

Central Coast Local Planning Panel

Central Coast
LOCAL PLANNING PANEL MEETING
Business Paper
22 July 2021



Meeting Notice

**The LOCAL PLANNING PANEL MEETING
of Central Coast
will be held Remotely - Online,
Thursday 22 July 2021 at 2.00 pm,
for the transaction of the business listed below:**

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Donna Rygate
Chairperson

Item No: 4.1
Title: DA/58327/2020/2 - 15 Lynnette Crescent, East Gosford - Alterations & Additions to the Existing Dwelling, Carport, Cabana, Inground Swimming Pool & Retaining Structures
Department: Environment and Planning

Central Coast
Local Planning Panel

22 July 2021 Local Planning Panel Meeting

Reference: 011.2020.00058327.002 - D14691546
Author: Paul Davies, Senior Health and Building Surveyor
Manager: Wayne Herd, Section Manager, Building Assessment and Certification
Approver: Andrew Roach, Unit Manager, Development Assessment

Recommendation

- 1 That the Local Planning Panel grant consent to DA/58327/2020/2 - 15 Lynnette Crescent, East Gosford - Alterations & Additions to the Existing Dwelling, Carport, Cabana, Inground Swimming Pool & Retaining Structures, subject to the conditions detailed in the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***

Summary

Approval of development application 58327/2020 was previously granted by the Local Planning Panel on the 15 November 2020 for alterations and additions to the existing dwelling, carport, cabana, inground swimming pool and retaining structures

A Section 4.55 application has been received to amend the previously granted approval with changes to the garage design extending further forward, altering the cut and fill of the rear yard, addition of laundry windows and minor façade changes. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is referred to the Local Planning Panel due to a potential conflict of interest - a joint owner of the property and is a Specified Council employee who is principally engaged in exercising functions under the *Environmental Planning and Assessment Act 1979*.

Applicant	Mrs TL Votano
Owner	Mr CJ and Mrs TL Votano
Application No	58327/2020
Description of Land	Lot 20 DP 29159 -15 Lynnette Crescent, EAST GOSFORD

4.1 DA/58327/2020/2 - 15 Lynnette Crescent, East Gosford - Alterations & Additions to the Existing Dwelling, Carport, Cabana, Inground Swimming Pool & Retaining Structures (contd)

Proposed Development	Alterations and additions to the existing dwelling, carport, cabana, inground swimming pool and retaining structures
Site Area	701.9 m ²
Zoning	R2 Low Density Residential
Existing Use	Dwelling house
Employment Generation	N/A
Estimated Value	\$270,000

Key Issues

- The owner of the development site is a delegated staff member within Council's Environment and Planning Directorate. Accordingly, the development application is required to be referred to the Local Planning Panel for determination;
- The proposal seeks a further variation to the required primary road setback to permit the development. The variation is considered consistent with the adjoining development, not out of character of the streetscape and compliant with relevant setback objectives of Chapter 3.1 "*Dwelling Houses, Secondary Dwellings and Ancillary Development*";
- The proposal modifies earthworks within the rear yard area of the allotment. The proposed earthworks and subsequent retaining, have been reduced via a more balanced level of cut and fill, thereby achieving an improved design outcome;
- Objection to the development has not been received from adjoining landowners. While some telephone discussions on the changes have occurred, no objection was offered to the changes, verbally or in writing.

Precis:

Proposed Development	Alterations and additions to the existing dwelling, carport, cabana, inground swimming pool and retaining structures.
Subject of the Sec 4.55 application	<ol style="list-style-type: none"> a. Garage extended 1 m further forward b. Retaining wall in middle of rear yard has been removed with the cut and fill modified by lowering pool area level by 70 mm and increasing grassed area fill 880mm. The retaining wall on the boundary remains and identified as max 600mm. c. Deletion of skylight d. Reduction in some window sizes

4.1 DA/58327/2020/2 - 15 Lynnette Crescent, East Gosford - Alterations & Additions to the Existing Dwelling, Carport, Cabana, Inground Swimming Pool & Retaining Structures (contd)

	<p>e. Errors in description and wording of consent f. Laundry window added g. Minor internal layout changes h. Changes to driveway width (not supported)</p>
Permissibility and Zoning	<p>The subject site is zoned <i>R2 - Low Density Residential</i> under the provisions of <i>Gosford Local Environmental Plan 2014 (Gosford LEP 2014)</i>.</p> <p>The proposed development is defined as a 'dwelling house' which is defined under the <i>Gosford LEP 2014</i> as;</p> <p>'dwelling house' means – a building containing only one dwelling.</p> <p>The use is permissible with consent of Council within the zone.</p>
Relevant Legislation	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment.</p> <ul style="list-style-type: none"> • <i>Environment Planning and Assessment Act 1979 - section 4.15 (EP&A Act)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i> • <i>Gosford Development Control Plan 2013 Chapter 2.1 Character</i> • <i>Gosford Development Control Plan 2013 Chapter 3.1 Dwelling Houses, Secondary Dwellings and Ancillary Development (Gosford DCP 2013)</i> • <i>Gosford Development Control Plan 2013 Chapter 7.1 Carparking (Gosford DCP 2013)</i>
Current Use	Dwelling house
Integrated Development	No
Submissions	The development application was notified in accordance with the provisions of the <i>Gosford Development Control Plan 2013 Chapter 7.3 - Notification of Development Proposals</i> from 24 February 2021 until 17 March 2021. No submission was received.

4.1 DA/58327/2020/2 - 15 Lynnette Crescent, East Gosford - Alterations & Additions to the Existing Dwelling, Carport, Cabana, Inground Swimming Pool & Retaining Structures (contd)

Variations to Policies

Variation 1

Clause	Clause 3.1.3.1a
Standard	The proposed Garage is required to be located a minimum of 1.0m behind the average primary road setback displayed by the nearest two dwelling houses located within 40m of the site.
LEP/DCP	Chapter 3.1 "Dwelling Houses, Secondary Dwellings and Ancillary Development"
Departure basis	The development seeks a reduced primary road setback of 4.5 m for the proposed garage in lieu of the required average primary road setback of approximately 9.2m (being 1.0 m behind the required average setback of 8.2m). This represents a variation of 4.6 m or 51%.

The Site

The site is a single lot identified as Lot 20 DP 29159 No. 15 Lynnette Crescent, East Gosford. The site is located on the western side of Lynnette Avenue having a total area of 701.9 m². The site contains a two-storey residential dwelling with existing driveway access to Lynnette Ave (Figure 1).

The subject site is zoned *R2 - Low Density Residential* under the provisions of *Gosford Local Environmental Plan 2014 (Gosford LEP 2014)* (Figure 2).

4.1 DA/58327/2020/2 - 15 Lynnette Crescent, East Gosford - Alterations & Additions to the Existing Dwelling, Carport, Cabana, Inground Swimming Pool & Retaining Structures (contd)



Figure 1: Aerial photograph of subject site with the site etched in blue.

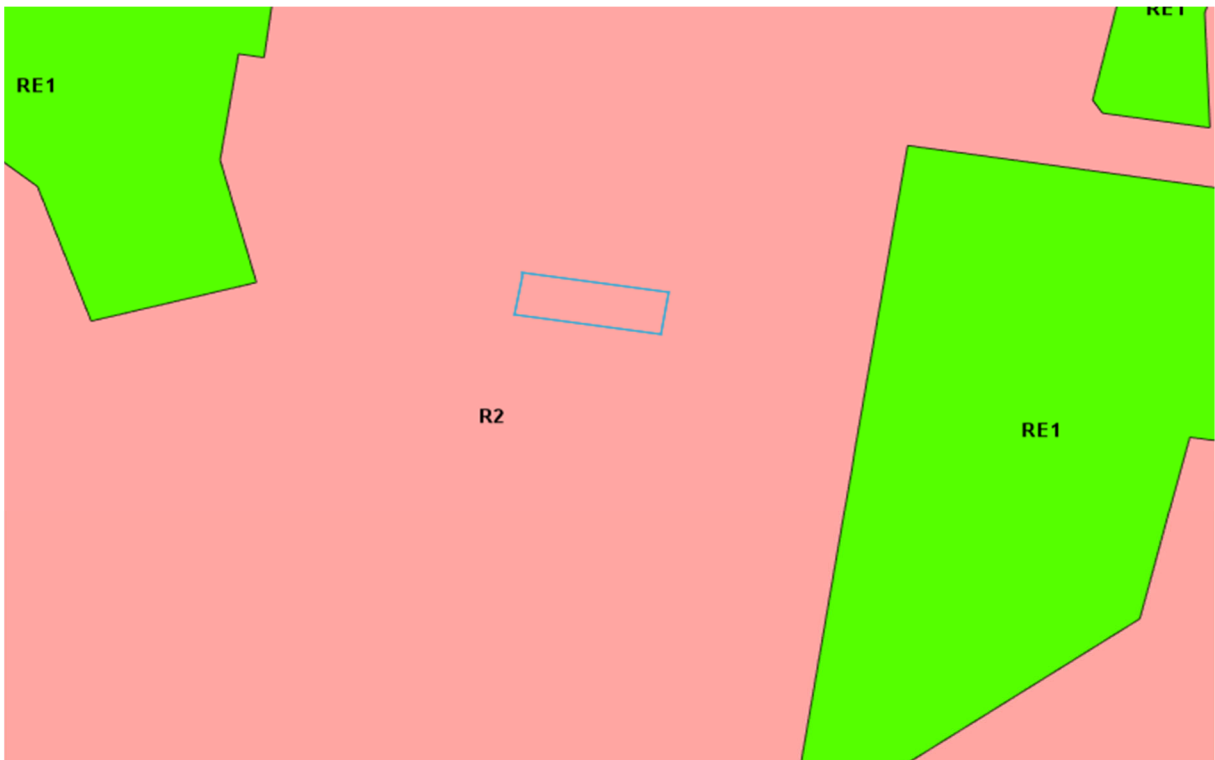


Figure 2: Extract of Gosford Local Environmental Plan 2014 zoning map with the site etched in blue.

4.1 DA/58327/2020/2 - 15 Lynnette Crescent, East Gosford - Alterations & Additions to the Existing Dwelling, Carport, Cabana, Inground Swimming Pool & Retaining Structures (contd)

Surrounding Development

The subject site is surrounded on all sides by existing R2 – low density zoned residential allotments, generally containing a mixture of older style single storey dwellings interspersed with newer dwellings of single and two storey design and associated ancillary development. Of varying distances to the east, west and south are RE2 Recreation zoned lands comprising sporting fields and bushland remnants. The East Gosford commercial precinct lies approximately 1.0 km to the south west of the allotment.

The Proposed Development

The Section 4.55 application submitted to Council, proposes the following amendments to the consent issued on 15 November 2020;

- Garage extended 1 m further forward
- Retaining wall in middle of the rear yard has been removed with the cut and fill modified by lowering pool area level by 70 mm and increasing grassed area fill 880mm. The retaining walls remain 1 metre inside the boundary and are identified as max 770mm cut below, and 600mm fill above, natural ground levels.
- Deletion of skylight
- Reduction in some window sizes
- Errors in description and wording of consent
- Laundry window added
- Minor internal layout changes
- Changes to driveway width (not supported)

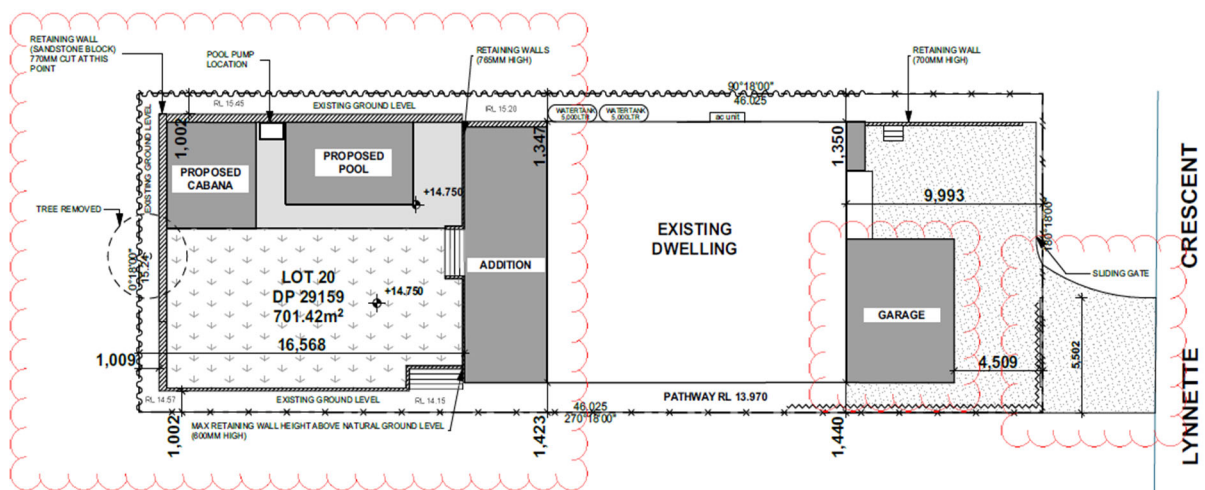


Figure 3: The proposed site plan

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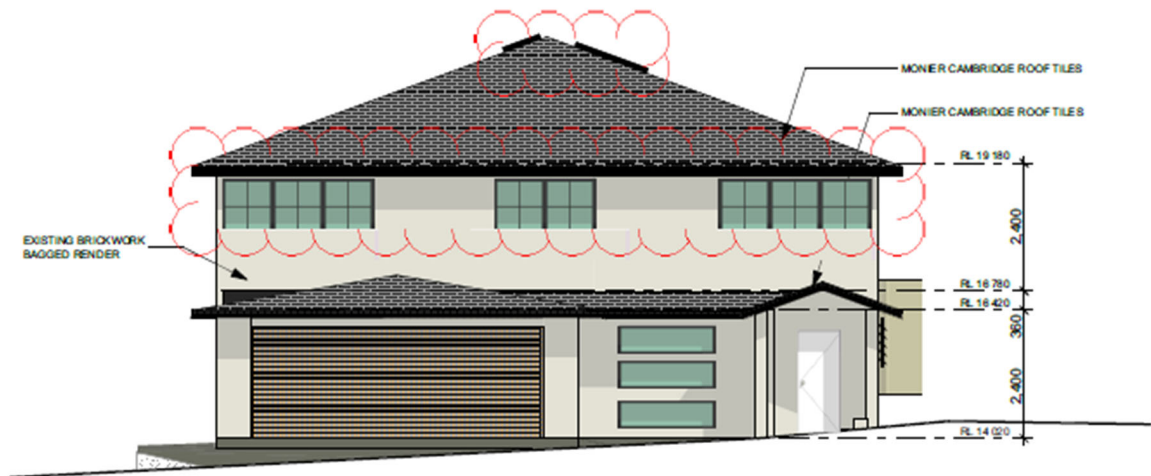


Figure 4: The proposed eastern (street) elevation

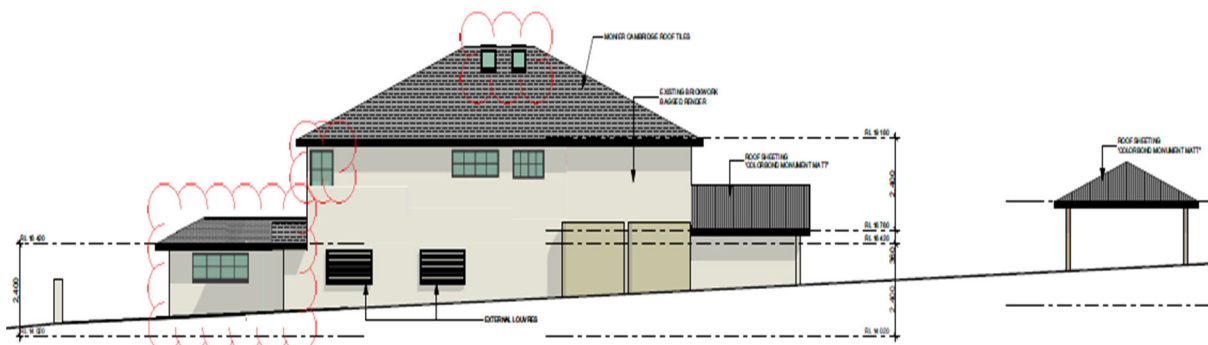


Figure 5: The proposed northern elevation

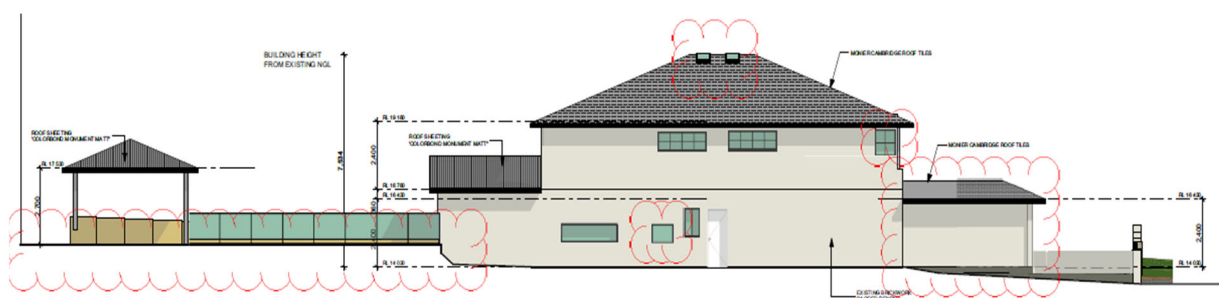


Figure 6: The proposed southern elevation

History

[DA58327/2020](#) (011.2020.00058327.001)

Development Application - Alterations & Additions

Lodged: 08/05/2020 (**Approved by Local Planning Panel** : 15/11/2020)

Address: 15 Lynnette Crescent EAST GOSFORD NSW 2250

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Builder: To Be Advised

Principal Certifying Authority: To Be Advised

Applicant: T L Votano

Assessment:

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified no issues that would prevent the approval

Provisions of Relevant Instruments/Plans/Policies:

State Environmental Planning Policy (Building sustainability Index) BASIX 2004

A compliant BASIX certificate achieving the State Governments Energy Efficiency targets has been provided in support of the application.

