

**Item No:** 3.3

**Title:** DA 57698/2019 - 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley - Integrated Staged Residential Land Lease Community

**Department:** Environment and Planning

**Central Coast**  
Local Planning Panel

#### 6 August 2020 Local Planning Panel Meeting

Reference: F2020/00812 - D14094125  
 Author: Robert Eyre, Principal Development Planner South  
 Approver: Ailsa Prendergast, Section Manager, Development Assessment South

#### Summary

An application has been received for an Integrated Staged Residential Land Lease Community comprising 202 sites, community facilities, roads and infrastructure, landscaping, and demolition of existing structures.

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 the number of submissions. The proposed development was notified with exhibition closing on 20 February 2020. 120 submissions were received plus petitions with a total of 4,388 signatures.

<b>Applicant</b>	Choice Living Avoca Development Pty Ltd
<b>Owner</b>	Choice Living Avoca Development Pty Ltd
<b>Application No</b>	DA57698/2019
<b>Description of Land</b>	Lot A DP449600, Lots 2, 3 and 9 DP976799, Nos 255, 255A, 255B Avoca Drive Kincumber, and 19 Picketts Valley Road Picketts Valley.
<b>Proposed Development</b>	Integrated Staged Residential Land Lease Community comprising 202 sites, community facilities, roads and infrastructure, landscaping, and demolition of existing structures (Caravan Park)
<b>Site Area</b>	24.12ha
<b>Zoning</b>	E4 Environmental Living
<b>Existing Use</b>	Dwelling houses, agriculture
<b>Employment Generation</b>	No
<b>Estimated Value</b>	\$19,739,800.00

**Recommendation**

- 1** *That, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues, the Local Planning Panel refuse the application for the following reasons:*
- a) *The proposed development is prohibited under the provisions of the Gosford Local Environmental Plan 2014 as the proposed development does not comply with the definition of 'caravan park' nor 'manufactured home estate' and is therefore prohibited under the provision of the current 'E4 Environmental Living';*
  - b) *The proposed development does not comply with the provisions of Clause 6 of State Environmental Planning Policy No 36- Manufactured Home Estates.*
  - c) *The proposed development for a caravan park is a prohibited use under the draft Central Coast Local Environmental Plan 2018 which applies to the subject land.*
  - d) *The proposed development is not consistent with the objectives of the E4 Environmental Living zone under the provisions of the Gosford Local Environmental Plan 2014, particularly: the proposed development does not provide for low impact development in an area of special ecological and aesthetic value; the proposed development would result in an adverse impact on the area in terms of ecological and aesthetic values; the proposed development is not of a scale and character that is compatible with the area nor the future desired character of the area.*
  - e) *The proposed development results in significant cut and fill, earthworks, removal of vegetation on the site which impacts the ecological values, visual and scenic quality of the area.*
  - f) *The proposed development will result in additional stormwater run-off and increased downstream flooding.*
  - g) *The residential density is not consistent with the objectives of the E4 zone nor compatible with the physical and environmental constraints of the site.*
  - h) *The site is not suitable for a caravan park nor a manufactured home estate due to the landscape, scenic and ecological qualities which should be preserved.*
  - i) *The proposed development does not protect the environment surrounding the proposed development for a manufactured home estate as required under Clause 2(1) of State Environmental Planning Policy No 36- Manufactured Home Estates.*
  - j) *Lack of information to properly assess potential contamination, road works within the site, ecology impacts, heritage impacts, waste impacts, soil and water management, emergency and construction access, and tree retention.*
  - k) *The proposal is an overdevelopment of the site, inconsistent with the current and future desired character of the locality and approval is not in the public interest.*
- 2** *That Council advise those who made written submissions of the Panel's decision.*

**3 That the Council advise external authorities of the Panel's decision.**

**Precis:**

<b>Proposed Development</b>	Integrated Staged Residential Land Lease Community comprising 202 sites, community facilities, roads and infrastructure, landscaping, and demolition of existing structures (Caravan Park)
<b>Permissibility and Zoning</b>	E4 Environmental Living ( <i>Gosford Local Environmental Plan 2014</i> )
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979 – Section 4.15</i></li> <li>• <i>Local Government Act 1993 – Section 68 and 89</i></li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></li> <li>• <i>Gosford Local Environmental Plan 2014</i></li> <li>• <i>Gosford Development Control Plan 2013</i></li> <li>• <i>Local Government Act 1993 - Section 68</i></li> <li>• <i>Fisheries Management Act 1994</i></li> <li>• <i>Heritage Act 1977</i></li> <li>• <i>Protection of the Environment Operations Act 1997</i></li> <li>• <i>Roads Act 1997</i></li> <li>• <i>Rural Fires Act 1997</i></li> <li>• <i>Water Management Act 2000</i></li> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007</i></li> <li>• <i>State Environmental Planning Policy (State and Regional Development) 2011</i></li> <li>• <i>State Environmental Planning Policy No 21-Caravan Parks</i></li> <li>• <i>State Environmental Planning Policy No 36-Manufactured Home Estates.</i></li> <li>• <i>State Environmental Planning Policy No55-Remediation of Land</i></li> </ul>
<b>Current Use</b>	<ul style="list-style-type: none"> <li>• Dwelling houses and agriculture</li> </ul>
<b>Integrated Development</b>	<ul style="list-style-type: none"> <li>• Natural Resources Access Regulator (NRAR)</li> <li>• NSW Primary Industries (NSW Fisheries)</li> <li>• NSW Rural Fire Service (NSW RFS)</li> </ul>
<b>Submissions</b>	120 submissions plus petitions with 4,388 signatures

**The Site**

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The site is an irregular shape and consists of four (4) existing allotments identified as Lot A DP449600, Lots 2, 3 and 9 DP976799, (255, 255A & 255B Avoca Drive Kincumber, and 19 Picketts Valley Road Picketts Valley).

The site is located on the northern side of Avoca Drive between Picketts Valley Road and Melville Street, Kincumber having a 154 metre frontage to Avoca Drive, and a 82 metre frontage to Picketts Valley Road.

The land is undulating with varying slopes to 20% and is dissected by two watercourses which traverse the property in a generally east-west orientation (there is also existing dam/water storage on site). The levels vary from about RL 40m at the southern side boundary with Avoca Drive, falling away to the north to about RL 6m at the first watercourse. The elevation rises again to about RL 40m near the centre of the site then falls away (to about RL 6m) at the second watercourse, rising again to (about RL 30m) at the northern side/ rear of the site.

Past use of the land has been generally agricultural with dwelling houses. The site contains 3 existing dwelling houses, sheds, stables, an access driveway from Avoca Drive. One dwelling house and the dam are located at the southern end of the site, with the remaining dwelling houses, sheds, and stables located approximately in the centre of the site between the 2 watercourses/creeks.

The rear of the site and frontage to Picketts Valley Road is heavily vegetated, with the remainder of the site having scattered stands of vegetation.

The site is identified as "bushfire prone land". A Bushfire Assessment Report prepared by Peterson Bushfire (Reference 17033 dated 29 November 2019) was submitted with the application recommending the proposal comply with varying BAL levels with the highest being BAL-19 for 7% of the dwellings.





**Figure 1-Locality Plan**

### **Surrounding Development**

The site is located about 2.5km east of the Kincumber shopping centre and about 3.8km west of Avoca Beach.

Adjoining development to the north, east and west comprises small rural holdings, associated dwelling houses and agricultural uses. Land to the south and south-west (opposite side of Avoca Drive) includes residential areas of Kincumber incorporating senior living developments.

### **The Proposed Development**

The proposal comprises:

- Demolition of existing structures on the site.
- De-watering and filling in of the existing small farm dam.
- De-watering and reshaping of dam on southern watercourse to revert to a watercourse.
- Bulk earthworks. Preliminary road plans submitted indicate cut up to 5.44m and fill up to 7.53m. This results in a total cut volume of 145,512m<sup>3</sup>, fill of 163,400m<sup>3</sup>, and a shortfall of 17,888m<sup>3</sup> to be imported into the site.

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- Construction of three (3) water quality basins.
- Construction of 202 long-term sites for future housing (Stage 1: 56 homes; and Stage 2: 146 homes).
- 2 short term caravan sites and caravan parking/storage area.
- Construction of community facilities including sales centre, club house (including caretakers residence), indoor swimming pool, tennis court, bowling green, putting green, village green, community garden, yoga deck.
- Construction of intersection of access driveway with Avoca drive and internal driveways.
- Realignment of southern existing watercourse crossing and upgrade of road and culvert.
- Services, including sewer.
- Landscaping.

Documentation submitted in support of the application states that the development aims to '*appeal to the premium end of the manufactured home estate (MHE) market*'. The development will include community and social facilities for the use of residents.

The applicant also advises the application for the moveable dwellings will be lodged separately under Section 68 of the *Local Government Act 1993*.



**Figure 2-Proposed Development**

## **HISTORY**

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

### DA16548/1992 - 6 lot community title subdivision

DA16548/1992 for a 6 lot community title subdivision was approved on 9 November 1993. This consent has lapsed.

### Pre-DA Meeting (May 2018) - Seniors Living Development

On 10 May 2018 a pre-DA meeting was held with Council for a senior living development on the site. The meeting identified that a retirement village/senior living development was a prohibited use under the *Gosford Local Environmental Plan 2014* and the *State Environmental Planning Policy (Senior Living)*.

A further pre-DA meeting was held on 5 September 2019 for a caravan park on the site consisting of about 210 sites in the form of manufactured homes with community facilities and associated infrastructure. The applicant was advised at that time that;

*'The proposed caravan park is a prohibited use under the draft Central Coast Local Environmental Plan 2018. It is likely that Council will not support the proposal due to the draft plan being imminent, the density proposed, impact on scenic values of the site, and inconsistency with the objectives of the E4 zone. A caravan park should not be a quasi-retirement village, particularly due to the site constraints of this site. The proposal will also have to comply with the definition of 'caravan park'.*

## **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 Council's information. Any tables relating to plans or policies are provided as an attachment.

## **Permissibility**

The applicant sets out (see page 16 onwards of the Statement of Environmental Effects supporting the application) that the proposed development is permitted on the land by virtue of 'caravan parks' being a permitted use within the zone under the provisions of the *Gosford Local Environmental Plan 2014*.



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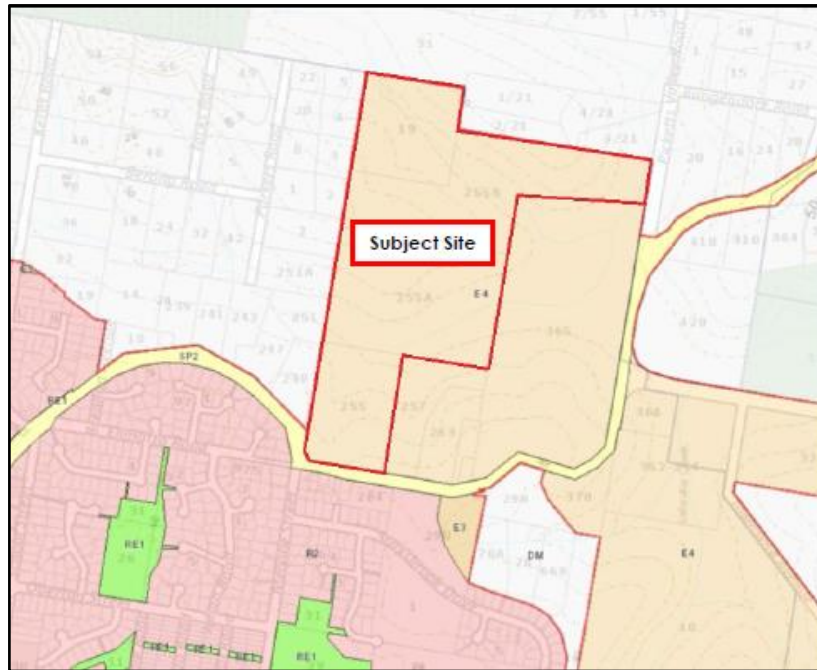
It is the view of Council that:

- Although 'caravan park' is a permitted use within the current zone, the consent authority must also consider the provisions of *State Environmental Planning Policy No 36 – Manufactures Home Estates* and the emerging *Draft Central Coast Local Environmental Plan 2018*;
- A manufactured home estate may not be carried out on land with an E4 Environmental Living (as set out in *State Environmental Planning Policy No 36 – Manufactures Home Estates*); and
- The of the *Draft Central Coast Local Environmental Plan* (LEP) is a matter for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*. Under the provisions of the Draft Central Coast LEP, the land is proposed to retain the *E4 Environmental Living zoning*. Further, 'caravan parks' are not permissible in the E4 zone under the provisions of the Draft Central Coast LEP

The applicant does not agree with this opinion. In the event that the Local Planning Panel, as determining authority, consider that the application is permitted within the zone, Council has provided a full assessment of the proposal which highlights issues with the proposal notwithstanding the permissibility argument.

Provisions of Gosford Local Environmental Plan 2014

The subject site is zoned *E4 Environmental Living* under *Gosford Local Environmental Plan 2014*. A caravan park is permissible in the zone with consent of Council. A manufactured home is permitted within a caravan park.



**Figure 3-Zoning Plan**

The following definitions from the Gosford Local Environmental Plan 2014 re relevant:

**Caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

and

**Moveable dwelling** means—

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

and

**Manufactured home** means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom and living area and that also includes toilet and laundry facilities), being a dwelling-

- (a) that comprises one or more major sections, and
- (b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 1909,

and includes any associated structures that form part of the dwelling.

Provisions of State Environmental Planning Policy No.36-Manufactured Home Estates.

Clause 6 of *State Environmental Planning Policy No 36* provides that development for the purpose of a manufactured home estate may be carried out pursuant to the policy on any land on which development for the purposes of a caravan park may be carried out except land within one or more of the categories described in Schedule 2 of the SEPP. Schedule 2 includes land identified by the description **environmental protection**.

Clause 2.1 of GLEP 2013 identifies the following zones as Environmental Protection zones;

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living**

A manufactured home estate therefore may not be carried out on E4 zoned land and is prohibited under SEPP 36.

Under the SEPP, a *manufactured home* is defined as follows:

**'manufactured home** means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—

- (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and
- (b) that is not capable of being registered under the Traffic Act 1909, and includes any associated structures that form part of the dwelling.'

Under Section 68 of the *Local Government Act 1993* the operation of a 'Caravan Park' as defined in the Act, and the installation of a 'manufactured home or moveable dwelling' requires approval.

However, under Section 74 (5) of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, exemptions to approvals are provided for the installation of a relocatable home (defined as a manufactured home or moveable dwelling) or associated structure on a dwelling site within a caravan park, so long as it is designed, constructed and installed in accordance with the relevant requirements of Division 4 of the *Reg 2005* and with the consent of the holder of the approval to operate the caravan park.

The proposed includes two-storey homes and Clause 74 (7) states this exemption does not apply for any installation of a relocatable home over one-storey in height.

The proposed has been assessed against Clauses 85-160 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings)*

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*Regulation 2005.* The proposed complies with all clauses, except Clause 135 which states homes are to be constructed and assembled off-site. The proposal wishes to manufacture the homes on-site. Councils Environment and Public Health team does not support this proposal.

The proposal to construct dwelling houses on site will not result in the homes being relocatable as they will be fixed on site. This is therefore not a caravan park or manufactured home estate.

Clause 9 of the SEPP also states that Council may grant consent for a manufactured home estate pursuant to the policy only if it is satisfied that the development will not have an adverse effect on any waterway or land having special landscape, scenic or ecological qualities, which is identified in any environmental planning instrument applying to the land. Given the proposed density of the proposed development, proximity to waterways, the extent of earthworks and tree clearing, Council cannot be satisfied in this case that the proposed development will not have an adverse effect on the waterways and environment of the site and adjoining lands.

Provisions of the Draft Central Coast Local Environmental Plan 2018

The *Draft Central Coast Local Environmental Plan (LEP) 2018* applies to the subject land.

Under the provisions of the *Draft Central Coast LEP* the subject land retains *E4 Environmental Living* zone. However, under the provisions of the *Draft Central Coast LEP* the development of a 'caravan park' is a prohibited use under the proposed *E4 Environmental Living* zone.

The following comments on the draft Plan are provided from Council's Strategic Planning Unit in respect of the Draft LEP

*Background*

On 12 May 2016, a proclamation to merge the former Gosford City and Wyong Shire Councils and form the Central Coast Council was announced by the Department of Premier and Cabinet. At the same time, the NSW State Government issued *Guidance for Merged Councils on Planning Functions*. These guidelines recommended Council analyse the differences in the current planning controls.

On 23 November 2016 Council resolved to prepare a Planning Proposal to consolidate the provisions of the environmental planning instruments which operates across the Central Coast Local Government Area (LGA).

Exhibition Information

*Draft Central Coast LEP* was publicly exhibited from **6 December 2018 to 28 February 2019**.



The Planning Proposal exhibited in support of the draft LEP included a section titled "CCLEP Part 2 – Permitted or Prohibited Development", which compared the provisions of *Wyang LEP 2013* and *Gosford LEP 2014* and contained the following relevant information:

*In some circumstances, Principle 5 – Permissibility Retention has not been able to be applied. This is because, in some instances, the application of zones between the two former LGAs has been different. For example, the E4 Environmental Living zone in the former Wyong LGA was generally applied for the purposes of larger lot residential development in environmentally sensitive locations. While in the former Gosford LGA, the E4 Environmental Living zone was applied to enable tourist development in environmentally sensitive locations. Therefore, some land uses have been found to not always align, and may be inappropriate for application over the entire Central Coast LGA*

<b>Issue 2: Permissibility of Bee keeping; Caravan Park, Camping ground; Educational establishment; Farm stay accommodation; Horticulture; Hotel or motel accommodation; Pub; Recreation area; Recreation facility (indoor); Recreation facility (outdoor); Registered club; Restaurant or café; Serviced apartment; and Tourist and visitor accommodation</b>	
<b>Relevant Principle: Principle 5 – Permissibility Retention</b>	
<b>Justification</b>	<b>Action/Recommendation</b>
Caravan park, camping ground, farm stay accommodation, Hotel or motel accommodation, pub, recreation facility (indoor), recreation facility (outdoor), registered club, restaurant or cafe, serviced apartment, and tourist and visitor accommodation (group term) are permitted with consent in the GLEP 2014 and prohibited in the WLEP 2013. These uses are inconsistent with the objectives of the zone, which is predominantly for residential development in special ecological landscapes and may detract from the character of the zone. These uses are also likely to increase traffic, noise and impact on the amenity. Any existing uses with development	Prohibit Caravan Park; camping ground Farm stay accommodation; Horticulture; Hotel or motel accommodation; Pub; Recreation facility (indoor); Recreation facility (outdoor); Registered club; restaurant or café; Serviced apartment; Tourist and visitor accommodation and Existing Caravan Parks and Manufactured Home Estates will be included in Schedule 1 Additional Permitted Uses.

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consent will retain existing use rights. In relation to existing Caravan Parks, these are to be included in Schedule 1 Additional Permitted Uses and the associated Map. Horticulture is not considered an appropriate use within the E4 zone and is inconsistent with the objectives of this zone. The objective is predominantly for residential development in special ecological landscapes. The proposed lot size within the E4 zone of 2ha is also not supportive of this use.	
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*Exhibition Outcome*

Council received 756 written submissions from the public in response to the exhibition of the draft CCLEP and draft CCDCP (which was concurrently exhibited). A review of the submissions indicates:

- No submission being submitted relating specifically to any of the properties that are the subject of the application; and
- A submission was received from the applicant for the subject development application. In this submission there was no commentary relating to the permissibility of caravan parks in the E4 zone though there was a request to include 'function centres' as a permissible land use in the E4 zone.

*Current Status – Report to Council*

Council considered a planning report on the draft Plan at its meeting on 9 March 2020 and deferred the draft Plan for further consideration. This does not impact the current application where a caravan park is to be a prohibited use in the proposed E4 zone.

The draft Plan also includes savings provisions that provide for an application lodged before the making of the draft Plan, that the application must be determined as if the draft Plan had not been made.

The draft Plan is a matter for consideration under s4.15(1) of the *Environmental Planning and Assessment Act* 1979. How much weight should be given to a draft LEP depends on whether the draft Plan is imminent, and the public interest in approving a development which is proposed to be prohibited. In this regard the following points should be considered:

- The weight to be given to each head of consideration in s4.15(1) of the EPA Act is a matter for the consent authority.
- The case law is to the effect that the weight to be given to a draft instrument will be greater, the more 'certain and imminent' it's making (*Terrace Tower Holdings v Sutherland Shire Council* [2003] NSWCA 289 (**Terrace Towers**)).
- A draft instrument is generally considered to be 'imminent and certain' where it has been approved by the planning authority and sent to the Minister to be made.
- By contrast, a draft instrument which has not been the subject of public consultation will generally be given less weight than one that has been the subject of public consultation.
- As the Draft LEP has been publicly exhibited, it should be given significant weight.

In *Terrace Tower holdings Pty Limited v Sutherland Shire Council* [2003] NSWCA 289, the Court held that

*'...The purpose of a draft instrument is entitled to be given significant weight in deciding whether to reject an application brought under a pre-existing planning instrument that would undermine the draft instrument's purpose in a substantial way.'*

The draft Plan will prohibit caravan parks on E4 zoned land. The applicant was aware of this during the exhibition of the draft plan and prior to the lodgement of the application.

It is not in the public interest to approve a use which has been identified as not suitable on E4 zoned land and will prejudice the making of the draft Plan and future planning objectives for the area. It is considered the draft plan must be given significant weight and the application should be refused.

Approval of the proposed development would undermine the draft LEP purpose to limit development on E4 zoned land in a substantial way so as to negate the whole purpose of environmental protection of the E4 zoned land. It must also be noted that no public submission was received objecting to the proposed E4 zoning of the land and or that caravan parks should be retained as a permissible use with consent in the zone.

There is a public expectation that the draft plan will prohibit caravan parks on E4 zoned land and on this site.

#### **State Environmental Planning Policy No 21-Caravan Parks.**

The proposed development seeks consent for 202 long term movable dwelling sites. The applicant advises that the proposed development does not specifically target the tourist market but provides for over 50s as well as 2 sites for caravan/motorhomes on a short term stay basis.

Pursuant to clause 10 of SEPP 21, the following matters must be considered by Council prior to determination;

*(a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence.*

*Council Comment:* The site is located in close proximity to the Kincumber shopping centre facilities for potential long term residents.

The site is not located in close proximity to recreational tourist facilities such as beaches or other tourist facilities within walking distance of the site.

The topography of the site is steep with 2 watercourses through the site and covered in a large number of trees. The site is not considered suitable for a caravan park as evident by the extent of cut/fill/earthworks and tree clearing required.

*(b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence.*

*Council Comment:* There are a number of existing tourist and visitor accommodation facilities in the Kincumber/Avoca Beach and other areas. The proposed development will not displace existing tourist accommodation. As the proposed development is to be occupied by over 50s on long term leases, it is not a caravan park nor tourist venture.

The existing and proposed E4 zone permits Eco-tourist facilities with consent.

*Eco-tourist facility means a building or place that—*

*(a) provides temporary or short-term accommodation to visitors on a commercial basis, and*

*(b) is located in or adjacent to an area with special ecological or cultural features, and*

*(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.*

*It may include facilities that are used to provide information or education to visitors and to exhibit or display items.*

The site is more suited to development for an eco-tourist facility which would not require such extensive disturbance. This could be carried out by well-placed cabins, at a much lower density than proposed, and appropriate facilities to preserve the natural environment.

*(c) whether there is adequate low-cost housing, or land available for low cost housing, in that locality.*

*Council Comment:* The application proposes that the proposed development is aimed at the premium end of the residential land lease community market. That is, the value of the land lease and dwelling will be greater than that for the average home or senior living dwellings in the area. That is, it is an up market housing estate which is not consistent with the aims of the SEPP for a caravan park.

(d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park.

*Council Comment:* The proposed development includes on site facilities and is located in close proximity to shopping and services at Kincumber.

(e) *any relevant guidelines issued by the Director.*

*Council Comment:* None known

(f) *the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

*Council Comment:* This section was repealed in 1995 and replaced by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005*. Clause 41 states

*41 Manufactured homes to be constructed and assembled off-site*

*(1) A manufactured home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the manufactured home estate from, a place of manufacture outside the manufactured home estate.*

*(2) However, the fixing of cornices, the setting of wall lining joints, the fitting of skirting boards and architraves and the grouting of tiles may be done on the dwelling site.*

The proposed houses are mainly to be constructed on-site and are not capable of being moved as a caravan or moveable dwelling is intended to.

#### **State Environmental Planning Policy No 55-Remediation of Land.**

The application has not submitted an assessment of potential contamination of the site and the suitability of the site for the proposed development.

The application states that there are 5 areas of environmental concerns from past construction waste, buildings, and septic tanks. The applicant recommends that assessment

of contamination be carried out as a condition of consent such as prior to the issue of a construction certificate.

This is not agreed to as the consent authority must be satisfied that the site is suitable for the proposed use, which in this case is over 50s residents.

Council's Environmental Health Officer does not support this recommendation and such information/investigation should have been carried out prior to lodgement of the application to determine the suitability of the site and site planning.

### **Gosford Local Environmental Plan 2014 – Zone Objectives**

The land has a current zoning of E4 Environmental Living under the provisions of the Gosford Local Environmental Plan 2014. The objectives of the zone are:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To provide land for low-impact tourist-related development that is of a scale that is compatible with the special ecological, scientific or aesthetic values of the area.
- To ensure that development is compatible with the desired future character of the zone.

The proposed development does not comply with the objectives of the zone for the following reasons:

- The proposal is not a low impact residential development. It involves significant cut and fill, significant tree removal, and a density more consistent with a R2 zone.
- The proposal impacts the ecological and biodiversity values of the site and locality.
- The proposal is not a low impact tourist related development and is not compatible with the special ecological, aesthetic and historical value of the site. The proposed development is a quasi- senior living development.
- The proposal is not compatible with the desired future character of the zone and area due to the density and impact on the environment.

