan of Management be provided in relation to the proposal under the development application.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

The assessing officer met and spoke with some of the objectors about their concerns with the proposed development during the development application assessment process.

A final site inspection was carried out on 18 August 2020 where it was noted that no further works had been carried out.

The Site

The subject site is commonly known as No. 604 Ourimbah Creek Road, Palm Grove and is legally described as Lot 45 DP 2244. The subject site is located within an established rural area. The site is oriented north-south, irregularly shaped as a consequence of its northern boundary with Ourimbah Creek and the body of the lot being dissected by the alignment of Ourimbah Creek Road.

The land contains an existing dwelling house; swimming pool; shed; 10 outdoor dog kennels; septic tank and water tanks; and paddocks.

The site is zoned *RU1 primary Production* under the provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013).

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)



Figure 4 – Aerial photograph of subject site and adjoining properties (site outlined in blue)

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

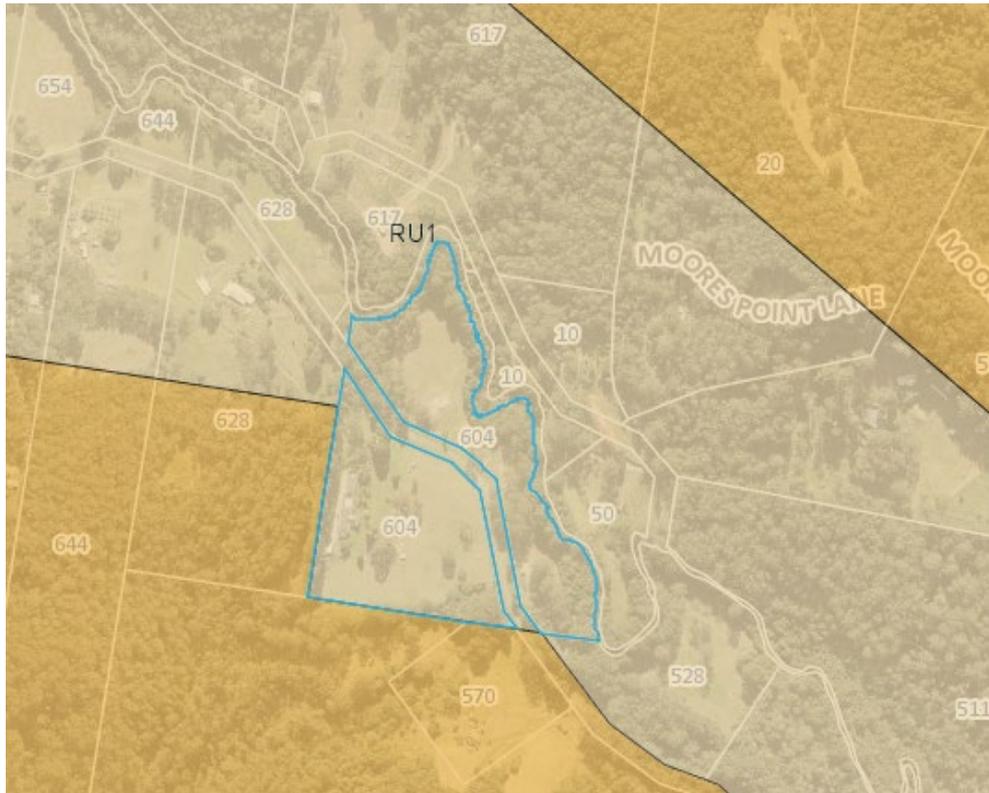


Figure 5 – WLEP 2013 Zoning Map

Surrounding Development

Surrounding the subject site are other rural properties used for primary production and hobby farming including *E3 Environmental Conservation* zoned land to the western and southern boundaries.

History of Applications

Council’s records show that the following applications were previously lodged on this site:

- Development Application No. DA/327/1988 for a dwelling house approved on 11 May 1988.
- Development Application No. DA/1142/2004 for an in-ground pool approved on 22 June 2004.
- Development Application No. DA/993/2011 for a deck approved on 25 November 2011.
- Building Information Certificate No. BC/48/2020 that relates to the existing shed (evening house) and 10 outdoor dog kennels is currently under assessment.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

The Proposed Development

Development Application No. 97/2020 seeks approval for the use of the existing shed (known as the 'Evening House') which is currently being used to accommodate French Bulldogs and the existing 10 outdoor dog kennels for the purposes of dog breeding (animal boarding and training establishment).

The proposed development will consist of:

- Improvements to the existing 10 outdoor dog kennels that includes installation of fibre cement sheets to the full length of the dog kennels; installation of rainwater tanks; installation of a *Gatic* drain with hair arrestor; and installation of concrete and synthetic flooring to the dog kennels.
- Improvements to the existing shed that is currently accommodating the dogs and known as the Evening House that includes a *Gatic* drain with hair arrestor; vinyl flooring; and plinth under cages to allow occasional hose/clean out.
- Installation of an on-site sewer management system (OSSM) for the evening house and outdoor dog kennels.

The proposed operation of the animal boarding and training facility – dog breeding will consist of:

- Dog breeding for a maximum number of 30 French Bulldogs accommodated on the site.
- The Evening House will accommodate the dogs in the evening from 5.15pm to 10am.
- The 10 outdoor dog kennels will be used during the day from 10.00am to 5.15pm.
- The use does not include buyers onto the site. All dogs purchased will be transported off the site and delivered to the buyers.

The works previously undertaken within the existing shed (evening house) and the constructed outdoor dog kennels were carried out without development consent and a construction certificate being obtained. These structures are being assessed under a separate Building Information Certificate application (BIC).

Figures 6 to 8 show the submitted plans.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

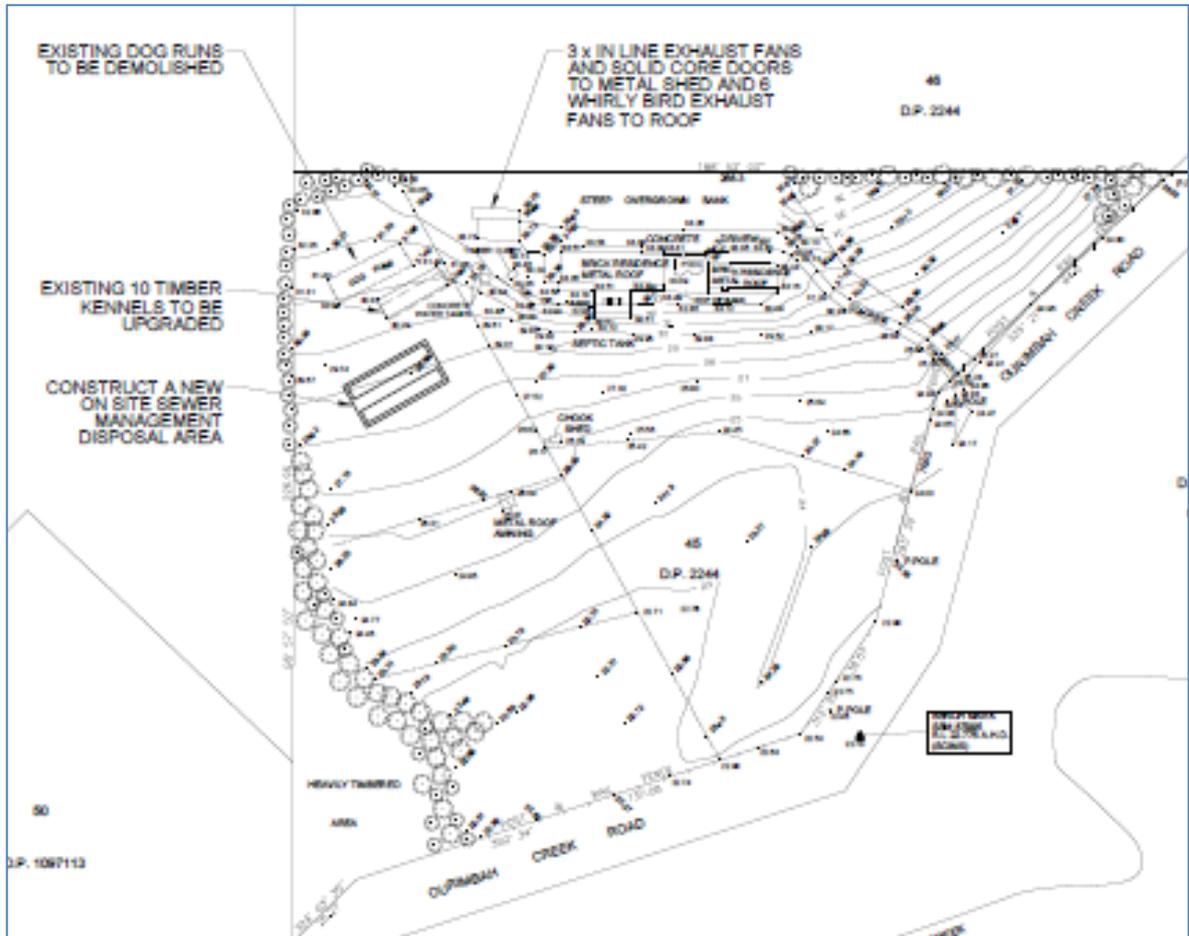


Figure 6 – Site Plan

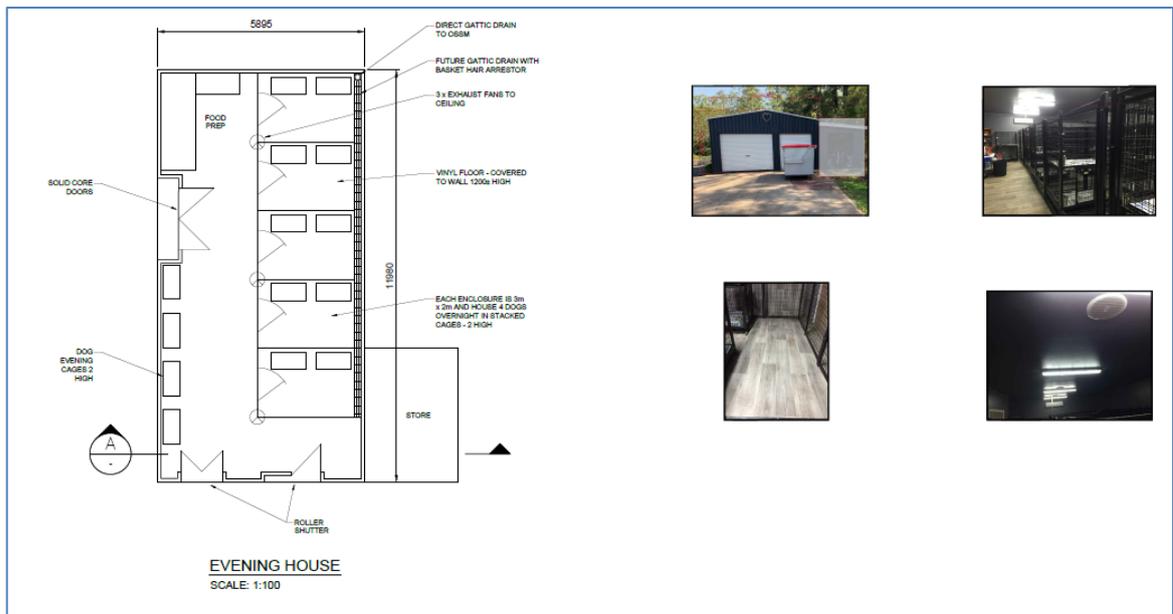


Figure 7 – Evening House Plan

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

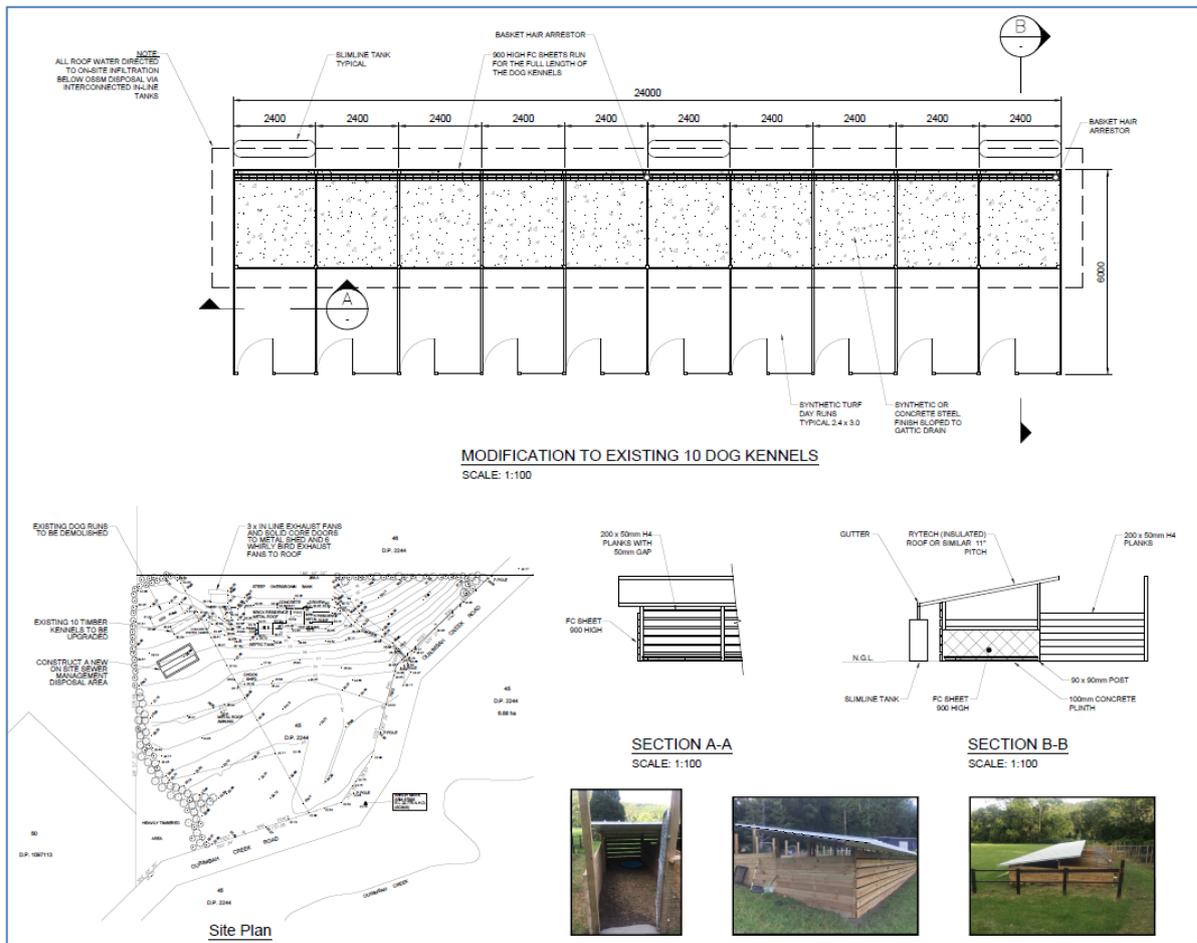


Figure 8 – Dog Kennels Plan

ASSESSMENT:

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, the assessment has identified the following key issues, which are elaborated upon for information of the Local Planning Panel.

Section 4.14 Environmental Planning and Assessment Act 1979 - Bushfire

The site is identified as "bushfire prone land" on Council's bushfire maps.

Clause 4.14 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* requires that before granting of consent, the consent authority is to be satisfied that the development conforms to the aims and objectives under *Planning for Bush Fire Protection 2019 (PBP)*. The Aims and Objectives of PBP apply to matters such as access, water and services, emergency planning and landscaping/vegetation management.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

The bushfire assessment report prepared by Australian Bushfire Consulting Services submitted with the development application confirms that the evening house (shed) and outdoor dog kennels are non-habitable ancillary buildings that are located greater than 6m from the existing dwelling on the subject site. A bushfire attack level (BAL) is not required for the proposed development. The report has reviewed and addressed matters relating to access, water and services and emergency planning and landscaping/vegetation management and provides recommendations to ensure that the bushfire protection measures will be made adequate and maintained for the life of the development.

It is considered that the proposed development satisfies Clause 4.14 of the EP&A Act.

Wyong Local Environmental Plan 2013 - Zoning and Permissibility

The subject site is zoned RU1 Primary Production under the provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013). The proposed development is defined as *Animal boarding or training establishments* which is permissible in the zone with consent of Council.

The definition of *Animal boarding or training establishments* under WLEP 2013 is as follows:

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital

Wyong Local Environmental Plan 2013 – Objectives of the Zone

The objectives of the RU1 Primary Production Zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for non-agricultural land uses, including tourism, which support the primary production purposes of the zone.*
- *To allow other appropriate land uses that are not suited to urban zones while maintaining the rural character of the land.*

The proposed use is a non-agricultural use of land that does not directly support the primary production purposes of the zone. The proposal presents on-going acoustic impacts to

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

adjoining lands which has created conflicts between land uses within the zone and within the adjoining E3 zone.

It is specifically noted that the '*minimise conflict between land uses within this zone and land uses within adjoining zones*' and also to permit uses '*...while maintaining the rural character of the land*'. There is a key focus within the zone objectives to maintain rural character and avoid land use conflicts. The application does not set out that the proposed use can be undertaken without undue impact on the amenity of the locality. There are specific comments in relation to noise/acoustic impacts later in the report.

Wyong Local Environmental Plan 2013 - Flood Planning

Clause 7.2 applies to the subject site as it is identified as flood planning land under Council's maps. Consent must not be granted to land identified by this clause unless the consent authority is satisfied that the development:

- Is compatible with the flood hazard of the land, and
- Is not likely to significantly adversely affect flood behaviour resulting in worsened flood hazard to other development or properties, and
- Incorporates appropriate measures to manage risk to life from flood and
- Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The subject site is located within the Ourimbah Creek Catchment and Council's records indicate that the site is affected by flooding and/or minimum floor level requirements. The proposed development is located outside the 1% AEP flood extent and does not propose habitable buildings.

It is considered that the proposed use of existing premises for the purposes of an animal boarding and training facility - dog breeding will not impact on flood planning for the subject site and Clause 7.2 of WLEP 2013 is satisfied.

Wyong Local Environmental Plan 2013 - Essential Services

Under the provisions of Clause 7.9, development consent must not be granted to development unless the consent authority is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required. The applicant has demonstrated that all required services are available to the site or will be provided to suit the development.

Draft Central Coast Local Environmental Plan 2018

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

Draft Central Coast Local Environmental Plan 2018 (CCLEP) was exhibited from 2 December 2018 to 28 February 2019 and will replace the planning instruments relating to the former local government areas. Under Draft CCLEP, the site retains its RU1 Primary Production zoning and development for the purpose of animal boarding and training establishments remains a permissible use within the zone.

Wyong Development Control Plan 2013

Chapter 2.11 – Parking and Access

The Plan of Management states that there will be no buyers or additional visitors to the site to conduct business. The proposed use is operated by two permanent/full-time residents of the subject site with 2 additional employees. Traffic generation by the proposed use is unlikely. Therefore, additional car parking on the site is not required to accommodate the proposed use.

The subject site is currently serviced via a sealed driveway crossing fronting Ourimbah Creek Road. Access to the proposed use will be via the existing sealed driveway. The existing driveway permits sufficient vehicle maneuverability and parking.

There is no further consideration required to be made under the above DCP chapter with regards to car parking and vehicle access to the site.

Chapter 3.1 – Site Waste Management

A suitable Waste Management Plan was submitted with the application in accordance with the DCP.

Waste generated by the proposed use will be collected by a private commercial waste contractor and would be subject to conditions of development consent were the application recommended for approval.

Chapter 3.8 – On Site Effluent Disposal in Non Sewered Areas

The above DCP chapter aims to protect the health of people the Central Coast Council area through proper on-site effluent disposal and to minimise the impacts from on-site effluent disposal on the natural environment.

The subject site is not connected to the town's sewer. The submitted Wastewater Management Plan (OSSM) report satisfactorily demonstrates that the site can accommodate the required land application areas as well as allocated reserve application areas for the existing and proposed septic systems on the site.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

It is considered the use and the installation of an OSSM system for the evening house; outdoor dog kennels; and dog bathing satisfies the requirements of the above DCP chapter and would be subject to conditions of consent were the application to be recommended for approval.

Built Environment

The existing shed (evening house) and 10 outdoor dog runs that are to be used for the animal boarding and training facility – dog breeding could be better designed and located to minimize noise impacts. The submitted acoustic report does not verify that the proposed fibre cement sheets to the full length of the dog kennels will mitigate noise generated by barking dogs. The evening house and outdoor dog kennels are currently being used and noise generated from the barking dogs within these buildings/structures continues to be a nuisance to neighbouring residential properties.

There is insufficient information to demonstrate the proposed use will have a minimal impact on the built environment.

Natural Environment

The proposal does not remove any vegetation from the subject site.

The proposal is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations.

Economic Impacts

The proposed development is considered satisfactory from an economic perspective.

Acoustic Impacts

Due to the on-going noise complaints from barking dogs, Council requested the applicant to prepare and submit a Noise Impact Assessment report. The submitted acoustic report dated 20 July 2020 does not provide an accurate representation of the current quiet environment of the area. The data used to determine the level of impact upon the surrounding properties is unreliable. The acoustic assessment has not addressed nor satisfied the main submission of concern relating to the use of the property and the impact it is having on the amenity of neighbouring residents.

Whilst the Noise Policy for Industry is used as a guiding document for assessing acoustic reports, the noise guide for Local Government should also be considered in the acoustic assessment. The submissions and noise complaints received including noise recordings of

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

barking dogs from the neighbouring residents hold concerns regarding the acoustic impacts from the site.

Council's Environmental Protection Officer undertook noise assessment inspections. In particular an inspection was undertaken on 11 June 2020 at 10am. During the 20-minute period Council officers were on a neighbouring property where the barking dogs could be heard almost continuously over the length of the inspection. This was at a volume not excessively loud but could be heard over quiet conversation. The offensive noise test from NSW EPA Noise guide for Local Government was used to assess the acoustic impact.

The offensive noise test questions are:

- 1) ***Is the noise loud in an absolute sense? Is it loud relative to other noise in the area?*** *The noise is not excessively loud in comparison to the background noise (measurements were not taken). Bird noises in the area were loud but this type of noise was enjoyed by the residents.*
- 2) ***Does the noise include characteristics that make it particularly irritating?*** *The noise from dogs barking is an impulsive noise and is considered irritating by residents.*
- 3) ***Does the noise occur at times when people expect to enjoy peace and quiet?*** *From review of diary and discussion with residents the noise can occur for a large proportion of the day. Due to the continuous and unpredictable nature of the noise it does disturb the resident's peace and quiet, which they would usually experience during the day.*
- 4) ***Is the noise atypical for the area?*** *The noise is unusual for the area, which previously was predominately pleasant nature sounds, with occasional rural machinery sounds*
- 5) ***Does the noise occur often?*** *The noise occurs 7 days a week, in summer from 7.30am to 6pm, and in winter from 10am to 5pm.*
- 6) ***Are a number of people affected by the noise?*** *4 to 6 properties are directly affected by the noise with 2 of these properties severely affected (10 Moores Point Rd – 300m away and 570 Ourimbah Creek Road – 200m away).*

Council's noise assessment inspection confirms the barking dog noise is occurring at the subject site.

The submitted acoustic report prepared concludes that the operation of the dog breeding facility, with a maximum of 30 dogs is compliant with the guidelines and no further noise controls are required.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

The operation of the business is currently unreasonably impacting upon the amenity of the local residents with regards to offensive noise. The acoustic report does not recommend any additional attenuation measures nor does the Plan of Management adequately address mitigation measures for barking dogs. The acoustic report has failed to adequately address the community concerns and Council does not support the report's conclusion that the dog breeding facility is compliant with the guidelines.

Based on the above assessment of the acoustic report; undertaken noise assessment inspection by Council officers and the insufficient information received to address acoustic impacts, it is considered that the continued operation of the dog breeding facility will create significant and unreasonable amenity impacts to the residents of the surrounding rural area and on this basis is not supported.

Submissions

The application was notified in accordance with *Chapter 1.2 (Notification of Development Proposals) of Wyong Development Control Plan 2013 (WDCP 2013)* from 26 February 2020 to 11 March 2020. A total of 45 written submissions in objection were received.

The issues raised during the notification period are detailed below:

- The dog breeding business is operating without development consent.

Comment: The dog breeding business has continued to operate during the assessment of the development application despite an Order being issued by Council's Compliance Unit and Council's written advice to the applicant to cease the use being ignored.

- How will waste from the dogs be managed?

Comment: Animal waste is to be double bagged and sealed and will be removed off-site by a private contractor.

- What are the cleaning methods of the dog runs? Faeces and urine will run off and eventually wash into Ourimbah Creek.

Comment: The dog runs are now located within the existing outdoor dog kennels. Proposed improvements to the outdoor dog kennels to allow cleaning include a concrete and synthetic flooring and installation of a *Gatic* drain with hair arrestor which is connected to the proposed on-site sewer management system. The proposed method of cleaning is outlined in the submitted Plan of Management and Wastewater Management Plan report.

- Noise impact from dogs and puppies barking, howling and whimpering.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

Comment: The assessment of this application concludes that the continued operation of the dog breeding facility will create amenity impacts to the surrounding area and this is a reason for refusal.

- Dog breeding farm does not fit with the character of the area.

Comment: The character of the area would be described as a quiet rural area consisting of undersized smaller rural lots and a more intensive rural dwelling pattern than is typical of other RU1 areas. Small scaled farming and hobby farming practices occur in the area. The area has low background noise levels due to the nature of the farming practices, and the proposed use which does not satisfactorily minimise noise and amenity impacts will not fit with the quiet character of the area.

- Concerns for animal welfare. The proposal does not comply with the Animal Welfare Code of Practice - Breeding dogs and cats as published by NSW Department of Primary Industries.

Comment: The welfare of the animals within the animal boarding and training facility – dog breeding is under the jurisdiction of NSW Department of Primary Industries. *The Animal Welfare Code of Practice – Breeding Dogs and Cats*, originally published by Industry & Investment NSW 2009, sets standards for the care and management of dogs and cats for breeding.

The submitted Plan of Management (POM) includes the management and care of the dogs within the breeding facility. The POM also states that a senior veterinarian from Somersby Animal Hospital looks after the dogs and provides general dog check-ups.

- How are deceased animals disposed of from the site?

Comment: The submitted Plan of Management (POM) details that deceased animals will be taken to the vet and not buried on the site.

- The noise and smell from a large number of dogs will drive wildlife away.

Comment: The impacts from noise will affect the amenity of residents in the surrounding rural area as addressed within this assessment report and a stated reason for refusal.

- No confidence that a set number of dogs will be abided by.

Comment: Should the application be approved, conditions of development consent can enforce the maximum number of dogs and ensure the management of dog numbers are consistent with the approval.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

- The proposed evening house is insufficient and will not provide the minimum required air temperature control for brachycephalic breeds, especially against heat.

Comment: The evening house is insulated, ventilated and air conditioned and the applicant has confirmed the evening house when proposed improvements are complete will be a suitable environment for the French Bulldog breed.

- A detailed management plan should be required as a condition of development consent if the DA is approved.

Comment: A Plan of Management (POM) has been submitted with the application, however, the POM has not addressed mitigations measures for barking dogs.

- What is the number of staff employed?

Comment: The dog breeding facility is to be operated by 4 employees which include 2 permanent/full-time residents of the subject site providing 24-hour, 7 day per week management.

Submissions from Public Authorities

There were no submissions received from public authorities in relation to this application.

Internal Consultation

The development application was referred to the following internal officers for comment:

Development Engineer

The development application has been assessed by Council's Development Engineer where no objection was raised to the proposed development.

Environmental Health Officer

The development application has been assessed by Council's Environmental Health Officer with regards to noise impacts and the on-site sewer management system (OSSM). The proposal is not supported due to insufficient information received to address acoustic impacts and it is considered that the continued operation of the dog breeding facility will create adverse and unreasonable amenity impacts to the residents of the surrounding rural area.

Waste Services Officer

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

The development application has been assessed by Council's Waste Services Officer where no objection was raised to the proposed development subject to compliance with conditions were the application recommended for approval.

Ecologically Sustainable Principles:

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage, and the retention of vegetation and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood; as well as how the proposed development may cope/combat/withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change.

Other Matters for Consideration:

Building Information Certificate

The Building Information Certificate (BIC) application BC/48/2020 that relates to the existing shed (evening house) and 10 outdoor dog kennels that are to be used as part of the animal boarding and training facility - dog breeding, is under assessment by Council's Building Certification Unit.

The BIC application will assess the existing structures as referenced above under the provisions of Division of 6.7 of the EP&A Act. The assessment criteria for a building information certificate is clearly defined by the EP&A Act and provides that Council must issue the building information certificate where no discernible reason exists to issue an order for demolition, alteration, addition or rebuilding.

The BIC will only be approved if development consent is granted.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

Section 7.11 Contributions

The site is not subject to the provisions of any section 7.11 development contribution plan. Therefore, no contributions are applicable.

Suitability of the Site for the Development:

The rural area of Palm Grove has low background noise levels which consist of nature sounds and occasional rural machinery sounds. The nature of the dog breeding business presents continuous and unpredictable noise from barking dogs that continues to disturb the peace and quiet of neighbouring residents in the rural area.

With the number of dogs to be bred on the site; the sites size and location and close proximity to neighbouring properties, it is considered the proposed use is not suitable for the site.

The Public Interest:

The application has failed to address the concerns raised by the surrounding community and provide confidence that the proposal will not unreasonably impact upon the health and amenity of the local residents. Due to strong community objection; the continued operation of the facility without development consent; and on-going complaints about unauthorized use and offensive noise from barking dogs it is considered that the proposal is not in the public interest.

Conclusion and Recommendation:

Based on the assessment under the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposal is recommended for refusal for the reasons outlined in Attachment 1.

Reasons for decision

The reasons for the decision as recommended under the assessment of this application are as follows:

- The proposal is considered unsatisfactory under the heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- The proposal is considered unsatisfactory with regard to *Wyang Local Environmental Plan 2013* RU1 Primary Production zone objectives.
- There is insufficient information provided to determine all likely significant impacts.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE (contd)

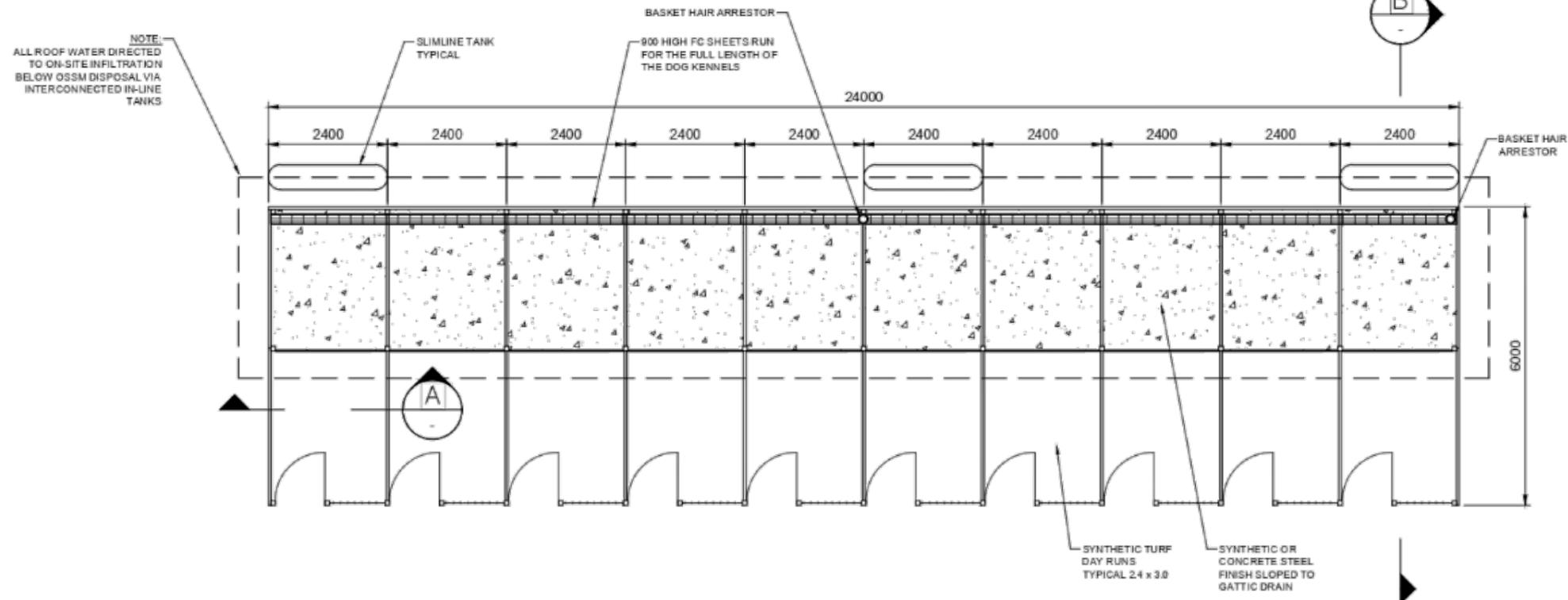
- The proposal is not suitable for the site.
- The proposal is not in the public interest, having regard for the matters raised in submissions received in relation to the proposal.

Attachments

- | | | |
|----------|---------------------|-----------|
| 1 | Reasons for Refusal | D14146496 |
| 2 | Development Plans | D14116742 |

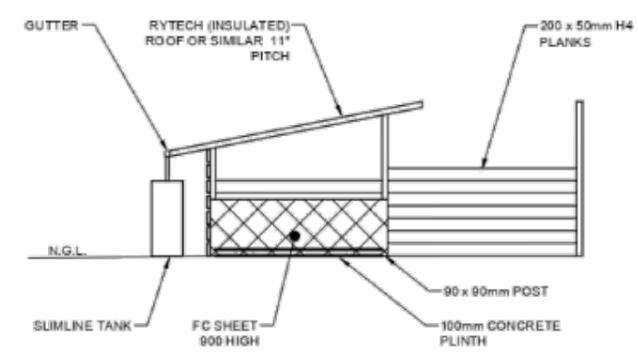
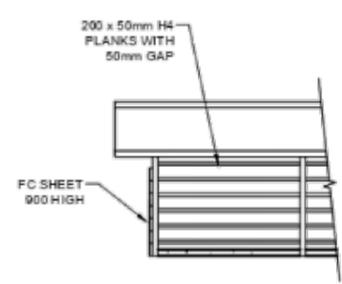
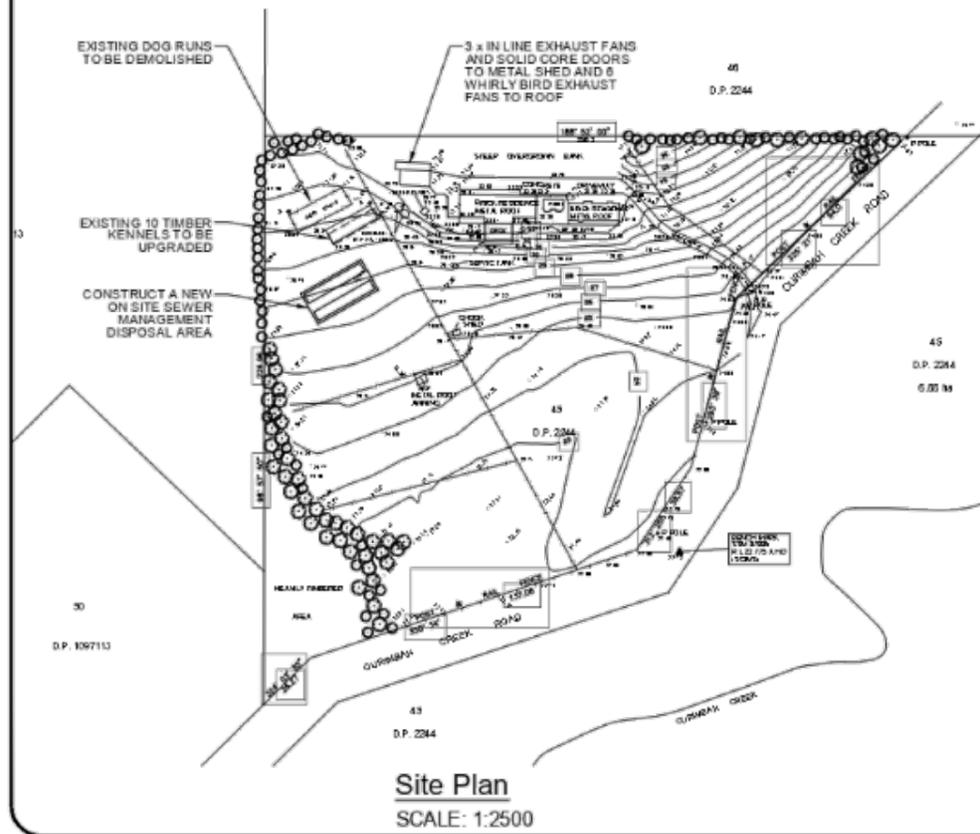
Attachment 1 - Reasons for refusal

1. The animal boarding and training establishment for dog breeding as currently proposed will have an unreasonable and significant noise impact and will detract from the amenity of residents in surrounding properties.
2. The site size, attributes and location is not suitable for the animal boarding and training establishment for dog breeding as currently proposed having regard for Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*. The site attributes are such that the proposal needs to be sensitively designed to mitigate adverse amenity impacts to surrounding properties.
3. Inadequate information to identify and address the likely impacts of the development as required by Clause 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as follows:
 - The development has provided insufficient information to adequately assess and address the acoustic impacts on neighbouring properties.
 - The evening house and outdoor dog kennels are not well located and are not well designed in the built environment as dogs barking within these buildings/structures continue to be an offensive noise nuisance to neighbouring properties.
4. The proposal for an animal boarding and training establishment for dog breeding at the subject site is not in the public interest having regard for the submissions received.



MODIFICATION TO EXISTING 10 DOG KENNELS
SCALE: 1:100

- MODIFICATIONS ARE:**
1. DIRECTING ROOF WATER TO EVAPOTRANSPIRATION DOWN SLOPE OF OSSM VIA SLIMLINE TANKS.
 2. INSTALL CONCRETE AND OR SYNTHETIC FLOOR TO EACH KENNEL.
 3. GATTIC DRAIN WITH HAIR ARRESTOR TO DIRECT WASH DOWN TO OSSM.
 4. 900 HIGH FC SHEET TO AID IN NOISE MANAGEMENT.



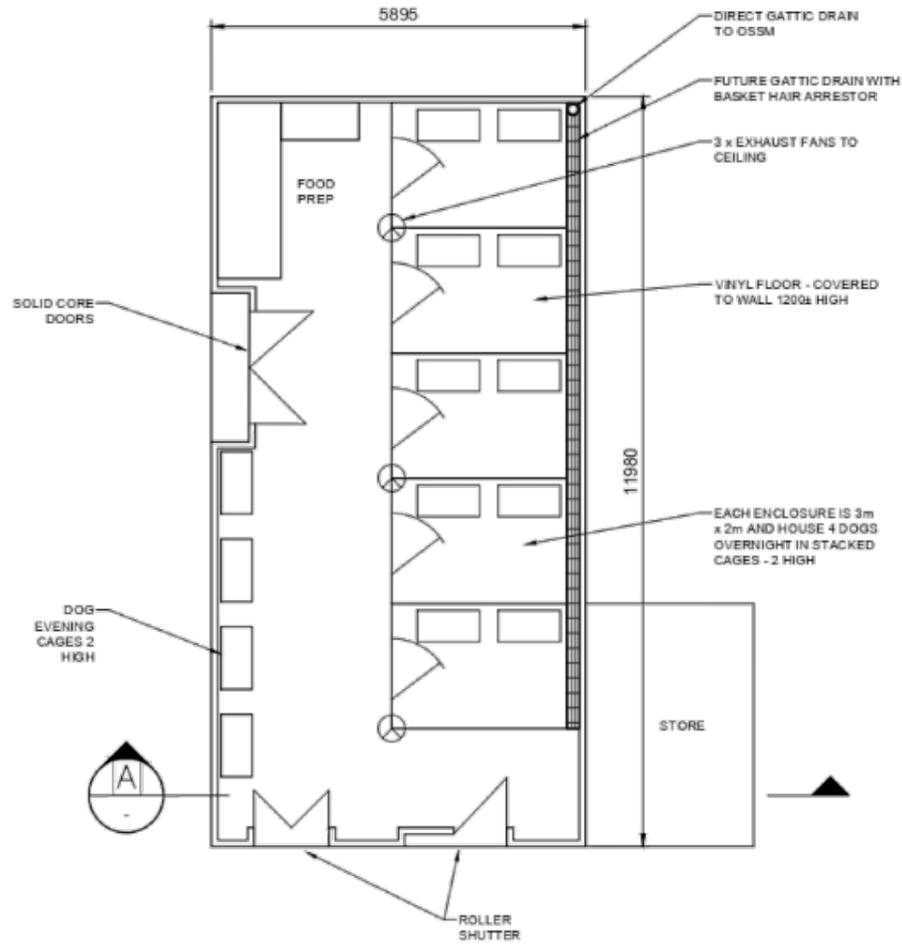
ISSUE 0	16/06/20
No. Revision/Issue	Date

Designer:
John Hancock
SJH PLANNING & DESIGN
M: 0418 223301

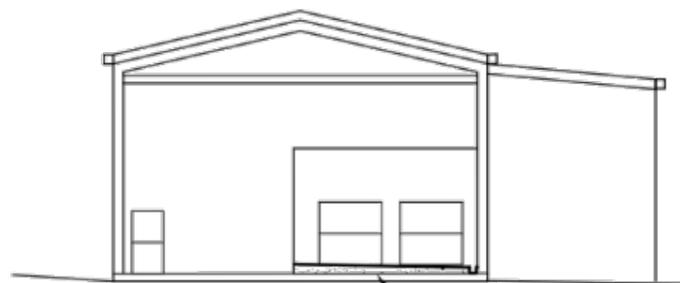
Client:
Lewis

Project:
UPGRADE EXISTING KENNELS
LOT 45 in D.P. 2244
No. 604 Ourimbah Creek Road at
Palmgrove, L.G.A. Central Coast

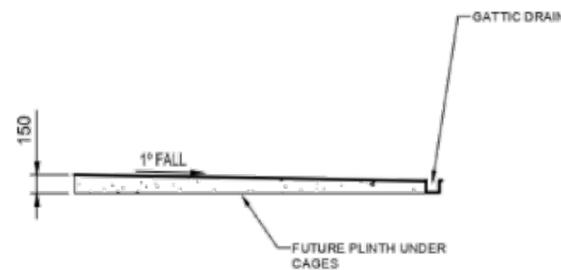
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Date: 16/06/2020	Revisions: B
Scale: AS SHOWN	



EVENING HOUSE
SCALE: 1:100



SECTION A-A
SCALE: 1:100



DETAIL 1
SCALE: 1:50



B	ISSUE B	16.06.20
No.	Revision/Issue	Date

Designer:
John Hancock
SJH PLANNING & DESIGN
M: 0418 223301

Client:
Lewis

Project:
UPGRADE EXISTING KENNELS
LOT 45 in D.P. 2244
No. 604 Ourimbah Creek Road at
Palmgrove, L.G.A. Central Coast

Drawn:
J.H.
Date:
16/06/2020
Scale:
AS SHOWN

Sheet:
A2
Revision:
B

Item No: 3.2
Title: DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE

Department: Environment and Planning

1 October 2020 Local Planning Panel Meeting

Reference: 011.2018.00055491.001 - D14187427
Author: Susana Machuca, Senior Development Planner
Manager: Ailsa Prendergast, Section Manager, Development Assessment South
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

A development application has been received for a new poultry farm at 1411 Peats Ridge Road, Peats Ridge. The proposed development comprises the construction of four tunnel ventilated fully enclosed climate-controlled poultry sheds and associated infrastructure to support the poultry production operation.

The development application has been referred to the Local Planning Panel (LPP) as a result of the number of submissions objecting to the proposal. Twenty-nine submissions were received by Council, 24 objecting to the amended proposal, and five submissions in support.

The application is recommended for approval, subject to conditions.

Applicant	ACONSULT Development & Environmental Planning
Owner	Cosimina Sparacino
Application No	DA 55491/2018
Description of Land	Lot: 3 DP: 1013426, 1411 Peats Ridge Road, Peats Ridge
Proposed Development	Construction of a new Designated / Integrated Poultry Farm
Site Area	180,000m ²
Zoning	RU1 Primary Production
Existing Use	Existing and operational agricultural land use (Avocados and Citrus produce)
Employment Generation	Yes
Estimated Value	\$1,750,000.00

Recommendation

- 1 That the Local Planning Panel grant consent subject to the conditions 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.***

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE (contd)

3 That Council advise the relevant State Government Agencies of the Panel's decision.

Key Issues

- Ecology - Preservation of existing native vegetation and trees
- Matters raised in public submissions

Precis:

Proposed Development	Construction of a new poultry farm comprising four tunnel ventilated fully enclosed climate-controlled poultry sheds and associated infrastructure.
Permissibility and Zoning	<p>The subject site is zoned RU1 Primary Production under the provisions of <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014).</p> <p>The proposed development is defined as a 'Poultry Farm' which is defined under the GLEP 2014 as:</p> <p>'Poultry Farm' <i>means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.</i></p> <p>Note. <i>Poultry farms are a type of intensive livestock agriculture—see the definition of that term in this Dictionary.</i></p> <p>'Intensive livestock agriculture' <i>means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following:</i></p> <ol style="list-style-type: none"> a. <i>dairies (restricted),</i> b. <i>feedlots,</i> c. <i>pig farms,</i> d. <i>poultry farms,</i> <p><i>but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.</i></p>

	<p>Note. <i>intensive livestock agriculture is a type of agriculture.</i></p> <p>The use Intensive Livestock Agriculture is permissible in the zone with the consent of Council.</p>
Relevant Legislation	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment:</p> <ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 – s. 4.15 (EP&A Act)</i> • <i>Local Government Act 1993 - Section 89</i> • <i>Roads Act 1997 (Roads Act)</i> • <i>Rural Fires Act 1197</i> • <i>Water Management Act 2000</i> • <i>Biosecurity Act 2015</i> • <i>Biosecurity Regulation 2017</i> • <i>State Environmental Planning Policy 33 – Hazardous and Offensive Development</i> • <i>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</i> • <i>State Environmental Planning Policy – (Primary Production and Rural Development) 2019</i> • <i>Sydney Regional Environmental Plan (SREP) No 8 (Central Coast Plateau Areas)</i> • <i>Sydney Regional Environmental Plan (SREP) No 20 - Hawkesbury-Nepean River (No 2 - 1997)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Gosford Development Control Plan 2013 (GDCP 2013)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i>
Current Use	Agriculture and crop production of fresh produce (including avocado and citrus fruits) and residential dwelling.
Integrated Development	Yes – Integrated under Section 4.46(1) of Part 4 of the EP&A Act 1979 Poultry Farm constitutes “Integrated Development” under Sections 89(1), 90 & 91 of Part 1 Division 3 of the Water Management Act 2000.
Designated Development	Yes – Designated under Section 4.10 of Part 4 the EP&A Act 1979 – Poultry Farm constitutes “Designated Development” under Cl.21(4)(b)(i) & (ii) of Schedule 3 of the EP&A Regulation 2000.
Submissions	29 submissions – 24 Objections / 5 Support

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE (contd)

The Site

The site is commonly known as No. 1411 Peats Ridge Road, Peats Ridge and is legally known as Lot: 3 DP: 1013426. The site is located approximately 3.4 kilometers (km) south of the intersection of Peats road and George Downs Drive and on the eastern side of Peats Ridge Road, between Karee Road and Euloo Road, Peats Ridge. The site has access via an internal access driveway located within a right of way 843m off Peats Road (Refer to **Figure 1**).

The site has a near rectangular shape with an offset ‘L-shape’ to the north eastern corner with an area of approximately 180.000m²(18 Hectares). The site runs on an approximate north to south axis and generally grades from west to east, has a slight ridge/crest bisecting through the middle of the lot separating the northern and southern halves of the body of Lot 3. The northern half of the site grades toward the partial farm dam that falls within the site on the north-eastern corner which continues to drain towards the east into Willow Creek and into Mooney Mooney Creek respectively. Overall, the site has a variable topography with a mid-section grade from the west site boundary (RL 262.00) to east site boundary (RL 248.00) of 14m; to the south-east boundary corner (RL 233.00) of 29m and to the north-east boundary corner (existing farm dam) of (RL 227.00) of 35m (Refer to Figure 2).

The current use of the site is for agriculture and crop production of fresh produce such as avocados and citrus fruits and contains a small network of unformal internal driveways that connect an existing single storey rendered brick and tile roof dwelling, two detached existing buildings (garage and guest house with a pool), one metal machinery shed and two ancillary structures including a bore tank. The dam is contained within the north-eastern corner of the lot that drains towards to the east into Willbrook Creek (Refer to Figure 3).

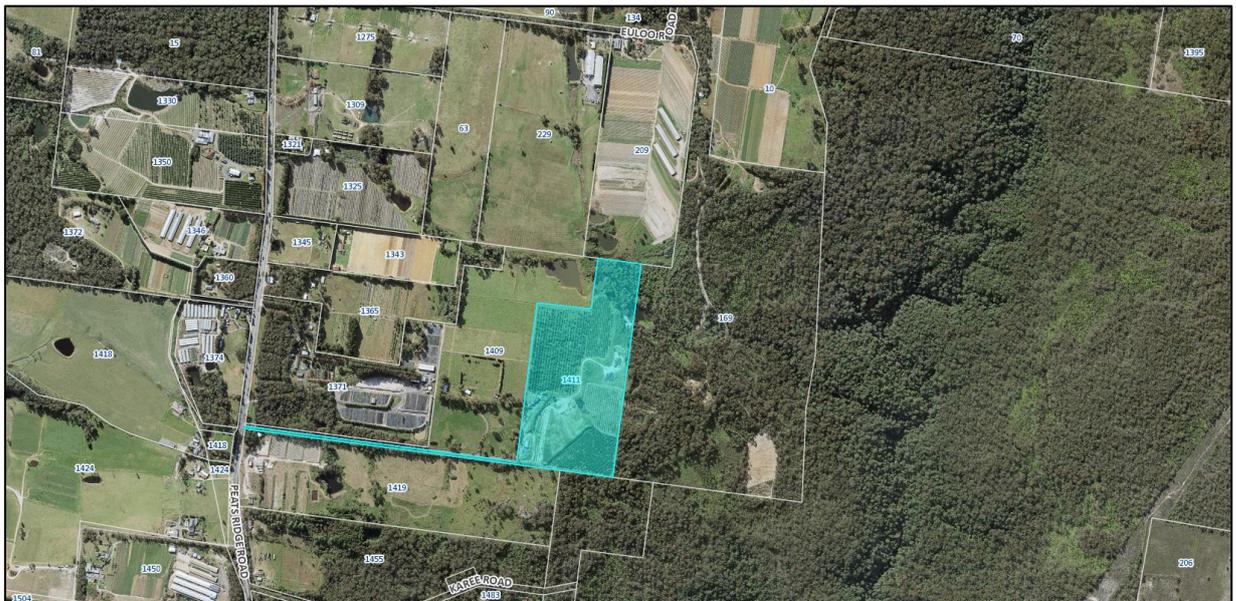


Figure 1 - Aerial photograph and location plan of subject site (shown in blue)

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE (contd)



Figure 2 – Survey Plan of subject site



Figure 3 – Aerial view of the subject site (shown in blue)

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The site is identified as "bushfire prone land" on Council's bushfire mapping system. The proposed development is considered infill development under section 4.14 of the EP&A Act. A Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions Pty Ltd dated 1 August 2017 has been submitted with the proposal which was referred to the NSW Rural Fire Service for assessment.

The NSW Rural Fire Service has by correspondence dated 20 November 2018, advised that the Service has granted a Bushfire Safety Authority in accordance with Section 4.14 of the EP&A Act, subject to conditions. (Refer Condition 1.3)

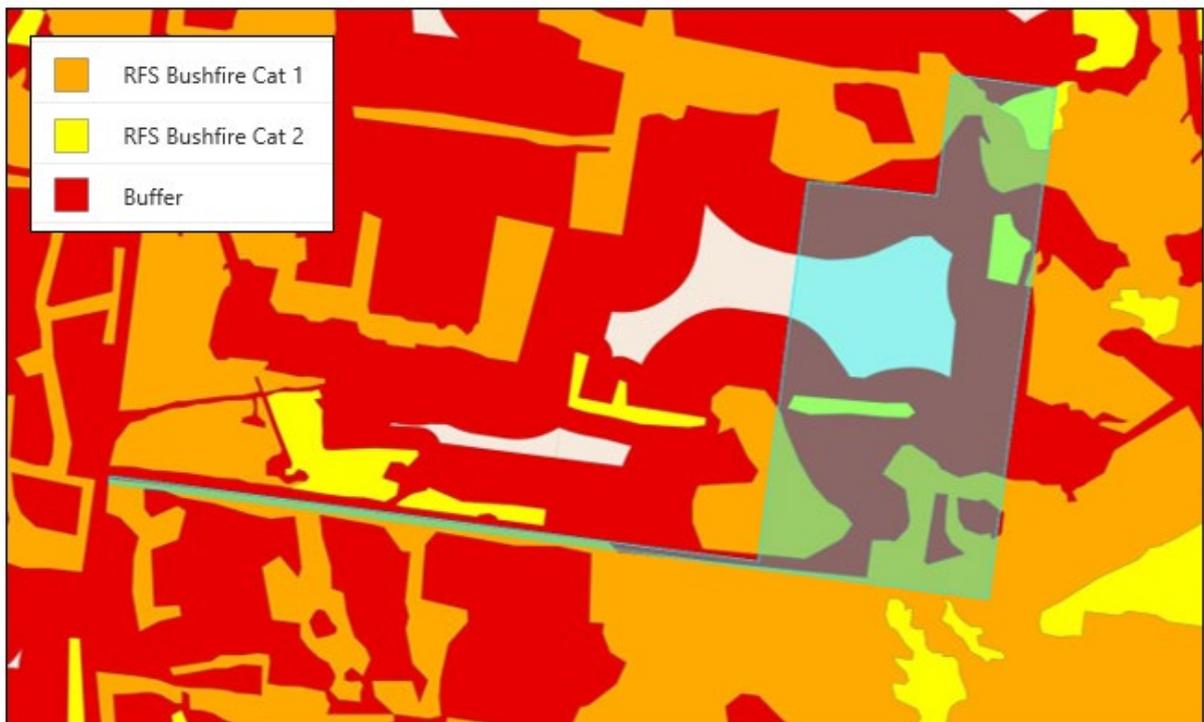


Figure 4 – Bushfire Mapping of subject site (shown in blue)

Council raised additional concern to the ability of the access to the site to comply with the NSW RFS recommendations in regard to compliance with S4.1.3(2) of PBP- which states:

"b. Compliance with section 4.1.3 (2) of Planning for Bush Fire Protection 2006, in particular including the following:

- ii. A minimum carriageway width of 4 metres with an additional one meter wide strip on each side of the trail (clear of bushes and long grass) is provided;*
- iii. A turning circle with a minimum 12 metre outer radius;*
- iv. Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;*
- v. The minimum distance between the inner and outer curves is 6 metres; and*

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE (contd)

- vi. *Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads."*

A Supplementary Statement was issued by Building Code and Bushfire Hazard Solutions Pty Ltd dated 31 July 2019 to confirm that:

- 1 *The existing shared access road from Peats Ridge Road complies with s4.1.3 (2) by way of a trafficable (all weather) road width in excess of 4m and a minimum verge of 1m on each side of the access road, this verge is regularly slashed and only requires slashing at regular intervals to comply with the above. The existing access road also provides a vertical clearance of >4 metres. The access road is a straight road;*
- 2 *There are existing passing bays provided at regular intervals of not more than 200m along the access road. The existing passing bays have been measured to be not less than 26 metres in length and not less than 2 metres wide which exceeds the requirements of s4.1.3 of PBP – 2006.*

Source: The data obtained onsite has also been verified by cross-referencing with the survey of the site supplied by: Hammond Smeallie & Co PTY LTD; Dated: 18/06/2019.

As such, no additional modification of the existing access road or vegetation is required to achieve compliance with the above. Councils Development Engineer has no objection to the proposal, subject to conditions.

The vegetation to the north of the site is identified as high Biodiversity Value and mapped as Endangered Ecological Community Sand Stone Hanging Swamps along the Willbrook Creek line to the north east boundaries, but an on-site visit observed that the vegetation included species consistent with Lowland Subtropical Rainforest EEC.