Gosford Local Environmental Plan 2014

Permissibility

The subject site is zoned *R2 - Low Density Residential* under the provisions of *Gosford Local Environmental Plan 2014 (Gosford LEP 2014)*. The development proposal is permissible in the zone with consent however, it is inconsistent with the objectives of the zone which are as follows:

Zone R2 Low Density Residential - Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To encourage best practice in the design of low-density residential development.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.

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The garage setback variation will result in a development which is generally consistent with the adjoining developments and will have only a minor visual impact upon the existing streetscape in Lynnette Crescent.

The extent of the cut and fill in the rear yard remains consistent with planning controls for permissible levels and required setbacks. Minor visual and privacy amenity impacts exist from the level changes, however this not out of character of typical infill development on sloping allotments. As is typical, they are proposed to be addressed via landscaping with the use of screen planting.

Accordingly, the proposal is considered to be consistent with the R2 residential zone.

Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)

A review of the Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018) which was exhibited until 27 February 2018, indicates that the subject site retains its low density R2 residential zoning, with dwelling houses remaining permissible with the consent of Council.

Height of Buildings

The subject allotment is mapped as having a maximum building height of 8.5m with the proposed development having a lesser building height of 7.6m therefore being compliant.

The proposed amendments do not increase the building height.

Floor Space Ratio

Clause 4.4(2) applies to the maximum floor space ratio for a building on any land. The proposed building is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map in order to achieve the following objectives:

- to ensure that the density, bulk and scale of development is appropriate for a site,
- to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,
- to facilitate development in certain areas that contributes to economic growth.

The subject allotment is mapped as having a maximum floor space ratio of 0.5:1 with the proposed development proposing a lesser floor space ratio of 0.39:1 therefore being compliant.

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The proposed amendments do not increase the FSR.

Acid Sulphate Soils

Clause 7.1 applies to development that has the potential to disturb, expose or drain acid sulfate soils. In this regard, the allotment is mapped as being potentially affected by Class 5 acid sulfate soils. Class 5 acid sulfate soils are affected as follows: -

Class of land	Works
5	Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the water table is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

In this case, the subject site is located within 500m of an adjacent land that is impacted by potential class 2 acid sulfate soils, with this area being located below R.L 5m Australian Height Datum. The proposal, however, given the relative minor nature of the works, is not considered to impact the water table and accordingly, no further consideration of this issue is warranted.

Gosford Development Control Plan 2013

Chapter 2.1 – Character

Chapter 2.1 - Character applies to the development application. The chapter sets out the 'existing' and 'desired' character for each precinct and requires that character be considered in the assessment of any development application.

The subject site is located within the East Gosford Open Parklands character precinct. The existing East Gosford Open Parkland Hillside character statement includes:

- Residential neighbourhoods that are situated on gentle to moderate slopes cleared of their original vegetation, planted with shrubs and small trees creating a leafy but open parkland character.
- A variety of medium sized allotments face streets with narrow pavements that are flanked by wide turfed edges extending across gardens without fences.
- Newer brick and tile buildings of single or double storey construction, which are sited close to the neighbours and have broad street facades that are often dominated by wide garages.

The desired future East Gosford Open Parklands character statement includes the following relevant points:

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- Retain existing ground levels along all boundaries.
- Avoid the appearance of a continuous wall of development along any street.
- Locate new buildings behind front setbacks that are similar to their surrounding properties.
- Emphasise a leafy garden character by gardens and street verges planted with taller trees, avoiding wide driveways and tall fences.
- All dwellings should display a traditional street address with verandahs or decks and living rooms or front doors that are visible from the roadway.
- Avoid wide garages that would visually dominate any front façade or block views from the dwelling to the street.

The garage that extends forward to be within 4.5m of the front boundary and is a single storey structure. The proposed development and resulting variation does not create a significant visual impact when viewed from the street frontage and the adjoining dwelling to the south. See figures 7-9 below.



Figure 7: Detailing the existing Lynnette Cr streetscape looking north

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Figure 8: Detailing the existing Lynnette Cr streetscape looking south



Figure 9: Imagining the existing setback of adjoining development

Chapter 3.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development

Clause	Requirement	Proposed	Compliance
3.1.2.1 - Building height	8.5m by virtue of LEP mapping	7.6m	Yes
	Maximum 2 storeys	Two storeys	Yes

4.1

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3.1.2.2 – Site coverage	Maximum 50%	39%	Yes
3.1.3.1a – Front setback (carport)	1m behind Average setback of adjoining dwellings being – 9.2m	4.5m (51% variation)	No
3.3.3.1b – Rear setback	0.9m	1.150m	Yes
3.1.3.1c – Side setback	1.075m given building height	1.340m minimum	Yes
3.1.3.3.2 – Garage door articulation	Maximum 60% of building width – 7.5m	5.5m	Yes
3.1.4.3 - Private open space areas	Minimum 24m2 Minimum dimension 3m Maximum gradient 1:50	Well In excess of 24m2 Well in excess of 3m Level	Yes Yes Yes
3.1.5 – Car parking and access	2 spaces if 4 or more bedrooms Parking to be located behind the primary road setback Maximum driveway width 4m at the street crossover	3 included 5.5m	Yes Yes No <i>*See internal referral comments below</i>
3.1.6.1 - Earthworks	Maximum 1m fill Maximum 3m Excavation > 1m from boundary No retaining wall for fill is to	0.88m Max excavation is 770mm and setback > 1m from boundary 1m from boundary	Yes Yes Yes

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	be less than 1m from boundary Fill not associated with dwelling to be max 1m and setback 1m from boundary	Max fill is 880mm and is set back >1m from the boundary	Yes
3.1.6.2 – Retaining walls	To be designed by a structural engineer	Structural plans submitted	Yes
3.1.6.3 - Drainage	To be disposed of to street	To street	Yes
3.1.7.2 - Outbuildings	Maximum area of 75m ²	23m ²	Yes
3.1.7.4 – Swimming pools	Be located behind the primary road setback or rear yard Comply with side and rear setbacks Pump located to minimise noise	In rear yard area In excess of 0.9m Appropriately located	Yes Yes Yes

Note: The variations required by Clause 3.1.5 are considered within and in conjunction with Variation 1 relating to the proposed primary road setback for the garage structure.

Variation 1

The proposal seeks a variation to the required primary road setback to permit the development. The proposed single storey garage structure seeks a reduced setback of 4.5m in lieu of the required 9.2m (being 1m behind the required average setback of the adjoining dwellings).

Consent was previously granted with a garage front setback of 5.549m, being a variation of 40%. The proposed development subject of the Sec 4.55 application proposes a front setback of 4.5m, being a variation of 51%.

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In considering this setback variation, assessment of the proposed development against the relevant objectives of Chapter 3.1 is required. Chapter 3.1 objectives relating to setbacks states:

- *To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore;*
- *To ensure the visual focus of a development is the dwelling, not the garage;*
- *To protect the views, privacy and solar access of adjacent properties;*
- *To maintain view corridors to coastal foreshores and other desirable outlooks;*
- *To maintain the scenic and environmental qualities of natural waterbodies and their foreshores and respond to site attributes such as topography;*
- *To provide deep soil areas enough to conserve existing trees or accommodate new landscaping;*
- *To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.*

In reviewing the proposal against these objectives, the following commentary is provided:

- The proposed garage is consistent with the adjoining development to the south at No. 13 Lynnette Cres and is considered to be consistent with the setback pattern displayed. The garage being single storey, situated on the low side of the street allotment is considered to have minimal impact on the streetscape character within Lynnette Cres.
- The variation is supported

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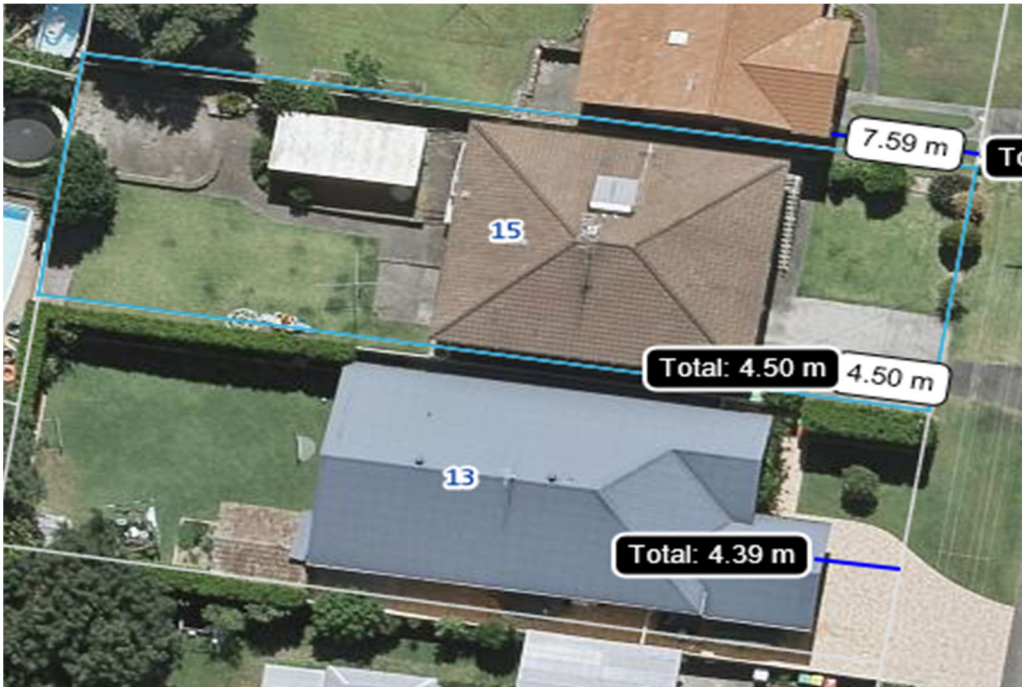


Figure 10: Detailing the approximated setbacks of adjoining development and proposed setback

Chapter 6.3 - Erosion Sedimentation Control

Appropriate erosion/sedimentation control measures form a condition of consent

Chapter 6.4 - Geotechnical Requirements for Development Applications

The allotment is mapped as being subject to medium landslip risk. It is considered that no further information from a geotechnical perspective is required to support the development proposal at development application stage.

Chapter 6.6 - Preservation of Trees or Vegetation

The proposal does not require the removal of any native vegetation.

Chapter 6.7 – Water Cycle Management

The proposal includes the provision of water tanks for collection and re-use totaling 10,000L capacity. The provisions of these tanks exceed the capacity for on-site storage and re-use as required by the Water Cycle Management Chapter.

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Chapter 7.1 Carparking

Chapter 7.1 - Carparking applies to the development application. The purpose of this chapter is to ensure that sufficient and well-designed on-site provisions for carparking are achieved for developments.

The minimum standard for carparking for this development is for two spaces, one of which is to be setback a minimum of 6m from the frontage of the site. This requirement is achieved by the garage associated with the dwelling.

Likely Impacts of the Development:

Built Environment

The proposed development is considered consistent with the built environment.

Access and Transport

The site is well served by the existing roadway and is also well served by public transport.

Context and Setting

The subject site lies within a traditional low density residential area, generally comprising allotments containing single dwellings and associated ancillary development. The existing streetscape within Lynnette Cres in proximity to the site, displays development that maintains a generally consistent setback pattern to the primary road boundary, providing an open streetscape vista.

The design of the development proposal, which incorporates a minor setback variation to the primary road boundary, is considered consistent with the areas context and setting.

Natural Environment

The subject site does not contain any threatened species or habitat with the development not requiring the removal of any significant vegetation. Accordingly, the proposal is considered satisfactory in relation to impacts on the natural environment.

Suitability of the Site for the Development:

A review of Council's records has identified that the site is impacted by constraints including risk of landslip and potential acid sulphate soils. As has been demonstrated, these constraints are not considered to render the site unsuitable for the proposed development.

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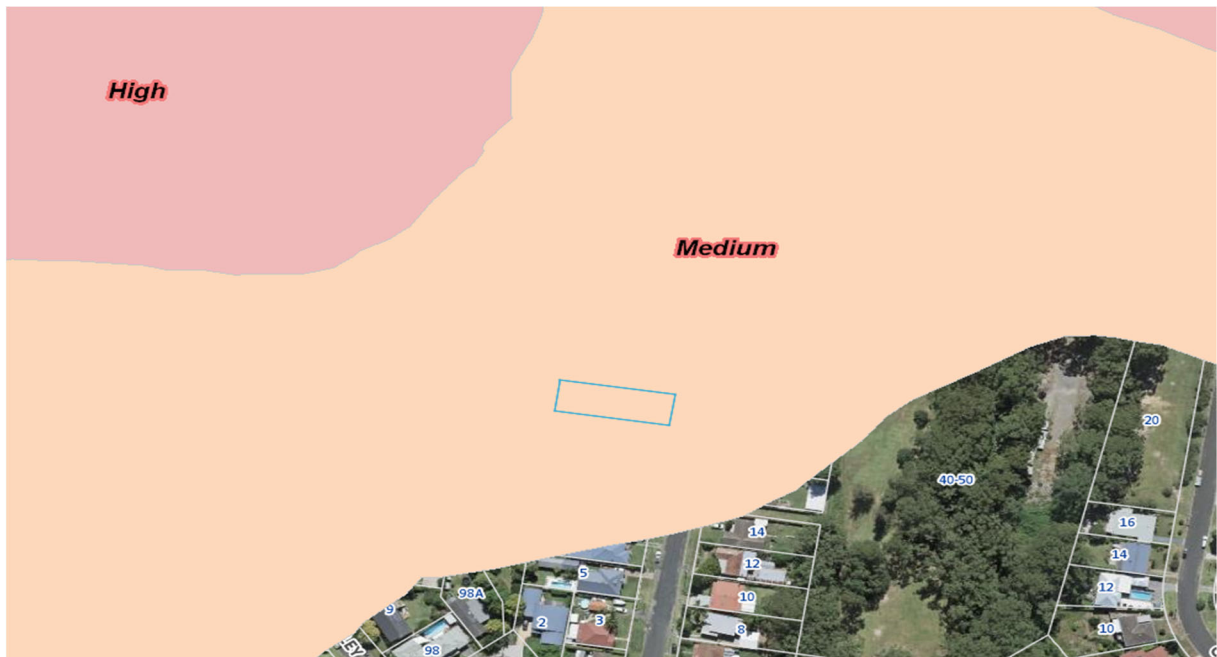


Figure 12: Indicating landslide mapping with the site etched in blue

Whether the proposal fits in the locality

The subject area in proximity to the site, displays a traditional low density residential environment. Given the variations required by the development, with particular emphasis on the proposed carport, it is considered that the proposal is out of character and inconsistent with the nature of the locality.

Any submission made in accordance with this Act or Regulations

The Public Interest: (s4.15(1)(e)):

Submissions

The development application was notified to adjoining landowners from the 24 February to 17 March 2021 in accordance with *Gosford Development Control Plan 2013 Chapter 7.3 - Notification of Development Proposals*.

No submissions were received

Submissions from Public Authorities

The application was not required to be referred to any public authorities.

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Internal Consultation

The application was previously referred internally in relation to the proposed vehicle access crossing being 5.5m. This referral required a maximum vehicle access crossing width of 5.0m permitted. The development was previously approved with 5m vehicle access crossing.

The amended plans now identify an increase of the Vehicle access crossing to 5.5m. This change is not supported and is to be reduced prior to the issue of a construction certificate via a condition of consent.

Ecologically Sustainable Principles:

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

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

Climate Change

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

This assessment has included consideration of such matters as potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought and flood as well as how the proposed development may cope / combat / withstand these potential impacts.

The development proposal is not considered to be impacted by potential climate change.

Other Matters for Consideration:

Nil matters.

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 polices. Upon completion of this assessment, given the minor variations sought by the development, with these variations demonstrating general compliance with both the stated objectives of

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Chapter 3.1 and the areas desired future character statement, it is considered that the site is suitable for the proposed development.

Accordingly, approval of the development is recommended.