**Gosford Local Environmental Plan 2014 Clause 7.1 - Acid Sulfate Soils**

This land has been identified as containing potential Acid Sulfate Soils on mapping held by Central Coast Council. As such, the matters contained in clause 7.1 of *Gosford Local Environmental Plan 2014* have been considered.

The site contains Class 5 Acid Sulfate Soils and the site is not located within 500m of class 1-4 land. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

**Gosford Local Environmental Plan 2014 Clause 7.2 - Flood Planning**

The land has been classified as being under a “flood planning level” and subject to the imposition of a minimum floor level. The development is considered satisfactory in respect to clause 7.2 of *Gosford Local Environmental Plan 2014* in that a minimum floor level could be imposed on habitable dwellings.

Two watercourses or creeks flow through the site and into Avoca Lagoon, being Saltwater Creek and an unnamed watercourse.

The applicant has submitted a Flood Impact Assessment based on the 1% AEP and PMF events. The Assessment indicates that all proposed lots/buildings are above the PMF and the creek crossing is above the 1% AEP event/level. The Assessment also indicates that the proposed development results in a net increase in flood storage on the site and does not result in cumulative off-site impacts of increased flooding by more than 0.01m as per the Floodplain Development Manual (FDM 2005) requirements.

Council’s Flooding Engineer has assessed the applicant’s Flood Impact Assessment and does not accept the conclusions in the report and advises a series of recommendation, as follows:

**Recommendation 1:**

*The WBNM model should be set up as an independent check on the TUFLOW model, with the inclusion of storages at major waterway crossings. Identify what storage has been modelled in the hydrologic model, and what the influence of shorter duration events has on the peak 1% flow. For example typically the PMF is 2.5 – 3 times greater than the 1% event peak flow (Rather than 4.8 times greater?). The WBNM model (inclusive of storages) should be used to compare hydrographs at key locations. The location of the inflow position of flows into the TUFLOW model should also be provided. Results for the full range of durations tabulated should clearly indicate critical durations have been determined. Provide the pre and post developed flows prior to the flows entering the storage. What is the increase in runoff as a result of the development? What is the influence of the storage provided?*

**Recommendation 2:**

*It needs to be demonstrated that the modelling undertaken, correctly reflects the impacts of urbanisation by identifying flow increases and reduced lag. Identify how and where flows have been applied to the hydraulic model. If flows are being applied aerially then further consideration of the use of surface roughness needs to be addressed and how buildings are accounted for.*

**Recommendation 3:**

*A time series plot of the flows and level of hazard over the overtopping roadway is to be provided. Similarly flows through the culvert should also be plotted in time. This should guide the provision of an extreme flood warning sign at the crossing alerting to the fact that in extreme events the roadway is impassable and extreme hazardous.*

**Recommendation 4:**

*All model files are to be provided for review including the hydrologic model (WBNM) and hydraulic model (TUFLOW).*

**Gosford Development Control Plan 2013 Chapter 2.1-Character**

Within Chapter 2.1 of the *Gosford Development Control Plan (DCP) 2013* the site is identified as being located within *Unit 13-Scenic Buffer* of the *Kincumber Precinct*. The desired character for this area, as set out in the DCP is:

*'These should remain rural-residential buffers where the scenically-distinctive semi-rural and natural qualities of prominent backdrops to Gosford City's major roads and tourist routes are preserved by appropriate very-low density residential developments associated with low-impact rural activities, and by small-scale businesses or community and educational facilities that have a modest impact.*

*Retain natural slopes and prevent further fragmentation of the tree canopy in order to maintain habitat values and informal scenic characters of hillside or valley properties, plus meandering roads with unformed verges. Along creeks, ridges, slopes or road frontages, conserve all mature bushland remnants that provide scenically-prominent backdrops visible from any road or nearby property. Limit intrusion of structures upon their landscape setting by concentrating new buildings and pavements in existing clearings. Use low-impact construction such as suspended floors and decks rather than extensive cut-and-fill, particularly on elevated slopes or near bushland.*

*In areas that are defined as bushfire prone, hazard must not be increased by inappropriate new plantings or structures. Minimise the extent of cleared asset protection zones by fire-resistant siting, design and construction for all new structures plus effective management of gardens. The ideal compromise between*



*desired scenic quality and hazard-reduction would limit clearing to the understorey plus thinning of the canopy to establish breaks between existing trees.*

*Maintain the informal character of existing semi-rural hillsides by avoiding tall retaining walls, extensive terraces or broad driveways that would be visible from any road or nearby property, and provide boundary fences that are see-through such as traditional post-and-rail designs. Surround all buildings with extensive garden setbacks, planted with new trees and shrubs that are predominantly indigenous to complement the established canopy. Noxious or environmental weeds must not be planted, and existing infestations should be controlled.*

*In order to minimise their scale and bulk, all new structures that would be visible from a road or nearby property should reflect the modest character and simple articulation of traditional farm buildings. For example, divide floorspace into a series of linked pavilion structures or wings of rooms that are surrounded by landscaped courtyards, and preferably, provide parking in carports or separate garages. Roofs should be simple hips or gables without elaborate articulation, gently-pitched to minimise the height of ridges and flanked by wide eaves or extensive verandahs to disguise the scale of exterior walls. (In bushfire prone areas, verandahs, roofs and suspended floors must be screened to prevent the entry of sparks and flying embers.)*

*Disguise the scale of facades that are visible from the street by incorporating extensive windows and verandahs, some painted finishes rather than expanses of plain masonry, and avoid wide garages that would visually-dominate any frontage. Ensure that outbuildings are compatible with the scale and design of their associated dwelling, particularly by using a similar roof pitch and wide eaves. Any commercial signs should be limited in size and number.'*

The proposed development is clearly not consistent with the desired character for this area due to the extent of clearing, earthworks, and density of development. The proposed development does not maintain a rural-residential buffer and is essentially a residential development situated within a semi-rural/urban buffer location.

The bulk and scale will be visible from adjoining properties and the bushfire protection measures will result in additional clearing and impact on the ecology of the site.

### **Gosford Development Control Plan 2013 Chapter2.2- Scenic Quality**

As identified within the DCP, the site is located within *Kincumber land unit* of the *East Brisbane Water Geographic Unit*.

The Development Objectives are:

1. *Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular Environmental/Conservation and Scenic Protection zoned areas.*
2. *Retain current subdivision standards in Environmental/Conservation and Scenic Protection zoned areas to ensure continuing dominance of landscape features over built environment.*
3. *Opportunities for increases in densities and scale are available in urban areas, not subject to visibility constraints or other physical constraints. Visually constrained land includes land viewed from main roads, waterfront areas and land on higher slopes.*
4. *Uses of a retail and commercial nature and associated signage permitted in scenic protection zoned areas to be, where achievable, of a style and scale which reflects the rural nature of the area in which it is located.*
5. *Restrict zoning density of development to current levels on higher visible slopes in urban areas, particularly in steep land zoned areas.*
6. *Continue to attempt to secure lands identified for inclusion in the Coastal Open Space System as part of the visual landscape.*
7. *Proposals for residential and retail/commercial rezonings be preferred where the result will be the consolidation of existing residential and retail/commercial areas rather than the extension of these areas as ribbon development or as incremental extensions into adjoining areas.*
8. *Recognise importance of privately owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for COSS lands.*

The proposed development impacts the scenic quality of this area due to the extent of clearing, earthworks, and density of development. The proposed development does not maintain a rural-residential buffer and is essentially a residential development situated in a semi-rural locality.

The bulk and scale will be visible from adjoining properties and from public spaces (including Avoca Drive). Required installation of Asset Protection Zones for bushfire protection measures will result in additional clearing in the proximity to the development and will impact on the ecology of the site, as well as additional visual impacts.

While part of the northern side of the site is proposed to be retained in its natural state, this will be impacted by clearing required for construction access and bushfire protection. The quantity and quality of this area will be reduced accordingly.

**Gosford Development Control Plan 2013 Chapter 3.10-Environmental Controls for Development in Zone E4.**

The proposed development is subject to the DCP chapter relating to environmental controls for development in the E4 Environmental Living zone. The Following comments are made against each of the considerations:

*(a) Restrict the amount of development on land on slopes greater than 20%.*

*Council Comment:* The site has some areas with slopes in excess of 20% which results in extensive cut and fill for the proposed development.

*(b) Maximise retention of existing native vegetation.*

*Council Comment:* The proposed development results in 78% of existing trees to be removed. This may be greater due to compliance with bushfire conditions and impacts of extensive cut and fill. This is not maximising tree retention and does not accord with this aspect of the DCP.

*(c) Restrict the amount of cut and fill for buildings to 1 metre.*

*Council Comment:* The proposed development requires significant cut and fill up to approximately 7m, and the importation of fill material. The application contends that the maximum fill and cut is 3.5 metres. The preliminary internal road plans submitted show cut or fill up to about 7.53 metres, and importation of about 18,000m<sup>3</sup> of fill material. This is excessive where the natural landscape and environment should be retained.

*(d) Ensure provision of utility services protects ecological and landscape values of land and catchment.*

*Council Comment:* Connection to Council's sewer system is proposed as well as all other services underground. This will minimise any future visual impact but will require extensive land disturbance during construction.

*(e) Encourage a design of tourist development which is compatible with the natural/rural character of Environmental land in the City.*

*Council Comment:* The proposed development is not a tourist development but a quasi-retirement village. The proposed development is not compatible with the natural/rural environment due to the overall disturbance, significant earthworks and density of development.

**Gosford Development Control Plan 2013 Chapter 6.1- Acid Sulfate Soils.**

The site is identified as containing acid sulfate soils Class 5 and is not located within 500 metres of sites containing acid sulfate soils Classes 1-4. An acid sulfate soil management plan therefore is not required.

**Gosford Development Control Plan 2013 Chapter 6.3-Erosion and Sedimentation Control.**

The proposed development results in extensive cut/fill and earthworks to create roads and building sites. The application contends that the maximum fill and cut is 3.5 metres. The preliminary internal road plans submitted show cut or fill up to about 7.53 metres, and importation of about 18,000m<sup>3</sup> of fill material.

An indicative erosion and sedimentation control plan has been submitted which would require more detail plans prior to issue of any engineering or construction plans.

The extent of such earthworks in close proximity to 2 creeks through the site on steep land has a high potential for erosion and sedimentation to occur of watercourses on the site and downstream from the site.

**Gosford Development Control Plan 2013 Chapter 6.6-Tree and Vegetation Management.**

The application states that the main building footprint, excluding the (approximately 8 hectare) area at the rear of the site will result in:

- 158 trees retained;
- 64 trees threatened; and
- 491 trees removed.

This is significant removal of trees on E4 zoned land.

The application states that no tree assessment was undertaken on the northern section of the site (approximately 8 hectares) which includes the northern watercourse and the remnant tall-open forest. The application states there are about 1,200-1,600 trees in this part of the site.

However, the application proposes a construction access/fire trail through this area to Picketts Valley Road. This, combined with the RFS requirements, will result in significant widening and formal construction of the proposed rear access road. This has not been addressed or considered in the impacts of the proposed development on ecology and tree removal.

Council's Tree Officer and Ecologist do not support this proposal.

### **Gosford Development Control Plan 2013 Chapter 7.1 - Car Parking**

The application will provide single and double garages for each dwelling as well as 29 visitor parking spaces, including 4 disabled spaces, adjacent to the community facilities. Adequate provision for car parking on site can be provided.

### **Gosford Development Control Plan 2013 Chapter 7.2 - Waste Management.**

A waste management plan has been submitted with the application. Council's Waste Assessment Officer advises the plan is not satisfactory and fails to address waste generated during construction and operational waste collection and servicing.

### **Submissions**

#### **Community Consultation & Public Submissions**

One hundred and twenty (120) public submissions (plus petitions) were received in relation to the application. 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.    *Access to the main road is unsafe due to the volume of traffic generated by the development both during and after construction.***

*Comment* – Avoca Drive is a main road which carries a high volume of local and through traffic. The traffic generated by the proposed development can be catered for by the existing road system. Both Council's traffic engineer and TfNSW require construction of an intersection onto Avoca Drive for the proposed development. It should also be noted that TfNSW proposed to carry out future upgrading roads along Avoca Drive in this locality in the future.

**2.    *The significant removal of 491 out of 713 existing trees and the impact on the vegetation corridor through the site to Kincumber Mountain. The proposal is not compatible with the semi-rural character of the area.***

*Comment* – The removal of such numbers of trees will impact the visual quality, scenic value and character of the area, as well as the impact the ecology of the site. The proposal is not supported by Council's Tree Assessment Officer and Ecologist.

**3.    *The site is not suitable for elderly residents who will be socially isolated, particularly those with mobility problems.***

*Comment* – The site is not suitable for senior living due to the steepness of the land and distance to support facilities. The SEPP (Senior Living) does not permit senior living on the site and the applicant's proposal to restrict to "over 50's" is seen as an attempt to by-pass this restriction.

**4. The site is subject to flooding.**

*Comment* – The impact of flooding from the watercourses through the site will determine the minimum floor level for dwellings erected on the site. The proposed development will result in a significant increase in impervious and paved areas which will increase stormwater runoff. The impact of this must not increase flooding impacts on other sites in the catchment area and is subject to detailed flood study and assessment of the impacts.

**5. The proposal is contrary to the objectives of the E4 zone for low impact residential development in areas with special ecological or aesthetic values. The proposal is an overdevelopment of the site. The 202 homes do not give priority to preserving the environmental qualities of the site.**

*Comment* – The proposal is not considered to be consistent with the objectives of the E4 zone and is more consistent with a residential development and density for a R2 residential zone.

**6. The proposal and caravan parks are prohibited in the E4 zone under the draft CCLEP 2018 which has been exhibited.**

*Comment* – This is correct. The draft LEP has been exhibited and is a matter for consideration in determination of this application.

**7. The applicant contends that there is a need for over 50's housing. There is already an oversupply of retirement living in the Kincumber area.**

*Comment*- There is extensive existing senior living in the Kincumber area. This is not a reason to refuse the application unless there are inadequate support services.

**8. The site and waterways drain to Avoca Lagoon. The development will impact the water quality of the lagoon.**

*Comment*- This could be addressed with appropriate nutrient and stormwater controls provided on site and monitoring of existing and future water quality.

**9. The land is bushfire prone and 350 residents will not be able to evacuate in an emergency.**

*Comment-* The applicant has submitted a bushfire assessment which has been reviewed by the RFS. The RFS has issued a bushfire safety authority which includes a condition requiring the whole site to be managed as an inner protection zone. This will result in additional impact on trees and vegetation on the site.

**10. No time frames have been given for the completion of the 3 stages of the development.**

*Comment-* This is not required. Once the consent and stage 1 is physically commenced, stages 2 and 3 are not required to be completed within a specified time frame.

**11. Impact on local infrastructure and the environment during construction.**

*Comment-* Some impacts can be mitigated by preparation of a construction management plan. The overall impacts on the site and on the environment do not support approval of the proposal.

**12. The site is an aboriginal transit site with endangered and protected species.**

*Comment-* Council's ecologist does not support the proposal due to the lack of information or impact on the ecology of the site.

**13. The existing power line to the site is an agreement between owners and power would not be able to be provided to the site.**

*Comment-* The developer would be required to provide power and services to the development in accordance with the various service authority requirements. This would require upgrading as well as location.

**14. The nearby Kincumber shopping centre is at capacity and will be overloaded by this development.**

*Comment-* There are a number of other shopping centres that could cater for the increase in population created by this development, including Erina Fair albeit it is located a greater distance away. The increase in population is minor and this is not a reason to refuse the proposed development. As the population of the Central Coast is increasing overall in accordance with the regional plan.

**15. It is a blatant misuse of the definition of a caravan park and SEPP 36 Manufactured Homes.**

*Comment-* The proposal raises a number of issues and concerns which have been assessed in greater detail in this report. It is not considered the proposed development complies with the intention or objectives of the zone and the SEPP.

**16. The traffic study is flawed as it was done at the wrong time, in the wrong place, and ignores the impact the additional traffic will have on the roundabouts at Kincumber and Avoca.**

*Comment-* The traffic study has been reviewed by TfNSW and Council's traffic engineer who consider the study adequately addresses the impact on the road system and have recommended works if approved.

**17. The close proximity of proposed houses to existing houses on adjoining sites.**

*Comment-* The proposed house sites can comply with the setbacks required if this was a residential development.

**18. The intersection of Avoca Drive and Melville Street is already a significant hazard and the additional traffic generated will add to the problem.**

*Comment-* There are plans proposed by TfNSW to upgrade this section of Avoca Drive and the intersection with Melville Street. The proposed development does not generate the road upgrading which is currently required and will benefit from such works.

**19. Local hospitals are under immense pressure due to our aging population.**

*Comment-* This is not a reason to refuse the application. This is currently happening across the whole country with the changing demographics, although Kincumber does have a higher proportion of the population in the older age groups.

**20. Picketts Valley Road should not be used as an entry and exit to the site for construction purposes. The intersection of Picketts Valley Road and Avoca Drive is steep and hazardous.**

*Comment-* The proposed access to Picketts Valley from the rear is for construction access as well as for emergency access in the event of bushfire. If supported, this access would have to be fully constructed to meet heavy vehicle traffic for construction traffic and bushfire vehicles. This will involve widening of the existing track, earthworks, and removal of a significant number of trees and vegetation which would need to be addressed in the ecology assessment and civil engineering plans. Inadequate information has been submitted to address this matter.



**21. Manufactured homes are not permitted on E4 zoned land. The proposal is inconsistent with SEPP 21 Caravan Parks as the site has many environmental constraints.**

*Comment-* The steepness of the site and ecological constraints indicate that the proposed works and development are not suitable for this site. The proposed development does not comply with the objectives of the E4 zone and is not a genuine caravan park or manufactured home estate as the dwellings are not relocatable.

**22. Subdivision of the site into large lots would be more appropriate.**

*Comment-* The minimum lot size in subdivision is 4 ha. The site would have the potential to subdivide from 4 lots into 6 lots. The E4 zoning also permits with consent eco-tourist facilities which may be more compatible with the constraints of the site and a much lower density.

**23. Surrounding property values will fall. The serenity of the rural area will not attract buyers wanting semi-rural acreages.**

*Comment-* The proposed development may increase the value of small rural holdings in the area due to a reduction in the number of such lots that may be available. This is not a reason to refuse the proposal and no evidence has been submitted to substantiate changes in land values which are affected by a number of criteria and variables.

**24. No security fencing around the perimeter of the site.**

*Comment-* This can be provided if required subject to visual impact and type of fencing. Security can be provided by other methods such as natural surveillance.

**25. The Central Coast is on level 2 water restrictions and may go to level 3 soon.**

*Comment-* This is not a reason to refuse the application. The increase in population is minor and water supply has been planned for the increase across the region.

**26. The development is aimed at over 50's who most will still be working and not retired. It is not a retirement village.**

*Comment-* The proposed development has not been lodged as a retirement village or senior living development but aims to provide for elderly people. A senior living development is not permitted on the site under the current and proposed zoning.

**27. Since Living Choice have owned the property there has been no maintenance carried out such as to fencing, removing fallen tree branches which land on adjoining land.**

*Comment-* This is not a relevant matter in determination of the application. It is a matter to be resolved between neighbours.

**28. There are koalas in the area and this will further destroy their habitat.**

*Comment-* The site or area has not been identified as containing koalas or koala habitat.

**29. The developer has stated in public meetings that the housing is permanent dwellings and houses will never be moved. The mobile housing classification is to avoid stamp duty on transactions and planning restrictions.**

*Comment-* The proposed development is to lease the land to people who will own the house but not the land. Unless the homes can be moved, they do not comply with the definition of a caravan park or manufactured homes. This is essentially the essence of the problem with the proposed development and the impact on the site and the locality.

#### **Internal Council Officer Referrals and External Agency Referrals**

The proposed development was considered by a number of internal Council officers and external agencies. Details are set out below:

<b>Internal Referral Body</b>	<b>Comments</b>
Development Engineer	Not supported. See comments below.
Ecologist	Not Supported. See comments below.
Water & Sewer	Supported subject to conditions
Traffic Engineer	Not supported. See comments below.
Heritage	Not Supported. See comments below.
Environmental Health	Not supported. See comments below.
Tree Assessment	Not supported. See comments below.
Social Planner	Supported subject to conditions.
Waste	Not supported. See comments below.

**3.3 DA 57698/2019 - 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley - Integrated Staged Residential Land Lease Community (contd)**

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<b>External Referral Body</b>	<b>Comments</b>
NSW Rural Fire Service	Supported, subject to conditions. See comments below and <b>Attachment 24</b> .
TfNSW (formerly RMS)	Supported subject to conditions. <b>Refer Attachment 22</b> .

<b>Integrated Approval Referral Body</b>	<b>Comments</b>
Natural Resources Access Regulator	Supported, subject to conditions, including works need to be 30m average from top of highest banks, not the edge of water. No basins or other infrastructure should be within 15m from the top of bank. <b>Refer Attachment 25</b> .
NSW Department of Primary Industries (Fisheries)	Supported subject to conditions, including all work and materials, and no tree removal within the vegetated riparian zone (VRZ), and a permit being issued for dredging and creek reclamation. <b>Refer Attachment 23</b> .

**Agency Comment - NSW Rural Fire Service**

The RFS has issued a Fire Safety Certificate subject to following conditions including;

- The entire property being managed as an inner protection area (IPA)
- Construction standards and BAL levels for the manufactured homes.
- Upgrading of internal roads including the fire trail to Picketts Valley Road.
- Tree clearing.
- Preparation of a Bushfire management and Emergency evacuation plan.

The Fire Safety Certificate and RFS full response is included in **Attachment 24**.

To comply with the RFS conditions will result in additional clearing and work which has not been addressed in the application and will have additional impacts on tree removal. Ecology and road construction.

The RFS has issued a Fire Safety Certificate refer to attachment 24;

**Internal Council Referral – Development Engineer**

Council's engineer advises the application has not addressed the following:

1. Strategic concept design of the required intersection for TfNSW's review, to ensure that the intersection can be provided from Avoca Drive. The strategic

concept design should comply with the TfNSW CADD manual, section 3.5. TfNSW has recommended that the site access be restricted to left in left out, with an AUL(s) provided to facilitate safe left turn access into the site. In addition, RMS has advised that any right turn into the site is required to be accommodated as a CHR type turn lane. (It is not known if a CHR can be provided without relocation of the pedestrian refuge)

2. Channel works on the south side of lots 77 to 86 should be in Stage 1 to complete the channel works and protect area of development access by road number 4.
3. Re-route the entry road to avoid trees as required by Council's Tree Assessment Officer.
4. Concept engineering plans for the Construction / Alternate Fire Trail Access. Plans are to include plan view, long-section, cross-sections, truck passing bays, cut and fill, location of trees / vegetation. The Access shall meet the requirements of Table 5.3b of "Planning For Bush Fire Protection 2019" and the requirements listed in NSW RFS correspondence dated Monday 11 May 2020.
5. Provide perimeter roads for special fire protection purpose (SFPP) developments. The perimeter road must comply with the general requirements of Table 6.8b of "Planning for Bush Fire Protection 2019" and the requirements listed in NSW RFS correspondence dated Monday 11 May 2020. Provide concept engineering plans for the perimeter roads.

### **Internal Council Referral – Ecology**

Council' ecologist advises:

- Section 2.1.3 (p.10) of the BDAR states that *"Ecoplanning assessed the two drainage lines as 2nd and 3rd third order streams (Figure 2.1), however, it was Council's opinion that the two drainage lines are 1st and 2nd order streams (Figure 2.2), respectively. The report has been prepared based on the assessment of Council..."*. Council has reassessed the classification of the stream and it is apparent that the streams are indeed of the 2nd and 3rd order class, as identified by Ecoplanning. It is acknowledged that initial pre-DA advice provided by Council identified both 1st and 2nd order watercourses occurring within the site however this calculation has been updated given further interrogation. The BDAR and subsequent Vegetated Riparian Zones should be updated accordingly.
- Section 3.1.2 (p.18) of the BDAR states that *"Based on the floristic composition of the vegetation in the subject land one native vegetation community with varying*

*condition classes, was identified within the subject land, 'Scribbly Gum/ Red Bloodwood/ Angophora inopina heathy woodland on lowlands of the Central Coast'. As outlined above, this vegetation community corresponds with PCT 1636, 'Scribbly Gum - Red Bloodwood - Angophora inopina heathy woodland on lowlands of the Central Coast'.*" This appears unrelated to the property subject to the BDAR and is recommended to either be removed or updated to reference the vegetation identified within the Subject Land.

- Section 3.2.2 'Construction Access' (p.28) of the BDAR identified that "...No canopy species are required for removal.". This will be subject to Council's engineer's assessment of the proposed access road in conjunction with the requirements outlined by NSW Rural Fire Service and an arborist assessment of the trees likely to be affected by any works undertaken and may require an update should this information recommend the removal of any native canopy species.
- Section 4.1 (p.31) of the BDAR states that "*the distribution of the species includes the IBRA subregion in which the subject land (Cumberland IBRA subregion).*". This should be updated to reflect the Wyong IBRA Subregion in which the proposed development occurs.
- Table 4.2 (p.33) with regards to the Large-eared Pied Bat (*Chalinolobus dwyeri*), the report states that "*The subject land does not contain cliffs, nor is it within two kilometres of the specified habitat features.*". Whilst it is acknowledged that the Subject Land does not contain these features, almost the entire extent of the nearby Kincumber Mountain Reserve occurs within 2km of the Subject Land and is known to contain features including caves, overhangs, escarpments, outcrops and crevices. The report should be updated to maintain this species as a candidate species and the BDAR should be modified accordingly.
- Table 4.2 (p.36) with regards to suitable habitat for the Eastern Cave Bat (*Vespadelus troughtoni*), the report states that "*The subject land does not contain these features, or nor does it occur within 2 km of them*". Whilst it is acknowledged that the Subject Land does not contain the relevant landscape features, almost the entire extent of the nearby Kincumber Mountain Reserve occurs within 2km of the Subject Land and is known to contain features including caves, overhangs, escarpments, outcrops, crevices and boulder piles. The Subject Land also contains a number of old buildings and sheds suitable for the roosting of this species that are proposed to be removed. The report should be updated to maintain this species as a candidate species and the BDAR should be modified accordingly.
- Section 4.3.1 (p.40) of the BDAR states that a single *Rhodamnia rubescens* (Scrub Terpetine) "*...was identified approximately 10 m to the south of the proposed temporary construction access road*". A non-exhaustive site inspection undertaken by Council's Ecologist has identified an additional *Rhodamnia rubescens* within

close proximity (5-10m) of the proposed access track (approximate location identified below). It is recommended that all areas of suitable habitat for this species be resurveyed to confirm the presence/ extent of this Critically Endangered species within the Subject Land and adjoining areas that may be subject to indirect impacts.