The proposal did not include a flora and fauna assessment as the development proposes no native vegetation is to be removed or harmed. However, the proposal is accompanied by an amended Environmental Impact Statement (EIS) prepared by L. Fitzpatrick of Aconsult, Environmental Statement by Ecologist Elizabeth Ashby of Keystone Ecological and Environmental Management Plan Benbow Environmental Engineers to confirm that, there are no species consistent with the Lowland subtropical Rainforest EEC, there is no loss of native vegetation nor habitat modification. Councils Ecologist has no objection to the proposal, subject to conditions.

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Figure 5 – Biodiversity Values Mapping of subject site (shown in blue)

The site is not identified as including flood prone land.

The site is zoned RU1 Primary Production under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014) (refer to Figure 6). The site is proposed to retain the same zoning under *Draft Central Coast Local Environment Plan 2018* (CCLEP 2018). The proposed development is defined as a Poultry Farm which is a type of Intensive livestock agriculture which is permissible in the zone with consent of Council.

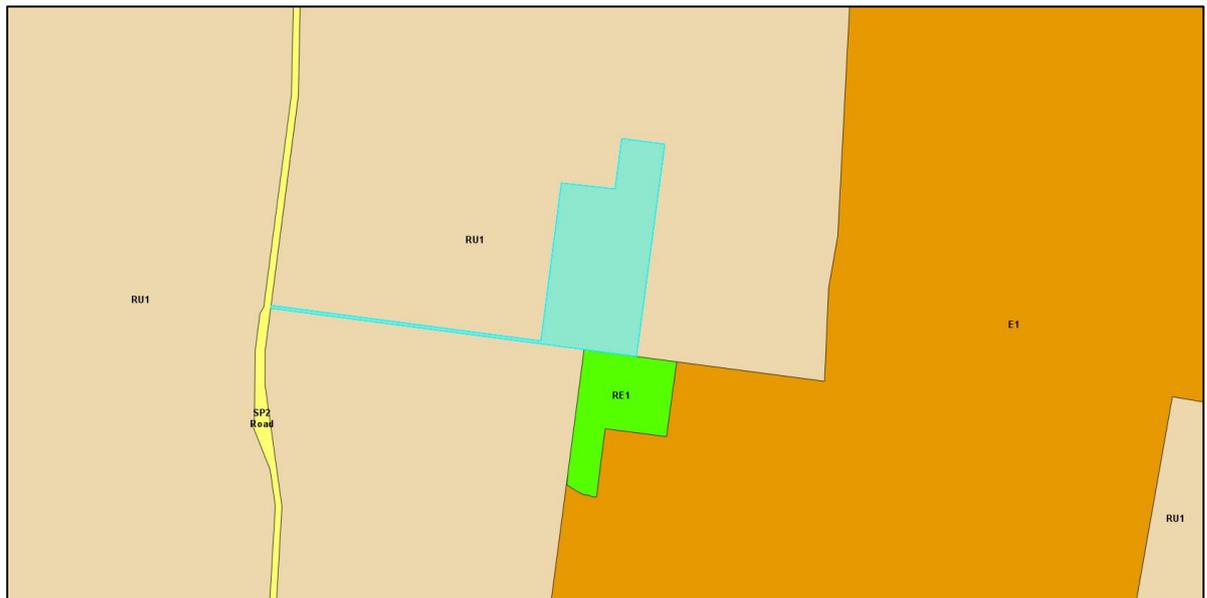


Figure 6 – Zoning of the site (highlighted in blue) and adjoining properties

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Surrounding Development

The proposed development is removed from any major urban areas and located within a very low density of surrounding residential dwellings. The nearest populated area is Kariong 30km to the south-east of the subject site. The nearest privately-owned residence is located approximately 340m to the west at No. 1409 Peats Ridge Road and 775m to the north at No. 169 Euloo Road, Peats Ridge.

As such, the subject site is surrounded by partly developed rural properties (Refer to Figure 1) and is bounded:

- i. To the North - agricultural land holding (zoned RU1- Primary Production) supporting a dwelling house, a farm dam and poultry farm with three (3) poultry sheds at No. 209 Euloo Road, Peats Ridge;
- ii. To the East – agricultural land holding (zoned RU1- Primary Production) supporting a dwelling house, farm sheds and dam shale at No. 169 Euloo Road, Peats Ridge. It is noted that historically supported approved quarrying activities for the extraction of sandstone, clay;
- iii. To the West - agricultural land holding (zoned RU1- Primary Production) supporting a dwelling house at No. 1409 Peats Ridge Road, Peats Ridge, noting that the subject site and this adjoining land parcel, result from a two lot subdivision;
- iv. To the South (partially) - agricultural land holding (zoned RU1- Primary Production) supporting a dwelling house, farm sheds and dam at No. 1419 Peats Ridge Road, Peats Ridge benefiting from an historic approval for Intensive Agriculture; and
- v. To the South (partially) – holding vacant Lot 145 DP 755246 (zoned RE1 Public Recreation) at Karee Road Peats Ridge.

Background

The development application seeks approval for the construction of a new tunnel ventilated poultry farm (four sheds) to complement the existing agricultural production growing of avocados and citrus fruits upon the site. The four sheds are to be constructed over a concrete slab with a steel frame and prefabricated steel sheathing, they will be fully enclosed, climate-controlled tunnel ventilated poultry sheds.

The applicant for the development is Aconsult Development & Environmental Planning Consultant on behalf of Olivetree Grove Pty Ltd (Land Owners). With over 50 + years combined experience in the agricultural sector, the owners seek to diversify their agricultural

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE (contd)

land use practices to include a more intensive form of permissible agricultural production consistent with the intended use of rural lands. As such, the proposal is located in the RU1 Primary Production zone whereby the land supports the opportunity for local producers and land owners make a contribution into boosting the local and regional economy of the NSW Central Coast.

It is noted that:

- i. A Pre-Development meeting was not held for the proposed development; and
- ii. The application has required five site inspections in order to define specific on-site conditions and correlate scope of works with consultant reporting. This work included but was not limited to engineering works associated with vehicle access roadworks, Environmental Health Work associated with noise impacts, odour, fill material, soil and erosion control requirements and Environmental native vegetation and tree protection zones. The application has required two main assessment processes in response to the additional information required, and it is noted that no revised architectural plans were required, only amended Engineering Plans and specialized reports.

The Proposed Development

The proposal comprises:

- Construction of four new tunnel ventilated fully enclosed-climate controlled poultry sheds including support infrastructure and staff amenities. The sheds will be located towards the north-eastern quadrant of the site between the existing orchards, with a north-south orientation. The broiler (meat) birds are to be grown for human consumption;
- Maximum farm population/production cycle - each new shed will have the capacity to house approximately 50,000 broilers at any one time; or a total of 200,000 broilers at any one time equating to a total farm population of approximately 1,040,000 broilers per annum, not accounting for average mortality rates (between 4-5% average bird mortality per batch);
- Access to the four poultry sheds via an existing access driveway from Peats Ridge Road. This access is to be upgraded to cater for fire trucks and delivery truck movements connecting the link to an internal road system within the subject site;
- Hours of operation – 24 hours per day, 7 days per week, 365 days a year;
- Poultry farming enterprise to be operated by the resident property owners/operators (one) assistant farm manager and casual farm hands as needed,

**3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats
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(contd)**

through a typical 10 week rotational growing. The production cycle period comprising approximately 8 weeks growing plus 2 weeks cleanout;

- Council received a letter of intent from the applicant to enter a contract with Barter Enterprises Pty Ltd on the 27 September 2018;
- Water supply to be serviced from the existing Water Access Licence (WAL 17486 – 27ML) and proposed rainwater tanks (prediction of 6.4ML/year) equating an approximate total of 33.4ML/year; and
- Feed silos to be located between sheds 1 and 2 and 3 and 4.

In addition to the poultry sheds the development also includes:

- Infrastructure items to support the poultry production operation;
- Stormwater quality treatment train including a series of purposefully located rainwater tanks, grass lined drainage swales interconnected by unsealed driveways and detailed erosion and sedimentation control devices; and
- Servicing infrastructure (electricity, gas and water supply)

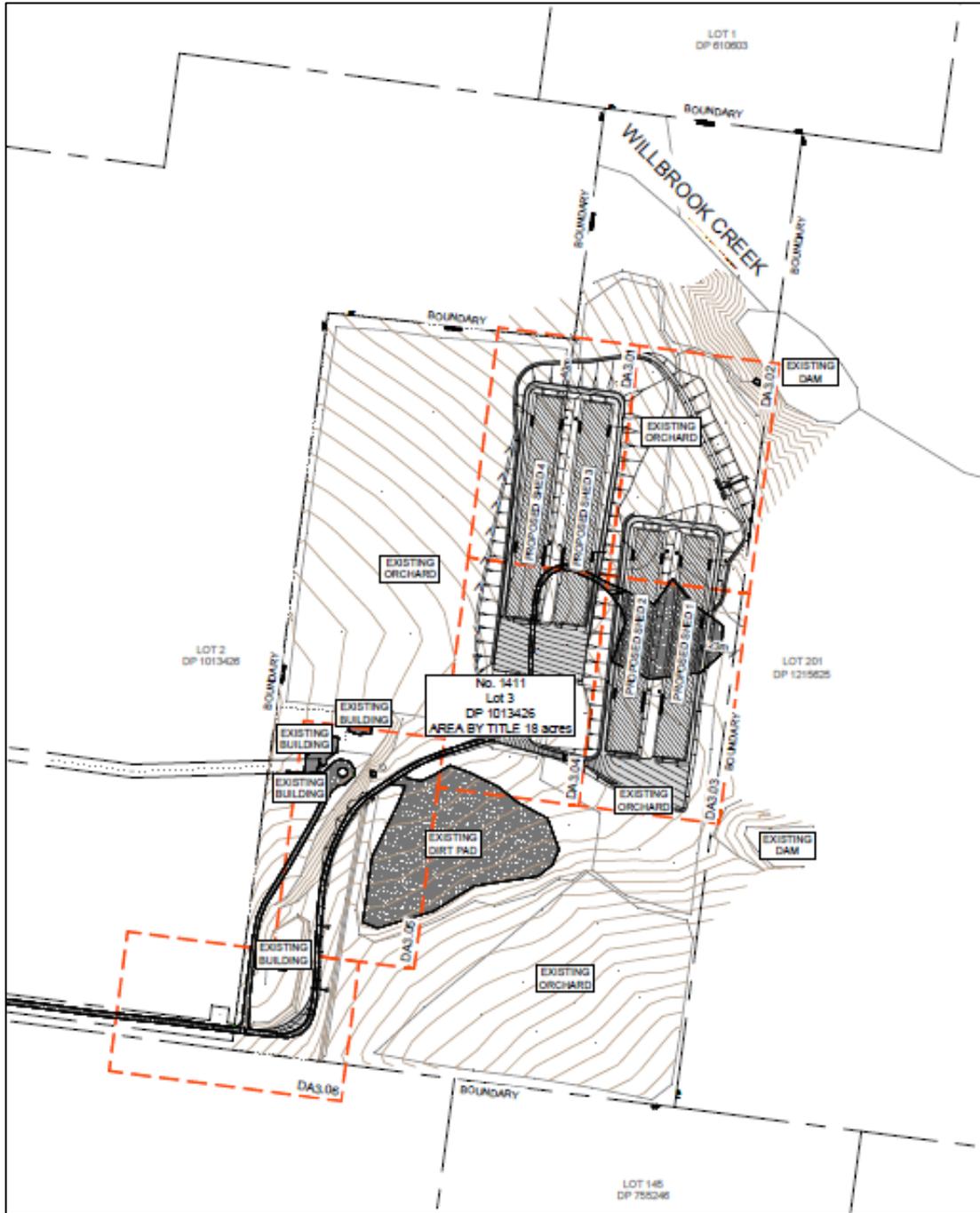


Figure 7 – Proposed Site Plan

The sheds will be constructed in addition to the continued use of the property for both agriculture and crop production as shown in Figure 8 below.

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(contd)**

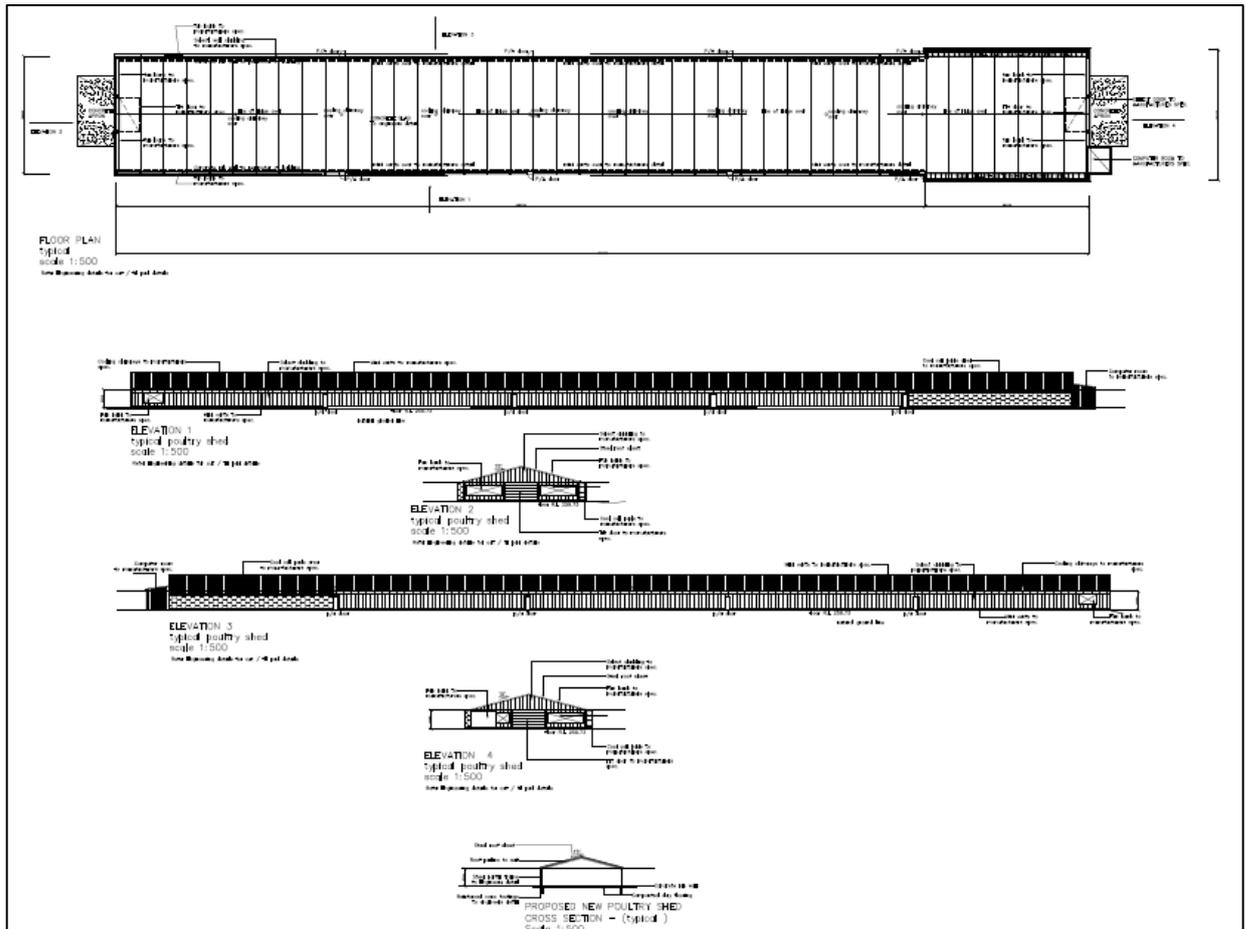


Figure 8 – Typical Shed Plan Details

ASSESSMENT:

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council’s policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council’s information. Any tables relating to plans or policies are provided as an attachment.

Integrated Development

The proposed development is considered Integrated Development in accordance with section 4.46(1) the EP&A Act, and requires development consent and approvals under section 89(1), 90, 91 for water use approval, water management work, or activity approval under Part 3 of Chapter 3 of the Water Management Act, 2000 (Water Act).

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The application was referred to DPI Crown Lands and Water Division (currently Natural Resources Access Regulator) and Water NSW.

Water NSW advised no new approvals are to be sought from Water NSW.

Natural Resources Access Regulator (NRAR) has considered that a controlled activity approval is not required for the proposed development requiring approval under s91 of the Water Management Act 2000. It is noted that the *proposed activity is **not occurring on waterfront land** (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).*

Designated Development

The application is Designated Development in accordance with the provisions of Part 1 of Schedule 3 of the *Environmental & Planning Regulation 2000* (EP&A Regulations) which sets out the criteria for the commercial poultry farm as livestock intensive industries as follows:

21 Intensive Livestock Agriculture

(4) *Poultry farms for the commercial production of birds (such as domestic fowls, turkeys, ducks, geese, game birds and emus), whether as meat birds, layers or breeders and whether as free range or shedded birds:*

- (a) *that accommodate more than 250,000 birds, or*
- (b) *that are located:*
 - (i) ***within 100 metres of a natural waterbody or wetland, or***
 - (ii) ***within a drinking water catchment, or***
 - (iii) *within 500 metres of another poultry farm, or*
 - (iv) *within 500 metres of a residential zone or 150 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.*

The proposal is intensive livestock agriculture, being a poultry farm for the commercial production of birds which accommodates less than 250,000 birds. However, the farm is located within a drinking water catchment (i.e. Mooney Dam Water Supply Catchment Area) and is dissected to the northern boundary by Willbrook Creek which flows into Mooney Mooney Creek. Accordingly, the proposal is classified as designated development.

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The Applicant sought and received the Secretary's Environmental Assessment Requirements (SEARS) from the Department of Planning and Environment (DP&E) for the preparation of an Environmental Impact Statement (EIS) prepared by L. Fitzpatrick of Aconsult, sub-consultants and relevant government agencies.

Draft Environmental Planning Instruments

Draft Central Coast Local Environmental Plan

The application has been assessed under the provisions of the draft *Central Coast Local Environment Plan* (draft CCLEP) in respect to zoning, development standards and special provisions.

Under the draft CCLEP the proposal is to be located on land zoned RU1- Primary Production. The proposed development is defined as Intensive Livestock Agriculture which is permissible in the zone with consent of Council. There are no building height or floor space ratio development standards in the draft CCLEP applicable the land. There are no specific development controls in the draft CCLEP or draft CCDCP (currently on exhibition with the draft CCLEP) for poultry farms.

The assessment concluded the proposal is consistent with the draft *Central Coast Local Environment Plan*.

State Environmental Planning Policies

State Environmental Planning Policy No 33 – Hazardous and Offensive Development

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33) has the primary aim of ensuring the consent authority has sufficient information to assess whether a proposal represents hazardous or offensive development.

Clause 3 of SEPP 33 states:

potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

(a) to human health, life or property, or

(b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment

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***potentially offensive industry** means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment"*

The Environmental Impact Statement (EIS) provides an overview of SEPP 33 and considering the properties use of the materials, quantity, types of storage and use, zoning and location, associated with the proposed poultry farm, that the proposal does not satisfy what is represented to be a potentially hazardous industry. The proposal is not a potentially hazardous or offensive industry in that there are no potentially dangerous goods to be stored on site in a quantity that exceed the relevant storage screening threshold.

Council's Environmental Health Officer has reviewed the proposal. Chemicals (sanitiser, disinfectant, pest and vermin control chemicals and weed control) and Liquid petroleum gas (LPG) are proposed to be stored onsite. All chemicals are proposed to be stored in the existing site shed. The diesel and LLPG are proposed to be stored in bulk containers in accordance with the relevant Australian Standards (AS 1940, AS/NZS 1596). No potential issues are raised in relation to the storage of chemicals.

State Environmental Planning Policy No. 55 – Remediation of Land

The site is affected by *Sydney Environmental Planning Policy No. 55 – Remediation of land* (SEPP 55) which aims to promote the remediation of contaminated lands for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The EIS does not address or identify any areas of potential chemical contamination.

Council's Environmental Health Officer has reviewed the proposal. Council records indicate that historically and currently the site has been used for agricultural activities. The Environmental Impact Statement (EIS) states that given the historical use and the existing use of the land for crop production/horticultural use the risk of discovering significant contamination within the site is minimal.

Notwithstanding, Council Officers in the review process indicated that in December 2018 whilst attending a site visit noted what appeared to be a large amount of fill that contained waste material had been brought into the site. As such, evidence/documentation which demonstrated compliance that the material brought in was Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) was required to form part of the on-going assessment. Documentation and Analytical Lab reports submitted to Council's Environmental

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Health Officer confirmed that the material of concern was ENM accredited, hence no further investigation into SEPP 55 is required.

State Regional Environmental Plan No. 8 (Central Coast Plateau Areas)

The Sydney Regional Environment Plan No. 8 (Central Coast Plateau Areas) (SREP 8) aims to provide environmental protection for the Central Coast plateau areas and provide a basis for evaluating competing land uses. The SREP 8 seeks to encourage use of land of high agricultural capability for that purpose and as much as possible and direct development for non-agricultural purposes to land of lesser agricultural capability.

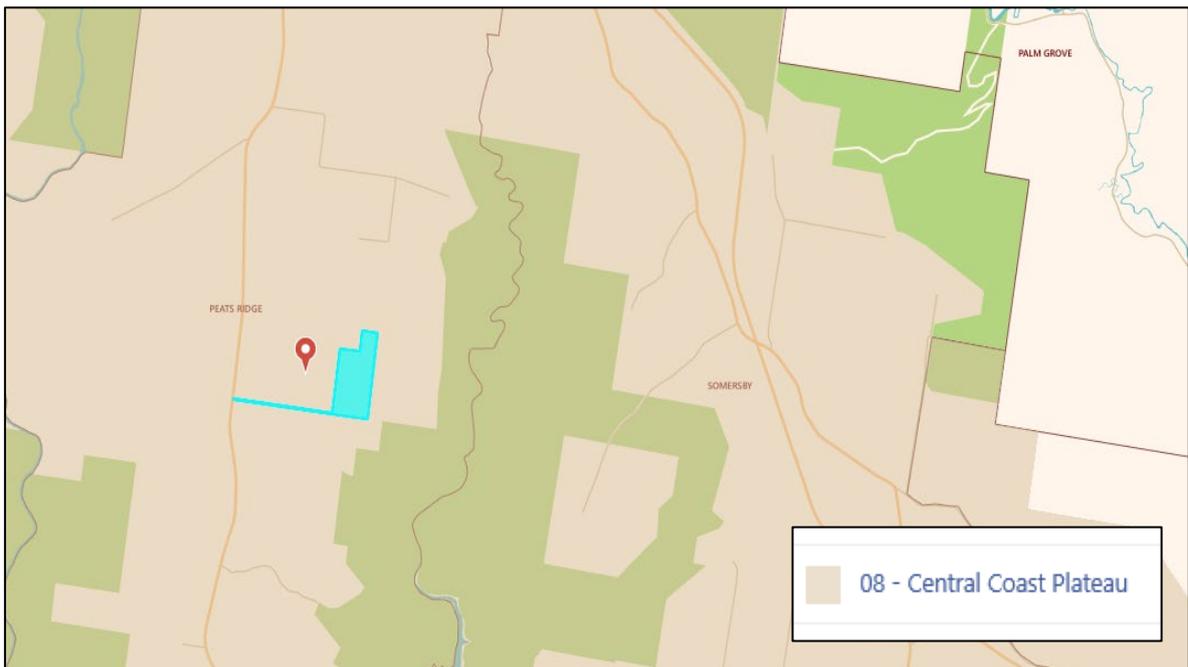


Figure 9 – Site within SREP 8

The SREP also aims to protect regionally significant mining resources and extractive materials, enable development of extractive industries in specified locations, protect natural ecosystems and opportunities for wildlife movement and discourage rezoning that would permit rural-residential development. The subject land is not identified as a resource of regional significance; however, the site is contained within the area identified for this SREP 8, wherein the proposed development is permissible with consent shown in Figure 9. Further consideration with regard to the relevant provisions of the SREP is provided as follows:

The general aims of this plan are contained within Clause 2 of the SREP, wherein those aims relevant to the proposed application are:

- *to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,*

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The site has an area of approximately 18.00 Hectares (ha) and presents as a disturbed agricultural lot with citrus and avocado trees. An approximate total of 4.033ha is proposed for the construction of the poultry sheds including retention basins and internal roads and truck turning areas. There is limited extent of indigenous or native vegetation on site due to historical agricultural use of the land. There is an area to the north-east corner of the site that is mapped with biodiversity value and Endangered Ecological Community Sand Stone Hanging Swamps, notwithstanding Council Ecologists determined that the vegetation included species consistent with Lowland subtropical Rainforest EEC however it is noted that this area will not be impacted by the proposal. The development will be located upon historically agricultural disturbed land and proposes no removal of native vegetation for the construction of the four new ventilated poultry sheds and associated infrastructure and as such, no native vegetation removal will be permitted. **Refer to Conditions 1.1; 2.10; 3.8; 4.19; 4.22 & 6.42.**

- *to protect regionally significant mining resources and extractive materials from sterilization,*

The subject site is identified as a transition area as shown on Figure 10. Whilst the proposed development will occupy approximately 22% of the site area, no objection is made in that potential and identified resource areas surrounding the site are not isolated.

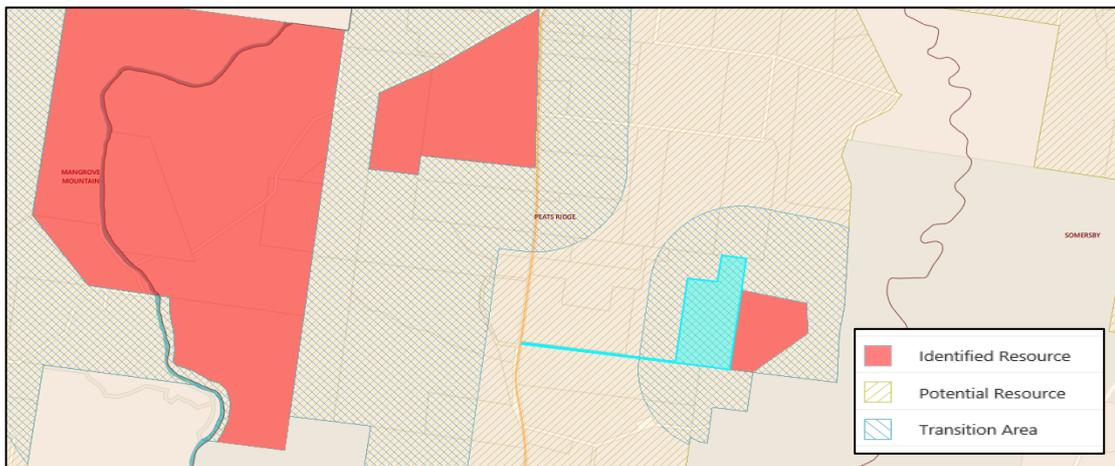


Figure 10 – Mineral Resource Audit 2014 Plan

- *to protect the natural ecosystems of the region, and*

Discussions and various site visits were held with the Applicant regarding the ecological impacts. Council raised concerns with the area of vegetation that potentially could be affected on the north-eastern corner of the site where Willow Creek, the existing dam and the Lowland subtropical Rainforest EEC vegetation and habitats area is located. Additionally, concerns were raised with the north boundary of the public entry access road off Peats Ridge Road which

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could warrant clearing in line with the required engineering works within the road reserve, in particular with tree preservation and direct or indirect impacts to flora and fauna.

As such, the Applicant was requested to address and provide further information to minimise ecological impacts. In response, Council received advice from the Applicants Consulting Environmental Planner - amended Environmental Impact Statement (EIS) prepared by L. Fitzpatrick of Aconsult, Environmental Statement from Ecologist Elizabeth Ashby of Keystone Ecological and EMP from Benbow Environmental Engineers to confirm that, there are no species consistent with the Lowland subtropical Rainforest EEC, that there will be no loss of native vegetation nor habitat modification given that the proposed development is contained within the existing curtilage of an existing agricultural produce farming operation and locates the shed structures in areas already cleared and disturbed. The engineering road upgrades related to the existing internal access driveway anticipates that it will be undertaken without the loss of any native vegetation or trees. As such, it is unlikely the proposal will affect and/or disturb any flora and fauna communities, existing native vegetation, trees or wild bird deterrent measures – habitat modification.

In view of the above, Council is satisfied that the options to avoid or minimise ecological impacts have been reasonably explored. Conditions of consent are recommended to ensure that no native vegetation removal or tree clearance will be permitted. **Refer to Conditions 1.1; 2.10; 3.8; 3.9; 4.19; 4.20; 4.22 & 6.42.**

The assessment has considered the aims and objectives, and Clause 6, of SREP 8. The relevant objective is as follows:

- (a) *to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses.*
- (b) *to encourage the use of land having a high agricultural capability for that purpose and, as much as possible, to direct development for non-agricultural purposes to land of lesser agricultural capability.*

The assessment has considered the size, siting and design of the intensive livestock facility, specific site characteristics, adjoining land uses, and nature of submissions received to the development proposal as detailed in other sections of this report.

The proposal does not have the potential for land use conflict with adjoining properties, biosecurity risks from other poultry farms, water requirements and treatment and any potential odour impacts and noise from vehicle movements on sensitive receptors or future use of other prime agricultural land for the purposes of agriculture. The development will be conditioned under the draft Notice of Determination to ensure that the environmental amenity of surrounding land is maintained.

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The Department of Primary Industries (DPI) has provided comment on the technical and biosecurity issues for the proposal and no objection has been raised to the development application. **Refer to Condition 1.1 & 4.3.**

It is considered that the proposed development is located on prime agricultural land, is consistent with the relevant objectives of SREP 8 in that it proposes ongoing agricultural productivity of the site in a manner consistent with the Primary Production objectives of the area.

Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No.2 – 1997)

The site is affected by *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No.2 – 1997)* (SREP 20). Approval is sought for *intensive animal industries*, which is permissible with development consent pursuant to Part 3, Clause 11 (11) of SREP 20. The aim of SREP 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

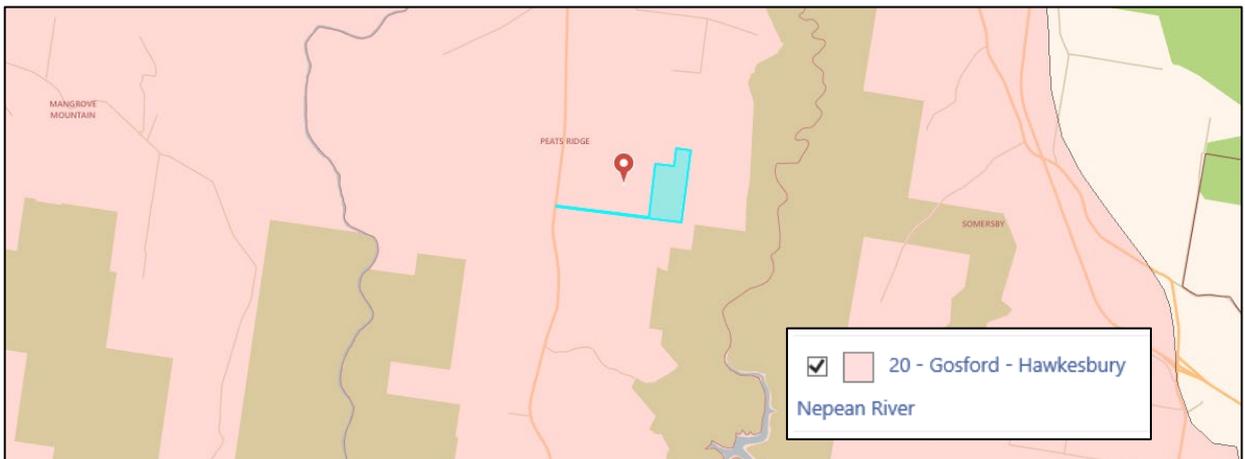


Figure 11 – Mooney Mooney Creek Water Catchment

This planning instrument requires Council to consider the general planning considerations outlined in Clause 5 and specific planning policies and recommended strategies of Clause 6 prior to granting consent to a development application.

Clauses 5 and 6 of the SREP 20 contain general planning considerations, specific planning policies and recommended strategies associated with the following:

- **Total catchment management**
- **Environmentally sensitive areas**
- **Water quality and quantity**
- **Cultural heritage**
- **Flora and fauna**

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- Riverine scenic quality
- **Agriculture/aquaculture and fishing**
- Rural residential development
- Urban development
- Recreation and tourism
- Metropolitan strategy

Clause 3 of SREP 20 considers effects of development on water quality and pollutant loads on ecosystems and Clause 4 requires the consideration of effects of development on flow characteristics of stormwater and surface water runoff. Stormwater is proposed to be discharged via grass lined swales and bio-retention basin 'treatment train' to the existing dam and then into Willow Creek which forms part of the Mooney Mooney Creek Drinking water catchment.

The proposal is accompanied by Water Cycle Management Plan (WCMP) prepared by RGH Consulting Group Revision 2 dated November 2019 and Pathogen Impact Report prepared by Larry Cook Consulting Pty Ltd dated March 2018 which overall conclude that all stormwater management measures and maintenance of the system have been designed to perform within the requirements and achieve all the development targets of Chapter 6.7 - Water Cycle Management of GDCP 2013 and function effectively for the expected lifetime of the development.

As previously discussed, in terms of environmentally sensitive areas, flora and fauna will not be affected given that the majority of the site has been previously cleared historically for agricultural and residential uses with some remnants of vegetation along the fringes or boundary perimeters. As such, it is unlikely the proposal will affect and/or disturb any flora and fauna communities, existing native vegetation, trees or wild bird deterrent measures – habitat modification.

The application was referred to the Environment Protection Authority (EPA) and Council's Environment and Environmental Health Officers, the proposal is supported, and relevant conditions are included in the draft Notice of Determination to ensure the protection of the environment of the Hawkesbury-Nepean River system.

With regard to the protection of cultural heritage, an AHIMS was search undertaken which indicated that no Aboriginal heritage objects are mapped within 200m of the subject site. **Refer to condition 4.3.**

The EIS states

"Assessment in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (Department of Environment, Climate Change and Water, 2010) removed the development from

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the due diligence process at Step 2, meaning an Aboriginal Heritage Impact Permit (AHIP) is not necessary”.

The Due Diligence Process is the responsibility of the Applicant and Council does not have any information to dispute the conclusion of the Due Diligence Assessment provided.

Notwithstanding this, a condition of consent will be recommended to ensure any unexpected finds during works are managed appropriately.

It is considered that the proposed development is consistent with agricultural sustainability and complies with the aims of the policy, relevant guidelines and development strategies in Clauses 5 and 6 of SREP 20 and is considered to minimise and manage accordingly the impact on the management of the catchment area, stormwater and surface runoff, water quality, water quantity and environmental amenity and ecological impacts on rural residential development.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

The site is affected by the new State Environmental Planning Policy for Primary Production and Rural Development 2019 (SEPP (Primary Production and Rural Development) 2019) that has merged a number of existing SEPPs into one single SEPP which includes:

- a. *State Environmental Planning Policy No 30—Intensive Agriculture;*
 - b. *State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas;*
 - c. *State Environmental Planning Policy No 62—Sustainable Aquaculture;*
 - d. *State Environmental Planning Policy (Rural Lands) 2008; and*
2. *Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) is amended by omitting clause 11.*

The assessment has considered the aims and Clause 10 objects of the SEPP (Primary Production and Rural Development) 2019. The relevant aims of the policy are as follows:

- a. *to facilitate the orderly economic use and development of lands for primary production,*
- b. *to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- c. *to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*

The relevant Clause 10 objects are as follows:

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(contd)**

- (a) *to identify State significant agricultural land and to provide for the carrying out of development on that land,*
- (b) *to provide for the protection of agricultural land—*
 - (i) *that is of State or regional agricultural significance, and*
 - (ii) *that may be subject to demand for uses that are not compatible with agriculture, and*
 - (iii) *if the protection will result in a public benefit.*

It is noted overall that the intent of the policy was always to provide strategic and development assessment provisions as well as to recognize the significance of primary production and rural lands by:

- supporting the investment in sustainable agricultural development;
- reducing land use conflict;
- facilitating adaptive approaches to new and emerging agricultural practices, technology and industries; and
- protection of environmental values.

The proposed development seeks to retain the agricultural sustainability operations on-site and expand to diversify and intensify its agricultural land use by including fully enclosed climate-controlled poultry farming. This diversification and investment are seen to ensure a long-term viability and commitment in supporting appropriate agricultural land use in the production of both fresh produce and livestock on appropriately zoned land on the NSW Central Coast Plateau area whilst entering and contributing actively into the local and regional economies that rely on food production near associated market places.

It is noted the development application does not propose rural residential development and as previously stated, the EIS prepared by L. Fitzpatrick of Aconsult and Ecologist Statement by Elizabeth Ashby of Keystone Ecological state overall that, the proposed development is contained within the exiting curtilage of an existing agricultural produce farming operation and whereby it is unlikely that any native vegetation, biodiversity and water resources will be affected or disturbed.

As such, it is considered that the proposed development is consistent with the protection and sustainable development of agricultural land and complies with the aims and objects of the policy. The matters of site selection, community consultation, biosecurity objectives and any potential biosecurity risks, potential land use conflict between the proposed development and other land uses in the area, environmental management, and access to usable water and transport requirements have been considered and detailed in relevant sections within the report.

Gosford Local Environmental Plan 2014

Zoning & Permissibility

The subject site is zoned RU1 Primary Production under *Gosford Local Environmental Plan 2014* (GLEP 2014). The proposed development is defined as Intensive Livestock Agriculture which is permissible in the zone with consent of Council.

***intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:*

- (a) dairies (restricted),*
- (b) feedlots,*
- (c) piggeries,*
- (d) poultry farms,*

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Clause 2.3(2) of the GLEP 2014 states the consent authority must have regard to the objectives for development in a zone when determining an application in respect of land within the zone.

The objectives of the RU1 Primary Production zone are as follows:

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

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As previously noted, the site zoned as Primary Production under the *GLEP 2014* and is located within appropriately zoned agricultural land on the NSW Central Coast Plateau, it is positioned 843m from Peats Ridge Road, Regional Road (MR 455) and is surrounded by existing agricultural/rural landscapes consistent with the land use and zoning for the region. As such, the proposed development seeks to retain the agricultural on-site sustainable operations of fresh produce and diversify its agricultural land use by adding poultry farm activities in the available land areas of the site. The proposals specialized reports confirm there will be no vegetation or tree clearing proposed along the existing access driveway nor the subject site hence, no likely impacts on the environment, biodiversity and amenity and activity of the surrounding land uses is anticipated.

The minimum area for subdivision in the RU1 Primary Production Zone is 20ha. Further fragmentation is not possible as the site is currently below the minimum lot size and therefore cannot be subdivided.

The size and shape of the site allows the location of the proposed poultry sheds sufficient distance from nearby sensitive receptors (340m west from the premises boundaries) to existing residence (R12) on 1409 Peats Ridge Road and (750m north from the premises boundaries) to existing residence (R2) on 169 Euloo Road, Peats Ridge to be compatible and not create conflict with adjoining agricultural sites.

A Water Cycle Management Plan, EIS and Pathogen Impact Reports have been provided to adequately consider impacts on water catchment, water quality and impact on water resources.

The proposal is considered consistent with the relevant objectives of the zone.

Principal Development Standards

There are no development standards in *Gosford Local Environmental Plan 2014* (GLEP 2014) applicable to the proposed development.

7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of *Gosford Local Environmental Plan 2014* have been considered. The site contains Class 5 Acid Sulfate Soils. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

Gosford Development Control Plan 2013

Chapter 2.1 Character

The proposal is subject to the provisions of Chapter 2.1 Character. Clause 2.1.3 provides for the following objectives:

- a. *Protect and enhance environmental character that distinguishes Gosford City's identity, and*
- b. *Enhance the City's identity by development that displays improved standards of scenic, urban and civic design quality.*

Clause 2.1.4 identifies the matters for consideration for development applications in accordance with the relevant character statement for the area. The site is located within the Character Area: Peats Ridge 3: Agricultural Plateau and Hillsides of GDCP 2013 Chapter 2.1 Character, wherein the existing character identifies many properties have been converted to capital-intensive uses such as shed-based poultry farms, hot-house flower growing, Wholesale Plant Nurseries, greenhouses and large rural dwellings. The character statement provides for the following desired character:

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

Conserve scenic qualities and habitat values by retaining natural slopes and visible rock outcrops, as well as by preventing further fragmentation of the existing bushland canopy. Conserve existing bushland remnants that provide scenically-prominent backdrops to any road or nearby property, particularly trees that are located along road verges and frontages, as well as along the side and rear boundaries to each property. Screen any large existing structures as well as restoring the desired pattern of "green" boundaries by planting new trees that are predominantly-indigenous. Noxious or environmental weeds must not be planted, and existing infestations should be controlled. Concentrate new buildings and works within existing clearings, away from prominent ridgelines, watercourses or any areas that are prone to flooding. Use low-impact framed construction with suspended floors rather than masonry structures that require extensive cut-and-fill, particularly on visually-prominent slopes or next to bushland.

Achieve bushfire asset protection zones preferably by thinning the canopy to establish breaks between existing trees. Locate new dwellings and accommodation buildings to avoid extensive additional clearing, and use fire-resistant design and

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construction techniques for all new structures as well as effective land management. Screen all verandahs, windows and suspended floors to exclude bushfire embers and sparks.

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

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

The proposed development will result in four large buildings on the site in addition to the existing orchards used for horticultural production.

The applicant states visual amenity is achieved through:

- *the buildings will be well setback from property boundaries and on lower ground from residences;*
- *the existing retention of vegetation and trees;*
- *proposed landscaping treatments;*
- *the siting of the new sheds is central to the subject site retaining surrounding crops (citrus/avocado trees (and similar));*
- *available separation distances;*
- *existing surrounding agricultural landscape/ land uses;*
- *the proposed poultry farm should not be overly visible from surrounding privately owned residences or from public points of perception. The intended land use is considered consistent with a rural setting; and*

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- *there should not be any issues in terms of adverse lighting impacts. For example, light spillage.*

The existing setbacks and horticultural plantings may provide barriers/buffers to adjoining properties and roadways. Proposed landscaping, earth mounds and vegetated screening would soften the visual impact of the sheds from roads, public areas and nearby residences. It should be noted that these measures are also required for odour and acoustic impacts. The need for a noise wall/barrier is not warranted given the noise study has adequately demonstrated that potential noise is considered acceptable and compliant with relevant guidelines.

The visual impact of the proposed building sheds given the distance from the main road, site topography of the site and boundary distances is found not to be visually dominate in the rural landscape, on properties in the vicinity of the proposed development, public places, roadways and rural residential properties.

The expansion of the existing fresh produce and bona fide agricultural land use (poultry farming) ensures an ongoing and productive rural landscape that accommodates intensive livestock activities; being a preferred primary productive land use.

Chapter 2.2 Scenic Quality

The proposal is located within the Kulnura – Somersby Plateau Landscape Unit of Chapter 2.2 Scenic Quality. The chapter provides for specific objectives for the landscape unit. The relevant objective for the proposal is to:

'recognise importance of wind row tree planting, natural forest verges and remnant native forest stands to the landscape character of the agricultural areas and retain wherever possible particularly when viewed from major roads in area.'

The location of the subject site is able to be viewed from limited public points of perception given the location of the new poultry sheds on site being well set back from property boundaries, retainment of existing stands of vegetation as well as proposes additional landscaping treatments. As such, the existing horticultural plantings will provide further a reasonable screening/ barrier/ buffer to adjoining properties and the proposed landscaping measures may also improve visual impact of the proposed four large building sheds.

Chapter 5.15 Water Supply Catchment Area Development

The purpose of this Chapter is to set out types of land uses which Council considers to potentially be incompatible with the Mangrove Dam, Mangrove Weir, Mooney Dam and Ourimbah Creek Water Supply Catchment Areas and identifies the detailed information Council requires to be submitted to assess the impact of the proposed development within these catchment areas.

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The subject site is located within Council's Money Dam Water Supply Catchment area and is therefore subject to the provisions of this chapter. The Applicant contends that the proposed development is consistent with the purpose and objectives of the Chapter in substantiating a zero-impact resulting from the proposed development on the quality of the Central Coast water supplies.

The application is accompanied by a Pathogen Impact Assessment prepared by Larry Cook Consulting Engineers, dated 30 March 2018. Council's Environmental Health, Water and Sewer Officers have concluded that compliance with the recommendations and implementations of water quality infrastructure for capture treatment and management of water quality is to be undertaken generally in accordance with the Pathogen Report. As such, Council Officers are satisfied that adequate information has been provided to assess the impacts of surface runoff on downstream ecosystems and water quality. **Refer to Conditions 1.1; 2.9 & 4.9.**

Chapter 6.3: Erosion and Sediment Control

The development application is accompanied by amended hydraulic plans prepared by RGH Consulting Group, dated November 2019. Council's Development Engineer has assessed the application and is supported subject to conditions. Appropriate siltation control to be conditioned. **Refer to Conditions 1.1; 3.3; 4.5 & 4.11**

Chapter 6.7 Water Cycle Management Plan

The civil works have been considered by Council's Development Engineer for the proposed development as follows:

- *Drainage - The site is located within the western side of the water supply catchment boundary for Mooney Mooney Dam which is located to the north-east of the subject site. The site generally grades from west to east and has a ridge/crest bisecting through the middle of the body of the lot separating the northern & southern halves of the body of Lot 3. The proposed sheds are located on the northern half of the site which grades towards an existing dam within the north-eastern corner of the lot that then drains towards to the east also into Willow Creek.*
- *It is proposed to collect roof water from the proposed poultry sheds into rainwater tanks for reuse within the development. Outflows will drain into a series of proposed grass lined swale drains and a bio-retention basin prior to discharging to the existing dam.*

A Water Cycle Management Plan prepared by RGH Consulting Group (Ref 20170041_R01 Rev 02 dated November 2019) was submitted with the application. This report indicates the following:

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- *The site has access to a licensed water bore which will be used for water supply for the poultry shed.*
- *Retention of roof water from the poultry sheds is proposed to supplement bore water extraction for the purpose of water supply for the poultry sheds.*
- *Overland runoff is to be directed through a series of catch drains and swales to the existing farm dam on the site.*
- *Water from the farm dam would not be used by the poultry sheds, but would be used for other purposes, e.g. citrus and avocado growing operations.*
- *Onsite detention is not required, and stormwater will be managed and reused as and where possible as per the requirements of Chapter 6.7 of GDCP 2013 to minimise any impact to downstream properties.*
- *All runoff is controlled to prevent erosion.*
- *Stormwater quality measures are proposed to satisfy the requirements of Council's Gosford DCP2013 in relation to reduction targets.*

The measures indicated in the Water Cycle Management Plan are acceptable for the assessment of the development application, and it is recommended that the stormwater measures for the development be undertaken generally in accordance with this report.

Refer to Conditions 1.1; 6.8; 6.9; 6.11; 6.12; 6.44 & 6.45.

Chapter 7.2 Waste Management

A waste Management Plan was submitted with the application prepared by L. Fitzpatrick of Aconsult and considered satisfactory. Residential waste can be managed under the provisions of the Domestic Waste Contract however other wastes generated by the activities of the proposed poultry farm and existing orchards require waste management by a licensed, commercial waste contractor. **Refer to Conditions 1.3; 6.1 – 6.8.**

Other Matters for Consideration

Environmental Impact Assessment

Poultry farms can potentially generate adverse environmental impacts during establishment and operation of the facility. Issues of concern include air quality, noise, and land use zone conflict, impact on the water supply catchment, visual impact, lighting, traffic / transport and waste / dead bird disposal. A number of submissions have been received raising objection to the proposal on the basis of amenity impacts which are commented upon under Public Submissions. The areas of potential environmental impact and proposals for mitigation are assessed below.

Biosecurity Risk

Environmental Health Assessment:

The Department of Primary Industries website identifies that poultry can be affected by a variety of diseases and parasites including coryza, chronic respiratory disease, infectious laryngotracheitis, lice and mite infestations, chlamydiosis, blackhead and internal parasites. Additionally, poultry in Australia are at risk of the introduction of Newcastle disease and avian influenza. Poultry disease outbreaks may pose a risk to human health through the transmission of bioaerosols and the disposal of large numbers of dead birds, with its associated environmental risks and costs.

The Department of Primary Industries (DPI) support the application. DPI Agriculture along with DPI Biosecurity reviewed the EIS and accompanying documents and found that the proposed poultry sheds meet the biosecurity buffer distance guidelines in line with the '*Best Management Practice Guidelines for Chicken Meat Production*'. The Department has also assessed the water requirements and treatment, litter and dead bird disposal procedures and animal welfare requirements of which all appear to be in order. **Refer to Conditions 1.1; 6.1 – 6.8.**

Air Quality (Odour & Dust)

Odour: The application states that the proposal has the potential to increase current dust and odour levels with four poultry sheds and the bird numbers being proposed. Air quality impacts are applicable to many agricultural pursuits, e.g., crop production which relies heavily upon the use of spent poultry litter a by-product of poultry production that, following further processing, is widely used, and highly sought after for crop, vegetable production, and the like.

The subject site is noted to benefit from several advantages in terms of potential odour impacts, including being remote from any urban or built up areas and a low density of surrounding residences.

The application is supported by an Air Quality Impact Assessment (AQIA) prepared by Benbow Environmental dated 29 April 2019 (171015_ AQIA_Rev3) which assess the potential odour and dust impacts associated with the proposal at the nearest potentially affected receivers.

The following map identifies the nearest sensitive receptors (R) identified in the Air Quality Assessment by Benbow Environmental.



Figure 12 – Nearest sensitive receptors (R) and noise monitoring location (L) receptors identified in the Noise Impact Assessment by Benbow Environmental

Per figure 12, the three closest sensitive receptors to the site are located as follows:

- i. 1409 Peats Ridge Road (R12 - Residential) approximately 370m west of the premise's boundary line;
- ii. 209 Euloo Road (R2 – Agricultural outbuilding) approximately 775m north of the boundary; and

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- iii. 1343 Peats Ridge Road (R6 -Residential) approximately 790m west of the boundary.

The Air Quality Impact Assessment has been prepared in accordance with *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA, 2016) and *Assessment and Management of Odour from Stationary Sources in New South Wales* (DEC NSW, 2006).

The AQIA describes the criterion is based upon the population density within the 2.0 OU contour, whereby an estimated density average of 3 people per household is identified for the Peats Ridge area according to the 2016 Census (ABS 2016). Given there is one single rural residential receptor within the 2.0 OU a criterion of 7.0 OU/m³ was adopted for the study.

The Air Quality Impact Assessment concludes that “odour criterion of 7.0 OU/m³ is satisfied at all discrete identified receptors for the proposed four poultry shed configuration”. It is also noted the proposed development is accompanied by a Landscape plan prepared by Birwood Landscape Design dated December 2017 that establishes a vegetation buffer surrounding the site. As such, the use of any further Vegetative Environmental Barriers (VEBs) reduces odour levels even further (an approximate 0.54 reduction factor) below the adopted criterion.

Dust: The Impact assessment criteria for Particular Mater (PM), including PM10 and Total Suspended Particles (TSP) annual averaging periods are summarized as follows:

Pollutant	Averaging Period	Concentration	
		pphm	µg/m ³
PM ₁₀	24 hours	-	50
	Annual	-	25
Total Suspended Particulates (TSP)	Annual	-	90

Figure 13 – Applicable Particulate Criteria at Sensitive Receptors from the NSW EPA Modelling Guidelines

It is noted that, that the predicted PM10 and TSP annual averaging periods comply with the relevant criteria. The highest PM10 24 hour averaging period modelling predicted a cumulative impact value of 47.6 µg/m³ at R12 and R2. The highest PM10 annual averaging period modelling predicted a cumulative impact value of 15.2 µg/m³ at R12 and 15.1 µg/m³ at R2. And the highest TSP annual averaging period modelling predicted a cumulative impact value of 30.2 µg/m³ at R12. Additionally, as described previously, the use of a Vegetative Environmental Barriers (VEBs) will further reduce the potential of dust emissions to impact on nearby sensitive receptors.

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As such, there were no exceedances predicted and the development is not expected to adversely affect the local air quality in terms of dust and does not warrant further dust control measures.

Noise Impact

The application states that while noise emissions from construction and operational activities have the potential to impact upon surrounding residences, noise has been demonstrated not to be a significant issue for well-managed poultry production operations. The subject site offers several advantages in terms of potential noise impacts, including being removed from any urban areas, low density of surroundings, privately owned residences and adequate separation distances.

The application is supported by a Noise Impact Assessment prepared by Benbow Environmental dated 30 April 2019 (171015_NIA_Rev3).

Figure 13 identifies the nearest sensitive receptors (R) and noise monitoring location (L) (page 6) receptors identified in the Noise Assessment.

As previously noted, the closest sensitive receptor (R12 residential) is approximately 370m west of the boundary line, next closest is (R2 agricultural outbuilding) 775m north of the boundary and (R6 residential) is 790m west of the boundary. The main noise generating operations stated in the Noise Impact Assessment are expected to be truck movements, tunnel fans and bird pickup and feed delivery operations.

The proposal is expected to operate 24 hours per day, 7 days per week. Proposed hours of operation are:

- Farming activities - 6am- 7pm.
- Collection of birds - 8.00pm - 4.00am
- Construction Works from Monday to Saturday 7:00am to 5:00pm

The report outlines that a maximum of eight truck trips are to occur in a day:

- two during the day (feed delivery)
- six during the night (bird pickup).

The Noise assessment was generally prepared in accordance with the *NSW Environment Protection Authority, Industrial Noise Policy (INP) (EPA 2000)*, *Department of Environment, Climate Change and Water NSW, Road Noise Policy (RNP) (DECCW 2011)* and *Department of Environment and Climate Change NSW, Interim Construction Noise Guideline (DECC, 2009)*.

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The Industrial Noise Policy (INP) (EPA 2000) was the appropriate guideline to use as monitoring occurred in June 2017 before the Noise Policy for Industry (EPA, 2017) was implemented.

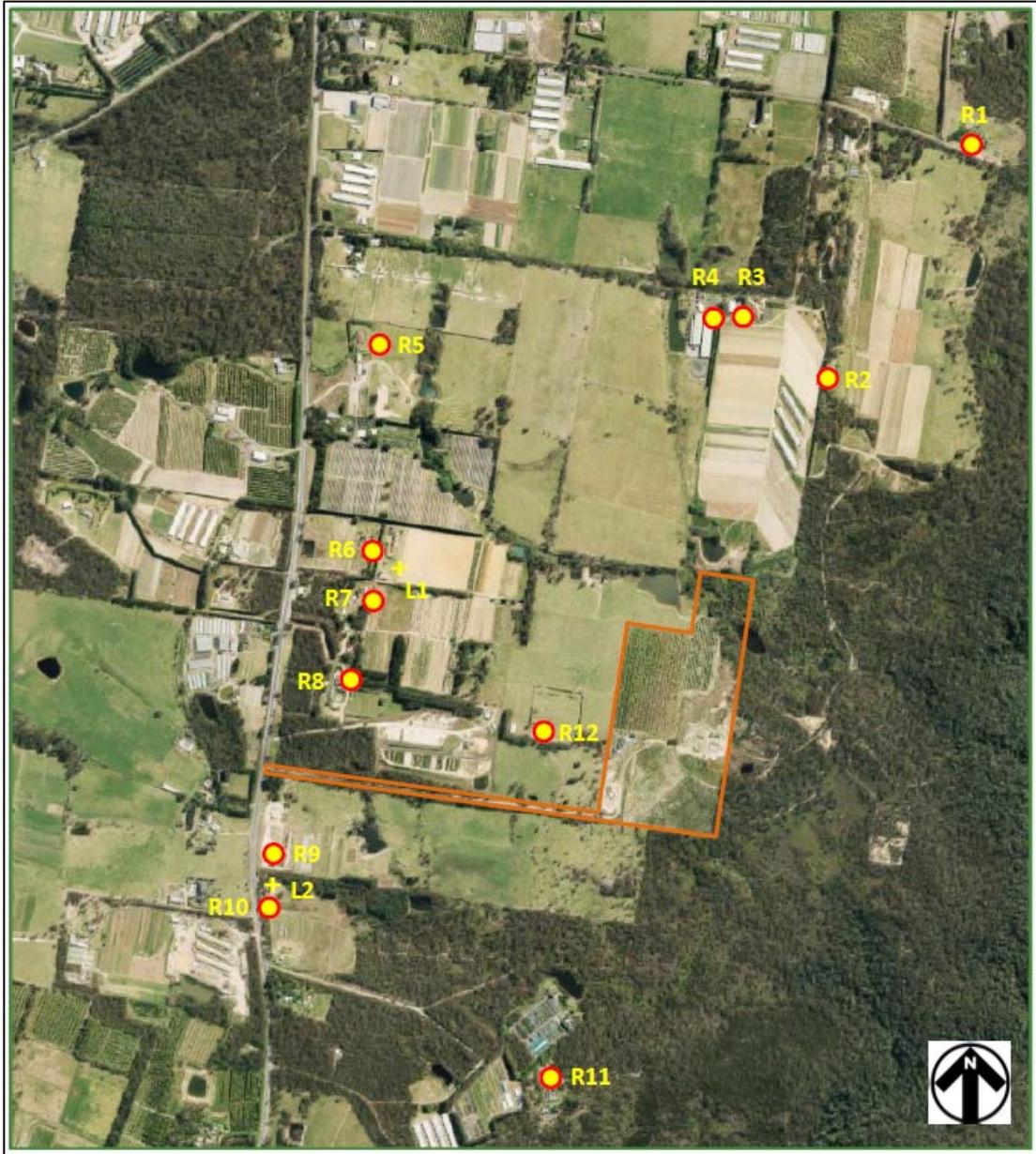


Figure 14 – Nearest sensitive receptors (R) and noise monitoring location (L) receptors identified in the Noise Impact Assessment by Benbow Environmental

The noise impact assessment prepared by Benbow Environmental Engineers indicates that the noise levels associated with the proposed operations were predicted to comply with the noise criteria at all the 12 considered residential receptors during all time periods and activities.