Attachments

- | | | | |
|----------|-----------------------------|-------------------------------|-----------|
| 1 | Draft Conditions of Consent | | D14692118 |
| 2 | Development Plans | Provided Under Separate Cover | D14496870 |
| 3 | Redacted Development Plans | | D14740880 |

1... PARAMETERS OF THIS CONSENT**1.1. ~~Approved Plans and Supporting Documents~~**

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

Architectural Plans by: N.A. Hill Building Designs

Drawing	Description	Sheets	Issue	Date
19054	Cover Sheet	00	1	06/05/2020
19054	Site and Site Analysis	1	1	06/05/2020
19054	Existing Floor Plan	2	1	06/05/2020
19054	Proposed Ground Floor Plan	3	1	06/05/2020
19054	Proposed First Floor Plan	4	1	06/05/2020
19054	Roof Plan	5	1	06/05/2020
19054	Window Schedule	6	1	06/05/2020
19054	Elevation Plan	7	1	06/05/2020
19054	Elevation and Section Plan	8	1	06/05/2020
19054	Notes	9	1	06/05/2020

Supporting Documentation

Nil

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by : N. A. Hill Building Designs

Drawing	Description	Sheets	Issue	Date
19054	Cover Sheet	01	02	23/11/2020
19054	Site and Site Analysis Plan	02	02	23/11/2020
19054	Existing Floor Plan	03	02	23/11/2020
19054	Proposed Ground Floor Plan	04	02	23/11/2020
19054	Proposed First Floor Plan	05	02	23/11/2020
19054	Roof Plan	06	02	23/11/2020
19054	Window Schedule	07	02	23/11/2020
19054	Elevation Plan	08	02	23/11/2020
19054	Elevation and Section Plan	09	02	23/11/2020

19054	Notes	10	02	23/11/2020
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Supporting Documentation

Nil

- 1.2. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.3. Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the Environmental Planning and Assessment Regulation 2000.

2... PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
 - a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition
- 2.3. Submit amendments to the approved plans to the Accredited Certifier pursuant to Clause 139 of the *Environmental Planning Regulation 2000* that must detail:
 1. A maximum driveway width of 5.0 metres within the road reserve to the front of the allotment.
- 2.4. Submit an application to Council under section 305 of the Water Management Act 2000 for a section 307 certificate of compliance. The Application form can be found on Council's website www.centralcoast.nsw.gov.au. Early application is recommended.

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

3... PRIOR TO COMMENCEMENT OF ANY WORKS

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

- 3.2. Appoint a Principal Certifier for the building work:
- a) The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the Principal Certifier for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
- 3.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au
- Contact Council prior to submitting these forms to confirm the relevant fees.
- This condition only applies if installation/alteration of plumbing and/or drainage works proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect/break into the sewer system.
- 3.5. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a. erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - b. diverting uncontaminated run-off around cleared or disturbed areas, and
 - c. preventing the tracking of sediment by vehicles onto roads, and
 - d. stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot
- 3.6. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - could cause damage to adjoining lands by falling objects, or
 - involve the enclosure of a public place or part of a public place

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

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

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

Each toilet must:

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

- 3.8. Submit to Council as the Roads Authority an application for a vehicle access crossing including payment of the application fee.

4... DURING WORKS

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

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

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

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground

disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

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

- 4.7. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the Roads Act 1993.
- 4.8. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.9. Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the Swimming Pools Act 1992, Swimming Pools Regulations 2018 and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:
- "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
 - "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"
 - "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES" and
 - A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)
- 4.10. Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifier.

- 4.11. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.

5... PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.

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

- 5.3. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. The Occupation Certificate application is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 5.4. Install the required rainwater tank in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 5.5. Drain all stormwater from impervious surface areas, including pathways and driveways, to the street.
- 5.6. Obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Subdivision Certificate.

All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance / defects bond to Council in accordance with Council's adopted fees and charges.

- 5.7. Construct the vehicle access crossing in accordance with the vehicle access crossing Notice of Determination issued by Council.
- 5.8. Do not change the location of the Vehicle Access Crossing without prior written approval from Council.

6.. ONGOING OPERATION

- 6.1. Insulate and / or isolate the motor, filter, pump and all sound producing equipment or fitting associated with or forming part of the pool filtering system so as not to create an offensive noise to the occupants of the adjoining premises as defined in the Protection of the Environment Operations Act 1997.

7.. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements

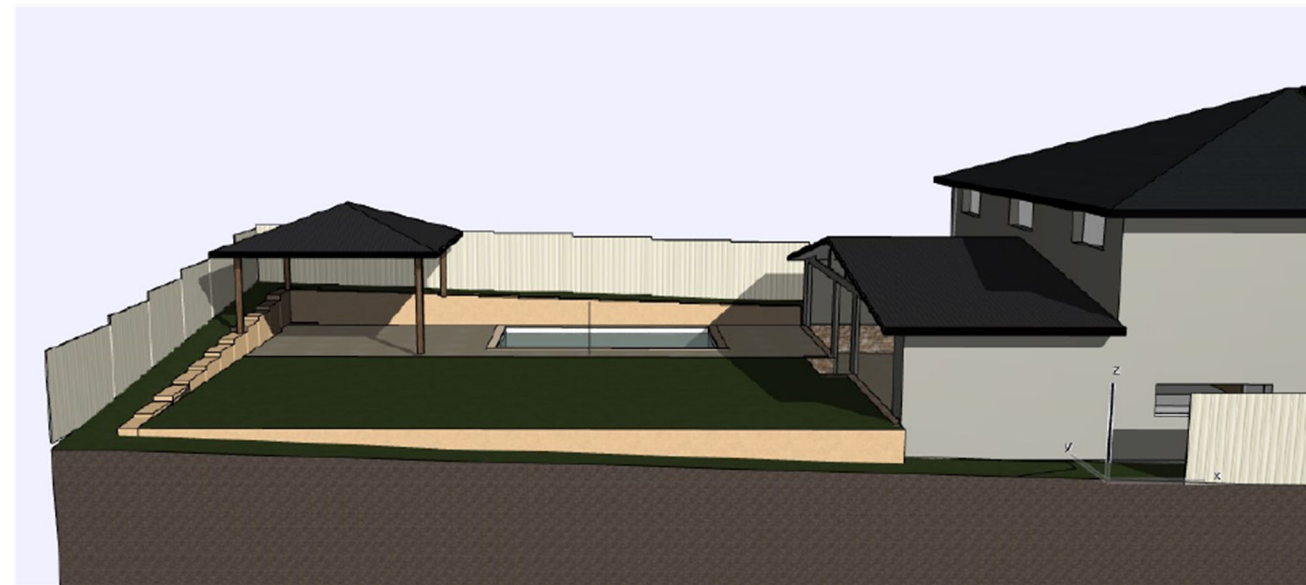
- d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
 - Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

S4.55 MODIFICATION DA58327/2020

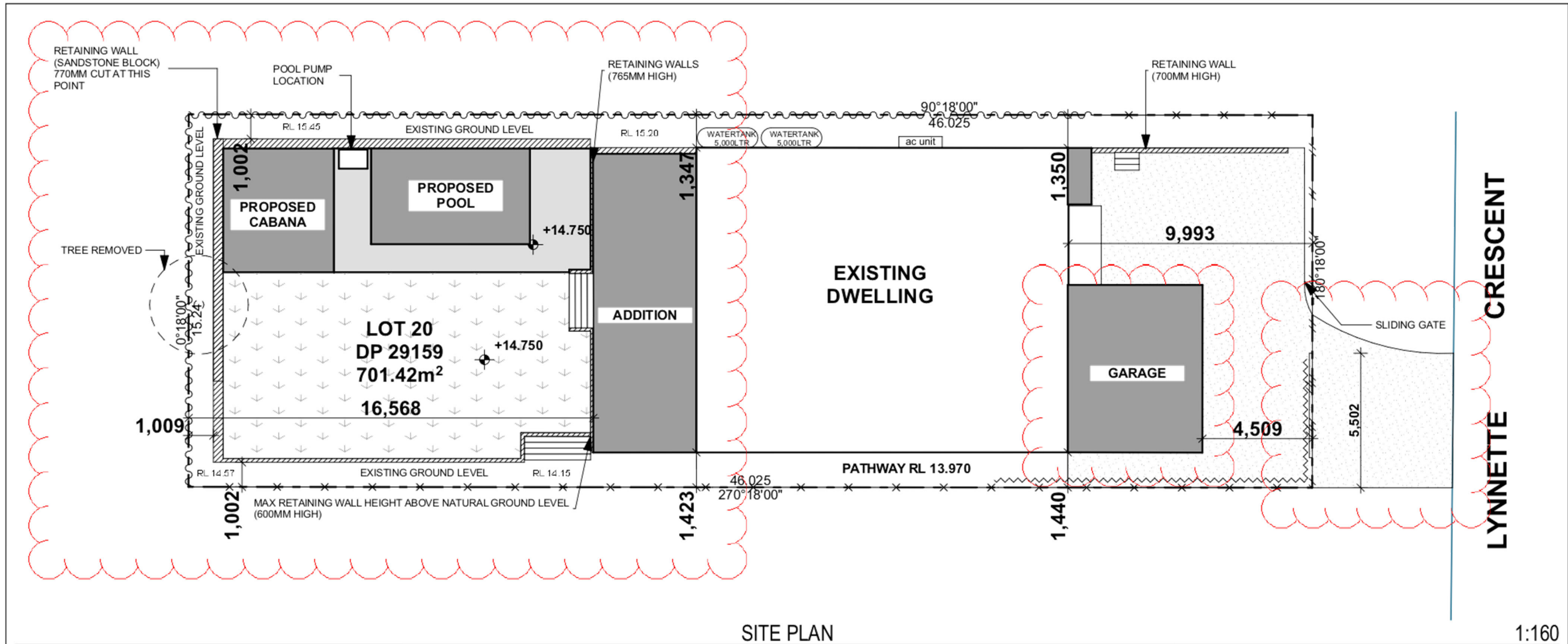
15 LYNNETTE CRESCENT, EAST GOSFORD, NSW 2250, LOT 20 DP 29159

ALTERATIONS & ADDITIONS

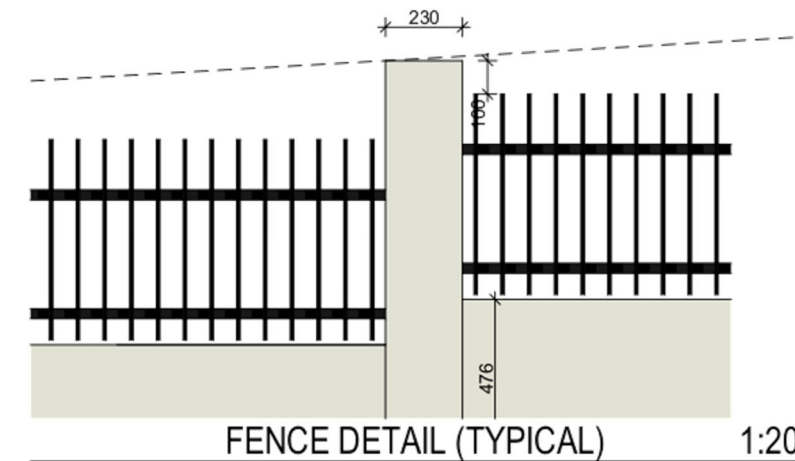
SUMMARY OF BASIX COMMITMENTS - ALTERATIONS & ADDITIONS	
BASIX CERTIFICATE #A371415 04	
Pool & Spa	
Rainwater tank	Min 1443L
Rainwater runoff	At least 160m ²
Connect to tap	Within 10m
Swimming pool	Outdoor
Capacity	Max 45 kL
Pool pump timer	Yes
Heating system	Not incorporated
Fixtures & Systems	
Lighting	Min 40% LED
Shower Head	9L/m or 3 Star
Toilets	4L/m or 3 Star
Taps	9L/m or 3 Star
Insulation	
Concrete slab on ground	Nil
Suspended floor	Nil
External wall: Brick veneer	R1.16 (R1.70 including construction)
External wall: Cavity brick	Nil
Internal wall: Shared with garage	Nil
Flat ceiling	R2.50 (up), foil sarking Dark (solar absorptance > 0.70)
Raked ceiling	R1.74 (up) foil backed blanket (55mm) Dark (solar absorptance > 0.70)
Windows & Glazed doors	
W1-W13, W15, W19-W21 & W35	Standard Aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W14, W18 & W34	Standard Aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)
W16 & W17	Aluminium: thermally broken, double Lo-Tsol/air gap/clear, (U-value 3.1, SHGC 0.27)
W22-W24	Standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
Skylights	
WS30-WS33	Timber, low-E internal/ argon fill/ clear external, (or U-value: 2.5, SHGC: 0.456)



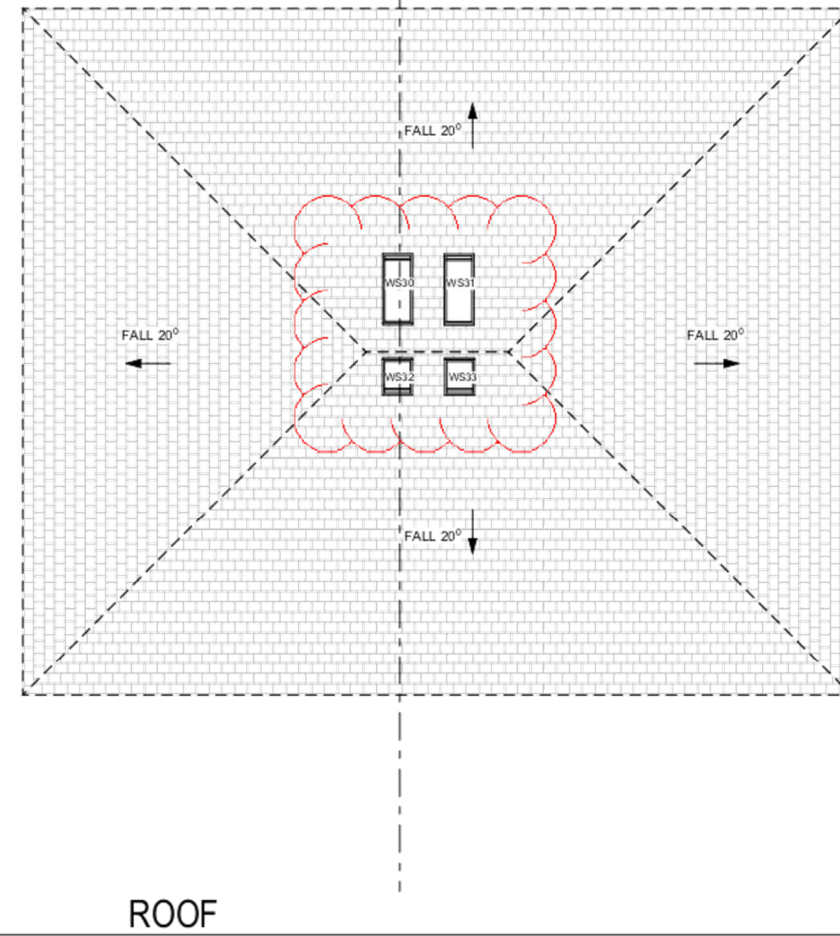
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NO	DESCRIPTION	DATE	MRS TONI VOTANO	ALTERATIONS & ADDITIONS	COVER SHEET	SCALE
02	DA ISSUE	23/11/2020				DATE: 23/11/2020
			15 LYNNETTE CRESCENT, EAST GOSFORD NSW 2250 LOT 20 DP 29159			DESIGNED: CJV
						DRAWING NO. DA - 01



- LEGEND**
- //—//— FRONT FEATURE FENCE. REFER TO TYPICAL DETAIL
 - ~ ~ ~ ~ ~ EXISTING BOUNDARY 'COLORBOND' FENCE (1.8m)
 - x-x-x- PROPOSED BOUNDARY 'COLORBOND' FENCE (1.8m)
 - ▨ PROPOSED RETAINING WALL
 - PROPOSED ADDITIONS
 - ▭ EXISTING DWELLING
 - PROPOSED DRIVEWAY
 - ~ ~ ~ ~ ~ SEDIMENT CONTROL FENCE



REVISION			APPLICANT/ OWNER	PROJECT	DRAWING TITLE	PARTICULARS		
NO	DESCRIPTION	DATE	MRS TONI VOTANO	ALTERATIONS & ADDITIONS	SITE PLAN & SITE ANALYSIS	SCALE		
02	DA ISSUE	23/11/2020				DATE: 23/11/2020	DESIGNED: CJV	DRAWING NO.
				15 LYNNETTE CRESCENT, EAST GOSFORD NSW 2250 LOT 20 DP 29159		DA - 02		02