Figure 1. Additional *Rhodamnia rubescens* identified

- Section 4.3.2 (p.44) 'Nocturnal Birds' identifies that "Two targeted dusk surveys were conducted for large forest owls, one within the nominated survey period on 28 August 2019 and the other on 9 September 2019, which is marginally outside of the nominated survey period specified in the BAM Calculator" and that the surveys undertaken "followed the guidelines of Birdlife (2015) and LMCC (2014)". Given the fact that the recommended active listening survey times identified in the two survey guidelines referenced occur between "Late April to end June" (Birdlife, 2015) and "from late February through to mid May" (LMCC, 2014), and the fact that only a single night of survey was undertaken within the very end of the BAM-C recommended timeframe, the surveys undertaken can not be relied upon to remove both the Powerful Owl and Masked Owl as Species Credit Species requiring offsetting as a result of the proposed development. Given the number of large hollow bearing trees proposed to be removed as well as the presence of nearby historical records of Powerful Owl, it is recommended that both species be re-surveyed during the BAM-C identified time period in accordance with the DEC (2004) 'Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities'.
- Figure 4.3 (p.51) Increase species polygon buffer for each *Rhodamnia rubescens* identified should be increased to 30m as per Section 6.4.1.29 of the BAM. The updated map should include the individual identified by Council's Ecologist as well as any additional individuals identified during follow up surveys undertaken.



- Section 6.1.1 (p.56) states that the proposed development “*comprises a total of 18.74 ha of complete clearing*”. This area seems excessive and may be a typo, please review and update accordingly.
- Figure 6.1 (p.57) A non-exhaustive site inspection undertaken by Council’s Ecologist has identified an additional six (6) Hollow Bearing Trees (HBTs) that would be removed as a result of the proposed development (image below). It is recommended that the additional identified HBTs be included in an updated Figure 6.1 as well as an updated discussion around the avoidance and minimisation of impacts to biodiversity values, specifically the number of HBTs being retained and the number expected to be removed.



Figure 2. Additional Hollow Bearing Trees Identified (orange dots)

- Section 6.3.1 (p.59) of the BDAR stated that "*A Vegetation Management Plan (VMP) should be prepared (Section 6.3.3) that includes creation of GGBF habitat in the VRZ*". As this vegetation/ GGBF management plan is being relied upon as a threatened species impact mitigation measure for the proposed development, Council will require it to be assessed in concurrence with the BDAR prior to determination of the Development Application.
- The BDAR, bushfire assessment and overall assessment of ecological impacts likely to occur as a result of the proposal are to be updated and reassessed in accordance with the requirement of NSW RFS for the entire property to be managed as an Inner Protection Area (IPA) Asset Protection Zone (APZ).

#### **Internal Council Referral - Water and Sewer**

The development site is within the council's water service area however it is not located within council's sewer service area. Connection of the development to council's water and sewer reticulation systems will be permitted subject to:

- Connection to Councils water supply system shall be to the 300mm water main located in Elimatta Road.
- The point of connection to Councils sewer system shall be adjacent to the north eastern end of the Avoca Sewer Tunnel. The developer shall confirm the installation of a 300mm stub at which point the main shall be extended and manhole installed with both a 300mm stub (for future connection of Picketts Valley), and a second 150mm stub for use by the developer of this site.
- The developer shall be responsible for the design and construction of water and sewerage works required to connect the proposed development to Councils existing water and sewerage system. Designs must be submitted to Council for approval and shall be in accordance with Council's water and sewer design standards. The designs must be approved by Council's Water Assessment Team and must be to Council's and WSAA Water and Sewerage Design Codes of Australia Sydney Water Edition.
- Two 600mm sewer rising mains are located within the site. Both mains are contained within easements benefitting Central Coast Council, details of which should be registered against each property affected by the easements. There shall be no development, structures or change of surface levels within the easement without prior consent from the Water Authority. Unrestricted access is to be maintained to these easements.



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- The developer shall be responsible for obtaining written consent from the owners of any properties required to be entered upon to construct proposed mains. A copy of relevant consents shall be provided to Council prior to submission of design plans.
- The developer shall be responsible for the full cost of design and construction of water and sewer mains extensions within the boundary of the development site.
- Payment of the current water and sewer headworks / augmentation contributions in accordance with Council's Services Charges policy. The current contribution rate for 2020/21 is \$2641.87 per equivalent tenement (ET) for water supply and \$1855.95 per ET for sewerage.
- After July 2020, the following assessment criteria for the Central Coast Council area shall be applicable:
  - One (1) bedroom units shall be assessed at 0.5 ET per unit
  - Two (2) bedroom units shall be assessed at 0.75 ET per unit
  - Three (3) bedroom units shall be assessed at 1.0 ET per unit
- The developer shall obtain approval from the relevant consent authority to remove trees / vegetation including any endangered ecological community where located within 2 metres either side of the centreline of the proposed sewer / water mains, prior to submission of water or sewer design plans to Council.

**Internal Council Referral - Traffic and Transport Engineer (incorporating Transport for NSW comments)**

Council is in receipt of comments from Transport for NSW that advise the following:

Avoca Drive (MR504) is a classified State Road. Transport for NSW (letter dated 3 February 2020) advised that:

- On 20 April 2017, TfNSW provided comment regarding the provision of access to Avoca Drive, indicating that it is acceptable providing the access is located at the eastern end of the site.
- Due to safety issues and crash patterns, TfNSW have identified an upgrade to Avoca Drive in the vicinity of Melville Street. This upgrade will provide a central median barrier, and may impact on the proposed location of the driveway. The project is currently being investigated and is proposed to be delivered in the 2020/21 financial year.
- TfNSW recommends that the site access be restricted to left in left out, with an AUL(s) provided to facilitate safe left turn access into the site. Any right turn into the site is required to be accommodated as a CHR type turn lane. It is not known

if a CHR can be provided without relocation of the pedestrian refuge.

- Australian Standard AS2890.1:2004 (Standard) defines this access as a driveway category 3, as it provides access to between 101 and 300 parking spaces for residential / domestic purposes, fronting an arterial road. The Standard states that a 'category 3 and 4 [driveway] shall not be located on arterial roads unless entrances and exits are designed and constructed as intersection treatments catering adequately for all projected traffic flows.' The access to this site will be considered an intersection in accordance with the Standard
- The property is affected by a road widening proposal shown by pink colour on attached Sketch 1014. Any improvements to the property are to exclude the area required for road widening purposes.
- As the development is noted to be for seniors, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 recommends under clause 38, Accessibility, that developments 'should have obvious and safe pedestrian links from the site that provide access to public transport or local facilities.' Therefore, TfNSW recommend the following:
  - o The nearest bus stop, located fronting 263 Avoca Drive, does not have any bus infrastructure. It is recommended that the bus stop be upgraded with an adequate bus bay provided, and a bus shelter with a seat.
  - o A concrete footpath should be provided between the site and the two pedestrian refuges located within a short distance of the site, and the bus stop fronting 263 Avoca Drive.
  - o A concrete footpath should also be provided from the bus stop opposite 263 Avoca Drive to the pedestrian refuge.

#### *Sight Distances*

- 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.

#### *Origin Destination Information*

- Information on where generated traffic of the residents from the caravan park are originating from and destined to. If for example most trips are destined to say the Kincumber direction, then more traffic would be doing U-turns at the Avoca Drive / Scenic Highway roundabout. The impacts on this roundabout would have to reassessed accordingly.

### **Internal Council Referral - Heritage**

Councils heritage advisor makes the following comments:

#### *Background*

As part of the proposed development most of the existing cultural and landscape features are to be demolished, removed or realigned. This includes much of the vegetation, both natural and cultural within the site, realignment of water courses and the demolition of existing buildings on the site. Some of the buildings potentially have heritage significance. There are proposed large areas of cut and fill to enable construction of the proposed development.

#### *Heritage Significance*

The property owners have previously nominated part of the site for heritage listing as an item of local significance (Vault Consultants, September 2017).

The farmhouse and its immediate setting is located on the hilltop within the northern portion of the property. This farmhouse and curtilage have been identified by the applicants own Heritage Consultant (Vault) as having both Historic and Historic Associations significance.

Since this time and to accompany this development application, Council has been advised by the Applicant that an error had been made with the initial heritage assessment.

Documentation has been submitted as part of this development application that states:

*It is concluded that the Heritage nomination previously submitted for Council assessment in relation to the land holding located at 253 Avoca Drive & 19 Picketts Valley Road, Kincumber has proven to be not well founded when further historical and land title information now to hand is taken into consideration.....the associated heritage nomination is therefore withdrawn" (Vault letter 5 September 2019).*

The initial heritage nomination and assessment stated that the farmhouse was constructed c1900. The statement of significance for the property stated that it had significance due to its history as well as its historical associations with a historic figure.

It is stated in the heritage nomination that:

*'Given the general level of intactness of the Farmhouse building itself and the co-existence of its semi-rural setting, it would appear that there is ample evidence of*

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*this family history still extant on the site to warrant its future protection through inclusion Council's local heritage register' (Vault nomination September 2017).*

A site visit was made on 19 February 2020. This site visit included an external view of the farmhouse building on the site, as well as other outbuildings, stables, cultural plantings, and stable facilities. There was also evidence of original fencing.



***Photograph 1: View of Existing House subject of the original heritage nomination***





***Photograph 2: View of the rear of the existing house subject of the original heritage listing***



***Photograph 3: Another building in the immediate vicinity of the farmhouse that was not included in the heritage assessment***





***Photograph 4: Side view of dwelling not included in the heritage assessment, including cultural plantings***



***Photograph 5: Horse Stables not included in the heritage assessment, including cultural plantings***

#### *Central Coast Heritage Study*

The site has recently been assessed as part of the heritage nomination review project currently being undertaken by external heritage consultants. The consultants visited the site on 10 June 2020.

The initial assessment from the external consultants have concluded that the site is of local heritage significance and is worthy of inclusion on Schedule 5 of the *Gosford Local Environmental Plan 2014*.

The draft statement of significance states:

*The Bangaloe property has a high degree of local cultural heritage significance in relation to its use as a horse facility associated with the breeding and training of champion racehorses. The site retains an early timber dwelling from the late 19th century on land associated with the prominent Humphreys family and the building and setting include topography and planting with a high level of aesthetic significance.*

#### *Conclusions and recommendations*

1. The farmhouse is of local heritage significance and should be listed on the Gosford Local Environmental Plan as an item of Local significance.
2. It is likely that there are more built and farm elements located on the hilltop area that require further investigation as to their significance. This includes the additional building within the area, the cultural plantings, the stable area and original elements of rural life such as fencing and signage.
3. The area needs to be assessed holistically and not just the single elements in isolation. This would appear to be a relatively intact rural property.
4. The farmhouse building is likely to have significance from an architectural and historical perspective that is separate from its associations with noted local historical families and figures.

#### *Adaptive Reuse*

The buildings and landscape in this area of the property should be adaptively used and incorporated into the proposed community buildings of the development. This would not only protect the heritage significance of this part of the site but would also add value to the development and to the sense of place and identity of any development in this area.

The adaptive reuse of the building would be an asset to the proposed development helping to create a point of interest, a means to create connectivity to place and heritage interpretation, and providing opportunities that could benefit the sense of belonging and place for new residents.

#### *Planning Instruments*

In this section the proposed development is assessed against the provisions in the Gosford LEP 2014 (GLEP) and the DCP 2013 (GDGP).

Control	Assessment	Complies
<b>Section 5.10 Heritage Conservation (GLEP)</b>		
Objectives The objectives of this clause are as follows: To conserve the environmental heritage of Gosford,	All known potential heritage items would be demolished as a result of the proposed development.	No
To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	All potential heritage items would be demolished as a result of the proposed development. The setting of the potential heritage items would also be significantly impacted as a result of vegetation removal, the density of development, the amount of cut and fill, the changes to landform, and the loss of fabric.	No
To conserve archaeological sites,	There has been no assessment of the archaeological potential of the site.	No
To conserve Aboriginal objects and Aboriginal places of heritage significance.	This is not the subject of this assessment.	N/A
Requirement for Consent Development consent is required for any of the following: Demolishing or moving any of the following or altering the exterior of any of the following (including in the case of a building making changes to its detail, fabric, finish or appearance)	Development consent can not be provided unless a full and accurate heritage assessment has been provided. This needs to look at the farmhouse area of the site holistically and not just assess one building.	No
Altering a heritage item that is a building by making structural	There is insufficient information in the DA to make this assessment	No



changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item.		
Erecting a building on land: On which a heritage item is located or that is within a heritage conservation area,	Development consent is required because the proposal involves the erection of a building on land containing a potential heritage item.	Yes
Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause.	The potential heritage significance of the farmhouse building, associated other buildings, landscape and rural infrastructure has not been adequately assessed and established.	No
(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.		N/A
<b>Section 4.1.7.2 Heritage Items (GDCP)</b>		
Objectives • To facilitate the conservation and protection of heritage items and heritage conservation areas and their settings.	The proposed development does not conserve or protect the potential heritage item.	No

<ul style="list-style-type: none"> <li>• To reinforce the special attributes and qualities of heritage items by ensuring that development has regard to the fabric and prevailing character of the item or special area e.g., scale, proportions, materials and finishes.</li> <li>• To conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance.</li> </ul>		
<p>Conservation Criteria Any new development within this chapter's study area must ensure that the significance of heritage items and their setting are retained and enhanced.</p>	<p>The development does not retain nor enhance the significance of the potential heritage item or their setting. The development of the site could benefit from the incorporation of the potential heritage items into the site planning. The density of the proposed development and the resultant infrastructure impacts will not enhance or support the potential significance of the heritage items.</p>	No
<p>Scale. The scale and bulk of any new building or work must be in scale with the original building and new development must not obstruct important views or vistas of the item. In the case of infill work in a conservation area, the scale of the new building must be similar to those around it. Where this is not feasible, sufficient curtilage around the heritage item must be included to assist interpretation of its heritage significance. In some circumstances where site depth would allow, a higher building could be erected behind a heritage shopfront.</p>	<p>The potential heritage items would be demolished. Furthermore, the broader setting of the rural buildings and landscape would be adversely impacted by the density of the proposed development, the vegetation loss, the loss of views to and from the rural landscape.</p>	No
Siting.		N/A

If the existing street façade of the building is sympathetic to the character of the street, then alteration must be avoided. New work is best located to the rear or side of the building.		
Architectural form. The basic architectural form of any new work needs to respect what exists. Issues to consider are the roof form, proportion and location of windows and doors.		N/A
Architectural detailing. It is important to be aware of the particular era and architectural style of the building or buildings and make sure that any proposed changes are contextual to the period. For example, it is not appropriate to mix Victorian features with a California Bungalow. Overuse of historical architectural features on new work should be avoided, with preference given to uncomplicated interpretive forms and detailing.		N/A
Materials and finishes. Reuse existing materials where possible. New materials and detailing must be compatible with the original and consideration must be given to the colour, texture and type of materials and finishes.	There is no reason provided why the potential heritage buildings cannot be incorporated into the overall site planning of the development. The original development proposal, prior to this one, incorporated the heritage buildings and viewed them as an asset to the development.	No
Use. The best use for a building is usually the one for which it is built. Where this is not possible, a use sympathetic to the layout of the building and requiring minimal alterations will be more compatible.		No

Original fabric. It is important to minimise alterations to the original fabric and where possible, repair rather than replace individual elements, such as windows and doors	There is no proposal to retain existing fabric	No
The aging process. The patina of age on a building adds much to its character and significance. A worn step for example demonstrates the many years of feet crossing a threshold. Such features add to the uniqueness and character of a place and must be retained wherever this does not present a public safety risk.	There is no proposal to retain existing fabric	No

#### *Heritage Recommendations*

1. The development application should be amended to retain the heritage items on the hilltop area of the site.
2. The retention of buildings and items should include all potential elements including cultural plantings, fencing etc.
3. It is considered that presently the potential heritage items are at risk of harm given they have no statutory protection and the applicant has given clear intentions to demolish all buildings, and landscape elements.
4. It is concluded that the development application would result in adverse impacts to the potential heritage items, curtilage and setting.
5. The proposed development therefore cannot be supported on heritage issues given the information presently submitted.

### **Internal Council Referral - Environmental Health**

Council's Environmental Health Officer advises:

#### *Contamination*

The land is not listed on Council's contaminated land register nor on the EPA List of Notified Sites. Previous and current land use include rural residential and a horse stud which is considered agricultural activities as listed in Table 1 of the *Managing Land Contamination Planning Guidelines SEPP55*.

A Preliminary Contamination Assessment ("The Assessment") has been reviewed. The Assessment concludes based on past land use and site observations five areas of environmental concerns were identified including historical waste burial, chemical storage, fuel storage, fill stockpiles, car bodies and hazardous building material (including ACM). These areas have been assessed and a conceptual site model (CSM) developed. The CSM indicates should soil, sediment and surface water contamination exist a potential exposure pathway could exist to site users and the environment. The Assessment concluded that further assessment is required, however the consultant recommended this further assessment would not preclude the development of the site as any remediation will be achievable. The consultant has requested this information be provided at CC stage. The Environment and Public Health team are requesting this information at DA stage due to the change of land use from agriculture to residential and the various areas of environmental concerns identified, and a lack of detailed information provided particularly in relation to historical waste burial and historical chemical and fuel storage on the site. Further information was requested. This information has now been provided to Council as a Stage 2 – Contamination Assessment (Detailed Site Investigation "The DSI")

The DSI investigated six areas of environmental concern identified during the PSI and further site inspections for the DSI. The DSI concluded the site can be made suitable for the proposed development being "low density residential use with gardens/accessible soils" from a contamination perspective following further work on site including:

- Hazardous materials survey, prior to demolition of the structures on site;
- Remediation Action Plan, including Asbestos Removal Plan
- Contaminated Land Management Plan (CLMP) including unexpected finds protocol

The Environment and Public Health Team are satisfied the DSI has been prepared generally in accordance with NSW EPA *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land* (1998) and request the further work identified in the DSI is provided for further assessment at DA stage.

The following information is required before further assessment:

1. Submit a Stage 3 Remediation Action Plan (RAP) in accordance with the NSW Environment Protection Authority *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (1998)*. The investigation must be prepared by a suitably qualified contaminated land professional and must set objectives and document the process to remediate the site. The RAP must include a Hazardous Material Survey, Asbestos Removal Plan, Contaminated Land Management Plan and Unexpected Finds Protocol as outlined in the Stage 2 Contamination Assessment, prepared by Qualtest Laboratory (NSW) Pty Ltd, dated 1 April 2020.
  2. Submit to Council a Stage 4 Validation and Site Monitoring Report in accordance with the NSW EPA *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (1998)*. The investigation must be prepared by a suitably qualified contaminated land professional and demonstrate that the objectives stated in the Stage 3 Remedial Action Plan have been achieved.
    - a. *Note: Council may require Site Audit Statement and Site Audit Report prepared by a Site Auditor accredited under the Contaminated Land Management Act 1997 stating the land is suitable for its proposed use as part of the development assessment process.*
  3. Provide a Dewatering Management Plan prepared by an experienced dewatering consultant for any works requiring dam dewatering.
  4. Provide a Soil and Water Management Plan prepared in accordance with Section 2.3 of the Blue Book (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*). The plan shall be prepared by a suitably qualified environmental/civil consultant.
- At a minimum, the following information needs to be addressed:
- a) Location of site within the catchment including existing watercourses
  - b) Existing vegetation and site drainage
  - c) Include staging of civil works (this may require separate plans for each of the three (3) stages of the bulk earthworks/ civil construction works)
  - d) Include rehabilitation and stabilisation for each stage
  - e) Timing of works within the watercourses and sediment and erosion controls
  - f) Location of all Sediment Basins (basins in areas 3,4,5 & 6 are not marked as Sediment Basins)
  - g) Provide detailed sheet Appendix J from the Blue Book (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*)
  - h) Provide standard construction drawings for all proposed sediment and erosion control measures

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- i) Include the entire site on the plans including all access roads (part of the site on the North East corner is missing from the plans i.e. Pickett Valley Road access, known as 255B Avoca Dr, Kincumber)
- j) Include all areas where tree removal is proposed (this will create soil disturbance)
- k) Maintenance program including detailed information on maintenance of sediment basins and water quality objectives

**Internal Council Referral - Tree Assessment**

The *Tree Assessment Report* (Dec 2019) by Terras concludes that the proposal will require removal of at least 491 trees and threatens a further 64 located near proposed works.

The report makes it clear that they have not assessed all trees occurring on site, only trees that are likely to be retained have been included in the assessment. Trees that fell well within the development footprint were not assessed as it was determined that such trees could not be retained.

Most of the approximate 500 trees to be removed generally consist of mature stands of Blackbutt, Turpentine and Blue Gum with occasional Camphor laurel and ornamental plantings near existing structures and roads. It was noted that most trees shown for removal within the development footprint appear in reasonable condition, would benefit from remedial care and would likely be rated as having a moderate to high retention value.

Plans and the Tree Assessment Report intend to retain most existing trees along the western boundary of the development and roughly half the trees located in the south west corner fronting Avoca Drive. The other half of the Avoca Drive frontage would be mostly cleared along with all trees within the large development footprint.

There appears no attempt to reduce impacts on the prominent and scenically distinctive tree canopy set back from Avoca drive. The tree line of Avoca Drive would be severely impacted by the removal of approximately 50 mature Blackbutts within 40m of the front boundary.

The proposal hasn't been designing to conserve mature groups of native trees. The development would further fragment the existing tree canopy within the property, severing links and reducing the size of greater groves that extend into adjoining properties.

The Biodiversity Development Assessment Report mentions that the temporary construction access road from Picketts Valley Road would follow an existing informal track and not require tree removal. Walking in the vicinity of the existing track with Council's Engineer, it was noted that construction of an acceptable access would require removal of mature and remnant native trees not shown on plans or addressed by the Tree Assessment Report.

The required tree removal for this development adversely impacts the desired character of this property. It does not conserve mature trees that provide scenically prominent backdrops visible from roads and nearby properties and does not prevent further fragmentation of the tree canopy. The concept does not minimised impacts on mature native trees, nor concentrated new buildings and pavements in existing clearings.

On this occasion further information is not requested as the entire concept is not supported by Council's Tree Assessment Officer. Any development for this site is expected to better utilise existing cleared area and demonstrate minimising impacts on native trees by greater retention, protection and adding to existing valuable groves of native trees.

Any future development proposal would benefit from there arborist collecting data on all trees within the development footprint, not just those intended for retention. Such information would assist in identifying valuable, undesirable and poor tree specimens so that the constraints of the site can be better understood and designed for.

Further to Tree Comments 4/3/20, the recent RFS response states that the entire property must be managed as an IPA.

That will require a tree canopy less than 15%, canopies separated by 2 to 5m and large gaps in vegetation.

Such bushfire requirements will further fragmentate the existing tree canopy, resulting in even greater tree removal than represented in the Tree Assessment Report by Terras Dec 19. Tree Assessment Report by Terras Dec 19, hasn't factored in IPA requirements, but just states *"A separate tree impact assessment would be required should construction access and/or fire trails go beyond the development footprint"*.

Further to the undefined impacts of the proposed temporary construction access road through the remanent northern bushland, these bushfire requirements must further impact an area they give the impression of not being impacted.

The proposal remains not supported by Council's Tree Assessment Officer as per comments 4/3/20.

Any development for the site not only needs to better utilise existing cleared area, but also needs their arborist to address impacts of the entire property being managed an IPA. The scale of this project and impact on native trees is well beyond an Arboricultural argument.