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The main noise generating operations are expected from truck and tractor on-site movements, bird pickup and feed delivery operations during the day. Notwithstanding, the proposed vehicle movements are not predicted to trigger additional mitigation measures. The Noise Impact Assessment indicates that the predicted noise Levels for R12 during feed delivery operations will exceed the applicable noise criteria by 1dB for feed delivery operations. Noise mitigation recommendations were provided to reduce noise impacts on the impacted sensitive receptors for Bird pickups, vehicle movements onsite, maintenance of equipment (refer page 40 and 42 of the Noise Impact Assessment) which included the maintenance of equipment, a speed limit for vehicles, minimising engine idling and minimising air brake use.

With recommended controls implemented R12 (refer Figure 14) is predicted to be compliant with feed delivery operations by 2dB. An exceedance of 2dB(A) is described as negligible as per Table 4.1 of the Industrial Noise Guide (EPA, 2015).

The report indicates that the predicted noise Levels for all residential receptors comply with construction noise criteria at all residential receivers during construction activities.

The report confirms that any probable residual noise of 2dB or less are not discernible to the receiver, are of negligible significance and do not warrant further noise controls. As such, potential noise has been adequately demonstrated to a level considered acceptable and compliant with relevant guidelines.

The Environmental Management Plan states that that noise monitoring will occur monthly to mitigate any noise impacts on sensitive receptors.

The proposal has been considered in relation to noise impacts. The application has provided sufficient modelling information to validate that the development achieves compliance without the need for specific and purpose built or generated mitigative strategies or site controls. As such, it will not cause noise emissions above the Industrial Noise Policy (INP) (EPA 2000), provides noise monitoring and mitigation measures for operational and construction noise impacts that could affect the nearest residential receptors. The application is supported subject to conditions. **Refer to Conditions 1.1; 5.5; 6.19; 6.20; 6.33; 6.41 & 8.6.**

Land Use Conflict

The application indicates the potential for conflict between the proposed poultry farm to be set upon an existing working farm producing crops and the surrounding agricultural land uses is considered low. The disturbance footprint (including extension of access roads, servicing infrastructure and other support infrastructure) will be relatively small (compared to the residual undisturbed land within the property that will remain under crop) and the commercial activity associated with the poultry operation is confined to this area. The land outside of the disturbance footprint will likely continue to be utilised for traditional agricultural (crop) production purposes. On this basis, the introduction on site of an

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additional, more intensive form of agricultural production i.e. poultry farming, does not deny access to any of those remaining viable agricultural lands nor significantly reduce the land area available for agricultural production.

The assessment has considered the size, siting and design of the intensive livestock facility, specific site characteristics, adjoining land uses, and nature of submissions received to the development proposal as detailed in other sections of this report.

The site is considered suitable for the proposal given that it is located within surrounding agricultural land uses and that appropriate separation or buffer distances to sensitive receptors are compliant with adjoining residential properties, biosecurity risks from other poultry farms, odour impacts and potential noise from vehicle movements on sensitive receptors.

In addition, the proposal is considered consistent with relevant aims and objectives of SREP 8 and SREP 20 and with the relevant RU1 zone objectives as stated previously in the report.

Traffic and Transport

The application is accompanied by a Traffic Assessment prepared by B J Bradley & Associates dated 25 October 2018. In summary the report indicates:

- *All operational traffic will enter and exit the site via the existing right off way access off Peats Ridge Road including dead bird collection. All internal roads/ driveways /turning circles will be appropriately maintained to minimise noise and dust emissions and provide safe driving conditions. Suitable signage will be erected indicating internal traffic direction and speed limits to ensure the orderly and safe use of the site, as well as to minimise the potential for traffic conflict and noise. All internal roads/ driveways will be maintained clear of obstruction and used exclusively for the purposes of transport, loading-unloading and parking. Under no circumstances will these areas be used for storage of goods or waste products.*
- *Traffic volumes on Peats Ridge Road at Ross Road are relatively low and are unlikely to alter significantly in the next ten years.*
- *The site of the proposed poultry farm is a large rural property operating as an orchard currently growing citrus fruits and avocados. The orchard operation will remain, no trees and greenhouses will be removed to accommodate the poultry farm.*
- *Sight distances at the existing intersection of Peats Ridge Road and Ross Road are greater than the desirable sight distances in each direction as indicated in AS/NZS 2890.1 – 2004 for 100km/h road frontage.*
- *The proposed poultry farm will generate negligible traffic volumes onto Peats Ridge Road.*
- *The potential traffic impacts of the proposed poultry farm will be negligible, and the SIDRA simulations indicate that the average delays for vehicles on Peats Ridge Road will not be adversely impacted even for projected 2027 traffic volumes.*

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The site is accessed off Peats Ridge Road Peats Ridge. Peats Ridge Road is a sealed two lane two-way Classified Regional road (MR 455) that has a 100km/hr speed limit across the frontage of the site. Within the road reserve the site is accessed from Peats Ridge Road via an existing bitumen vehicle access crossing to two dwellings and some rural sheds on the site.

The intersection of Peats Ridge Road & Ross Road is sealed. Internal access is via a bitumen driveway that is generally 3.6m wide but varies in width from 3.5m-3.9m. This driveway is located within a right of way (6m wide) and reciprocal right of way (each 6m wide totaling 12m wide) and 843m long (as per DP1013426) and contained within Lots 1 & 2 DP 1013426.

The right of way is showing signs of failure in many places and this access will need to be reconstructed to suit required design levels and grades. Furthermore, the access will also need to be upgraded to provide suitable vehicle passing opportunities associated with Australian Standard *Parking Facilities – Off-street commercial vehicle facilities* AS2890.2:2002. It is noted that, the maximum truck size servicing the development will be a 19m semi-trailer (i.e. AS2890.2:2002 19m Articulated Vehicle). On this basis, the maximum truck size considered for the operation of the development as proposed is the 19m semi-trailer as also reflected in the swept turning path analysis on the engineering plans prepared by RGH Consulting Group.

The Traffic Assessment has been reviewed by Council's Traffic Engineer. The application is supported on transport engineering grounds.

The civil works has been considered by Council's Development Engineer for the proposed development and summarized as follows:

Road works:

- a) *Heavy duty vehicle crossing that has a minimum width of 6m and splayed to accommodate the swept turning paths of an AS289.2:2018 19m Articulated Vehicle entering and exiting the site from/to Peats Ridge Road. The construction standard shall be 25mm thick asphaltic concrete seal on a minimum 250mm thick layer of base course material.*
- b) *Sight distances compliant with AS2890.*
- c) *Roadside furniture and safety devices as required eg. fencing, signage, guide posts, and/or guard rail in accordance with RMS and relevant Australian Standards.*
- d) *Erosion and sedimentation control plan.*

All works within the road reserve would require approval under the Roads Act and would be at no cost to Council.

Right of Carriage Way:

- a) The construction and/or reconstruction of the narrow and failed sections of the existing bitumen driveway accessway to achieve the following design standards:*
- i. Compliance with section 4.1.3 (2) of Planning for Bush Fire Protection 2006, including in particular:*
 - A minimum sealed carriageway width of 4m with an additional 1m wide strip (stabilized road base) on each side of the trail sealed carriageway (clear of bushes and long grass) is provided;*
 - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;*
 - ii. Passing bays (with a maximum spacing of 200m) located within the benefiting right of way to accommodate passing opportunities associated the AS2890.2:2002 19m Articulated Vehicle.*
 - iv. Drainage including table drains on the sides of the driveway, and culvert crossings as required.*

Internal driveways and parking areas within the body of the lot to comply with the following:

- a) Grades and transitions generally in accordance with the plans prepared by RGH Consulting Group (Job No 20170041, Rev B dated 28.11.19).*
- b. Compliance with section 4.1.3 (2) of Planning for Bush Fire Protection 2006, including in particular:*
 - i. A minimum carriageway width of 4m with an additional 1m wide strip on each side of the trail (clear of bushes and long grass) is provided;*
 - ii. A turning circle with a minimum 12m outer radius;*
 - iii. Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;*
 - iv. The minimum distance between the inner and outer curves is 6m;*
 - v. Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;*
- c) Curves that can accommodate the accommodate the swept turning paths of the AS2890.2:2002 19m Articulated Vehicle. The design shall enable vehicles to enter and exit the site in a forward direction.*

It is noted that, Engineering plans prepared by RGH Consulting Group were lodged with the application for the purposes of DA assessment. These plans indicate preliminary designs for the internal road layouts, longitudinal sections through the access centrelines vehicle swept turning paths, and drainage layouts associated with the stormwater management detailed in the Water Cycle Management Plan. These details appear to be satisfactory for the purposes of DA assessment for the internal engineering works.

Bird Capacity

Section 22 of Schedule 1 of the POEO Act requires an Environmental Protection Licence for bird accommodation activities with the capacity to accommodate more than 250,000 birds at any time. The proposed total bird population proposed is 200,000 birds (50,000 per shed) at any one time and hence an Environmental Protection Licence does not appear to be necessary. Notwithstanding, in order to ensure compliance, **Condition 6.35** is recommended for imposition.

Surface Water

The application is accompanied by a Water Cycle Management Plan report prepared by RGH Consulting Group, dated November 2019. The stormwater for the site will be managed on-site via a network of pits pipes and grass lined swales that will convey stormwater to the large existing dam at the north eastern corner of the property. Water from the existing dam will eventually discharge into Willow Creek which forms part of the Mooney Mooney Creek Drinking water catchment. There are no works proposed within 40m of a waterway hence a Controlled Activity Approval is not required from DPI.

The Water Cycle Management Plan states that runoff from the shed roofs and outdoor areas will be treated by the following nutrient system:

"The proposed pollution treatment methods will strain the pollutants in stages. The first stage occurs at the rainwater tanks for the new poultry sheds. The second stage is the grass lined swales located between the proposed poultry sheds and adjacent the access driveways. Additional treatment will be provided by the bio-retention basin provided upstream of the existing dam'.

The treatment train has been modelled using the MUSIC software. The report states:

"The model confirms that the minimum reduction targets for gross pollutants, total nitrogen and total phosphorous have been achieved.... Therefore, the quality of stormwater leaving the development will not affect the downstream catchment."

The Environmental Management Plan states that water monitoring is to be undertaken following a complaint or trigger event identified during inspection, audit, incident, or operation modification. Additionally, the Environmental Management Plan states that the need for monitoring is to be assessed on a case by case basis.

The EIS states that due to the low risk associated with intensive poultry farming, no water monitoring program is warranted.

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The EMP and EIS states that water will be used for the clean out of the sheds and there will be *“minimal wash down water from within the sheds at the end of each production cycle (approximately 5.2 times per year)”*.

It is considered, adequate information has been provided to assess the impacts of surface runoff on downstream ecosystems and water quality. The application is supported subject to conditions. **Refer to Conditions 1.1; 4.5; 4.11; 4.15; 5.6; 6.9 – 6.12; 6.48 & 8.1.**

Water Use

The Water Cycle Management Plan report prepared by RGH Consulting Group and EIS state that property is not connected to main water. Water supply to the subject site is currently provided by a Water Access Licence (WAL) being WAL 17486 with a share component of 27ML per annum- Unregulated River (Mooney Mooney Creek Water Source). The water demand for the development is estimated at approximately 14ML per annum which allows for the poultry drinking water, cool cell pads and shed wash down.

Additionally, the proposed development will also include rainwater tanks as part of the Water Cycle Management Plan, which predicts a return of 6.4ML per annum to the site. The combined estimated water supply from the WAL and rainwater tanks equates to a total of 33.4ML per annum. As such, the combined 33.4ML per annum water supply availability is considered more than sufficient to service both the existing and proposed land uses.

Water NSW indicates that based on information provided in the EIS there are no new approvals to be sought from Water NSW.

The Department of Primary Industries (DPI) has assessed the water requirements and treatment and are satisfied that water supply for the proposal and existing operations on the site are adequate and in order.

Ground Water

The EIS states that the proposed new sheds will include a compacted impervious clay base floor maintaining clay levels to a minimum of 300mm to reduce groundwater contamination by excess leaching of nutrients.

Soils and Constructions

The proposal will require excavation and earthworks. The proposal is expected to disturb >53,500m² hence the Blue Book RUSLE method was adopted to undertake detailed calculations for the sediment and erosion control for the site. A Soil and Water Management Plan accompanies the application, prepared by RGH Consulting Group, dated 26 November 2019.

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE (contd)

The calculations provided in the Water Cycle Management Plan indicate that a long earth bund will be constructed to form a wet sedimentation basin in accordance with the Blue Book upstream of the existing dam. Runoff from the site will be directed towards this dam during and after construction to capture sediments on-site ensure they are not discharged to the downstream drainage system. Additional sediment control devices will also be installed upstream of the basin to ensure sediments are captured on site.

Council's Environmental Health Officer is satisfied that the Soil and Water Management Plan addresses all items for soil and water management and has been prepared in accordance with Gosford DCP 2014 and the Blue Book.

Waste

Documentation provided indicates that dead birds will be collected from the poultry sheds on a daily basis and stored in an onsite Biobin which composts the dead birds for removal off site by specialist contractors.

A full shed clean out of all the sheds will take place after each production batch cycle. Each shed is disinfected by contract cleaners which attend the site. Manure and litter are removed from the site by contractors in covered semi-trailers for processing and on sale as a fertilizer product. A small amount of litter is proposed to be stockpiled on site to use as fertiliser for citrus trees. Shed clean out will be immediately followed by disinfection.

All other waste will be managed in accordance with the Waste Management Plan prepared by L. Fitzpatrick of Aconsult. **Refer to Conditions 1.1; 6.1 – 6.8.**

Environmental Management Plan

The Environmental Management Plan (EMP) covers spill, odour, noise, dust, waste stormwater management, pest and dangerous materials procedures. Additionally, it covers training, complaints, relevant legislation, monitoring and corrective and preventative actions.

All recommendations and procedures in section 1.1-1.8 of the EMP are supported by the Council's Environmental Health Team. **Refer to Conditions 1.1 & 6.7.**

Other Issues

Chemicals and Dangerous Goods

Chemicals (sanitiser, disinfectant, pest and vermin control chemicals and weed control) and Liquid petroleum gas are proposed to be stored onsite. All chemicals are proposed to be stored in the existing site shed. The diesel and LPG are proposed to be stored in bulk containers in accordance with the relevant Australian Standards (AS 1940; AS/NZS 1596).

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(contd)**

Lighting

Fixtures are proposed to be aimed downwards and only used during times of low light and/or heavy fog conditions.

Pest Control

The implementation of a pest control program is detailed in the Environmental Management Plan.

Ecological Considerations

The site is predominantly cleared of native vegetation and used for agriculture. The Environmental Impact Statement identifies that *"the development is located entirely within areas of the subject site that currently support crops and are therefore absent of any native stands of vegetation. The application therefore requires no removal of native vegetation"*. No biodiversity impacts are considered to apply to the proposal.

Aboriginal Heritage

An AHIMS search undertaken on 2 July 2018 indicates that no Aboriginal heritage objects/sites are mapped within 50m of the subject site. A Due Diligence Assessment has also been provided within the Environmental Impact Statement that determines the works are not likely to impact an Aboriginal object/site and can proceed with caution. **Refer to Conditions 4.3.**

Rural Fires Act 1997

The subject site is mapped as being bushfire prone land. The vegetation located in and around the existing and proposed poultry farm development is identified as being Category 1 and Buffer. Pursuant to Section 79BA of the Environmental Planning and Assessment Act, 1979, the proposed development is required to address the requirements of the Rural Fires Act, 1997 and the document Planning for Bushfire Protection (NSW Rural Fire Service) 2006.

The proposed development is not defined as Special Fire Protection Purpose, is not integrated development (Section 100B Rural Fires Act, 1997) and does not propose subdivision. On the basis of the above there is no requirement to obtain a Bushfire Safety Authority from the NSW Rural Fire Service.

Given the proposed development seeks approval for proposed poultry farm that does not propose any additional residential uses, the development is bound to address the following key aims and objectives of Planning for Bushfire Protection 2006:

- Provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ);
- Ensure that utility services are adequate to meet the needs of fire-fighters (and others assisting in bush firefighting);

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(contd)**

- Ensure that safe operational access and egress for emergency service personnel and residents is available;
- Afford occupants of any building adequate protection from exposure to a bush fire;
- Provide for a defensible space to be located around buildings; and
- Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition.

In addition to the above, in accordance with the Rural Fires Act 1997 (No 65) Clause 63 (2), it is the duty of an owner or occupier of land to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, that land. The applicant contends that the following bushfire protection measures will be incorporated into the redeveloped poultry farming operations:

1. Ensure fuel (including fallen bark and leaf litter, grass, tussocks, heath and shrubs) do not accumulate;
2. Control and/ or remove potential ignition sources to assist any necessary firefighting actions as well as minimising the spread of bushfire-eg, keep lawns mown;
3. Provide/ maximise separation distance (minimum of 10m) between sheds;
4. Minimise combustible material between sheds;
5. Have in place and advertise emergency procedures in the event of a fire;
6. Fire extinguishers, fire blankets, accessible water supply, as considered appropriate;
7. Maintain sufficient cleared areas between poultry sheds and vegetation to the north (rear) portions of the subject site; and
8. Maintain internal road ways/ driveways/ accesses.

In order to ensure compliance, **Condition 6.37** is recommended for imposition.

Planning Agreements

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

Development Contribution Plan

The site is subject to the provisions of the Central Coast Regional section 7.12 development contribution plan 2019. It is noted that Development contributions are only levied where the proposed works exceeds \$250,000 and the gross floor area is being increased.

In this instance, the proposed development increases the gross floor area by approximately 12,338m² and the proposed cost of works is \$1,750,000.00. Therefore, a contribution levy of 1% is applicable. A standard condition of consent has been imposed requiring the

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE (contd)

development contribution to be paid prior to the issue of any Construction Certificate. **Refer to Condition 2.2.**

Referrals

Internal Referral Body	Comments
Environmental Health	Supported, subject to conditions
Environment	Supported, subject to conditions
Engineering Traffic/Transport	Supported, without conditions
Engineering	Supported, subject to conditions
Waste Services (Garbage)	Supported, subject to conditions
Water & Sewer	Supported, subject to conditions

External Referral Body	Comments
NSW Department of Primary Industries	Supported, without conditions
Water NSW	Supported, without conditions
Environment Protection Authority (EPA)	Below threshold Sch 1 of POEO ACT 1997, no comments required
Natural Resources Access Regulator (NRAR)	Supported, without conditions
NSW DP&E	Supported, without conditions
Roads & Maritime Services	Supported, subject to conditions
NSW Rural Fire Services	Supported, subject to conditions

Political Donations

During assessment of the application there were no political donations were declared by the applicant, applicant's consultant, owner, objectors and/or residents.

Public Submissions

The development has been notified in accordance with the provisions of Gosford Development Control Plan 2013. Twenty-nine submissions public submissions were received in relation to the application, twenty-four objections and five in support. Seven submissions were received from residents of the plateau which includes adjoining and adjacent residents to the subject site. Thirteen submissions incorporated other residents of the local government area, three from outer local government areas and a significant representation of residents of Central Coast which located in throughout various suburbs of the local government area.

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The submission received from concerned residents of the Central Coast directed by Gemma and Chris Krogh at No. 11 Oakglen Road North Gosford, contains a petition of 60 names objecting to the proposal development.

Those issues associated with key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the Environmental Planning and Assessment Act 1979.

A summary of the submissions is detailed below.

1. Land use conflict

Comment: The assessment has considered the size, siting and design of the intensive livestock facility, specific site characteristics, ongoing orchard production and adjoining land uses.

The objective of the RU1 Primary Production zone is to encourage sustainable primary production. The proposal will facilitate an increase and diversification of the agricultural output from the site, using the available technology for fully enclosed climate control sheds.

It is noted that the DPI Agriculture and DPI Biosecurity have determined that the proposed poultry sheds meet the guidelines of the *'The best Management Practice Guidelines for Chicken Production'* and provides appropriate separation or buffer distances between adjoining poultry enterprises. The Department has also assessed the water requirements and treatment and have found it to be compliant. Furthermore, impacts particularly in relation to biosecurity risks from other poultry farms, odour impacts and potential noise from vehicle movements on sensitive receptors have been adequately demonstrated/modelled to a level considered acceptable and compliant with relevant guidelines.

As such, the subject site is considered suitable for the proposal given that it is located within surrounding agricultural land uses, appropriate use for the RU1 Primary production zoning and consistent with the relevant zone objectives. In addition, the proposal is considered consistent with relevant aims and objectives of SREP 8 and SREP 20 as stated previously in the report.

2. Scale of development is massive inconsistent with the desired future character/scenic quality for the Peats Ridge Plateau area and cause detrimental visual impacts

Comment: It is noted that the Capital Investment of the development is considerably under \$20Million threshold and under Section 22 of Schedule 1 of the POEO Act does requires an Environmental Protection Licence for bird accommodation activities given that it accommodates less than 250,000 birds. Notwithstanding, the various expert reports

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE (contd)

submitted with the application have demonstrated that the land is capable of providing appropriate infrastructure and management techniques to ensure the poultry farm operates efficiently and effectively without significant impact on the surrounding locality.

The Peats Ridge Plateau area is recognized as a highly productive agricultural area. These agricultural values are recognised and protected through SREP 8 'Central Coast Plateau Areas' which encourages the use of these lands for agricultural purposes.

The placement of the new poultry sheds is considered to be unobtrusive and unlikely to create any visual impact concerns upon the rural setting. Due to the topography of the site (falling away from Peats Ridge Road toward the east) the existing and proposed development and associated works are unable to be viewed from Peats Ridge Road.

As such, the location of the subject site is able to be viewed from limited public points of perception with the location of the new poultry sheds on site being well set back from property boundaries, retaining existing stands of vegetation as well as proposes additional landscaping treatments. The existing horticultural plantings (avocado and citrus fruit orchards) will provide reasonable screening/ barriers/ buffers to adjoining properties as will the proposed landscaping measures which will ameliorate visual impact of the proposed four large building sheds.

To ensure that the visual amenity of the neighbouring sites is improved, the proposed development and the vegetation buffer shown on the landscape plan is conditioned and forms part of the consent.

It is considered that the scale of the development is consistent with the established agricultural character of the Peats Ridge plateau including citrus and poultry farms.

3. *Truck and Traffic Movements – noise impacts from traffic movements, capacity of Right of Carriage Way to cater for proposed traffic of large vehicles and increase safety risks to road users*

Comment: The Traffic Assessment prepared by B J Bradley & Associates and the proposed civil works have been reviewed by Council's Engineers.

The application is supported by Council's Traffic Engineer on transport engineering grounds. As such, the engineer advised that traffic volumes on Peats Ridge Road are relatively low and are unlikely to alter significantly in the next ten years. Sight distances at the existing intersection Peats Ridge Road are greater than the desirable sight distances in each direction as indicated in AS/NZS 2890.1 – 2004 for 100km/h road frontage and is considered that the proposed poultry farm will generate negligible traffic volumes onto Peats Ridge Road. Regarding Safety risks it is noted, all vehicles are responsible to drive in accordance with the NSW road rules. If the road rules are not complied with then this becomes a police enforcement matter.

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Engineering Road works are required to upgrade the right of carriage way for the proposal including design and reconstruction extending from Peats Ridge Road intersection to the access point into the subject site. Including but not limited to, a minimum sealed width of 4m with 1m unsealed shoulders and table drains and passing bays with a maximum spacing of 200m benefiting the right of way, hence improving current road conditions. Such works to cater for a 19m Articulated Vehicle that would service the development. Costs for these works would be at the cost of the developer. Conditions of consent are imposed for the upgrade works to the public road and internal engineering road works and drainage. The proposed development is supported by Council's Development Engineer subject to conditions of consent.

In terms of noise impacts, the main noise generating operations are expected from truck and tractor on-site movements, bird pickup and feed delivery operations during the day. The Noise Impact Assessment indicates that the predicted noise Levels were found to comply with the noise criteria during feed delivery operations except at R12 which will exceed the applicable noise criteria by 1dB. With recommended noise mitigation recommendations implemented, R12 is predicted to be compliant with feed delivery operations by 2dB. An exceedance of 2dB(A) is described as negligible as per Table 4.1 of the Industrial Noise Guide (EPA, 2015).

The proposed development is supported by Council's Environmental Health officer subject to conditions of consent.

4. *Proposed development will create spread of diseases.*

Comment: The site will be permanently quarantined to ensure that any outbreaks are contained on site. Bird carcasses are not allowed to be buried on site and the EMP is required to address this particular issue. Rodent control is implemented by the use rat and mice stations that are numbered and strategically placed around the sheds and inspected on a weekly basis. There is no stock piling of spent litter on site at any time as this is taken off site by a contractor.

The development is required to provide an Environmental Management Plan to the NSW EPA prior to commencement of the operation that details how the site is appropriately managed in terms of the removal of deceased chickens and waste removal, including preventive measures to stop the spreading of diseases. The proposal is accompanied by a EMP prepared by Benbow Environmental and is supported by DPI and Council's Environmental Health officer subject to conditions of consent.

5. *Water extraction – inadequacy of proposed water supply and possible contamination of water*

Comment: The site is not currently connected to mains water supply. The water demand for the development is estimated at 13.8ML/yr, which allows for the poultry drinking water, tunnel

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE (contd)

shed cool cell pads and wash down. The property has a Water Access Licence (WAL 17486) to extract 27ML/year. Additionally, the development will also include rainwater tanks as part of the stormwater quality treatment train, as such modelling predicts that the rainwater tanks will return 6.4ML/year to the development site. As such, the combined water supply from the bore licence and the rainwater tanks equates to a total of 33.4ML/year. It is anticipated the combination of water supply will ensure the development has a self-sufficient water supply and will not place additional demand on Council's potable water supply.

The assessment of the proposal does not raise concerns regarding the runoff from the site contaminating waterways.

NSW DPI Office of Water and NRAR assessed the water requirements and treatment and raised no objections to the proposed development.

Water NSW advised no new approvals are to be sought from Water NSW.

Overall, it is considered that adequate information has been provided to assess the impacts of surface runoff on downstream ecosystems and water quality. On this basis the proposal is supported subject to conditions.

6. Odour and Dust Emissions and Impacts – unacceptable impact on adjoining properties and local area

Comment: The proposal has been considered in relation to the impacts of air quality. The air quality assessment carried out by Benbow Environmental Engineers state that the proposed development is within the air quality criteria standards set within the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA, 2016) and *Assessment and Management of Odour from Stationary Sources in New South Wales* (DEC NSW, 2006).

The Air Quality Assessment and impact modelling indicate that the operational characteristics, size, existing vegetation barriers, separation distance of the proposed development, new technologies (climatized ventilation system) and design, did not predict any exceedances, and the development is not expected to cause any unreasonable odour/dust impacts on identified sensitive receptors and local area. The EMP addresses ongoing environmental management of the site and forms part the draft Conditions of Consent.

The application is found to provide sufficient information to validate that the development will not cause air emissions above the recognised NSW EPA criteria at sensitive receptors. The development is supported by Council's Environmental Health Team subject to conditions of consent.

7. Noise impacts – removal of chickens at night time

Comment: The Noise Impact Assessment Report prepared by Benbow Environmental Engineers, demonstrates that the proposed development is in accordance with the provisions of NSW EPA's Industrial Noise Policy (EPA 2000), without the need for specific and/or purpose built mitigation strategies. This is to ensure that the proposed development will not significantly impact the nearest sensitive residential receptors being 1409 Peats Ridge Road (R12 - Residential), 209 Euloo Road (R2 – Agricultural outbuilding) and 1343 Peats Ridge Road (R6 -Residential) in terms of noise impacts.

Thus far, the application has provided sufficient modelling information to validate that the development will not cause noise emissions above the Industrial Noise Policy (INP) (EPA 2000), provides noise monitoring and mitigation measures for operational and construction noise impacts that could affect the nearest residential receptors. As such, the application is supported subject to conditions.

8. Biosecurity and animal Welfare

Comment: As previously stated, the Department of Primary Industries (DPI) support the application. DPI Agriculture along with DPI Biosecurity reviewed the EIS and accompanying documents and found that the proposed poultry sheds meet the biosecurity buffer distance guidelines in line with the '*Best Management Practice Guidelines for Chicken Meat Production*'. The Department has also assessed the water requirements and treatment, litter and dead bird disposal procedures and animal welfare requirements of which all appear to be in order. As such, the application is supported subject to conditions.

9. Right livelihood and wellbeing

Comment: The proposed development has been considered in relation to its impact on adjoining and adjacent land uses taking into consideration the proposal is located on prime agricultural land for the purposes of agriculture as detailed throughout the report. Best Management Practices for site selection and minimisation of land use conflict is provided by relevant industry guidelines including '*Best Practice Management for Meat Chicken Production in NSW*'.

The scale of the development is consistent with the established agricultural character of Peats Ridge plateau which indicates that *areas should remain productive rural landscapes that accommodate broad-hectare agricultural or livestock activities, together with a scattering of residential and small-scale tourist activities that do not interfere with the preferred primary-productive uses*. The placement of the new poultry sheds is considered to be unobtrusive and unlikely to create any visual impact concerns upon the rural setting given that the poultry buildings are well back from Peats Ridge Road frontage and the floor layouts follow the natural terrain/slopes. Additionally, the proposal and provides appropriate separation or

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(contd)**

buffer distances to all sensitive receptors, encompassing rural residential development and agricultural land holdings.

10. Bushfire

Comment: The subject site is mapped as "bushfire prone land". A Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions Pty Ltd dated August 2017 has been submitted with the proposal which was referred to the NSW Rural Fire Service for assessment. The NSW Rural Fire Service has by correspondence dated 20 November 2018, advised that the Service has granted a Bushfire Safety Authority in accordance with Section 4.14 of the EP&A Act, subject to conditions.

The Public Interest

The public interest is best served by the orderly and economic use of land for which it is zoned. The proposed development is permissible with consent and complies with the provisions of the relevant Council policies and controls. Further it is consistent with SREP 8 which applies to and encourages agricultural development in the locality.

Protection of agricultural viability of the Central Coast plateau adds to the economic and scenic value, as well as the inherent social value of producing fresh, locally grown produce.

The proposal is considered to be in the public interest by providing facilities for the enhanced use of rural primary production land in a manner which can minimise environmental impacts.

Conclusion

The Development Application has been assessed against the heads of consideration of s4.15 of the Environmental Planning & Assessment Act 1979 and all other relevant instruments and policies and, subject to the imposition of appropriate conditions of consent, the proposed development is not expected to have any adverse environmental, social or economic impacts.

Accordingly, it is recommended that development consent be granted to DA 55491/2018.

Reasons for the Decision

The reasons for the decision as recommended under the assessment of this application are as follows:

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. The proposal has been considered against the provisions of Gosford Local Environmental Plan 2014 and has been found to be satisfactory.

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE (contd)

3. There are no significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Draft Conditions of Consent H1411 Peats Ridge Rd PEATS RIDGE | D14160245 |
| 2 | Development Plans Architectural H1411 Peats Ridge Road PEATS RIDGE | D14160180 |
| 3 | Development Plans Engineering H1411 Peats Ridge Road PEATS RIDGE | D14180676 |

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 Aconsult Development & Engineering

Drawing	Description	Sheets	Issue	Date
DA - 1	Site Plan	1/3	-	Jan 2018
DA - 2	Poultry Sheds Plan	2/3	-	Jan 2018
DA - 3	Poultry Sheds Elevations & Sections	3/3	-	Jan 2018

Engineering Plans by RGH Consulting Group

Drawing	Description	Sheets	Issue	Date
DA – 1.01	Cover Sheet and Locality	1/19	B	26/11/2019
DA – 1.02	Overall Site Plan	2/19	A	29/11/2017
DA – 2.01	Sediment & Erosion Control Plan	3/19	B	28/11/2019
DA – 2.02	Sediment & Erosion Control Details	4/19	B	28/11/2019
DA – 3.01	Stormwater Drainage Detail Plan (1/6)	5/19	B	28/11/2019
DA – 3.02	Stormwater Drainage Detail Plan (2/6)	6/19	B	28/11/2019
DA – 3.03	Stormwater Drainage Detail Plan (3/6)	7/19	A	29/11/2017
DA – 3.04	Stormwater Drainage Detail Plan (4/6)	8/19	B	28/11/2019
DA – 3.05	Stormwater Drainage Detail Plan (5/6)	9/19	A	29/11/2017
DA – 3.06	Stormwater Drainage Detail Plan (6/6)	10/19	A	29/11/2017
DA – 4.01	Site Sections	11/19	A	29/11/2017
DA – 4.02	Swale Sections	12/19	B	28/11/2019
DA – 4.03	Basin Sections	13/19	B	28/11/2019
DA – 5.01	Road Chainage Plan	14/19	A	29/11/2017
DA – 5.02	Long Road Sections (1/3)	15/19	A	29/11/2017
DA – 5.04	Long Road Sections (2/3)	16/19	A	29/11/2017
DA – 5.01	Long Road Sections (3/3)	17/19	A	29/11/2017
DA – 6.01	Catchment Plan	18/19	A	29/11/2017
DA – 7.01	Vehicle Manoeuvring Plan	19/19	A	29/11/2017

Supporting Documentation

Title	Document No.	Prepared by	Date
Environmental Impact Statement	ECMD14160188	Aconsult Development & Environmental Planning Consultants	1/08/2019
Waste Management Plan	ECMD24485421	Aconsult Development & Environmental Planning Consultants	-
Environmental Management Plan Report No. 171015_EMP_Rev2	ECMD24485493	Benbow Environmental	24/08/2017
Noise Impact Assessment Report No 171015_NIA_Rev3	ECMD24919322	Benbow Environmental	29/04/2019
Air Quality Impact Assessment Report No 171015_AQIA_Rev3	ECMD24919322	Benbow Environmental	30/04/2019
Flora and Fauna Statement Email	ECMD25014911	Keystone Ecological	20/05/2019
Bushfire Hazzard Assessment Report No. 170786	ECMD24485490	Building Code & Bushfire Solutions	1/08/2017
Bushfire Hazzard Statement	ECMD25151606	Building Code & Bushfire Solutions	31/07/2019
Traffic Assessment Report	ECMD24485504	B J Bradley & Assoc	25/10/2017
Water Cycle Management Plan R2	ECMD25465838	RGH Consulting Group	2 /11/2019
Pathogen Impact Assessment	ECMD24485424	Larry Cook Consulting Pty Ltd	30/03/2018
Landscape Plan	ECMD24485502	Birdwood Landscape Design P/L	9/12/2017

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with the General Terms of Approval from the Authorities as listed below and attached as Schedule of this Consent.

Government Agency / Department Authority	Description	Reference No.	Date
NSW Rural Fire Services	Determination Letter	D18/8011 DA18110715962	20/11/2018

NSW RMS	Determination Letter	CR2018/005011 SF2018/343988	17/11/2018
NSW DPI	Determination Letter	OUT18/18813	29/11/2018
NSW NRAR	Determination Letter	IDAS1111390	15/01/2019

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Pay to Council a contribution amount of **\$17,500.00** that may require adjustment at time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contribution Plan 2019.

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

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

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

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 49 Mann Street Gosford, or 2 Hely Street Wyong or on Council's website: [Development Contributions - former Gosford LGA](#)

- 2.3 No activity is to be carried out on site until 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.
 - c. Demolition
- 2.4 Submit an application to Council under section 305 of the Water Management Act 2000 to obtain a section 307 Certificate of Compliance. The *Application for a 307 Certificate under section 305 Water Management Act 2000* form can be found on Council's website www.centralcoast.nsw.gov. Early application is recommended.

A section 307 Certificate must be obtained prior to the issue of any Construction Certificate

- 2.5 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 Peats Ridge 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 Chapter 6.3 - Erosion Sedimentation Control of the Gosford Development Control Plan 2013. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Heavy duty vehicle crossing that has a minimum width of 6m and splayed to accommodate the swept turning paths of an AS289.2:2018 19m Articulated Vehicle entering and exiting the site from/to Peats Ridge Road. The construction standard shall be 25mm thick asphaltic concrete seal on a minimum 250mm thick layer of base course material.
- b. Sight distances compliant with AS2890.
- c. Roadside furniture and safety devices as required eg. fencing, signage, guide posts, and/or guard rail in accordance with RMS and relevant Australian Standards.
- d. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council prior to commencing works in the road reserve.

- 2.6 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. The dilapidation report may be updated with the approval of the Principal Certifying Authority prior to the commencement of works.

- 2.7 Submit design details of the following engineering works within the site and the benefiting "Right of Carriageway":

- a. The construction and/or reconstruction of the narrow and failed sections of the existing bitumen driveway accessway to achieve the following design standards: with the following:
 - i. Compliance with section 4.1.3 (2) of Planning for Bush Fire Protection 2006, including in particular:
 - A minimum sealed carriageway width of 4 metres with an additional one metre wide strip (stabilized road base) on each side of the trail sealed carriageway (clear of bushes and long grass) is provided;
 - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;

- ii. Passing bays (with a maximum spacing of 200m) located within the benefiting right of way to accommodate passing opportunities associated the AS2890.2:2002 19m Articulated Vehicle.
- iii. Drainage including table drains on the sides of the driveway, and culvert crossings as required.
- b. Internal driveways and parking areas within the body of the lot to comply with the following:
 - i. Grades and transitions generally in accordance with the plans prepared by RGH Consulting Group (Job No 20170041, Rev A dated 29.11.17).
 - ii. Compliance with section 4.1.3 (2) of Planning for Bush Fire Protection 2006, including in particular:
 - A minimum carriageway width of 4 metres with an additional one metre wide strip on each side of the trail (clear of bushes and long grass) is provided;
 - A turning circle with a minimum 12 metre outer radius;
 - Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
 - The minimum distance between the inner and outer curves is 6 metres;
 - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;
 - iii. Curves that can accommodate the accommodate the swept turning paths of the AS2890.2:2002 19m Articulated Vehicle. The design shall enable vehicles to enter and exit the site in a forward direction.

These design details and any associated reports must be included in the Construction Certificate.

- 2.8 Submit a pavement investigation and report prepared by a practicing Geotechnical Engineer for the driveway accessway works. This report must be submitted with the Construction Certificate application or application for work under the Roads Act 1993.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Right of Carriageway and access handle	To be determined by the Geotechnical Engineer for the anticipated loadings and design life to service the proposed development

- 2.9 Submit to Council and the Principal Certifier, permission in writing from the owners of Lot 1 DP 1013426 and Lot 2 DP 1013426 granting concurrence to the construction of works within the right of carriageway to comply with the engineering requirements of the development consent.

- 2.10 Submit to Council for approval details demonstrating compliance with the recommendations of the Pathogen Impact Assessment, prepared by Larry Cook Consulting Pty Ltd, dated 30 March 2018.
- 2.11 Identify trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species and ecological communities must also be marked on all plans.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal 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* 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
- 3.3. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / 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;
- d. Remove the sign when the work has been completed.
- 3.6. Provide toilet facilities at a ratio of one toilet plus one additional toilet for every 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 closet approved under the *Local Government Act 1993*
- 3.7 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

Contact Council prior to submitting these forms to confirm the relevant fees.

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

- 3.8 Install a temporary fence around the retained native vegetation

All fenced conservation areas are to be clearly marked as a "No Go Area" on the fencing itself. No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced conservation area.

- 3.9 Where civil works will incur into Tree Protection Zones, appropriate detail from a suitably qualified arborist (or other professional) detailing how the viability/health of the tree/s are to be maintained in accordance with AS4970-2009: Protection of Trees on Development Sites is to be submitted to Council for approval.

4. DURING WORKS

- 4.1 All conditions under this section must be met during works.
- 4.2 Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 4.3 During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- a. All excavation or disturbance of the area must stop immediately in that area, and
 - b. The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

- 4.4 Prior to the commencement of driveway works within the right of carriageway and/or access handle, a practising Geotechnical Engineer shall be engaged to inspect and reassess the condition of the existing pavement and determine the pavement areas that are suitable for retention and identify the sections of pavement to be reconstructed and widened to facilitate the required driveway design that would provide a minimum design life of 25 years.
- 4.5 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. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.6 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.
- 4.7 Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the Plumbing and Drainage Act 2011.

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

- 4.8 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.
- 4.9 Implementation of recommendations and provision of infrastructure identified within the Pathogen Impact Assessment prepared by Larry Cook Consulting P/L Rep No 18028-A dated 30 March 2018 for the capture, treatment and management of water quality within the development site.
- 4.10 Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by L. Fitzpatrick, undated.
- 4.11 Implement all soil and water management control measures and undertake works in accordance with the approved Sediment and Erosion Control Plan ("The Plan"), prepared by RGH Consulting Group, dated 26.11.19, Sheet DA2.01 and DA2.02. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).

4.12 Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the Protection of the Environment Operations Act 1997.

4.13 **Construction works times**

Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

- 7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

4.14 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.

4.15 Do not place filling or debris within any watercourse or drain.

4.16 All fill material imported to the site must only comprise of Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) in accordance with the *Protection of the Environment Operations Act 1997* (POEO Act) and the *Protection of the Environment Operations (Waste) Regulation 2014*.

VENM is defined in Schedule 1 of the POEO Act and the requirements for ENM are defined in the *Excavated Natural Material Order and Exemption (2014)*.

Keep a written log of each load of fill material received on site. Include date, volume, source and type of material. All fill material received on site must be accompanied with certification that the material complies with the requirements to be classified as VENM or ENM and does not constitute 'waste'.

Upon completion of earthworks, provide Council's Environment Officer with an electronic copy of the fill material log.

4.17 Construct the poultry shed flooring with high clay content material (approx. 12-20%) for depths of 300mm. A geotechnical Engineer must confirm the flooring has been compacted to a suitable density to be impervious (approx. 98%).

4.18 Maintain the temporary fence around the conservation area. The fence must be maintained for the duration of construction works.

All fenced conservation areas are to be clearly marked as a "No Go Area" on the fencing itself. No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced conservation area.

- 4.19 Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity. Non-provenance specific material is prohibited.
- 4.20 No native vegetation or tree removal is permitted under this consent.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.3. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.4. Implement recommendations for odour & dust mitigating as specified in Air Quality Impact Assessment Report No: 171015_AQIA_Rev3, Benbow Environmental, dated 29 April 2019.
- 5.5. Implement all noise mitigating measures as identified in Noise Impact Assessment Report No: 171015_NIA_Rev3, Benbow Environmental, dated 30 April 2019.
- 5.6. Undertake the operation and management of the site in accordance with the Environmental Management Plan Report No 171015_EMP_Rev2, prepared by Benbow Environmental, dated 27 August 2017.
- 5.7. Complete landscaping works in accordance with the approved landscape plan.
- 5.8. 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.
- 5.9. 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.
- 5.10. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.11. Submit certification from a practising Geotechnical Engineer to Council and the Principal Certifier stating that the access pavements within the right of carriageway and/or access

handle has been constructed to accommodate the anticipated traffic loadings for a minimum design life of 25 years.

6. ONGOING OPERATION

- 6.1. Comply with On-Going Use commitments detailed in the Waste Management Plan signed by L. Fitzpatrick, undated.
- 6.2. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.3. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.4. Do not place or store waste material, waste product or waste packaging outside of sealed mixed and recyclable waste storage containers.
- 6.5. Compliance with waste commitments detailed in the EIS by AconsultTT dated 1 August 2019.
- 6.6. No waste material, waste product or waste packaging generated by the operation of the poultry sheds to be disposed of in Council residential waste bins.
- 6.7. Compliance with waste commitments detailed in the Environmental Management Plan by Benbow Environmental dated August 2017.
- 6.8. On-going Operation and Management to be as detailed in Waste Management correspondence by AconsultT dated 30 January 2018.
- 6.9. Construct, operate and manage the site in accordance with the Water Cycle Management Plan Report 20170041_R01 Rev 2, prepared by RGH Consulting Group, dated November 2019.
- 6.10. Do not give rise to water pollution as defined in the Protection of the Environment Operation Act 1997.
- 6.11. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.12. Regularly monitor and maintain all drainage swales on the property. Maintenance shall include removal of rubbish and debris, control of weeds and removal of built up sediment.
- 6.13. Operate and manage the site in accordance with the Air Quality Impact Assessment Report 171015_AQIA_Rev3, prepared by Benbow Environmental, dated April 2019.

- 6.14 Do not give rise to offensive odour as defined in the Protection of the Environment Operations Act 1997.
- 6.15 Implement dust control measures to ensure airborne dust particulates are abated and airborne movement of sediment blown from exposed disturbed areas is contained within the site.
- 6.16 Do not give rise to air pollution as defined in the Protection of the Environment Operations Act 1997.
- 6.17 Bund all above ground storage of hazardous materials, oils, chemicals or fertilisers. The bund is to be made from an impervious material and must be covered and large enough to hold the contents of the largest container plus 10%.
- 6.18 Keep a sufficient supply of appropriate spill control equipment on the premises at all times. Materials used in the clean-up of a spill must be disposed of to an appropriately licensed waste facility.
- 6.19 Construct, operate and manage the site in accordance with the Noise Impact Assessment Acoustic Report 171015_NIA_Rev3, prepared by Benbow Environmental, dated April 2019.
- 6.20 Do not give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997.
- 6.21 Only one (1) forklift to be operating at any one-time during bird pick up in the evening and night
- 6.22 Only one (1) truck on site at any one-time during bird pick up in the evening and night.
- 6.23 Feed delivery activities are to occur during day-time period only.
- 6.24 During bird pick up the truck shall not idle on/at the site.
- 6.25 No more than six (6) bird pick-ups to be completed in any one evening/night.
- 6.26 Only one (1) truck to enter or exit the site in a 15-minute period during the evening and night bird pick-ups.
- 6.27 B-Double trucks shall not be used to deliver materials to and from the site unless the road to the site is approved as a B-Double route by the Roads and Maritime Services.
- 6.28 Use of feed blower is only to be used or operated during day time hours, being:

7:00am to 6:00pm Monday to Saturday
8:00am to 6:00pm Sundays and Public Holidays

- 6.29 All loading of vehicles to be done at designated truck standing area near eastern access points of sheds.
- 6.30 All truck movements including deliveries and pick-ups are to turn off engines during stationary activities and not to use exhaust/compression brakes.
- 6.31 Trucks to travel at a speed of no more than 15km/h on enter, exit or whilst on site.
- 6.32 Dead birds are to be disposed of into an approved sealed composting unit or freezer and removed from site by an approved waste contractor. Dead birds must not be composted onsite.
- 6.33 In the event that a substantiated noise complaint is received by Council, the applicant/business owner will seek the services of a suitably qualified person to undertake noise assessment of the activity, an acoustic report will be published from the assessment.

The acoustic assessment is to be carried out as per procedures and guidelines of Australian Standard AS1055, "Acoustics - Description and Measurement of Environmental Noise, Part 1 General Procedures".

A copy of the acoustic report will be provided to Council and noise mitigating measures are to be implemented. An Acoustic Validation Report may be requested by Council to demonstrate that mitigating measures have been effective.

- 6.34 In the event that a substantiated air quality complaint is received by Council, the applicant/business owner will seek the services of a suitably qualified person to undertake air quality assessment of the activity, an Air Quality Assessment report will be published from the assessment.

A copy of the air quality report will be provided to Council and further air quality mitigating measures are to be implemented. A Validation Report may be requested by Council to demonstrate that mitigating measures have been effective.

- 6.35 The total number of birds be accommodated at the premises at any one time shall not exceed 200,000 birds unless separate approval is given by Council and the Environment Protection Authority. Records of the number of birds accommodated at any one time, and mortality rates, must be kept and made available to Council and the Environment Protection Authority upon request.

Further development consent is required to increase the number of chickens, sheds and/or frequency of batch cycles, having regard to traffic, noise, odour and dust impacts.

- 6.36 Establish and maintain a complaint and feedback registry documenting environmental complaints relating to odour, dust, noise emissions and/or any other environmental issues. The registry must include the following:
- a. nature of the complaint;
 - b. time and date the odour was said to have occurred
 - c. weather conditions at the time the odour was said to be offensive;
 - d. time and date the complaint was lodged;
 - e. name and address of the complainant; and
 - f. mitigation measures implemented.

The registry document must be dynamic and report the effectiveness of any recommendations made. The registry document must be available and provided to Council on request.

- 6.37 The following bushfire protection measures must be provided:
- a. Ensure fuel (including fallen bark and leaf litter, grass, tussocks, heath and shrubs) do not accumulate;
 - b. Control and/ or remove potential ignition sources to assist any necessary fire fighting actions as well as minimising the spread of bushfire-eg, keep lawns mown;
 - c. Provide/ maximise separation distance (minimum of 10m) between sheds;
 - d. Minimise combustible material between sheds;
 - e. Have in place and advertise emergency procedures in the event of a fire;
 - f. Fire extinguishers, fire blankets, accessible water supply, as considered appropriate;
 - g. Maintain sufficient cleared areas between poultry sheds and vegetation to the north (rear) portions of the subject site; and
 - h. Maintain internal road ways/ driveways/ accesses.
- 6.38 Undertake a full shed clean out at the end of every batch cycle. Clean out must be conducted in minimum ventilation mode and must not be undertaken when climate factors (wind and temperature) increase the likelihood of offensive off site odour or dust impacts. Litter must be collected by dry methods such as sweeping and mechanical removal. The litter must be removed immediately to a licenced waste facility.
- 6.39 Load all spent litter and manure removed during the full shed clean out program directly onto covered trucks and transport offsite for disposal to a licenced facility or commercial processing at an approved premise. Do not store or stockpile manure and litter on site at any time, without the consent of Council.
- 6.40 Ensure a contingency plan is in place for disposal of mass bird mortalities (eg. from heat stress, disease, etc.) Farm practices for dead bird management and disposal must be in accordance with the requirements of the NSW Department of Primary Industries in relation to the preferred method for mass disposal of birds in the case of an exotic

disease outbreak. Control and supervise entry of people and equipment in accordance with current industry biosecurity standards.

- 6.41 Comply with the *NSW Industrial Noise Policy (NSW EPA, 2000)* to ensure that noise generated by the poultry farm operations and associated activities do not cause sleep disturbance within nearby residences. Refer to the Policy for noise mitigation measures.
- 6.42 Regularly maintain vegetation buffer, vegetation and unsealed/gravel surfaces on disturbed areas around sheds.
- 6.43 No clearing or removal of native trees is permitted without the prior approval of Council.
- 6.44 Continually maintain landscaping to earth berms.
- 6.45 Design and maintain all buildings, plant and equipment to exclude vermin from the farm sheds, water and feed supplies. Breeding sites for pests must be eliminated from the farm.
- 6.46 Close sheds during chemical applications to minimise off site chemical spray drift, particularly into sensitive land use areas such as watercourses and residential area. Chemicals must be stored in bunded and roofed areas.
- 6.47 Contain chemical spillages by cleaning up immediately to minimise the likelihood of stormwater contamination.
- 6.48 Implement the approved Water Quality Management Plan.
- 6.49 Operation and manage of the site in accordance with the Environmental Management Plan Report No 171015_EMP_Rev2, prepared by Benbow Environmental, dated 27 August 2017.

7. 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.

8. ADVISORY NOTES

- 8.1. 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.
- 8.2. 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.
- 8.3. 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.
- 8.4. 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

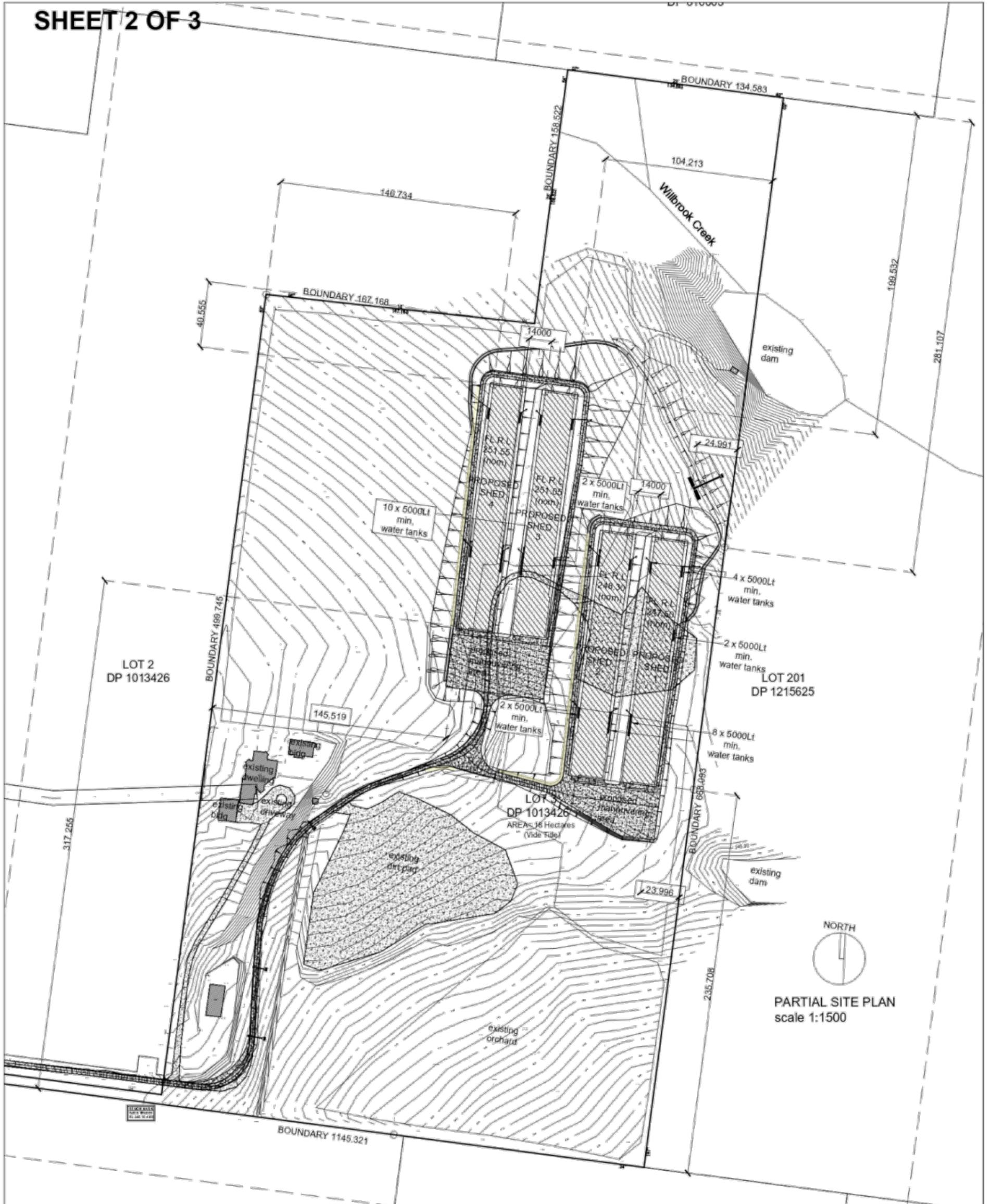
installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed 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.