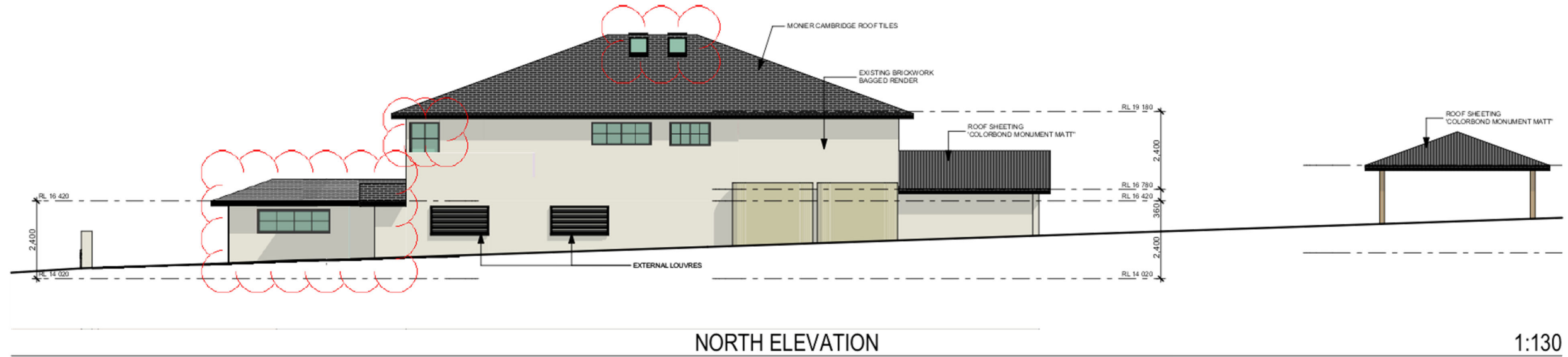


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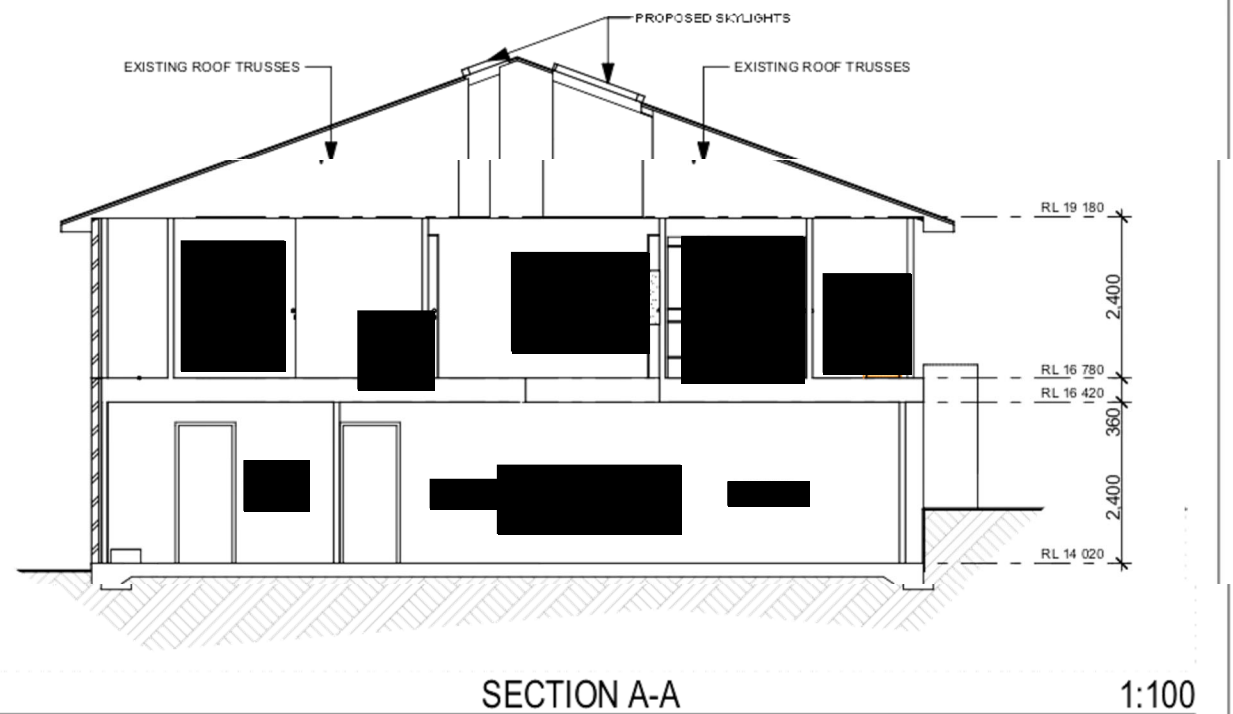
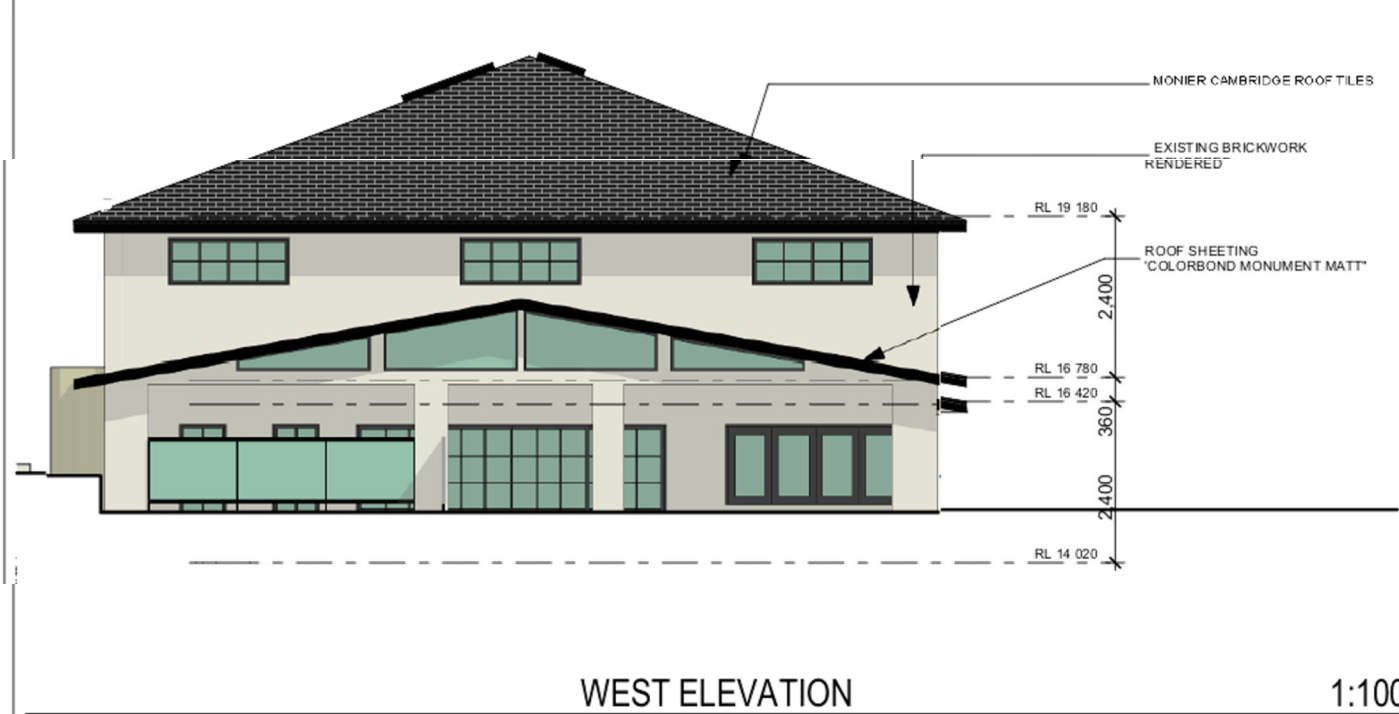
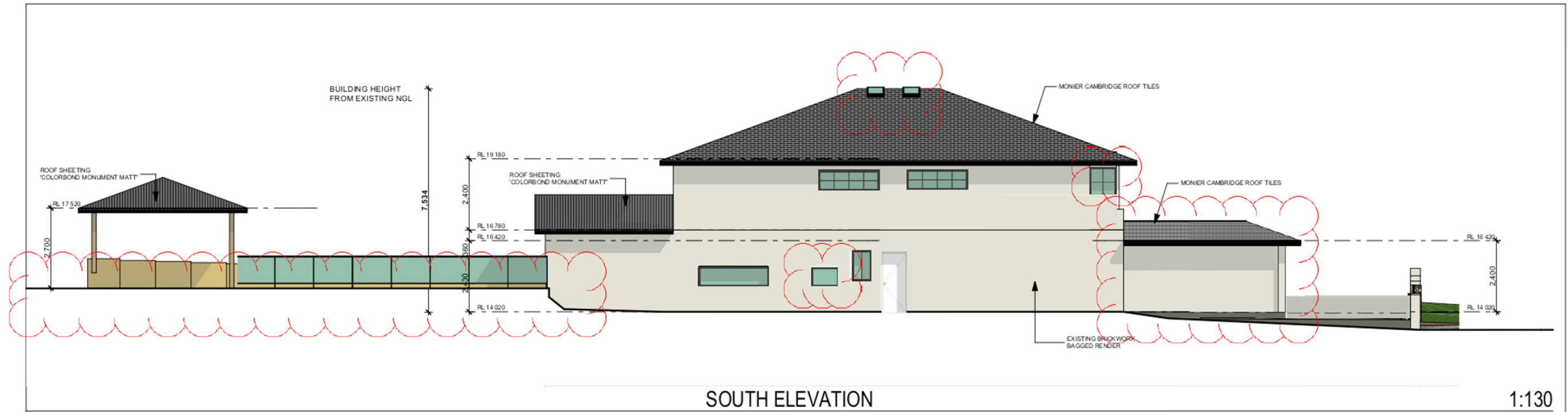
REVISION			APPLICANT/ OWNER	PROJECT	DRAWING TITLE	PARTICULARS		
NO	DESCRIPTION	DATE	MRS TONI VOTANO	ALTERATIONS & ADDITIONS	PROPOSED ROOF PLAN	SCALE		
02	DA ISSUE	23/11/2020				DATE: 23/11/2020		
				15 LYNNETTE CRESCENT, EAST GOSFORD NSW 2250 LOT 20 DP 29159		DESIGNED: CJV		
						DRAWING NO.	JOB NO.	REVISION
						DA - 06		02

Window Schedule							Window Schedule						
Window Number	QTY	Style	Height	Width	3D Front View	SA	Window Number	QTY	Style	Height	Width	3D Front View	SA
W01	1	SLIDING WINDOW	660	1,800		1.19	W19	1	AWNING WINDOW	1,400	900		1.26
W02	1	SLIDING WINDOW	660	1,800		1.19	W20	1	AWNING WINDOW	1,400	900		1.26
W03	1	FIXED WINDOW	500	1,800		0.90	W21	1	AWNING WINDOW	1,400	900		1.26
W04	1	FIXED WINDOW	500	1,800		0.90	W22	1	AWNING WINDOW	1,400	900		1.26
W05	1	AWNING WINDOW	500	1,800		0.90	W23	1	AWNING WINDOW	1,400	900		1.26
W06	1	SLIDING WINDOW	685	1,770		1.21	W24	1	AWNING WINDOW	1,400	900		1.26
W07	1	SLIDING WINDOW	900	600		0.54	W25	1	SLIDING WINDOW	600	1,810		1.09
W08	1	FIXED WINDOW	655	2,321		1.52	W26	1	SLIDING WINDOW	600	1,810		1.09
W09	1	BI-FOLD WINDOW	1,200	2,700		3.24	W27	1	SLIDING WINDOW	700	1,810		1.27
W10	1	STACK SLIDING DOOR	2,100	4,630		9.72	W28	1	SLIDING WINDOW	700	1,810		1.27
W11	1	FIXED WINDOW	2,100	700		1.47	W29	1	SLIDING WINDOW	700	1,810		1.27
W12	1	FIXED WINDOW	2,100	700		1.47	WS30	1	SKYLIGHT	1,400	550		0.77
W13	1	SLIDING WINDOW	700	1,200		0.84	WS31	1	SKYLIGHT	1,400	550		0.77
W14	1	SLIDING WINDOW	700	1,810		1.27	WS32	1	SKYLIGHT	550	550		0.30
W15	1	AWNING WINDOW	1,400	900		1.26	WS33	1	SKYLIGHT	550	550		0.30
W16	1	AWNING WINDOW	1,400	900		1.26	WS34	1	SLIDING WINDOW	2,600	900		2.34
W17	1	AWNING WINDOW	1,400	900		1.26	WS35	1	FIXED WINDOW	655	655		0.43
W18	1	AWNING WINDOW	1,400	900		1.26		35					49.86m ²

REVISION			APPLICANT/ OWNER	PROJECT	DRAWING TITLE	PARTICULARS		
NO	DESCRIPTION	DATE	MRS TONI VOTANO	ALTERATIONS & ADDITIONS	WINDOW SCHEDULE	SCALE		
02	DA ISSUE	23/11/2020				DATE: 23/11/2020		
						DESIGNED: CJV		
						DRAWING NO.	JOB NO.	REVISION
						DA - 07		02



REVISION			APPLICANT/ OWNER	PROJECT	DRAWING TITLE	PARTICULARS		
NO	DESCRIPTION	DATE	MRS TONI VOTANO	ALTERATIONS & ADDITIONS	ELEVATIONS	SCALE		
02	DA ISSUE	23/11/2020				DATE: 23/11/2020		
						DESIGNED: CJV		
						DRAWING NO.	JOB NO.	REVISION
						DA - 08		02



REVISION			APPLICANT/ OWNER	PROJECT	DRAWING TITLE	PARTICULARS		
NO	DESCRIPTION	DATE	MRS TONI VOTANO	ALTERATIONS & ADDITIONS	ELEVATIONS & SECTION	SCALE		
02	DA ISSUE	23/11/2020				DATE: 23/11/2020	DESIGNED: CJV	DRAWING NO.
						DA - 09		02

ALL WORKS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS AS UPDATED FROM TIME TO TIME, LOCAL GOVERNMENT AND STATUTORY AUTHORITIES.
ALL WORK IS TO BE CARRIED OUT BY LICENSED TRADESPERSON AND IN A WORKMAN LIKE MANNER.

SITE PREPARATION

THE SITE IS TO BE CLEARED OF ALL VEGETATION WITHIN THREE METERS OF THE BUILDING AREA. ANY EXCAVATED AREAS ARE TO BE CUT AND PLACE SPOIL IN THE AREA TO BE FILLED. FILLED AREA IS TO BE COMPACTED MINIMUM 95%

SLAB

CONCRETE SLAB IS TO BE POURED IN ACCORDANCE WITH THE PLANS, STEEL REINFORCING SIZE AND PLACEMENT IS TO STRUCTURAL ENGINEER'S DETAILS.

PEST CONTROL

PROVIDE A PHYSICAL BARRIER TO ALL SLAB PENETRATIONS IN ACCORDANCE WITH A.S 3600.1 .
PROVIDE PHYSICAL BARRIER TO PERIMETER OF SLAB, 75MM ABOVE GROUND LEVEL. ANT CAPPING TO BE INSTALLED IN ACCORDANCE WITH AS 3660.1- 2014 FOR BEARER AND JOIST CONSTRUCTION.

BRICKLAYER

ERECT BRICKWORK TO ALL ELEVATIONS IN SELECTED BRICKWORK USING CEMENT MORTAR .
PROVIDE 250MM 50UM POLYTHENE FLASHING NAILED TO THE BOTTOM PLATE LAID ON TOP OF THE FIRST COURSE OF BRICKWORK.
PROVIDE WEEP HOLES FOR THE EGRESS OF WATER. A 40MM CAVITY IS TO BE MAINTAINED BETWEEN EXTERNAL BRICKWORK AND TIMBER FRAME. CAVITIES ARE TO BE KEPT FREE FROM MORTAR.
PROVIDE VENEER TIES TO STUDS AT 600MM CENTRES EVERY FOURTH COURSE .
PROVIDE ENGAGED PIERS TO SINGLE SKIN BRICKWORK AT 1500MM CENTRES , (UNLESS OTHERWISE DIRECTED BY ENGINEER) . PIERS ARE TO BE BONDED TO BRICKWORK USING WIRE WALL TIES.
SILLS ARE TO BE FORMED USING BRICK ON EDGE, EXTENDING ACROSS THE CAVITY FROM THE WINDOW TO THE FACE BRICKWORK. ACID CLEAN ALL EXTERNAL ELEVATIONS.
WALL TIES ARE TO CONFORM TO THE BCA AND MASONRY CODE.

TIMBER FRAMING

FRAMES ARE TO BE BUILT TO AS 1684. WALLS TO BE ERECTED STRAIGHT AND PLUMB. WHERE PRE-FABRICATED FRAMING IS USED, FRAMING IS TO BE MANUFACTURED AS DIRECTED BY ENGINEER.
EAVES SOFFIT IS TO BE FRAMED LEVEL WITH 75X38F5 RADIATA. EAVES LINING IS TO BE 4.5MM HARDIFLEX WITH PLASTIC "H" MOULD TO JOINTS. PERIMETER OF BRICKWORK IS TO BE TRIMMED WITH 38X25 DAR PRIMED PINE MOULD.