### **Internal Council Referral - Social Planning**

Council's Social Planner advises:

*The Social and Economic Impact Assessment (SEIA) is fairly comprehensive. However, it down plays some the likely social issues and exaggerates some of the benefits.*

- *The area does have a higher proportion of people over 65 years. The SEIA notes that the older population is forecast to increase at a higher rate than younger age groups to 2036.*
- *The SEIA accurately notes that there is a concentration of retirement villages/seniors housing in Kincumber already with two large retirement communities. It also notes that there is already a higher rate of semi-detached/townhouses and 2-bedroom properties in Kincumber.*
- *As the proposed properties are 'principally 2-bedroom dwellings', it is important to note that the proposal would not add to the diversity of housing available in the area (despite the claims otherwise on p.7 and 8). The proposed development would not address the need for additional studio and one-bedroom dwellings. As such, the development would not necessarily cater for people living alone (this area does have a relatively high rate of lone person households).*
- *There is a need for more affordable housing across the Central Coast, including for older people as noted in the Central Coast Regional Plan and draft Affordable Housing Strategy. This development will not contribute to the provision of affordable housing as it aims to cater for the high end of the MHE market and will be more expensive than other seniors housing in Kincumber. Inclusion of affordable housing should be considered.*
- *It is important to note that over 80% of people aged 65+ living on the Central Coast are in the bottom two income quartiles and 44.2% are in the lowest income quartile. A 'high end' development is unlikely to cater for most older residents on the Central Coast.*
- *There is no assessment of compatibility with local character.*
- *The SEIA states that the development will consist of "manufactured, medium-density dwellings" (p.17). As the development would result in a significant change in land use and density, there has already been, and will likely continue to be, strong community objection to the proposed development. 30 responses were received raising 99 issues during the consultation period – a very high response rate suggesting a strong reaction to the development. The SEIA notes this and suggests that on ongoing community engagement function should be considered. I support this approach as it would ensure that potential impacts as perceived by the community were identified and mitigated.*
- *The SEIA notes the employment benefits that the proposal would bring.*
- *It is positive that some recreational and health facilities would be available on site, but these will not cater for all day to day needs.*
- *THE SEIA does some assessment of accessibility to services and infrastructure, noting that many of the services are 2kms + from the site. Accessibility is more of a concern*

*for people as they age. There are very few services in walking distance of the site, and most would need to be driven to, including shops, GPs and the library. The addition of 200 or so cars travelling to local facilities and services may have some impact locally, such as parking availability at Kincumber Shopping Village (This was not addressed in the Traffic Impact Assessment but has been raised in submissions).*

- *While the bus stop is not too far away, it requires crossing Avoca Drive and walking down Melville Street. This route is not serviced with safe footpaths, creating risks for pedestrians.*
- *One option would be for the caravan park to operate a regular shuttle to key locations.*

*The mitigations recommended in the SEIA are:*

1. *An ongoing community engagement function should be considered, to allow identification and treatment of any unanticipated issues of concern to the community, in a consultative manner. This is recommended during both the site development and occupancy/operational stages.*
2. *The site should be designed consistent with CPTED principles to ensure the safety and security of residents and other site users and the continuing security of surrounding communities.*
3. *Consistent standards around the design of on-site dwelling units and supporting infrastructure, use of materials, landscaping etc. be adopted to ensure that effects on community amenity are minimised to the extent practicable.*
4. *The interface with Avoca Drive be designed to permit safe and effective pedestrian and vehicular passage for residents, site visitors and other road users.*
5. *A construction management plan be developed to address effects relevant to that stage of the project.*

*I would suggest, in addition, the following:*

6. *That a regular shuttle bus schedule is operated for residents to cater for people who do not drive, to reduce the reliance on cars and to reduce local parking/traffic impact.*
7. *That safe pathways are provided throughout the caravan park and between the caravan park and nearest bus stops in Melville Street*
8. *That affordable housing is included in the development*
9. *A Plan of Management should be provided*

#### **Internal Council Referral - Waste**

Council's Waste Assessment Officer advises:

The required signed and dated Waste Management Plan in accordance with Chapter 7.2 – Waste Management of Gosford DCP 2013 and Central Coast Local Environment Plan 2014 (GLEP2014) – A Guide for Applicants on Supporting Document Requirements, for all site

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preparation, demolition, construction, use of premises and on-going management of waste is a requirement to be addressed at DA stage and remains outstanding.

The document provides a significant amount of broad and general principles to manage waste however, no waste estimation volumes are indicated with various details contingent on determinations yet to be finalised.

Several areas within the document refer to concrete and other masonry waste to be stored on site for crushing and re-use for road base.

Any on-site crushing of concrete/masonry is outside Comments from Solid Waste Management and requires referral within Council to the appropriate Council Officer.

Page 10 – Manufactured Home Construction indicates homes are proposed to be constructed on site using timber frame and Hebel Cladding on concrete slabs. This would appear contrary to requirements for manufactured homes to be constructed off site and be capable of removal.

There is a significant amount of advice within the document which appears more related to a Construction Management Plan as opposed to a Waste Management Plan as previously requested.

Domestic Waste Contract for the proposed development.

Details provided under On-going Operational Outcomes appear to preclude that option with proposed waste bin configurations and bin sizes being inconsistent with that available under the Business Service option of the Domestic Waste Contract.

Following further discussion re-onsite servicing of mixed and recyclable waste for a development of the nature proposed within Waste Services the following comments are provided.

It is recommended that provision of bulk waste bin storage enclosure/s be provided in location/s readily accessible to the appointed mixed and recyclables waste collection contractor to provide an efficiency of service and minimise risk to occupants within any development from a HRV traversing the private, internal road network.

Should the desired outcome be for individual bins, they could potentially be managed internally with smaller individual bins as proposed or similar with regular collection internally for transfer to a bulk waste bin storage enclosure prior to servicing of the bulk waste bins.

Review of the submitted document dated December 2019 noted Demolition waste estimates appear overestimated generally with no reference to Garden Organics, asbestos etc.

Construction waste estimates appear underestimated generally for development of facilities and infrastructure proposed.

Disposal options for Demolition and Construction waste require revision to indicate disposal destinations specific to the waste being generated. The option provided is generic with little consideration to re-use/recycling where re-use/recycling options are available.

Details provided in the RFI Response dated 14 February 2020 do not meet the requirements of Chapter 7.2 Waste Management of Gosford DCP 2013.

Ongoing Operation details are to be developed to provide advice as to Bin sizes, on-going waste estimation, private contractor servicing with a private commercial waste vehicle (rear loading/front loading) consistent with swept turning path details requested under Item 2, occupant responsibilities, caretaker responsibilities etc.

It is recommended a Waste Management Strategy be developed to address On-Going Operation for the completed development. A copy to be provided to all future occupants to ensure On-going waste generation is sustainably managed.

### **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 are addressed below:

#### *Built Environment*

The subject land is zoned E4 Environmental Living under GLEP 2014 and adjoins rural holdings, senior living and dwelling houses.

An assessment of the impact on the built environment and surrounding development has been undertaken. The potential impacts of such a development are not consistent with adjoining development due to the extend of earthworks, tree removal, and proposed density.

The construction of 202 dwelling sites on does not retain the natural environment and, for this reason, the proposal is not consistent with the objectives of the zone or the desired character of the locality.

#### *Natural Environment*

The proposed development includes the removal of about 500 trees. The construction of a construction and fire access road through the rear of the site to Picketts Valley Road will result in the removal of additional trees and impact on the ecology of the site and locality.

There will be a significant impact on the natural environment as a result of the proposed development.

#### *Economic & Social Impacts*

The proposed development will create employment during construction and additional population to support local services. The proposed development is for over 50s which is not subject to the *Senior Living SEPP* but is effectively a senior living development. As the proposal is not permitted under the SEPP and does not rely on the SEPP, the impacts on medical and other services has not been addressed.

It is recognized that there is a need to cater for increasing aging of the population and affordable housing. The contention by the applicant that this is an upmarket land lease housing is essentially a residential housing estate.

#### **Ecologically Sustainable Principles:**

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

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

#### **Climate Change**

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

The assessment has included consideration of such matters as potential sea level rise; potential for more intense and/or frequent 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 not one considered to be compatible with the likely increases in flooding and risk of bushfires particularly having regard to the likely age of occupants, intensity of development, and structures which are not mobile structures.

#### **Other Matters for Consideration:**

*Central Coast Regional Plan 2036*

The plan identifies the need for an increase in population and housing by the year 2036, including the need for aged housing. The Central Coast has a higher proportion of aged people over 55 than the state average. There is also a need for affordable housing such as that provided in caravan parks or other residential accommodation.

This does not justify the development of aged or senior housing on steep E4 zoned land to which SEPP (Senior Living) does not apply.

#### *Coastal Open Space Strategy*

The site does not adjoin land identified or owned by Council for the Coastal Open Space System (COSS). The northern part of the site north of the second creek is proposed to be excluded from the proposed development to retain existing vegetation and a link between Kincumber Mountain to the west and Avoca Lagoon to the east. The preservation of the northern part of the site is supported but will be impacted by the proposed construction access and fire trail.

To provide such a link between Kincumber Mountain and Avoca Lagoon would require additional private land to be added to the COSS.

#### **Planning Agreements**

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

#### **Development Contribution Plan**

The site is not subject to the provisions of any section 7.11 development contribution plan. Therefore, no contributions are applicable. The proposal is subject to the provisions of 7.12 contribution plan of 1% which would be \$197,398.00.

#### **Suitability of the Site for the Development.**

The site is zoned *E4 Environmental Living* under *Gosford LEP 2014*. Caravan parks are a permissible use with consent under the current E4 zone.

Caravan parks are a prohibited use on E4 zoned land under the draft CCLEP 2018.

The site is considered not suitable for the proposed development due to extend of earthworks required, tree clearing, impact on ecology, impact on proposed heritage item, and increased impacts and risks of flooding and bushfire.

The proposed development does not fit in the locality and is essentially an urban development on a rural or environmental protection land.

**The Public Interest:**

Approval of the proposed development is not in the public interest due to the environmental impacts and intensity of development. This is supported by the number of and issues raised in public submissions to the proposed development.

**Conclusion:**

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning & Assessment Act 1979* and all relevant instruments and policies. Based on the assessment outlined earlier in this report, it is considered that the application be **refused** pursuant to section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, for the reasons outlined in this report.

In summary, it is the Council contention that the proposed development is prohibited under the provisions of the current Environmental Planning Instruments applying to the land and, for this reason, cannot be determined by way of approval.

Even if the application was permitted on the site under the provisions of the current Environmental Planning Instruments applying to the land, the Council consider the finalisation of the impending *Draft Central Coast Local Environmental Plan* to be imminent. Under the provisions of the Draft LEP, the proposed development would be prohibited in the zone.

Despite the permissibility (or otherwise) of the proposed development, the proposed development proposes an unacceptable impact in the locality, failing to meet with the objectives of the zone and is inconsistent with the current and future character of the area. In some cases insufficient or inadequate information has been submitted to properly assess the impact of the proposed development, or the information submitted identifies that the proposed development will have unacceptable impacts on the environment of the site and locality.

**Attachments**

- |          |   |              |
|----------|---|--------------|
| <b>1</b> | Statement of Environmental Effects DA57698 Lot A DP449600<br>H255 Avoca Dr Lots 2&3 DP976799 H255A & 255B Avoca Dr & L9<br>DP976799 H19 Picketts Valley Rd KINCUMBER Part 1 | ECMD25457919 |
| <b>2</b> | Appendix 1A - Civil Plans DA57698 Lot A DP449600 H255 Avoca Dr<br>Lots 2&3 DP976799 H255A & 255B Avoca Dr & L9 DP976799 H19<br>Picketts Valley Rd KINCUMBER Part 1          | ECMD25457918 |

**3.3 DA 57698/2019 - 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley - Integrated Staged Residential Land Lease Community (contd)**

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- |          |  |              |
|----------|--|--------------|
| <b>3</b> | Appendix 1B - Design Plans DA57698 Lot A DP449600 H255 Avoca Dr Lots 2&3 DP976799 H255A & 255B Avoca Dr & L9 DP976799 H19 Picketts Valley Rd KINCUMBER Part 1    | ECMD25457917 |
| <b>4</b> | Appendix 1C - Landscape Plans DA57698 Lot A DP449600 H255 Avoca Dr Lots 2&3 DP976799 H255A & 255B Avoca Dr & L9 DP976799 H19 Picketts Valley Rd KINCUMBER Part 1 | ECMD25457916 |



**ADW JOHNSON PTY LIMITED**

ABN 62 129 445 398

Sydney  
Level 35 One International Towers  
100 Barangaroo Avenue  
Sydney NSW 2000  
02 8046 7411  
sydney@adwjohnson.com.au

Central Coast  
5 Pioneer Avenue  
Tuggerah NSW 2259  
02 4305 4300

coast@adwjohnson.com.au

Hunter Region  
7/335 Hillsborough Road  
Warners Bay NSW 2282  
02 4978 5100

hunter@adwjohnson.com.au

## Statement of Environmental Effects

### Residential Land Lease Community

**Property:**

Lot A DP 449600, Lots 2,3,9 in DP 976799  
255, 255A 255B Avoca Drive and 19 Picketts Valley Road,  
Kincumber

**Applicant:**

Choice Living Avoca Development Pty Ltd

**Date:**

December 2019



Project Management • Town Planning • Engineering • Surveying  
Visualisation • Social Impact • Urban Planning

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## Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft V1	October 2019	MP & PD	BSA
B	Draft V2	November 2019	BSA	CS
C	Final for Lodgement	December 2019	BSA	CS

### Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.



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## 1.0 Introduction

### 1.1 EXECUTIVE SUMMARY

ADW Johnson has been engaged by Choice Living Avoca Development Pty Ltd ('the proponent') to prepare and lodge a development application (DA) with Central Coast Council ('Council') for a *Residential Land Leased Community* upon Lot A DP 449600, Lot 2, Lot 3, Lot 9 of DP 976799, Avoca Drive, Kincumber ('the site').

This Statement of Environmental Effects has been prepared pursuant to the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and accompanying regulations, and addresses the necessary issues that require assessment to assist Council in making a determination on the subject application.

The proposal seeks to establish a 202 site *Residential Land Leased Community* which will provide for the later placement of manufactured homes (moveable dwellings). Community facilities, roads, water, sewer, power, telecommunications, stormwater controls and landscaping will also be provided under the proposal.

Under the *Residential (Land Lease) Communities Act 2013*, a 'residential community' is defined as:

**Community or Residential community** means an area of land that comprises or includes sites on which homes are, or can be, placed, installed or erected for use as residences by individuals, being land that is occupied or made available for occupation by those individuals under an agreement or arrangement in the nature of a tenancy, and includes any common areas made available for use by those individuals under that agreement or arrangement.

Note. A community may be:

- a) A caravan park (that is, land including a camping ground, on which caravans, or caravans and other moveable dwellings, have been, are or are to be placed, installed or erected), or
- b) A manufactured home estate as defined in the *Local Government Act 1993* (that is, land on which manufactured homes have been, are or are to be placed).

In line with above; as 'caravan parks' are permitted under the subject sites zoning of E4 *Environmental Zoning* under the Gosford Local Environmental Plan 2014, the proposed *Residential Land Lease Community* will be established through the development of a *caravan park*. The permitted land use of a *caravan park* is explored further in this report.

The development is proposed exclusively for over 50's living (at least one homeowner must be 50 years or older, with a maximum of two permanent residents per home). This modern day approach to retirement living allows residents to retire in a luxury resort style environment that still makes solid financial sense. By owning their home, residents are able to retain a tangible investment that has the ability to grow in value, just like traditional real estate, but with NO exit fees and NO deferred management fees. Residents can also access a wide array of superb amenities that are maintained by management. This model strikes a great balance between luxury, quality and financial sense.





The average occupancy of this form of development is 1.3 persons per dwelling, and based on this future population is expected to be 202 to 404 persons.

The site is undulating land, located upon the urban fringe. The proposal has been designed to take into account topographical features, existing vegetation, riparian zones, neighbouring development and the broader landscape in which the proposal sits.

The design team comprised specialist consultants in the disciplines of ecology, bushfire risk, stormwater management, Aboriginal archaeology, traffic impacts, civil design and provision of reticulated services, future built form, tree and landscape assessments. A summary of each specialist's investigations and findings is provided in this report, with full reports provided in the Appendices.

The proposal is put forward in response to market appraised and forecast demand as identified in such policies as the *Central Coast Regional Plan 2036*.

Initial investment in estate establishment works is estimated at \$17.9 million with a further \$59 million in future housing construction. The gross value add to the local economy is estimated at \$112M. The proposal is expected to create considerable local employment opportunities including trades etc of 300 jobs during estate establishment and a further 985 jobs through future housing and the life of the development.

Given the above, the proposed development site is considered an obvious and ideal location for the establishment of a *Residential Land Lease Community*. These types of developments have become a fundamental component of the efforts to address housing an aging population within NSW, and a means by which people are able to live in a community where they can enjoy the benefits of proximity to neighbours and to the range of facilities available to the residents.

Overall the proposed development complies with all relevant provisions of the Gosford Local Environmental Plan 2014 as well as the relevant aims and objectives of the Gosford Development Control Plan 2013. Where the development does not comply with numerical requirements under the DCP, adequate justification has been supplied illustrating that the development continues to achieve the objectives of that control.

On this basis, Council is requested to grant consent to the application.



## 1.2 DEVELOPMENT APPLICATION DETAILS

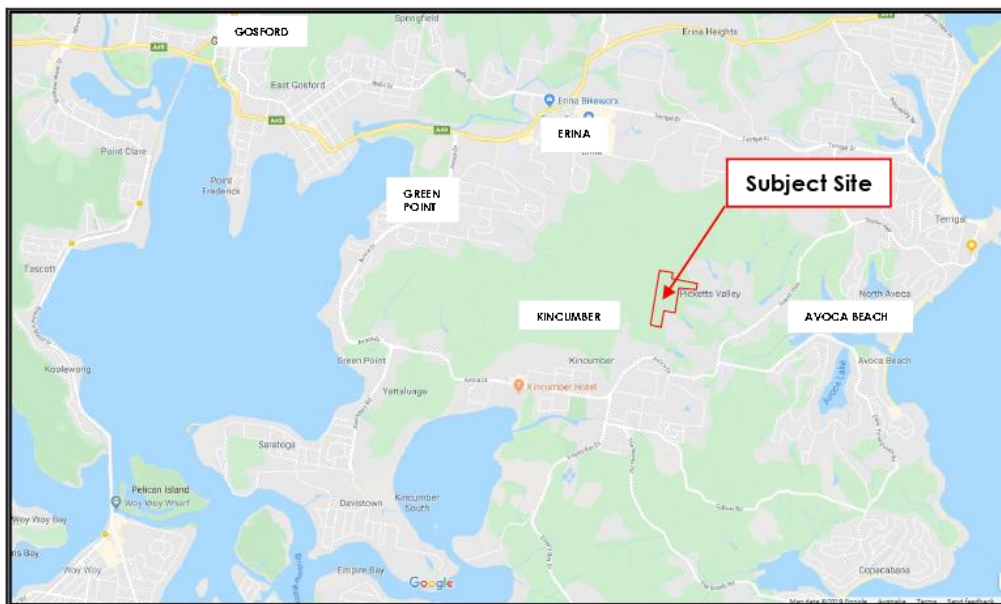
STATEMENT OF ENVIRONMENTAL EFFECTS PREPARED BY:	
<b>Name:</b>	ADW Johnson Pty Ltd 5 Pioneer Ave, Tuggerah NSW 2259
<b>Contact:</b>	Chris Smith – Senior Town Planner Ph: (02) 4305 4300 Email: <a href="mailto:chriss@adwjohnson.com.au">chriss@adwjohnson.com.au</a>
PROJECT DETAILS:	
<b>Applicant Name:</b>	Choice Living Avoca Development Pty Ltd C/- ADW Johnson Pty Ltd
<b>Owners' Details:</b>	Avoca Land Pty Ltd
<b>Property Description:</b>	Lot A, DP 449600 – 255 Avoca Drive; Lots 2 & 3, DP 976799 – 255A, 255B, Avoca Drive; Lot 9, DP 976799 – 19 Picketts Valley Road; Kincumber, NSW 2251
<b>Project Description:</b>	Residential Land Lease Community
PROJECT TEAM:	
<b>Town Planner</b>	ADW Johnson Pty Ltd
<b>Civil Engineer</b>	ADW Johnson Pty Ltd
<b>Landscape Design</b>	Terras Landscape Architects
<b>Architect</b>	CED Building Design
<b>Bushfire</b>	Peterson Bushfire
<b>Aboriginal Heritage</b>	McCardle Cultural Heritage
<b>Geotech Contamination</b>	Qualtest Laboratory
<b>Traffic</b>	McClaren Traffic Engineering
<b>Social</b>	AIGIS Group
<b>Stormwater</b>	ADW Johnson Pty Ltd
<b>Flooding</b>	GRC Hydrology
<b>Waste</b>	ADW Johnson Pty Ltd



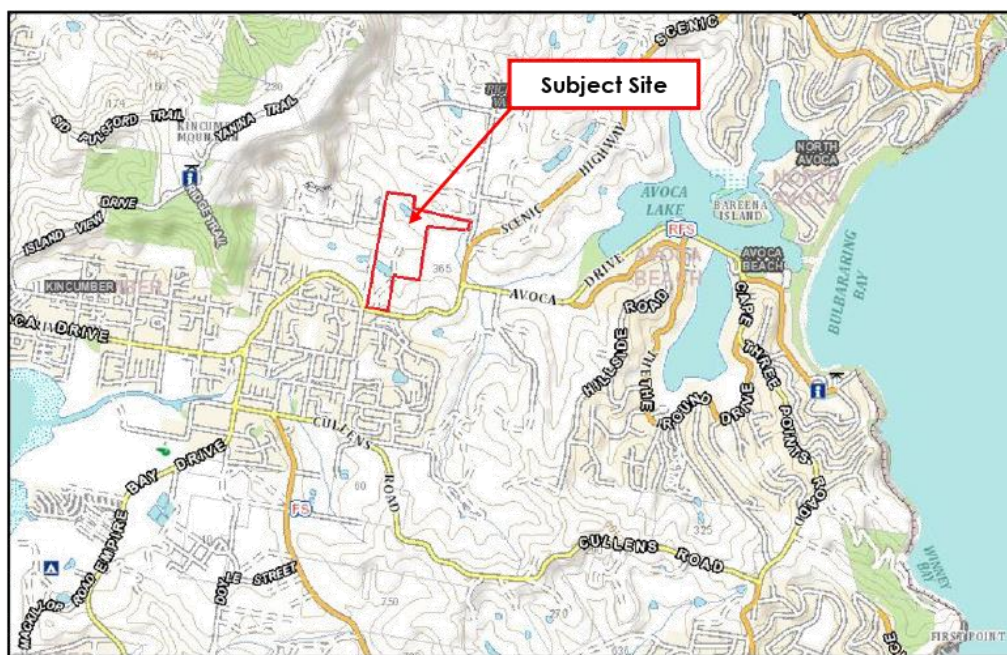
## 2.0 Site Description

### 2.1 LOCATION

The subject site is located on the northern side of Avoca Drive, Kincumber; approximately 2.5km east of Kincumber Shopping village and 3.8km west of Avoca Beach (see Figures 1-3).

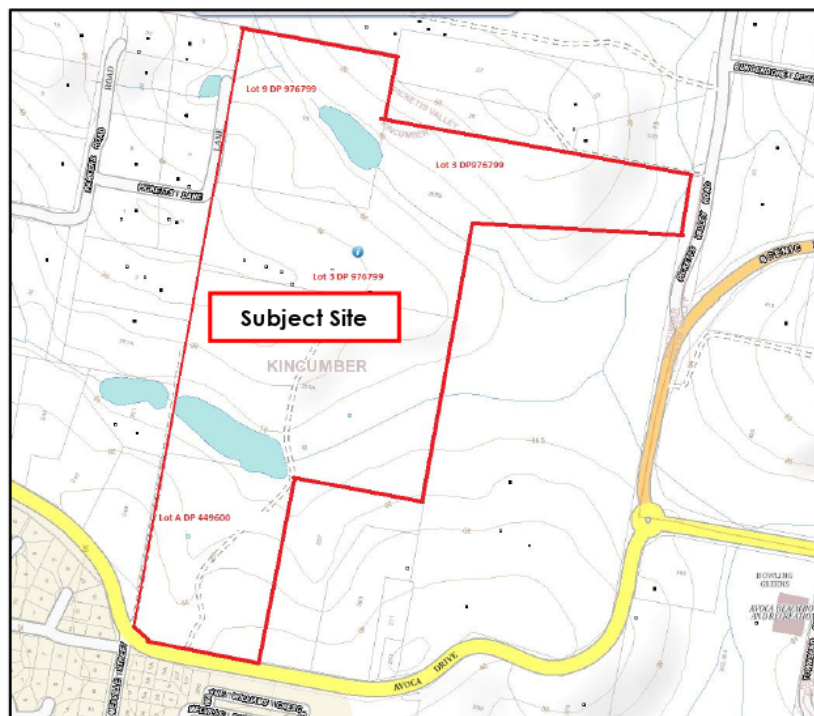


**Figure 1:** Wider Locality Map (Source: Googlemaps)



**Figure 2:** Locality Map (Source: Six Maps)





**Figure 3:** Site Map (Source: Six Maps)

## 2.2 LAND TITLE

The subject site is comprised of four (4) allotments identified as follows:

- Lot A DP 449600
- Lot 2 DP 976799
- Lot 3 DP 976799
- Lot 9 DP 976799

The subject site has a total area of 24.12ha and contains a number of easements for sewer, none of which will impact on the proposed development. Copies of the Deposited Plans are provided as **Appendix 2**.

## 2.3 OWNERSHIP

All four (4) allotments which comprise the subject site are owned by 'Avoca land Pty Ltd', whose consent to lodgement is provided within the accompanying documentation. Copies of the Certificate of Title are provided as **Appendix 3**.

## 2.4 PHYSICAL DESCRIPTION

### 2.4.1 Site Description

The subject site is an irregular shaped piece of land, comprised of four (4) allotments, with a frontage of approximately 154m to Avoca Drive and 82m to Picketts Valley Road (see Figure 4). The site currently contains three (3) dwellings and a number of ancillary structures and outbuildings including horse stables.



**Figure 4:** Aerial Image (Source: Six Maps)

#### 2.4.2 Access

Vehicular access to the site is currently available in two (2) locations via a bitumen access crossing from Avoca Drive within the southern portion of the site, and existing farm track from Picketts Valley Road within the north-eastern portion of the site.

#### 2.4.3 Topography

The site is undulating with contours ranging between approximately 40mAHD to approximately 10mAHD. The site falls away from Avoca Drive in the south, then rises to a central low ridgeline, then falling again to a northern watercourse and rising again towards the northern boundary. Overall slope is towards the east.

#### 2.4.4 Watercourses

The site contains 2 modified watercourses, generally running from west to east. Each of these watercourses lead to an existing farm dam, referred to as the southern and northern dam.