- 8.5 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: www.centralcoast.nsw.gov.au

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

- 8.6 The operation of all mechanical plant equipment and machinery must not give rise to offensive noise as defined in the Protection of the Environment Operation Act 1997.
- 8.7 Compliance with relevant industry codes of practice for the health and welfare of animals and the standards set out in the Code of Practice and the *Prevention of Cruelty to Animals Act 1979* is the responsibility of the meat chicken farm operator.
- 8.8 The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 8.9 Compliance with relevant industry codes of practice for the health and welfare of animals and the standards set out in the Code of Practice and the *Prevention of Cruelty to Animals Act 1979* is the responsibility of the meat chicken farm operator.
- 8.10 Advice to poultry farmers will be provided by NSW Department of Primary Industries on the preferred method for mass disposal of birds in the case of an exotic disease outbreak. Control and supervise entry of people and equipment in accordance with industry biosecurity standards.
- 8.11 Use pesticides in accordance with the requirements of the *Pesticides Act 1999* and Associated Regulations. All agricultural chemicals used on the farm are to be registered and are to be stored, mixed, applied and disposed of in accordance with NSW Work Cover Authority's *Code of Practice for the Safe Use and Storage of Chemicals (including pesticides and Herbicides) in Agriculture (WorkCover NSW 1998)*
- 8.12 Comply with standards of the *Dangerous Goods Act 1975* for the storage and handling of dangerous goods.

SHEET 2 OF 3



Issue: _____ Date: _____ Amendment: _____

ACONSULT
A new look in property development

PROJECT DESCRIPTION:
Proposed new poultry sheds

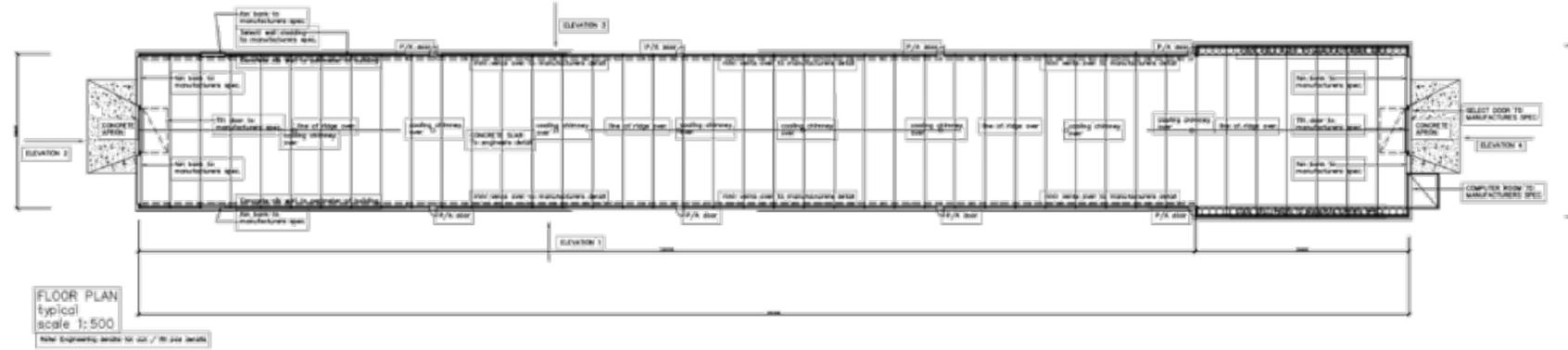
PROPERTY ADDRESS:
H1411 Peats Ridge Road
Peats Ridge

DRAWING:
partial site plan

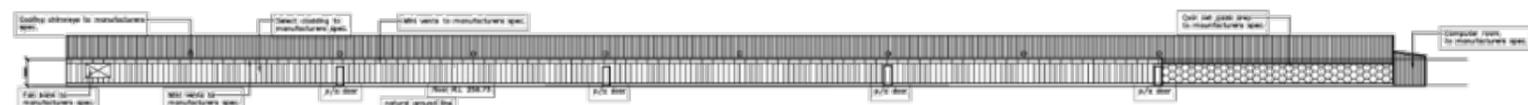
Date:	Sheet:	Scale:	Job Ref:
Jan 2018	2 of 3	1:1500	-

- NOTES**
- o Architectural plans to be read in conjunction with Engineers details.
 - o Refer engineering details for all cut / fill and RL details for shed placement
 - o All dimensions to be checked on site prior to any works
 - o Refer engineering details for all drainage / sediment control details for the development

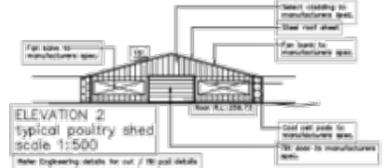
SHEET 3 OF 3



FLOOR PLAN
typical poultry shed
scale 1:500
Refer Engineering details for cut / fill and details



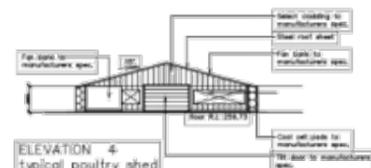
ELEVATION 1
typical poultry shed
scale 1:500
Refer Engineering details for cut / fill and details



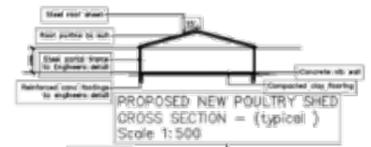
ELEVATION 2
typical poultry shed
scale 1:500
Refer Engineering details for cut / fill and details



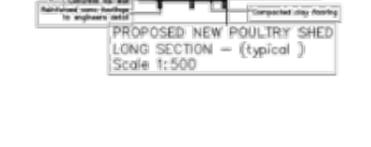
ELEVATION 3
typical poultry shed
scale 1:500
Refer Engineering details for cut / fill and details



ELEVATION 4
typical poultry shed
scale 1:500
Refer Engineering details for cut / fill and details



PROPOSED NEW POULTRY SHED
CROSS SECTION - (typical)
Scale 1:500



PROPOSED NEW POULTRY SHED
LONG SECTION - (typical)
Scale 1:500

Issue: Date: Amendment:

ACONSULT
A CONSULTANT & PROPERTY DEVELOPER

PROJECT DESCRIPTION:
Proposed new poultry sheds

PROPERTY ADDRESS:
H11 Peats Ridge Road
Peats Ridge

DRAWING:
typical shed details

Date:	Sheet:	Scale:	Job Ref:
Jan 2016	3 of 3	1:500	-

- NOTES**
- o Architectural plans to be read in conjunction with Engineers details.
 - o Refer engineering details for all cut / fill and R.L details for shed placement
 - o All dimensions to be checked on site prior to any works
 - o Refer engineering details for all drainage / sediment control details for the development

DEVELOPMENT APPLICATION PLANS

FOR
PROPOSED POULTRY SHEDS
AT
1411 PEATS RIDGE ROAD
PEATS RIDGE, NSW

CENTRAL COAST COUNCIL LOCAL GOVERNMENT AREA



DRAWING LIST - DA SERIES	
DA.1.01	COVER SHEET AND LOCALITY PLAN
DA.1.02	OVERALL SITE PLAN
DA.2.01	SEDIMENT AND EROSION CONTROL PLAN
DA.2.02	SEDIMENT AND EROSION CONTROL DETAILS
DA.3.01	STORMWATER DRAINAGE DETAIL PLAN - SHEET 1 OF 6
DA.3.02	STORMWATER DRAINAGE DETAIL PLAN - SHEET 2 OF 6
DA.3.03	STORMWATER DRAINAGE DETAIL PLAN - SHEET 3 OF 6
DA.3.04	STORMWATER DRAINAGE DETAIL PLAN - SHEET 4 OF 6
DA.3.05	STORMWATER DRAINAGE DETAIL PLAN - SHEET 5 OF 6
DA.3.06	STORMWATER DRAINAGE DETAIL PLAN - SHEET 6 OF 6
DA.4.01	SITE SECTIONS
DA.4.02	SWALE SECTIONS
DA.4.03	BASIN SECTIONS
DA.5.01	ROAD CHAINAGE PLAN
DA.5.02	ROAD LONG SECTIONS - SHEET 1 OF 3
DA.5.03	ROAD LONG SECTIONS - SHEET 2 OF 3
DA.5.04	ROAD LONG SECTIONS - SHEET 3 OF 3
DA.6.01	CATCHMENT PLAN
DA.7.01	VEHICLE MANOEUVERING PLAN

SURVEY			
1. SURVEY BY: HAMMOND SMEALLIE & CO PTY LTD			
2. ORIGIN OF COORDINATES:			
PRJ NO.	E	N	R.L.
33425	HA	KA	291.448
3. ALL WORKS TO BE SET OUT BY A REGISTERED SURVEYOR			
4. ALL LEVELS SHOWN ARE TO AHD			



Postal Address: PO Box 3197, Tuggerah NSW 2259

Central Coast Office:
Unit 1, 3 Teamster Close
Tuggerah, NSW 2259
Ph 02 4351 9022

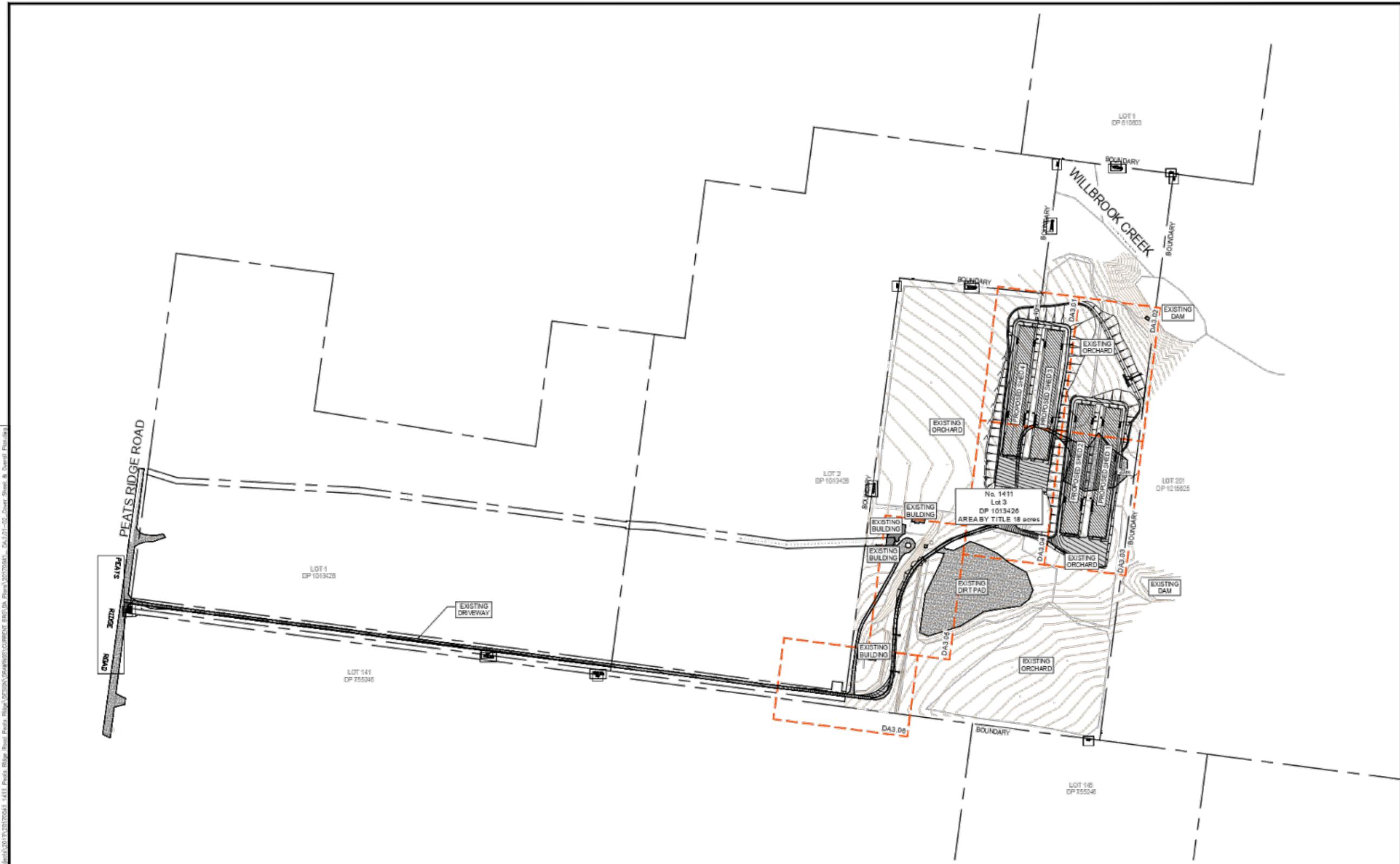
Newcastle Office:
Shop 113, The Junction Village Centre
Kenrick Street,
The Junction NSW 2291
Ph 02 4962 4414

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.



NOTE
ALL UTILITIES ARE TO BE ACCURATELY LOCATED BY CONTRACTOR BEFORE CONSTRUCTION.

<table border="1"> <thead> <tr> <th>REVISION</th> <th>DESCRIPTION</th> <th>DATE</th> <th>PERSON</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>ISSUE FOR DA</td> <td>29/11/17</td> <td></td> </tr> <tr> <td>B</td> <td>AMENDMENTS</td> <td>28/11/18</td> <td></td> </tr> </tbody> </table>	REVISION	DESCRIPTION	DATE	PERSON	A	ISSUE FOR DA	29/11/17		B	AMENDMENTS	28/11/18		<p style="text-align: center;">D.A. ISSUE</p>	<p>Postal Address: PO Box 3197, Tuggerah NSW 2259 Central Coast Office: Unit 1, 3 Teamster Close, Tuggerah NSW 2259, Ph 02 4351 9022 Newcastle Office: Shop 113, The Junction Village Centre, Kenrick Street, The Junction NSW 2291, Ph 02 4962 4414</p>	<p>SURVEY BY: HAMMOND SMEALLIE & CO PTY LTD REFERENCE: 14032 DATED: 27/02/2017 DATUM: AHD</p>	<p>CLIENT: OLIVE GROVE PTY LTD ADDRESS: 1411 PEATS RIDGE ROAD, PEATS RIDGE, NSW PROJECT: PROPOSED POULTRY SHEDS DEVELOPMENT APPLICATION PLANS</p>	<p>DRAWING TITLE: COVER SHEET AND LOCALITY PLAN</p>	<table border="1"> <thead> <tr> <th>SCALE</th> <th>N.T.S.</th> <th>INT.</th> <th>1:100</th> </tr> </thead> <tbody> <tr> <td>DOWN</td> <td>GW</td> <td></td> <td></td> </tr> <tr> <td>DESIGNED</td> <td>SW</td> <td></td> <td></td> </tr> <tr> <td>CHECKED</td> <td>AG</td> <td></td> <td></td> </tr> <tr> <td>DATE</td> <td colspan="3">NOV 2017</td> </tr> <tr> <td>FILE NUMBER</td> <td colspan="3">20170041</td> </tr> </tbody> </table>	SCALE	N.T.S.	INT.	1:100	DOWN	GW			DESIGNED	SW			CHECKED	AG			DATE	NOV 2017			FILE NUMBER	20170041			<p style="text-align: center;">DA.1.01</p> <p style="text-align: center;">REV B</p>
REVISION	DESCRIPTION	DATE	PERSON																																								
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OVERALL SITE PLAN
SCALE 1:2000 @ A1

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE

REVISION	DESCRIPTION	DATE	PERSON
A	ISSUE FOR DA	29.11.17	

D.A. ISSUE

SCALE
40 20 0 40 80 120 160 200
SCALE OF METRES (1:2000 AT A1 SHEET BEFORE REDUCTION)

RGH CONSULTING GROUP
Multi-discipline Engineering

Peats Ridge Road PO Box 2187 Appin NSW 2523
Central Coast Office Unit 1, 3 Boundary Close Tuggerah NSW 2258
Ph 02 4321 9022

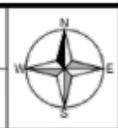
1411 Peats Ridge Road PO Box 1411 Peats Ridge NSW 2258
Ph 02 4321 9022

SURVEY BY HAMMOND SNEALLE & CO PTY LTD
REFERENCE 14032
DATED 27/02/2017
DATUM AHD

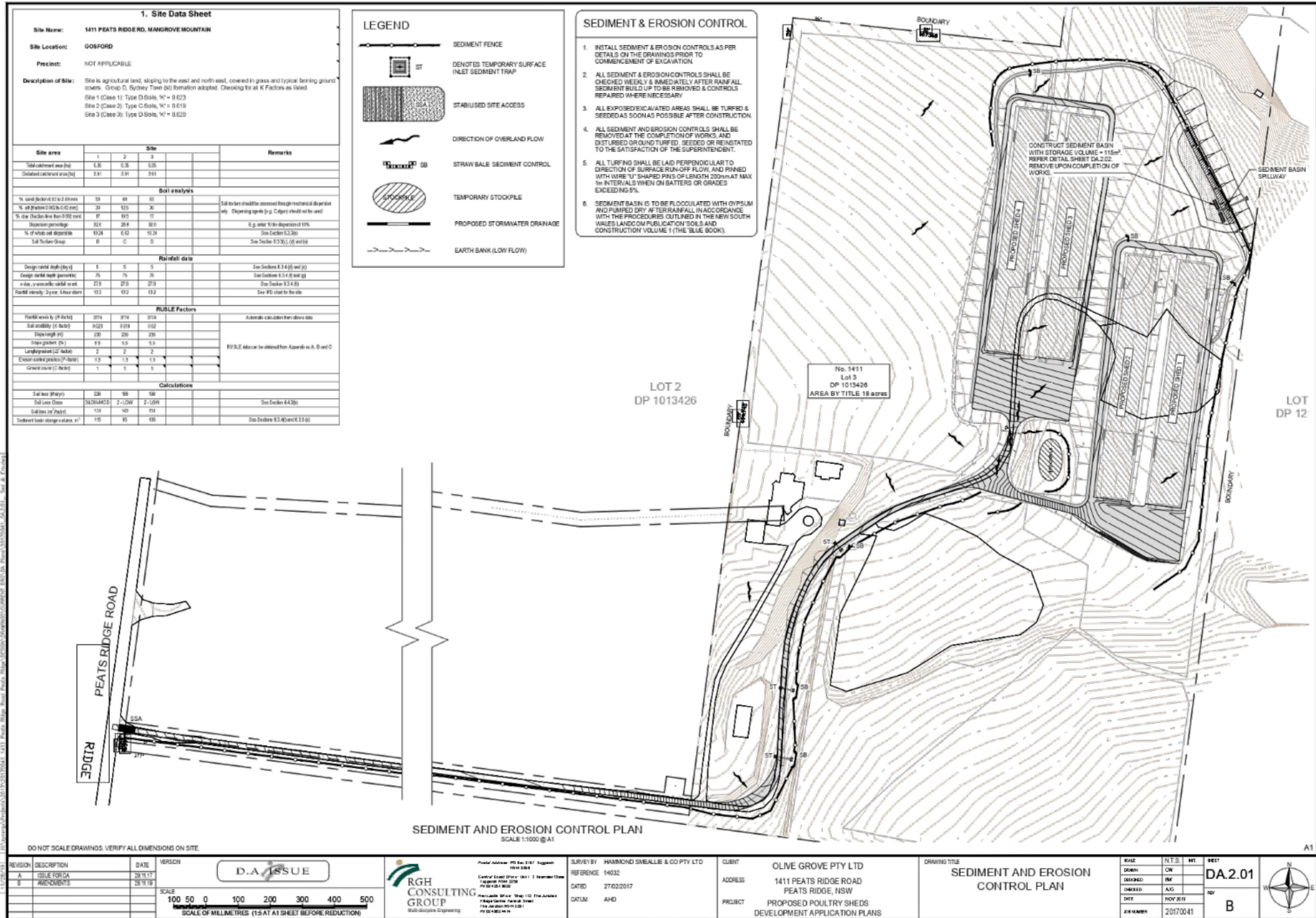
CLIENT OLIVE GROVE PTY LTD
ADDRESS 1411 PEATS RIDGE ROAD PEATS RIDGE, NSW
PROJECT PROPOSED POULTRY SHEDS DEVELOPMENT APPLICATION PLANS

DRAWING TITLE
OVERALL SITE PLAN

SCALE	1:2000	BLK	SECT
DRAWN	GW		DA.1.02
DESIGNED	BW		
CHECKED	AG		
DATE	NOV 2017		
APP NUMBER	20170041		A



A1



1. Site Data Sheet

Site Name: 1411 PEATS RIDGE RD, MANGROVE MOUNTAIN
Site Location: GOSFORD
Precinct: NOT APPLICABLE

Description of Site: Site is agricultural land, sloping to the east and north east, covered in grass and typical farming ground covers. Group D, Sydney Town (st) formation adopted. Checking for all K Factors as listed.
 Site 1 (Case 1): Type D Soils, K' = 0.023
 Site 2 (Case 2): Type C Soils, K' = 0.019
 Site 3 (Case 3): Type D Soils, K' = 0.020

Site area	Site			Remarks
	1	2	3	
Total catchment area (ha)	5.36	5.36	5.36	
Disturbed catchment area (ha)	3.91	3.91	3.91	

Soil analysis				
% sand (fraction < 0.075 mm)	58	69	53	Soil texture should be assessed through mechanical dispersion only. Dispersion agents (e.g. Colgate) should not be used.
% silt (fraction 0.075 to 0.425 mm)	20	12.9	20	
% clay (fraction finer than 0.002 mm)	17	18.1	17	
Dispersion percentage	92.6	26.8	32.0	
% of silt/clay dispersible	19.24	6.0	10.24	E.g. siltier 10% dispersion of 19%
Soil Texture Group	0	C	0	See Section 6.2.2(b)

Rainfall data				
Design rainfall depth (day)	5	5	5	See Section 6.3.4 (a) and (c)
Design rainfall depth (perennial)	75	75	75	See Section 6.3.4 (b) and (d)
n-day, year-average rainfall event	27.8	27.8	27.8	See Section 6.3.4 (b)
Rainfall intensity (2 year, 5 hour storm)	13.2	13.2	13.2	See IFO chart for the site

RUSLE Factors				
Rainfall erosivity (R-factor)	3774	3774	3774	Automatic calculation from above data
Soil erodibility (K-factor)	0.023	0.019	0.02	
Slope length (L-factor)	230	230	230	
Slope gradient (S-factor)	9.8	5.5	5.5	RUSLE data can be obtained from Appendix A, B and C
Land use/cover (C-factor)	2	2	2	
Erosion control practice (P-factor)	1.3	1.3	1.3	
Ground cover (G-factor)	1	1	1	

Calculations				
Silt loss (t/ha/yr)	226	88	198	
Soil Loss Class	SLOWMOD	2-LOW	2-LOW	See Section 4.4.2(b)
Silt loss (t/ha/yr)	134	103	194	
Sediment basin storage volume (m ³)	110	85	190	See Section 6.2.4(a) and 6.2.5 (a)

LEGEND

- SEDIMENT FENCE
- ST DENOTES TEMPORARY SURFACE INLET SEDIMENT TRAP
- SSA STABILISED SITE ACCESS
- DIRECTION OF OVERLAND FLOW
- SB STRAW BALE SEDIMENT CONTROL
- TEMPORARY STOCKPILE
- PROPOSED STORMWATER DRAINAGE
- EARTH BANK (LOW FLOW)

- SEDIMENT & EROSION CONTROL**
- INSTALL SEDIMENT & EROSION CONTROLS AS PER DETAILS ON THE DRAWINGS PRIOR TO COMMENCEMENT OF EXCAVATION.
 - ALL SEDIMENT & EROSION CONTROLS SHALL BE CHECKED WEEKLY & IMMEDIATELY AFTER RAINFALL. SEDIMENT BUILD UP TO BE REMOVED & CONTROLS REPAIRED WHERE NECESSARY.
 - ALL EXPOSED/EXCAVATED AREAS SHALL BE TURFED & SEEDED AS SOON AS POSSIBLE AFTER CONSTRUCTION.
 - ALL SEDIMENT AND EROSION CONTROLS SHALL BE REMOVED AT THE COMPLETION OF WORKS, AND DISTURBED GROUND TURFED, SEEDED OR REINSTATED TO THE SATISFACTION OF THE SUPERINTENDENT.
 - ALL TURFING SHALL BE LAID PERPENDICULAR TO DIRECTION OF SURFACE RUN-OFF FLOW, AND PINNED WITH WIRE 'U' SHAPED PINS OF LENGTH 200mm AT MAX 5m INTERVALS WHEN ON BATTERS OR GRADES EXCEEDING 5%.
 - SEDIMENT BASIN IS TO BE FLOCCULATED WITH GYPSUM AND PUMPED DRY AFTER RAINFALL IN ACCORDANCE WITH THE PROCEDURES OUTLINED IN THE NEW SOUTH WALES LANDCOM PUBLICATION 'SOILS AND CONSTRUCTION VOLUME 1 (THE 'BLUE BOOK)'.
 CONSTRUCT SEDIMENT BASIN WITH STORAGE VOLUME = 115m³. REFER DETAIL SHEET DA.2.02. REMOVE UPON COMPLETION OF WORKS.

LOT 2
DP 1013426

No. 1411
Lot 3
DP 1013426
AREA BY TITLE 18 acres

LOT 12
DP 12

SEDIMENT AND EROSION CONTROL PLAN
SCALE 1:1000 @A1

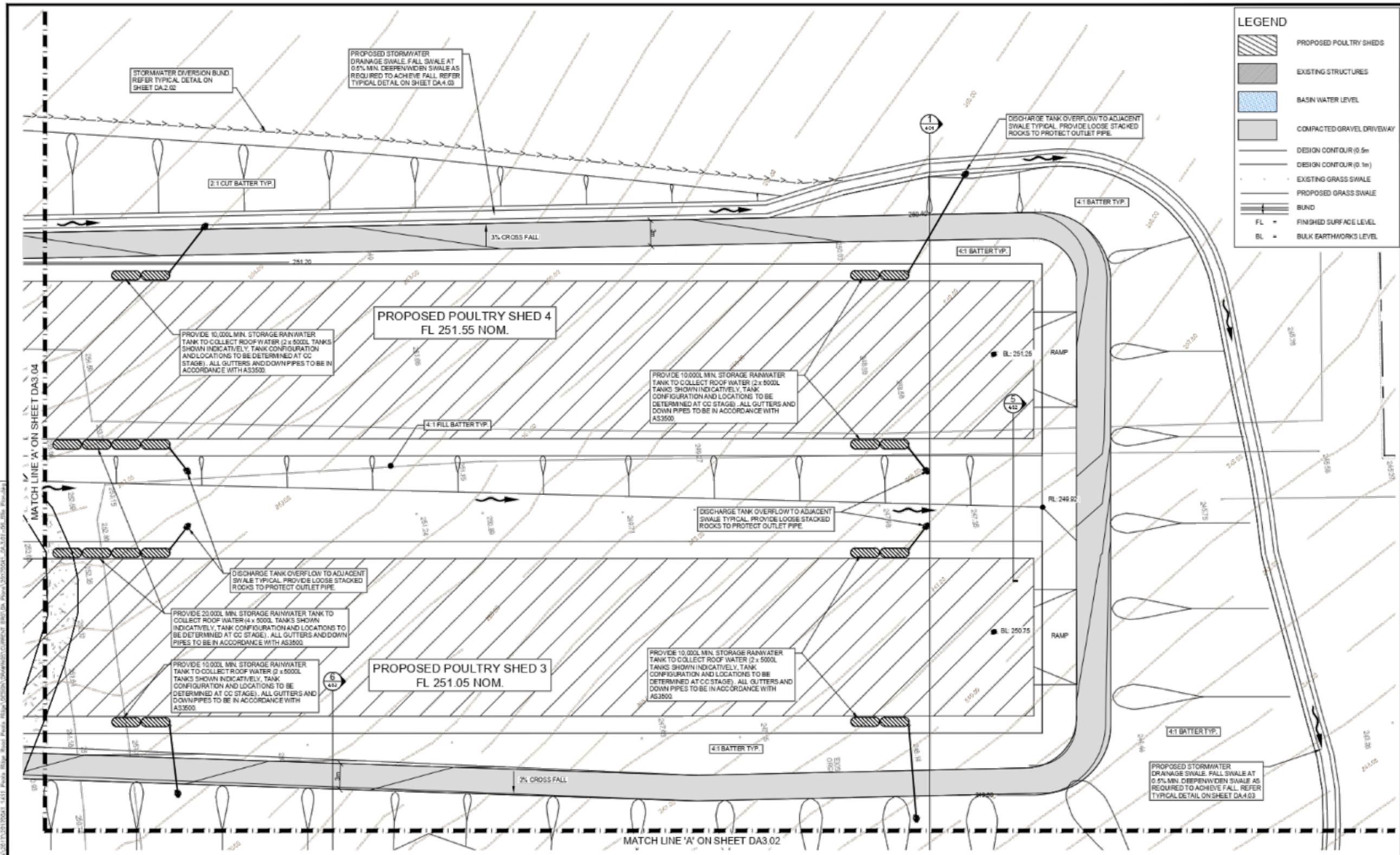
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REVISION	DESCRIPTION	DATE	VERSION
A	ISSUE FOR DA	29/11/17	D.A. ISSUE
B	AMENDMENTS	28/11/18	

SCALE: 100 50 0 100 200 300 400 500
SCALE OF MILLIMETRES (1:5 AT A1 SHEET BEFORE REDUCTION)

RGH CONSULTING GROUP
Multi-discipline Engineering

Project Address: PO Box 2187, Gosford NSW 2253
Central Coast Office: Unit 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 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LEGEND

- PROPOSED POULTRY SHEDS
- EXISTING STRUCTURES
- BASIN WATER LEVEL
- COMPACTED GRAVEL DRIVEWAY
- DESIGN CONTOUR (0.5m)
- DESIGN CONTOUR (0.1m)
- EXISTING GRASS SWALE
- PROPOSED GRASS SWALE
- BUND
- FL = FINISHED SURFACE LEVEL
- BL = BULK EARTHWORKS LEVEL

SITE DETAIL PLAN - SHEET 1 OF 6
SCALE 1:200 @A1

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.

REVISION	DESCRIPTION	DATE	VERSION
A	ISSUE FOR DA	29/11/17	
B	AMENDMENTS	28/11/18	

D.A. ISSUE

SCALE
4 2 0 4 8 12 16 20
SCALE OF METRES (1:200 AT 1 SHEET BEFORE REDUCTION)

RGH CONSULTING GROUP
Multi-discipline Engineering

Project Address: PO Box 2187, Agnesbank NSW 2283
Central Coast Office: Unit 1, Tumbler Ridge, PO Box 104, 2262
Newcastle Office: Shop 1/10 The Arcade, Peats Ridge Central Business District, PO Box 100, Peats Ridge NSW 2261
Phone: 02 4322 4416

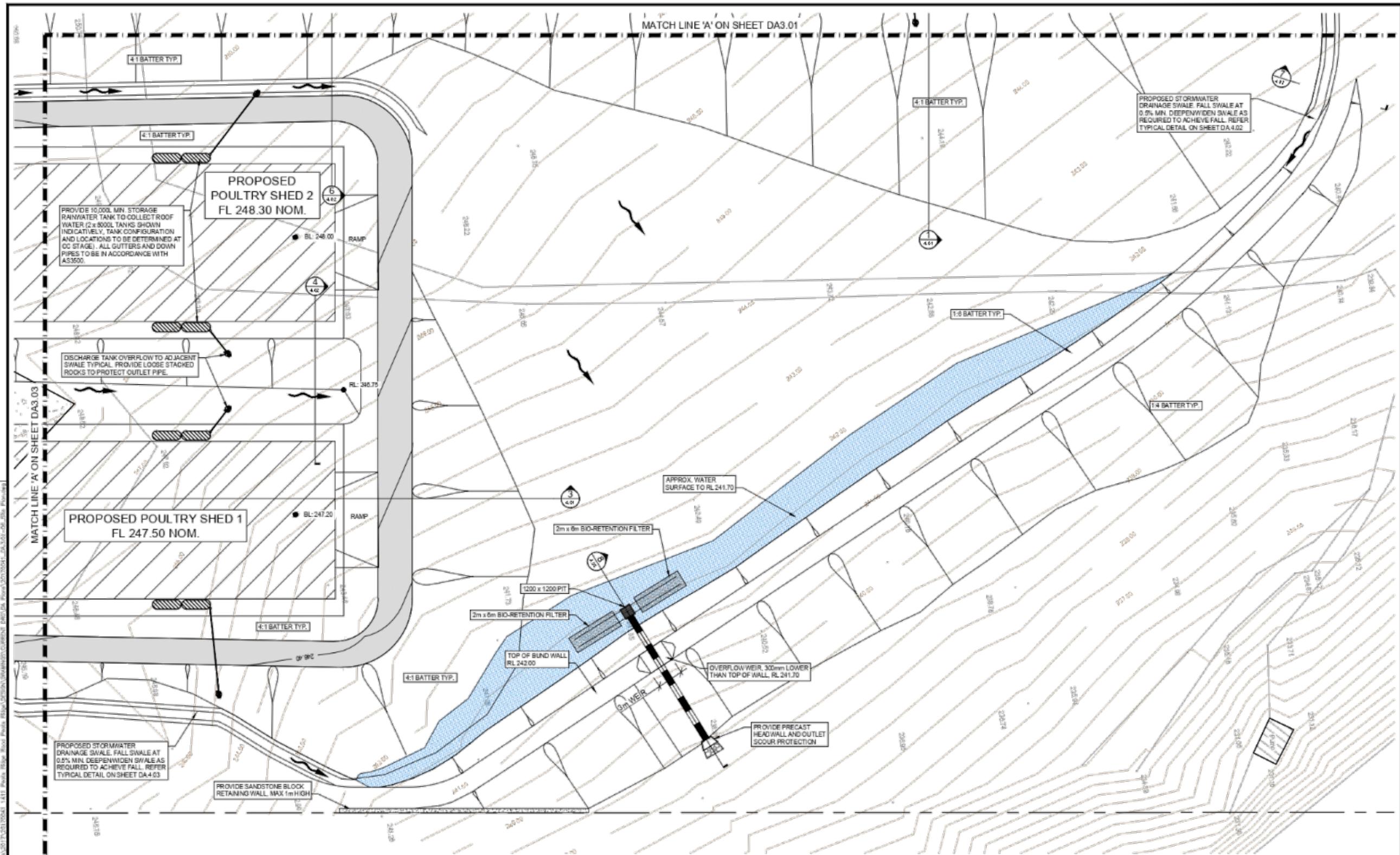
SURVEY BY: HAMMOND SNEALLE & CO PTY LTD
REFERENCE: 14032
DATED: 27/02/2017
DATUM: AHD

CLIENT: OLIVE GROVE PTY LTD
ADDRESS: 1411 PEATS RIDGE ROAD PEATS RIDGE, NSW
PROJECT: PROPOSED POULTRY SHEDS DEVELOPMENT APPLICATION PLANS

DRAWING TITLE: STORMWATER DRAINAGE DETAIL PLAN - SHEET 1 OF 6

SCALE	1:200	INT.	HEET
DRAWN	GW		DA.3.01
DESIGNED	BW		
CHECKED	AG		
DATE	NOV 2018		
APP NUMBER	20170041		B





SITE DETAIL PLAN - SHEET 2 OF 6
SCALE 1:200 @A1

NOTE
REFER TO SHEET DA.3.01 FOR LEGEND

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.

REVISION	DESCRIPTION	DATE	VERSION
A	ISSUE FOR DA	28/11/17	
B	AMENDMENTS	28/11/18	

D.A. ISSUE

SCALE OF METRES (1:200 AT A1 SHEET BEFORE REDUCTION)

RGH CONSULTING GROUP
Multi-discipline Engineering

Project Address: 100 Bin 3187, Sutherland NSW 2258
Central Coast Office: Unit 1/3, Berran Street, Forster NSW 2264
Ph: 02 4321 8022
Newcastle Office: 11/11 The Junction, Peats Ridge NSW 2267
Ph: 02 4322 4416

SURVEY BY: HAMMOND SWEALLE & CO PTY LTD
REFERENCE: 14032
DATED: 27/02/2017
DATUM: AHD

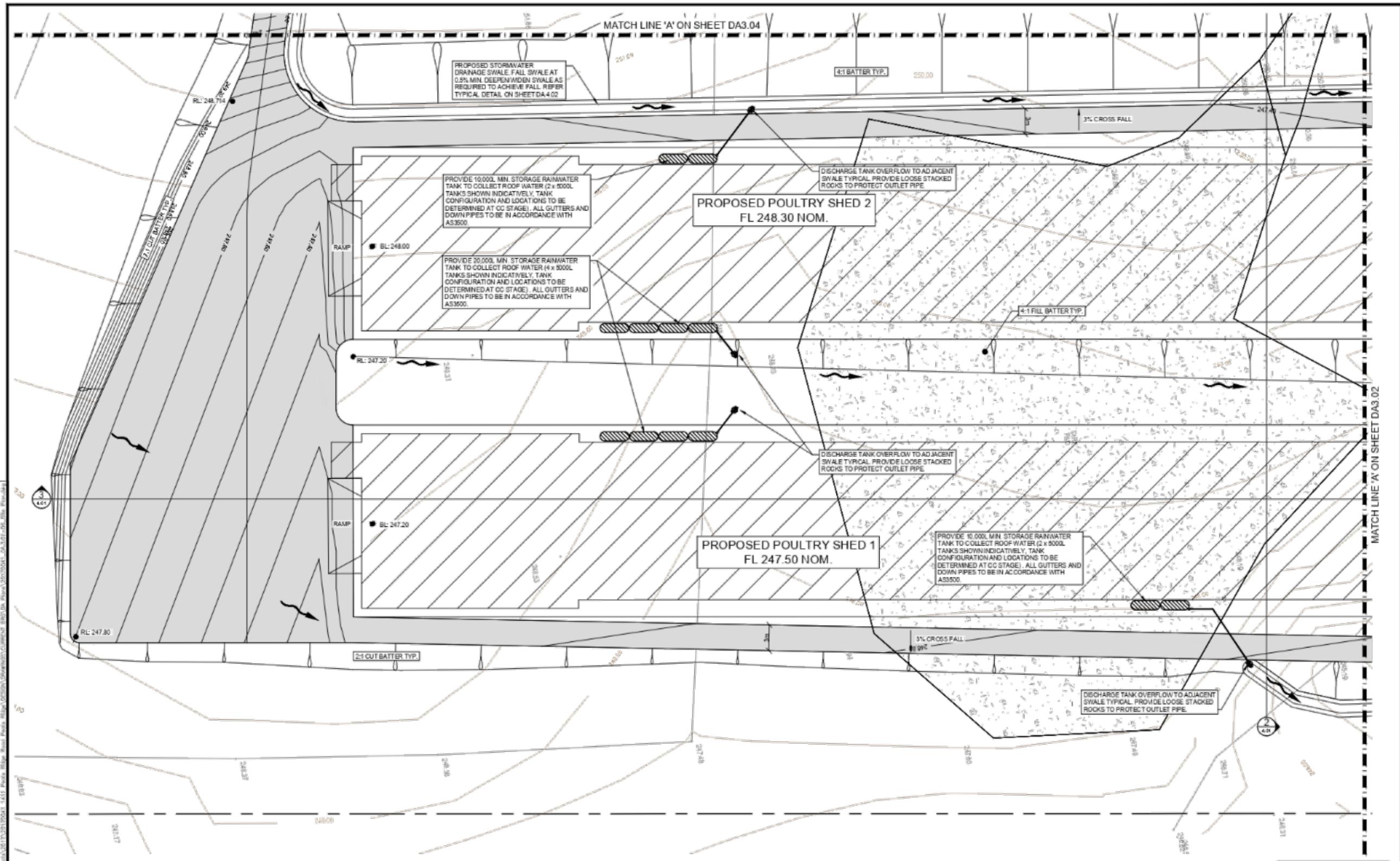
CLIENT: OLIVE GROVE PTY LTD
ADDRESS: 1411 PEATS RIDGE ROAD, PEATS RIDGE, NSW
PROJECT: PROPOSED POULTRY SHEDS DEVELOPMENT APPLICATION PLANS

DRAWING TITLE: STORMWATER DRAINAGE DETAIL PLAN - SHEET 2 OF 6

ROLE	NAME	DATE	ISSUE
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DESIGNED	BW		
CHECKED	AG		
DATE	NOV 2017		
APP NUMBER	20170041		

DA.3.02

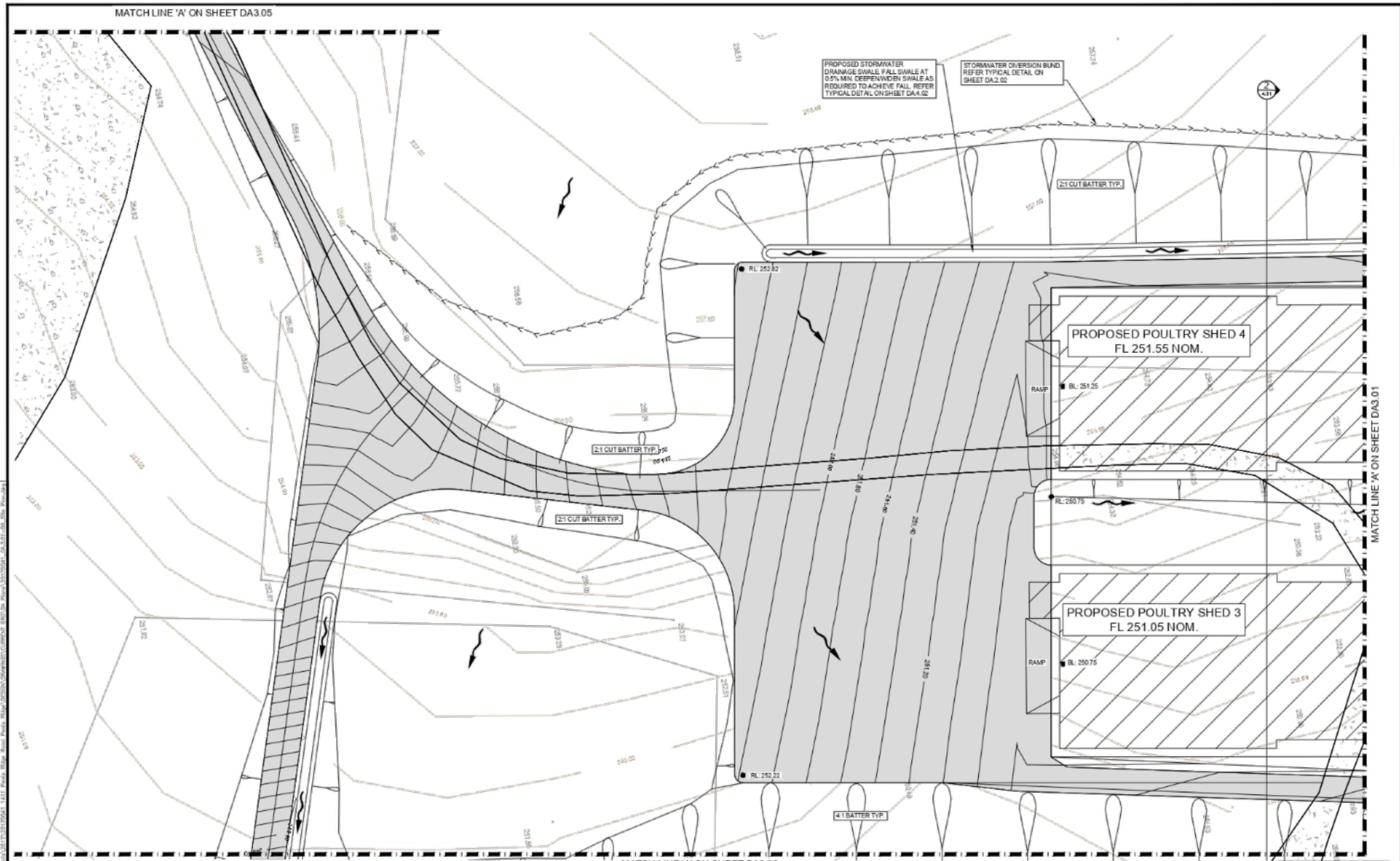
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SITE DETAIL PLAN - SHEET 3 OF 6
SCALE 1:200 @A1

NOTE
REFER TO SHEET DA3.01 FOR LEGEND

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NO.	DESCRIPTION	DATE	PERSON																																				
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MATCH LINE 'A' ON SHEET DA3.03
SITE DETAIL PLAN - SHEET 4 OF 6
 SCALE 1:200 @A1

NOTE
 REFER TO SHEET DA.3.01 FOR LEGEND

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.

REVISION	DESCRIPTION	DATE	PERSON
A	ISSUE FOR DA	29/11/17	
B	AMENDMENTS	28/11/18	

D.A. ISSUE

SCALE
 4 2 0 4 8 12 16 20
 SCALE OF METRES (1:200 AT A1 SHEET BEFORE REDUCTION)

RGH CONSULTING GROUP
 Multi-discipline Engineering

Field/Address PO Box 2187 Agnesbank NSW 2283
 Central Coast Office Unit 3 Bamber Close Taree NSW 2243
 PO Box 1201 Taree
 Newcastle Office Unit 1/2 The Arcade Peats Ridge Centre Peats Ridge NSW
 PO Box 1001 Peats Ridge NSW
 PO Box 1001 Peats Ridge NSW

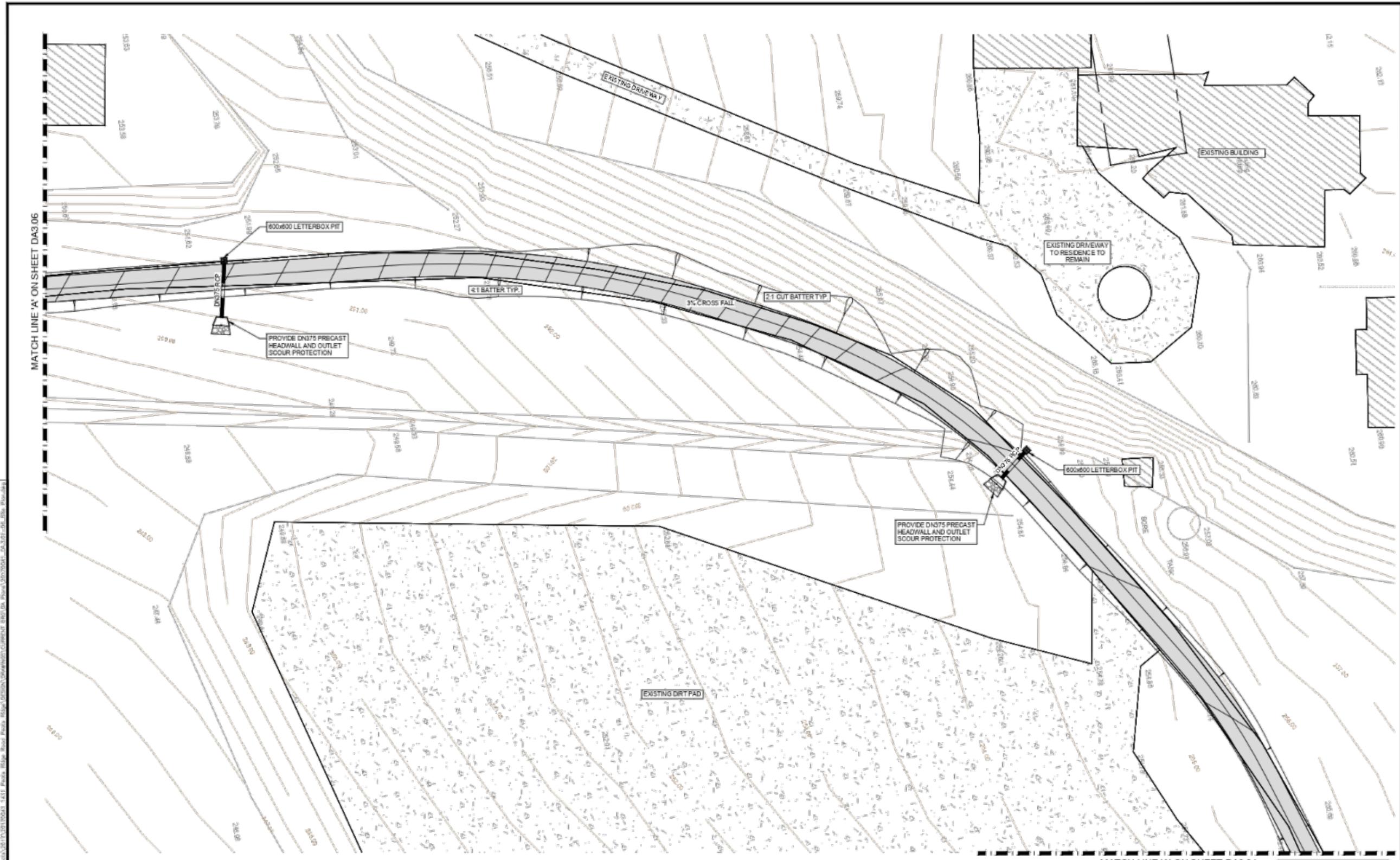
SURVEY BY HAMMOND SNEALLE & CO PTY LTD
 REFERENCE 14032
 DATED 27/02/2017
 DATUM AHD

CLIENT OLIVE GROVE PTY LTD
 ADDRESS 1411 PEATS RIDGE ROAD PEATS RIDGE, NSW
 PROJECT PROPOSED POULTRY SHEDS DEVELOPMENT APPLICATION PLANS

DRAWING TITLE STORMWATER DRAINAGE DETAIL PLAN - SHEET 4 OF 6

SCALE	1:200	INT.	SHEET
DRAWN	GW		DA.3.04
DESIGNED	BW		
CHECKED	AG		
DATE	NOV 2017		
APP NUMBER	20170041		





SITE DETAIL PLAN - SHEET 5 OF 6
SCALE 1:200 @A1

MATCH LINE 'A' ON SHEET DA3.04

NOTE
REFER TO SHEET DA3.01 FOR LEGEND

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.

REVISION	DESCRIPTION	DATE	PERSON
A	ISSUE FOR DA	29/11/17	

D.A. ISSUE

SCALE
4 2 0 4 8 12 16 20
SCALE OF METRES (1:200 AT A1 SHEET BEFORE REDUCTION)

RGH CONSULTING GROUP
Multi-discipline Engineering

Peats Ridge Road Peats Ridge NSW 2284
Central Coast Office Unit 3 Riverside Drive
Peats Ridge NSW 2284
PH 02 4321 8000

Northcott Street Unit 110 The Junction
Peats Ridge NSW 2284
PH 02 4321 8000
FX 02 4321 4410

SURVEY BY HAMMOND SNEALLE & CO PTY LTD
REFERENCE 14032
DATED 27/02/2017
DATUM AHD

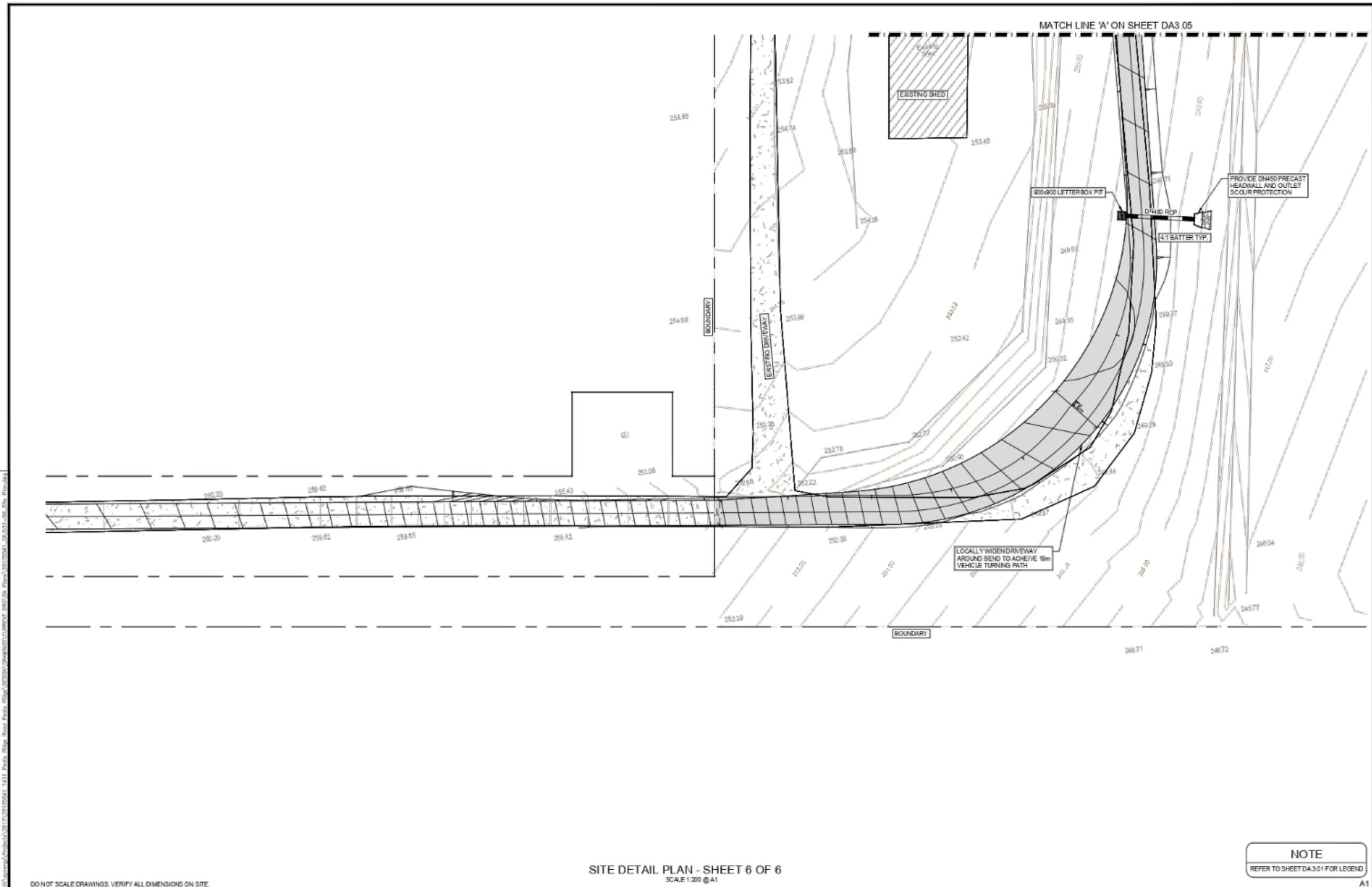
CLIENT OLIVE GROVE PTY LTD
ADDRESS 1411 PEATS RIDGE ROAD
PEATS RIDGE, NSW
PROJECT PROPOSED POULTRY SHEDS
DEVELOPMENT APPLICATION PLANS

DRAWING TITLE
**STORMWATER DRAINAGE DETAIL
PLAN - SHEET 5 OF 6**

SCALE	1:200	MT.	SHEET
DRAWN	GW		DA.3.05
DESIGNED	BW		
CHECKED	AG		
DATE	NOV 2017		
APP NUMBER	20170041		

REV
A





SITE DETAIL PLAN - SHEET 6 OF 6
SCALE 1:200 @A1

NOTE
REFER TO SHEET DA3.01 FOR LEGEND

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.