ALL GLAZING

ALL GLAZING IS TO CONFORM TO AS1288, AS 2047 SEPP BASIX AND ANY REQUIREMENTS FOR BUSHFIRE OR ANY OTHER GOVERNING BODY.
ALL WINDOW **MUST** COMPLY WITH CLAUSE 3.9.2.6 OF THE NCC RE. 2M OR MORE ABOVE SURFACE BELOW THE WINDOW IS TO BE FITTED WITH A DEVICE TO LIMIT OPENING OR A SUITABLE SCREEN SO A 125MM SPHERE CANNOT PASS THROUGH. REFER TO BCA AND NCC

ALL BARRIERS & HANDRAILS TO COMPLY WITH CLAUSE 3.9.2

A CONTINUOUS BARRIER MUST BE PROVIDED ALONG THE SIDE OF A TRAFFICABLE SURFACE OF:
- ANY ROOF TOP SPACE TO WHICH GENERAL ACCESS IS PROVIDED;
- ANY STAIRWAY OR RAMP;
- A FLOOR, CORRIDOR, HALLWAY, BALCONY, DECK, VERANDAH, MEZZANINE, ACCESS BRIDGE OR THE LIKE;
AND
- ANY DELINEATED PATH OF ACCESS TO A BUILDING, WHERE IT IS POSSIBLE TO FALL 1 M OR MORE FROM THE TRAFFICABLE SURFACE TO THE SURFACE BENEATH

POOL & BARRIERS

POOL CONSTRUCTION TO COMPLY WITH CLAUSE 3.10.1 OF THE NCC
POOL FENCING MUST COMPLY WITH AS1926.1-2012:

- MINIMUM HEIGHT 1200MM FOR THE FENCING BETWEEN THE POOL AND THE HOUSE
- MINIMUM HEIGHT OF 1800MM FOR BOUNDARY FENCING
- MINIMUM 900MM SEPARATION BETWEEN THE UPPER AND LOWER HORIZONTAL MEMBERS TO MAINTAIN NON-CLIMBABLE ZONE
- MAXIMUM 100MM GAP UNDER THE FENCE
- MAXIMUM 100MM GAP IN VERTICAL MEMBERS INCLUDING ANY FLEX IN MATERIAL
- NON-CLIMBABLE ZONE EXTENTS FROM THE BARRIER 300MM INTO POOL AREA AND 900MM OUTSIDE POOL AREA
- ALTERNATIVE BOUNDARY FENCE DESIGN IS AVAILABLE WHERE ABOVE CAN NOT BE COMPLIED WITH. SEE AUSTRALIAN STANDARD FOR DETAILS

GUTTER, DOWNPIPES AND STORMWATER DISPOSAL

GUTTER, DOWNPIPES AND STORMWATER DISPOSAL IS TO COMPLY WITH VOL 2 OF THE BCA

ROOFER

TILES TO BE SECURED TO BATTEN, EVERY SECOND TILE. BED, RIDGE HIP AND APEX TILES USING SAND AND CEMENT MIX. POINT UP BEDDING JOINT WITH COLOURED SAND AND CEMENT MIX.
IRON SHEET ROOFING TO BE SECURED IN ACCORDANCE WITH THE AUSTRALIA STANDARD OR MANUFACTURERS INSTRUCTION.

ELECTRICAL

WIRE AND INSTALL SMOKE DETECTORS, MAINS OPERATED WITH BATTERY BACKUP AS PER CL 3.7.5 VOL 2 OF THE BCA AND AS3876

PLASTER

ALL PLASTERING IS TO CONFORM TO AS2589

WATERPROOFING

PROVIDE WATERPROOFING IN ACCORDANCE WITH CL 3.8.1 OF THE BUILDING CODE OF AUSTRALIA VOLUME 2 AND AS 3740
WATERPROOFING OF WET AREAS WITHIN RESIDENTIAL BUILDINGS

INSULATION

INSULATION IS TO BE INSTALLED AS PER THE RELEVANT BASIX CERTIFICATE AND AS 4859.1 MATERIALS FOR THE THERMAL INSULATION OF BUILDINGS - GENERAL CRITERIA AND TECHNICAL PROVISIONS AND AS3999 THERMAL INSULATION OF DWELLINGS- BULK INSULATION-INSTALLATION REQUIREMENTS.

BASIX

ALL BASIX COMMITMENTS TO COMPLY WITH THE BASIX CERTIFICATE RELEVANT TO THE DEVELOPMENT.

PROTECTION OF WINDOWS

ALL WINDOWS REQUIRED BY CL 3.9.2.6 OF THE BUILDING CODE OF AUSTRALIA VOLUME 2 SHALL BE PROTECTED AS FOLLOWS:
* A CHILD RESISTANT DEVICE THAT HAS BEEN DESIGNED AND INSTALLED TO RESIST AN OUTWARD HORIZONTAL ACTION OF 250 N AND RESTRICTS THE WINDOW OPENING TO A MAXIMUM OF 125MM ; OR
* A CHILD RESISTANT SCREEN WITH SECURE FITTINGS THAT HAS BEEN DESIGNED AND INSTALLED TO RESIST AN OUTWARD HORIZONTAL ACTION OF 250 N;

GAS FITTER

RETICULATED OR BOTTLED GAS ON THE LOT (A) IS TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH AS/NZS 1596:2008, THE STORAGE AND HANDLING OF LP GAS AND THE REQUIREMENTS OF RELEVANT AUTHORITIES (METAL PIPING MUST BE USED), AND
(B) GAS CYLINDERS ON THE LOT THAT ARE WITHIN 10M OF A DWELLING HOUSE HAVE THE RELEASE VALVES DIRECTED AWAY FROM THE DWELLING HOUSE, HAVE METAL CONNECTIONS TO AND FROM THE CYLINDERS, AND THERE ARE NO POLYMER SHEATHED FLEXIBLE GAS SUPPLY LINES TO GAS METERS ADJACENT TO THE DWELLING

SITE

CONTRACTOR SHALL PROVIDE BARRICADES, HOARDING, FENCES, SCAFFOLDING, TRAFFIC MANAGEMENT AS REQUIRED.
NO SAFETY MEASURES MAY BE REMOVED, COVERED OR OBSTRUCTED DURING THE WORKS. IF APPLICABLE, EXISTING ILLUMINATED EXIT SIGNAGE MUST BE KEPT OPERATIONAL THROUGHOUT THE WORKS.

REVISION	APPLICANT/ OWNER	PROJECT	DRAWING TITLE	PARTICULARS
NO				SCALE
02	MRS TONI VOTANO	ALTERATIONS & ADDITIONS	NOTES	DATE: 23/11/2020
		15 LYNNETTE CRESCENT, EAST GOSFORD NSW 2250 LOT 20 DP 29159		DESIGNED: CJV
				DRAWING NO. JOB NO. REVISION
				DA - 10 02

Item No: 4.2
Title: DA/58543/2020 - 60 Terrigal Esplanade, Terrigal -
Alterations & Additions to Shop Top Housing
Department: Environment and Planning

22 July 2021 Local Planning Panel Meeting

Reference: 011.2020.00058543.001 - D14737021
Author: Susana Machuca, Senior Development Planner
Manager: Ailsa Prendergast, Section Manager, Development Assessment South
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for a Shop Top Housing development (one commercial premises and one unit) and partial demolition of existing rear retail structure on Lot: 1 DP: 214139 and Lot: B in DP: 374520, No. 60 Terrigal Esplanade, Terrigal.

The development application is required to be reported to the Local Planning Panel (LPP) as a result in a variation to the maximum Floor Space Ratio (FSR) in excess of 10%, in this instance 44.11m² or 32.9%. A delegate of Council may not assume the concurrence of the Secretary when considering exceptions to development standards under cl.4.6 of GLEP 2014 if the development contravenes a development standard by greater than 10%. As such the application is required to be reported to the LPP for determination.

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. No submissions have been received. The application is recommended for approval.

Applicant	Howard Leslie & Associates
Owner	Helen Felitsch
Application No	DA58543/2020
Description of Land	Lot: 1 DP: 214139 and Lot: B in DP: 374520
Proposed Development	Alterations and Additions to Shop Top Housing development (one commercial premises and one residential unit) and partial demolition of existing structures.
Site Area	121.9m ²
Zoning	B2 – Local Centre
Existing Use	Shop Top Housing
Employment Generation	No
Estimated Value	\$310,000.00

Recommendation

- 1 ***That the Local Planning Panel assume the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Gosford Local Environmental Plan 2014, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.***

- 2 ***That the Local Planning Panel grant consent to DA58543/2020 for a Shop Top Housing development on Lot: 1 DP: 214139 and Lot: B in DP: 374520, No. 60 Terrigal Esplanade, TERRIGAL, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***

Key Issues

- Floor Space Ratio of the proposal
- Height Form – Maximum External Wall height

Precis:

Proposed Development	Alterations and Additions to Shop Top Housing development and partial demolition of existing rear retail structure.
Permissibility and Zoning	<p>The land is zoned B2 Local Centre under the <i>Gosford Local Environmental Plan 2014</i>.</p> <p>The development is considered Shop Top Housing which is permissible in the zone with consent of Council.</p> <p><i>“shop top housing” means:</i> <i>one or more dwellings located above ground floor retail premises or business premises.</i></p> <p><i>Note. Shop top housing is a type of residential accommodation.</i></p>
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979 – Section 4.15</i> • <i>Local Government Act 1993 – Section 89</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>Draft Central Coast Local Environmental Plan 2018</i> • <i>Gosford Local Environmental Plan 2014</i>

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	<i>Gosford Development Control Plan 2013</i>
Current Use	Shop Top Housing
Integrated Development	No – not integrated development in accordance with <i>Clause 4.46 of the Environmental Planning & Assessment Act 1979.</i>
Submissions	Nil

Variations to Policies

Clause	4.4 Floor Space Ratio
Standard	1.1:1
LEP/DCP	<i>Gosford Local Environmental Plan 2014</i>
Departure basis	32.9% - (44.11m ²)
Clause	4.3.6 Max. External Wall height
Standard	10m
LEP/DCP	<i>Gosford Development Control 2013</i>
Departure basis	11.4% - (1.14m) along 18.3% of the total length of east and west side boundaries

The Site

The subject site is legally identified as Lot: 1 DP: 214139 and Lot: B in DP: 374520, No. 60 Terrigal Esplanade, Terrigal, has a site area of approximately 121.9m². The site is located on the southern side of Terrigal Esplanade between Campbell Crescent and Kurrawyba Avenue and has a frontage of 3.175m to Terrigal Esplanade, a rear boundary of 3.17m to Hudson Lane and side boundaries of approximately 38.41m. The site runs on an approximately east to west axis, is rectangular in shape and falls to the rear of the site approximately 1.59m from Terrigal Esplanade (RL4.29AHD) to Hudson Lane (RL2.70AHD). Refer to Figures 1 and 2.

The site is currently occupied by an existing two (2) storey brick commercial building where a café occupies the ground floor level and residence above on the first-floor level (shop top housing) with a metal roof and with off street parking access from Hudson Lane. The site does not contain any vegetation. Refer to Figures 3 and 4.

The subject site is not identified as being "Bushfire prone land" on Council's mapping system.

The subject site is however, identified to be located within Council's Terrigal CBD Flood Study area and subject to flooding. Restrictions to development on the land may apply, including adherence to a Flood Planning Level for building improvements. Council's Engineer is supportive of the application subject to conditions.

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The site is zoned B2 Local Centre under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014). The site is proposed to retain the same zoning under *Draft Central Coast Local Environmental Plan 2018* (CCLEP 2018).



Figure 1 – Aerial photograph and location plan of subject site (shown in green)



Figure 2 – Close up aerial photograph and location plan of subject site (shown in red outline)



Figure 3 – Photograph and elevational location of subject site from Terrigal Esplanade (shown in yellow)



Figure 4 – Photograph of subject site from Hudson Lane

Surrounding Development

The site is located on Terrigal Esplanade facing Terrigal beachfront. Surrounding development comprises a mixture of established one (1), two (2) and three (3) level retail/commercial (most older style shop top housing) allotments to the east, south and west. To the north is Terrigal Beach and reserve including Terrigal Surf Life Saving Club and memorial. On the eastern and western adjoining properties, No. 58 and 62 Terrigal Esplanade comprise shop top housing developments with Ice cream Parlour and Chinese Restaurant tenancies respectively. Refer to Figures 5 and 6.



Figure 5 – Photograph of surrounding development on Terrigal Esplanade looking south-east



Figure 6 – Photograph of surrounding development on Terrigal Esplanade looking north-east

The Proposed Development

An application has been received for the proposed partial demolition and proposed alterations and additions to the existing shop top housing with on-grade parking, an overall maximum height of RL 13.96 (HOB 11.136m) and floor space ratio (FSR) of 1.46:1, an equivalent to a total Gross Floor Area (GFA) of 178.2m². Refer to Figures 7, 8 and 9.

Overall, the proposal comprises:

1. Retail shop (approximately 74.03m² + 21.6m² combined circulation space):
 - a) Partial demolition at the rear of the existing retail premises (refer to demolition plan drawing No. DA21 Rev. F);
 - b) Alterations and additions to retail floor levels:
 - Construction of new awning at Terrigal Esplanade;
 - construction new lift shaft, stairs and circulation space;
 - relocation of exhaust shaft to roof level;
 - construction new retail sanitary facilities /balcony /storage and cool-room area; and
 - construction of residential entry.
2. Residential two (2) bedroom Unit - (approximately 83.37m² level 1 + 20.8m² level 2 + 17.9m² POS):
 - c) Alterations and additions to residential first floor levels:
 - construction new Lift shaft, stairs and circulation space;
 - rearrangement of living /kitchen /bedroom areas to existing front residential unit to accommodate new living/dining /kitchen area and tv lounge /bathroom areas; and
 - construction at rear of new bathroom, bedroom and balcony;
 - d) Construction of new second floor level to residential unit:
 - construction new Lift shaft, stairs and circulation space; and
 - construction new toilet /wet bar /dining and private open space (POS) areas.
3. Parking and Waste storage facilities with direct access to Hudson Lane.
4. Hours of Operation: The proposed residential component of the development will be accessible 24 hours a day. The retail component currently Esplanade Café is open 6:00am top 4:00 seven days a week.

The application has been amended twice during the assessment process (amended architectural plans, WMP and SoEE were submitted on 3 March 2021) in response to issues raised through initial assessment by Council officers including but not limited to building, engineering, planning and solid waste requirements. Final amended architectural plans, WMP and SoEE submitted 26 April 2021, 17 May 2021 and 8 July 2021 respectively to include final updated information.

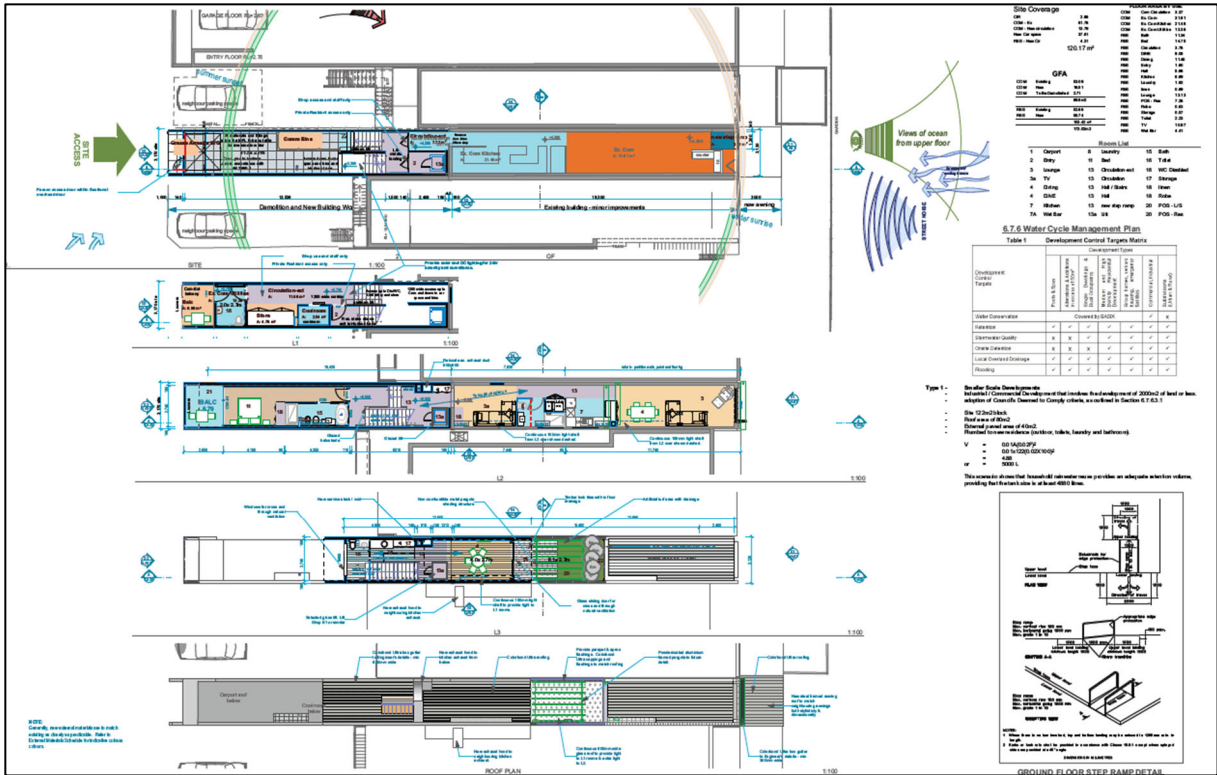


Figure 7 – Proposals Architectural floor plans (not to scale)