#### 2.4.5 Vegetation

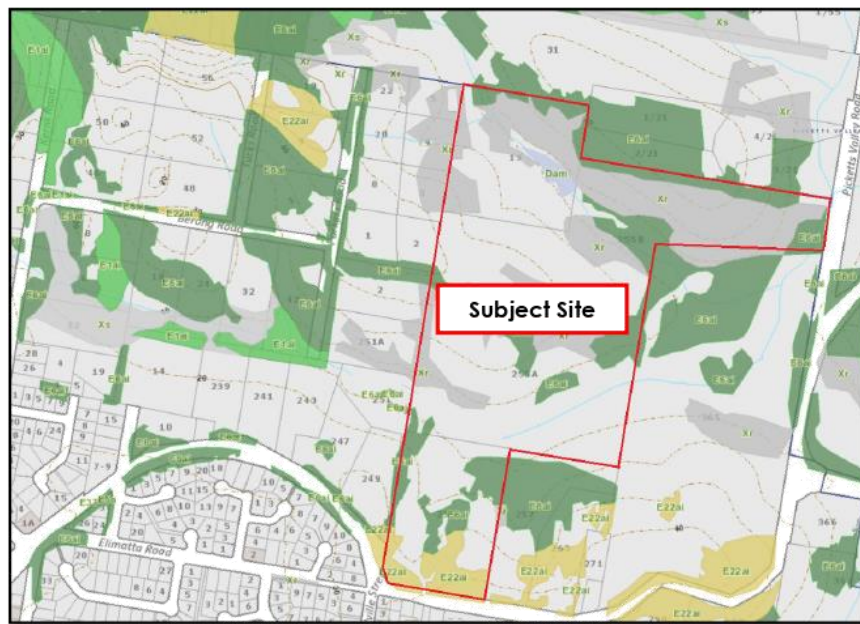
The majority of the subject site has been cleared through the previous timber milling and agricultural uses and contained improved pasture with scattered trees. Council's online vegetation mapping identifies the vegetation on site as containing the following (see Figure 5 and 6):



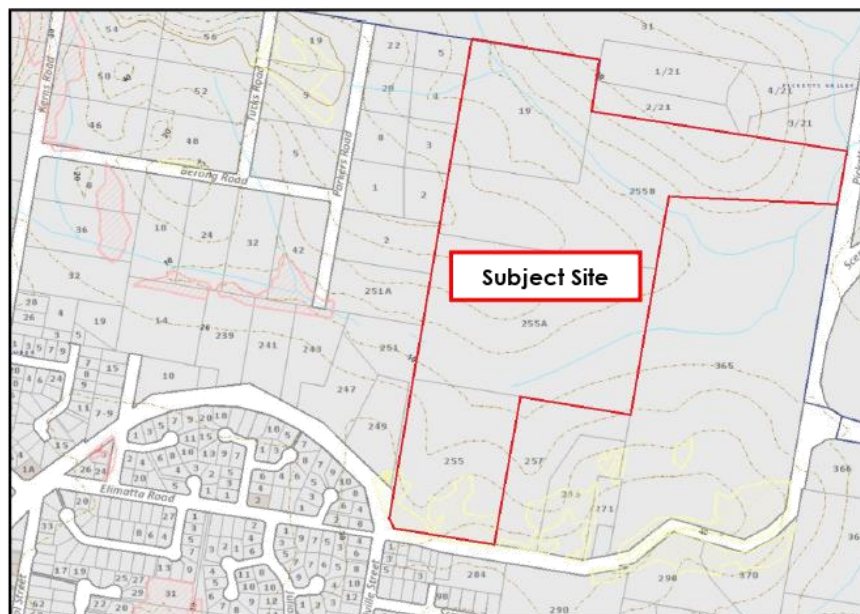


- E22ai – Narrabeen Coastal Blackbutt Forest
- E6ai – Coastal Narrabeen Moist Forest
- Disturbed – Canopy only vegetation

Vegetation within the southern portion of the site along Avoca Drive, mapped as Narrabeen Coastal Blackbutt Forest; is identified as regionally significant vegetation. (It is noted that much of this vegetation is located upon land identified by the Roads & Maritime Services for future road widening.)



**Figure 5:** Belle Vegetation 2013 (Source: Council online mapping system)



**Figure 6:** Ecologically Endangered Vegetation 2013 (Source: Council online mapping system)



#### 2.4.6 Context

The site is located on the north eastern urban fringe area of the suburb of Kincumber. Land immediately to the south is zoned residential and developed with low density residential housing and also seniors housing, being part of the nearby Brentwood Retirement Village. Upon part of this site is a development application currently under assessment for a 108 bed age care facility.

Land adjacent to the west is smaller lot rural residential development, with lot sizes varying from approximately 4,500 m<sup>2</sup> to 1ha. Further to the west is small lot rural residential development, then low density residential development and quarry & landscape supply business (Kerns Rd area).

To the east is a larger rural residential allotment containing two dwellings and a building used (Or previously used as a business premise)

Adjacent land at 257 Avoca Drive contains an older style single dwelling. 263 Avoca Drive contains higher grounds cafe 63. Consent has also been issued upon this land for nine tourist units and subdivision

To the north, separated by a heavily vegetated low ridge (which will remain in this natural state), is fragmented rural residential land of Picketts Valley.

The site is suitably located to key facilities as indicated in the following **Table 1**:

**Table 1: Summary of key facilities within close proximity to the site.**

Facility	Distance	Comments
Kincumber Shopping Village	2.5km	Supermarket, speciality shops, pharmacy, medical centre,
Kincumber Branch library	2.5km	Providing a range of library and Council services
Erina Fair Shopping Centre	9km	Regional shopping centre with a broad range of retail and commercial facilities
Gosford train station	13.7km	Direct trains to Sydney & Newcastle
Gosford Public Hospital	14km	Major public hospital for the Central Coast.
Terrigal Ambulance Station	5km	Emergency services
Fir & Rescue NSW	2.3km	Emergency services
Avoca Beach Bowling Club	1.4km	Recreation, social and dining facilities
Transport	The locality is well services with a regular bus service at Avoca Dr frontage, taxis, Uber and Club courtesy buses available to the site	
Within 3km is a variety of other shops, services, clubs, recreation facilities, walking trails, beaches and community facilities		

The local landscape is characterised by a mix of conventional low density residential development on both sides of Avoca drive (500m to the west), then screened rural residents housing on the north side of Avoca drive and low density residential to the south.

The site has limited vantage points viewable from public places, with the greatest exposure along the Avoca Drive frontage from passing motorists.

The site falls away from Avoca Drive, and is visually separated from land to the north (Pickett's Valley) by the vegetated low ridge.





A series of site photos is provided below.



**Photo 1:** Looking north across southern watercourse crossing



**Photo 2:** Looking east, downstream of southern watercourse





**Photo 3:** looking north up central low ridge to existing dwellings



**Photo 4:** Looking east across horse paddock. Northern watercourse, dam and northern vegetated low ridge also visible





**Photo 5:** Looking south east towards central dwelling and stables



**Photo 6:** Looking south east towards southern watercourse



## 3.0 Proposed Development

### 3.1 PROPOSED DEVELOPMENT

#### Overall Development

The proposed development involves:

- Demolition of existing structures on site;
- Dewatering and filling in of the existing small farm dam;
- Dewatering and reshaping of dam on southern watercourse, back into a flowing watercourse;
- Bulk earthworks;
- Construction of three (3) water quality basins;
- Construction of 202 long-term sites for future housing:
  - Stage 1 – 56 homes
  - Stage 2 – 146 homes
 (sub-stages may occur according to market demand)
- 2 short-term caravan sites and caravan parking/storage area;
- Construction of Community Facilities including:
  - Community Building (Sales Centre);
  - Community Building (Club House);
  - Indoor Swimming Pool;
  - Tennis Court;
  - Bowling Green;
  - Putting Green;
  - Village Green;
  - Community Garden;
  - Yoga Deck;
  - Caretakers residence (above clubhouse)
- Construction of central, minor internal access roads and upgrade of existing track;
- Relocated and reconstructed entry/exit to Avoca Drive;
- Realignment of existing southern water course crossing, and upgrade to formal road crossing with stormwater culverts;
- Service connections, including sewer lead in works from the north;
- Landscaping;

Plans detailing the above are provided as **Appendices 1a to 1c**.





**Figure 7:** Overall Site Layout

### Community Building Designs

- The community buildings and associated amenities are designed to be the heart of the social community, by offering a relaxed space for residents to engage in leisure and wellness activities. The design of these buildings is contemporary yet unpretentious, and most importantly focuses on functional space that will be best utilised in supporting companionship and social activities. The pool serves as a resort style amenity with the benefit of providing an appropriate age-related exercise outlet.

Plans detailing the community buildings are provided within **Appendix 1b**.



**Figure 8:** Proposed Community Building (Sales Office)



**Figure 9:** Proposed Community Building (Club House)

### Manufacture Home Designs

The proposed development has been designed to complement the surrounding area, and has been modeled on an understated yet contemporary design that respects the rural residential/environmental living setting.

The variety of built forms have been carefully considered to allow the entire development to engage with the existing site conditions. Building into, onto, and over land features to allow ease of access around the site, while working with the existing lay of the land where possible

- A range of dwelling styles will cater to different buyer requirements and also provide variety to the streetscape.
- The assembly of the manufactured homes will have an aesthetic similar to a traditional home, and will utilise high quality materials selected for durability, low maintenance and compatibility with the sites natural features. This will result in a community that complements the surrounding area.

The homes are designed to be constructed in major sections, both Vertical and Horizontal.

Indicative home designs are provided within **Appendix 1b**.



Figure 10: Indicative Manufacture Home Perspectives

### 3.2 PRE-LODGEEMENT MEETING

A pre-lodgment meeting was held with Council on 5<sup>th</sup> September 2019. A response to each of the items raised within Council's meeting minutes is provided within **Appendix 4**.





## 4.0 Planning Controls

### 4.1 GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

#### 4.1.1 Zoning

The site is zoned E4 Environmental Living under the Gosford LEP 2014 (see Figure 11).

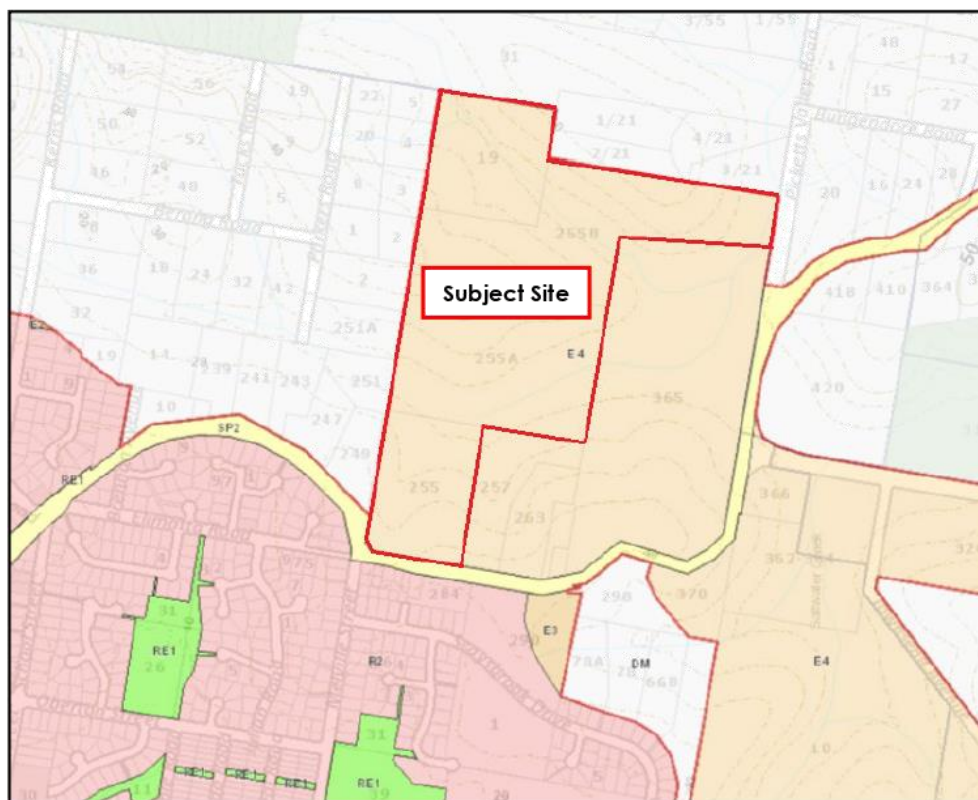


Figure 11: Zoning Map (Source: Council's Online Mapping System)

This zone permit, amongst other uses, a 'caravan park', and is the category of development upon which this application is based. The Gosford LEP 2014 defines a caravan park as:

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

The above definition make reference to moveable dwellings, which are defined in the Gosford LEP 2014 as:

**moveable dwelling** means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.



The above definition makes reference to a *manufactured home*. This use is further defined in the Local Government Act 1993, as;

**manufactured home** means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—  
(a) that comprises one or more major sections, and  
(b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013,

and includes any associated structures that form part of the dwelling.

As outlined under Section 3.1, future dwellings are designed to be constructed in major sections, both Vertical and Horizontal, consistent with the above definitions.

An extract from the land use table from the Gosford LEP 2014 is provided in Figure 12 below.

Gosford Local Environmental Plan 2014	
Current version for 28 February 2019 to date (accessed 23 September 2019 at 21:08)	
Land Use Table > Zone E4	
Zone E4 Environmental Living	
<b>2 Permitted without consent</b>	
Home occupations; Recreation areas	
<b>3 Permitted with consent</b>	
Animal boarding or training establishments; Camping grounds; Caravan parks; Dwelling houses; Eco-tourist facilities; Environmental protection works; Extensive agriculture; Home-based child care; Home industries; Oyster aquaculture; Pond-based aquaculture; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Secondary dwellings; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities	
<b>4 Prohibited</b>	
Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3	

Figure 12: Extract from current Gosford LEP 2014 (Source: legislation.nsw.gov.au)

#### 4.1.2 Land Use Table

Clause 2.3 of the LEP stipulates that the consent authority must have regard to the objectives for a development in a zone when determining a development application in respect of land within the zone.

In considering whether the proposed development meets the objectives of the E4 zone; it is noted that Clause 2.3(2) of the LEP states:

(1) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

In other words, there is no obligation on the consent authority to be satisfied that the proposed development is wholly consistent with the zone objectives prior to approving the application. The zone objectives are not a development standard. Instead the consent authority must 'have regard' to the zone objectives as part of the assessment. Compliance



with the zone objectives is not a matter which will determine the permissibility of the proposed development, as held by the Land and Environment Court in *Abret Pty Limited v Wingecaribee Shire Council* [2011] NSWCA 107.

The following table provides the zone objectives for zone E4 from the Gosford LEP 2014, together with comments as to how this development is consistent with those zone objectives.

**Table 2: E4 Zone Objectives**

E4 zone objective	Comments
<p><i>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</i></p>	<p>Section 4.1.1 of this report establishes that the placement of manufactured homes are a permissible form of residential development upon the site (within a caravan park).</p> <p>"Low impact" is not defined under the Gosford LEP2014, but it is put that the form of development submitted is a form with lower impact than otherwise might be experienced with residential development. This is achieved by;</p> <ul style="list-style-type: none"> <li>• Increased setbacks to neighbouring boundaries of at least 3m;</li> <li>• Retention of existing trees along side boundaries and provision of additional landscaping to improve vegetated screening;</li> <li>• Dwelling designs that sympathetic and respond to site topography;</li> <li>• An overall site density that is lower than strategic residential development targets of 15 dwellings/ha.</li> </ul> <p>The site does not have <u>special ecological values</u>. Ecological values have been assessed in the submitted Biodiversity Development Assessment Report. This report concludes that the submitted development can proceed with any potential impacts by the purchase of environmental credits, and undertaking other specific measures to vegetation being kept on site.</p> <p>The site does not have <u>special scientific values</u> as it does not contain any registered or known attributes or items of scientific importance. Two areas of Potential Archaeological Deposits have been identified and will not be impacted by the proposal.</p>



	<p>The site does not have any <u>special aesthetic value</u> as it is not registered in any special precinct or subject to any specific controls preserving aesthetic value.</p> <p>This matter is further discussed under Sections 4.7.1 and 4.7.2 of this report (Character &amp; Scenic Quality).</p>
<i>To ensure that residential development does not have an adverse effect on those values.</i>	Following on from the previous response, it is put that the site does not have <u>special ecological, scientific or aesthetic values</u> .
<i>To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.</i>	<p>The proposal is based on a systematic assessment of the site and allowing natural features to give shape to a development and integrate with its surrounds. The emphasis has been on conserving and enhancing the site's features such as open watercourses, retaining trees and avoiding large-scale levelling.</p> <p>Full details on each aspect are provided in relevant specialist reports Design Package (<b>Appendix 1b</b>), Socioeconomic Impacts Assessment (<b>Appendix 15</b>), Biodiversity Development Assessment Report (<b>Appendix 10</b>).</p>
<i>To provide land for low-impact tourist-related development that is of a scale that is compatible with the special ecological, scientific or aesthetic values of the area.</i>	The proposal does not specifically target the tourist market, but provides for 2 sites for caravan/motorhomes. It is expected that future residents of the community may wish to entertain family and friends, who might be travelling on extended holidays around this Nation. The selected sites are contained central to the development and will not impact on the surrounding natural or built environment.
<i>To ensure that development is compatible with the desired future character of the zone.</i>	The proposal is based on a systematic assessment of the site and allowing natural features to give shape to a development and integrate with its surrounds. The emphasis has been on conserving and enhancing the site's features such as open watercourses, retaining trees and avoiding large-scale levelling.





#### 4.1.3 Clause 4.3 Height of Buildings

The site is identified as being subject to a maximum height limit of 8.5m (see Figure 13). All buildings – community buildings and future housing - will be compliant with this requirement as detailed in the Design Package provided as **Appendix 1b**.



**Figure 13:** Building Heights Map(Source: Council's Online Mapping System)

#### 4.1.4 Clause 5.10 – Heritage Conservation

##### European

The site is not identified as containing any items of heritage significance or as being located within a heritage conservation area, on Council's Heritage Map. It is noted however that the site was submitted for heritage nomination in September 2017.

Since that time, further historical research has been undertaken, which determined that the previous heritage nomination previously submitted for Council assessment has proven to be not well-founded when further historical and land title information now to hand is taken into consideration. The original assertion made in relation to the potential local significance of this property did not withstand the greater scrutiny employed while attempting to progress the proposed local heritage listing and the associated heritage nomination is withdrawn.

A letter from VAULT Heritage Consulting discussing the above it provided as **Appendix 5**.





## Aboriginal

An Aboriginal Heritage Due Diligence Assessment has been prepared and is provided as **Appendix 6**.

No archaeological sites were identified in the project area. However; two (2) small areas of potential archaeological significance were identified (refer to Figures 13a & 13b). The remainder of the project area consists of moderate to steep slopes with significant erosion and no sites or potential areas were identified. As such, there are no impacts to the archaeological record through the remainder of the project area.

The following mitigation and management strategies are provided:

- Conservation/Protection – Conservation is the first avenue and is suitable for all sites, especially those considered high archaeological significance and/or cultural significance. As two (2) small PADs were identified along the 1<sup>st</sup> order creek, there is an opportunity to protect those locations.
- Further investigation – If the two (2) small PADs cannot be protected, and archaeological test excavation of the two (2) locations will be required prior to any works at those locations.
- AHIP – If harm will occur to an Aboriginal object or place then an AHIP is required. As no sites were identified an AHIP is not required. If the results of any further investigations of the two (2) PADs identifies sites, and AHIP may be required following the completion of test excavation.

Furthermore; the following recommendations were made:

- General – The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974.
- PADs – If the identified PADs will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), the OEH Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), the DECCW Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales prior to any works in those areas.

The proposed layout has been designed to avoid the two (2) small PADs, adopting the recommended mitigation and management strategy of conserve/protect.



**Figure 13a:** Location of PADs (Source: MCH Aboriginal Heritage DD 2019)



**Figure 13b:** Location of PADs in relation to (Source: Proposed Plans)



#### 4.1.4 Clause 7.1 – Acid Sulfate Soils

The site is identified as containing Class 5 Acid Sulfate Soils, where works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land, requires the preparation of an Acid Sulfate Soils Management Plan (see Figure 14).

As works associated with the proposed development are located over 500m from adjacent Class 1, 2, 3 or 4 land, an Acid Sulfate Soils Management Plan is not required.

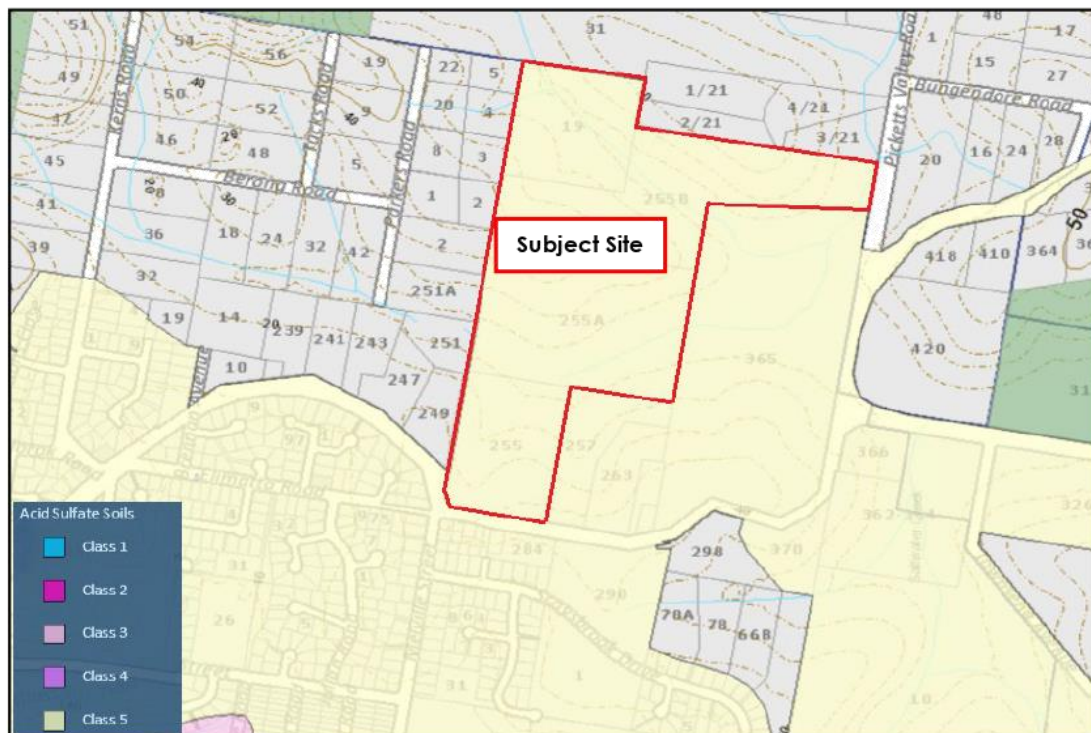


Figure 14: Acid Sulfate Soils Map (Source: Council's Online Mapping System)

#### 4.1.5 Clause 7.2 – Flood Planning

The subject site is not identified as flood prone land under Council's mapping (see Figure 15). However; given the watercourses located onsite and catchment flooding which occurs within the area, 'GRC Hydro' were engaged to assess the site, whom determined the site to be affected by catchment flooding.

As such, a Flood Impact Assessment has been prepared for the proposed development and is provided as **Appendix 14**.

Analysis of the earthworks indicates that the proposed cut and fill results in a net increase in flood storage within the Base Case 1% AEP flood.

Two flow paths, Saltwater Creek and an unnamed tributary, flow through the Site into Avoca Lagoon. Flood behaviour of these two watercourses have been examined using WBNM and TUFLOW models.

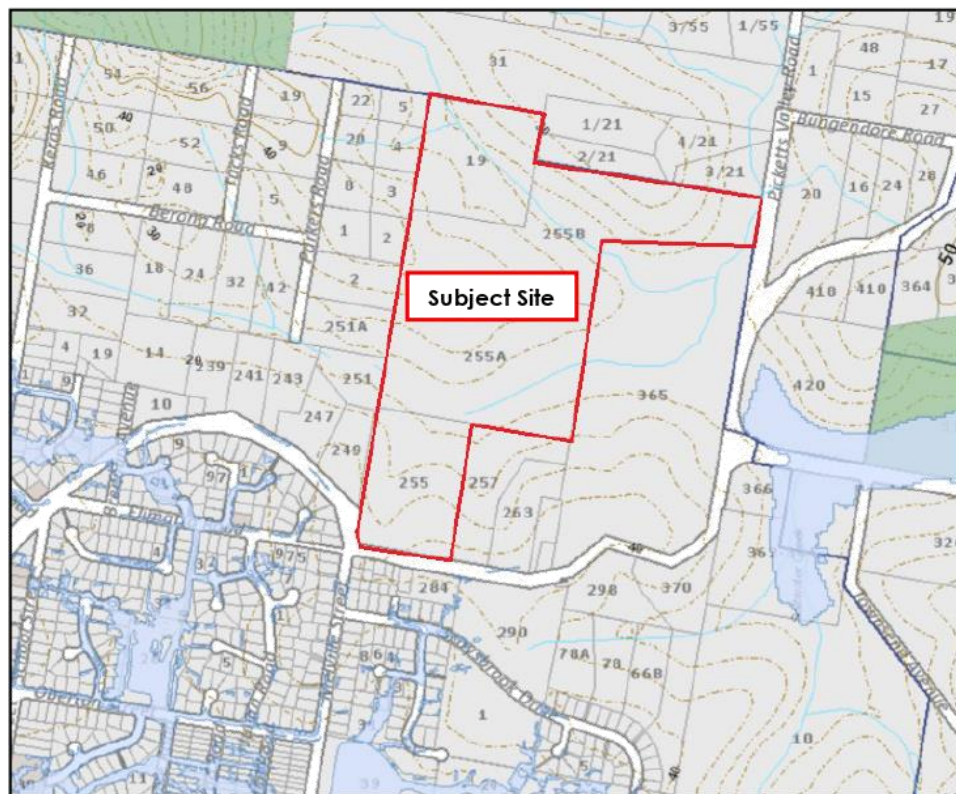




The WBNM model flows were validated to the Avoca Lagoon Flood Study (2003). TUFLOW model parameters were verified against the Kincumber Overland Flow Study (2014) model parameters.