REVISION	DESCRIPTION	DATE	PERSON
A	ISSUE FOR DA	29.11.17	

D.A. ISSUE

SCALE
4 2 0 4 8 12 16 20
SCALE OF METRES (1:200 AT A1 SHEET BEFORE REDUCTION)

RGH CONSULTING GROUP
Multi-discipline Engineering

Project Address: PO Box 2187, Agnesbank NSW 2283
Central Coast Office: Unit 1, Riverside Drive, Teralba NSW 2264
Phone: 02 4321 9022
Fax: 02 4321 9022

Author: SP 14, TRAP 110, THE JAMES PEARCE GROUP, PEATS RIDGE NSW
Title: DEVELOPMENT APPLICATION PLANS
Project: 20170041

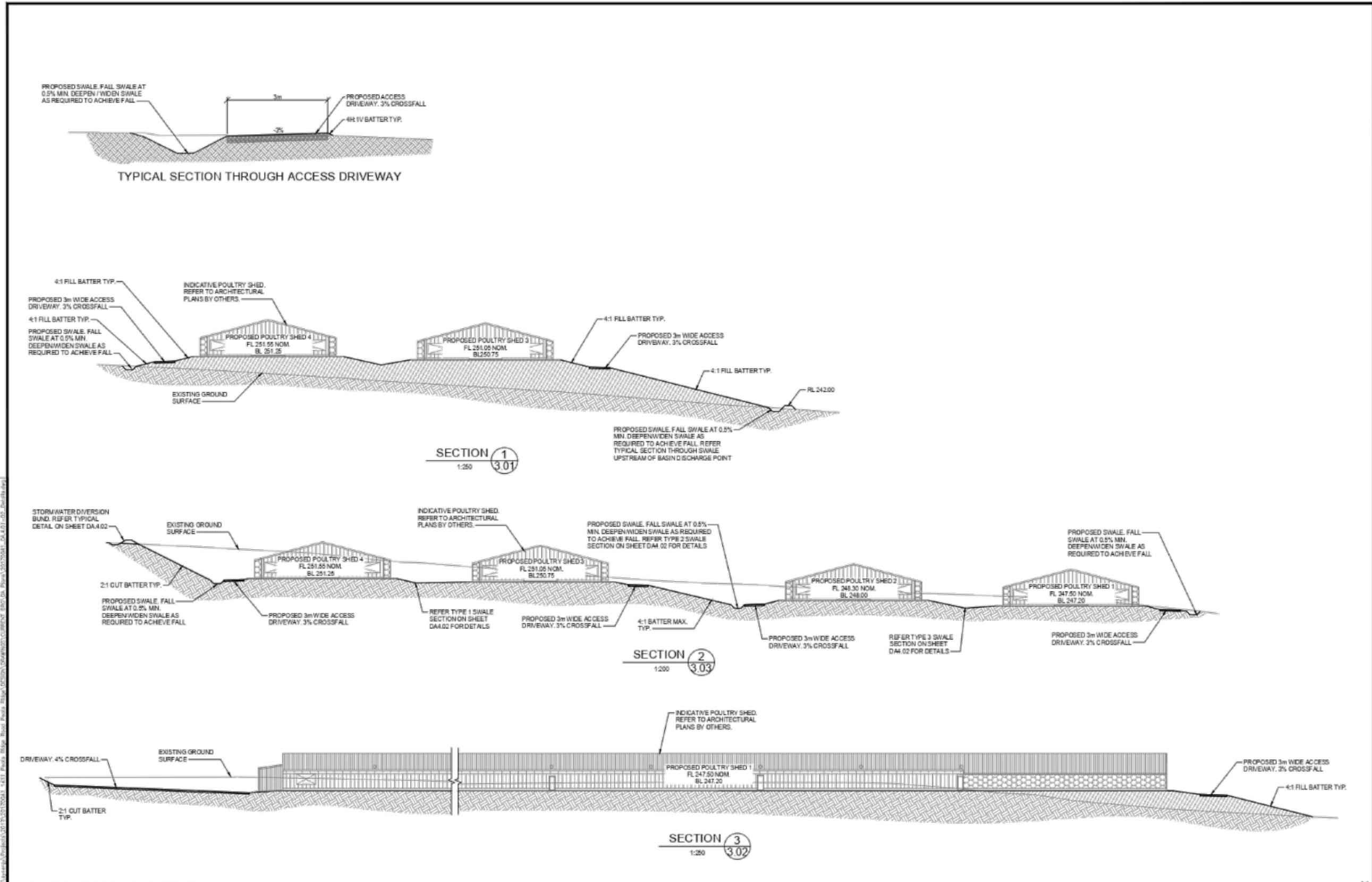
SURVEY BY: HAMMOND SNEALLE & CO PTY LTD
REFERENCE: 14032
DATED: 27/02/2017
DATUM: AHD

CLIENT: OLIVE GROVE PTY LTD
ADDRESS: 1411 PEATS RIDGE ROAD, PEATS RIDGE, NSW
PROJECT: PROPOSED POULTRY SHEDS DEVELOPMENT APPLICATION PLANS

DRAWING TITLE: STORMWATER DRAINAGE DETAIL PLAN - SHEET 6 OF 6

ROLE	NAME	DATE	REV
SCALE	1:200		
DOWN	GW		
DESIGNED	BW		
CHECKED	AG		
DATE	NOV 2017		
PROJECT NUMBER	20170041		

DA.3.06
A



DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE

REVISION	DESCRIPTION	DATE	VERSION
A	ISSUE FOR DA	29.11.17	

D.A. ISSUE

SCALE
2 1 0 2 4 6 8 10
SCALE OF METRES (1:100 AT A1 SHEET BEFORE REDUCTION)

RGH CONSULTING GROUP
Multi-discipline Engineering

Peats Ridge Road PO Box 2187 Wagga Wagga NSW 2650
Central Coast Office Unit 3 Bamber Close Tuggerah NSW 2258
PO Box 4211 2022

NEWCASTLE OFFICE 39 May 110 The Junction Peats Ridge Central Coast NSW
178-180 Peats Ridge NSW 2251
PO Box 4302 14 14

SURVEY BY HAMMOND SNEALLE & CO PTY LTD
REFERENCE 14032
DATED 27/02/2017
DATUM AHD

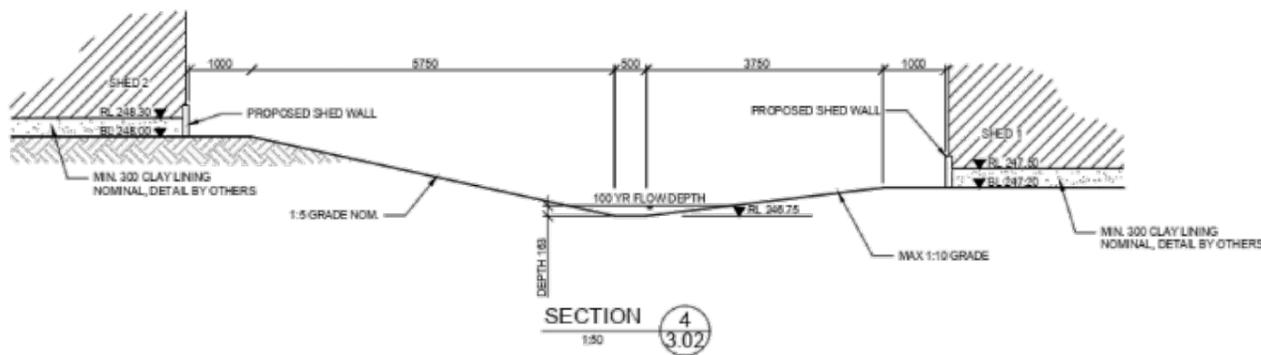
CLIENT OLIVE GROVE PTY LTD
ADDRESS 1411 PEATS RIDGE ROAD PEATS RIDGE, NSW
PROJECT PROPOSED POULTRY SHEDS DEVELOPMENT APPLICATION PLANS

DRAWING TITLE **SITE SECTIONS**

SCALE	DRAWN	CHECKED	DATE	APP. NUMBER
	GW	AG	NOV 2017	20170041

NOTED	BY	DATE
GW	AG	NOV 2017

HEET **DA.4.01**
REV **A**



Manning's Open Channel
Desc: SWALE BETWEEN SHEDS 1 AND 2

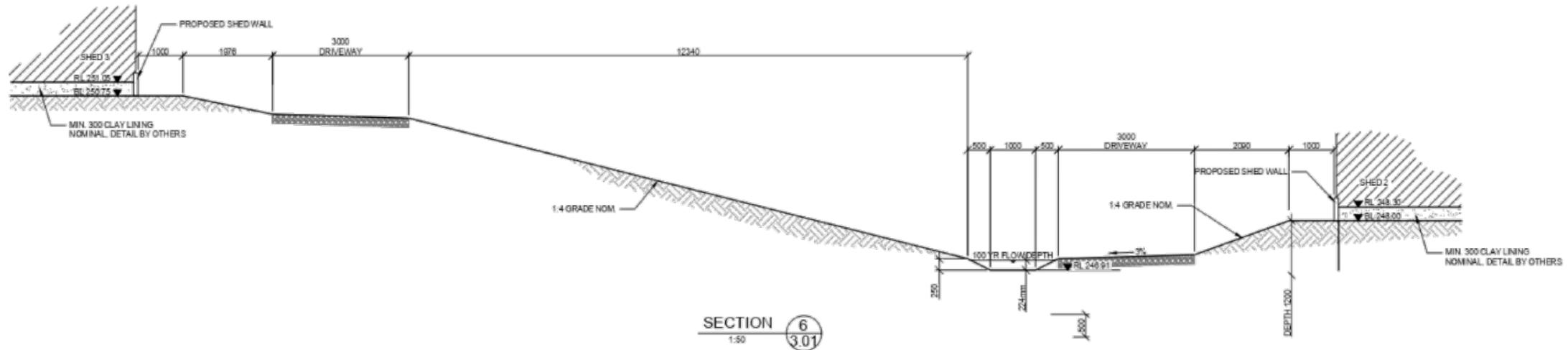
$$f(y) = AR^2 - QnD^{10} + 0 \text{ at Normal Depth}$$

Channel Grade %	Roughness Factor n	Flow Rate m³/s	Area m²	Wet Perimeter m	Hydraulic Radius R m	Normal Depth y _n m	Flow Width m	Flow Velocity m/s	Velocity Depth m/s	f(y)
0.60	0.033	0.126	0.232	0.932	0.188	0.183	2.091	0.538	0.097	0.000

Manning's Open Channel
Desc: SWALE BETWEEN SHEDS 3 AND 4

$$f(y) = AR^2 - QnD^{10} + 0 \text{ at Normal Depth}$$

Channel Grade %	Roughness Factor n	Flow Rate m³/s	Area m²	Wet Perimeter m	Hydraulic Radius R m	Normal Depth y _n m	Flow Width m	Flow Velocity m/s	Velocity Depth m/s	f(y)
0.60	0.033	0.181	0.336	1.015	0.111	0.192	2.983	0.543	0.104	0.000



Manning's Open Channel
Desc: SWALE BETWEEN SHEDS 3 AND 5

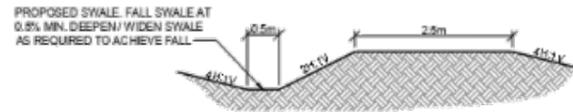
$$f(y) = AR^2 - QnD^{10} + 0 \text{ at Normal Depth}$$

Channel Grade %	Roughness Factor n	Flow Rate m³/s	Area m²	Wet Perimeter m	Hydraulic Radius R m	Normal Depth y _n m	Flow Width m	Flow Velocity m/s	Velocity Depth m/s	f(y)
0.60	0.033	0.227	0.324	1.002	0.182	0.234	1.868	0.688	0.156	0.000

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.

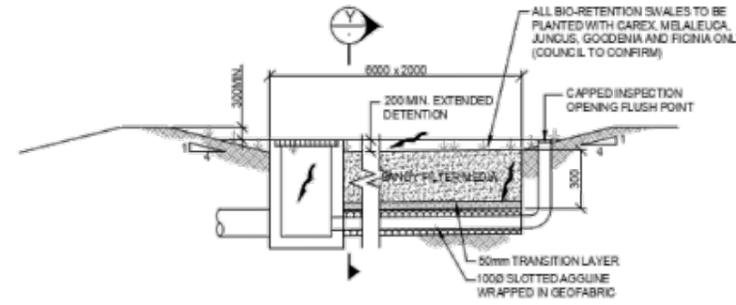
A1

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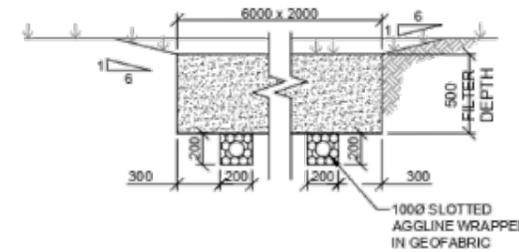


TYPICAL SECTION THROUGH SWALE UPSTREAM OF DAM DISCHARGE POINT

SECTION 7
1:50 3.02



TYPICAL BIO-RETENTION FILTER DETAIL - SECTION
N.T.S.



SECTION Y
N.T.S.

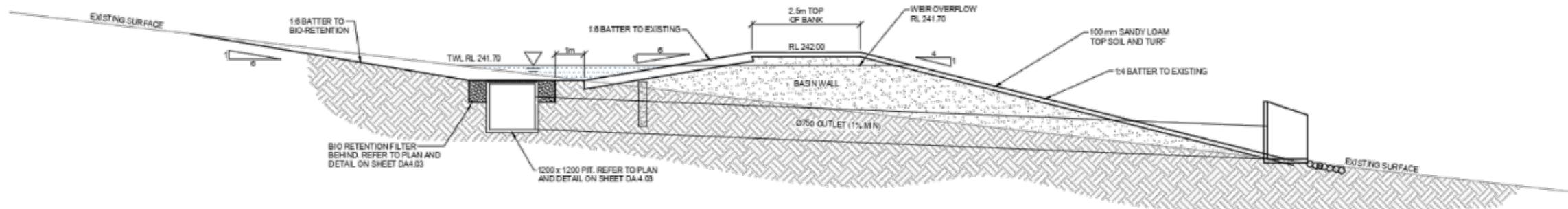
BIO-RETENTION FILTER NOTES

- FILTERS, SWALES AND BASINS TO BE CONSTRUCTED IN LOCATIONS AS LOCATED UPON THE DRAWINGS AND IN ACCORDANCE WITH THE DETAILS WITHIN THE DRAWING SET.
 - FILTER MEDIA AS SPECIFIED IS TO BE IN ACCORDANCE WITH THE FOLLOWING TABLE:
- | FILTER MEDIA TYPE | MEDIA PARTICLE SIZE (MM) | MAX SATURATED HYDRAULIC CONDUCTIVITY (MM/S) |
|-------------------|--------------------------|---|
| GRAVEL | 2 | 3600 |
| COARSE SAND | 1 | 3000 |
| SAND | 0.7 | 360 |
| SANDY LOAM | 0.45 | 100 |
- CONTRACTOR IS TO PROVIDE RELEVANT TESTING CERTIFICATION FROM THE MEDIA SUPPLIER SHOWING CONFORMANCE WITH THE ABOVE TABLE WITH RESPECT TO PARTICLE SIZE.
 - SUBSOIL DRAINS ARE TO BE INSTALLED UPON A 100mm LAYER OF THE FILTER MEDIA, WITHIN 300mm OF THE FILTER PIT EXCAVATION PERIMETER, AND AT A MAXIMUM 5 METRE GRID THROUGHOUT THE FILTER AREA.
 - FILTERS OF LESS THAN OR EQUAL TO 3m WIDTH, IE. FILTER TRENCHES MAY HAVE A SINGLE SUBSOIL DRAIN LOCATED CENTRALLY TO THE FILTER TRENCH AND IS TO EXTEND FOR THE FULL EXTENT OF THE FILTER TRENCH.
 - OUTLET LINES FROM FILTER AREAS ARE TO BE CONNECTED IMMEDIATELY TO FITTINGS TO SUIT THE OUTLET LINE DIAMETER AND PIPE MATERIAL. THE OUTLET LINE IS TO FALL AT A MINIMUM OF 1% GRADIENT TO POINT OF OUTLET AS SHOWN ON THE DRAWINGS.
 - PERFORATED SUBSOIL PVC CONDUITS ARE NOT TO BE USED THROUGH EARTHEN DAM WALLS WITHOUT APPROVAL FROM THE DESIGNING ENGINEER.
 - THE CERTIFYING ENGINEER IS TO INSPECT AND VERIFY THE FILTER EXCAVATION PIT DIMENSIONS AND CONFIRM ADEQUACY PRIOR TO PLACEMENT OF FILTER MEDIA.
 - PLANTINGS UPON FILTER AREAS ARE TO BE AS SPECIFIED ON THE DRAWINGS AND SHOULD BE OF A GRASS OR SHRUBS OF TYRE CAREX, JUNCUS, GOODENIA OR FICUS UNLESS NOTED OTHERWISE, AND AT A DENSITY AS SPECIFIED ON THE DRAWINGS OR IF NOT NOTED AS SPECIFIED BY A QUALIFIED LANDSCAPE HORTICULTURE CONSULTANT.

MUSIC STORMWATER QUALITY RESULTS

POLLUTANT	% REDUCTION
TSS	80.5
TP	51.5
TN	45.3
GP	100

NOTE: MEAN DISCHARGE CONCENTRATION OF TSS AFTER REDUCTION = 2.05mg/l

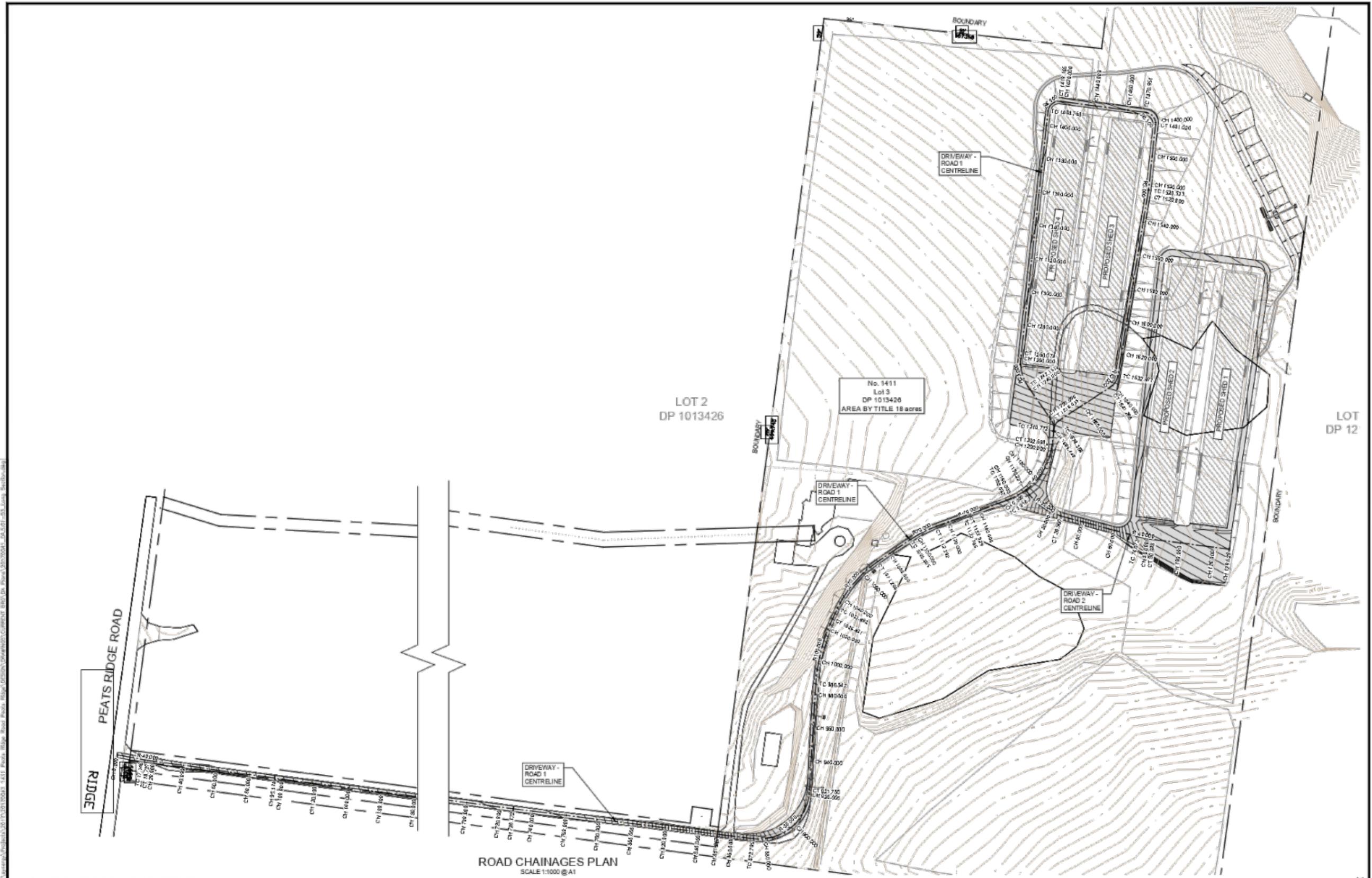


TYPICAL SECTION THROUGH SEDIMENT BASIN / BIORETENTION FILTER

SECTION 8
1:50 3.02

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE

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ROAD CHAINAGE PLAN
SCALE 1:1000 @A1

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE

REVISION	DESCRIPTION	DATE	PERSON
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D.A. ISSUE

SCALE
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RGH CONSULTING GROUP
Multi-discipline Engineering

Field Address: PO Box 2187, Appin NSW 2548
Central Coast Office: Unit 3, Bamber Close, Tuggerah NSW 2256
Phone: 02 4321 8022
Newcastle Office: 11/11 The Arcade, Peats Ridge NSW 2250
Phone: 02 4321 8022

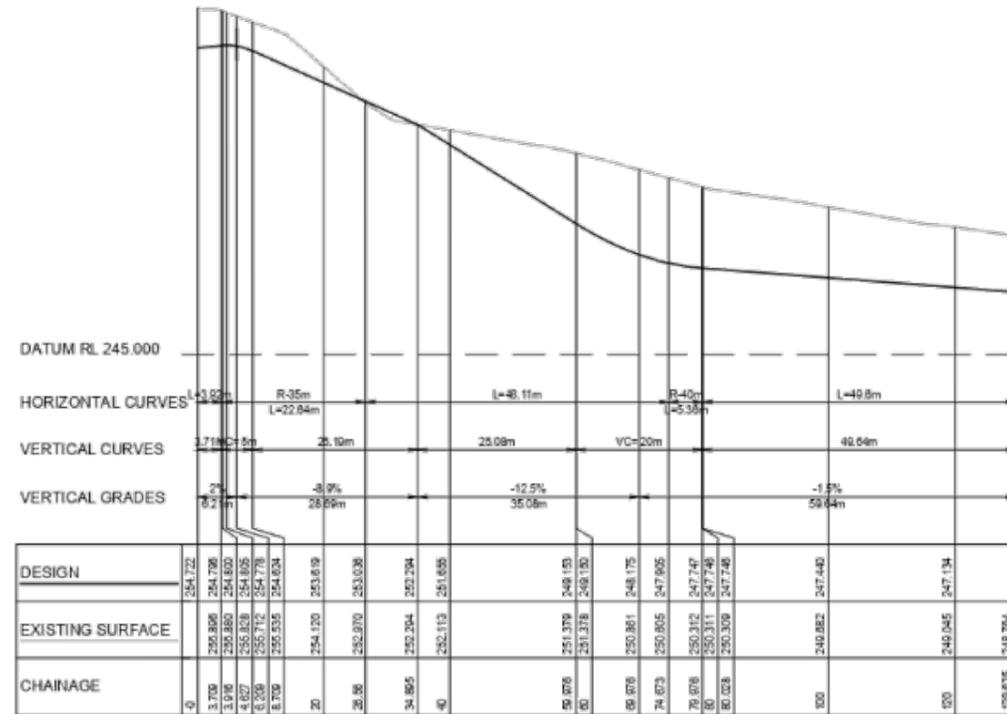
SURVEY BY: HAMMOND SNEALLE & CO PTY LTD
REFERENCE: 14032
DATED: 27/02/2017
DATUM: AHD

CLIENT: OLIVE GROVE PTY LTD
ADDRESS: 1411 PEATS RIDGE ROAD, PEATS RIDGE, NSW
PROJECT: PROPOSED POULTRY SHEDS DEVELOPMENT APPLICATION PLANS

DRAWING TITLE: ROAD CHAINAGE PLAN

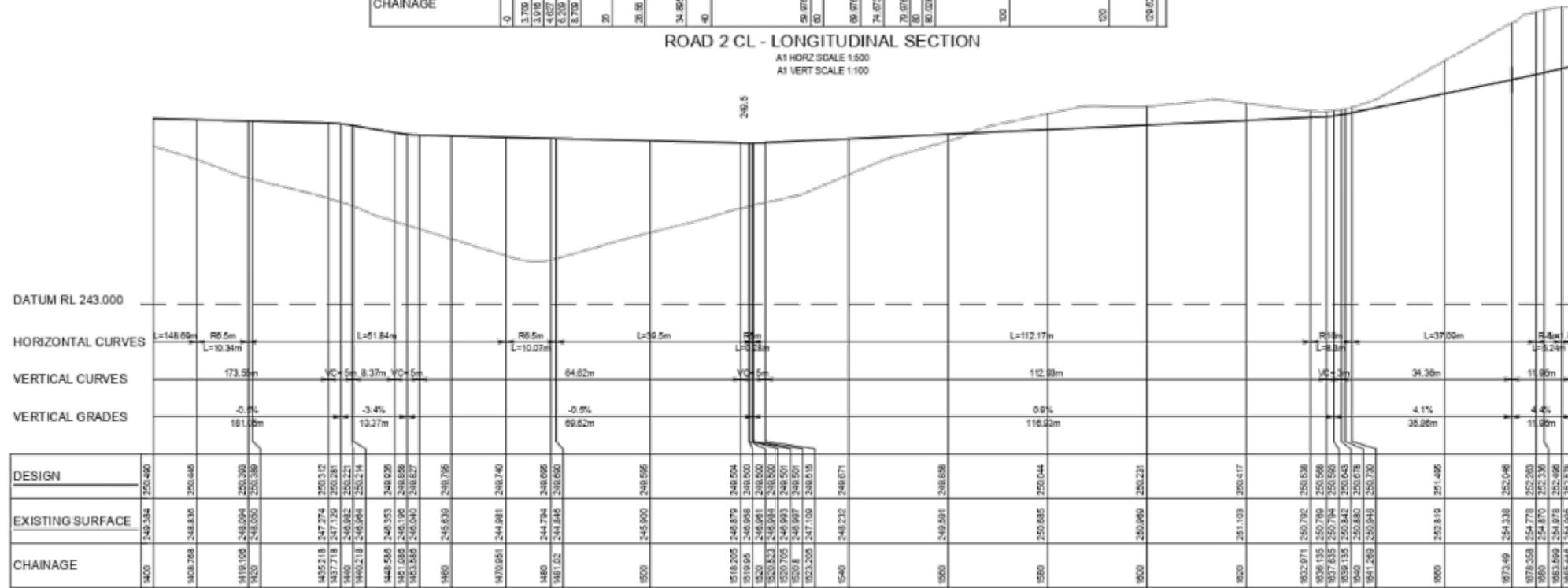
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APP NUMBER		20170041	





ROAD 2 CL - LONGITUDINAL SECTION

A1 HORZ SCALE 1:500
A1 VERT SCALE 1:100



ROAD 1 CL - LONGITUDINAL SECTION

A1 HORZ SCALE 1:500
A1 VERT SCALE 1:100

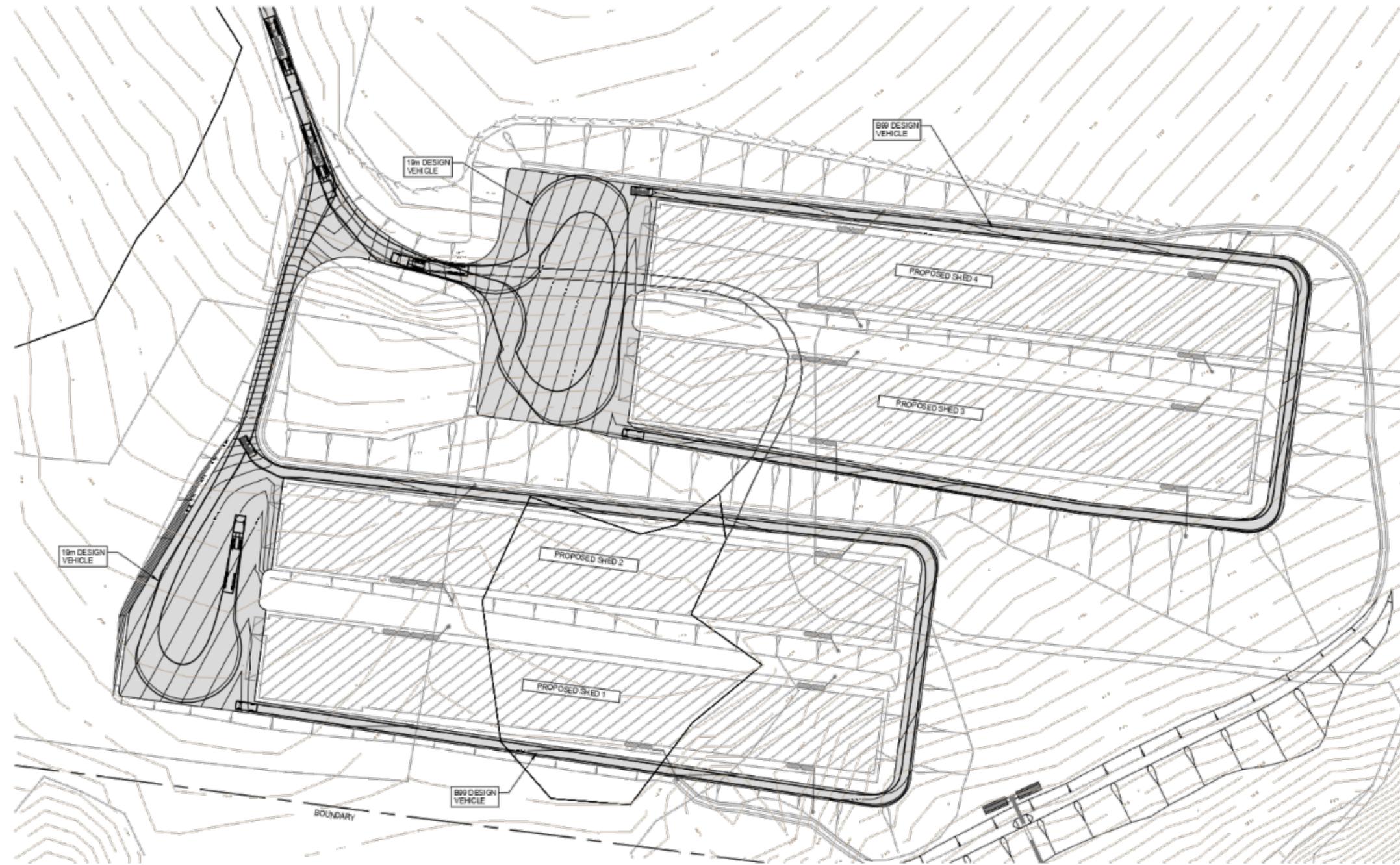
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REVISION A ISSUE FOR DA DATE 20/11/17 VERSION D.A. ISSUE SCALE 40 20 0 40 80 120 160 200 SCALE OF METRES (1:2000 AT A1 SHEET BEFORE REDUCTION)	RGH CONSULTING GROUP Multi-discipline Engineering	Project Address: 20 Em 31st August 1610 2283 Central Coast Drive Unit 1 3 Hamersley Close Tuggerah NSW 2258 Ph 02 4251 9022 New South Wales Map 110 The Arden 77449 Centre 544616 30841 The Arden 10111 230 Ph 02 4922 44 16	SURVEY BY HAMMOND SNEALLE & CO PTY LTD REFERENCE 14032 DATED 27/02/2017 DATUM AHD	CLIENT OLIVE GROVE PTY LTD ADDRESS 1411 PEATS RIDGE ROAD PEATS RIDGE, NSW PROJECT PROPOSED POULTRY SHEDS DEVELOPMENT APPLICATION PLANS	DRAWING TITLE CATCHMENT PLAN	SCALE 1:2000 INT. 1:1000 DRAWN GW DESIGNED SW CHECKED AG DATE NOV 2017 REVISION A NUMBER 20170041	SHEET NO. DA.6.01 OF 10 DATE NOV 2017 REVISION A	
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VEHICLE MANOEUVRING PLAN
SCALE 1:500 @ A1

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.

REVISION	DESCRIPTION	DATE	VERSION
A	ISSUE FOR DA	20/11/17	

D.A. ISSUE

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SCALE OF METRES (1:500 AT A1 SHEET BEFORE REDUCTION)

RGH CONSULTING GROUP
Multi-discipline Engineering

Project Address: 100 km 3/167 Suggah
1614 2283
Central Coast Office: Unit 3 Westmead Place
Peats Ridge NSW 2258
PH 02 4321 8022
Newcastle Office: 100/110 The Junction
Peats Ridge NSW 2258
PH 02 4321 8022

SURVEY BY: HAMMOND SWEALLE & CO PTY LTD
REFERENCE: 14032
DATED: 27/02/2017
DATUM: AHD

CLIENT: OLIVE GROVE PTY LTD
ADDRESS: 1411 PEATS RIDGE ROAD
PEATS RIDGE, NSW
PROJECT: PROPOSED POULTRY SHEDS
DEVELOPMENT APPLICATION PLANS

DRAWING TITLE: VEHICLE MANOEUVRING PLAN

ROLE	N.T.S.	BY	DATE
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DATE			NOV 2017
PROJECT NUMBER			20170041

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Item No: 3.3
Title: DA 57145/2019 - Demolition of existing dwelling houses and construction of a Residential Flat Building
 93-95 Henry Parry Drive, Gosford
Department: Environment and Planning

1 October 2020 Local Planning Panel Meeting

Reference: F2020/02502 - D14200533
 Author: Robert Eyre, Principal Development Planner South
 Manager: Ailsa Prendergast, Section Manager, Development Assessment South
 Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received to demolish the existing dwelling houses and construct a residential flat building containing 34 units and 41 basement car parking spaces.

The application has been examined having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is required to be reported to the Local Planning Panel for determination due to:

- Variation to height. The proposed development results in a variation to maximum height of buildings applicable to the site under the provisions of State Environmental Policy (Gosford City Centre) 2018 (SEPPGCC 2018) by more than 10%.
- The proposed residential flat building is subject to the provisions of State Environmental Planning Policy No 65 (Design Quality of Residential Flat Buildings) (SEPP65).

The application is recommended for approval, subject to conditions.

Applicant	Djogo Family Holdings Pty Ltd
Owner	Djogo Family Holdings Pty Ltd
Application No	DA57145/2019
Description of Land	Lots 6 and 7 DP:28807. 93-95 Henry Parry Drive, Gosford.
Proposed Development	Demolition of 2 existing dwellings and construction of a residential flat building.
Site Area	1,154.3m ²
Zoning	B4 Mixed Use
Existing Use	Two (2) Dwelling houses
Employment Generation	No
Estimated Value	\$9,860,896.00

**3.3 DA 57145/2019 - Demolition of existing dwelling houses and construction of a Residential Flat Building
93-95 Henry Parry Drive, Gosford (contd)**

Recommendation

- 1** *The Local Planning Panel assume the concurrence of the Secretary of Planning for the use of Clause 4.6 to vary the height development standard of Clause 4.3 of State Environmental Planning Policy (Gosford City Centre) 2018 to permit the proposed development.*
- 2** *The Local Planning Panel grant consent subject to the conditions 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.*
- 3** *The Local Planning Panel advise those who made written submissions and external authorities of its decision.*

Key Issues

- Maximum building height
- Building setbacks
- Deep soil planting/landscaping
- Communal open space
- Public submissions

Precis:

Proposed Development	Demolition and construction of a 7 storey residential flat building containing 34 units, with 41 basement carparking spaces.
Permissibility and Zoning	<i>B4 Mixed Use</i> under the provisions of the <i>Gosford Local Environmental Plan 2014</i> . The proposed development is permissible with consent.
Relevant Legislation	<i>Environmental Planning & Assessment Act 1979 - Section 4.15.</i> <i>Local Government Act 1993 - Section 89</i> <i>State Environmental Planning Policy (Coastal Management) 2018</i> <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> <i>State Environmental planning Policy (Gosford City Centre) 2018</i> <i>Draft Central Coast Local Environmental Plan 2018</i>

**3.3 DA 57145/2019 - Demolition of existing dwelling houses and construction of a Residential Flat Building
93-95 Henry Parry Drive, Gosford (contd)**

	Gosford City Centre Development Control Plan 2018 <i>State Environmental Planning Policy (Infrastructure) 2007</i> <i>State Environmental Planning Policy No 65 (Design Quality of Residential Flat Buildings)</i> Apartment Design Guidelines (ADG) Central Coast Climate Change Policy
Current Use	Two dwelling houses
Integrated Development	No
Submissions	Three received

Variations to Policies

The proposed development proposes the following variation to Council policies:

Clause 4.3 SEPP(GCC) 2018-Building Height	
Standard	Maximum height 18m (Clause 4.3).
LEP/DCP	SEPP(GCC) 2018
Departure basis	Height: Nil-2.9m (16.1%) variation

Clause 5.2 Gosford City Centre Development Control Plan 2018 - Built Form	
Standard	Building setbacks (Clause 5.2)
LEP/DCP	Gosford City Centre Development Control Plan 2018
Departure basis	Setbacks: Nil - 100% variation

The Site

The site is located on the northern side of Henry Parry Drive and consists for two lots - Lots 6 and 7 DP:28807 (known as 93-95 Henry Parry Drive, Gosford).

The lots have access from Henry Parry Drive. In addition, No 93 Henry Parry Drive (the eastern lot) has from the eastern adjoining road reserve (see aerial image) and No 95 Henry Parry Drive (the western lot) has access via a right of way (6m wide) over No 94-96 John Whiteway Drive which provides a rear access from Mouat Lane to the site. **(Refer Figure 1- Lots 6 and 7).**

The site rises steeply up from Henry Parry Drive to the rear of the site. The site has a level of about RL 30.5m AHD at the Henry Parry Drive frontage, and a level of about RL 42m AHD at the rear of the site. The site has previously been benched and has a grade of about 30% from front to rear.

Each lot has a single dwelling house.

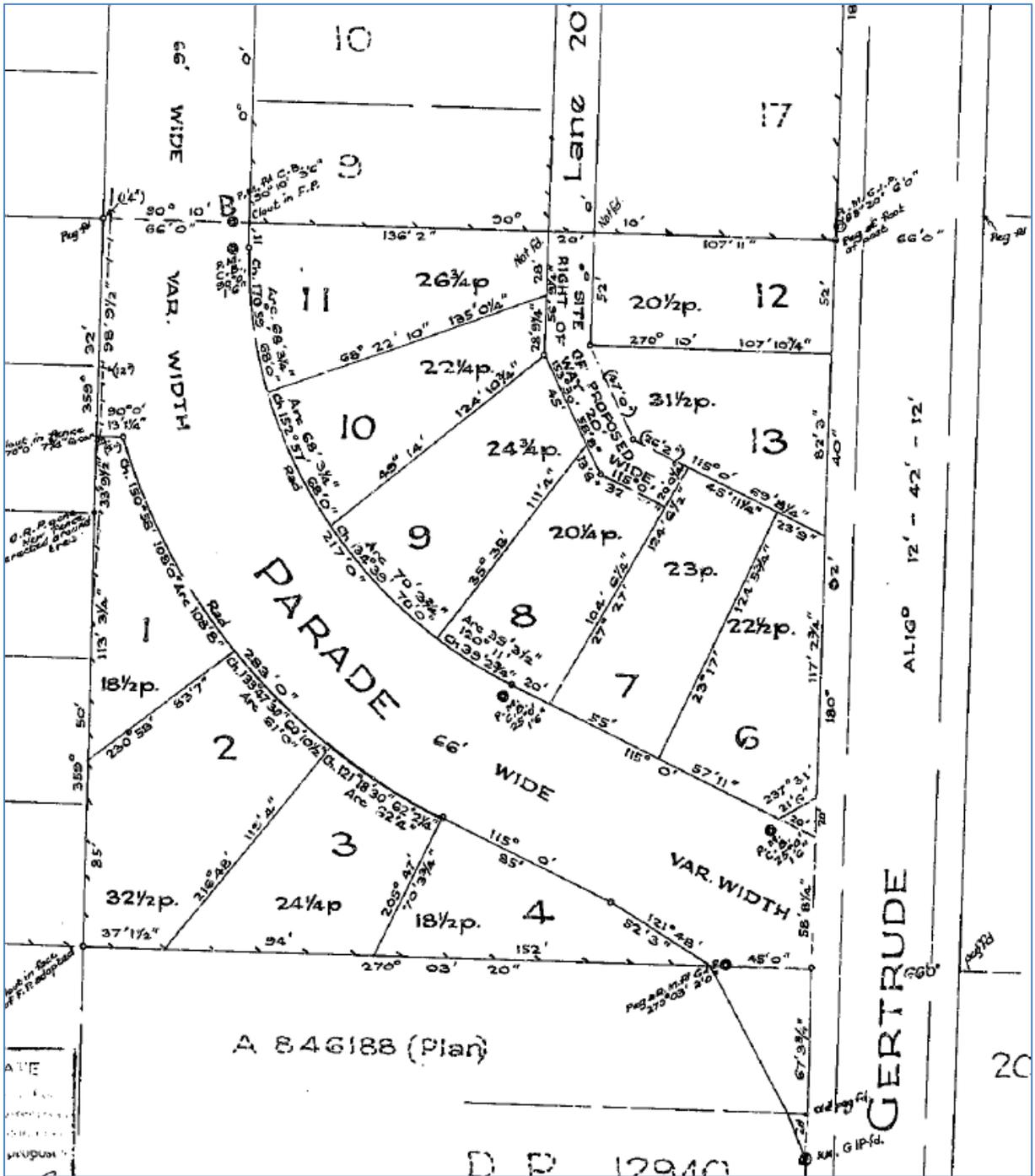


Figure 1 - DP28807



Figure 2 - Locality Plan

Surrounding Development

The surrounding development consists of a range of residential developments – from single dwelling houses to high density residential flat buildings. A number of surrounding sites have residential flat buildings under construction, completed, or approved.

- The adjoining sites to the north and west are vacant lots.
- The adjoining site to the north (No94-98 John Whiteway Drive) had a previous consent (DA39509/2010) for 41 residential units in 7 levels. This consent may have lapsed.
- The adjoining land to the west (No 97 Henry Parry Drive) had a consent for a dwelling house and this consent may have lapsed.
- The adjoining land to the east is an unconstructed public road reserve. Access to No 93 Henry Parry Drive is currently provided over this section of Gertrude Street. The area is in transition to medium/high residential development.

**3.3 DA 57145/2019 - Demolition of existing dwelling houses and construction of a Residential Flat Building
93-95 Henry Parry Drive, Gosford (contd)**

- Gertrude Street and land to the east is zoned R1 General Residential with a height limit of RL54.7m AHD on the eastern side of Gertrude Street **(Refer Figure 6)**.

The Proposed Development

It is proposed to demolish the existing dwelling houses and construct a 7 storey residential flat building containing 34 units, 41 car parking spaces, 4 motorcycle spaces, and 15 bicycle spaces.

The allocation of the 34 units is as follows:

- 13 x 1 bedroom
- 19 x 2 bedroom
- 2 x 3 bedroom units, including 5 adaptable units

The 41 car parking spaces will be located in 3 basement levels with access from Henry Parry Drive.

Separate entry and exit driveways are proposed to Henry Parry Drive. Waste storage will be located within the basement levels and serviced by the through driveway from Henry Parry Drive.

The proposed building will be setback 3 metres from Henry Parry Drive up to level 4, and 5-6 metres from Henry Parry Drive above level 4.

The proposed building will be setback 3m-6m from the rear northern boundary, nil setback to the eastern (Gertrude Street) side boundary, and 2m-6m from the western side boundary.

Deep soil planting is proposed along the western and northern boundaries of the site.

3.3 DA 57145/2019 - Demolition of existing dwelling houses and construction of a Residential Flat Building
93-95 Henry Parry Drive, Gosford (contd)

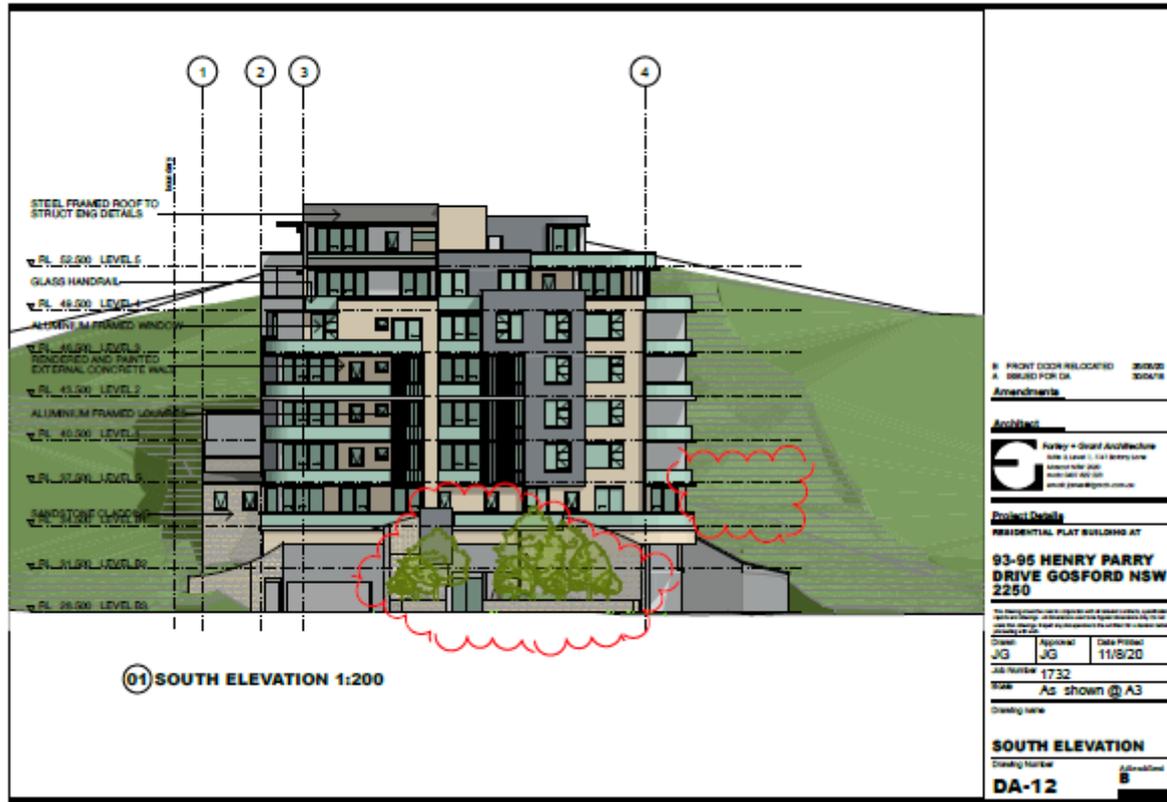


Figure 3 - Henry Parry Drive Elevation

**3.3 DA 57145/2019 - Demolition of existing dwelling houses and construction of a Residential Flat Building
93-95 Henry Parry Drive, Gosford (contd)**

History

There are no previous applications for the site.

Assessment

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, the assessment has identified the following key issues, which are elaborated upon for the information of the Local Planning Panel. Any tables relating to plans or policies are provided as an attachment.

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

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate. The proposal is considered to be consistent with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

**3.3 DA 57145/2019 - Demolition of existing dwelling houses and construction of a Residential Flat Building
93-95 Henry Parry Drive, Gosford (contd)**

State Environmental Planning Policy (Coastal Management) 2018

The provisions of State Environmental Planning Policy (Coastal Management) 2018 require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within the mapped coastal management area.

The provisions of *State Environmental Planning Policy (Coastal Management) 2018* requires Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Area. The Coastal Management Area is an area defined on maps issued by the NSW Department of Planning Industry & Environment and the subject property falls within this zone.

Division 3 'Coastal environment area' of State Environmental Planning Policy (Coastal Management) 2018 states:

'13 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*

**3.3 DA 57145/2019 - Demolition of existing dwelling houses and construction of a Residential Flat Building
93-95 Henry Parry Drive, Gosford (contd)**

- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.'

Assessment Comment: The proposed development does not cause an adverse impact on the matters required to be considered under Clause 13 (1) (a) – (g) or Clause 13 (2) (a) – (c) of *SEPP (Coastal Management) 2018*, as follows:

- The proposed development has no adverse impact on the integrity or resilience of the biophysical, hydrological or ecological environment.
- The proposed development has no adverse impact upon coastal environmental values or natural coastal processes.
- The proposed development has no adverse impact on the water quality of the marine estate.
- The proposed development has no adverse impact on marine vegetation; native vegetation/fauna and their habitats; undeveloped headlands; or rock platforms.
- The proposed development has no adverse impact on the public amenity of any existing public open space or public access to the coastal foreshore.
- The proposed development has no adverse impact on any known Aboriginal cultural heritage, practices or places.
- The proposed development is far removed from the "surf zone" and does not adversely impact its use by the public.
- Drainage, nutrient and erosion control measures will be installed to protect the adjoining reserve and water way.

Division 4 'Coastal use area' of State Environmental Planning Policy (Coastal Management) 2018 states:

'14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

- (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) *Aboriginal cultural heritage, practices and places,*
- (v) *cultural and built environment heritage, and*

(b) is satisfied that—

- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

(2) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).*

Assessment Comment: The proposed development does not cause adverse impact on the matters required to be considered under Clause 14 (1) (a) – (b) or clause 2 of *SEPP (Coastal Management) 2018*, as follows:

- The proposed development will not cause an adverse impact to access along the foreshore and public reserve.
- The proposed development will not cause overshadowing, wind funneling or loss of view from a public place.
- The proposal has been designed and located to minimize visual amenity and scenic qualities to the most maximum extent possible.
- The proposal will not cause an adverse impact to and known Aboriginal cultural heritage or cultural and built environment heritage.

The following provisions of Division 5 of *SEPP (Coastal Management) 2018* apply to the consent authority's consideration of a development application on the subject land:

'15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.'

**3.3 DA 57145/2019 - Demolition of existing dwelling houses and construction of a Residential Flat Building
93-95 Henry Parry Drive, Gosford (contd)**

And:

'16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.'

Assessment Comment: Due to its location which is not in close proximity to the coastal foreshore, the subject land is not subject to increased risk of coastal hazards and is not subject to any certified coastal management program. The proposed development will not therefore cause increased risk of coastal erosion.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

An independent architect has been engaged by Council to undertake a review of the proposed development. The following review has been carried out on behalf of Council by the external architect:

Apartment Design Guide

Clause	Heading	Compliance Achieved		Comments
		Yes	No	
Apartment Design Guide				
Part 1 - Identifying the context				
Part 1A	Apartment building types	✓		Residential Flat Building – narrow infill apartments.
Part 1B	Local Character and context	✓		Objectives adequately addressed in documentation especially being adjacent mixed multiple residential developments.
Part 1C	Precincts and individual sites	✓		Objectives adequately addressed in documentation.
Part 2 - Developing the controls				
Part 2A	Primary Controls	-	-	Refer the individual primary controls listed below
Part 2B	Building Envelopes	✓		Objectives adequately addressed in documentation. <ul style="list-style-type: none"> • General compliance with building envelope requirements in LEP & DCP • Although minor variation is sort for some setbacks below
Part 2C	Building Height - SEPP (Gosford City Centre) 2018 – Clause 4.3	✓	✓	Objectives adequately addressed in documentation. <ul style="list-style-type: none"> • 18m height limit <i>Clause 4.6 Exception submitted -</i>

3.3

**DA 57145/2019 - Demolition of existing dwelling houses and
construction of a Residential Flat Building
93-95 Henry Parry Drive, Gosford (contd)**

				<ul style="list-style-type: none"> • Generally minor in nature and elements are contained within the centre of the building. • No discernable impact from street level given the inherent design quality of the curved roof as a unifying element.
Part 2D	Floor Space Ratio SEPP (Gosford City Centre) 2018 – Clause 4.4	✓		Objectives adequately addressed in documentation. <ul style="list-style-type: none"> • Control - SEPP FSR – 2.5:1 maximum • Proposed – 2.39:1
Part 2E	Building Depth	✓		General objectives adequately addressed in documentation. <ul style="list-style-type: none"> • 12-18m required • 10-12m provided
Part 2F	Building Separation	✓		General objectives adequately addressed in documentation. <ul style="list-style-type: none"> • Control – 6-12m setback required between building (half to boundary). • 6m setback provided.
Part 2G	Street set backs GCCDCP (2018)		✓	<ul style="list-style-type: none"> • Control – front setback at ground level 3-4m and street wall height of 6 -14m. Side setback to street wall 3m and 6m setback above street wall height. • <i>Not adequately addressed. The front boundary and required setbacks should be indicated on section/elevations to ensure assessment can be made. SEE states this does not strictly complies, should indicate the graphic representation of the variation sort.</i> • <i>SEE does not address the zero setback to eastern boundary.</i>
Part 2H	Side setbacks GCCDCP (2018)		✓	<ul style="list-style-type: none"> • <i>As above.</i>
Part 2H	Rear setbacks Gosford Development Control Plan (2013)		✓	<ul style="list-style-type: none"> • <i>As above.</i>
Part 3 - Siting the development				
Part 3A	Site analysis	✓		Objectives adequately addressed in documentation
Part 3B	Orientation	✓		Objectives adequately addressed in documentation
Part 3C	Public domain interface	✓		Objectives adequately addressed in documentation.
Part 3D	Communal and open space		✓	Design Criteria <ol style="list-style-type: none"> 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter) 3. Note communal open space should have a minimum dimension of 3m <i>Design Criteria not meet -</i> <ul style="list-style-type: none"> • <i>Most of the external landscaped space appears to be private courtyards.</i> • <i>Communal outdoor area is ¾ covered by building over not providing adequate daylight provision.</i>

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				<ul style="list-style-type: none"> • Not adequately addressed in the Design verification statement or SEE to why adequate "communal" space is not provided. • Why was not additional Communal open space considered on the level 5 area noted as AC.
Part 3E	Deep soil zones	✓	✓	<p>Design Criteria minimum width 3m and area equal to 7% of the site.</p> <p>Design Criteria has been complied with in part</p> <ul style="list-style-type: none"> • 15% of site is to be deep soil planting • Note the proposal does not comply with the minimum width requirement only 2m width provided.
Part 3F	Visual privacy	✓		Design Criteria and Objectives adequately addressed in documentation for external/neighbouring sites.
Part 3G	Pedestrian access and entries	✓		Design Criteria and Objectives adequately addressed in documentation
Part 3H	Vehicle access	✓		Design Criteria and Objectives adequately addressed in documentation
Part 3J	Bicycle and carparking	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4 - Designing the building				
Amenity				
Part 4A	Solar and daylight access	✓		<p>Design Criteria</p> <ul style="list-style-type: none"> • In other areas, 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm mid-winter. • A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm mid-winter <p>Design Criteria has been complied with with only a small variation.</p> <ul style="list-style-type: none"> • 67% (23 of 34) achieve the 3 hours solar access. • 3% achieve no solar access <p>Generally, this can be supported on the following grounds –</p> <ul style="list-style-type: none"> • 97% (33 of 34) achieve 2 hours solar access. • This requirement is the norm for Metro areas like Sydney and Newcastle and this site is within what would be considered the Gosford Metro area. • The site is sloping to the view away from the naturally best orientation considered acceptable variation under the ADG.
Part 4B	Natural ventilation	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4C	Ceiling heights	✓		Design Criteria and Objectives adequately addressed written in documentation
Part 4D	Apartment size and layout	✓		Design Criteria and Objectives adequately addressed written in documentation

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Part 4E	Private open space and balconies	✓		Design Criteria and Objectives adequately addressed written in documentation
Part 4F	Common circulation and space	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4G	Storage	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4H	Acoustic Privacy	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4J	Noise and pollution	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4K	Apartment mix	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4L	Ground floor apartments	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4M	Facades	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4N	Roof Design	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4O	Landscaping	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4P	Planting on structures	✓		Objectives in general adequately addressed in documentation. <ul style="list-style-type: none"> • Note that the SEPP 65 Report notes "There is no planting on the building being proposed" Yet the landscape drawing indicates planters are proposed. • Planters should be included to soften all the hard surface.
Part 4Q	Universal Design	✓		Objectives adequately addressed in documentation.
Part 4R	Adaptive Reuse	-	-	Not Applicable
Part 4S	Mixed Use	-	-	Not Applicable
Part 4T	Awnings and signage	✓		Objectives adequately addressed in documentation.
Performance				
Part 4U	Energy efficiency	✓		Objectives adequately addressed in documentation.
Part 4V	Water management and conservation	✓		Objectives adequately addressed in documentation.
Part 4W	Waste management	✓		Objectives adequately addressed in documentation.
Part 4X	Building Maintenance	✓		Objectives adequately addressed in documentation.

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A review against the Design Quality Principles of *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development* is included in the table below:

Clause	Heading	Achieved		Comments
		Yes	No	
SEPP 65 Schedule 1 – Design Quality Principles				
Principle 1	Context and neighborhood character	✓		Objectives adequately addressed in documentation.
Principle 2	Built Form and scale	✓		Generally, the quality of design of the built form and scale meets the objectives of this principle except for variations noted above.
Principle 3	Density	✓		Objectives adequately addressed in documentation.
Principle 4	Sustainability	✓		Objectives adequately addressed in documentation.
Principle 5	Landscape	✓		Generally, the quality of design of the landscaping meets the objectives of this principle except for variations noted above.
Principle 6	Amenity	✓		Generally the quality of design meets the objectives of this principle except for variations noted above.
Principle 7	Safety	✓		Objectives adequately addressed in documentation.
Principle 8	Housing Diversity and social interaction	✓		Objectives adequately addressed in documentation.
Principle 9	Aesthetics	✓		Objectives adequately addressed in documentation.