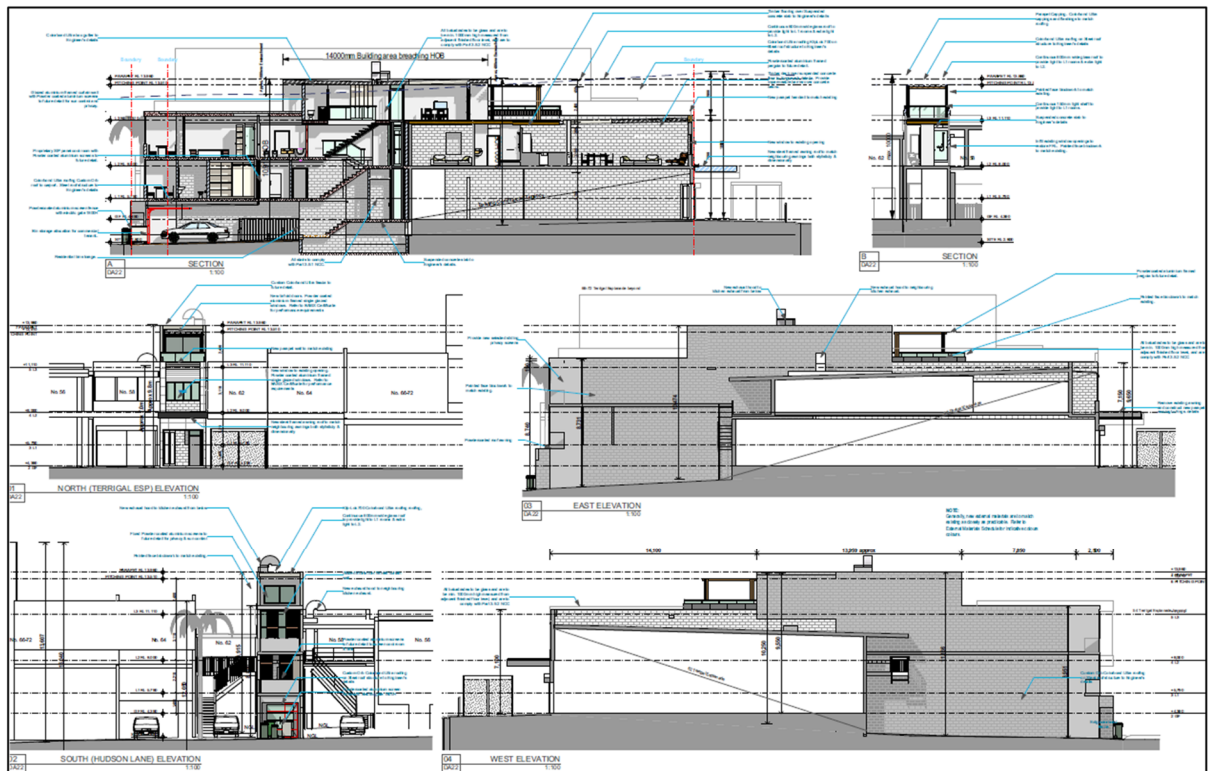


Figure 8 – Proposals Architectural Elevations and Sections (not to scale)



Figure 9 – 3D Renderings of Proposal from Terrigal Esplanade and Hudson Lane

History

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

[CC3622/1999](#)

Construction Certificate - AWNING

Lodged: 11/05/1999 (MATRIX COMPLIANT APPROVAL: 29/06/1999)

[BA4353/1997](#)

Building Application: SHOP FITOUT

Lodged: 21/04/1997 (Approved: 29/05/1997)

Address: 60 Terrigal Esplanade TERRIGAL NSW 2260

No other applications of relevance are contained in Council records.

Assessment

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

State Environmental Planning Policies (SEPP)

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

The proposed shop top housing constitutes 'Basix affected development' as defined within the Environmental Planning and Assessment Regulation 2000. As such, the application is supported by a BASIX certificate Number A344115_03 prepared by Howard Leslie & Associates dated 18 February 2020 which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

Conditions have been imposed on the consent to ensure that these requirements are adhered to. (Refer to Conditions 1.1 and 1.3).

The proposal is considered to be consistent with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy (Coastal Management) 2018

The provisions of SEPP Coastal Management require Council to consider the aims and objectives of the SEPP when determining a development application within the Coastal

4.2 DA/58543/2020 - 60 Terrigal Esplanade, Terrigal - Alterations & Additions to Shop Top Housing (contd)

Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning & Environment. The subject property is mapped coastal environment area and a coastal use area under the SEPP.

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

The development is located within the Terrigal Town Centre west of Terrigal Esplanade. The proposed expansion (44.11m²) is considered to not result in any impact on the coastal environment or coastal processes.

Council has considered the proposed development and it is concluded the proposal is consistent with cl. 14 of SEPP Coastal Management 2018 and no further objection is made in this regard.

Gosford Local Environmental Plan 2014

The site is subject to the *Gosford Local Environmental Plan 2014* (GLEP 2014).

Clause 1.2 Aims of Plan

- (1) *This Plan aims to make local environmental planning provisions for land in that part of the Central Coast local government area to which this Plan applies (in this Plan referred to as Gosford) in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*
 - (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) *to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Gosford,*
 - (b) *to foster economic, environmental and social well-being so that Gosford continues to develop as a sustainable and prosperous place to live, work and visit,*
 - (c) *to provide community and recreation facilities, maintain suitable amenities and offer a variety of quality lifestyle opportunities to a diverse population,*
 - (d) *(Repealed)*
 - (e) *to concentrate intensive land uses and trip-generating activities in locations that are most accessible to transport and centres,*
 - (f) *to promote the efficient and equitable provision of public services, infrastructure and amenities,*
 - (g) *to conserve, protect and enhance the environmental and cultural heritage of Gosford,*
 - (h) *to protect and enhance the natural environment in Gosford, incorporating ecologically sustainable development,*

- (i) *to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires,*
- (j) *to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,*
- (k) *to promote design principles in all development to improve the safety, accessibility, health and well-being of residents and visitors,*
- (l) *to encourage the development of sustainable tourism that is compatible with the surrounding environment.*

The development application overall meets the objectives of the zone by supporting the ongoing renewal of the centres in fostering economic, environmental and social well-being as such, it is considered to be consistent with Clause 1.2 (2)(a), (b), (c), (e), (h), (j) and (k) aims of the GLEP 2014.

Zoning and Permissibility

The site is zoned B2 Local Centre under the *Gosford Local Environmental Plan 2014* (GLEP) 2014.

1 Objectives of Zone:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for residential uses, but only as part of a mixed-use development.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To promote ecologically, socially and economically sustainable development.*
- *To ensure that the town centres of Erina and Woy Woy are recognised as providing a higher level, and greater diversity, of services and facilities to serve a wide population catchment from numerous localities and as key public transport nodes, secondary to Gosford City Centre.*
- *To ensure that village centres such as Avoca, East Gosford, Ettalong Beach, Kincumber, Lisarow, Niagara Park, Terrigal, Umina Beach, West Gosford and Wyoming are recognised as providing a broad range of services and facilities to serve the population of the locality.*
- *To ensure that villages are recognised as providing local level services and facilities and are developed at a scale that reflects their population catchment and as a focus for public transport routes.*
- *To ensure that the different roles of villages are recognised with some villages being key tourist destinations with boutique activities in addition*

to serving the needs of local residents, while other villages are purpose-built centres to serve the needs of the local population.

- *To encourage the residential population of villages and town centres to contribute to the vitality of those locations.*

The proposed development would provide for small scale business use similar to those currently located on the main street commercial strip and of which will continue to service the needs of both residents and visitors to the area. Additionally, the proposed residential unit will undergo a needed building upgrade to be in line with current modern architectural design and amenity of development in the proximate surrounding area. It is noted that the proposed shop top housing development will continue to offer commercial premises that would be ultimately be available to local businesses, and a diversified residential offering that increases the housing supply in the area.

As such, the proposed development is considered to be consistent with the desired future character of the zone, insomuch the built form would maintain the bulk and scale of Terrigal Esplanade as well as supporting the ongoing renewal of the local centre by concentrating employment and housing opportunities in accessible and well serviced centres.

2. *Permitted without consent:*

Recreation areas

3. *Permitted with consent*

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4. *Agriculture; Air transport facilities; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential*

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accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies

The proposed development is classified as Shop top housing and is permissible in the zone with consent.

4.3 Height of Buildings

The objectives of clause 4.3 are:

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

Clause 4.3(2) of the *Gosford Local Environmental Plan 2014* states that the height of a building on any land is not to exceed the maximum height indicated on the Height of Buildings Map. Council's LEP as per the Height of Buildings Map prescribes a maximum height of 18.5m for the subject land. The proposed shop top housing has a maximum height of building (HOB) of 11.136m which is approximately 7.36m less than the requirement. As such, the proposed height of building satisfies the objectives of this clause.

4.4 Floor Space Ratio

The provisions of cl. 4.4.A(4) within the GLEP 2014 establishes the maximum Floor Space Ratio (FSR) for buildings. The applicable FSR control is 1.1:1, which permits a maximum gross floor area (GFA) of 134.09m². The proposed development would result in a GFA of 178.2m², equating to a variation of 44.11m², a FSR of 1.46:1 or 32.9%, non-compliant with the development standard.

This variation has been assessed in accordance with cl 4.4 of GLEP 2014.

4.6 Exceptions to Development Standards

Clause 4.6 (Exceptions to Development Standards) of GLEP 2014 provides the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In accordance with cl. 4.6(4) of GLEP 2014, development consent must not be granted for a development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3). Subclause 3 provides:

'Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

A cl. 4.6 (Exceptions to Development Standards) variation for the non-compliance associated with **FSR** (cl. 4.4A (4) of GLEP 2014) was provided. The cl. 4.6 of GLEP 2014 request submitted by the applicant states how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council [2007] NSW 827*) and how there are sufficient environmental planning grounds to justify the contravention, is summarised below:

- *The proposed development recognises the standards for the maximum development density and intensity of land use in the precinct but anticipates the future needs of the Terrigal town centre through high quality building design that offsets and improves on the current built form;*
- *The proposal recognises the need to control building density and bulk in relation to site area in order to achieve the desired future character for different locations. The proposed building design maintains a similar building envelope as seen at street level to that which would be achieved by meeting the current standard whilst seeking to lift the design standards of the main street and setting new standards for future buildings;*
- *The proposed design minimises any adverse environmental effects on the use or enjoyment of adjoining properties and the public domain through good building design*

that meets the desired character outcomes and sets the third level back from the street frontage to minimise visual impact;

- *The proposal provides an appropriate correlation between the size of a site and the extent of any development on that site through good urban design and building articulation; and*
- *The proposal facilitates design excellence by ensuring the extent of the proposed floor space in the building envelope leaves generous space for the articulation and modulation of design.*

The cl.4.6 of GLEP 2014 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the applicant has demonstrated consistency with these objectives such that the proposal is in the public interest.

In order to demonstrate if the proposal has merit, consideration of the proposed **floor space ratio** - has been provided with regard to the objectives of the control contained within cl. 4.4 of GLEP 2014:

- a) *to establish standards for the maximum development density and intensity of land use;*

In this instance, the proposal continues to provide a range of retail and business uses on the ground floor (street level) that will serve the needs of people who live in, work in and visit the Terrigal area. The proposed development provides for residential uses as part of a mixed-use development through the provision of improved and expanded residential accommodation above the existing ground level retail space;

- b) *to control building density and bulk in relation to site area in order to achieve the desired future character for different locations;*

The proposal does not result in excessive building bulk and scale. The proposal maintains a similar building envelope when seen at street level due to the third storey being setback from The Terrigal Esplanade frontage. Whilst the proposal is seeking to upscale the design standards of the main street and setting new standards for future shop top buildings, it continues to ensure that the different roles of villages are recognised with centres such as Terrigal being key tourist destinations with boutique activities in addition to serving the needs of local residents;

- c) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain;*

The proposal does not impact on adjoining properties it does not affect overshadowing nor views from properties facing the beach front views or from the rear lane;

- d) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation;*
The proposal is consistent with zone objectives as the proposed building design maintains a similar building envelope when seen at street level and encourages the residential population of villages and town centres to continue to providing local level services and facilities and is developed at a scale that reflects their population catchment; and
- e) *to provide an appropriate correlation between the size of a site and the extent of any development on that site;*
The maximum GFA permitted on the site is 134.09m². The proposed development has a maximum GFA of 178.20m², an exceedance of 44.11m² reflecting a FSR of 1.46:1 representing a 32.9% variation. The proposed exceedance of the maximum permissible floor space area is associated with the width and proportions of subject site. However, despite the variation and proportionality of the site, the proposed building provides an appropriate correlation between the size of the site and the extent of any development on that site through good use of floor space in relation to site levels and building articulation without causing unreasonable amenity impacts to adjoining properties.

Based on the consideration of this objective, Council is advised that compliance with the development standard is unnecessary, as the proposed additional FSR does not hinder the objective being realised.

- f) *to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design;*
The 3D renderings reviewed of the proposal demonstrates that the scale and intensity of the shop top housing development would not result in a development outcome that is inappropriate for the established evolving character of the immediate area and raised no objection.

The cl.4.6 of GLEP 2014 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the applicant has demonstrated consistency with these objectives such that the proposal is in the public interest.

In accordance with cl. 4.6(4)(b) of GLEP 2014 development consent must not be granted for development that contravenes a development standard unless the concurrence of the Secretary has been obtained.

Planning Circular PS 18-003, issued 21 February 2018, states that a delegate of Council may not assume the concurrence of the Secretary when considering exceptions to development standards under cl.4.6 of GLEP 2014 if the development contravenes a development standard by greater than 10%. In this instance, the proposed variations exceed 10%, and the

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concurrence of the secretary cannot be assumed. As such the application is required to be reported to the LPP for determination.

This assessment has been carried out having regard to the relevant principles identified in the following case law:

- 1 *Wehbe v Pittwater Council [2007] NSWLEC 827*
- 2 *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*
- 3 *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
- 4 *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248*

The cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 request submitted by the applicant appropriately addresses the relevant principles and exhibits consistency with the relevant objectives under GLEP 2014.

This assessment concludes that the cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 variation provided having regard to cl.4.4 Floor Space Ratio development standard of GLEP 2014 is appropriately founded and worthy of support.

7.1 Acid Sulfate Soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 3 Acid Sulfate Soils. In this instance, the proposed works are not considered to impact on Acid Sulfate Soils. (**Condition 4.14**)

7.2 Flood Planning

The subject site is located in an area subject to flooding as identified in Councils Terrigal CBD Flood Study and subject to the imposition of a minimum floor level. The 1 % AEP flood level adjacent the site within Hudson Lane is 3.3m AHD and the Flood Planning level applied to all habitable floor levels is 3.8m AHD. The proposed car parking space and bin storage floor level is graded at 5 % above from the Hudson lane 2.8 m AHD pavement level. It is noted that flood waters will potentially inundate the floor to a depth of 400mm. As such, it is recommended that a Flood Protection Barrier is provided at the garage shutter to ensure the flood protection to the parked vehicle and reduce any safety risk to the occupants. Notwithstanding, Council's Engineer is supportive of the proposal subject to conditions (**Conditions 1.1, 2.7, 2.8 and 5.20 and 6.11**).

The development is considered satisfactory in respect to Clause 7.2 of GLEP.

s. 4.15(1)(a)(ii) of the EP& A Act: Draft Environmental Planning Instruments:

Draft Central Coast Local Environmental Plan

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

Under the draft CCLEP the subject land will remain to be zoned as B2 Local Centre. Permissibility for *shop top housing* development within this zone is to remain as per the current applicable Gosford Local Environmental Plan 2014 which permits the proposal with consent of Council.

Gosford Development Control Plan 2013

This plan is known as the *Gosford Development Control Plan 2013* (GDGP) and supports the objectives identified by the *Gosford Local Environmental Plan 2014*.

Part 2 Scenic Quality and Character

The proposal is subject to the provisions of *Gosford Development Control Plan* (DCP) 2013 Chapter 2 Scenic Quality and Character as such, the subject site is located within the Terrigal 8: Mainstreet Centre character area. The desired character statement for this locality (summarized) recommends that:

- This should remain a mixed-use centre that provides a range of services and accommodation for local residents as well as visitors, where the scenic potential of a prominent backdrop to Gosford City's ocean beaches is enhanced by new developments that encourage high levels of street activity and also achieve improved standards of amenity plus urban-and-civic design quality.
- Protect and enhance existing levels of "main-street" activity with building forms that maintain both the pedestrian-friendly scale of existing one and two storey shop-front developments, and also the current level of midday sunlight along all footpaths and laneway frontages. Promote high levels of on-street activity by maximising the number of retailers or businesses and the continuity of shop-windows along all street and laneway frontages. Avoid indoor arcades that would draw people away from the street. Incorporate awnings, colonnades or balconies in all buildings to provide sheltered pedestrian settings that encourage pavement dining. Contribute to high levels of visible activity along all streets by surrounding upper storeys with balconies that accommodate restaurant dining or residents' outdoor recreation.
- Reflect the form of development that is typical of traditional coastal centres where a wide variety of retailers are accommodated by separate buildings upon narrow-fronted allotments. Along any street or waterfront, avoid the appearance of a continuous wall of development or uniform building heights. Vary the shape and height of all visible facades. Top-most storeys should be setback behind wide roof terraces, and roofs plus parapet heights should step from one building to

the next. Street corners should be emphasised by taller forms. Neighbouring buildings should be separated by landscaped courtyards and alleyways that provide view corridors, access to apartment lobbies, and daylight plus an outlook for above-ground dwellings.