Base Case and Post Development conditions were assessed in the flood models for the 1% AEP and PMF events with the results presented as flood depths, levels and hazard. A long section presenting the 1% AEP results has also been provided. The results indicate that all proposed lots are above the level of the PMF and the FPL, and that the creek crossing is above the level of the 1% AEP event.

The flood impact assessment indicates that the development does not result in off-site impacts and consideration of the potential cumulative impacts indicates that multiple similar developments would not result in increased flood levels that exceed 0.01 m as per the Floodplain Development Manual (FDM, 2005) requirements.



**Figure 15: Flood Prone Land Map (Source: Council's Online Mapping System)**

#### 4.1.6 Clause 7.3 – Floodplain Risk Management

Clause 7.3 outlines the planning controls for developments with particular evacuation or emergency response issues, a category which the proposed 'caravan park' falls into.

The Flood Impact Assessment provided as **Appendix 14** notes “ that all proposed lots are above the level of the PMF and the creek crossing is above the level of the 1% AEP event....”.



Appropriate procedures will be developed and incorporated into an Operational Plan of Management and will address what actions should be taken in times of severe rain (causing flooding) or other emergencies. Such a document will be provided to all incoming residents and appropriate procedures made known to any visitor to the site.

#### 4.1.7 Remaining LEP Mapping

The following is noted with respect to the remaining mapping layers under the LEP:

- The site is subject to a minimum lot size of 4ha;
- The site is not subject to a maximum floor space ratio;
- The site is not subject to additional permitted uses;
- The site is not identified as land reserved for acquisition;
- The site is not identified as an urban release area;
- The site is not identified as key site;
- The site is not identified as caravan parks and manufactured home estates.

Taking the above into consideration, the proposed development is consistent with the Gosford LEP 2014.

#### 4.2 DRAFT CENTRAL COAST LOCAL ENVIRONMENTAL PLAN

The following is noted with respect to the mapping layers under the Draft Central Coast LEP:

- The site is zoned E4 Environmental Living;
- The site is subject to a minimum lot size of 2ha;
- The site is not subject to a maximum building height;
- The site is not subject to a maximum floor space ratio;
- The site is not subject to additional permitted uses;
- The site is not identified as land reserved for acquisition;
- The site is not identified as an urban release area;
- The site is not identified as key site;
- The site is not identified as caravan parks and manufactured home estates.

As identified above, the provisions proposed under the Draft Central Coast LEP generally remain unchanged from the Gosford LEP 2014 which is currently in force. It is noted however, that under the Draft Central Coast LEP 'Caravan Parks' will no longer be permitted in the E4 zone (see Figure 16).

Zone E4 Environmental Living	
<b>2 Permitted without consent</b>	Home occupations
<b>3 Permitted with consent</b>	Animal boarding or training establishments; Bed and breakfast accommodation; Bee-keeping; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facility; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Sewage reticulation systems; Signage; Veterinary hospital; Water recycling facilities; Water supply systems
<b>4 Prohibited</b>	Industries; Service stations; Warehouse or distribution centres; <span style="border: 1px solid red; padding: 2px;">Any development not specified in item 2 or 3</span>

**Figure 16:** Extract from Draft Central Coast LEP (Source: Council's website)



Despite the above, the application has been lodged under the current Gosford LEP 2014, which remains the applicable legislation.

The Draft Central Coast LEP is not considered to be *certain* or *imminent* – key terms often relied upon when proposals are prepared and lodged during a period of transition.

The Draft Central Coast LEP was placed on public exhibition between 6 December 2018 to 28 February 2019. As a result of public exhibition it is understood that over 700 submissions were received.

Many of the issues raised will no doubt seek changes to the exhibited version of the LEP. It is unclear at the time of writing of this report how Council Officers have responded to submissions made and whether the exhibited version (from nearly 12 months ago) is likely to be altered in response to those public submissions.

It is also unclear whether the elected Council will also seek further changes to the exhibited draft LEP. Further, once the final format is agreed-upon and referred to the Department of Planning, whether the Department of Planning will endorse the draft LEP in the same manner as it was exhibited approximately 12 months ago.

For these reasons it cannot be said that the provisions of the draft LEP is certain.

Similarly, it cannot be said that the draft LEP is *imminent*. At the time of writing, the public is unclear on the final format of the draft LEP and there is no resolution from Council to have the Plan made. What if the elected Council seek significant changes to the format of the draft LEP, as exhibited?

Separate to the matter of whether the Draft Central Coast LEP is imminent or certain, it is also noted that Clause 1.8A of the Draft CCLEP provides the following savings provisions:

**1.8A Savings provision relating to development applications**

*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.*

As such, the proposed development is to be determined in accordance with the provision of the current Gosford LEP 2014 under which it was lodged. This approach was confirmed in the recent Land and Environment Court Case between 'Codling and Central Coast Council (2019)', with Commission Gray stating the following (at 74):

*"Firstly, even if the draft CCLEP was made in its current terms, the proposed development is saved by the savings provisions in draft Clause 1.8A, which provides that a development application made before the commencement of the CCLEP must be determined as if the plan had not commenced."*

#### **4.3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The installation of movable dwellings on the proposed long term residential sites is not part of this application and is subject to separate approval under the Local Government Act 1993, due to the fact that manufacture homes, moveable dwellings or associated structures within the meaning of the Local Government Act 1993 are specifically excluded from the definition of 'building' in S1.4 of the EP&A Act.





#### **Section 1.4 – Definitions**

**building** includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the [Local Government Act 1993](#).

Whilst noting the above; the application has addressed Section 4.15 - Evaluation of the EP&A Act below within Section 5.

#### **4.4 LOCAL GOVERNMENT ACT 1993**

A moveable dwelling is defined in the Local Government Act 1993 as follows:

**moveable dwelling means:**

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

Under Section 68 of the LG Act, the installation of a manufacture home, moveable dwelling or associated structure on land requires the approval of Council. Furthermore, under Section 68, approval from Council is also required for the operation of a Carvana Park.

It is acknowledged that Council will impose a condition of consent requiring that a \$68 approval be obtained.

#### **4.5 LOCAL GOVERNMENT (MANUFACTURE HOME ESTATE, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2005**

The purpose of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* is to provide opportunities for affordable alternatives in short-term and long-term accommodation through appropriate design, and promotion of health, safety and amenity of the occupiers.

The objective of this Regulation is to provide opportunities for affordable alternatives in short-term and long-term accommodation:

- (a) By continuing to force (in amended form) the standards for the design of manufacture homes estates, caravan parks and camping grounds established by the former Regulations, and
- (b) By continuing to force (in amended form) the standards for the design and construction of manufactured homes and other moveable dwellings and for their siting established by the former Regulations, and
- (c) By continuing to force (in amended form) that standards to promote health, safety and amenity of the occupiers of manufactured homes and other moveable dwellings established by the former Regulations.

The proposed caravan park will provide an alternative in long-term accommodation, incorporating 202 manufactured homes, housing over 50's; designed in accordance with the requirements for caravan parks and moveable dwellings. This model of housing promotes the health, safety and amenity of residents by:



- Offering resort style living via a modern home with all modern conveniences.
- Providing a range of amenities without the need to look after them.
- Providing a safe environment with companionship as the forefront of the model of living.

Part 3 of the Regulation relates to caravan parks, camping grounds and moveable dwellings and is applicable to this application. Clause 71 requires that approval must not be granted to the operation of a caravan park unless the proposal complies with the relevant requirements of Subdivisions 1-8 of Division 3. These are addressed within the compliance table provided as **Appendix 7**.

Division 4 and 5 pertain to the installation of manufactured homes, which do not require development consent in accordance with Clause 8(4A) of SEPP 21 – Caravan Parks.

The regulation sets out the standards which are applicable to the construction and operation of caravan parks and in determining a Section 68 application for Approval to Operate a caravan park, Councils must ensure compliance with the relevant standards unless variations to the compliance standards are supported by regulatory authorities through concurrence with an objection lodged pursuant to Section 82 of the Local Government Act, 1993. As such an objection under Section 82(1)(a) of the LG Act 1993 will be lodged as part of the Section 68 application for Approval to Operate.

#### **4.6 STATE ENVIRONMENTAL PLANNING CONTROLS**

##### **4.6.1 State Environmental Planning Policy 21 – Caravan Parks**

SEPP 21 – Caravan Parks aims to encourage the orderly and economic use and development of land used or intended to be used as a caravan park, the proper management and development of land so used, the provision of community facilities for land so used, and the protection of the environment of, and in the vicinity of, land so used.

The objectives of State Environmental Planning Policy 21 – Caravan Parks are:

**Table 3: SEPP 21 Objectives**

<b>Objective</b>	<b>Comment</b>
(1) <i>The aim of this Policy is to encourage:</i> <i>(a) The orderly and economic use and development of land used or intended to be used as a caravan park catering <u>exclusively</u> or predominately for short-term residents (such as tourists) or for long term residents, or catering for both, and</i>	The proposed development provides for the orderly and economic development of a caravan park, catering for long term residents via a residential land lease community – exclusively for over 50s.  The site is located on the urban fringe, opposite an existing retirement village and residential development and in close proximity to other residential development.  The site has reticulated sewer lines passing through and the capacity to connect to this service.





	<p>The number of persons aged 65 and older are forecast to grow in this Region by 41,000 in the planning period to 2036.</p> <p>The majority of the site has been historically cleared and used for opportunistic agriculture and contains 3 residences. This is considered an inefficient use of land in this location, given it's convenient location to services in the immediate locality.</p>
<p><i>(b)The proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and</i></p>	<p>In designing the facilities and homes consideration has been given to the core fundamentals of the community living model where:</p> <ul style="list-style-type: none"> <li>• security and peace of mind are delivered to all residents</li> <li>• the maintenance and cost burdens of traditional home ownership are removed</li> <li>• access to established infrastructure, transport, shops, medical needs and recreational pursuits is readily available.</li> <li>• a spectacular Country Club is created at the heart of the community that enriches the resident's lifestyle.</li> <li>• A sense of place is delivered where resident's can focus on what should be the best time of their lives.</li> </ul> <p>There will be no direct, material impacts that may derogate from the activities, social amenity, equity and cohesion of the community. Based on the expected demographic similarities between future residents of the development and the current resident population, there is some prospect that these may be enhanced over time.</p> <p>A range of economic effects will flow from the propose development. These are generally expected to be positive, as they will result in both short-term stimulus in the development stage, and long term contribution once people take up residence in the development and begin to interact with the local economy.</p> <p>Overall it is concluded that, on balance, the socioeconomic effects of the proposed development are likely to be beneficial to the local and regional communities. There will be some differences in the notional</p>



	<p>distribution of these benefits in terms of their magnitude and the timing of when these will be realised. However, given the nature of the development, some element of these beneficial outcomes is likely to be enduring in nature.</p> <p>Further detail in relation to the social and economic impacts of the development are discussed within the Social and Economic Impact Assessment provided as <b>Appendix 15</b>.</p>
(c) The provision of community facilities for land so used, and	<p>The proposed development incorporates two (2) community buildings, which include a Club House , Indoor Swimming Pool, Tennis Court; Bowling Green; Putting Green; Village Green; Community Garden; Yoga Deck and are surrounded by landscaped grounds with meeting spots, benching, walking trails and other features to promote healthy and engaged living.</p>
(d) The protection of the environment of, and in the vicinity of, land so used.	<p>The potential environmental impacts have been assessed by an experienced and registered ecologist, and where possible significant trees and vegetation have been avoided during design. Approximately 8ha of total site area will be retained and made available to provide green corridor linkages and conservation land.</p> <p>The southern riparian corridor, which has been modified over the agricultural history to now include a dam and channelised watercourse will be rehabilitated to improve both hydrological and ecological functions.</p> <p>Existing trees and vegetation along property boundaries will be retained where possible and added with supplementary landscape works.</p>

In accordance with Clause 8(2) of SEPP 21, before granting development consent to the use of the land for the purpose of a caravan park, the Council must determine the number of sites that are suitable for long-term residence and the number of sites that are not suitable for long-term residence, but are suitable for short-term residence.

The proposed development seeks consent for a caravan park which is to provide long-term accommodation for residents as a *residential land lease community*. The proposal therefore seeks consent for the operation of a caravan parks consisting of 202 long-term movable dwelling sites.



The proposal does not specifically target the tourist market, but also provides for 2 sites for caravan/motorhomes on a short term stay basis. It is expected that future residents of the community may wish to entertain family and friends, who might be travelling on extended holidays around this Nation. The selected sites are contained central to the development and will not impact on the surrounding natural or built environment.

Pursuant to Clause 10 of SEPP 21, the following matters must be considered by Council prior to granting a development consent required by this Policy:

- (a) *whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*

**Comment:** The project vision was to establish a benchmark in community living for Over 50's that supplements the surrounding areas rather than dominates, utilising the setting to establish a community in a location where people dream of living. The site was purchased with this vision firmly at the forefront in decision making during the acquisition phase.

Section 2.4.6 of this report and Table 1 provide a summary as to why the site is suitable for the proposed development. In essence, it is the site's proximity to key services and facilities, on the urban fringe, yet offering a rural outlook, without significant exposure on the broader landscape.

The size of the holding was also a key consideration as any project of this nature requires a certain mass to ensure the long term economic and financial sustainability/viability, and allowing for the maintenance of landscaped grounds, resident community facilities and land set aside for green corridors and environmental conservation.

- (b) *whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*

**Comment:** There are a number of existing tourist and visitor accommodation options within Kincumber/Avoca, including:

- o 160 The Round Drive Avoca Beach – The Palms at Avoca;
- o 243 Avoca Drive, Avoca Beach – Avoca Valley Bed and Breakfast;
- o 326-360 Avoca Drive Avoca Beach – Avoca Beach Hotel;
- o 370 Avoca Dr, Avoca Beach – Riley's Accommodation;
- o 263 Avoca Drive, Kincumber – 9 Tourist and Visitor units (approved under DA40779/2011);
- o Various other forms of private rental accommodation accessed through internet sites such as Airbnb, Stayz etc

Other tourism opportunities exist within the broader surrounding area. The proposed development does not impact on the ability to meet current and future tourism demand. The proposed development will not displace existing or proposed tourist accommodation.

- (c) *whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*



**Comment:** Future housing in the proposed development is intended to be at the premium end of the *residential land lease community* market. The financial model – as a *residential land lease community* is somewhat unique in that it will allow some landowners to free up equity in their existing homes, whilst being able to live in comparable quality homes with a rural outlook and feel.

There is limited stock currently available in this price and quality range. This being the case, the proposed development is unlikely to distort the market in terms of the capacity of potential residents to purchase a lower-priced dwelling at their preference.

Considering the presumptive price range for the proposed development, and the medians for the broad market and the two existing estates (Brentwood Village and Broadwater Court), there exists a range of stock at a variety of price points. This suggests firstly that prospective buyers have a range of options available to purchase at a price suitable to individual budgets and preferences, and secondly that, the additional stock introduced by the proposed development is unlikely to distort the market to the effect of inhibiting the ability of buyers to purchase according to their preferences.

The Socioeconomic Assessment provided at **Appendix 15** expands on this issue.

- (d) *whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,*

**Comment:** In addition to those nearby services previously identified with 3Km of the site (refer to Section 2.4.6 above); Kincumber generally has good access to important public and social infrastructure and services. Nearby public bus services and rail transport provide convenient access to major urban and city centres (ie. Newcastle and Sydney).

The proposed development also includes provision for a range of recreational infrastructure and activities for residents of the land lease community. These include two (2) community buildings, yoga deck, tennis court, bowling green, putting green, village green, and indoor swimming pool.

Provision of easily accessible, functional offerings for the resident community forms a key element of the overall site planning.

- (e) *any relevant guidelines issued by the Director, and*

**Comment:** Not applicable

- (f) *the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

**Comment:** The Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993 was repealed on 31 August 1995. The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 now regulates the operation of caravan parks in NSW. Consideration of the Local Government (Manufactured





Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is provided above in Section 4.3.1. The proposal complies with the requirements of the Regulation.

#### 4.6.2 SEPP (Coastal Management) 2018

The subject site is not identified as containing coastal wetlands, coastal wetlands proximity area, coastal environment area, and coastal use area (see Figure 17).

Flooding and stormwater modelling has been undertaken to ensure water leaving the site mimics conditions pre development. Full details are contained in **Appendix 13** (Water cycle Management) and **Appendix 14** (Flood Impacts Assessment).



**Figure 17:** SEPP Coastal Management - 2018 Map (Source: NSW Coastal Map)

#### 4.6.3 SEPP (Infrastructure) 2007

Clause 104 of SEPP infrastructure provides that any development listed within Schedule 3 is classified as "traffic generating development" and requires a referral to the RMS.

Schedule 3 provides the following:



**Table 4: Schedule 1 Triggers for Traffic Generating Development – Residential Accommodation**

Column 1 – Purpose of development	Column 2 – Size or capacity – site with access to any road	Column 3 – Size or capacity – site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road).
<b>Residential accommodation</b>	300 or more dwellings	75 or more dwellings

As the proposed development will create 202 moveable dwelling sites with direct access to a classified road (Avoca Drive), the development is classed as traffic generating development, and therefore concurrence is required from RMS. To assist Council and RMS in their assessment of the proposed development, a Traffic Impact Assessment has been prepared and is provided as **Appendix 8**.

#### **4.6.4 SEPP 55 – Remediation of Land**

SEPP 55 states that Council shall not consent to the carrying out of any development on land unless they have considered whether the land is contaminated, and if so whether it is satisfied that the land is or will be suitable in its contaminated state for the purpose for which the development is proposed. To assist Council with their assessment a Preliminary Contamination Assessment has been prepared and is provided as **Appendix 9**.

Five (5) Areas of Environmental Concern (AECs) were identified based on the site history and site observations. The AEC's related to on-site dams, construction and waste materials on site, fill stockpiles/mounds on site, former and current buildings and sheds, and septic tanks. These AECs were assessed to have a low to medium risk of potential contamination. The Conceptual Site Model (CMS) indicated that should soil, sediment and/or surface water contamination exist on site, then a potential exposure pathway could exist to site users and the environment.

Based on the site history and observations during the site walkover, it is recommended that additional assessment, comprising intrusive investigations in the AECs identified is carried out. Given the age of the buildings onsite it is also recommended that a Hazard Materials Survey is carried out by a suitably qualified consultant, prior to demolition of the structures.

Based on the AECs identified, it is unlikely that the recommended additional assessment would identify contamination that would preclude the development of the site (i.e. was not able to be remediated or managed). Therefore, it is considered that the recommended additional assessment could be carried out prior to construction certificate being issued, e.g. made a condition of the DA.



#### 4.7 GOSFORD DEVELOPMENT CONTROL PLAN 2013

##### 4.7.1 Chapter 2.1 – Character

The site is located within Unit 13 – Scenic Buffer of the Kincumber Character Statement (see Figure 18). The desired character is described as:

##### **Desired Character**

*These should remain rural-residential buffers where the scenically-distinctive semi-rural and natural qualities of prominent backdrops to Gosford City's major roads and tourist routes are preserved by appropriate very-low density residential developments associated with low-impact rural activities, and by small-scale businesses or community and educational facilities that have a modest impact.*

*Retain natural slopes and prevent further fragmentation of the tree canopy in order to maintain habitat values and informal scenic characters of hillside or valley properties, plus meandering roads with unformed verges. Along creeks, ridges, slopes or road frontages, conserve all mature bushland remnants that provide scenically-prominent backdrops visible from any road or nearby property.*

*Limit intrusion of structures upon their landscape setting by concentrating new buildings and pavements in existing clearings. Use low-impact construction such as suspended floors and decks rather than extensive cut-and-fill, particularly on elevated slopes or near bushland.*

*In areas that are defined as bushfire prone, hazard must not be increased by inappropriate new plantings or structures. Minimise the extent of cleared asset protection zones by fire-resistant siting, design and construction for all new structures plus effective management of gardens. The ideal compromise between desired scenic quality and hazard-reduction would limit clearing to the understorey plus thinning of the canopy to establish breaks between existing trees.*

*Maintain the informal character of existing semi-rural hillsides by avoiding tall retaining walls, extensive terraces or broad driveways that would be visible from any road or nearby property, and provide boundary fences that are see-through such as traditional post-and-rail designs. Surround all buildings with extensive garden setbacks, planted with new trees and shrubs that are predominantly indigenous to complement the established canopy. Noxious or environmental weeds must not be planted, and existing infestations should be controlled.*

*In order to minimise their scale and bulk, all new structures that would be visible from a road or nearby property should reflect the modest character and simple articulation of traditional farm buildings. For example, divide floorspace into a series of linked pavilion structures or wings of rooms that are surrounded by landscaped courtyards, and preferably, provide parking in carports or separate garages. Roofs should be simple hips or gables without elaborate articulation, gently-pitched to minimise the height of ridges and flanked by wide eaves or extensive verandahs to disguise the scale of exterior walls. (In bushfire prone areas, verandahs, roofs and suspended floors must be screened to prevent the entry of sparks and flying embers.)*

*Disguise the scale of facades that are visible from the street by incorporating extensive windows and verandahs, some painted finishes rather than expanses of plain masonry, and avoid wide garages that would visually-dominate any frontage. Ensure that outbuildings are compatible with the scale and design of their associated dwelling, particularly by using a similar roof pitch and wide eaves. Any commercial signs should be limited in size and number*

**Comment:** As noted under Section 2.4.6 of this report, the site has a number of attributes which allow for development to occur without having a significant impact on the views and vistas of locality.



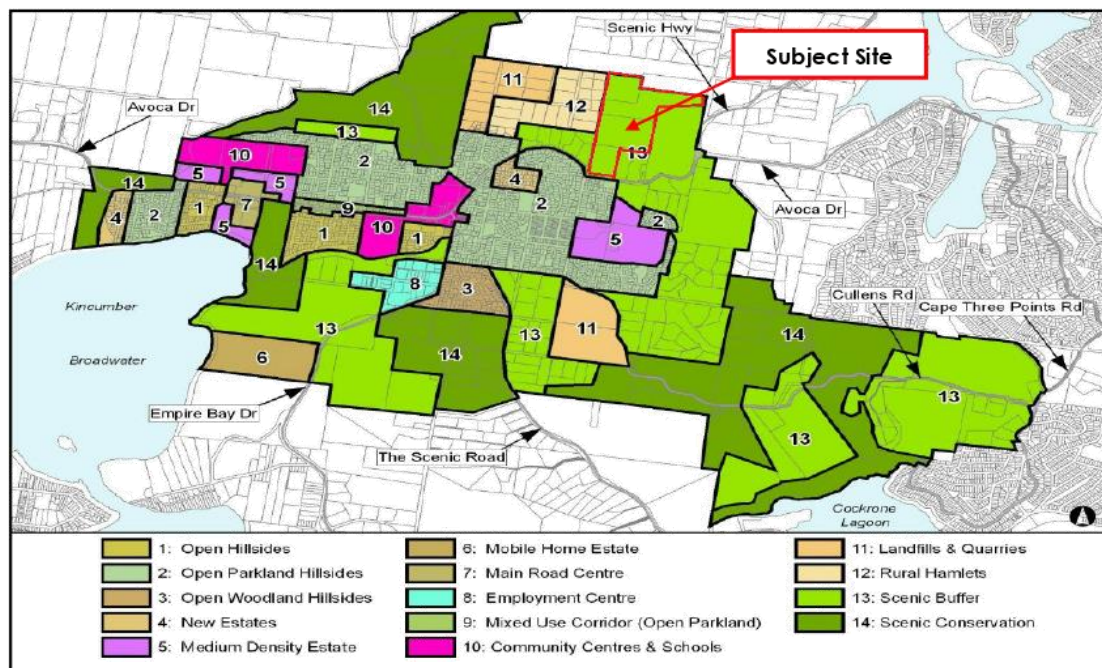


The site has a relatively short frontage to Avoca Drive, with the site falling away from the road to the first of two watercourses, the second which is hidden behind a low central ridge. Other than the Avoca Drive frontage there are a few public vantage points from where the site is visible.

Buildings are set back from front and side boundaries and are at levels below adjacent land to reduce visual prominence. Areas between buildings and front side setbacks will be landscaped to defuse form.

Trees within the riparian corridor will be retained and supplemented, providing canopy screening to future houses.

A detailed landscaping master plan provided as **Appendix 1c** and provides full detail on the landscaping measures including tree planning schedule to minimise visual impacts and to complement the surrounding landscape.

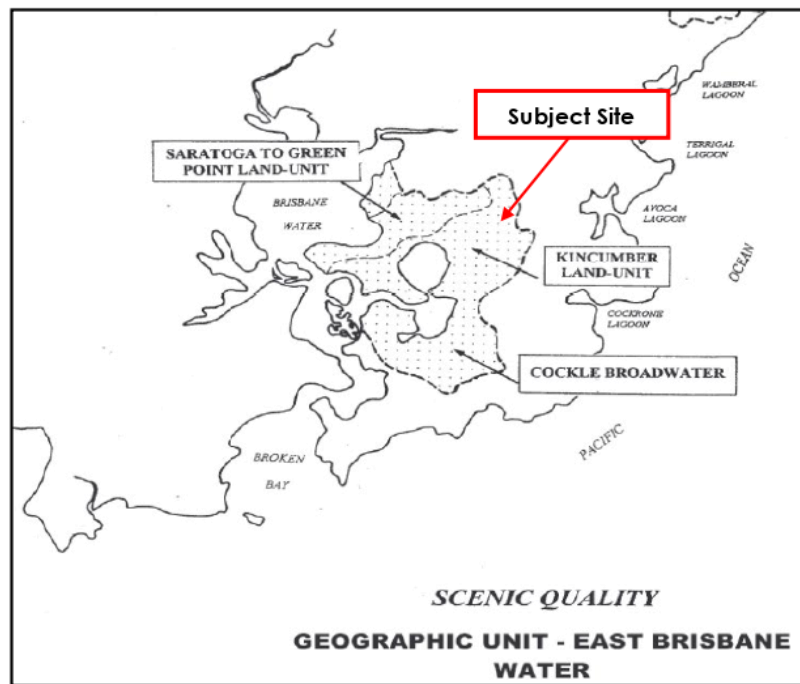


**Figure 18:** Extract from Chapter 2.1 (Source: Gosford DCP 2013)

#### 4.7.2 Chapter 2.2 – Scenic Quality

The site is located in the *Kincumber Land Unit* within *East Brisbane Water Geographic Unit* (see Figure 19).