Summary Comments on Design Quality

The external appearance of the building is well considered and highly articulated. The composition has a variety of building elements defining both vertical and horizontal elements, including a recognition of the very steep site.

The façade has recessing and protruding elements that varies the scale and creates interest in the building. The proportions and arrangement of building elements are well resolved. The curved roof is unifying and reflective of its locale.

Although the proposal has requested a variation exceeding setback limits, this would appear minor in the context of the overall development bulk and scale, especially when considered at street level and the elements are well concealed. It is worth mentioning that the development complies with most of the requirements for this challenging site.

State Environmental Planning Policy (Gosford City Centre) 2018 - Permissibility

The subject sites LOT: 6 DP: 28807 and LOT: 7 DP: 28807 are zoned B4 Mixed Use under State Environmental Planning Policy (Gosford City Centre)2018. The proposed development is

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defined as a residential flat building which is permissible in the zone with consent of Council.

residential flat building means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.



Figure 6 - Zoning Plan

The following illustrates compliance under the SEPPGCC 2018.

Clause	Requirement	Proposal	Compliance
2.1 Zoning	B4 zone	Residential flat building permitted with consent	Yes
2.3 Zone Objectives	The objectives of the B4 zone are; -To provide a mixture of compatible land uses. - To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling. - To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreational	The proposal provides a mixture of size of residential units near public transport routes, the Gosford waterfront and CBD. There is no demand for commercial premises in this location. The proposed development does not affect any view corridors and does not impact the scenic quality or character of the area.	Yes

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	facilities, social, education and health services and higher density residential development. - To allow development in Point Frederick to take advantage of and retain view corridors while avoiding a continuous built edge along the waterfront. - To create opportunities to improve the public domain and pedestrian links of Gosford City Centre. - To enliven the Gosford waterfront by allowing a wide range of commercial, retail and residential activities immediately adjacent to it and increase opportunities for more interaction between public and private domains. - to protect and enhance the scenic qualities and character of Gosford City Centre.		
2.6 Subdivision	N/A	N/A	N/A
2.7 Demolition	Consent required	Included in application	Yes
2.8 Temporary Use of Land	N/A	N/A	N/A
4.1 Minimum subdivision lot size	N/A	N/A	N/A
4.3 Height of buildings	18m	Up to 20.9m	No-see comments below.
4.4 Floor space ratio	2.5:1	2.39:1	Yes
4.6 Exceptions to development standards	Yes- variation to height.	Clause 4.6 submission	See comments below
5.3 Development near zone boundaries	N/A	N/A	N/A
5.4 Controls relating to miscellaneous permissible uses.	N/A	N/A	N/A
5.6 Architectural roof features	N/A	N/A	N/A
5.7 Development below mean high water mark	N/A	N/A	N/A
5.10 Heritage conservation	To conserve environmental heritage	The site and adjoining sites are not identified as heritage items	Yes
7.1 Acid sulphate soils	Class 5	Works not below 5 metres AHD where watertable likely to be lowered below 1 metre AHD on Class 1-4 land	Yes
7.2 Flood planning	To minimize risk to life and property with the use of the land	Not subject to flooding	Yes
7.3 Floodplain risk management	N/A	N/A	N/A

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7.4 Short-term rental accommodation	N/A	N/A	N/A
7.5 Location of sex services premises	N/A	N/A	N/A
8.1 Minimum building street frontage in B6	N/A	N/A	N/A
8.2 Building height on Mann Street	N/A	Not located on Mann Street	Yes
8.3 Design excellence	Ensure development contributes to natural, cultural, visual and built character of the Gosford City Centre	The proposal complies with the planning controls except for maximum height. The proposed development has been designed to fit in with the existing and proposed likely development having regard to the constraints of the site, particularly the slope and location on a main road.	See comments below on height variation
8.4 Exceptions to height and floor space in Zones B3, B4 and B6	N/A Site less than 2,800m ²	N/A	N/A
8.5 Car parking in Zones B3 and B4	1 space/75m ² for commercial and 1 space 40m ² for retail. Car parking to be below ground level or not visible from the street.	Car parking below ground level. The car parking will be located behind entry doors and the external visitor spaces will be screened by landscaping between the entry and exit driveways.	Yes
8.6 Active street frontages	Active street frontage required as per active street frontage map.	Site not located on active street frontage map	Yes
8.7 Non-residential ground floor and first floor of buildings in Zone B3	N/A	N/A	N/A
8.8 Converting serviced apartments to a residential flat building	N/A	N/A	N/A
8.9 Residential flat buildings in Zone B6	N/A	N/A	N/A
8.10 Solar access to key public open spaces	Protect and enhance sun access to key public open spaces, including Kibble Park	No shadow impact on key public open space areas	Yes
8.11 Key vistas and view corridors	Protect and enhance key vistas and view corridors in Gosford City Centre.	The site is not located in a key vista or view corridor	Yes
8.12 Community infrastructure	N/A	N/A	N/A

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8.13 Floor space ratio in Zone R1	N/A	N/A	N/A
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State Environmental Planning Policy (Gosford City Centre) 2018 - Clause 4.3: Height of buildings

The proposed development contains non-compliance to development standards contained within the SEPP(GCC)2018 as set out below:

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 - Height of buildings	18m	18.1 to 20.9m	No - see comments below	Max 16.1%	Yes- see comments below

The objectives of clause 4.3 are:

- (a) to establish maximum height limits for buildings,
- (b) to permit building heights that encourage high quality urban form,
- (c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity,
- (e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,
- (f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.

Consideration of the Submission under Clause 4.6 of the SEPP (Gosford City Centre) 2018- Exceptions to Development Standards

Clause 4.6 of Gosford SEPPGCC 2018 requires consideration of the following by the consent authority:

(3) ... the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standards by demonstrating:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.*

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Comment - The applicant has submitted a written request to vary the height development standard. **(Refer attachment 15)**. The applicant submission contends that the development standard should be varied for the following reasons;

- The variations are minor and can be accommodated within the consolidated site without any significant additional impacts on amenity or overshadowing of adjoining developments. The building is stepped up the site following the contours. This results in some parts of the building being below the height limit and some parts above the height limit.
- The development is of a high standard of architectural design and quality finishes and is stepped back at the higher levels. Lowering the building would result in additional excavation and part underground.
- The proposal is consistent with the objectives of the B4 zone to provide such development in close proximity to public transport and to encourage lot consolidation.
- The variation to height is only over part of the development which reduces visual impact or appearance of bulk and scale from the public areas of Henry Parry Drive and Brisbane Waters.
- The proposed development does not result in any significant or excessive loss of views or overshadowing of adjoining land or public open space.
- The proposed development provides a transition from the B4 zone to the R1 zone to the east. The top of the proposed development has a height of RL 56.7m AHD and the R1 zoned land to the east of Gertrude Street has a maximum height of RL 54.7m AHD.
- The additional height will still result in a development which is of comparable scale with existing and future development in the locality.

The applicant's written request has adequately justified that compliance with the development standards is unreasonable and unnecessary in this instance and there are sufficient environmental Planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that:

- (a) the applicant's written request has adequately addressed the matters in subclause (3), and

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- (b) the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Assessment Comment - The proposed development is considered to be in the public interest. It provides for a high- density residential development in close proximity to public transport and the Gosford CBD/City Centre. The proposed development has been designed having regard to the site constraints, streetscape and visual impact from Brisbane Waters.

The development will not have unreasonable impacts on the adjoining residents or character of the area and is consistent with the objectives of the development standards and objectives of the B4 Zone.

- (c) the concurrence of the Secretary been obtained?

Assessment Comment - Planning Circular PS 18-003 issued 21 February 2018 states that Council/Local Planning Panel may assume the concurrence of the Secretary when considering exceptions to development standards under clause 4.6. The Council is therefore empowered to approve the application.

The request for variation has been assessed with consideration of relevant principles set out in various judgements applying to variations to development standards, including;

- *Wehbe v Pittwater Council* [2007] NSWLEC 827;
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90;
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248;
- *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7;
- *-Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

The request for a variation under Clause 4.6 is considered to be well founded and is recommended for support.

Gosford City Centre Development Control Plan 2018

An evaluation of the proposed development against the requirements of the Gosford City Centre Development Control Plan 2018 is set out in the following table:

3.3

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Clause	Requirement	Proposal	Compliance
3.5 Character-Other Areas	Residential areas within the city fringe will provide for a diverse range of housing to accommodate an additional 10,000 residents over the next 25 years within walking distance of the city centre..	The proposed development will contribute to the provision of diversity of housing. The site is located within walking distance of the Gosford CBD and Gosford waterfront.	Yes
4.1 Pedestrian network	Pedestrian links to be provided between streets as shown in figure 2 of DCP	Site not identified as a pedestrian link.	Yes
4.2 Public open space	New public open space in City as shown in figure 2 of DCP	Site not located in public open space area	Yes
4.3 Solar access to key public spaces	Solar access to be retained for Kibble Park and Gosford waterfront	The proposal does not overshadow the key public spaces.	Yes
4.4 Views and vistas	Built form should minimize impact on key views form Kibble Park, the waterfront, and Brian McGowan bridge to Presidents Hill, Rumbalara Reserve, and the waterfront.	The site is not located within a key view line or vista.	Yes
4.5 Footpath crossings/driveways	One single vehicular access width 2.7m for single crossing and 5.4m for double crossing. Access should be from lanes or minor streets rather than primary street. Entry point to be integrated into building design.	Access from the rear off Mouat Lane is not feasible due to width and ROW restrictions. The separate entry and exit driveways are required due to the constraints of the width of the site, slope and sight distance required on Henry Parry Drive. This is confirmed by the agreement by TfNSW for direct access to Henry Parry Drive.	Yes
4.5.2 Pedestrian overpasses and underpasses.	Discouraged in Mann Street.	Not proposed	Yes

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<p>5.2.1 Street setbacks and rear setbacks</p>	<p>Henry Parry Drive 3m-4m Gertrude Street 3m-4m Rear setback 6m Side setbacks- Up to street wall height 3m Above street wall height 6m</p>	<p>Street setback 3m up to 14m and 5m above 14m (level5). Rear setback 3m-6m.</p>	<p>No. The variations to the building setbacks while not complying with the DCP requirements are considered suitable for the site in this location and have had regard to existing and likely future development on adjoining sites. The proposed building steps back from the street and the rear at the higher levels. The nil setback on the eastern side boundary with Gertrude Street locates the building off the western boundary to separate from future development on the western side. Gertrude Street will not be constructed as a public road and may be a future pedestrian pathway between John Whiteway Drive and Henry Parry Drive. The proposed setbacks are considered suitable for the site and do not significantly impact existing or likely future development on adjoining sites.</p>
<p>5.2.2 Street wall height</p>	<p>Street wall height 6-14m</p>	<p>Street wall height 14m</p>	<p>Yes</p>
<p>5.2.3 Active street frontages and street address</p>	<p>Required in certain locations.</p>	<p>Site not required to have active street frontage. A street address has been provided to Henry Parry Drive.</p>	<p>Yes</p>

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5.2.4 Building setbacks and separation	3m side setback up to 14m height and 6m above 14m height.	2m–6m on western side. Nil on eastern side.	No. The setbacks on the eastern and western sides are considered appropriate for the site. The building is setback off the western boundary to mitigate the impact on future development of the adjoining sites/s to the west. The nil setback to the eastern side with the Gertrude Street road reserve is considered suitable as this part of the road reserve will never be constructed as roadway. The road reserve provides adequate separation between the proposed development and the existing residential flat building to the east of Gertrude Street.
5.2.5 Slender towers with high amenity	Maximum floor plate 750m ² above street wall height	Maximum floor plate 320m ²	Yes
5.2.6 Fine grain frontages	Maximum continuous street frontage length below street wall height 40m, have an architectural character, and to be well articulated.	N/A	Yes
5.2.7 Awnings	Awnings required for new developments identified as active street frontages.	Not required in this location.	Yes
5.2.8 Building sustainability and environmental performance.	Incorporation of measures to improve energy and water efficiency and waste minimization. Minimum 4.5 star rating for commercial buildings and a BASIX Certificate for residential development..	BASIX certificate submitted. Average star rating 5.8.	Yes
5.2.9 Above ground parking	Car parking to be wholly provided underground unless unique site conditions prevent. Car parking above ground level to have a minimum floor to ceiling height of 3.5m to enable adaption to another use in the future, and to be integrated into building design.	Three (3) levels of basement car parking are provided recessed into the slope of the land below ground level. The visual impact is not significant and acceptable. Landscaping at front mitigates impact from the street.	Yes
5.2.11 Internal amenity	Comply with SEPP 65/ADG	Refer to separate SEPP 65/ADG assessment.	Design appropriate for site.

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5.2.12 Building services and streetscape.	Substations to be wholly located within site or integrated into the building and landscape design with high quality materials and finishes.	Substation location to be determined by Energy authority if required.	Yes
5.2.13 Landscape design	Landscape plan to be prepared by landscape architect.	Landscape plan prepared by Vision Dynamics. Landscaping proposed within front, rear and western side setbacks.	Yes
5.2.14 Site cover and deep soil planting.	Maximum site coverage 60% and minimum 15% deep soil planting.	Proposed 49% site coverage and 15.3% deep soil planting.	Yes
5.2.15 Front fences	Maximum height 1.2m	Fencing not proposed.	Yes
5.2.16 Safety and security.	Safer by design principles to be addressed.	Proposal has been designed in accordance with CPTED principles. Balconies provide natural surveillance of common and public areas. Refer condition 4.10.	Yes
5.2.17 Building exteriors	High quality external materials and finishes to be used, with low maintenance costs, and articulation to add visual interest.	Materials and finishes consist of a mix of rendered painted concrete, sandstone cladding, aluminium louvres, glass and steel roof.	Yes
5.2.18 Public artworks	Developments over 5000m2 are required to prepare a public artwork plan.	Site under 5000m2.	Yes
5.2.19 advertising and signage.	Signs to be designed and located to relate to the use of the building, be visually interesting, and of high quality.	No signs are proposed.	Yes
6.1 Key sites	Site not identified as a key site.	N/A	N/A
7.2 Pedestrian access and mobility.	Main building entry to be clearly visible from primary street with barrier free access.	Main pedestrian access from Henry Parry Drive with lifts for access. A pedestrian/traffic safety plan has been submitted for construction across the frontage of the site.	Yes
7.3 Vehicular driveways and manoeuvring areas.	Driveway to be from lanes or secondary street rather than primary street where possible. Located a minimum 6m from any intersection and 1.5m from side boundary. Vehicles to be able to enter and leave in a forward direction and access to be integrated into design of building.	Separate entry and exit driveways are provided due to the limited sight distance and the requirements of TfNSW Vehicles will be able to enter and leave in a forward direction. Access via Mouat Lane is not physically and legally possible.	Yes

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7.4 On-site parking	On site parking to comply with AS 2890.1 2004-Parking Facilities.	Parking has been provided in accordance with ADG/RMS requirements. The parking required under RMS guidelines is 35 spaces and 41 spaces have been provided. This includes 6 disabled spaces and 7 visitor spaces. As a comparison, under GCCDCP 2018, a total of 46 spaces would have been required. The visitor car parking spaces should be retained in common property if the development is strata titled. Refer conditions 5.12 and 6.5.	Yes
7.5 Site facilities and services.	Mail boxes to be provided in one accessible location adjacent to main entry. Waste storage areas to be located for collection from rear laneway and to preserve amenity of nearby residents.	To be located in entry lobby off Henry Parry Drive. Waste management plan submitted and approved by Waste Management Officer.	Yes
8.2 Energy efficiency and conservation.	BASIX Certificate required for residential development.	BASIX certificate submitted.	Yes
8.3 Water conservation.	BASIX certificate required for residential development.	BASIX certificate submitted.	Yes
8.4 Reflectivity.	New buildings should not result in glare or discomfort to pedestrians and drivers. Visible light reflectivity should not exceed 20%.	Proposed external materials and colour scheme uses non reflective materials. Colour scheme and external materials provided in architectural plans.	Yes
8.5 Wind mitigation.	Wind Effects report required for buildings over 14m in height	Wind effects report not considered warranted due to height of surrounding ground level and minor variation to building height.	Yes
8.6 Waste and recycling.	Waste storage area to be provided to accommodate waste bins on site.	Waste management plan approved by Council's Waste Management Officer.	Yes
8.7 Noise and vibration.	Development should be designed to minimize the potential for offensive noise.	An acoustic report shall be required prior to CC and the recommendations included in the building construction certificate. Refer condition. Refer Condition 2.11.	Yes

Likely Impacts of the Development

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The likely impacts of the development are addressed below:

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a) Built Environment

The subject site is zoned B4 Mixed Use under SEPP(GCC)2018 and is surrounded by residential developments. The eastern side adjoins an unconstructed road reserve and the southern side adjoins a major road being Henry Parry Drive.

The proposed development is not considered to have adverse amenity impacts to adjoining development from overshadowing, privacy, noise generating activities and views.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the SEPP(GCC)2018 and GCC DCP 2018 compliance. The potential impacts are considered reasonable.

b) Natural Environment

The proposed development is not considered to have any adverse impacts on scenic quality or the streetscape of Henry Parry Drive.

The redevelopment of the site will result in a development consistent with that for a residential development in this location within the Gosford city centre. There is no significant tree removal and the proposed development does not impact the natural environment of the adjoining road reserve.

The submitted SWMP, Water Cycle Management Plan and Landscape Design Report provides an overall concept which will stabilise and manage the entire site.

There will be no significant impact upon the natural environment as a result of the proposal.

c) Economic Impacts

The proposed development will have beneficial economic impacts. The proposal is considered to meet the aims of the *Central Coast Structure Plan 2036* and facilitates economic development that will lead to more local employment opportunities on the Central Coast and reduce the percentage of employed persons who travel outside the region each day for work.

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d) Social Impacts

The proposed development will have beneficial social impacts as it will provide employment in construction and the provision of medium/high density residential development in close proximity to public transport, Gosford waterfront and the Gosford CDB.

Suitability of the Site for the Development

The site is considered to be suitable for the proposed development as follows:

- The site is zoned B4 Mixed Use under SEPP(GCC)2018 Residential flat buildings are permissible under the B4 zone and the scale of the proposed development is consistent with the objectives of the zone.
- There are no environmental hazards which would prevent development of the site.
- Utility services are available to the site.
- The site is located on and near public transport facilities as well as public recreation/community facilities.

Public Submissions and Community Consultation

The application was notified in accordance with GCCDCP 2018 from 19 September 2019 to 14 October 2019. Three submissions were received during this period. The issues raised in submissions are detailed below.

- Henry Parry Drive is a state road and carries major north-south traffic. A no right turn should be required at the exit driveway or a barrier erected in the centre of the road. This is required due to poor visibility and 50 km/h speed limit in this location.

Comment: Condition 2.7 requires the installation of appropriate signage.

- Car parking is inadequate. It is likely 2 cars per unit will be needed and there is no street parking in this location for visitors. Any street parking available in the area will be used by workers during construction.

Comment: The parking provided complies with and is in excess of RMS requirements under the ADG for B4 zoned land. A construction management plan (CMP) is required as a condition of consent to mitigate the impacts on the area during construction. **(Refer condition 3.5)**

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- The site is located on a slippery steep bend of Henry Parry Drive. Construction of part of Gertrude Street for access to the site may be a better and safer option.

Comment: Gertrude street is steep and contains a number of services within the road reserve. Council does not support construction of Gertrude Street for vehicular traffic. Construction would also result in the removal of existing trees/vegetation within the road reserve.

- The trees within Gertrude Street should be retained for the privacy of residents to the east in Quay North apartments.

Comment: It is not proposed to remove the trees within Gertrude Street as part of this development.

- No shadow diagrams or sections have been submitted

Comment: Shadow diagrams and sections were submitted and assessed during the assessment process.

- The proposal does not meet design excellence. The streetscape and view from Henry Parry Drive is hideous and the access is inadequate for furniture vans and tradesmen. Access should be from Mouat Lane.

Comment: Mouat Lane is a 6m wide narrow laneway. The site does not have frontage to Mouat Lane but does have access to Mouat Lane via a 6m wide right of way. The additional traffic generated by the proposed development could not be catered for by Mouat Lane due to the narrow road width but can be catered for by Henry Parry Drive. The design has been prepared by and reviewed by registered architects under the provisions of SEPP 65.

- The proposed building should match other buildings along Henry Parry Drive by terracing back with increasing height. The proposed building height and bulk are excessive for the size and shape of the site.

Comment: The proposed development complies with the FSR and generally complies with the street setbacks except for level 5 of the building. Other buildings along Henry Parry Drive were constructed on larger sites under previous planning controls.

- The submitted geotechnical report is inadequate.

Comment: The geotechnical report has been submitted and prepared by a geotechnical engineer and has identified site constraints and future requirements.

- It appears the building will block views of Brisbane Water from No. 94-96 John Whiteway Drive and 97-100 Henry Parry Drive.

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Comment No 94-96 John Whiteway Drive is the adjoining site to the north/rear of the site. It is currently vacant and has a higher elevation (about RL40m to RL50m) than the subject site. This site has an 18m height limit and future development on this site at the higher levels will retain views over the proposed development if built to the same height limit. This is not unreasonable.

No 97-100 Henry Parry Drive is located to the west and to the side of the site and views from this site will be across Henry Parry Drive towards Brisbane Waters. The proposed development will not block views of Brisbane Waters from this site.

In accordance with the principles set down by the Land and Environment Court in *Tenacity Consulting Pty Ltd v Warringah Council* NSWLEC 140, there is no significant or unreasonable view loss from adjoining sites as a result of non-compliance with development standard of height or other planning controls.

Submissions from Public Authorities

Roads and Maritime Services (now TfNSW) advise no objections subject to conditions. Refer development engineer comments below.

Internal Consultation

Development Engineer	Supported subject to conditions - see comments below.
Tree Assessment Officer	Supported subject to conditions - see comments below.
Waste Services	Supported subject to conditions
Water and Sewer	Supported subject to conditions-see comments below.

Development Engineer

Councils Development Engineer makes the following comments:

Henry Parry Drive

The site has a southern frontage to Henry Parry Drive. Across the Henry Drive frontage there is/are:

- Kerb & gutter across the full frontage.
- A footway that has minimal formation (< 1m wide) behind the kerb & gutter and then rises sharply up to the property boundary (and within the site).
- No concrete footpath
- A kerb layback and concrete vehicle access crossing to No 95 Henry Parry Drive.
- The existing driveway will become redundant and will need to be removed.
- A bitumen vehicle access crossing associated with the access to No 93 Henry Parry Drive (though this fronts an unformed section of Gertrude Street).

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- “No Stopping” regulatory restrictions across the whole site frontage.

Half road pavement works within Henry Parry Drive are not required for this development, although some works would be required to reinstate pavement and kerb & gutter related to longitudinal drainage works and access locations – refer to relevant sections below.

Gertrude Street

The site has an eastern frontage to an isolated section of Gertrude Street that has not been constructed to a public road standard but presently contains a driveway for access to No 93 Henry Parry Drive. This access will become redundant and is to be removed and the road reserve restored. **(Refer condition 2.5)**

Pedestrian link in Gertrude Street

As originally lodged, the application proposed to construct a stairway meandering the centre of the Gertrude Street road reserve to provide pedestrian access to the development. It is noted that an owner of the development site approached Council approximately 2-3 years ago with the request to permit closure and purchase of the section of Gertrude Street that has a frontage to the site. Council’s response to that owner was that they did not support the requested closure and that the road reserve be retained in Council ownership for future infrastructure provision, potentially for a pedestrian link between Henry Parry Drive and John Whiteway Drive and/or drainage works as an option should intensification of development within John Whiteway Drive occur in the future. In relation to the proposed stairs in Gertrude Street, verbal comments received from the Section Manager Asset Management (Casey De Pereira) indicated that the proposal for stairs within the Gertrude Street road reserve would not be supported unless the developer proposed to construct the whole pedestrian link from John Whiteway Drive to Henry Parry Drive to provide a community benefit within this road reserve (not just a benefit for the subject development). In this regard a preliminary design was requested from the applicant for consideration that is a holistic approach for pedestrian movements from Henry Parry Drive and John Whiteway Drive, and that is safe. Revised architectural plans Fortey & Grant Architecture (Job No 1732 10 sheets dated 22/5/2020 & 25/5/2020) were since submitted which now indicate the pedestrian link is no longer proposed and has been removed from the plans.

Right of carriageway / Mouat Lane

No 65 Henry Parry Drive is also accessed via a right of carriageway over a neighbouring lot (Lot 13 DP 28807) which adjoins the subject site near the north western rear corner of the site. This right of carriageway contains a narrow pavement that is only wide enough for one vehicle movement. This right of carriageway connects onto the end of Mouat Lane which has a road reserve width of 6.096m with a pavement width that generally permits a one-lane vehicle movement at a time with possible passing opportunities within in the frontages of other private properties. Vehicle access is not proposed via the right of carriageway / Mouat

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Lane which also has a width of 6.096m. It is noted it would be difficult to construct an access in the right of carriageway that complied with AS2890.1:2004 to facilitate the proposed traffic movements for the development.

Access

The development proposes two vehicle access crossings (VAC's) within the Henry Parry Drive frontage of the site, with the western VAC related to entry only movements for passenger and servicing vehicles, and the eastern VAC related to exit only movements for passenger and servicing vehicles, as indicated in the revised architectural plan prepared by Fortey & Grant Architecture (Job No 1732 Drawing No DA-23 Amendment A dated 22/5/2020). The provision of these accesses at this location with a direct frontage to Henry Parry Drive has the concurrence from Roads & Maritime Services (RMS) subject to certain requirements being met - refer to section on RMS below.

Car parking is proposed within the development over three levels (basements 1, 2, & 3) with basement 3 being near level with the Henry Parry Drive frontage of the site. These basement levels appear to comply with AS2890 in relation to access ramps and car parking spaces, and it is recommended that any development consent be conditioned to comply with Australian Standard AS2890 as such. The design of the development would enable vehicles to enter and exit the site in a forward direction.

Within the site, the development proposes to facilitate servicing by waste vehicles within the site frontage.

Traffic

A "Traffic and Parking Assessment Report" prepared by Varga Traffic Planning Pty Ltd (Ref 18161 dated 8 June 2018) was submitted with the application at lodgement. This report:

- describes the site and provides details of the development proposal
- reviews the road network in the vicinity of the site
- estimates the traffic generation potential of the development proposal
- assesses the traffic implications of the development proposal in terms of road network capacity
- reviews the geometric design features of the proposed car parking and loading facilities for compliance with the relevant codes and standards
- assesses the adequacy and suitability of the off-street car parking and loading provided on the site

Additional information was requested of the applicant to address compliance with Section 3.2.4 & Figure 3.2 of AS2890.1:2004 and Section 3.4.5 & Figure 3.3 of AS2890.2:2018, in relation to compliance with the minimum sight distance requirements at access driveways. A site inspection (18/10/2019) indicated that the minimum sight distance requirements cannot

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be met under the current conditions associated with the topography and vegetation in the road reserve of Henry Parry Drive. Additional information prepared by Varga Traffic Planning dated 29 May 2020 was submitted which indicated the following measures to improve sight distance and safety associated the proposed accesses for the development::

- the western driveway will be restricted to entry only vehicle movements, whilst the eastern driveway will be restricted exit only vehicle movements
- pedestrian safety visibility splays will be provided on both sides of both driveways in accordance with the requirements of Figure 3.3 of AS2890.1 – 2004
- the existing embankment and vegetation located in front of the subject site and in front of the adjacent site at Number 97 will be lowered between the kerb and the property boundary such that any remaining vegetation will not be higher than 600mm above the driveway pavement to satisfy the minimum sight distance requirements at access driveways as specified in Figure 3.2 of AS2890.1 – 2004.

The first two points are indicated in the revised architectural plans. These measures can also be appropriately conditioned with the development consent. **(Refer conditions 2.5 and 2.8)**

Comments from Roads & Maritime Services (RMS)

(Note: Since comments were initially received from RMS, RMS has been incorporated into Transport for NSW (TfNSW)).

Henry Parry Drive is a classified State road. The application was referred to RMS/Transport for NSW for comment.

It is noted that State Environment Planning Policy (Infrastructure) 2007, Division 17, section 101 (2), indicates that the consent authority must not grant consent to the development on land that has a frontage to a classified road when alternative access is available via a local road. With this in mind RMS would need to concur to the proposal to permit direct access to Henry Parry Drive as the site has potential provision for some form of alternative access arrangements from the unformed section of Gertrude Street and/or the narrow right of carriageway at the rear of the corner site. If direct access to Henry Parry Drive was denied by RMS then the development would require a major redesign. However, comments received from RMS dated 12 November 2019 did not object to the proposal for direct access off the Henry Parry Drive frontage of the site as proposed.

Comments received from RMS dated 12 November 2019 indicated the following matters as relevant to the engineering assessment of this application:

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Transport for NSW Comment	Development Engineer Response
The design of the internal driveway layout needs to ensure that all vehicles can enter and exit the site in a forward manner.	The current design would facilitate this requirement.
Egress to Henry Parry Drive shall be left out only.	This can be suitably conditioned. It is also recommended that signs be placed within the front boundary of the development to advise of "No exit" at the entry vehicle crossing and "left turn only" & "No right turn" at the exit. (Refer condition 6.3)
Post development stormwater discharge from the site shall not exceed the pre development discharge from site up to the 100 year ARI event (detention calculations to be provided for the 1, 5, 10, 20 and 100 year ARI events).	On-site detention would be conditioned for the development to limit post development flows to less than or equal to predevelopment flows for all storms up to and including the 1%AEP event.
<p>Details of the proposed connection to the Henry Perry Drive drainage pit is required to ensure no damage to the Roads and Maritime infrastructure and no leaks to the adjacent road formation. Due to maintenance issues of blockages, Roads and Maritime preference is minimum 375mm diameter RCP pipe.</p> <p>Comment: 225mm diameter PVC pipe connected to RMS pit, shown in Drawing number 101 Issue B dated 19/06/2018 is not supported.</p>	<p>It is recommended that the proposed 225mm diameter pipe connection to the drainage system in Henry Parry Drive is upgraded to a 375mm RCP to comply with RMS requirements. The pipe size has been increased with the latest stormwater plans to address this matter. This can also be suitably conditioned. (Refer condition 2.5)</p> <p>Strict compliance with this RMS comment is not required as the on-site detention system can be designed to restrict outflows to compensate for those flows that may by-pass the OSD tank, which is an acceptable solution provided the total post development stormwater flows leaving the site do not exceed pre-development stormwater flows.</p>
All stormwater flows shall be fed in to the Onsite Detention (OSD) tank and then to the state road drainage system.	Drawing number 101 Issue B dated 19/06/2018 shows that the stormwater from Pit 2, 3, 4 & 5 as well as a downpipe from the east bypass the OSD tank and directly discharge to Pit 1 and then to the RMS pit on the Henry Perry Drive, which is not acceptable.
All sub-soil pipe outlets shall be connected to drainage pits.	This can be suitably conditioned
The grassed and footpath area behind the kerb up to the property boundary shall be sloping 2% towards the road.	Full formation of the footway from the back of the kerb to the property is recommended with this development.
The proposed work will involve excavation close to Roads and Maritime assets. As such, proposed development shall meet requirements of RMS Technical Direction GTD 2012/001 Excavation adjacent to RMS infrastructure which is available at link: https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-directions/gtd_2012-01.pdf .	This can be suitably conditioned. (Refer conditions 2.6, 2.9 and 4.8)
<p>As road works are required on Henry Parry Drive (MR673), Roads and Maritime will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Roads and Maritime would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD.</p> <p>It is requested that Council advise the developer that the Conditions of Consent do not guarantee Roads and Maritime's final consent to the specific road work, traffic</p>	These matters can be suitably conditioned or advised of with a development consent. (Refer condition 4.9)

3.3

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Transport for NSW Comment	Development Engineer Response
<p>control facilities and other structures or works, for which it is responsible, on the road network. Roads and Maritime must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.</p> <p>The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the Roads and Maritime.</p> <p>All road works under the WAD shall be completed prior to issuing any Occupation Certificate for the development.</p> <p>All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council, and to Council's requirements.</p>	
<p>Roads and Maritime recommends that the following matters should be considered by Council in determining this development:</p> <p>Roads and Maritime has no proposal that requires any part of the property.</p>	Noted.
<p>Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.</p>	This could be appropriately conditioned. (Refer condition 3.5).
<p>Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.</p>	The matters related to safe sight distance requirements have been addressed in the engineering assessment.
<p>Discharged stormwater from the development shall not exceed the capacity of the Henry Parry Drive stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.</p>	The development will be conditioned to provide OSD so that post development flows do not exceed predevelopment flows. Engineering plans for works within the road reserve would require concurrence from RMS prior to approval under the Roads Act. (Refer conditions 2.8 and 2.9)

Works in road reserve/s

The development, if approved as proposed, would need to undertake the following works within the road reserve/s:

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- Full footway formation at 2% from the property boundary to the kerb & gutter, across the full frontage of the site. No retaining walls to be located in the footway within the site frontage.
- Footway formation works and vegetation removal works within the site frontage of No 97 Henry Parry Drive to meet the minimum sight lines to vehicles for the proposed vehicle access crossings.
- Footway formation at 2% within the extent the Gertrude Street road reserve at its intersection with Henry Parry Drive. The footway formation is to be from the back of kerb in Henry Parry Drive to a straight line projection between the south-eastern corner of No 93 Henry Parry Drive to the south western corner of No 92 John Whiteway Drive.
- Removal of the redundant vehicle crossing in Henry Parry Drive and replacement with new kerb & gutter.
- Removal of the existing two vehicle access crossings (i.e. one for the access to No 95 and one for the access to the driveway in Gertrude Street road reserve).
- Removal of the vehicle crossing associated with the Gertrude Street driveway and replacement with kerb & gutter.
- Removal of the redundant driveway within the Gertrude Street road reserve.
- Construction of two heavy duty crossings in Henry Parry Drive.
- Concrete footpath across the full frontage of the site.
- Connection of stormwater from the site to the Council piped drainage system located in Henry Parry Drive.
- Adjustment services as required to accommodate the required works.
(Refer conditions 2.5, 2.6, 2.8, 2.9)

Flooding

Council's records do not indicate that the site is affected by flooding.

Drainage

The site generally grades from the rear to the Henry Parry Drive frontage of the site.

The development has the potential to generate additional stormwater flows from the site and discharge these to the downstream drainage system. Therefore, on-site detention would be required to limit post development flows back to predevelopment flows for all storm events up to and including the 1%AEP storm recurrence interval. The development has the potential to discharge additional pollutants & nutrients into the receiving downstream drainage system. Therefore, nutrient/pollution controls would be required to treat stormwater prior to it leaving the site. The development will also need to provide on-site retention (e.g. rainwater tanks) for reuse of rainwater within the development.

Stormwater Concept Plans prepared by Australian Consulting Engineers (Project No 180412, Drawing No's 000, 106-107 all Issue A dated 23/4/2018, and Drawing No's 101-105 all issue B

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dated 19/6/2018) were submitted upon lodgement of the DA. Assessment of these details indicated a number of outstanding matters that needed to be addressed,

Revised stormwater details were lodged for the application in the form of the 'Stormwater Management Report' prepared by Australian Consulting Engineers (Report No 180412.SQR.2 dated March 2020) and the 'Stormwater Concept Plans' prepared by Australian Consulting Engineers (Project No 180412, Drawing No's 000 Issue B dated 18/12/2019, 101 Issue D dated 20/03/2020, 102 Issue B dated 19/06/2018, 103 Issue B dated 19/06/2018, 104 Issue B dated 19/06/2018, 105 Issue D dated 30/03/2020, 106 Issue B dated 18/12/2019, 107 Issue A dated 23/04/2018, & 108 Issue A dated 18/12/2019). These details indicated the following stormwater provisions for the development to address the requirements of Chapter 6.7 of Council's Gosford DCP2013:

- *On-site Detention (OSD)*: OSD is proposed via the use of a below ground concrete tank (Level 3 basement area. The OSD system is proposed for a volume of 11.6m³ as part of a combined OSD/retention tank.
- *Nutrient/pollution control*: Nutrient/pollution controls are proposed through the use of proprietary stormwater treatment measures within the on-site retention tanks, and the infiltration / OSD tank.
- *Rainwater retention*: The development proposes 16.71m³ of rain tank volume for this purpose as part of a combined OSD/retention tank.
- *Stormwater plans*: Connection of stormwater from the site to Council's drainage system in Henry Parry Drive including the provision of longitudinal street drainage to connect to the existing drainage pit in Henry Parry Drive.

The following matters have also been resolved with these stormwater details:

- The proposed pit for longitudinal street drainage in Henry Parry Drive has been relocated to be located on the western side of the 'exit' vehicle crossing and the pipeline extended accordingly to remove the pit from within the proposed vehicle crossing.
- Stormwater from the development is to connect to the relocated proposed pit via a 375mm diameter RCP (RMS requirement), with the proposed pit in the kerb line being a kerb inlet pit.
- Longitudinal street drainage provided in Henry Parry Drive is now a minimum 375diameter RCP pipe.
- Internal drainage details amended to ensure that the pipe grade will not conflict with excavated areas for access.
- Details and confirmation submitted that the on-site detention has been designed utilising a run-off routing method, and details of relevant files and the model provided.
- Details provided to confirm that the nutrient/pollution controls achieve the reduction criteria as per Chapter 6.7 of Council's Gosford DCP2013.

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- As per Chapter 6.7 of Council's Gosford DCP2013, a Water Cycle Management Plan has been provided in the form a report addressing the stormwater requirements for on-site detention, nutrient pollution controls, rainwater retention, stormwater plans, and operation & maintenance report.

It is noted that these additional submitted storm water details were based on the architectural plans originally submitted with the DA and were not been amended to reflect the latest architectural plans that have now removed the stairs in the road reserve of Gertrude Street and proposed footway formation in Henry Parry Drive, The latest stormwater details now submitted for the application are the 'Stormwater Management Report' prepared by Australian Consulting Engineers (Report No 180412.SQR.3 dated 29 May 2020) and the 'Stormwater Concept Plans' prepared by Australian Consulting Engineers (Project No 180412, Drawing No's 000 Issue B dated 18/12/2019, 101 Issue E dated 29/05/2020, 102 Issue C dated 29/05/2020, 103 Issue C dated 29/05/2020, 104 Issue C dated 29/05/2020, 105 Issue E dated 29/05/2020, 106 Issue C dated 29/05/2020, 107 Issue A dated 23/04/2018, & 108 Issue A dated 18/12/2019). These latest details reflect the revised architectural plans which have removed the proposed stairs within the road reserve of Gertrude Street. It is considered that these latest stormwater concepts are adequate and sufficient to assess stormwater matters for the purpose of the DA assessment.

Tree/Landscape Considerations

The proposed plans do not nominate tree removal, however onsite it was noted that several smaller ornamental will require removal.

Larger trees such as Eucalypt, Camphor laurel, Pencil Pine and Crape Myrtle located on the near the eastern boundary are a reasonable distance from new works and not expected to be adversely impacted.

At the time of inspection it was noted that the Camphor laurel was in severe decline (near dead) and likely to be removed.

Landscape Plan shows planting of five (5) larger trees (Apple Gum) within the development and smaller native trees such as Lilly Pilly and Blue berry Ash.

The amended landscape plan provides street tree planting within the available areas of the road reserve and planter boxes on balconies.

Water and Sewer

- The development site is located within the Water & Sewer Redevelopment Developer Services Plan (DSP) Area.
- Water and sewer is available to the land.

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- The developer shall be required to obtain a Section 307 certificate for development of the land. **(Refer condition 2.3)**
- Water and sewer developer (S307) contributions apply. The current water contribution is \$2,585 and sewer contribution is \$1,816.
- Apartment will be assessed based on the number of bedrooms per unit, eg 1-bedroom unit is 0.5 ET, 2-bedroom unit is 0.75ET and 3 bedrooms is 1 ET.
- Applicant can obtain flow and pressure result for the existing water network via Council to assist the hydraulic design for the proposed firefighting system.
- Council's 100mm CICL water main and 150mm gravity sewer main are located in Henry Parry Drive reserve directly fronting the development site. Dependent upon required works for the new access crossover the main may be impacted. Any works relates to Water and sewer infrastructures shall be at the developer's cost.

Shadow Impacts

The shadow diagrams submitted by the applicant indicate that the site and adjoining sites are in shadow at 9am in June due to the height of the terrain behind the site.

At midday the shadow impact of the proposed development is mainly over Henry Parry Drive, and at 3pm is mostly over Gertrude Street Road reserve, with some shadow impact on the side of the residential flat building to the east of Gertrude Street.

It is considered the shadow impact of the proposed development and variation to height do not significantly impact adjoining sites and is not unreasonable given the slope of the land.

Isolation/Redevelopment of Adjacent Sites.

The proposed development relies on the amalgamation of Nos 93 and 95 Henry Parry Drive to achieve a higher or intensification of development. Such amalgamation is necessary to achieve economic and orderly development under the relevant planning controls. The proposed development should not result in isolation of adjoining sites for future development.

The two adjoining sites to the west include a vacant lot and an old residential flat building which has been strata subdivided. The 6 metre setback of the proposed development to the western boundary would not constrain future development on one or both these lots.

The adjoining sites to the north have had a previous consent for a residential flat building over three lots which did not proceed. Similarly the proposed development will not restrict development on the adjoining land to the north.

Development at Zone Interface

In *Seaside Property Developments Pty Ltd v Wyong Shire Council* [2004] NSWLEC 117 the planning principle was established that any development in one zone needs to take into

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account the form of existing development and/or development likely to occur in the adjoining different zone.

The adjoining land on the eastern side is zoned R1 General Residential and has a maximum building height of RL 54.7m AHD. The proposed development has a height of RL 49.5m to 56.7M AHD. The road reserve of Gertrude Street separates the proposed development from the existing residential flat building on the other side of Gertrude Street and provides an appropriate transition from the B4 zone to the R1 zone.

Other Matters for Consideration:

Section 7.12 Contributions

Contributions may be applicable to development which is subject to section 7.12 Contributions Plan - Gosford City Centre. Development contributions are only levied where the proposed cost of works exceeds \$250,000 and the gross floor area of the development is increased. In this instance, the proposed development increases the gross floor area and the value of the works is \$9,860,896.00. A condition of consent has been imposed requiring the development contribution to be paid prior to the issue of any Construction Certificate. **(Refer to Conditions 2.10 and 2.11)**

Bushfire

The land is identified as bushfire prone land. The bushfire report submitted concludes that the building will be provided with passive bushfire protection measures that comply with AS3959-2009 for ember protection and the proposed building does not require a performance based bushfire compliance solution.

Geotechnical Assessment

The geotechnical report identifies that the site has been modified in the past due to previous building works. The site has been modified by benching of 2 to 3 metres in depth. Excavation will be founded on Terrigal Formation Sandstone and/or siltstone which has low strength. It is recommended that further geotechnical investigation be carried out to verify subsurface conditions and geotechnical parameters.

The site is classified as Class P (Problem) due to the presence of uncontrolled fill and a moderate risk of instability.

The report concludes that based on engineering judgement, the likelihood of landslide failure is assessed to be unlikely and the consequence of failure is assessed to be major. The overall slope failure is assessed to be moderate and can be reduced to low by design and construction as outlined in the geotechnical report.

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Ecologically Sustainable Principles:

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of the assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change

The Public Interest

The approval of the application is considered to be in the public interest as follows:

- The proposal will generate social and economic benefits for the community by providing additional commercial and residential accommodation near public transport;
- The proposal is consistent with the relevant objectives of the applicable environmental planning framework, including the SEPP(GCC)2018 and GCCDCP2018.
- The proposal does not result in any unreasonable environmental impacts and will not unreasonably impact the amenity of neighbouring properties.

Conclusion

This application has been assessed against the heads of consideration of Section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

**3.3 DA 57145/2019 - Demolition of existing dwelling houses and construction of a Residential Flat Building
93-95 Henry Parry Drive, Gosford (contd)**

Accordingly, the application is recommended for **approval** pursuant to Section 4.16 of the Environmental Planning and Assessment Act.

Reasons for the Decision

The reasons for the decision as recommended under the assessment of this application are as follows:

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. The proposal has been considered against the provisions of State Environmental Planning Policy (Gosford City Centre) 2018 and has been found to be satisfactory.
3. There are no significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.

Attachments

1	Conditions - 93-95 Henry Parry Drive, Gosford - DA 57145/2019	D14204638
2	Architectural Plans - 93-95 Henry Parry Drive, Gosford - DA 57145/2019	D14203446
3	Shadow Diagrams - 93-95 Henry Parry Drive, Gosford - DA 57145/2019	D14203188
4	Calculations - 93-95 Henry Parry Drive, Gosford - DA 57145/2019	D14203189
5	Landscape Plans - 93-95 Henry Parry Drive, Gosford - DA 57145/2019	D14206834

Attachment 1: Conditions of Consent**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: Fortey+Grant Architecture

Drawing	Description	Sheets	Issue	Date
DA-00	Site Analysis	1	A	30/04/2018
DA-01	Roof & Site Plan	1	B	22/05/2020
DA-02	Basement 3 Plan	1	E	15/07/2020
DA-03	Basement 2 Plan	1	B	22/05/2020
DA-04	Basement 1 Plan	1	B	25/05/2020
DA-05	Level G Floor Plan	1	B	25/05/2020
DA-06	Level 1 Floor Plan	1	A	30/04/2018
DA-07	Level 2 Floor Plan	1	A	30/04/2018
DA-08	Level 3 Floor Plan	1	A	30/04/2018
DA-09	Level 4 Floor Plan	1	A	30/04/2018
DA-10	Level 5 Floor Plan	1	A	30/04/2018
DA-11	North Elevation	1	A	30/04/2018
DA-12	South Elevation	1	B	25/05/2020
DA-13	East Elevation	1	B	25/05/2020
DA-14	West Elevation	1	A	30/04/2018
DA-15	Section	1	B	25/05/2020
DA-16	Section	1	A	30/04/2020
DA-17	Calculations	1	B	04/05/2020
DA-18	Height Planes	1	C	25/05/2020
DA-19	Shadow Diagrams	1	B	04/05/2020
DA-20	Materials and Finishes	1	A	30/04/2018
DA-21	Photomontage	1	A	30/04/2018
DA-22	Shadow Views	1	A	30/04/2018
DA-23	Footpath & Traffic Safety Plan	1	A	21/05/2020

Supporting Documentation

Document	Title	Date
Coastplan	Statement of Environmental Effects Project No 1735	July 2019
Coastplan	Waste Management Plan	06/08/2020
Australian Consulting Engineers P/L	Stormwater Management Report No 180412.SQR.3	May 2020

Australian Consulting Engineers P/L	Stormwater Concept Plans	18/12/2019, 29/05/2020, 23/04/2018
Forty+Grant Architecture	SEPP 65 Report	March 2020
Varga Traffic Planning P/L	Traffic & Parking Assessment Report Ref 18161	08/06/2018
Clarke Dowdle & Associates	Bushfire Assessment Report	May 2018
CKGeotech	Preliminary Geotechnical Assessment CKG 0736-1	August 2019
Assistive Technology Australia	Access Report (FP1803-02)	04/05/2018
Victor Lin	Nathers Assessment Certificate No 0004097950	08/08/2019
Victor Lin	BASIX Certificate No 919707M_02	08/08/2019
Coastplan	Clause 4.6 Submission.	18/08/2020

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environment Planning and Assessment Regulation 2000*.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
 - a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition approved by this consent.

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

A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

- 2.4. Submit engineering details prepared and certified by a practising structural engineer that comply with Council's Building Over or Adjacent to Sewer and Water Main Guidelines to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

- 2.5. 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:

Construction of concrete footpath 1.5 metres wide for the full street frontage of the development in Henry Parry Drive.

Construction of concrete footpath 1.5 metres wide across the frontage of the Gertrude Street road reserve frontage of Henry Parry Drive, to connect the required footpath within the site frontage in Henry Parry Drive to the existing concrete footpath within the Henry Parry Drive frontage of No 92 John Whiteway Drive.

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 Henry Parry Drive. Construction to include transitions to existing formation either side of the site.

Construction of road verge/footway formation at 2% within the extent the Gertrude Street road reserve frontage of Henry Parry Drive. The footway formation is to be from the back of kerb in Henry Parry Drive to a straight line projection between the south-eastern corner of No 93 Henry Parry Drive to the south western corner of the Henry Parry Drive frontage of No 92 John Whiteway Drive.

Construction to include transitions to existing formation.

1. Construction of the road verge/footway formation within the Henry Parry Drive frontage of No 97 Henry Parry Drive, with a minimum width of 1.5m graded at +2% from the top of existing kerb towards the property boundary, and additional footway formation adjustments and removal of vegetation as required to achieve the minimum sight stopping distance

lines as per Australian Standard 2890. Construction to include transitions to existing formation.

2. Construction of an industrial/commercial type vehicle access crossing within the western side of the site frontage in Henry Parry Drive, that has a width and splay that can accommodate the swept turning path of an AS2890.2018 12.5m HRV entering the site from an eastbound direction in Henry Parry Drive.
3. Construction of an industrial/commercial type vehicle access crossing within the eastern side of the site frontage in Henry Parry Drive that has a width and splay that can accommodate the swept turning path of an AS2890.2018 12.5m HRV exiting the site to an eastbound direction in Henry Parry Drive.
4. Heavy-duty gutter crossings and road pavement adjacent to the required vehicle access crossings. .
5. Removal and replacement of all damaged kerb and gutter with new kerb and gutter.
6. Removal of all redundant laybacks in the kerb line and replacement with new kerb & gutter.
7. Removal of the existing two vehicle access crossings (i.e. one for the access to No 95 and one for the access to the driveway in Gertrude Street road reserve). The road verge/footway formation is to be reinstated and stabilised with topsoil, turf and footpath.
8. Removal of the redundant driveway within the Gertrude Street road reserve and reinstatement of the disturbed area with suitable landscaping.
9. Construction of longitudinal street drainage with a minimum 375mm diameter RCP, to connect stormwater from the site to Council's existing piped storm water drainage system in Henry Parry Drive.
10. Construction of a stormwater pipeline across the footway in Henry Parry Drive with a minimum 375 diameter RCP to connect to the required longitudinal stormwater pipeline and existing Council's piped stormwater drainage system in Henry Parry Drive.
11. Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

The design is to be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

2.6. Where works required by this condition are located on a Classified Roads concurrence to the design of the works from The Roads and Maritime Services (RMS) must be received by Council from the RMS and the developer will be required to enter into a Works Authorisation Deed (WAD) with the RMS prior to Council issuing the Section 138 Works Approval.

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. 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.

- 2.8. Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
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.
1. 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 on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths.
 2. Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
 3. Construction of on-site 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 re-use on the site and an operation and maintenance plan must accompany the design.
 4. Construction 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 Henry Parry Drive.
 5. 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.

6. Provision of signage adjacent to the western driveway and within the property boundary to advise exiting vehicles "No exit".
7. Provision of signage adjacent to the eastern driveway and within the property boundary to advise exiting vehicles "Left Turn Only" and "No Right Turn".
8. All subsoil pipes shall be connected to drainage pits.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

- 2.9. As road works are required on Henry Parry Drive (MR673), Transport for NSW will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Transport for NSW would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD.

Conditions of Consent do not guarantee Transport for NSW's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. Transport for NSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the Transport for NSW.

- 2.10. Pay to Council a contribution amount of **\$98,608.96**, that may require adjustment at time of payment, in accordance with the Section 7.12 Development Contribution Plan - Gosford City Centre.

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

Contact council's Contributions Planner on Tel 4325 8222 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the Section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contributions Plan may be inspected at the office of Central Coast Council, 49 Mann Street or on Council's website:

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

2.11. **Special Infrastructure Contribution – Gosford City Centre**

Obtain a determination by the Planning Secretary as to whether a special infrastructure contribution is required to be made under the *Environmental Planning and Assessment (Special Infrastructure Contribution - Gosford City Centre) Determination 2018 (2018*

Determination). The developer must do so before the time by which a special infrastructure contribution, if made as a monetary contribution, would have to be paid under the 2018 Determination.

To assist the Planning Secretary in making that determination, the developer is to provide the Planning Secretary with an up-to-date estimate of the proposed cost of carrying out the development, as referred to in the 2018 Determination.

If the Planning Secretary determines that a special infrastructure contribution is required to be made under the 2018 Determination, a contribution must be made in accordance with that Determination (as in force when this consent takes effect).

A person may not apply for a construction certificate in relation to development the subject of this development consent unless the person provides, in connection with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

In this condition:

developer means the person having the benefit of this development consent, and

Planning Secretary means the Secretary of the Department of Planning and Environment.

More information

Please contact the Department of Planning and Environment by email to:

SIContributions@planning.nsw.gov.au

2.12. The preparation and submission of an acoustic report prepared by a qualified and experienced acoustic engineer to address the impact of traffic noise from Henry Parry Drive on the amenity of the residential units. The recommendations of the acoustic report shall be incorporated into the building design and the Construction Certificate.

2.13. Submit to Council, the accredited certifier and relevant adjoining property owners a dilapidation report, prepared by a practising structural engineer, detailing the structural characteristics of all buildings and land located on adjoining properties. The report must indicate the land and structure's ability to withstand the proposed excavation, and any measures required to ensure that no damage to these structures or land will occur during the course of works.

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

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifying Authority for the building work:
 - 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.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 certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
- 3.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au.

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

3.5. 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 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.

- 3.6. 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.

4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7:00am and 5:00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately in that area, and
 - b) The Office of Environment & Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

- 4.7. Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, communications provider) for the supply of services concurrently with the engineering work approved by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.8. The proposed work will involve excavation close to Roads and Maritime assets. As such, proposed development shall meet requirements of RMS Technical Direction GTD 2012/001 Excavation adjacent to RMS infrastructure which is available at link: https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-directions/gtd_2012-01.pdf .
- 4.9. All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council, and to Council's requirements.
- 4.10. Incorporate the following Crime Prevention Through Environmental Design (CPTED) principles and strategies to minimize the opportunity for crime:
- a. Provide adequate lighting to common areas as required under *AS1158: 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.
- 4.11. Submit a report prepared by a registered Surveyor to the Principal Certifying Authority 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.
- 4.12. 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*.

- 4.13. Implement the requirements of the Waste Management Plan listed as supporting documentation in this development consent.
- 4.14. 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.
- 4.15. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority 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. 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*.
- 5.3. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.

5.4. Amend the Deposited Plan (DP) to:

- 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

- 1. create a Restriction as to use of land over all lots containing an on-site 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

And,

- 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. Contact Council for wording of the covenant(s)
 - to ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that
 - the facility will remain in place and fully operational
 - the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
 - Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost
 - Council is indemnified against all claims of compensation caused by the facility

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

- 5.5. Complete construction of driveways, ramps 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 detailed designs and reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifying Authority.
- 5.6. 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.
- 5.7. 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.
- 5.8. 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.
- 5.9. 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.
- 5.10. All road works under the required Works authorisation Deed (WAD) entered into between the developer and Transport for NSW shall be completed prior to issuing any Occupation Certificate for the development.
- 5.11. Complete landscaping works.
- 5.12. The provision and marking of seven (7) visitor car spaces. In the event of strata subdivision, the seven (7) visitor car spaces are to be retained within common property and not allocated to any residential unit.

- 5.13. The consolidation of lots 6 and 7 DP28807 into one (1) allotment prior to the issue of an Occupation Certificate.
- 5.14. Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.

6. ONGOING OPERATION

- 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 The following traffic safety measures are applicable for the ongoing operation of the development.
- The western driveway will be restricted to entry only vehicle movements.
 - The eastern driveway will be restricted exit only vehicle movements.
 - Vehicles exiting the site must turn lefty into Henry Parry Drive. No right turn into Henry Parry drive are permitted.
- 6.4. Do not store materials, waste matter or products outside the building or the approved waste storage area at any time.
- 6.5. The provision and marking of seven (7) visitor car spaces. In the event of strata subdivision, the seven (7) visitor car spaces are to be retained within common property and not allocated to any residential unit.
- 6.6. Compliance with the Waste Management Plan dated 6 August 2020 prepared by Coastplan Consulting.
- 6.7. Operate and maintain all external lights in accordance with the *AS4282-1997: Control of the obtrusive effects of outdoor lighting*.