- Disguise the scale and bulk of new buildings. All visible facades should employ extensive windows that are shaded by lightly-framed balconies, verandahs or exterior sunshades, plus painted finishes and some board or sheet cladding rather than expanses of plain masonry. Roofs should be gently-pitched to minimise the height of ridges, flanked by wide eaves that shade terraces and also disguise the scale of exterior walls. Side and rear facades should match the design quality of the street frontage.
- Conceal off-street parking behind street-front shops or apartments, and provide unobtrusive vehicle entrances from laneways or secondary streets to minimise disruption of shopfronts and their associated pedestrian activity. Contribute to co-ordinated street improvements that include dedicated pedestrian crossings, footpath paving, landscaping and lighting to provide safe and secure settings for informal social interaction. Building colour schemes and commercial signs should be co-ordinated and limited in size and number to promote the identity of this coastal centre, rather than emphasising corporate sponsorship.
- Overall, it is noted that the proposed alterations and additions retains the mix-use character and density of the existing shop top developments found within the immediate surrounding area. The building design improves the standards of amenity and contributes to the urban-and-civic design quality of the main street centre. The height and form of the building preserves a bulk and scale that ensures to maintain panoramic views and coastal views for surrounding development as well as participation at street level of the prime ocean scenic backdrop for the locals and visitors alike.
- The proposal ensures to maintain 'main street' activity by upgrading building floor areas, planimetric design, distribution and connectivity, facades, shop awning and building materials that are to scale, modern, compatible and protective to outdoor pedestrian-friendly settings and open space recreation areas of the immediate surrounding neighbourhood.
- As such, the proposed development meets the objectives of the zone by providing and supporting the ongoing renewal of the Terrigal Town Centre with quality-built spaces that contribute and concentrate social economic opportunities in accessible and well serviced centres.

An assessment of the proposed development against the relevant chapters of *Gosford Development Control Plan* (GDGP) 2013 is provided in a Compliance Table under **Attachment 3**. The proposed works are consistent with the relevant chapters of GDGP 2013.

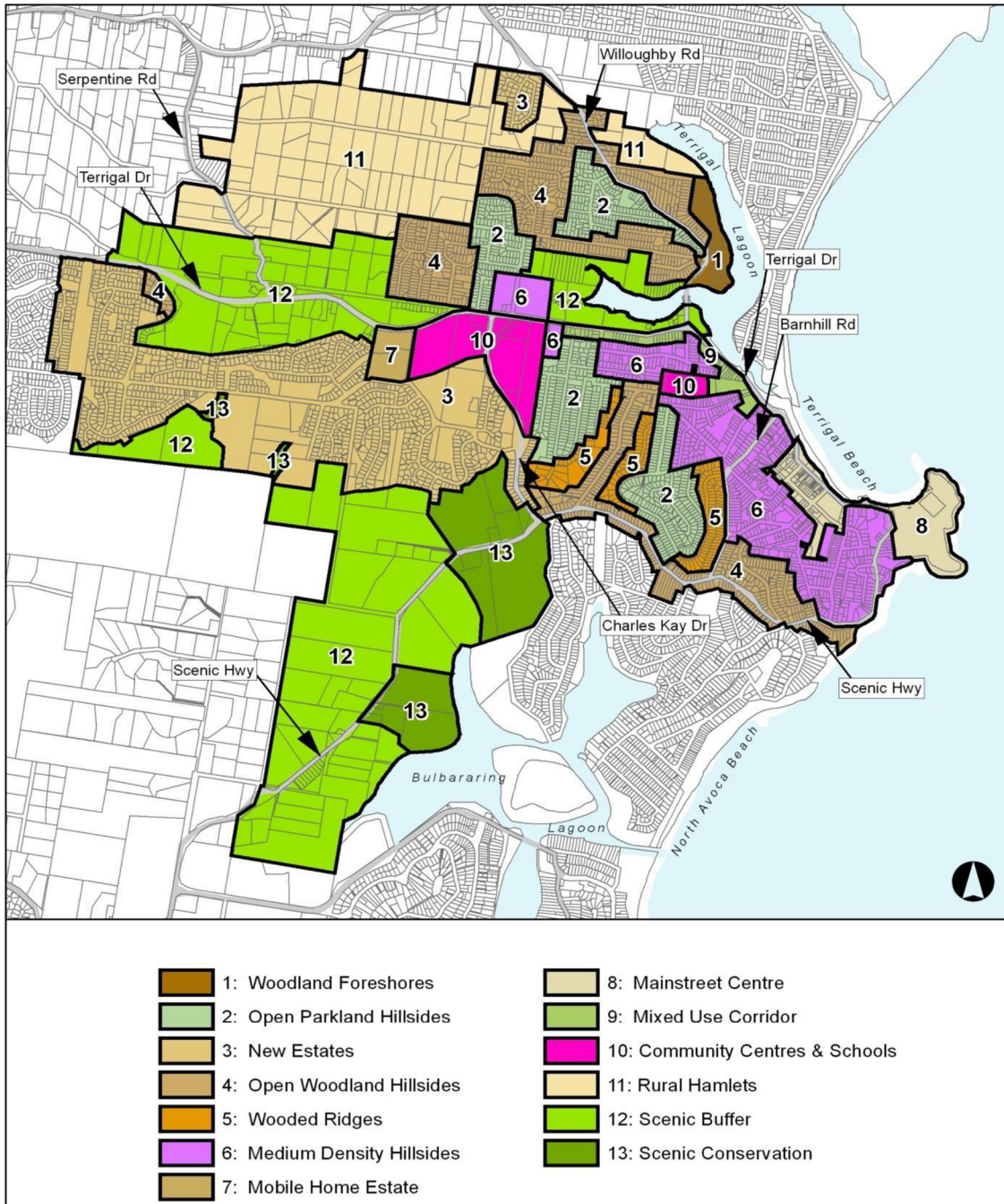


Figure 10 – Gosford DCP 2013 Terrigal Character Zones

Likely Impacts of the Development:

Built Environment

The subject site is zoned B2 Local Centre under GLEP 2014 and is surrounded by a mix of one (1), two (2) and three storey commercial and retail development of evolving contemporary design amongst original mid twentieth shop top housing. The site is on a prominent stretch of Terrigal Esplanade facing Terrigal Beach that is central to all the public activities of the village centre.

The proposals-built form is considered acceptable in the context of the site. The proposed works are consistent with the uses envisaged for the B2 local Centre zone, and if approved the building would offer both an improved standard of housing supply and commercial opportunities with urban design quality and amenity within the Terrigal Village Centre. While the design is not reflective of the original mid-twentieth century bungalows, it is consistent with the emerging and desired character of the locality as single shop top housing nearing the end of their economic life are being up-graded to development of contemporary design and use of materials.

It is noted that the proposal will not increase in density nor detract highly from the original scale and bulk present in the immediate vicinity and neighbourhood. Nor is not considered to have adverse amenity impacts to adjoining development from overshadowing, privacy, noise generating activities and views.

A comprehensive assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the GDCP 2013 compliance. The potential impacts are considered reasonable.

Natural Environment

The proposal is satisfactory in relation to impacts on the natural environment as identified throughout this report. It is noted that the building envelope does not exceed the HOB, there is no existing vegetation and/or tree to be removed to accommodate the proposed built form, and any existing view corridors will not be affected.

As such it is considered that there will be no significant impact upon the natural environment as a result of the proposal.

Economic Impacts

It is anticipated that the proposed development will provide further urban design quality and amenity for the Terrigal Town Centre where there is constant and strong need for upgraded commercial /retail tenancy floor space as well as apartment style residential accommodation. The proposed development will continue to contribute to the supply of services and employment opportunities within the local area and introduce upgraded and quality

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residential housing to Terrigal Town Centre which is in close proximity to a wide variety of existing services, transport, hospitality and tourism activities.

Social Impacts

It is anticipated that proposed development will have beneficial social impacts in that it will provide constant small scale but active employment and services for the hospitality and tourism activities of Terrigal Beach and the town centre which is of regional importance.

Suitability of the Site for the Development

The site is considered to be suitable for the proposed development as follows:

- The site is zoned B2 Local Centre zoning under GLEP 2014. The proposal is a permissible use under the B2 Local Centre zone and the scale of the proposed development is consistent with the objectives of the zone;
- There are no environmental hazards which would prevent development of the site;
- Utility services are available to the site; and
- The site is located on and near public transport facilities as well as public services, recreation and community facilities.

Any Submission made in Accordance with this Act or Regulations

The development application was notified between 26 July 2020 to 24 July 2020 in accordance with *Gosford Development Control Plan* (GDGP) 2013, Chapter 7.3 Notification of Development Proposals. No submissions received.

Submissions from Public Authorities

There have been no submissions from any Public Authorities.

Internal Consultation

The application has been referred to and reviewed by the following experts in council:

Development Engineer Officer	Supported subject to conditions 1.1, 2.7, 2.8 and 5.20.
Building Officer	Supported subject to conditions 1.1, 2.6, 2.9, 3.7, 3.8, 3.9, 3.12, 3.13, 3.14, 3.16, and 6.24.
Food Surveillance Officer	Supported subject to conditions 1.1, 2.6, 2.10, 4.21, 5.16, 5.17, 5.18 and 6.23.
Liquid Trade Officer	Supported subject to conditions 1.1, 2.4, 5.13, 5.14, 5.15 and 6.22.
Solid Waste Officer	Supported subject to conditions 1.1, 4.20, 6.12, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20 and 6.21.
Water and Sewer	Supported subject to conditions 1.1, 2.4 and 2.5.

The Public Interest:

The public interest is best served by the orderly and economic use of land for which it is zoned. The proposed shop top housing development is permissible with consent and complies in general with the provisions of the relevant Council policies and controls. As such, the approval of the application is considered to be in the public interest as follows:

- The development would introduce and generate social and economic benefits for the community and urban space by providing a high-level amenity housing choice to the area and offer updated commercial tenancies that would enable local businesses to establish within the neighbourhood centre;
- The proposal is consistent with the relevant objectives of the applicable environmental planning framework, including the GLEP 2014 and GDPC 2018; and
- The proposal does not result in any unreasonable environmental impacts and will not unreasonably impact the amenity of neighbouring properties.

Ecologically Sustainable Principles:

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

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

Climate Change

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

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts.

The proposed development is considered satisfactory in relation to climate change.

Other Matters for Consideration:

Any Planning Agreement

There are no planning agreements applicable to the application.

Relevant Regulations

There are no specific matters under the Regulation that require further discussion.

Vehicle Access

The amended plans detail a single car space located between the building masonry walls which are aligned along the boundary of the site. It is noted that the proposed car space will comply with the AS 2890.1:2004 for car parking dimensions however the required additional 300mm offset to the walls cannot be accommodated to each side. The property width is basically 260mm too narrow to provide full compliance with AS 2890.1:2004.

To ensure egress from the car space is undertaken with safety the maneuvering into the car space from Hudson Lane should be in a reverse movement. This will ensure all egress vehicle movements are in a forward direction reducing potential conflicts with traffic movements with Hudson Lane and risks to pedestrian safety.

Council Development Engineer has assessed the application and is supportive subject to conditions.

Waste Management

A Waste Management Plan (WMP) was submitted with the application and found to be deficient and not in accordance with the Development Application Guide and *Chapter 7.2 – Waste Management of Gosford DCP 2013* for all site preparation, demolition, construction and use Ongoing Operation. Council's Waste Officer noted that the demolition and construction waste estimates appear underestimated and/or not provided. The applicant has reviewed and amended the WMP twice in line with the requirements of the Gosford Development Control Plan 2013. Council Waste Officer's final review still noted some deficiencies but is supportive of the application subject to conditions. **(Conditions 1.1, 4.20, 6.12, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20 and 6.21).**

Section 94A Contributions

The site is located within section 7.11 development contribution plan 47A Terrigal. The applicable contribution amount was calculated and imposed as a standard condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate.

It is noted that the overall GFA of the proposal has increased by 44.11m² and as such the above calculations reflect the difference between the proposed GFA of 178.2m² minus existing GFA of 134.09m². Refer to Development Contributions Calculations Sheets on CM D14736314 and D1476314.

As such and Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979, pay to Council a total contribution amount of **\$3,463.00**, that may require adjustment at the

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time of payment, in accordance with the relevant Council Contribution Plans No. 47A - Terrigal. **(Condition 2.2)**

Open Space -Embellishment	A	(Key No 804)	57.00
Footpaths - Capital	A	(Key No 805)	147.00
Town Centre / Foreshore Improvements	A	(Key No 835)	1,948.00
Stormwater & Flood Mitigation	A	(Key No 836)	1,311.00
TOTAL AMOUNT			\$3,463.00

Water and Sewer Contributions

There are no water and sewer contributions applicable to the proposed development.

Conclusion:

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies and on balance, the proposed development is considered reasonable and therefore is recommended that the Local Planning Panel grant development consent approval to DA58543/2020 subject to conditions set out in Attachment 1.

Reasons for the Decision:

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

- 1 The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
- 2 The proposal has been considered against the provisions of *Gosford Local Environmental Plan 2014* and has been found to be satisfactory.
- 3 There are no significant issues or impacts identified with the proposal under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

Attachments

1	Draft Conditions of Consent - 60 Terrigal Esplanade TERRIGAL		D14735942
2	Amended Architectural Drawings Rev F - 60 Terrigal Esp. TERRIGAL	Provided Under Separate Cover	D14633636
3	GDCP 1 Table - 60 Terrigal Esplanade TERRIGAL		D14735943
4	Amended Statement of Environmental Effects - 60 Terrigal Esplanade TERRIGAL	Provided Under Separate Cover	D14735940
5	Redacted Amended Architectural Drawings Rev F - 60 Terrigal Esp. TERRIGAL	Provided Under Separate Cover	D14739507

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by Howard Leslie & Associates

Drawing	Description	Sheets	Issue	Date
DA-00	DRAWING LISTS & SYMBOLS	1	F	26/04/2021
DA-01	GENERAL NOTES 1	1	F	26/04/2021
DA-10	SITE ANALYSIS PLAN	1	F	26/04/2021
DA-11	SHADOW DIAGRAMS	1	F	26/04/2021
DA-12	LANDSCAPE PLAN	1	F	26/04/2021
DA-21	DEMOLITION PLANS	1	F	26/04/2021
DA-22	PLANS	1	F	26/04/2021
DA-30	BUILDING ELEVATIONS & SECTIONS	1	F	26/04/2021
DA-40	SCHEDULES	1	F	26/04/2021
DA-50	3D VIEWS	1	F	26/04/2021

Supporting Documentation

Title	Document No.	Prepared by	Date
Amended Statement of Environmental Effects (SoEE)	D14735940	Wales & Associates Pty Ltd	8 July 2021
Basix Certificate	D14023875	Howard Leslie & Associates	18 February 2020
Amended Waste Management Plan	D14534525	Howard Leslie & Associates	18 June 2021

- 1.2. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.3. Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the Environmental Planning and Assessment Regulation 2000.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979, pay to Council a total contribution amount of \$3,463.00, that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 47A - Terrigal.

Open Space -Embellishment	A	(Key No 804)	57.00
Footpaths - Capital	A	(Key No 805)	147.00
Town Centre / Foreshore Improvements	A	(Key No 835)	1,948.00
Stormwater & Flood Mitigation	A	(Key No 836)	1,311.00
TOTAL AMOUNT			\$3,463.00

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

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

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

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on Council's website:

[Development Contributions - former Gosford LGA](#)

- 2.3. No activity is to be carried out on site until any Construction Certificate has been issued, other than:
- Site investigation for the preparation of the construction, and / or
 - Implementation of environmental protection measures, such as erosion control etc that are required by this consent.
 - Demolition

- 2.4. Submit a trade waste application for approval to Council as the Water and Sewer Authority in order to discharge liquid trade waste into the sewerage system. This form can be found on Council's website: www.centralcoast.nsw.gov.au
- 2.5. Submit an application to Council under section 305 of the *Water Management Act 2000* to obtain a section 307 Certificate of Compliance. The *Application for a 307 Certificate under section 305 Water Management Act 2000* form can be found on Council's website www.centralcoast.nsw.gov. Early application is recommended.