**Figure 19:** Extract from Chapter 2.2 (Source: Gosford DCP 2013)

The objectives of this Chapter are stated as;

#### **Development Objectives**

1. Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular Environmental/Conservation and Scenic Protection zoned areas.
2. Retain current subdivision standards in Environmental/Conservation and Scenic Protection zoned areas to ensure continuing dominance of landscape features over built environment.
3. Opportunities for increases in densities and scale are available in urban areas, not subject to visibility constraints or other physical constraints. Visually constrained land includes land viewed from main roads, waterfront areas and land on higher slopes.
4. Uses of a retail and commercial nature and associated signage permitted in scenic protection zoned areas to be, where achievable, of a style and scale which reflects the rural nature of the area in which it is located.
5. Restrict zoning density of development to current levels on higher visible slopes in urban areas, particularly in steep land zoned areas.
6. Continue to attempt to secure lands identified for inclusion in the Coastal Open Space System as part of the visual landscape.
7. Proposals for residential and retail/commercial rezonings be preferred where the result will be the consolidation of existing residential and retail/commercial areas rather than the extension of these areas as ribbon development or as incremental extensions into adjoining areas.
8. Recognise importance of privately owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for COSS lands.

As noted earlier in this report a multi-disciplined designed team has considered all aspects of the site in determining an appropriate scale and layout of build form. Site topography influenced civil design and layout there the objective was to minimize cut/fill and to have buildings that integrate with the surrounds.



An extensive landscape masterplan has been developed, consistent with this objective.

A large vegetated portion of the site, generally north of the northern riparian zone, will remain in its natural vegetated state and provide an important green corridor and linkage to the local Coastal Open Space lands.

#### 4.7.3 Chapter 3.10 – Environmental Controls for Development in Zone E4

This chapter applies to all land in Gosford zoned E4 Environmental Living, and as such applies to the subject site. The specific requirements for this chapter are as follows:

- a) Restrict the amount of development on land on slopes greater than 20%.  
*Building works, accessways, ancillary development or land uses shall not be located on land on the subject site which has a slope of 20% or greater. Where this is not possible, due to the extensive areas of the land having slopes over 20%, development can occur on the steeper land as long as building methods are adopted which rely on minimal disturbance to the land surface such as pole or similar type construction.*

**Comment:** This requirement was taken into account during civil and future dwelling design. Refer to Civil Engineering plans provided as **Appendix 1a**.

- b) Maximise retention of existing native vegetation  
*All development including all building works, access, bushfire asset protection zones should be confined to existing cleared areas (as identified on February 1999 Aerial Photo series). Ground truthing will be expected as part of the development application submission.*  
*If the site is vegetated and does not contain any cleared areas or existing cleared areas are insufficient to accommodate the development, Council may consider sensitive design that minimises native vegetation removal whilst having regard to bushfire protection asset zones.*

**Comment:** Whilst efforts have been made to minimise tree and vegetation removal, inevitable there will be some initial loss. The design team has sought to balance tree loss/retention with consideration against bushfire asset protection zone requirements and practicality of retaining larger trees within the development footprint. A detailed tree assessment has considered and reported on those trees likely to be impacted by the development. A copy of this report is provided as **Appendix 11**.

It should be noted that approximately 8ha of native vegetation will be retained along and north of the northern riparian zone. This land will provide an important green corridor and linkage to the local Coastal Open Space lands.

- c) Restrict the amount of cut and fill.  
*The extent of cut and fill for buildings is to be limited to a maximum of 1m and in other cases is to be minimised.*

**Comment:** The design team has spent considerable effort in seeking a balance between site topography, liveability and accessibility throughout the development. The variety of built forms have been carefully considered to allow the entire development to engage with the existing site conditions. Building into,



onto, and over land features to allow ease of access around the site, while working with the existing lay of the land where possible.

This combination of residential built forms includes:

- Two storey homes terraced into the land reduce visible height of these dwellings, and minimise visible retaining walls across the site
- Single storey homes built onto the land with a combination of battered land and minimal low boulder retaining walls as required
- Single storey elevated homes that provide ease of front access to the internal site road network, while extending above sloping land at the rear via light weight pole construction, allowing the built form and natural contours to coexist.

d) Ensure provision of utility services protects ecological and landscape values of land and catchment.

*For any tourist-related development, connection to Council's sewer system is required. No exceptions will be considered even if augmentation is required or the development is of a small scale. All other utility services are to be located underground*

**Comment:** The proposed development, whilst not for tourist related development will connect to Council's sewer system. Additionally, all other utility services are to be provided underground.

e) Encourage a design of tourist development which is compatible with the natural/rural character of Environmental land in the City.

Layout of development on site to be such that the development, either through the existing natural/rural character or through introduced landscaping and building design, blends into the natural/rural landscape.

Further, development should comply with the aims and objectives of the Chapters on Scenic Quality and Character.

**Comment:** The proposal does not specifically target the tourist market, but provides for 2 sites for caravan/motorhomes. It is expected that future residents of the community may wish to entertain family and friends, who might be travelling on extended holidays around this Nation. The selected sites are contained central to the development and will not impact on the surrounding natural or built environment.

#### 4.7.4 Chapter 6.1 – Acid Sulfate Soils

As discussed above; the site is identified as containing Class 5 Acid Sulfate Soils, where works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the watertable is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land, requires the preparation of an Acid Sulfate Soils Management Plan.

As works associated with the proposed development are located over 500m from adjacent Class 1, 2, 3 or 4 land, an Acid Sulfate Soils Management Plan is not required.



#### 4.7.5 Chapter 6.3 – Erosion and Sedimentation Control

The proposed development will require a maximum cut of up to 3.5m and maximum fill up to 3.5m across the site. Approximately 17,888m<sup>3</sup> of fill will need to be imported.

Various erosion and sedimentation control devices will be implemented during the construction phase. Further details in this regard are included in the sediment and erosion control plan within **Appendix 1a**. The Erosion and Sedimentation Control Plan is only an indicative plan as another Erosion and Sedimentation Control Plan will be provided as part of the construction certificate drawings and a further plan will be provided by the contractor before construction takes place.

During the construction period, it is recommended that the basins are constructed early and used as temporary sediment basins. It is also recommended that an appropriate Erosion and Sedimentation Control Plan is implemented during the entire construction period to minimise the quantity of sediments being conveyed to the basin.

#### 4.7.6 Chapter 6.6 – Tree and Vegetation Management

A Tree Impact Assessment Report has been prepared and is provided as **Appendix 11**.

It has been calculated that within the development footprint, the impact on all trees will be as follows:

**Table 5: Summary of impact (Source: Terras Arborist Report, December 2019)**

SUMMARY IMPACT	
Retention Status	No.
Trees to be Retained	158
Threatened Trees	64
Tree to be Removed	491
<b>TOTAL</b>	<b>713</b>

It should be noted that no tree assessments were undertaken in the northern section of the site: an area of approximately eight hectares. This area includes the northern watercourse and the remnant tall-open forest. It has been estimated that this area would carry between 150-200 trees/hectare (1,200 – 1,600 trees).

Based on the impact of the proposed development works, the following assessed trees have been listed as threatened. Threatened trees are those trees that have the potential to be retained either with minor modifications to the layout or with monitoring during the constructions works by an AQF5 arborist. It is required that the arborist work closely with the design team during the design development phase of the project using the data that has been collected to determine which trees may be retained by reducing the extent of encroachment into the TPZs of threatened trees.

All other trees should be adequately protected during the works to ensure they are not subjected to further impacts as noted below.





**Table 6: Threatened Trees (Source: Terras Arborist Report, December 2019)**

THREATENED TREES			
NO.	BOTANICAL NAME	NO.	BOTANICAL NAME
4	<i>Corymbia gummifera</i>	96	<i>Syncarpia glomulifera</i>
5	<i>Cinnamomum camphora</i>	97	<i>Syncarpia glomulifera</i>
12	<i>Eucalyptus pilularis</i>	98	<i>Eucalyptus pilularis</i>
17	<i>Eucalyptus pilularis</i>	99	<i>Syncarpia glomulifera</i>
46	<i>Syncarpia glomulifera</i>	146	<i>Eucalyptus pilularis</i>
47	<i>Syncarpia glomulifera</i>	147	<i>Cinnamomum camphora</i>
48	<i>Corymbia gummifera</i>	148	<i>Cinnamomum camphora</i>
49	<i>Syncarpia glomulifera</i>	149	<i>Cinnamomum camphora</i>
50	<i>Eucalyptus pilularis</i>	162	<i>Glochodion ferdinandii</i>
79	<i>Syncarpia glomulifera</i>	163	Not known
80	<i>Eucalyptus pilularis</i>	164	<i>Glochodion ferdinandii</i>
90	<i>Eucalyptus pilularis</i>	165	<i>Glochodion ferdinandii</i>
91	<i>Eucalyptus pilularis</i>	201	<i>Syncarpia glomulifera</i>
92	<i>Eucalyptus pilularis</i>	202	<i>Eucalyptus pilularis</i>
93	<i>Eucalyptus pilularis</i>	203	<i>Syncarpia glomulifera</i>
94	<i>Eucalyptus acmenoides</i>	222	<i>Eucalyptus saligna</i>
95	<i>Syncarpia glomulifera</i>		

The Tree Impact Assessment recommended the following:

- The project consulting arborist shall be involved during the design development process to assist in the retention of threatened trees as noted above and any additional shown of the Tree Retention/Removal diagrams (Appendix A). The aim will be to seek modifications to the design so that encroachments into TPZs will be kept to an acceptable minimum if possible, otherwise a decision made on whether the tree may be safely retained. This will be critically important when located underground services, the implications of which could not be assessed at the preliminary design stage.
- As part of the site induction process for people attending the site, the importance of protecting the nominated trees shall be conveyed to all and outlining the responsibilities associated with providing proper tree protection.
- Damage to trees can be direct (e.g. mechanical damage to tree trunks, broken branches, bark tears) or indirect (e.g. chemical spills, compaction, soil level changes). Where such events occur, they must be immediately reported to the project consulting arborist and advice sort on how best to remedy the situation. Delays in reporting may lessen the effectiveness of remedial action.
- Erect tree protection fencing and barrier mesh fencing in the locations as shown on the Tree Protection Fencing diagrams (Appendix B). This is to be done as one of the first activities when preparing the site for construction.
- Tree protection fencing should only be removed under the supervision of the project consulting arborist.
- Trees that are retained are to be protected in accordance with AS4970 Protection of trees on development sites and as detailed in Appendix D of this report.





- All trees to be removed are to be clearly marked by a ring encircling the trunk of the tree at 1500mm (i.e. approximately at eye height) above ground level using fluorescent pink spray (or some other bright colour providing only the same colour is consistently used). The marking of trees shall be undertaken by the project consulting arborist. Any trees that are not marked as nominated above shall not be removed unless further advice has been sought from the project consulting arborist.
- Ensure tree removal work is carried out by or supervised by a qualified tree worker (AQF Level 3 or equivalent) in accordance with the NSW WorkCover Code of Practice for the Amenity Tree Industry, 1998.
- Ensure tree pruning work, where required, is carried out by, or supervised by, a qualified tree worker (AQF Level 3 or equivalent) in accordance with the NSW WorkCover Code of Practice for the Amenity Tree Industry, 1998.
- Tree remains from felled trees are to be mulched. Mulch can be used around remaining trees to relieve compaction and improve soil microbiology. If not practical, mulch to be disposed of in a legal manner off site.
- Trees that are retained are to be protected in accordance with AS4970 Protection of trees on development sites and as detailed in Appendix D of this report.

#### 4.7.7 Chapter 6.7 – Water Cycle Management

A Water Cycle Management Plan has been prepared, addressing the requirements of Chapter 6.7, and is provided as **Appendix 13**.

Stormwater runoff from the adjoining property to the east will be conveyed via a headwall and stormwater pipe to the southern watercourse. Stormwater runoff from the proposed development will be conveyed via pit and pipe networks and the proposed concrete roads to the existing watercourses with appropriate stormwater quality and quantity treatment.

The proposed stormwater system has been designed to safely convey the minor and major flows from within the development to the receiving waters without adversely impacting downstream properties and infrastructure.

The stormwater detention provided by the proposed basins will allow the limiting of the post-development critical peak discharges leaving the site to less than that of pre-development for all storm events up to the 1% AEP, thereby not increasing the risk of flood inundation to existing downstream development and not increasing the demand on the downstream stormwater infrastructure.

A treatment train process of rainwater tanks, GPTs and biofiltration basins have been designed to effectively reduce the nutrients and gross pollutants from stormwater runoff from the proposed development.

MUSIC modelling has demonstrated that the treatment train for runoff from the proposed development complies with the performance target objectives of CCC prior to discharge into the downstream waterways.



#### 4.4.8 Chapter 7.1 – Car Parking

*The purpose of this chapter is to ensure that sufficient, well designed on-site parking provisions are made in all new developments and when changes occur to the existing use/development of premises.*

It should be noted that parking requirements for this development should be read in conjunction with the *Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Provision is made on every site within the community to accommodate resident parking, with dwelling designs having a mix of single and double garages.

In addition to resident parking, twenty nine (29) spaces are provided for visitor parking adjacent to community facilities with 4 disabled car parking spaces provided (1 extra than requirements.).

An assessment of parking was undertaken by McLaren Traffic Engineers and included individual dwelling requirements, visitor and disabled parking requirements. The full traffic Assessment is provided as **Appendix 8**.

The report concludes proposal that the proposal "... is fully supportable in terms of its traffic and parking impacts."

#### 4.7.9 Chapter 7.2 – Waste Management

In accordance with the requirements of this Chapter, a Waste Management Plan (WMP) has been prepared and is provided as **Appendix 17**.

As with most best-practice building projects, the amount of waste to be generated during the construction phase will generally be minimal due to the use of pre-ordered and pre-fabricated building materials to ensure wastage – and hence cost – is minimised.

Waste generated during the construction phase will be sorted and either re-used onsite or will be taken to a material recycling facility where possible. All non-recyclable waste will be removed to Council's Waste Depot.

With regards to the ongoing operational management of waste; an Operational Management Plan will be prepared with the appointed private waste contractor, ensuring each home site will have access to an appropriate garbage collection service onsite.

Each home site will have access to suitable garbage and recycling bin facilities, allowing for waste to be sorted prior to collection.

#### 4.8 DRAFT CENTRAL COAST DEVELOPMENT CONTROL PLAN

Similar to the discussions above in relation to the Draft Central Coast LEP, the chapters proposed under the Draft Central Coast DCP generally remain unchanged from the Gosford DCP 2013 and Wyong DCP 2013 which are currently in force. It is noted however, that under the Draft Central Coast DCP a specific chapter has been created – Chapter 2.8 for *Carvana Parks*, which include provisions for both short-term accommodation (tourist parks) and long-term accommodation (residential parks) as proposed.



Section 2.8.2.2 *Location Parameters for Long Term Caravan Parks* of Draft Chapter 2.8, identifies locations where long term caravan parks (residential parks) are generally discouraged. It is noted that of the seven (7) locations listed, the subject site only falls within two (2) of these locations being flood prone land and bushfire prone land – however the impacts associated with both are considered to have been successfully mitigated as discussed throughout this SoEE and specialist consultant reports.

Furthermore; as required by Section 2.8.3 *Development Applications* of Draft Chapter 2.8 requires the submission of a Social Impact Assessment. The subject development application includes a Social and Economic Impact Assessment addressing the proposed development, and is provided as **Appendix 15**.

Despite the fact that the proposed development appears to comply with Draft Chapter 2.8; as the application has been lodged under the current Gosford DCP 2013, it remains the applicable legislation.

#### 4.9 STRATEGIC DOCUMENTS

##### 4.9.1 Central Coast Regional Plan 2036

The Central Coast Regional Plan 2036 outlines the visions, goals and actions that are geared to growing the regional economy, accelerating housing supply, and protecting and enhancing the natural environment. The plan identifies the current population to grow by an additional 75,500 people by 2036, with 55% of this growth being people aged 65 and older. To cater for this growth an additional 41,500 dwellings are required by 2036.



Figure 20: Extract from Central Coast Regional Plan 2036



**Comment:** With an aging population, it will become a necessity to develop housing which provides for seniors and retirees. The proposed development will assist to house this aging population by providing a residential land lease community for over 50s, in the form of manufactured homes. The proposed development is therefore considered consistent with the Central Coast Regional Plan, through the provision of additional housing and housing choice for the aging population (in this case being over 50s).

Further to the above; Table 1 of the Social and Economic Impact Assessment (refer to **Appendix 15**), identifies those items of the CCRP which are addressed by the proposed development:

**Table 7: Relationship of proposed development to CCRP (Source: Aigis Group SEIA 2019)**

Plan Ref.	CCRP element	Relevance of proposal to element		
P.8	There is greater housing diversity to suit the changing needs of the community, particularly the ageing population and the needs of weekend and seasonal visitors.	The proposed development directly contributes to achievement of this aim.	P.45	Providing a variety of housing types, including more affordable options in both existing and new areas across the region will allow people to age-in-place and maintain their connections with social networks and family.
P.8	The region's renowned natural environment provides attractive settings for a range of lifestyles and is a drawcard for visitors beyond the region.	The proposal will introduce a housing option that may be attractive to people relocating to or visiting the area for lifestyle reasons.	P.45	To accommodate the projected housing growth over the next 20 years, 2,075 new homes will be needed each year, on average. This is 685 more homes each year than the average annual housing production of 1,390 dwellings over the 19 years to 2014-15.
P.13	The Plan empowers Central Coast Council to work in partnership with the NSW Government to (inter alia): accelerate housing supply and increasing housing choice within a well-planned and compact settlement pattern	The development site is located in the immediate vicinity of existing residential areas. The construction of manufactured homes on the site will contribute to addressing these aims.	P.46	<b>Action 19.3:</b> Monitor land and housing delivery and accelerate housing supply to meet projected housing demand of 41,500 additional dwellings by 2036.
P.15	The region's unique and productive natural environment, including its coastline, will support growth in the tourism, lifestyle housing, agriculture and resource sectors.	The proposed development directly addresses the objective of providing lifestyle housing.	P.47	<b>Action 21.1</b> Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield housing locations.
P.45	GOAL 4: A variety of housing choice to suit needs and lifestyles.	The proposed development will generally contribute to achievement of this goal.	P.47	<b>Action 21.4</b> Encourage housing diversity including studio, and one and two-bedroom dwellings, to match forecast changes in household sizes and provide greater housing choice.
P.45	The region's enviable natural environment and the lifestyles it affords, as well as its relative housing affordability (by comparison to Sydney), will continue to drive growth in the housing market. By 2036, the region is expected to have 36,350 more households, requiring 41,500 new homes.	The proposed development will directly contribute to additional housing stock requirement.		
P.45	Demographic trends towards smaller households and an ageing population will fuel the need for greater housing diversity in locations with good access to transport, health and community services, and more affordable housing.	The development proposal entails suitably located housing that will increase housing diversity.		

#### 4.9.2 Central Coast Positive Aging Strategy 2014

On the Central Coast 25% of the region's population is aged 60 years and over compared to 20% for NSW. This equates to a total of 78,270 people. By 2021 the number of people aged over 60 is expected to increase by approximately 15,000 people or 18.5%.

Meeting the housing needs of older people requires an understanding and recognition of the diversity of housing options. This may include residential park or manufacture home villages targeted at residents aged over 50 years.

Residents of residential parks/manufacture housing villages targeted at over 55 were happy with this housing option. They particularly enjoyed the sense of community and safety from living in this environment including the connection with other residents, looking out for one another and the opportunities to join in a range of social activities.

**Comment:** This proposal is consistent with this strategy, particularly by provided a form or housing targeted at the over 50's not readily available on the Coast.





#### 4.9.3 Department of Planning & Environment – Improving the Regulation of manufactured Homes, Caravan Parks, Manufactured Homes Estates and Camping Grounds 2015

This paper highlights the changing role and functions of parks and estates in both the tourism and residential housing sector. Caravan parks, manufactured home estates, moveable dwellings and manufactured homes provide a diversity of housing choices in a range of locations across NSW. These facilities and forms of housing provide options for long term residential uses, such as permanent residential accommodation in a caravan park, and short term uses such as tourism uses. The forms of housing provided for, both inside and outside of caravan parks and manufactured home estates, include manufacture homes, caravans, campervans and camping.

Caravan parks are spread throughout the State but are mostly located on the coast and may provide accommodation for long-term residents, often retirees, seeking a community lifestyle in a scenic location close to recreational opportunities.

Manufactured housing, and its location within residential parks, is becoming increasingly popular for seniors and retirees. As the aging population continues to grow, it is likely that the trend and demand for residential seniors parks will continue.

**Comment:** The Department recognises that various models of housing need to be provided to meet a growing and aging population. This paper highlights an industry that is evolving as consumer choice, construction materials and techniques continue to change. Further reform is likely to occur to relevant State Policies and Regulations as the Department seeks to recognise an evolving industry and improve the approval/assessment.

#### 4.9.4 Gosford Coastal Open Space Strategy

*The Coastal Open Space System (COSS) is a network of reserves supporting native vegetation that are managed by the Gosford City Council for a number of environmental and community values.*

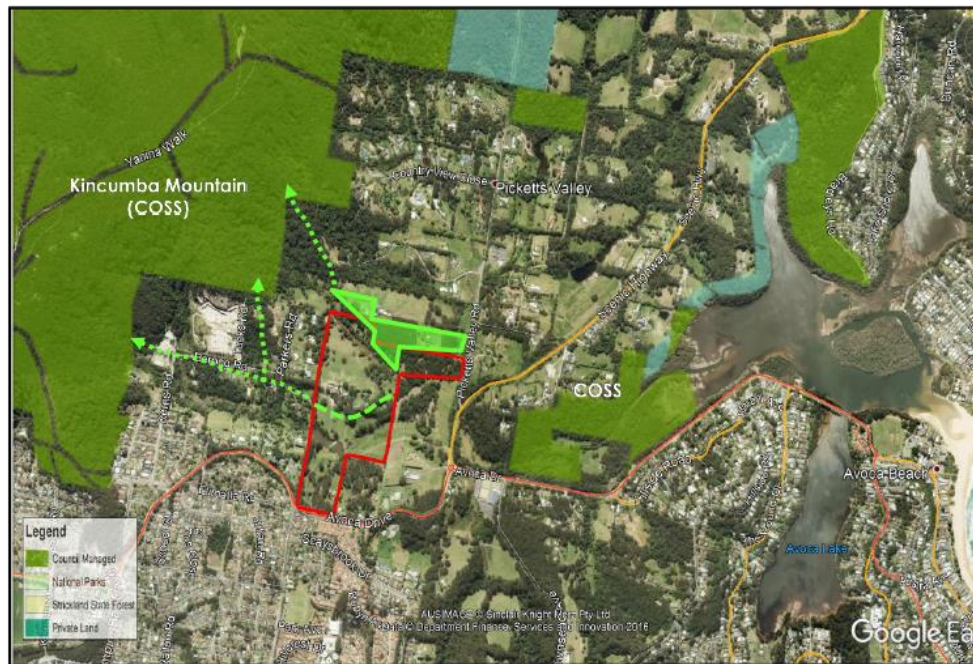
*The purpose of the COSS strategy is to implement the Gosford Community's Vision 2025, and the State Government's planning priorities and legislation by identifying the strategic directions and the major actions required to conserve and preserve a sustainable Coastal Open Space System including the acquisition of identified lands for the system. - Coastal Open Space System (COSS) Strategy, 2010*

The subject land is located between a large COSS holding – Kincumba Mountain to the west and a smaller but integral COSS holding to the east at the upper reaches of Avoca Lagoon.

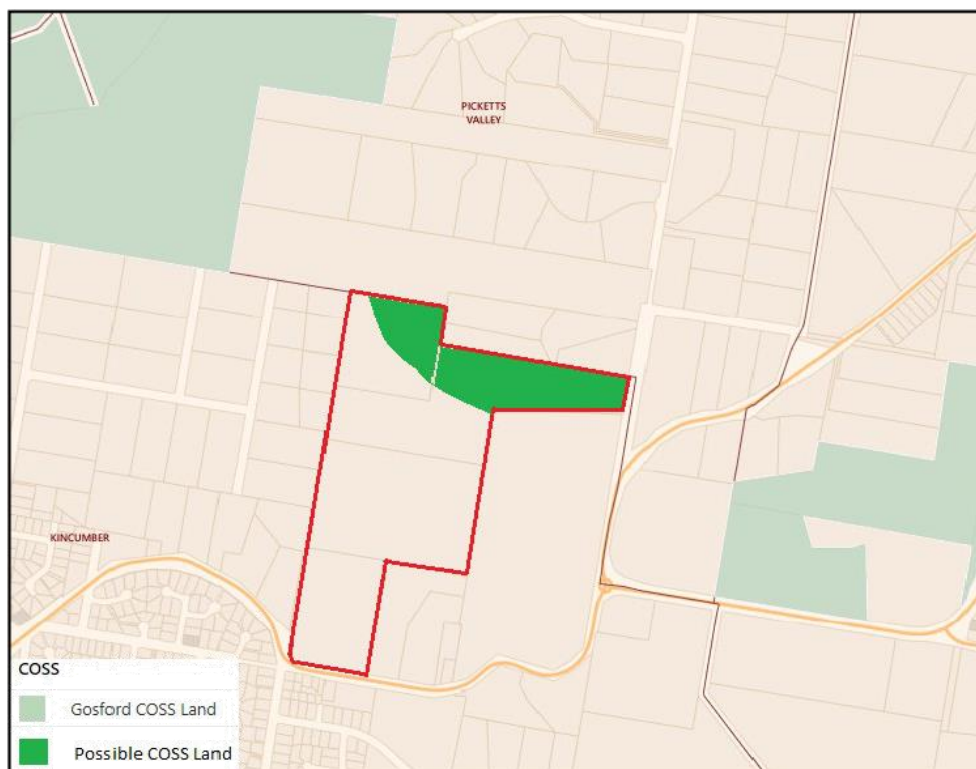
The subject land contains approximately 8ha of native bushland adjacent to the northern riparian zone and northern boundary. This vegetated land can provide an important local green corridor and linkage between these 2 existing COSS holdings. This land has been purposefully excluded from the development footprint because of its potential contribution to longer term green corridor connections in the locality.