7. 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

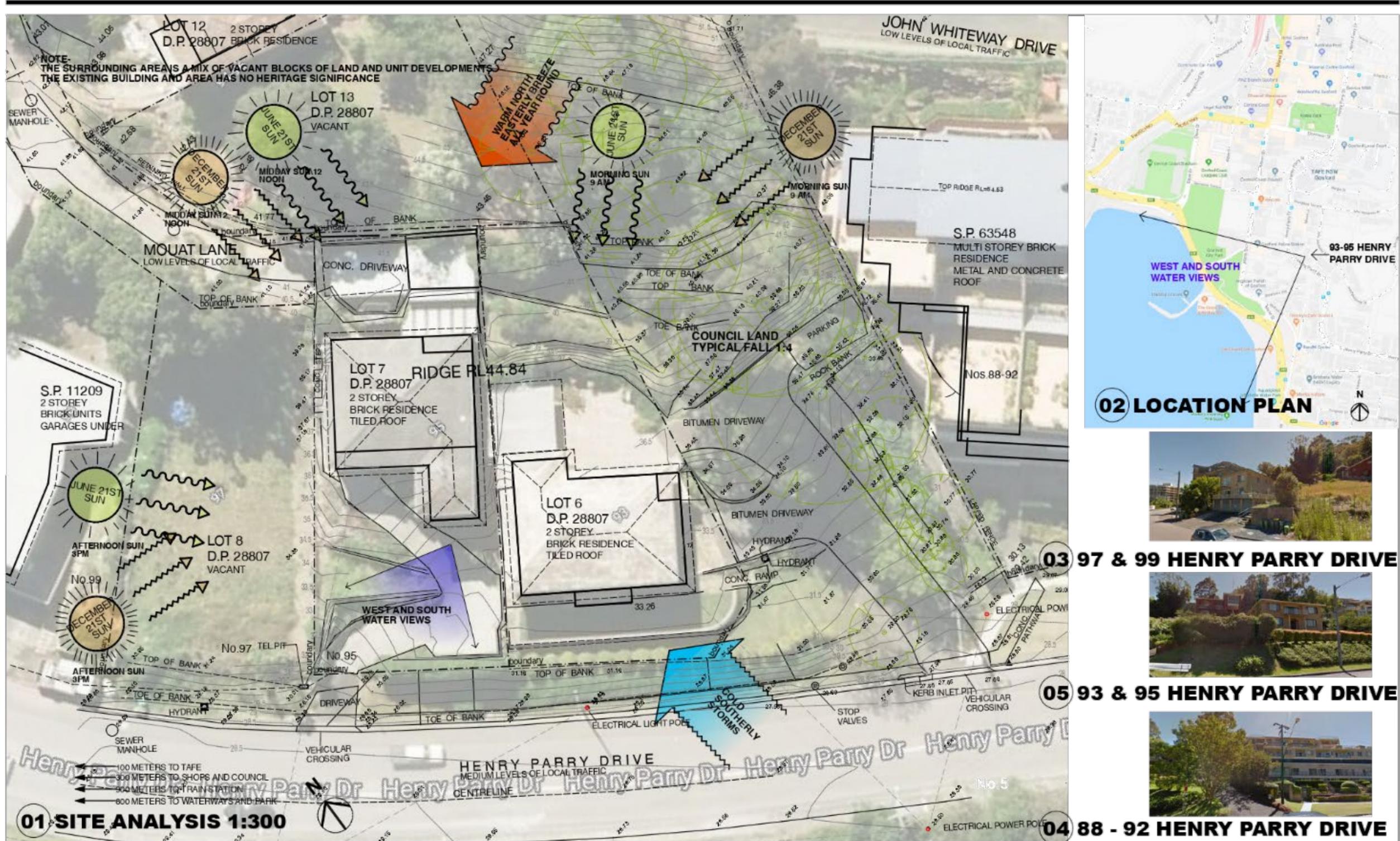
- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new

development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment Policy*. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au



Amendments	
A ISSUED FOR DA	30/04/18

Architect

Forley + Grant Architecture

Suite 3, Level 1, 1141 Bolony Lane
Mascot NSW 2020
mob: 0401 822 223
email: james@garch.com.au

Nominated Architect James Grant 6540

Project Details

RESIDENTIAL FLAT BUILDING AT

93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. All dimensions are to be figured in millimetres only. Do not scale from drawings. Report any discrepancies to the Architect for a decision before proceeding with work.

Drawn JG	Approved JG	Date Printed 11/8/20
Job Number 1732		
Scale As shown @ A3		

Drawing name

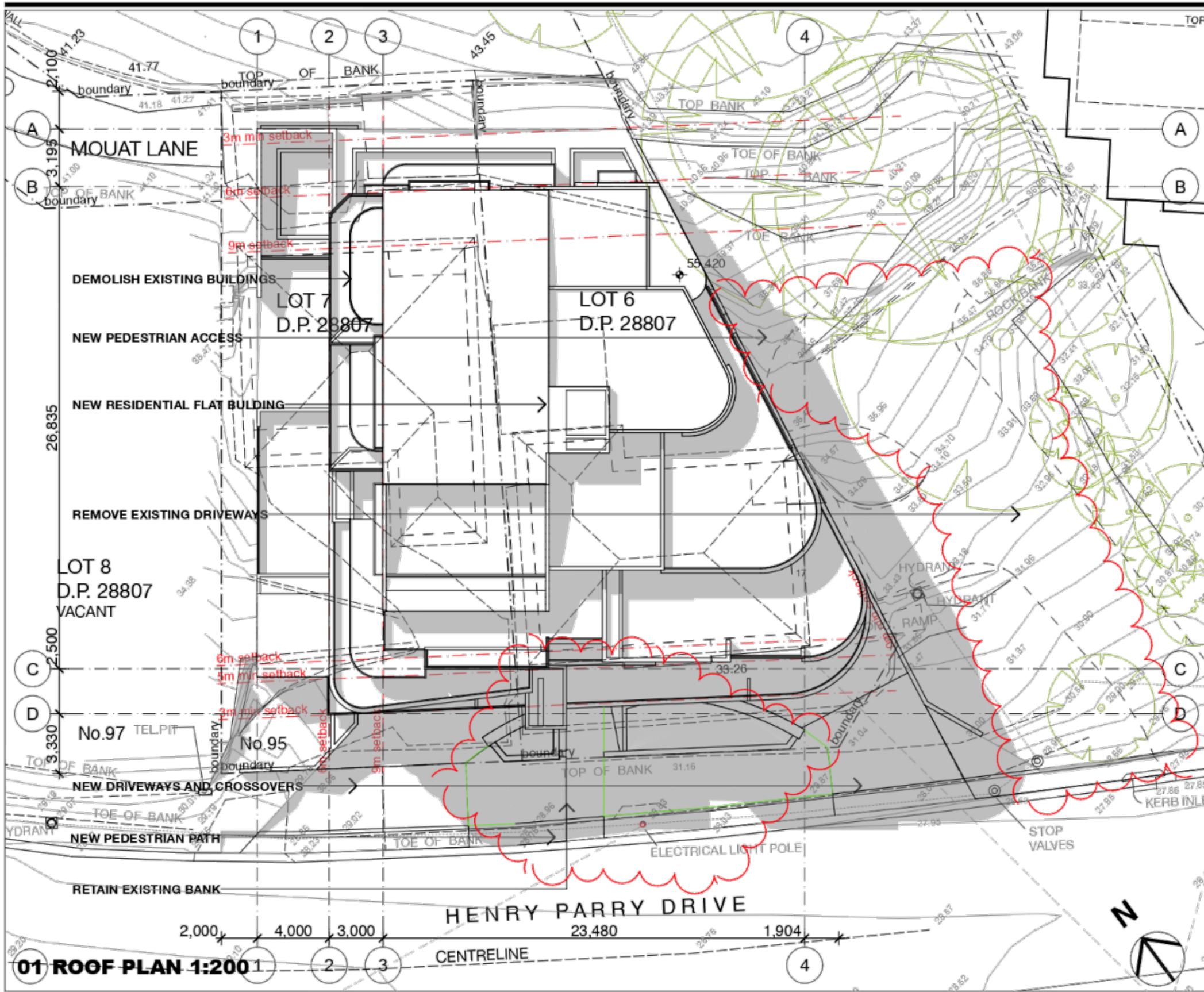
SITE ANALYSIS

Drawing Number

DA-00

Amendment

A



B	FRONT DOOR RELOCATED	22/05/20
A	ISSUED FOR DA	30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

**RESIDENTIAL FLAT BUILDING AT
 93-95 HENRY PARRY
 DRIVE GOSFORD NSW
 2250**

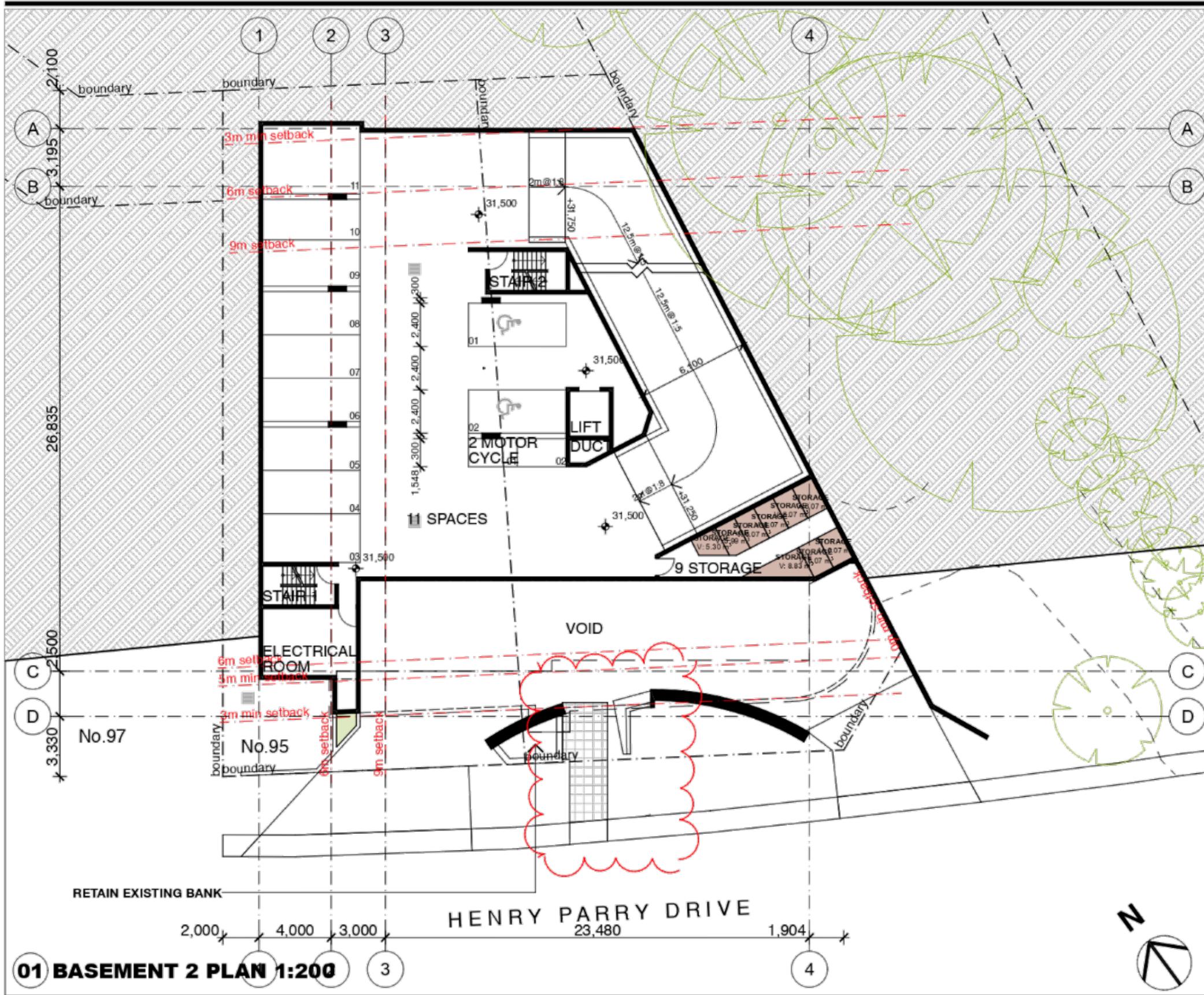
This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. All dimensions used to be figured dimensions only. Do not scale from drawings. Report any discrepancies to the Architect for a decision before proceeding with work.

Drawn	Approved	Date Printed
JG	JG	11/8/20
Job Number	1732	
Scale	As shown @ A3	

Drawing name

ROOF AND SITE PLAN

Drawing Number	Amendment
DA-01	B



B FRONT DOOR RELOCATED	22/05/20
A ISSUED FOR DA	30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT
93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

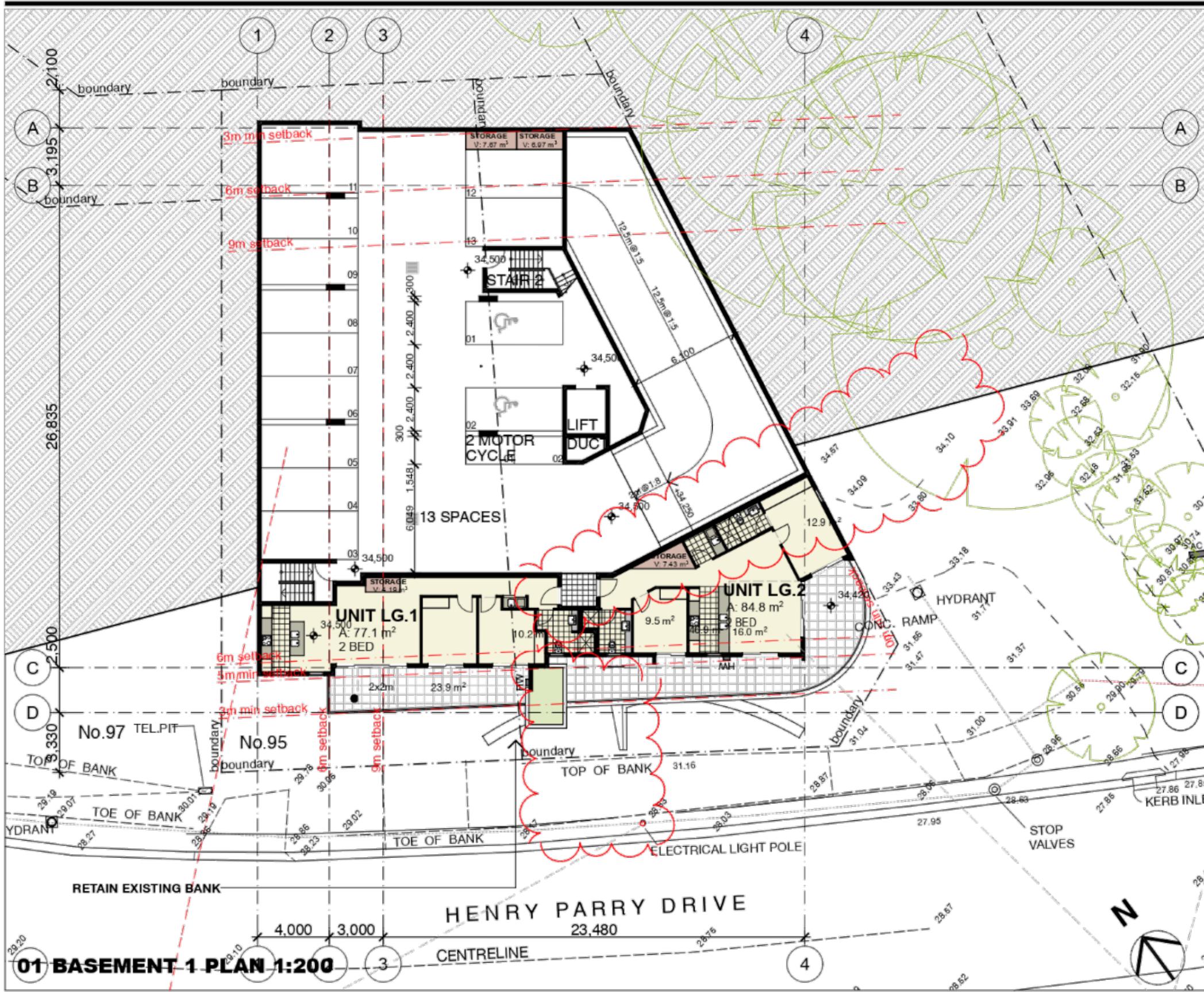
This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. All dimensions are to be figured dimensions only. Do not scale from drawings. Report any discrepancies to the Architect for a decision before proceeding with work.

Drawn	Approved	Date Printed
JG	JG	11/8/20
Job Number 1732		
Scale As shown @ A3		

Drawing name

BASEMENT 2 PLAN

Drawing Number	Amendment
DA-03	B



B	FRONT DOOR RELOCATED	25/05/20
A	ISSUED FOR DA	30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT
93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

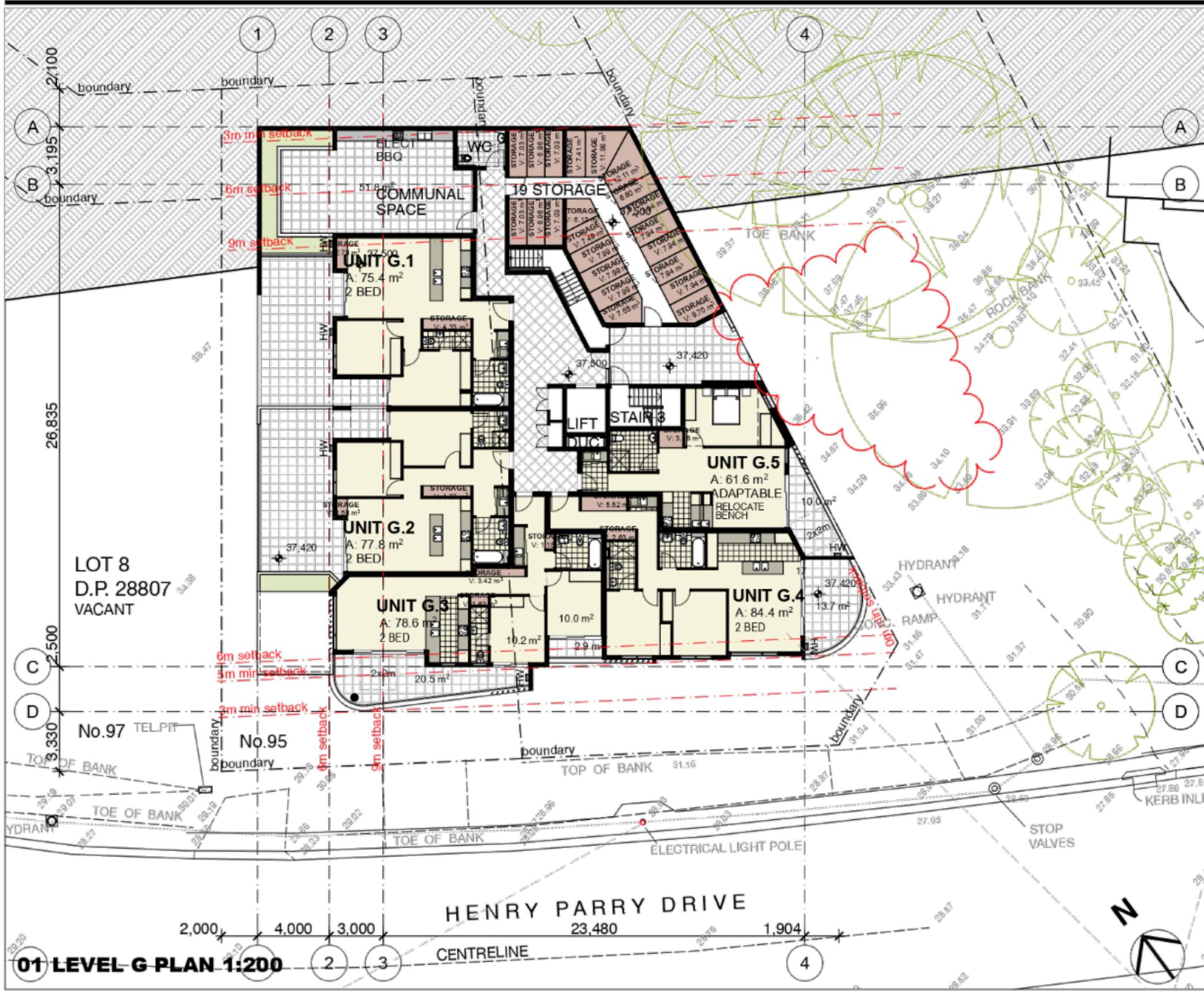
This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. All dimensions used to be figured dimensions only. Do not scale from drawings. Report any discrepancies to the Architect for a decision before proceeding with work.

Drawn	Approved	Date Printed
JG	JG	11/8/20
Job Number	1732	
Scale	As shown @ A3	

Drawing name

BASEMENT 1 PLAN

Drawing Number	Amendment
DA-04	B



B FRONT DOOR RELOCATED	25/05/20
A ISSUED FOR DA	30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

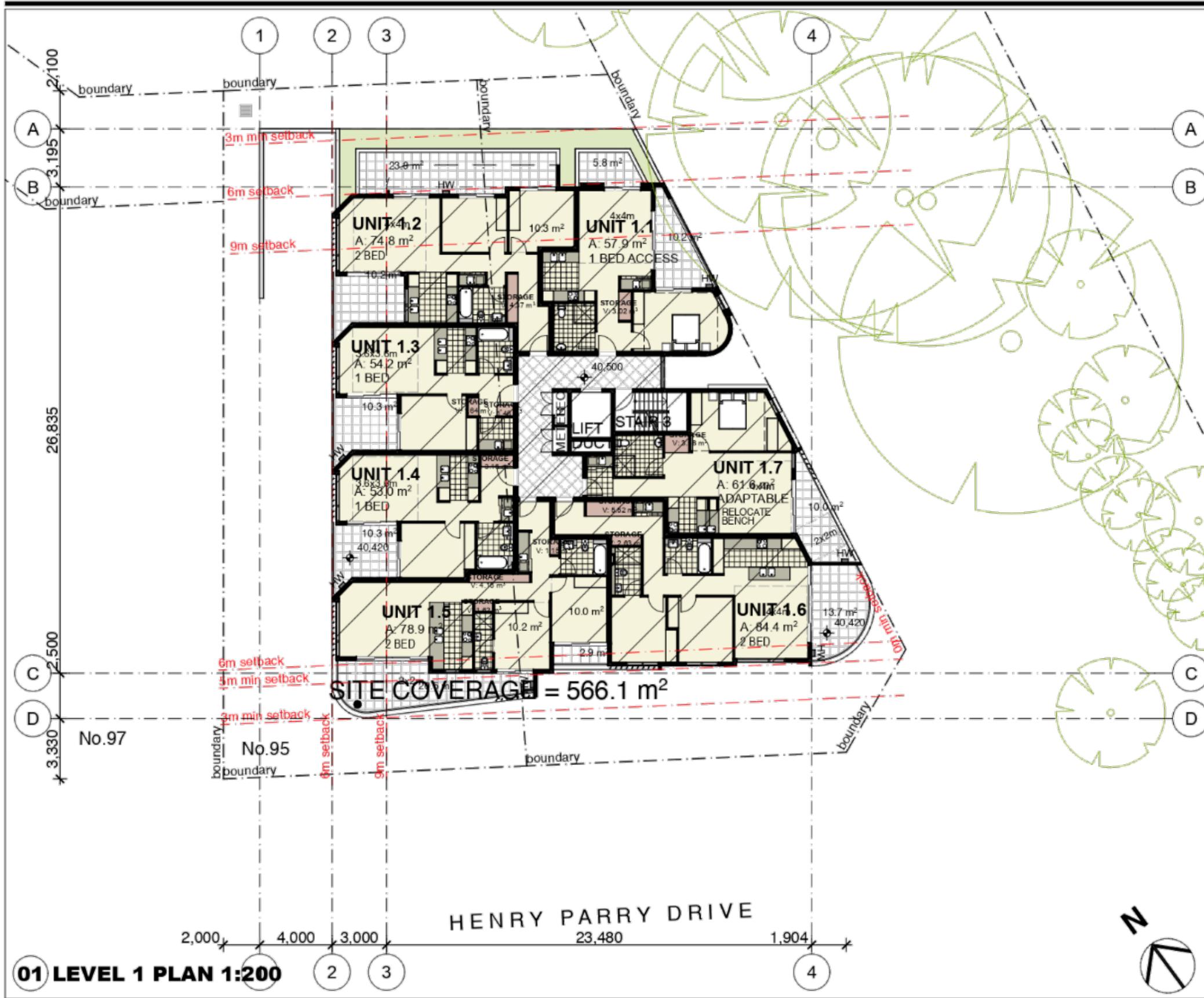
RESIDENTIAL FLAT BUILDING AT
93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

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Drawn JG	Approved JG	Date Printed 11/8/20
Job Number 1732		
Scale As shown @ A3		
Drawing name		

LEVEL G FLOOR PLAN

Drawing Number DA-05	Amendment B
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A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT

93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

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Drawn JG	Approved JG	Date Printed 11/8/20
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Job Number 1732

Scale As shown @ A3

Drawing name

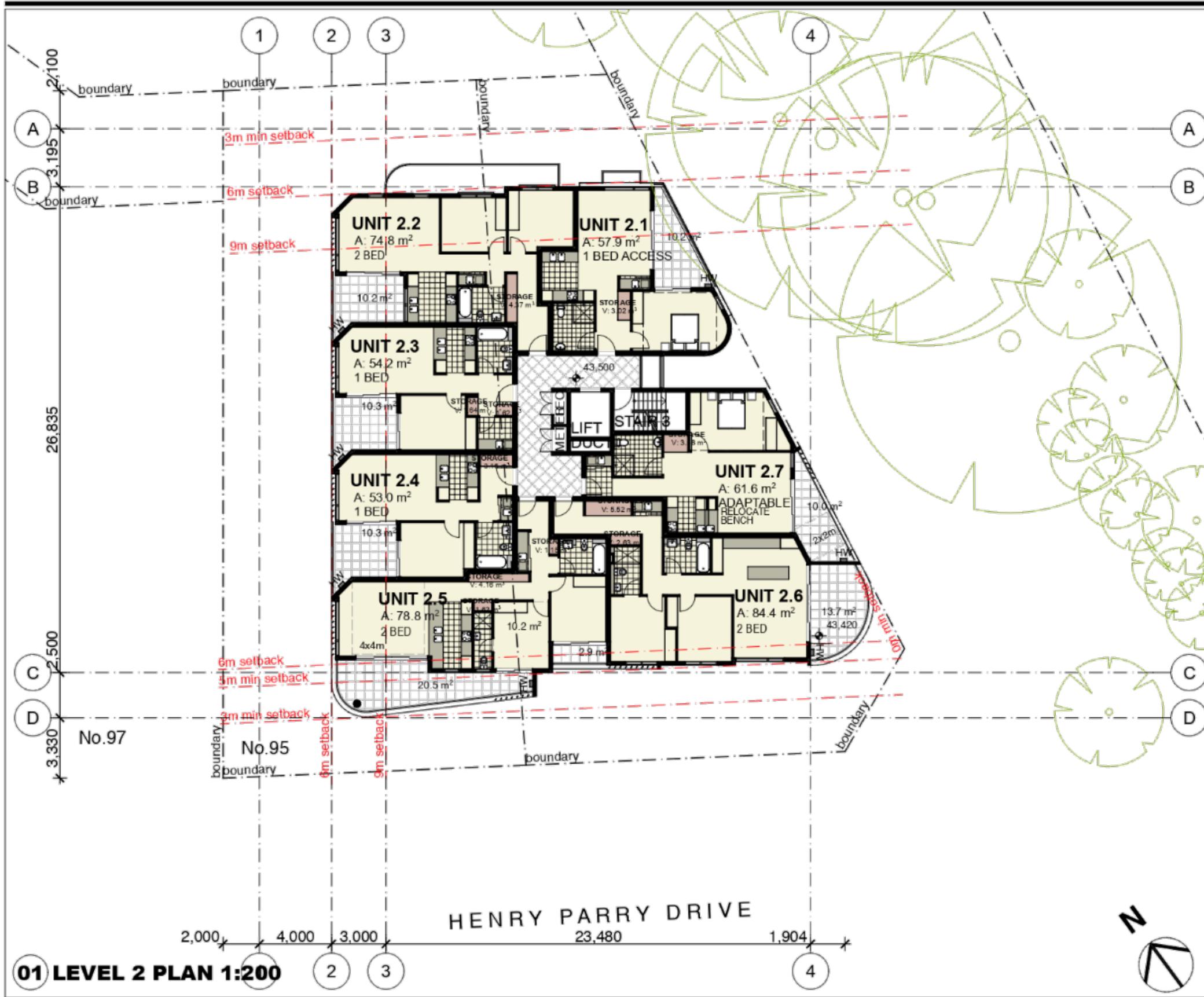
LEVEL 1 FLOOR PLAN

Drawing Number

DA-06

Amendment

A



A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT
93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

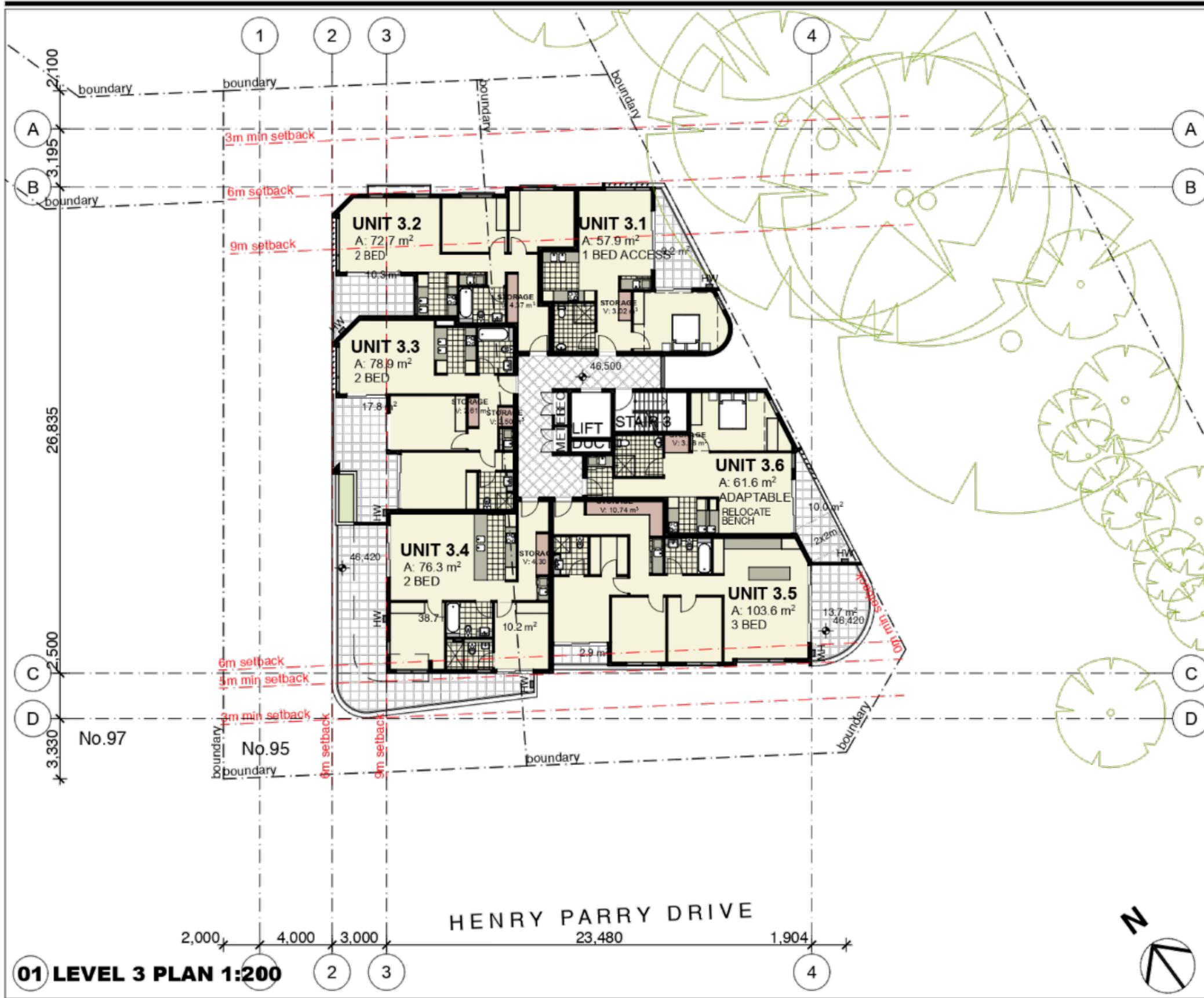
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Drawn JG	Approved JG	Date Printed 11/8/20
Job Number 1732		
Scale As shown @ A3		
Drawing name		

LEVEL 2 FLOOR PLAN

Drawing Number **DA-07** Amendment **A**

01 LEVEL 2 PLAN 1:200



A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
Suite 3, Level 1, 1141 Botany Lane
Mascot NSW 2020
mob: 0401 822 223
email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT
93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

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Drawn JG	Approved JG	Date Printed 11/8/20
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Job Number 1732

Scale As shown @ A3

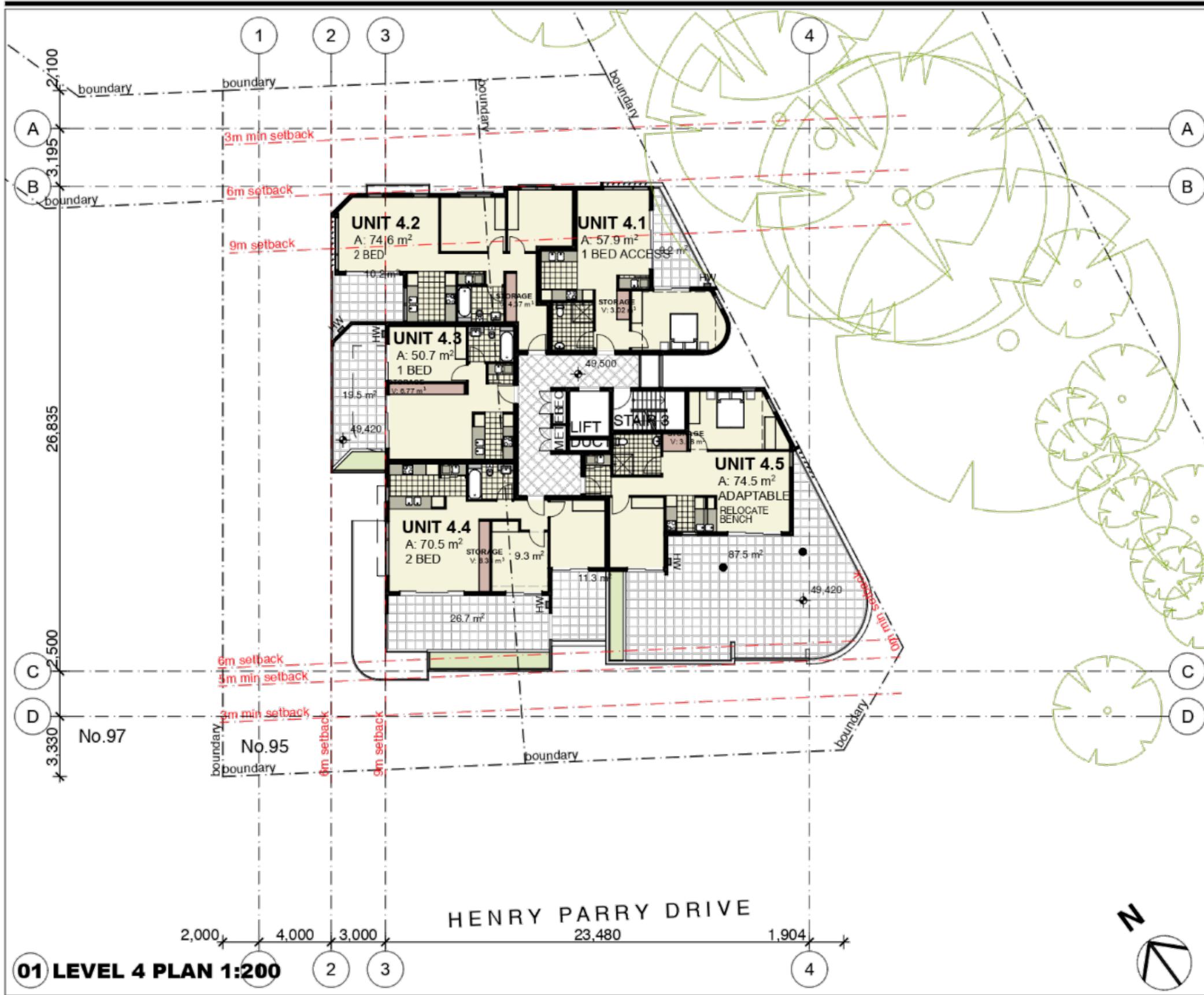
Drawing name

LEVEL 3 FLOOR PLAN

Drawing Number

DA-08

Amendment
A



A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT
93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

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Drawn JG	Approved JG	Date Printed 11/8/20
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Job Number 1732

Scale As shown @ A3

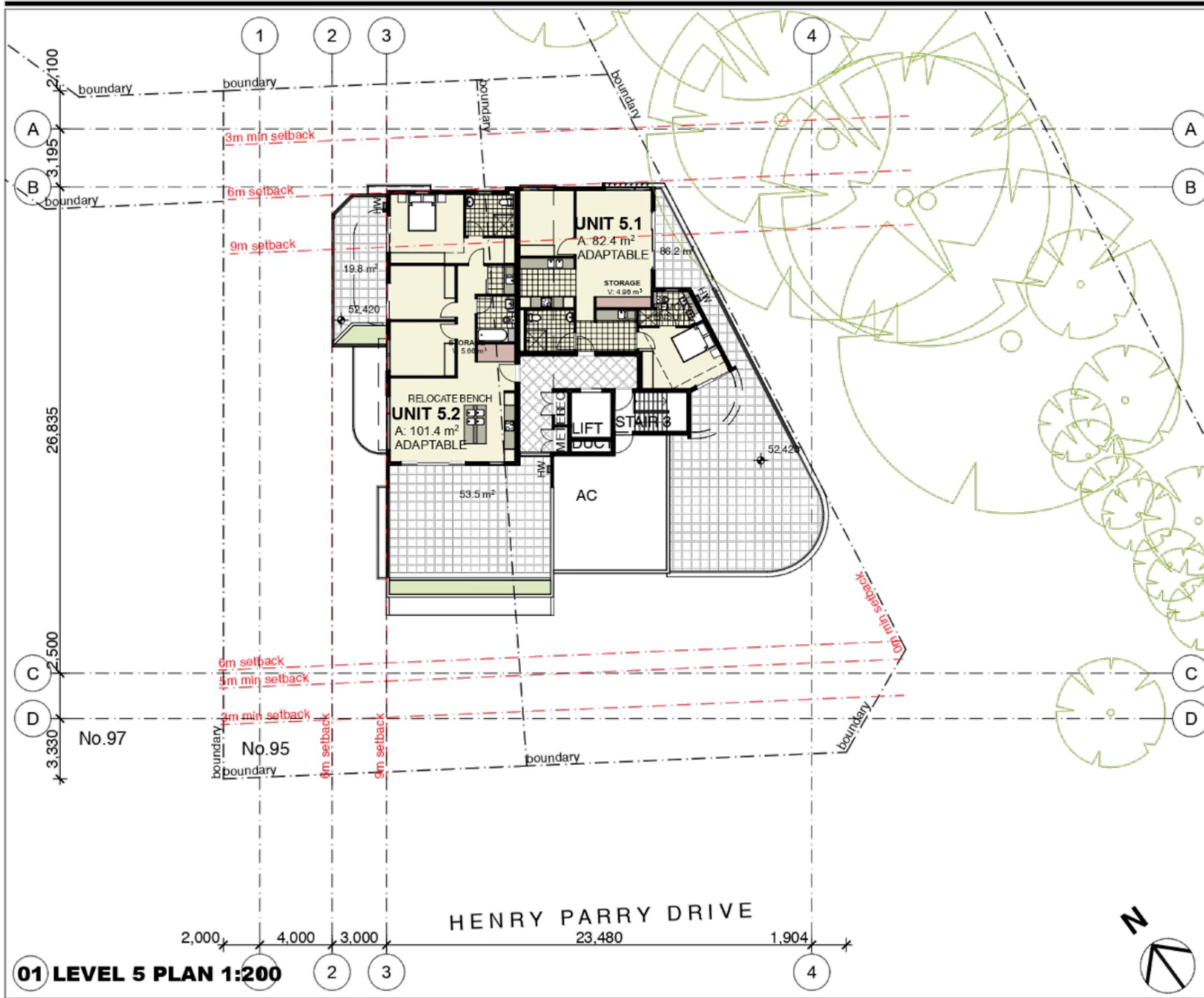
Drawing name

LEVEL 4 FLOOR PLAN

Drawing Number

DA-09 Amendment **A**

01 LEVEL 4 PLAN 1:200



A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT
93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

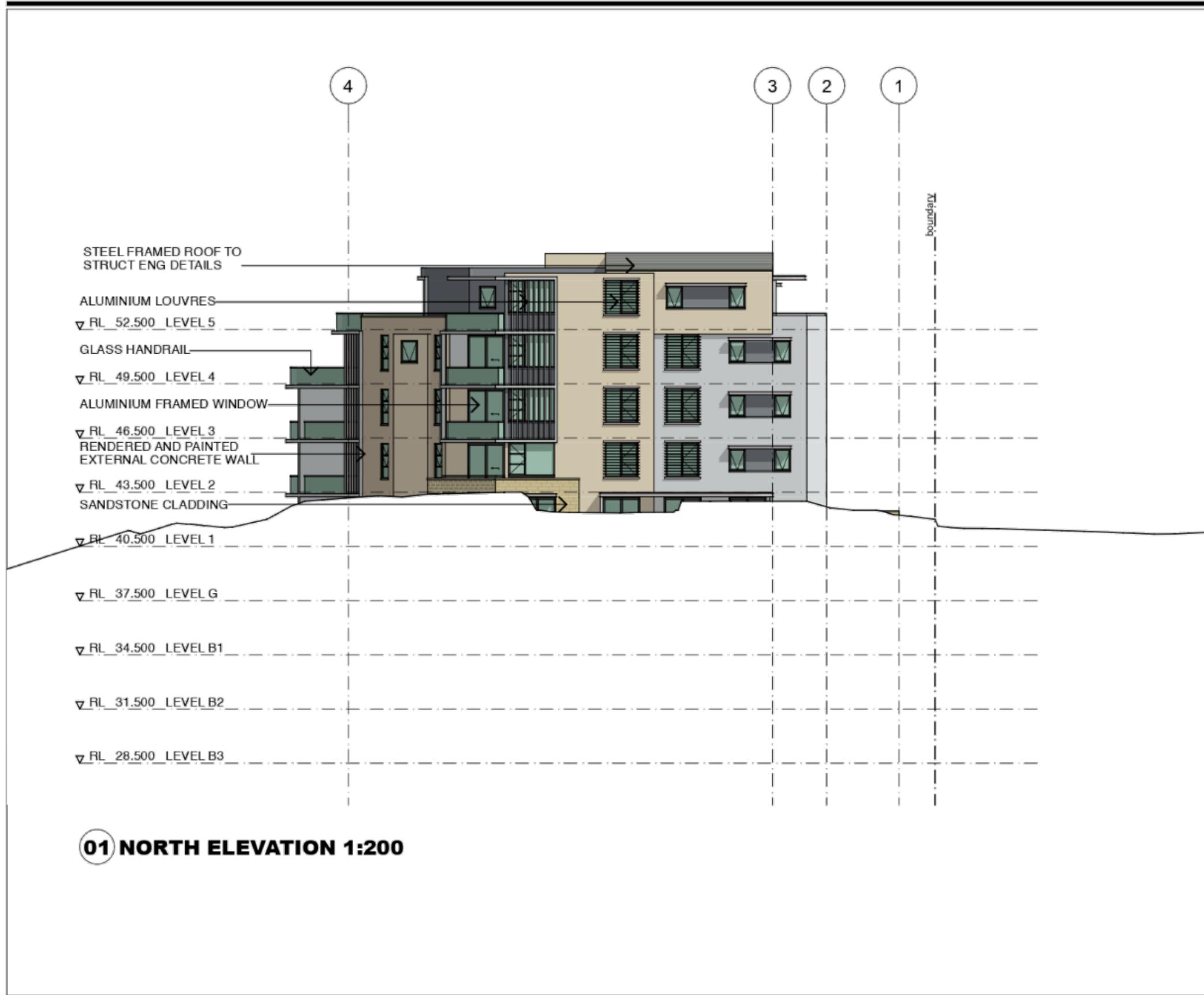
This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. All dimensions are to be figured dimensions only. Do not scale from drawings. Report any discrepancies to the Architect for a decision before proceeding with work.

Drawn JG	Approved JG	Date Printed 11/8/20
Job Number 1732		
Scale As shown @ A3		
Drawing name		

LEVEL 5 FLOOR PLAN

Drawing Number **DA-10** Amendment **A**

01 LEVEL 5 PLAN 1:200



A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT

93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

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Drawn	Approved	Date Printed
JG	JG	11/8/20

Job Number 1732

Scale As shown @ A3

Drawing name

NORTH ELEVATION

Drawing Number Amendment

DA-11

A



01 SOUTH ELEVATION 1:200

B FRONT DOOR RELOCATED 25/05/20
 A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT

93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

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Drawn JG	Approved JG	Date Printed 11/8/20
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Job Number 1732

Scale As shown @ A3

Drawing name

SOUTH ELEVATION

Drawing Number

DA-12

Amendment

B



01 EAST ELEVATION 1:200

B FRONT DOOR RELOCATED 25/05/20
 A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT
93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

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Drawn	Approved	Date Printed
JG	JG	11/8/20

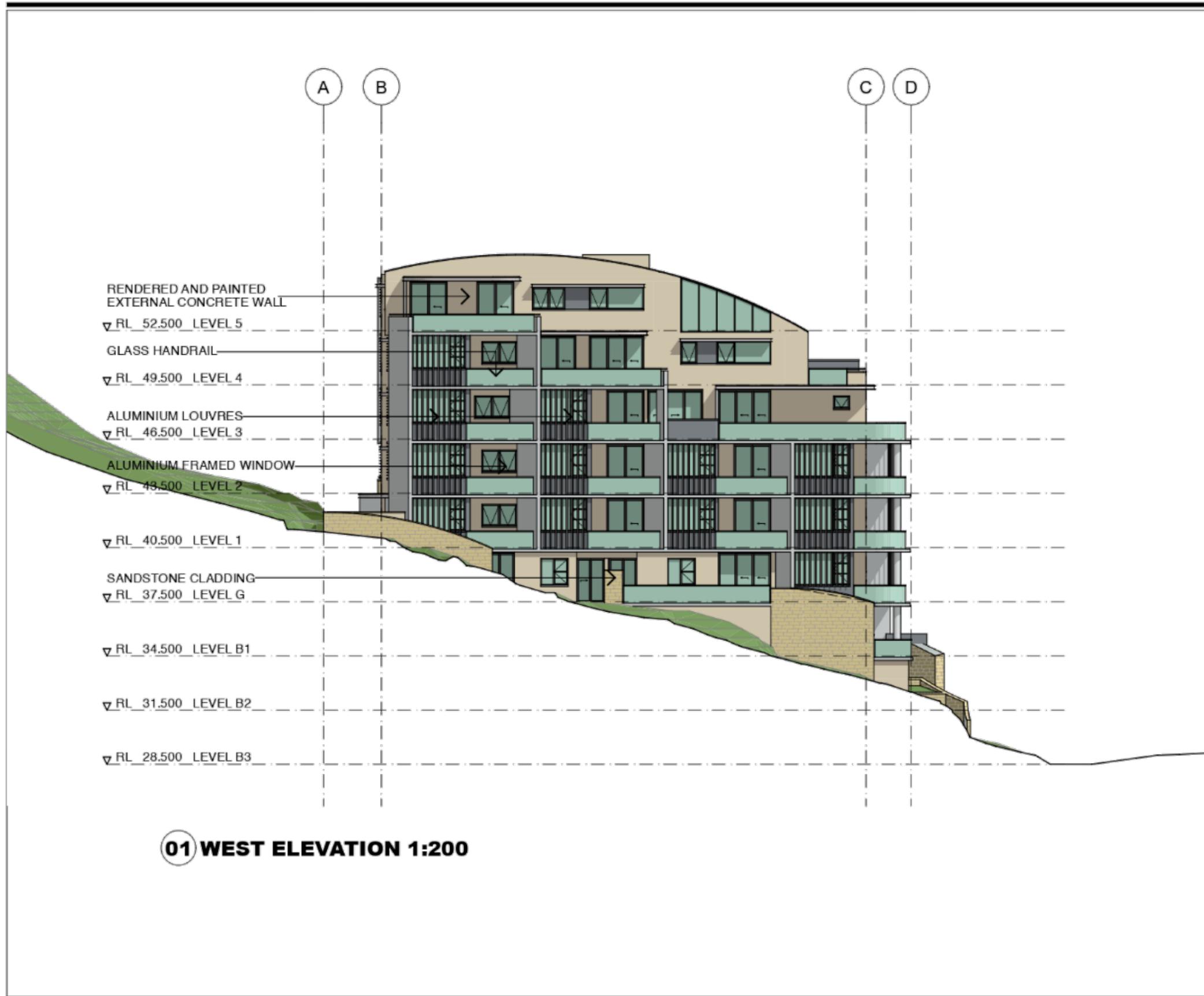
Job Number 1732

Scale As shown @ A3

Drawing name

EAST ELEVATION

Drawing Number **DA-13** Amendment **B**



A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT

**93-95 HENRY PARRY
 DRIVE GOSFORD NSW
 2250**

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Drawn JG	Approved JG	Date Printed 11/8/20
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Job Number 1732

Scale As shown @ A3

Drawing name

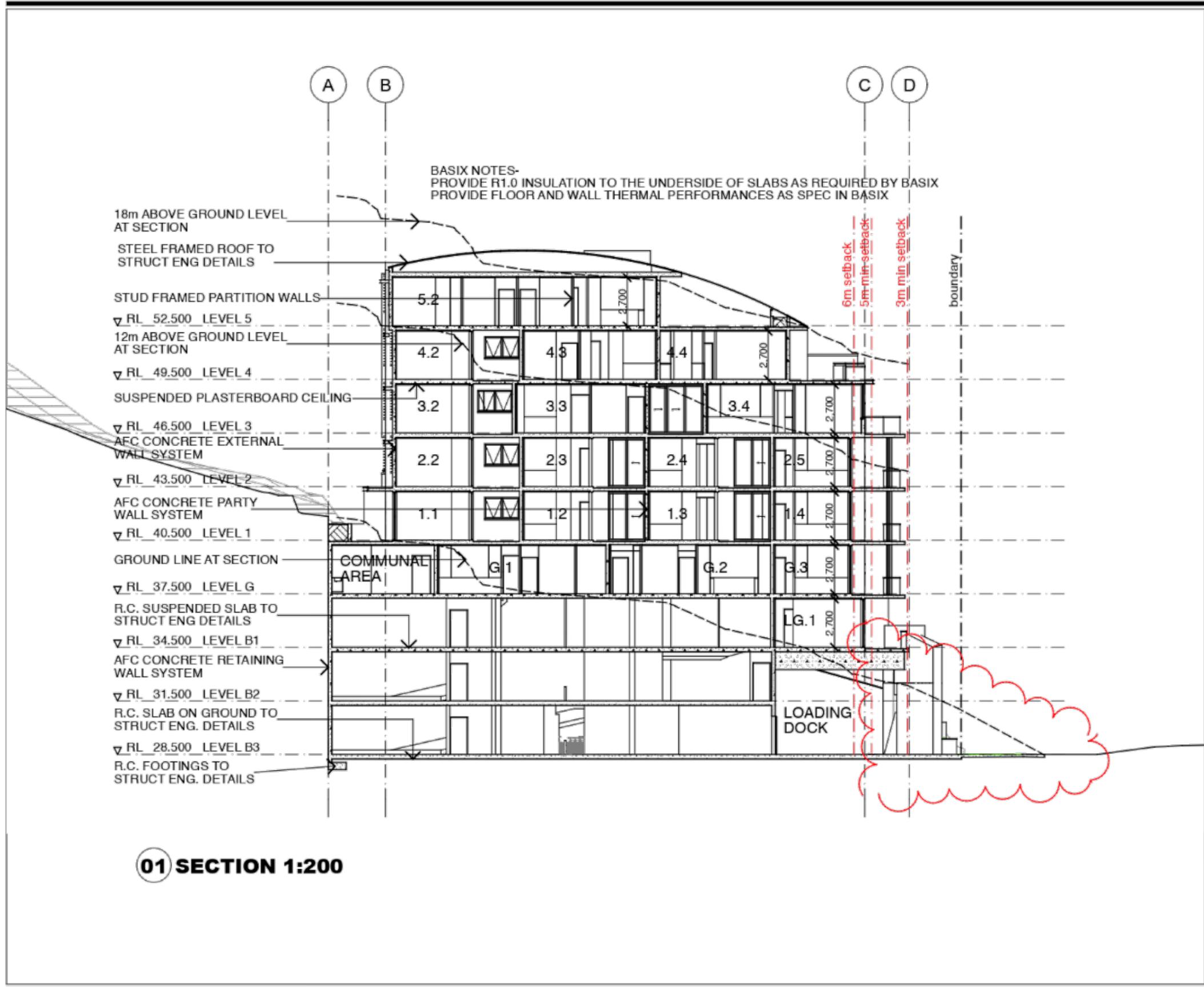
WEST ELEVATION

Drawing Number

DA-14

Amendment

A



BASIX NOTES-
 PROVIDE R1.0 INSULATION TO THE UNDERSIDE OF SLABS AS REQUIRED BY BASIX
 PROVIDE FLOOR AND WALL THERMAL PERFORMANCES AS SPEC IN BASIX

18m ABOVE GROUND LEVEL
 AT SECTION
 STEEL FRAMED ROOF TO
 STRUCT ENG DETAILS

STUD FRAMED PARTITION WALLS

▽ RL 52.500 LEVEL 5
 12m ABOVE GROUND LEVEL
 AT SECTION

▽ RL 49.500 LEVEL 4
 SUSPENDED PLASTERBOARD CEILING

▽ RL 46.500 LEVEL 3
 AFC CONCRETE EXTERNAL
 WALL SYSTEM

▽ RL 43.500 LEVEL 2
 AFC CONCRETE PARTY
 WALL SYSTEM

▽ RL 40.500 LEVEL 1
 GROUND LINE AT SECTION

▽ RL 37.500 LEVEL G
 R.C. SUSPENDED SLAB TO
 STRUCT ENG DETAILS

▽ RL 34.500 LEVEL B1
 AFC CONCRETE RETAINING
 WALL SYSTEM

▽ RL 31.500 LEVEL B2
 R.C. SLAB ON GROUND TO
 STRUCT ENG. DETAILS

▽ RL 28.500 LEVEL B3
 R.C. FOOTINGS TO
 STRUCT ENG. DETAILS

01 SECTION 1:200

B FRONT DOOR RELOCATED 25/05/20
 A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