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

- 2.6. Submit details to the Principal Certifier of any proposed mechanical ventilation systems. The design of the mechanical ventilation is to comply with the relevant requirements of Clause F4.12 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate, Australian Standard AS 1668.1:2015 *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings* and Australian Standard 1668.2:2012 *The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings* (including exhaust air quantities and discharge location points). These details are to be included in the Construction Certificate.
- 2.7. **Flooding Design**
Submit to the Accredited Building Certifier an engineering design including specifications for the installation of a Flood protection Barrier to be located within the property fronting Hudson Lane. The Flood Barrier shall be designed to protect the garage and internal floor level of the garage from flood water inundation during the 1 % AEP Flood Event. The top of the Flood Barrier shall extend to the Flood Planning Level of 3.8metres AHD. Note: The Flood Barrier shall be installed and certified by the designing engineer as being fully operational prior to the occupation of the development.
- 2.8. **Driveway Design**
The engineering design of the driveway, car parking space and garage floor by a practising Structural Engineer to accommodate the installation, operation and on-going maintenance of the designed Flood Protection Barrier.
- 2.9. The architectural details are to demonstrate access to and within the shop and access from the shop level to the sanitary facilities on level 1 to fully comply with Section D of the Building Code of Australia Volume 1 of the NCC (version in force at the making of an application for a construction certificate) and the Disability (Access to Premises - Buildings) Standards 2010.
- 2.10. The existing commercial kitchen is to be upgraded to comply with the *Food Act 2003*, *Food Regulation 2010*, *Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises and Clause G1.2 of the

National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate. Details of compliance are to be included in the plans and specifications for the Construction Certificate.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
 - a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b. Submit to Council a *Notice of Commencement of Building Works* form giving at least two (2) days notice of the intention to commence building or subdivision work. The forms can be found on Council's website www.gosford.nsw.gov.au
- 3.3. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
 - a. The name, address and telephone number of the principal certifying authority for the work; and
 - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited;
 - d. Remove the sign when the work has been completed.
- 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the Plumbing and Drainage Act 2011 (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au

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

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

- 3.6. Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for food scraps and papers.
- 3.7. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a. erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - b. diverting uncontaminated run-off around cleared or disturbed areas, and
 - c. preventing the tracking of sediment by vehicles onto roads, and
 - d. stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.
- 3.8. Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 3.9. Submit a dilapidation report to Council, the Registered Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries and any council asset in the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site and to the road, kerb, footpath, driveways, water supply and sewer infrastructure, street trees and street signs or any other Council asset in the vicinity of the development.

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

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

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

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

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

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

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

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

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

- 3.11. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.12. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 3.13. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:

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

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

Note 2: [The Work Health and Safety Act 2011](#) and [Work Health and Safety Regulation 2011](#) contain provisions relating to scaffolds, hoardings and other temporary structures.

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

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

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

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

- 3.15. Submit a Hoarding Application to Council for approval under the Roads Act where it is proposed to erect construction fencing, a hoarding, site sheds or utilise the road reserve for any construction activity related to the development works within the site.

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

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

Each toilet must:

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

4. DURING WORKS

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

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

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

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.5. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with *the Plumbing and Drainage Act 2011*.
This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).
- 4.7. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 4.8. Submit a report prepared by a registered Surveyor to the Principal Certifier at each floor level of construction of the building (prior to the pouring of concrete) indicating that the

finished floor level is in accordance with the approved plans. A compilation of these reports is to be provided to Council at completion of the Occupation Certificate.

- 4.9. Cease work immediately in that area if any relics are uncovered during excavation on-site. Contact the Heritage Office in accordance with section 146 of *the NSW Heritage Act 1977*.

Work must not recommence until any necessary Excavation Permit has been obtained from the Heritage Council under section 140 of *the NSW Heritage Act, 1977*.

- 4.10. Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.11. Undertake the removal of trees as shown on the approved Tree Retention Plan by Urbis 9/2/21 in a manner so as to prevent damage to those trees that are to be retained.
- 4.12. Implement erosion and sediment control measures and undertake works in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).
- 4.13. Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the Protection of the Environment Operations Act 1997.
- 4.14. Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 4.15. Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.16. Collect stormwater in appropriate tanks or pits and direct overflows to Council's stormwater system.
- 4.17. Submit to Council a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that the site has been made free of asbestos material following completion of demolition works.
- 4.18. Immediately notify the Council of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation.

- 4.19. Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- 4.20. Reuse, recycle or dispose of all waste building materials capable of reuse or recycling during the demolition and construction phase to a suitable, licensed facility as broadly indicated in the Waste Management Plan dated 18 June 2021 signed by D. Rowe
- 4.21. A floor waste drain is to be provided outside the new cool room door.
- 4.22. Classify all excavated material removed from the site in accordance with NSW EPA (November 2014) *Waste Classification Guidelines* and/or the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
- 4.23. Removal of greater than 10m² of non-friable asbestos and the removal of all friable asbestos must be undertaken by a licensed asbestos removal and in compliance with the *NSW Government Workcover How to Safely Remove Asbestos Code of Practice 2019*.
- 2.24. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - (c) preventing the tracking of sediment by vehicles onto roads, and
 - (d) stockpiling top-soil, excavated materials, construction and landscaping supplies and debris within the lot.
- 2.25. Maintain all erosion and sediment control measures within their operating capacity until the completion of the works and stabilisation of the site, to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.

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

- 5.3. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.4. Complete landscaping works in accordance with the approved landscape plan.
- 5.5. Revegetate and stabilise all areas disturbed by construction activities associated with the development so as to prevent erosion and dust nuisance occurring.
- 5.6. Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- 5.7. Install lighting to car parking and back of house area in accordance with the requirements of Australian Standard 1158: Lighting for roads and public spaces and Australian Standard 2890.1.
- 5.8. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.9. Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
- a. provide adequate lighting to common areas as required under Australian Standard AS 1158: Lighting for roads and public spaces
 - b. paint the ceiling of the car park white
 - c. design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
 - d. design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises
 - e. provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
 - f. install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.
- 5.10. Provide fold-away clothes lines for clothes drying purposes that must not extend above courtyard fencing.

- 5.11. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.12. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.13. Install floor waste bucket traps in food preparation and handling areas.
- 5.14. Install in-sink strainers within the kitchen sink waste outlet(s).
- 5.15. Install an approved commercial grease arrestor in association with the food premises, suitably sized for influent flow rates (minimum capacity 1000 litres).
- 5.16. Provide certification to the Principal Certifier to confirm the final fit-out of the premises complies with the *Food Act 2003*, *Food Regulation 2010*, *Australia New Zealand Food Standards Code*, *Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 5.17. No food handling, as defined by the *NSW Food Act 2003*, is permitted in the food premises prior to the issue of the Occupation Certificate.
- 5.18. Provide certification from a mechanical engineer to the Principal Certifier that the construction, installation and operation of the exhaust hood ventilation system meet the requirements of:
- Australian Standard AS 1668 Part 1-2015: *The use of ventilation and air-conditioning in buildings - Fire and smoke control in buildings*
 - Australian Standard AS 1668 Part 2-2012: *The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings*
- 5.19. Structural Engineers Certification of the Flood Protection Barrier by the designing engineer as being fully operational prior to the occupation of the development.
- 5.20. The preparation of a Management Plan for the Flood Protection Barrier to ensure the on-going future operation and routine maintenance of the designed Flood Protection Barrier.

6. ONGOING OPERATION

- 6.1. Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas.
- 6.2. Maintain the site landscaping for the life of the development.
- 6.3. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.4. Maintain all security fencing for the life of the development in the approved location.
- 6.5. Restrict the hours of operation of the retail use to those times listed below:
 - Weekdays 06:00am to 04:00pm
 - Saturdays 06:00am to 04:00pm
 - Sundays and Public Holidays 06:00am to 04:00pm

Any variation to these hours is subject to the prior consent of Council.
- 6.6. Do not store materials, waste matter or products outside the building or the approved storage area at any time.
- 6.7. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.8. Maintain the external finishes of the building(s), structures, walls and fences for the life of the development and remove any graffiti within seven (7) days.
- 6.9. Do not give to offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
- 6.10. Do not give rise to offensive odour as defined in the *Protection of the Environment Operations Act 1997*.
- 6.11. Ensure all egress vehicle movements from the site are in a forward direction onto Hudson Lane.
- 6.12. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.13. Service Waste Management in accordance with *Gosford Development Control Plan 2013*, Part 7: Chapter 7.2 - Waste Management, Appendix H.
- 6.14. Transport all waste generated on the premises to a facility which is licensed to receive that material.

- 6.15. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.16. Comply with all commitments as detailed in the Waste Management Plan signed by David Rowe, dated 18 June 2021.
- 6.17. Locate the approved waste storage enclosure / area as indicated on Project / Drawing Number 18651-DA10, Revision F, dated 26 April 2021, prepared by Howard Leslie & Associates.
- 6.18. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.19. Place the residential mobile garbage/recycling/green waste containers at a suitable location at the kerbside in Hudson Lane no earlier than the evening prior to collection day and return to the approved, screened storage location as soon as possible after service, no later than the evening on collection day. The waste containers are not to encroach beyond side boundaries. The residents, caretaker, owner etc are responsible for placement and return of the mobile waste containers.
- 6.20. Mixed and recyclables Commercial waste containers to be wheeled out on the arrival of the commercial waste contractor and immediately returned to the approved, screened commercial waste storage enclosure after servicing. Commercial waste servicing to be undertaken at such times to minimise disruption to other vehicles/pedestrians etc within Hudson Lane.
- 6.21. Residential and Commercial mixed and recyclables waste containers to be stored within the approved, screened waste storage enclosures at all times.
- 6.22. Lodge a new Liquid Trade Waste application when there is a change of ownership / occupancy or change to the activities licenced under this approval. As part of this process, Council will re-assess the Liquid Trade Waste requirements for the site and update the Liquid Trade Waste approval document as appropriate. This form can be found on Council's website: www.centralcoast.nsw.gov.au
- 6.23. This approval does not extend to include any alterations or additions to those buildings upon the adjoining properties. Any proposals for the adjoining properties are to be subject of separate development applications submitted to Council. (FO001)(FO002).
- 6.24. Insulate and / or isolate the motor, filter, pump and all sound producing equipment so as not to create an offensive noise to the occupants of the adjoining premises as defined in the *Protection of the Environment Operations Act 1997*.
- 6.25. Do not let, adapt or use the dwelling for separate occupation in two or more parts.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- It is an offence under the National Parks and Wildlife Act 1974 to disturb an Aboriginal artefact without a Permit.
- Discharge of sediment from a site may be determined to be a pollution event under provisions of the Protection of the Environment Operations Act 1997. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities who may have separate requirements in the following aspects:
 - a. *Australia Post* for the positioning and dimensions of mailboxes in new commercial and residential developments;
 - b. *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
 - c. *Ausgrid* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - d. *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
 - e. *Central Coast Council* in respect to the location of water, sewerage and drainage services.

- The Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: www.centralcoast.nsw.gov.au
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- The operation of all mechanical plant equipment and machinery must not give rise to offensive noise as defined in the Protection of the Environment Operation Act 1997.

DA58543/2020 - Alterations & Additions to Shop Top Housing

Description of Land - LOT: 1 DP: 214139, No. 60 Terrigal Esplanade, Terrigal

LOT: B DP: 374520, No. 60 Terrigal Esplanade, Terrigal

Gosford Development Control Plan 2013 (GDCP 2013)

Chapter 4.3 Terrigal Village Centre

Compliance Table

Development Control	Required	Proposed	Compliance
4.3.4 Desired Character and Scenic Quality	The desired character of Terrigal Village Centre	<p>The subject site is within the Terrigal Village Centre, wherein the specific zoning recommendations and desired character for the area are quoted and captured in part as follows:</p> <ul style="list-style-type: none"> • <i>Establish contemporary urban design-based controls and guidelines for mixed-use development</i> <ul style="list-style-type: none"> - <i>Having regard for the scenic quality and environmental capability of the Terrigal Village Centre; and</i> - <i>Addressing the character and amenity that are displayed by the surrounding neighbourhoods.</i> • <i>Define fundamental features of the desired design character and design quality for both public places and buildings;</i> • <i>Recognise the importance of relationships between land use, the levels of pedestrian and business activity, the size and the design of buildings;</i> • <i>Encourage modestly-scaled buildings that would not dominate the scenic qualities of a foreshore setting; and</i> • <i>Promote architectural identity for this village centre that is regionally-distinctive or high levels of residential amenity in surrounding residential areas as well as within the Terrigal Village Centre, and</i> <p>The proposed development is consistent with the desired character of Terrigal Village Centre for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development continues to promote efficient land use by encouraging mixed use redevelopment of a higher architectural design quality that will benefit local residents as well as visitors to the area and Gosford City; • The overall bulk and scale (which is below the maximum HOB requirements) of the building ensures that the alterations and additions neither dominate the coastal setting nor intrude unreasonably onto the coastal foreshore setting and ocean views available 	Yes

		from surrounding residential hillsides and immediate adjoining neighbouring properties.	
4.3.5 Street Frontage	Near Continuous shopfronts and incorporate best-practice architectural design for narrow frontages to accommodate efficient use between amenity /services /access /parking etc.	<ul style="list-style-type: none"> The proposed development will continue to contribute and encourage intensive pedestrian activity along Terrigal Esplanade and to some extent on Hudson Lane. It will also provide higher amenity and quality housing stock with a clear formalised and protected residential entry from the laneway in a well serviced neighbourhood area. The site is in situated in and within walking distance to all Terrigal Village amenities and attractions, commercial, financial, tourism and hospitality, modern residential, local transport, galleries and parklands/reserves and beaches of regional importance. It is noted that the subject site is located within key public open spaces, with direct view lines or vistas of Terrigal beach foreshore. In regard to best-practice architectural design the proposal incorporates various elements privy to wider frontages sites with bonus space such as, ramp access, lift lobbies and stairs, concealed parking facilities and building services shaft /waste cupboards etc. As such and given the inherent site width restrictions, it is considered that the building form responds naturally to the desired continuous shop front as a building "base" with a solid first storey above facing the main street. To Hudson lane the building form responds with a combination horizontal layering of setbacks and use of materials emphasising in discreet form the upper level balconies of both the added retail staff amenities and residential unit. 	Yes
4.3.6 Height Form + Scale of building	<p>LEP Height Control Clause 4.3A Site Frontage: Less than 20m Site Area: Less than 2000m² Max. Height in Storeys: 3 Max. External Wall height: 10m</p>	<p>Max. Height in Storeys: 3 Max. External Wall height: 11.14m (Variation 1.14m or 11.4%) Max. Street Storeys/ Lane Wall Height: 2 / 8.73m</p> <ul style="list-style-type: none"> Overall, given the site proportions and half level split contours to the rear of the site, it is considered that the proposed development is generally consistent 	<p>Yes No, however variations supported Yes/Yes</p> <p>Yes</p>

	Max. Street Storeys/ Lane Wall Height: 2 / 8.75m	<p>with the height form and scale of building objectives for shop top housing developments in Terrigal Village Centre. Although the building façade from Hudson Lane could read as a 4 storey building (because of site contours and use of split level floors), given the setback distances and position of the roof top level towards the centre of the site it is anticipated this is a design volume that will not be visible at street eye level. Refer to 3D renderings.</p> <ul style="list-style-type: none"> The proposed development building bulk and scale is modest and provides a building form and building height which formalises and enhances the surrounding space and site boundaries with a solid edge in line with current development trends characteristic to Hudson Lane. The building form is articulated to create a stepped /terraced architectural volume reminiscent of an "urban village" style of development with modern use of materials. The planimetric residential floor plan design responds to the Australian Coastal style way of living by promoting varied types and use of open space living areas including an outdoor entertainment on the third level to Terrigal Esplanade. The retail/shop component incorporates a new awning in line with the specified Terrigal Foreshore improvement amenities at street level and remains as the primary retail frontage as a publicly accessible area. 	
4.3.7 Setbacks Sitting + Scale of Building	Street Setbacks: None Hudson Lane Setback: 3m	<p>Street Setbacks: None Hudson Lane Setback: 3m</p> <p>It is considered that the proposed development is generally consistent with the objectives for shop top housing developments for the following reasons:</p> <ul style="list-style-type: none"> Provides an improved amenity and urban design quality to both street and lane frontages by providing an appropriate interface with building components and use versus pedestrian activity and access. Maintains and encourages mixed use variety of retail shops with improved housing choice in line with current local market demand. Complements the desired character of the neighbouring area and does not impact on the natural scenic qualities. 	Yes
4.3.10 Residential Amenity	Minimum Floor to Floor Dimensions: 2.7m	The proposal's ceiling heights for habitable rooms have a minimum of 2.7m.	Yes
	Views	Given the inherent site proportions and building sitting and form, it is anticipated the proposal will not have any unreasonable impacts on views.	Yes
	Private Open Space	The residential units floor plans indicate that the first floor has a balcony (6.8m ²) to the main bedroom facing	Yes

		Hudson Lane and a top roof terrace with pergola (20m2) on the second level facing Terrigal beach.	
	Outlook + Daylight	The floor plans indicate that the level of the building have expansive windows and bifold doors to provide an attractive outlook towards Hudson Lane and Terrigal Esplanade activities and natural backdrops located beyond the site. Additionally, the architectural roof design has incorporated a skylight in a way to contribute additional sun light access to the middle section of the building.	Yes
4.3.11 Natural Hazards + Environmental Planning	Flood prone properties	The subject site is located within an area subject to flooding at the rear on Hudson Lane. As such the proposed building design has incorporated a car space and bin storage area floor level graded at 5% above Hudson Lane pavement level. Additionally, Council's development engineers have recommended that a Flood Protection Barrier form part of the garage shutter to ensure flood protection to the parked vehicle and reduce safety risks to future occupants. Council Engineers are supportive of the application subject to conditions of consent.	Yes
	Energy Efficiency	The proposal is accompanied by a BASIX Certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate. Notwithstanding, the proposals windows and bi-fold doors facing north are well set in with an awning or pergola in-front as the case may be.	Yes
	Stormwater Management	The proposal will continue to use exiting infrastructure where all roof water and surface runoff is collected by gutters, pipelines and pits and discharged to Council's reticulated stormwater system located on Hudson Lane.	Yes
7.1 Car Parking	Shop top Housing: 1 car space per dwelling	The proposal provides one (1) on-site parking space, however it is noted that the proposal does not result in an overall increase in required parking spaces from the existing situation and is acceptable.	Yes