It should be noted that this land is currently zoned E4 and where a future lot size of 2ha is proposed. The current proposal would see this land 'locked away' and managed as part of the overall community scheme – consistent with Council's broader COSS strategy.





**Figure 21a:** Potential conservation land to supplement COSS network



**Figure 21b:** Gosford COSS Land (Source: Council's Online Mapping System) and Potential land onsite that may be included as COSS land



#### 4.10 INTEGRATED DEVELOPMENT

##### Waterfront Land – Office of Water

Works are proposed within 40m of the watercourses within the subject site. Therefore, the proposed development is classified as "Integrated Development" under Section 4.46 of the *Environmental Planning and Assessment Act 1979*, as it requires the separate approval of the Office of Water (under the *Water Management Act 2000*).

##### Bushfire - RFS

The subject site is identified as bushfire prone land. As the proposed development includes a special bushfire protection purpose, the proposed development is classified as "Integrated Development" and therefore requires the separate approval of the Rural Fire Service (under the *Rural Fires Act 1997*).

It is understood that general terms of approval can be attached to the consent.



## 5.0 Environmental Assessment

### 5.1 THE LIKELY IMPACTS OF DEVELOPMENT (S4.15(1)(B)):

#### 5.1.1 Context and Setting

The proposed development is consistent with other residential development within the immediate vicinity and surrounding locality. The proposed layout provides the most efficient use of land to maximise the provision of allotments, whilst conserving the ecological values of the environmentally zoned land.

The proposal provides facilities consistent with retiree's desire to downsize maintenance in their immediate home, but still have access to wider amenities that are maintained by management.

The site's location affords excellent accessibility to shopping centres and all essential services (including banks, pharmacies, service stations, GP's, local clubs etc), and facilities required by residents, in addition to those which are to be provided onsite. As such, the context and setting of the site and its surrounds are considered ideal for the proposed development.

#### 5.1.2 Access, Transport and Traffic

A Traffic Impact Assessment has been prepared and is provided as **Appendix 8**. This Assessment provides comprehensive comments on access, transport and traffic matters, with a summary of finding provided below.

##### Access

The site driveway has been positioned to the eastern edge of the site along the Avoca Drive frontage, consistent with the Pre-DA advice provided by the Roads and Maritime Services. A sight distance assessment of this driveway location has been undertaken, confirming that the sight distances available exceed those required by AS2890.1 for a desirable 5 seconds gap. To reduce the potential for impacts on Avoca Drive, it is proposed that localised widening be undertaken opposite the driveway to formalise a BAR treatment.

##### Construction traffic

Construction traffic is proposed along an existing access track located over the norther part of the site to Pickett Valley Rd.

In response to residential concerns raised during a community engagement process of the proposed development, a Construction Vehicle Assessment, dated 4th November 2019 has been completed and included as Annexure C to the Traffic Assessment. This assessment details the proposed construction staged work and the expected daily construction vehicle movements. Additionally, the assessment outlines the proposed traffic management controls at each stage of construction.

##### Roads

The Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005, requires the following under Part 3:



- Major access roads – 8.5m wide road reserve with 6m wide sealed portion;
- Minor access road – 6m wide road reserve with 4m wide sealed portion;
- Passing bays for minor access roads exceeding 80m in length

The concept plan of the internal road layout generally meets the requirements of the applicable legislation and will generally be able to accommodate a 12.5m Heavy Rigid Vehicle, which is envisaged to be the largest vehicle to access the site, subject to detailed design.

### Public Transport and Pedestrian Facilities

The subject site is within a reasonable walking distance of bus stops serving existing bus routes 66A (Gosford to Avoca Beach & Copacabana via Kincumber & Green Pt) and 66C (Gosford to Copacabana & Avoca Beach via Kincumber & Green Pt) provided by Busways Central Coast. The closest bus stop is located approximately 200m east of the subject site along Avoca Drive.

#### 5.1.3 Public Domain

The proposed development will have a beneficial effect on the public domain through developing currently underutilised vacant land, thereby creating a more vibrant and active street presentation and community.

The proposed landscaping, fencing, home style, and entry will be consistent throughout the estate resulting in a positive visual outcome not only for residents, but also to the public domain. The design compliments the coastal rural setting.

#### 5.1.4 Utilities

Water and sewer services are available to the subject site, with connections to be provided to each home site (refer to **Appendix 1a**). Full details on all services and requirements for connection will be provided within the engineering design as part of the Construction Certificate.

Electricity is available to surrounding development and capable of augmentation. Telecommunications infrastructure is available locally and capable of ready supply.

Electricity and telecommunication facilities to service the proposed allotments will be provided underground (refer to **Appendix 1a**). Full details on all services and requirements for connection will be provided within the engineering design as part of the Construction Certificate.

#### 5.1.5 Stormwater, Drainage and Water Quality

As discussed above; a Water Cycle Management Plan has been prepared for the proposed development and is provided within **Appendix 13**.

Stormwater runoff from the adjoining property to the east will be conveyed via a headwall and stormwater pipe to the southern watercourse. Stormwater runoff from the proposed development will be conveyed via pit and pipe networks and the proposed concrete roads to the existing watercourses with appropriate stormwater quality and quantity treatment.





The proposed stormwater system has been designed to safely convey the minor and major flows from within the development to the receiving waters without adversely impacting downstream properties and infrastructure.

The stormwater detention provided by the proposed basins will allow the limiting of the post-development critical peak discharges leaving the site to less than that of pre-development for all storm events up to the 1% AEP, thereby not increasing the risk of flood inundation to existing downstream development and not increasing the demand on the downstream stormwater infrastructure.

A treatment train process of rainwater tanks, GPTs and biofiltration basins have been designed to effectively reduce the nutrients and gross pollutants from stormwater runoff from the proposed development.

MUSIC modelling has demonstrated that the treatment train for runoff from the proposed development complies with the performance target objectives of CCC prior to discharge into the downstream waterways.

#### 5.1.6 Erosions and Sediment Control

As discussed above; various erosion and sedimentation control devices will be implemented during the construction phase. Further details in this regard are included in the sediment and erosion control plan within **Appendix 1a**. The Erosion and Sedimentation Control Plan is only an indicative plan as another Erosion and Sedimentation Control Plan will be provided as part of the construction certificate drawings and a further plan will be provided by the contractor before construction takes place.

During the construction period, it is recommended that the basins are constructed early and used as temporary sediment basins. It is also recommended that an appropriate Erosion and Sedimentation Control Plan is implemented during the entire construction period to minimise the quantity of sediments being conveyed to the basin.

#### 5.1.7 Aboriginal Heritage

As discussed above, an Aboriginal Due Diligence Assessment has been prepared and is provided as **Appendix 6**.

No archaeological sites were identified in the project area. However; two (2) small areas of potential archaeological significance were identified (refer to Figure 7). The remainder of the project area consists of moderate to steep slopes with significant erosion and no sites or potential areas were identified. As such, there are no impacts to the archaeological record through the remainder of the project area.

The following mitigation and management strategies are provided:

- Conservation/Protection – Conservation is the first avenue and is suitable for all sites, especially those considered high archaeological significance and/or cultural significance. As two (2) small PADs were identified along the 1<sup>st</sup> order creek, there is an opportunity to protect those locations.
- Further investigation – If the two (2) small PADs cannot be protected, and archaeological test excavation of the two (2) locations will be required prior to any works at those locations.





- AHIP – If harm will occur to an Aboriginal object or place then an AHIP is required. As no sites were identified an AHIP is not required. If the results of any further investigations of the two (2) PADs identifies sites, and AHIP may be required following the completion of test excavation.

Furthermore; the following recommendations were made:

- General – The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974.
- PADs – If the identified PADs will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), the OEH Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), the DECCW Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales prior to any works in those areas.

The proposed layout has been designed to avoid the two (2) small PADs, adopting the recommended mitigation and management strategy of conserve/protect.

#### 5.1.8 Flora and Fauna

A Biodiversity Development Assessment Report (BDAR) has been prepared in support of this proposal and is provided as **Appendix 10**. The BDAR assesses the set criteria as prescribed under the Biodiversity Conservation Act 2016 and relevant regulations and Guidelines.

The area of assessment is that area of the development footprint including the exiting track to Picketts valley Rd, which is proposed to be used for temporary construction access. The BDAR assessed an area of approximately 17.68ha of the total site area of approximately 24ha. Approximately 6.3ha on native bushland between the northern riparian zoned and northern boundary will not be impacted by the proposal.

The subject land has previously been identified as containing three vegetation communities (OEH 2012) (Figure 3.1), comprising:

- Blackbutt/ Turpentine/ Sydney Blue Gum Mesic tall open woodland of the Central Coast (MU050).
- Smooth-barked Apple/ Turpentine/ Blackbutt open forest on the ranges of the Central Coast (MU061).
- Non-native vegetation (MU000).

The above communities are not listed as TECs under the Environment Protection and Biodiversity Conservation Act (EPBC Act) or the BC Act.

One threatened species, *Rhodamnia rubescens* (Scrub Turpentine), a critically endangered species listed under the BC Act and EPBC Act, was identified approximately 10 m to the south of the proposed temporary construction access road. This individual occurs outside of the subject land and will not be impacted by the proposal. This specie is further discussed



in the DBAR. Methods for managing and monitoring the population of *Rhodamnia rubescens* will be detailed in the VMP.

The BDAR identifies several measures to be implemented to reduce impacts, where possible, such as appropriate pre-clearance protocols and a Construction Environmental Management Plan (CEMP).

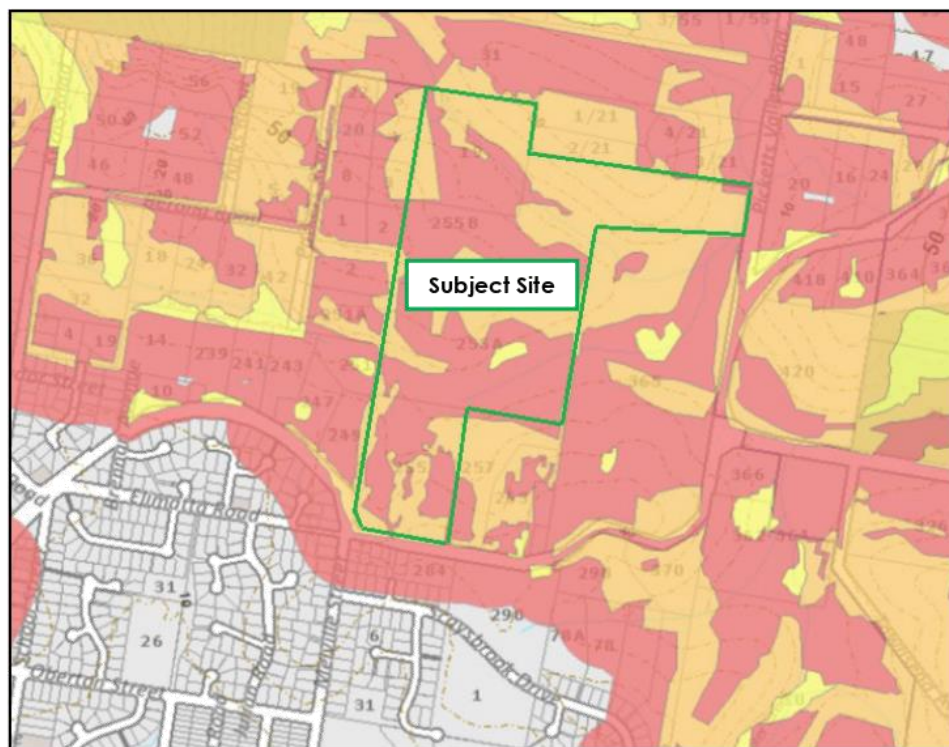
A Vegetation Management Plan (VMP) will be prepared for the retained vegetation to the north of the subject land within Lot 3 and 9 // DP 976799, and the Vegetated Riparian Zones and the vegetation retained within the APZs. The VMP will detail methods of weed removal, revegetation (in cleared areas of the VRZ) and restoration of all retained areas of vegetation.

The BDAR identified ecosystem and specie credits required to be retired in order for the development to proceed.

### 5.1.9 Natural Hazards

#### Bushfire

As noted previously, the subject site is classified as "bushfire prone" land (see Figure 22). To identify the extent of bushfire threat and to assist Council and RFS in their assessment of the proposal, a Bushfire Threat Assessment has been prepared and is provided as **Appendix 12**.



**Figure 22:** Bushfire Prone Land Map (Source: Council Online Mapping System)

The Bushfire Threat Assessment identifies appropriate Asset Protection Zones and construction standards for those buildings closest to vegetation posing a bushfire risk. A list of recommendations is included in the Assessment. The project team has worked closely



with the bushfire, ecologist and landscape consultant to ensure that both retained vegetation and future landscape works are managed accordingly.

#### Mine Subsidence

The subject site is not identified as being located within a Mine Subsidence District.

#### Flooding

As discussed above; the subject site is not identified as flood prone land under Council's mapping. However; given the watercourses located onsite and catchment flooding which occurs within the area, 'GRC Hydro' were engaged to assess the site, whom determined the site to be affected by catchment flooding.

As such, a Flood Impact Assessment has been prepared for the proposed development and is provided as **Appendix 14**.

Analysis of the earthworks indicates that the proposed cut and fill results in a net increase in flood storage within the Base Case 1% AEP flood.

Two flow paths, Saltwater Creek and an unnamed tributary, flow through the Site into Avoca Lagoon. Flood behaviour of these two watercourses have been examined using WBNM and TUFLOW models.

The WBNM model flows were validated to the Avoca Lagoon Flood Study (2003). TUFLOW model parameters were verified against the Kincumber Overland Flow Study (2014) model parameters.

Base Case and Post Development conditions were assessed in the flood models for the 1% AEP and PMF events with the results presented as flood depths, levels and hazard. A long section presenting the 1% AEP results has also been provided. The results indicate that all proposed lots are above the level of the PMF and the FPL, and that the creek crossing is above the level of the 1% AEP event.

The flood impact assessment indicates that the development does not result in off-site impacts and consideration of the potential cumulative impacts indicates that multiple similar developments would not result in increased flood levels that exceed 0.01 m as per the Floodplain Development Manual (FDM, 2005) requirements.

#### 5.1.10 Social and Economic Impact

A Social and Economic Impact Assessment has been prepared for the proposed development and is provided as **Appendix 15**.

In relation to social impacts, it is concluded that there are unlikely to be direct, material impacts that may derogate from the activities, social amenity, equity and cohesion of the general community. Based on the expected demographic similarities between future residents of the residential land lease community and a relatively large proportion of the current resident population, there is some prospect that these may be enhanced over time. However, based on community consultation output, the assessment of some stakeholders is likely to disagree with such a conclusion.





A range of economic effects will flow from the proposed development. These are generally expected to be positive, as they will result in both short-term stimulus in the development stage, and long-term contribution once people take up residence in the development and begin to interact within the local economy. Longer-term economic stimulus will also result from maintenance and upkeep required for built, landscaped and retained open space elements of the site.

It was noted that Living Choice Australia trades with a relatively large number of mainly locally based businesses in the operation of its existing sites in the LGA and it is anticipated that this would expand and continue in respect of the Choice Living Avoca Development.

Initial engagement with the local community identified a range of issues that must necessarily be considered in the assessment of the application. Some of these issues are likely to be avoided, managed or mitigated to some extent by the adoption of appropriate design and management practices, for example. However, it should be recognised that notwithstanding the extent of these initiatives, there is some prospect that some stakeholders will remain dissatisfied with the project.

Overall, it is concluded that, on balance, the socioeconomic effects of the proposed residential land lease community are likely to be beneficial within the regional community. There will be some differences in the notional distribution of the benefits and impacts of the project in terms of their range, magnitude and the timing of when these will be realised. However, given the nature of the development, some element of the overall outcomes associated with the project is likely to be enduring in nature.

In order to ensure that the projected beneficial outcomes of the proposed development are realised to the greatest practical extent, the following actions are recommended for consideration in the ultimate development of the project:

- An ongoing community engagement function should be considered, to allow identification and resolution of any unanticipated issues of concern to the community, in a consultative manner. It is recommended during both the site development and occupancy/operational stages.
- The site should be designed to be consistent with CPTED principles to ensure the safety and security of residents and other site users and the continuing security of surrounding communities.
- Consistent standards around the design of on-site dwelling units and supporting infrastructure, use of materials, landscaping etc, be adopted to ensure that community amenity is not affected, to the extent practicable.
- The interface with Avoca Drive be designed to permit safe and effective pedestrian and vehicular passage for residents, site visitors and other road users.
- A Construction Management Plan be developed to address effects relevant to that stage of the project.

#### **5.1.11 Waste**

As discussed above; the amount of waste to be generated during the construction phase will generally be minimal due to the use of pre-ordered and pre-fabricated building materials to ensure wastage – and hence cost – is minimised.



Waste generated during the construction phase will be sorted and either re-used onsite or will be taken to a material recycling facility where possible. All non-recyclable waste will be removed to Council's Waste Depot.

With regards to the ongoing operational management of waste; an Operational Management Plan will be prepared with the appointed private waste contractor, ensuring each home site will have access to an appropriate garbage collection service onsite. Each home site will have access to suitable garbage and recycling bin facilities, allowing for waste to be sorted prior to collection.

A Waste Management Plan has been prepared and is located within **Appendix 17**.

#### **5.1.13 Safety, Security and Crime Prevention**

The use of 'hot spot' maps shows where crime is concentrated (the higher concentration / number of the incidence of crime appear a darker shade of red). The purpose of this is to identify the areas / locations where crime is more likely to occur, as well as the incidence and type of crime so resources and strategies can be put into place to address specific issues. The hot spot maps for the proposed development site are provided as **Appendix 16**. The following CPTED Principles are recommended for the subject site:

- Territorial re-enforcement
  - The use of a fence along all boundaries is required.
  - A boom type gate (entry/exit) which is accessible via a code.
  - Signage at entry points into the site should be erected and clearly identify direction of travel and areas where entry is prohibited.
  - Clearly signpost any area in the site where access is prohibited or is private.
- Surveillance
  - Landscaping should not inhibit natural surveillance (block sightlines) or provide concealment and entrapment opportunities. When selecting an maintaining vegetation, consideration should be given to the possibility of areas becoming entrapment sites in the future. Heavy vegetation should be avoided at the entrance areas of all buildings throughout the site so as not to provide concealment opportunities and inhibit lines of sight.
  - The building design should not inhibit natural surveillance (block sightlines) or provide concealment or entrapment opportunities.
  - Australian and New Zealand lighting standard 1158.1 – Pedestrian; requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
  - Pathways/line of pedestrian travel should be lit with low lighting to mark path of travel.
  - CCTV is recommended at entry points.
- Access control
  - All entry points (pedestrian and vehicle) should be clearly signposted and identify the area as being private property.
  - Trees should not be planted close to any buildings as it creates a natural ladder to the roof of any building.
  - All contractors to register at a central point for WHS reasons and for awareness of who is on site. Contractors are recommended to carry a visitor tag/lanyard for the duration of their visit. This will minimise unauthorised entry.





- Space/Activity Management:
  - Directional signage is to be provided throughout the development. The signage is to be clear and legible to aid 'way finding' throughout the development, especially for visitors.
  - Installation of 'park smarter' signage (or similar) is recommended to minimise opportunity for theft from vehicle.
  - The area should be well maintained. Any evidence of anti-social behaviour (eg. Graffiti, broken lights etc) should be cleaned/fixed/replaced within 24 hours. A maintenance plan should be developed for the site.
  - Regular walk through to ensure the site is kept clean and also monitor the grounds.

Hot spot maps show that the proposed development site and surrounding area is not an area where there is a high incidence of crime. Overall design elements of the proposed development are consistent with CPTED principles. Furthermore, a community manager will be available during business hours and contactable outside these hours. This, together with the adoption of the strategies outlined below, mean crime risk is considered to be low.

## **5.2 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (S4.15(1)(C)):**

The site is located on the urban fringe, opposite an existing retirement village and residential development and in close proximity to other residential development.

The majority of the site has been historically cleared and used for opportunistic agriculture and contains 3 residences. This is considered an inefficient use of land in this location, given its convenient location to services in the immediate locality.

The site has reticulated sewer lines passing through and the capacity to connect to this service. Other infrastructure is located in the immediate vicinity and available to the site.

The number of persons aged 65 and older are forecast to grow in this Region by 41,000 in the planning period to 2036. This development will provide accommodation for approximately 202-404 persons of the 41,000 forecast growth.

Whilst the site is broadly mapped in Council's DCP as 'Scenic Buffer', the site has limited vantage points viewable from public places, with the greatest exposure along the Avoca Drive frontage from passing motorists. The site falls away from Avoca Drive, and is visually separated from land to the north (Pickett's Valley) by the vegetated low ridge.

For these reasons, the subject site is considered to be entirely suitable for the proposed residential land lease community.

## **5.3 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT (S4.15(1)(D)):**

The proposed development will require public notification in accordance with Chapter 1.3 of the DCP.

As part of DA preparation, a letterbox drop (LBD) of material in relation to the proposed development was conducted on 27 August 2019 to approximately 170 nearby households and businesses. The material included a letter inviting comment on the proposal and was delivered to premises in the defined area, in return-addressed envelopes, addressed 'for the attention of the resident/householder'.



Thirty (30) responses were received by the time of completion of this report. This resulted in the allocation of 99 specific issues raised, to 19 categories. The issues raised are summarized in the Socioeconomic Assessment provided as **Appendix 15**.

#### 5.4 THE PUBLIC INTEREST (S4.15(1)(E)):

The Central Coast Regional Plan as forecast a future growth in population of approximately 75,000 persons over the current planning horizon to 2036. Approximately 55%, or approximately 41,000 of the new residents to the Coast will be aged 65 and older. The proposal seeks to deliver an alternate form of housing specifically targeted at the over 50s and will only go a very small way in meeting this forecast demand. Without such proposals this region will struggle to provide appropriate accommodation for its growing population.

The proposal is permitted with consent under the current provisions of the Gosford LEP 2014.

A team of specialist consultants have investigated various issues including local biodiversity, flooding and stormwater impacts, traffic, bushfire risk, infrastructure servicing etc. Each discipline has found that the proposal is consistent with relevant Policies and can be supported.

Any proposal that leads to change will inevitably raise concern in certain sections of the local community. This is evident through the responses to preliminary public consultation as part of the DA preparation process. It is noted that at the early stage of community engagement limited information was available. It is hoped that once the community reviews the detailed specialist reports forming part of this application, and the design responses are better understood, that some of this initial concern is alleviated.

The proposal presents an opportunity to provide much needed housing for the forecast ageing population, local employment opportunities and investment into the local economy, and the opportunity to conserve local green corridors and linkages in perpetuity.

For these reasons approval of the application is considered to be in the public interest.



## **6.0 Conclusion**

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The proposed development site is considered an obvious and ideal location for the development of a residential land lease community.

This modern day approach to retirement living allows residents to retire in a luxury resort style environment that still makes solid financial sense. By owning their home, residents are able to retain a tangible investment that has the ability to grow in value, just like traditional real estate, but with NO exit fees and NO deferred management fees. Residents can also access a wide array of superb amenities that are maintained by management. This model strikes a great balance between luxury, quality and financial sense.

These types of developments have become a fundamental component of the efforts to address housing an aging population within NSW, and a means by which people are able to live in a community where they can enjoy the benefits of proximity to neighbours and to the range of facilities available to the residents.

The proposal is permitted with consent under the current provisions of the Gosford LEP 2014. A team of specialist consultants have investigated various issues including local biodiversity, flooding and stormwater impacts, traffic, bushfire risk, infrastructure servicing etc. Each discipline has found that the proposal is consistent with relevant Policies and can be supported.

The proposed development complies with all relevant provisions of the Gosford Local Environmental Plan 2014 as well as the relevant aims and objectives of the Gosford Development Control Plan 2013. Where the development does not comply with numerical requirements under the DCP, adequate justification has been supplied illustrating that the development continues to achieve the objectives of that control.

The proposal presents an opportunity to provide much needed housing for the forecast ageing population, local employment opportunities and investment into the local economy, and the opportunity to conserve local green corridors and linkages in perpetuity. The proposal addresses all matters under Section 4.15 of the EP&A Act and on this basis, Council is requested to grant development consent to the application.





Electrical Infrastructure Review

**Electrical HV Masterplan  
LCA Kincumber  
255, 255A & 255B Avoca Dr & Picketts Way Kincumber**



**SEPTEMBER 2019**



Suite C106 The Landmark  
215 Pacific Hwy CHARLESTOWN NSW  
PO BOX 278 CHARLESTOWN NSW 2290  
**1300 732 293**  
projects@powersol.com.au



### Document Control

Version	Date	Author	Reviewer	Revision Details
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B	26/09/2019	Scott Clothier	Jamie Antonuccio	Revised Section 3 & Appendix D

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