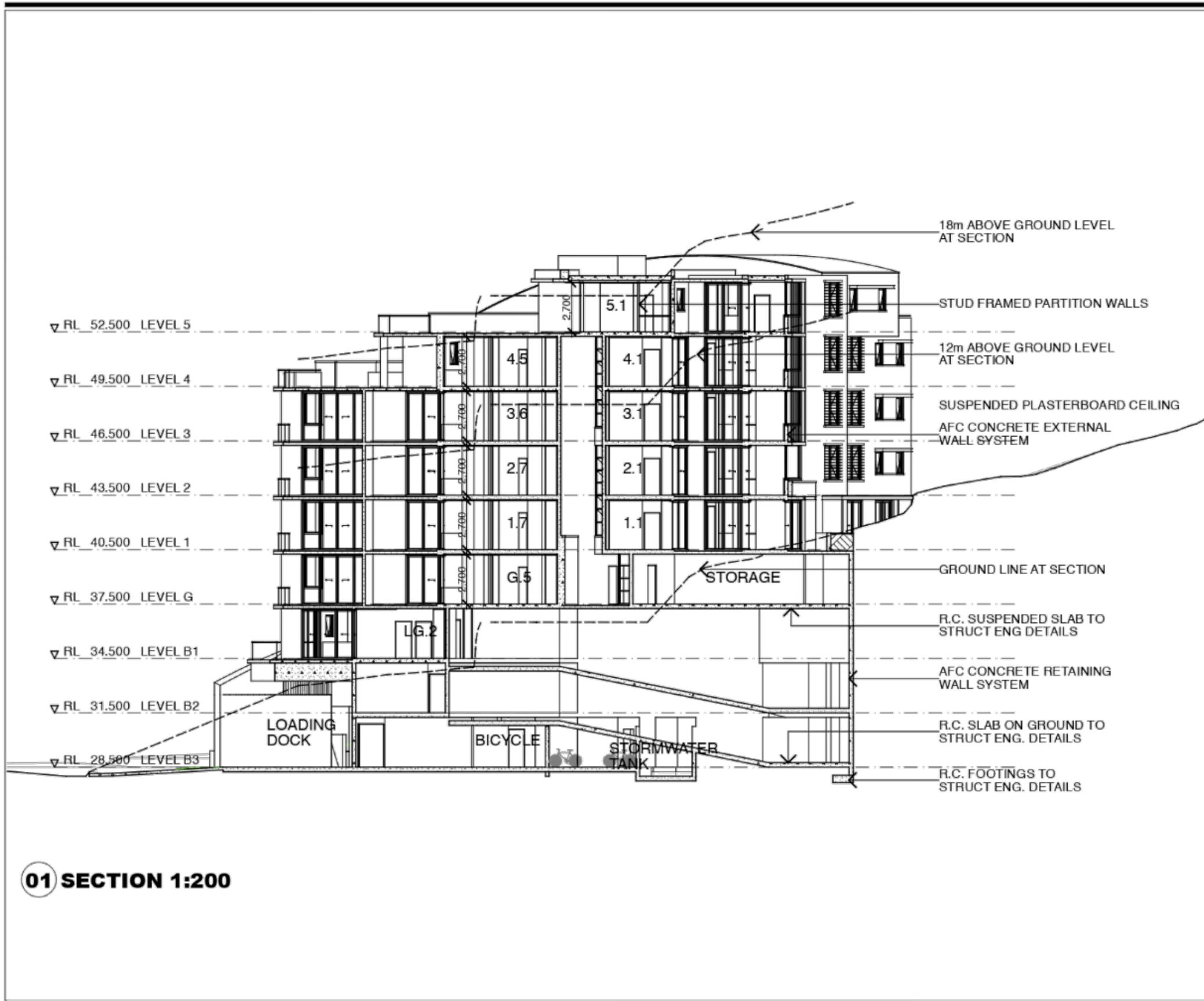
RESIDENTIAL FLAT BUILDING AT
93-95 HENRY PARRY
DRIVE GOSFORD NSW
2250

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Drawn JG	Approved JG	Date Printed 11/8/20
Job Number 1732		
Scale As shown @ A3		
Drawing name		

SECTION

Drawing Number **DA-15** Amendment **B**



A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT

**93-95 HENRY PARRY
 DRIVE GOSFORD NSW
 2250**

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Drawn JG	Approved JG	Date Printed 11/8/20
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Job Number 1732

Scale As shown @ A3

Drawing name

SECTION

Drawing Number

DA-16

Amendment

A

CALCULATIONS

SITE ZONE	B4 Mixed Use
SITE AREA	1154.3m ²
ALLOWABLE FLOOR AREA	3462.9m ²
PROPOSED FLOOR AREA	2765m ²
ALLOWABLE FSR	3.0:1
PROPOSED FSR	2.39:1
ALLOWABLE DEEP SOIL	174m ² min (15%)
PROPOSED DEEP SOIL	176.3m ² (171.1m ² min 2 m dimension)
ALLOWABLE SITE COVERAGE	693m ² (60%)
PROPOSED SITE COVERAGE	566.1m ² (excludes balconies)
REQUIRED ACCESSIBLE UNITS	4 UNITS
PROPOSED ACCESSIBLE UNITS	4 UNITS (10%)
REQUIRED ADAPTABLE UNITS	11 - 4 = 7 UNITS (30%)
PROPOSED ADAPTABLE UNITS	7 UNITS

GOSFORD LEP 2014-
 SITE AREA = 1154.3m²
 FLOOR SPACE RATIO 2.5:1
 ZONED B4 MIXED USE
 HEIGHT OF BUILDINGS P2 18m
 NO LAND RESERVATIONS
 NOT A CONSERVATION AREA
 NOT A HERITAGE ITEM
 ACID SULPHATE SOIL CLASS 5
 ADDITIONAL PERMITTED USES - NONE
 DEVELOPMENT INCENTIVES - GOSFORD CITY CENTRE (refer Clause 8.9 lapsed 3 april 2016)

SEPP 65

TOTAL NO OF UNITS = 34

25% UNITS WITH EXTERNAL KITCHENS = 9 15 SUPPLIED

70% UNITS WITH 3 HOURS SUN = 24 23 SUPPLIED
(33 out of 34 units get 2 hours sun)

60% UNITS WITH CROSS VENTILATION = 21 25 SUPPLIED

10% SINGLE ASPECT UNITS FACING SOUTH = 3 1 SUPPLIED

UNIT YIELD

1 bed units	13
2 bed units	19
3 bed units	2
UNIT TOTAL	34

CAR PARKING (RMS requirements)

1 bed units	0.6 SPACE REQUIRED	7.8
2 bed units	0.9 SPACES REQUIRED	17.1
3 bed units	1.4 SPACES REQUIRED	2.8
VISITOR SPACES	1 SPACE PER 5 UNITS REQUIRED	6.8

ACCESS PARKING

MOTORCYCLE PARKING 1 SPACE/15 DWELLINGS REQUIRED

BICYCLE PARKING 1 SPACE/3 DWELLINGS + 1 VISITOR SPACE /12 DWELLINGS

34.5 TOTAL REQUIRED INCLUDING 5 DISABLED SPACES 41 SHOWN**5 SPACES REQUIRED 6 SHOWN****4 SPACES REQUIRED 4 SHOWN****11.3 + 2.8 = 14.1 SPACES REQUIRED 15 SHOWN**

B FRONT DOOR RELOCATED 04/05/20
 A ISSUED FOR DA 30/04/18

Amendments**Architect**

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details**RESIDENTIAL FLAT BUILDING AT**

**93-95 HENRY PARRY
 DRIVE GOSFORD NSW
 2250**

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Drawn	Approved	Date Printed
JG	JG	11/8/20

Job Number 1732

Scale As shown @ A3

Drawing name

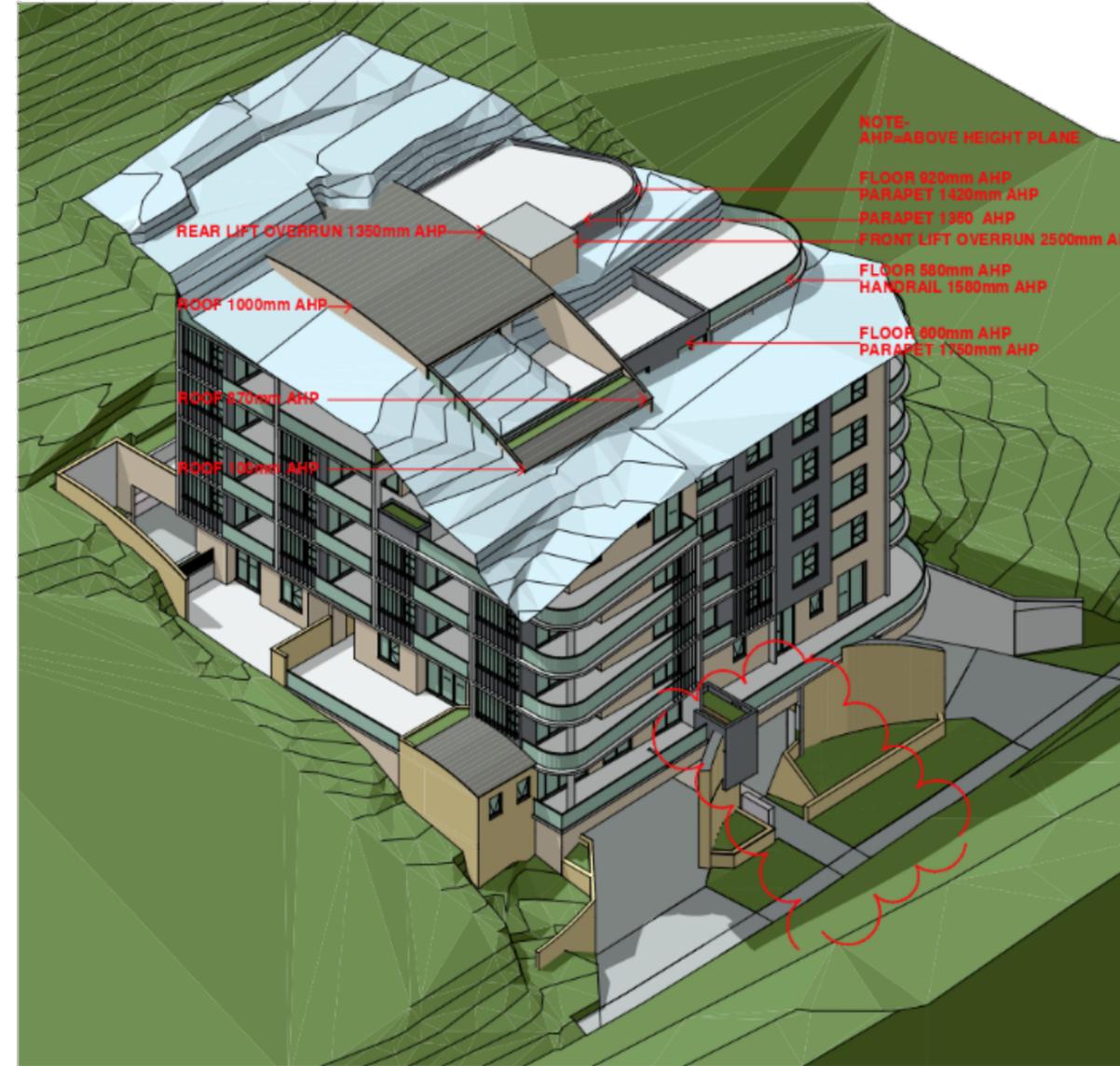
CALCULATIONS

Drawing Number Amendment

DA-17**B**



01 12m HEIGHT PLANE



02 18m HEIGHT PLANE

The height plane is effected by the existing cut of the site. This cut make the building stick able the height plane more that it would under more natural contours Building bulk above the height plane is located centrally on the site where it has less impact.

Amendments	
A ISSUED FOR DA	30/04/18
B LIFT OVERRUN REDUCED	14/10/19
C FRONT DOOR RELOCATED	25/05/20

Architect

Fortey + Grant Architecture

Suite 3, Level 1, 1141 Bolony Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@garch.com.au

Nominated Architect James Grant 6540

Project Details

RESIDENTIAL FLAT BUILDING AT

93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

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Drawn JG	Approved JG	Date Printed 11/8/20
Job Number	1732	
Scale	As shown @ A3	

Drawing name

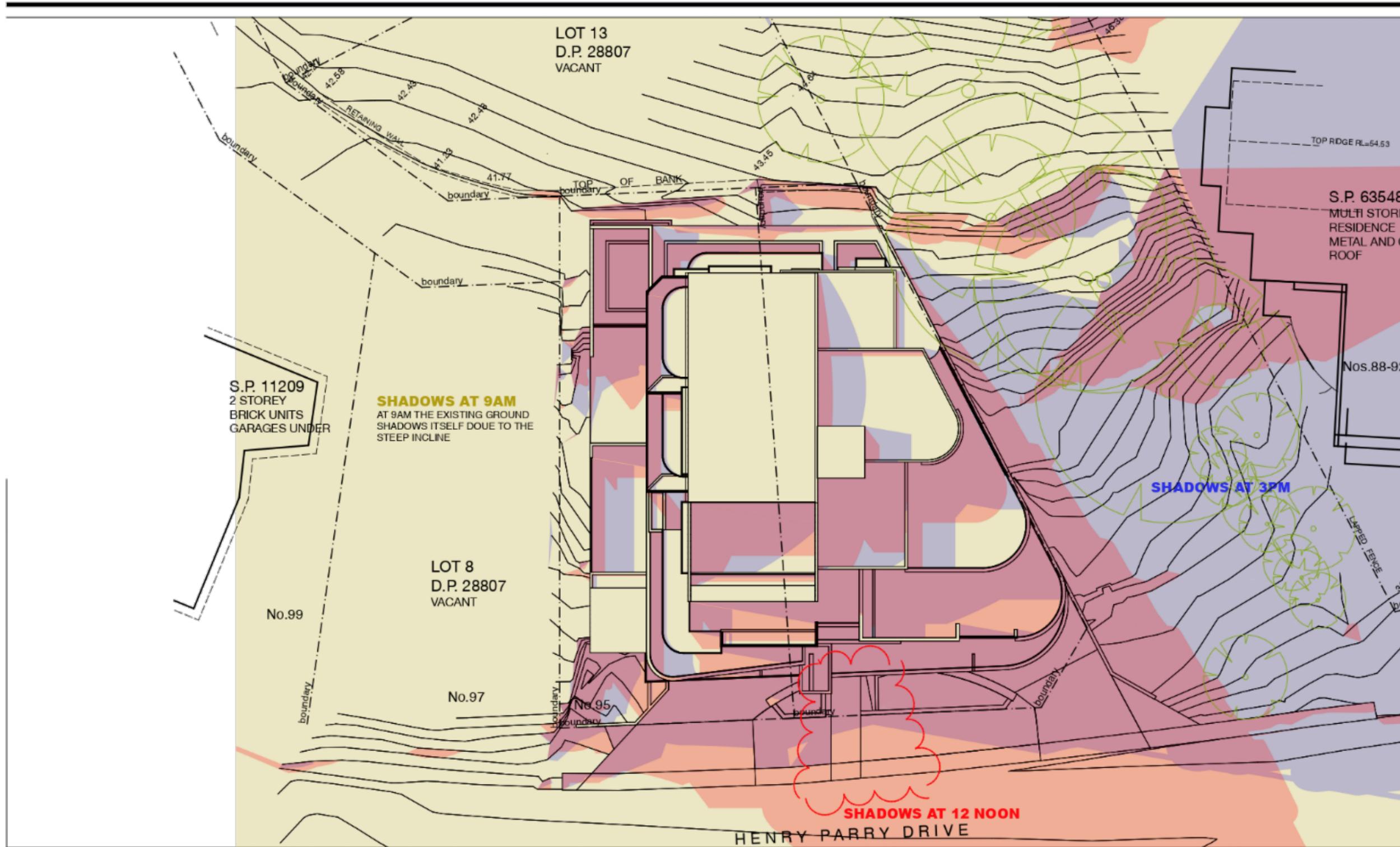
HEIGHT PLANES

Drawing Number

DA-18

Amendment

C



Amendments	
A ISSUED FOR DA	30/04/18
B FRONT DOOR RELOCATED	04/05/20

Architect



Fortey + Grant Architecture
 Suite 3, Level 1, 1141 Bolony Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@garch.com.au
 Nominated Architect James Grant 6540

Project Details

RESIDENTIAL FLAT BUILDING AT

93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

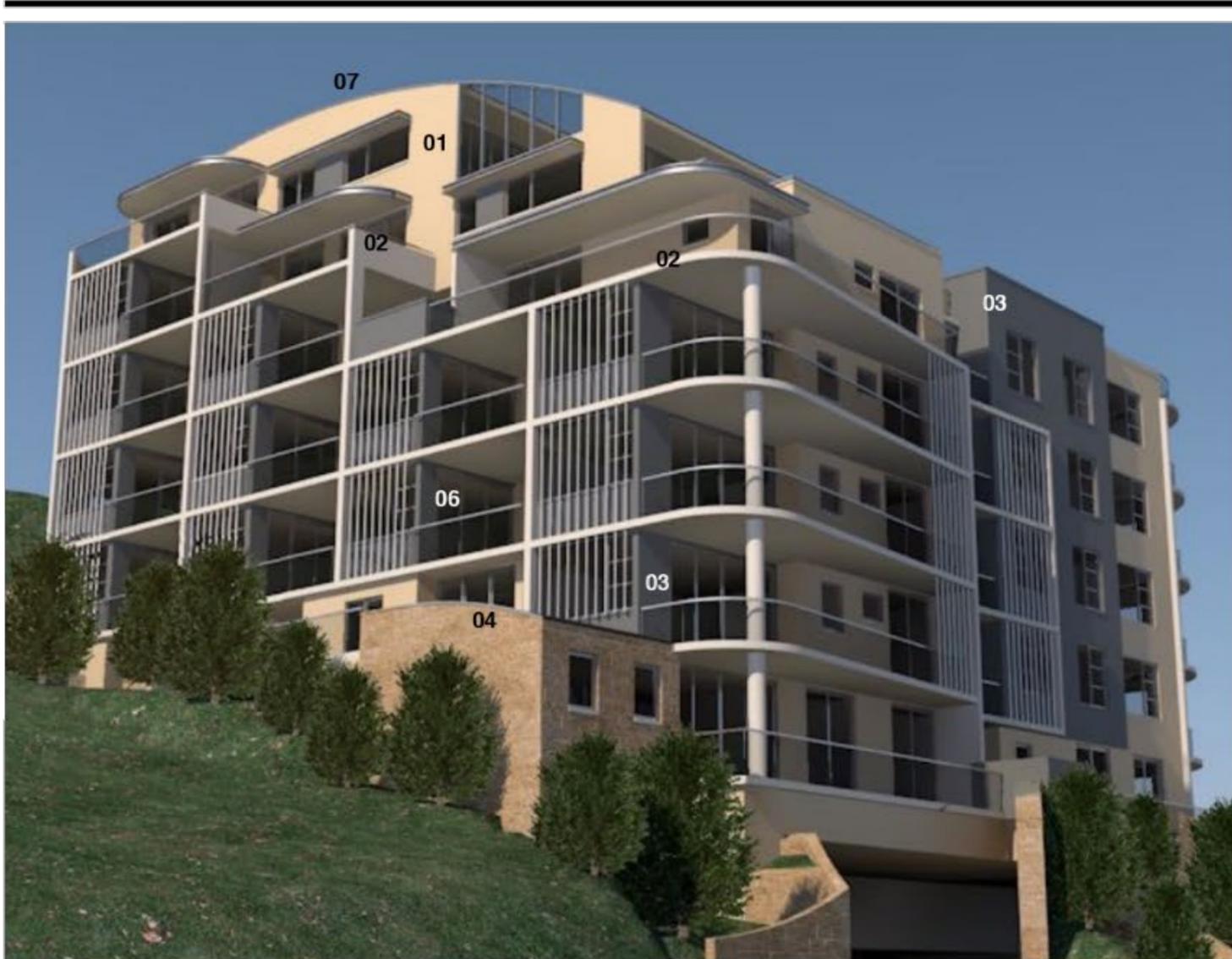
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Drawn JG	Approved JG	Date Printed 11/8/20
Job Number 1732	Scale As shown @ A3	

Drawing name
SHADOW DIAGRAMS

Drawing Number
DA-19

Amendment
B



01 MATERIALS VIEW

05 STAINLESS STEEL HANDRAILS ON GLASS BALUSTRADING
 06 ANODISED ALUMINIUM WINDOW FRAMES
 07 ROOF SHEETING COLOURBOND WINDSPRAY

Amendments	
A ISSUED FOR DA	30/04/18

Architect



Forley + Grant Architecture
 Suite 3, Level 1, 1141 Bolony Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@garch.com.au
 Nominated Architect James Grant 6540

Project Details

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Drawn JG	Approved JG	Date Printed 11/8/20
Job Number 1732	Scale As shown @ A3	

Drawing name

MATERIALS AND FINISHES

Drawing Number
DA-20

Amendment
A



A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

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Drawn JG	Approved JG	Date Printed 11/8/20
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Job Number 1732

Scale As shown @ A3

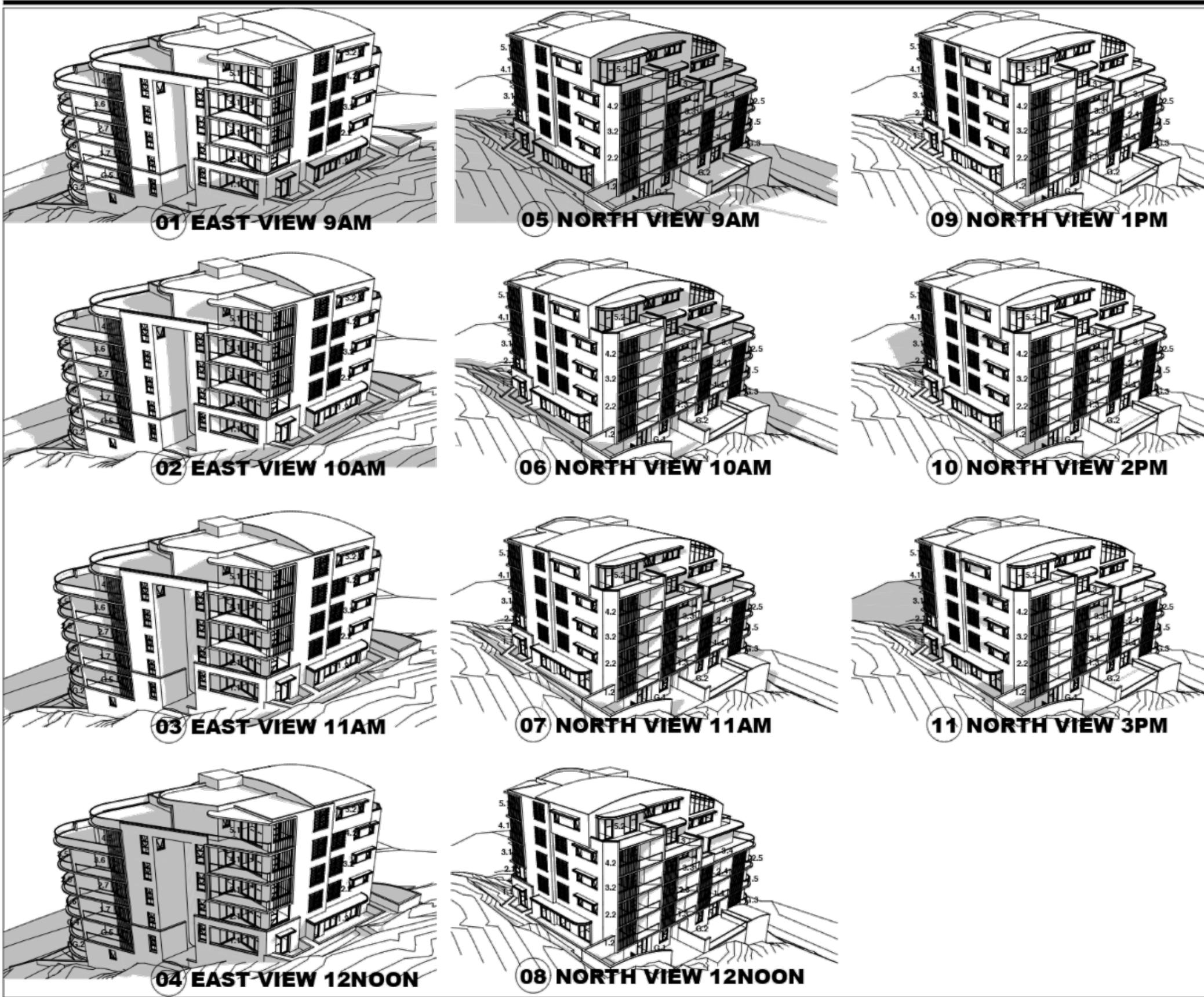
Drawing name

PHOTOMONTAGE

Drawing Number Amendment

DA-21

A



A ISSUED FOR DA 30/04/18

Amendments

Architect

Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Project Details

RESIDENTIAL FLAT BUILDING AT

**93-95 HENRY PARRY
 DRIVE GOSFORD NSW
 2250**

This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. All dimensions used to be figured dimensions only. Do not scale from drawings. Report any discrepancies to the Architect for a decision before proceeding with work.

Drawn JG	Approved JG	Date Printed 11/8/20
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Job Number 1732

Scale As shown @ A3

Drawing name

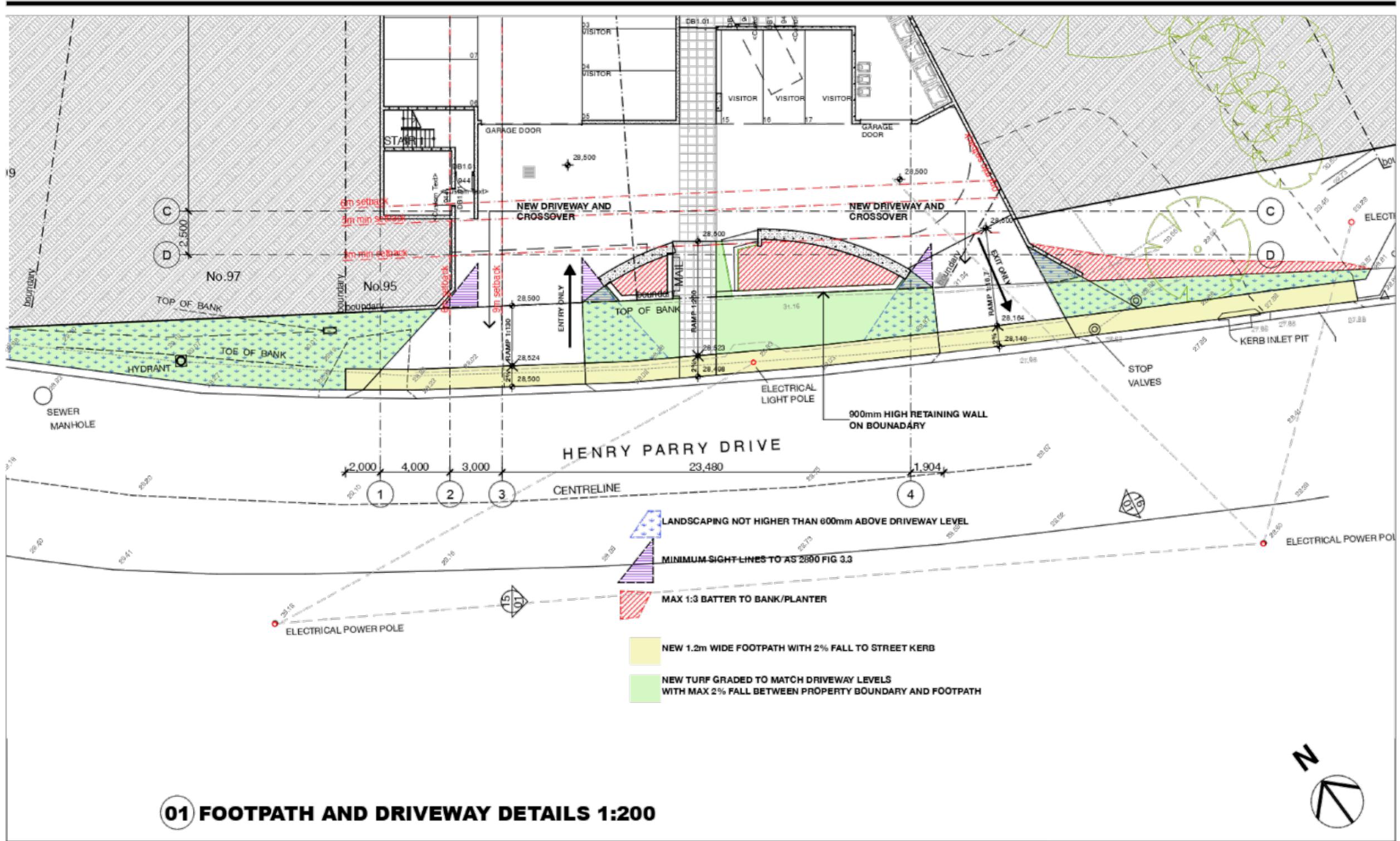
SHADOW VIEWS

Drawing Number

DA-22

Amendment

A



Amendments	
A ISSUED FOR DA	21/05/20

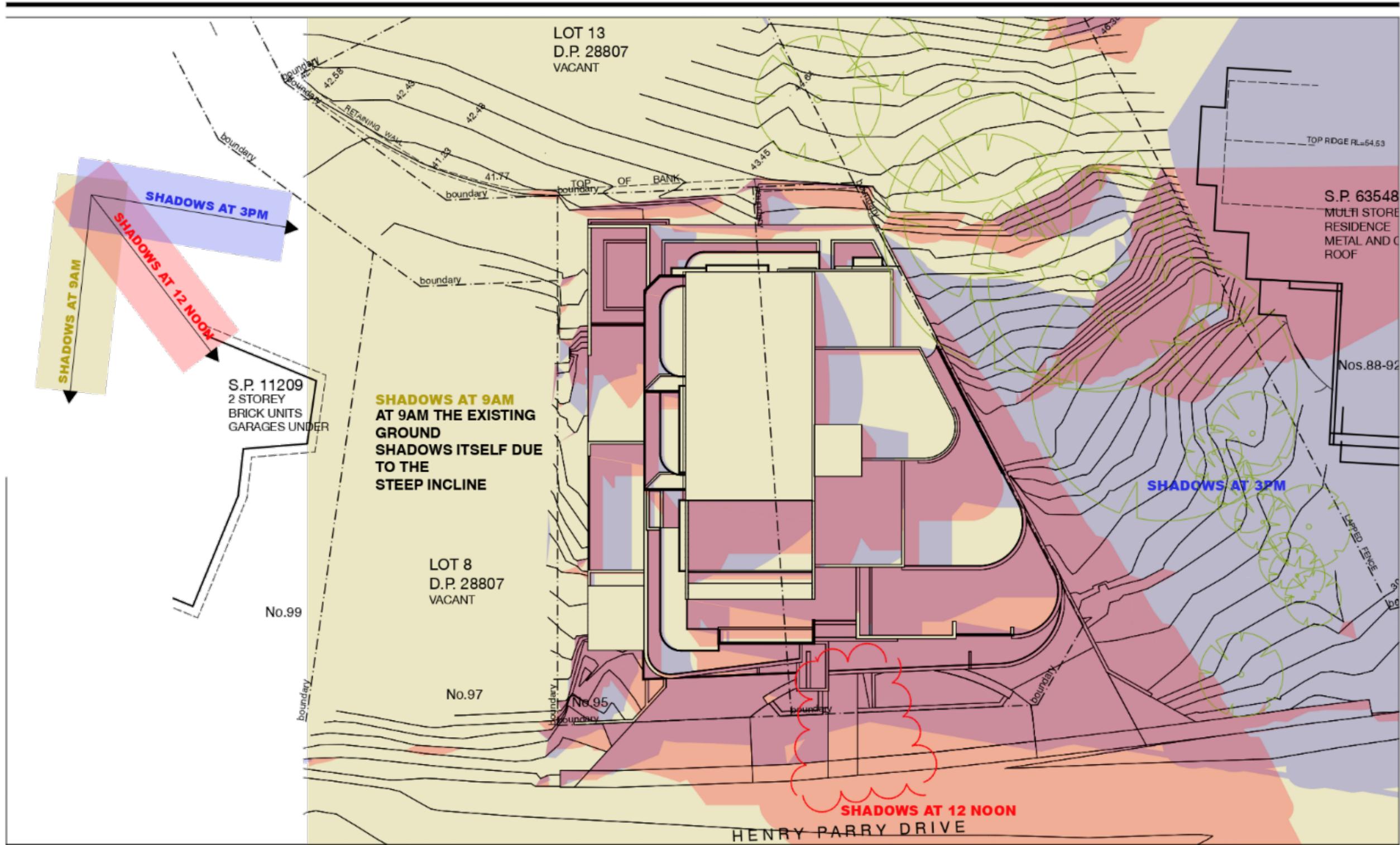
Architect
Fortey + Grant Architecture
 Suite 3, Level 1, 1141 Bolony Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au
 Nominated Architect James Grant 6540

Project Details
RESIDENTIAL FLAT BUILDING AT
93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

This drawing should be read in conjunction with all relevant contract documents, specifications, reports and drawings. All dimensions are to be figured dimensions only. Do not scale from drawings. Report any discrepancies to the Architect for a decision before proceeding with work.

Drawn JG	Approved JG	Date Printed 11/8/20
Job Number 1732	Scale As shown @ A3	

Drawing name
FOOTPATH AND TRAFFIC SAFETY PLAN
 Drawing Number
DA-23
 Amendment
A



Amendments	
A ISSUED FOR DA	30/04/18
B FRONT DOOR RELOCATED	04/05/20

Architect

Forley + Grant Architecture

Suite 3, Level 1, 1141 Bolony Lane
 Mascot NSW 2020
 mob: 0401 822 223
 email: james@fgarch.com.au

Nominated Architect James Grant 6540

Project Details

RESIDENTIAL FLAT BUILDING AT

93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. All dimensions used to be figured dimensions only. Do not scale from drawings. Report any discrepancies to the Architect for a decision before proceeding with work.

Drawn JG	Approved JG	Date Printed 19/8/20
Job Number 1732	Scale As shown @ A3	

Drawing name
SHADOW DIAGRAMS 21ST JUNE

Drawing Number
DA-19

Amendment
B

CALCULATIONS

SITE ZONE	B4 Mixed Use
SITE AREA	1154.3m ²
ALLOWABLE FLOOR AREA	3462.9m ²
PROPOSED FLOOR AREA	2765m ²
ALLOWABLE FSR	3.0:1
PROPOSED FSR	2.39:1
ALLOWABLE DEEP SOIL	174m ² min (15%)
PROPOSED DEEP SOIL	176.8m ² (171.1m ² min 2 m dimension)
ALLOWABLE SITE COVERAGE	693m ² (60%)
PROPOSED SITE COVERAGE	566.1m ² (excludes balconies)
REQUIRED ACCESSIBLE UNITS	4 UNITS
PROPOSED ACCESSIBLE UNITS	4 UNITS (10%)
REQUIRED ADAPTABLE UNITS	11 - 4 = 7 UNITS (30%)
PROPOSED ADAPTABLE UNITS	7 UNITS

GOSFORD LEP 2014-
 SITE AREA = 1154.3m²
 FLOOR SPACE RATIO 2.5:1
 ZONED B4 MIXED USE
 HEIGHT OF BUILDINGS P2 18m
 NO LAND RESERVATIONS
 NOT A CONSERVATION AREA
 NOT A HERITAGE ITEM
 ACID SULPHATE SOIL CLASS 5
 ADDITIONAL PERMITTED USES - NONE
 DEVELOPMENT INCENTIVES - GOSFORD CITY CENTRE (refer Clause 8.9 lapsed 3 april 2016)

SEPP 65

TOTAL NO OF UNITS = 34	
25% UNITS WITH EXTERNAL KITCHENS = 9	15 SUPPLIED
70% UNITS WITH 3 HOURS SUN = 24 (33 out of 34 units get 2 hours sun)	23 SUPPLIED
60% UNITS WITH CROSS VENTILATION = 21	25 SUPPLIED
10% SINGLE ASPECT UNITS FACING SOUTH = 3	1 SUPPLIED

UNIT YIELD

1 bed units	13
2 bed units	19
3 bed units	2
UNIT TOTAL	34

CAR PARKING (RMS requirements)

1 bed units	0.6 SPACE REQUIRED
2 bed units	0.9 SPACES REQUIRED
3 bed units	1.4 SPACES REQUIRED
VISITOR SPACES	1 SPACE PER 5 UNITS REQUIRED
ACCESS PARKING	
MOTORCYCLE PARKING	1 SPACE/15 DWELLINGS REQUIRED
BICYCLE PARKING	1 SPACE/3 DWELLINGS + 1 VISITOR SPACE /12 DWELLINGS

7.8	
17.1	
2.8	
6.8	
34.5 TOTAL REQUIRED INCLUDING 5 DISABLED SPACES	41 SHOWN
5 SPACES REQUIRED	6 SHOWN
4 SPACES REQUIRED	4 SHOWN
11.3 + 2.8 = 14.1 SPACES REQUIRED	15 SHOWN

B FRONT DOOR RELOCATED	04/05/20
A ISSUED FOR DA	30/04/18

Amendments

Architect



Forley + Grant Architecture
 Suite 3, Level 1, 1141 Botany Lane
 Mascot NSW 2020
 mob: 0401 822 222
 email: james@fgarch.com.au
 Nominated Architect James Grant 6646

Project Details

RESIDENTIAL FLAT BUILDING AT

93-95 HENRY PARRY DRIVE GOSFORD NSW 2250

This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. All dimensions used to be figured dimensions only. Do not scale from drawings. Report any discrepancies to the Architect for a decision before proceeding with work.

Drawn JG	Approved JG	Date Printed 19/8/20
Job Number 1732		
Scale As shown @ A3		
Drawing name		

CALCULATIONS

Drawing Number	Amendment
DA-17	B

LEGEND / FINISHES SCHEDULE

	EXISTING RL
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RETAINED AND SHALL BE PROTECTED DURING CONSTRUCTION. TREE PRUNING SHALL BE IN ACCORDANCE WITH AS 4373
	PROPOSED TREES, SHRUBS & GROUND COVER REFER NO. TO PLANT SCHEDULE
	BOUNDARY FENCE
	MULCHED GARDEN BED 800 WIDE MIN
	SELECTED BRICK GARDEN EDGE OR AS SELECTED REFER TO DETAIL 1
	SELECTED RETAINING WALL JOIST WALL TO ENGINEER DETAIL
	MASONRY PLANTER BOX REFER TO DETAILS 3 & 4 AND TO ENGINEER DETAIL
	LAWN AREA 300 WATER BUFFALO REFER TO DETAIL 1
	PERMEABLE PEBBLE AREA SELECTED 150 DEPTH RIVER PEBBLES WITH WEED MAT UNDER
	DRIVEWAY / PATH SELECTED STONED OR SLOURED SCONCRETE
	PATIO / TERRACE / PATH SELECTED TILES
	SELECTED LETTER BOX TO AS/NZS 4253-1994
	SELECTED AUTOMATIC BOLLARD - ILLUMINATION SHALL BE DESIGNED BY A QUALIFIED LIGHTING CONSULTANT AND IN ACCORDANCE WITH AS 4382 & AS 1594
	STORM WATER PIT REFER TO ENGINEER PLANS FOR DETAILS
ITEM	MATERIAL
SOIL	NOTE: ALL SOIL TYPE AS PER AUST. NATIVE LANDSCAPE BUDS OR EQUIVALENT AND SHALL BE IN ACCORDANCE WITH AS 4373 AND AS 4374 FOR SOIL CONDITIONS AND COMPOSTS
LAWN AREA	701 QUALITY TOP SOIL
NATIVE GARDEN BED	NATIVE GARDEN MIX
EXOTIC GARDEN BED	ORGANIC GARDEN MIX
PLANTER BOX	IN PLANTER BOX MIX ACCORDANCE WITH AS 4345-993 & AS 4374
MULCH	SELECTED HARD WOOD CHIP SHALL BE IN ACCORDANCE WITH AS 4424 DECORATIVE GRAVEL TO OSD AREA REFER TO DETAIL 1 & 2
PLANT MATERIAL	AS PER PLANT SCHEDULE REFER TO DETAIL 2
GARDEN EDGE	SELECTED PRESSED-BRICK OR AS SELECTED REFER TO DETAIL 1
RETAINING WALL & PLANTER BOX	SELECTED MASONRY RETAINING WALL AND DRAINAGE TO ENG DETAIL
FENCE	1800 HIGH LAPPED TIMBER FENCE OR 1800 HIGH COLOURBOND
SIDES & REAR BOUNDARY	REFER TO ARCHITECT'S DETAIL
FRONT	REFER TO ARCHITECT'S DETAIL
IRRIGATION	PROVIDE DRIP IRRIGATION SYSTEM TO ALL PLANTER BOXES IN ACCORDANCE WITH AS 3908 AND SYDNEY WATER CODE. IRRIGATION SHALL BE DESIGNED & INSTALLED BY QUALIFIED IRRIGATION CONTRACTORS.



REV	DESCRIPTION	REVISION DATE
D	REMOVED ACCESS FROM Gertrude Street	16.8.20
C	AMEND AS PER ARCH CHG	18.8.20
B	ADD STREET TREES AS REQ BY COUNCIL	19.9.19
A	DA ISSUE	19.9.19

- NOTE:**
- All landscape works shall be carried out by members of the LANDSCAPE CONTRACTORS ASSOCIATION of AUSTRALIA.
 - Contractors must verify all dimensions at the site before commencing any work or making any shop drawings which must be approved before manufacturing.
 - Do not scale drawing, if in doubt - ASK!
 - This drawing is to be read in conjunction with Architectural, Hydraulic and survey plans.
 - All existing trees to remain shall be protected as per arborist report & council requirements.
 - All pruning shall be in accordance with AS 4373.
 - Thoroughly eradicate weeds from all garden areas.
 - No variation to the works to be carried out without prior approval from owner.
 - All materials to be the best of their respective kinds and shall comply with approved sample type specified or specified.
 - Substitution of plant species or varieties will not be permitted.
 - Unless otherwise specified or directed, all instructions are to be issued by the consulting landscape designer.
 - All storm water outlets & surface run off shall be to hydraulic Engineer's detail.
 - Provide sub-soil drainage to garden beds & lawn areas where required - To be certified on site.
 - Refer to survey plan for position of all existing services.
 - Refer to Architectural elevations & Sections for existing and proposed ground lines.
 - All landscape works shall comply with all councils DA & CC conditions and all relevant 'AUSTRALIAN STANDARDS' and AS/NZS 4253-1994 (Specification C233-Landscaping).
 - Irrigation system - If required, shall be designed & installed to comply with AS 3696, AS 2068.1-1994, AS 2068.2-1994, AS 2064.1-1994, water board and other relevant authority regulations.
- MAINTENANCE**
- All landscape works are to be maintained for a period of 12 months for as required by Council DA. Consent by landscape contractor after their completion and shall be maintained at all times in a suitable manner. Replace all plants which have failed with the same species. Much is to be maintained at specified depth. All plants and turf shall be watered on a regular basis to maintain moisture levels required for optimum growth. All garden areas are to be maintained free from weeds.



PROPOSED HOME UNITS
93-95 Henry Parry Drive
Gosford

ARCHITECT:
Fortey + Grant Architecture

vision dynamics
Landscape Design
8 Blaxland Road
Killara NSW 2071
Ph 0410 281 888
Fax 021 9490 888
em: vldynamics@westnet.com.au

DRAWING TITLE:
LANDSCAPE CONCEPT PLAN

DRAWN BY: FF
SCALE: 1:100 (A1) OR 1:200 (A3)
DRAWING NUMBER:
18070 DA 1-2

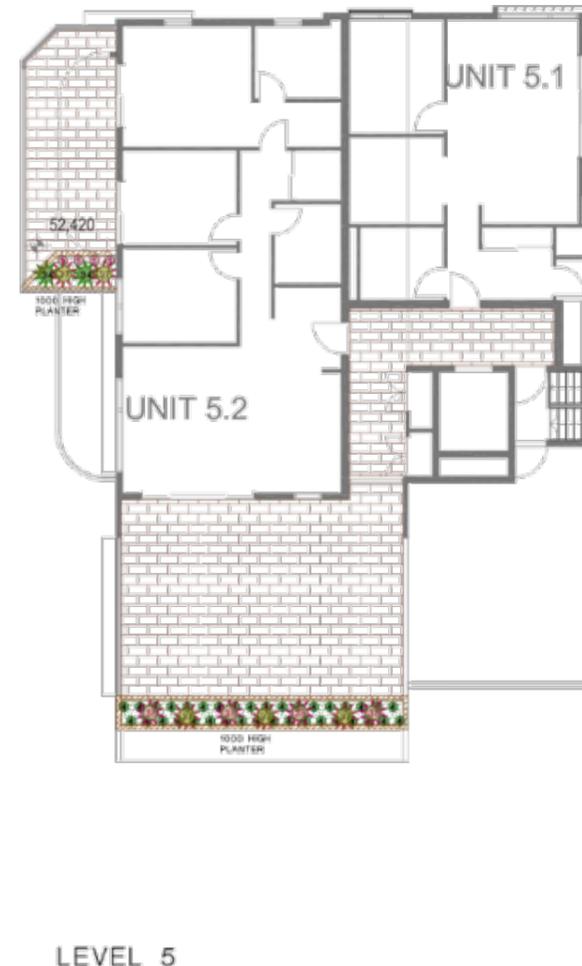
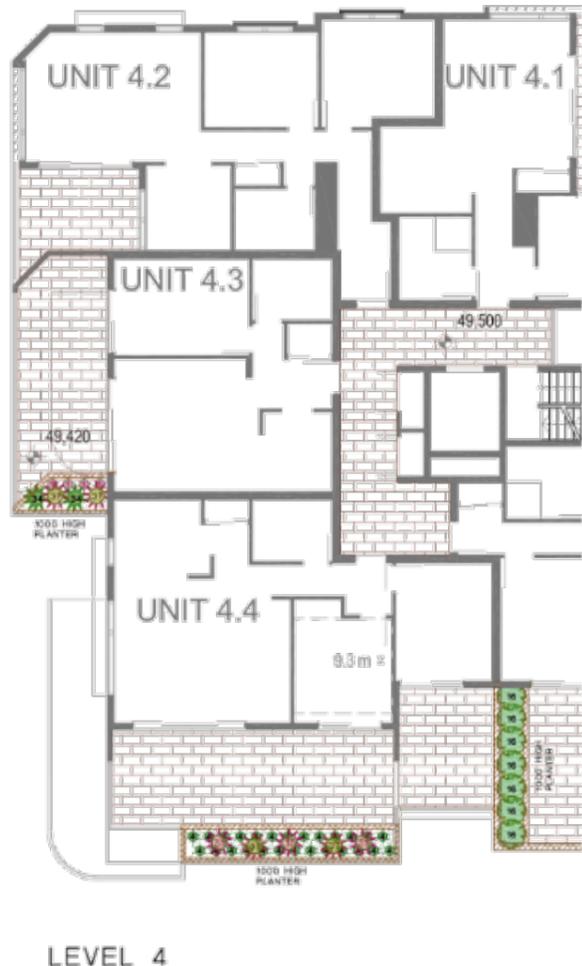
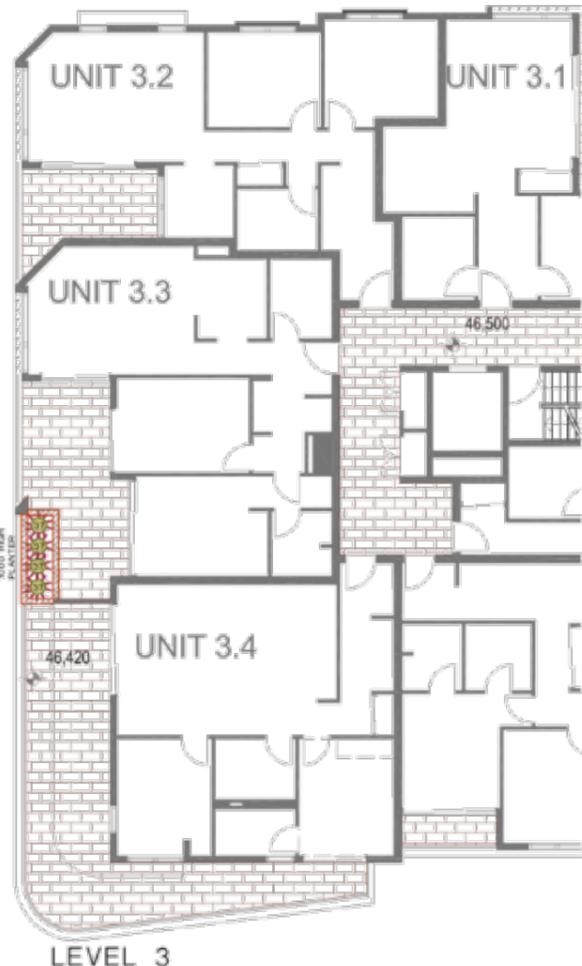
REV: D

North arrow pointing up.

LEGEND / FINISHES SCHEDULE

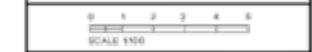
LEGEND / FINISHES SCHEDULE

- EXISTING PL
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO BE RETAINED AND SHALL BE PROTECTED DURING CONSTRUCTION. TREE PRUNING SHALL BE IN ACCORDANCE WITH AS 4373
- PROPOSED TREES, SHRUBS & GROUND COVER (REFER NO. TO PLANT SCHEDULE)
- BOUNDARY FENCE
- MULCHED GARDEN BED 300 WIDE MIN
- SELECTED BRICK GARDEN EDGE OR AS SELECTED REFER TO DETAIL 1
- SELECTED RETAINING WALL 1000 WALL TO ENGINEER DETAIL
- 1000 HIGH PLANTER
- 500 HIGH PLANTER
- LAWN AREA
- SIR WALTER BUFFALO REFER TO DETAIL 1
- PERMEABLE PEBBLE AREA
- SELECTED 100 DEPTH RIVER PEBBLES WITH WEED-MAT UNDER
- DRIVEWAY / PATH
- SELECTED STENCILED OR SLOURED CONCRETE
- PATIO / TERRACE / PATH
- SELECTED TILES
- SELECTED LETTER BOX
- 100 RAIN PIT REQUIREMENTS AND TO AS/NZS 4253:1994
- SELECTED AUTOMATIC BOLLARD - ILLUMINATION SHALL BE DESIGNED BY A QUALIFIED LIGHTING CONSULTANT AND IN ACCORDANCE WITH AS 4282 & AS 1558
- STORM WATER PIT
- REFER TO ENGINEER PLANS FOR DETAILS

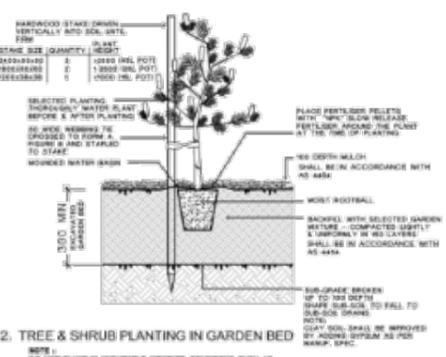
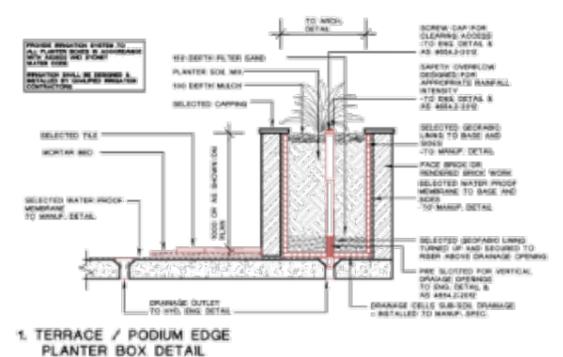


REV	DESCRIPTION	REVISION DATE
D	REMOVED ACCESS FROM Gertrude Street	16.8.20
C	AMEND AS PER ARCH CHG	16.8.20
B	ADD STREET TREES AS REQ BY COUNCIL 26.9.19	
A	DA ISSUE	12.6.19

- NOTE:**
- All landscape works shall be carried out by members of the LANDSCAPE CONTRACTORS ASSOCIATION of AUSTRALIA.
 - Contractors must verify all dimensions at the site before commencing any work or having any shop drawings which must be approved before manufacturing.
 - Do not scale drawing, if in doubt - ASK
 - This drawing is to be read in conjunction with Architectural Hydraulic and survey plans
 - All existing trees to remain shall be protected as per arborist report & council requirements
 - All pruning shall be in accordance with the AS 4373
 - Thoroughly eradicate weeds from all garden areas.
 - No variation to the works to be carried out without prior approval from owner.
 - All materials to be the best of their respective kind and shall comply with approval sample type submitted or specified.
 - Substitution of plant species or varieties will not be permitted.
 - Unless otherwise specified or directed, all instructions are to be issued by the consulting landscape designer.
 - All storm water culverts & surface run off shall be to Hydraulic Engineers detail.
 - Provide sub-soil drainage to garden beds & lawn areas where required - To be confirmed on site.
 - Refer to survey plan for position of all existing services.
 - Refer to Architectural elevations & Sections for existing and proposed ground lines.
 - All landscape works shall comply with all councils DA & CC conditions and all relevant AUSTRALIAN STANDARDS and AUS SPEC NO.1 Specification C273-Landscaping.
 - Irrigation system - If required, shall be designed & installed to comply with AS 3084, AS 2098.1-1994, AS 2468.2-1994, AS 2664.3-1994, water board and other relevant authority regulations.



ITEM	MATERIAL
SOIL	NOTE: ALL SOIL TYPE AS PER AUST. NATIVE LANDSCAPE SUPPLY OR EQUIVALENT AND SHALL BE IN ACCORDANCE WITH AS 4459 AND AS 4458. SOIL CONDITIONERS AND COMPOSTS
LAWN AREA	181 QUALITY TOP SOIL
NATIVE GARDEN BED	NATIVE GARDEN MIX
EXOTIC GARDEN BED	ORGANIC GARDEN MIX
PLANTER BOX	IN PLANTER BOX MIX ACCORDANCE WITH AS 4449-594 & AS 3743
MULCH	SELECTED HARD WOOD CHIP SHALL BE IN ACCORDANCE WITH AS 4454 DECORATIVE GRAVEL TO OSD AREA REFER TO DETAIL 1 & 2
PLANT MATERIAL	AS PER PLANT SCHEDULE REFER TO DETAIL 2
GARDEN EDGE	SELECTED PRESSED BRICK OR AS SELECTED REFER TO DETAIL 1
RETAINING WALL & PLANTER BOX	SELECTED MASONRY RETAINING WALL AND DRAINAGE TO ENG. DETAIL
FENCE	1800 HIGH LAPPED & CAPPED TIMBER FENCE OR 1800 HIGH COLOURBOND
FRONT	REFER TO ARCHITECT'S DETAIL
IRRIGATION	PROVIDE DRIP IRRIGATION SYSTEM TO ALL PLANTER BOXES IN ACCORDANCE WITH AS 3900 AND STONEY WATER CODE. IRRIGATION SHALL BE DESIGNED & INSTALLED BY QUALIFIED IRRIGATION CONTRACTORS.



PROPOSED PLANT SCHEDULE

IN ACCORDANCE WITH AS 2303: 2018

GROUND COVER / BOARDER				
1	Nandina domestica 'Nana'	Dwarf nandina	0.5	100mm
2	Lambada 'TANCA'	Dwarf Lambada	0.75	100mm
4	Liriodendron 'Just Right'	Just Right Liriodendron	0.5	100mm
5	Dianella tasmanica 'Daisy'	Daisy Dianella	0.4	100mm
6	Panicum alopecuroides	Fontaine grass	0.6	100mm
8	Taraxacum officinale 'Tri-lobed'	Star Jasmine	0.2	100mm
10	Asplenium nidus	Centurian Plant	0.6	100mm
LOW SHRUBS				
11	Westringia olivacea 'Aussie Box'	Aussie Box Westringia	0.5	200mm
12	Callistemon viminalis 'Banner Jack'	Banner Jack Callistemon	1	200mm
16	Murraya paniculata	Murraya	3	200mm
TALL SHRUBS				
24	Callistemon viminalis 'Banner Jack'	Banner Jack Callistemon	3	200mm
25	Scaevola taccada 'Resilience'	Lily ally	4	200mm
FEATURE SHRUBS				
21	Rapheis arborescens	Lady Palm	2.5	200mm
22	Corymbia avicula	Gymea Lily	3.2	200mm
24	Thymus serpyllifolius 'purple'	Dianella	1.2	200mm
26	Corymbia 'Red Savatara'	Red Savatara	3.2	200mm
27	Carex rostrata	Sage Palm	1.5	200mm
28	Strelitzia reginae	King of Paradise	1.2	200mm
29	Thymus serpyllifolius 'purple'	Tiger grass	1.5	200mm
30	Alphitonia floricarpa	Variegated Shell Ginger	1.8	200mm
TREES				
41	Callistemon viminalis	Weeping Callistemon	8	25 L
43	Allocasuarina reticulata 'Prize Queen'	Blakely Ash	8	45 L
44	Trachymene laevis 'Vividus'	Water box	7	45 L
47	Waterhousea floribunda	Green Avenue Weeping Lily Palm	8	45 L
48	Magnolia liliiflora	Magnolia	8	45 L
50	Angophora floribunda	Rough-barked Apple	20	75 L

NOTE:
HEIGHT AND SPAN ARE INDICATIVE ONLY
SUBJECT TO ON SITE ENVIRONMENTAL FACTORS.
USE ONLY AS A GUIDE.

PROPOSED HOME UNITS
93-95 Henry Parry Drive
Gosford

ARCHITECT:
Fortey + Grant Architecture

vision dynamics
landscape design
8 Blaxland Road
Kilera NSW 2071
PH: 02 9420 282
www.visiondynamics.com.au

DRAWING TITLE:
LANDSCAPE CONCEPT PLAN
SCALE: 1:100@A1 OR 1:200@A3
DRAWING NUMBER: 18070 DA 2-2
REV: D