

# Central Coast

## Local Planning Panel

Central Coast  
Local Planning Panel Meeting  
Business Paper  
**23 July 2020**



# Meeting Notice

**The Local Planning Panel Meeting  
of Central Coast  
will be held remotely - online,  
Thursday 23 July 2020 at 2.00 pm,  
for the transaction of the business listed below:**

<b>1</b>	<b>Procedural Items</b>	
1.1	Disclosures of Interest .....	3
<b>2</b>	<b>Confirmation of Minutes of Previous Meeting</b>	
2.1	Confirmation of Minutes of Previous Meeting.....	4
<b>3</b>	<b>Planning Reports</b>	
3.1	DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) .....	9
3.2	Additions to Existing Community Building at 28 Brava Ave, San Remo.....	33
3.3	DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises.....	59

Donna Rygate  
**Chairperson**

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

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23 July 2020 Local Planning Panel Meeting

Reference: F2020/00812 - D14052676

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

### **Recommendation**

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

### **Attachments**

Nil

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

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23 July 2020 Local Planning Panel Meeting

Reference: F2020/00812 - D14072418

Author: Rachel Callachor, Local Planning Panel Support Coordinator

### **Summary**

Confirmation of minutes of the previous Local Planning Panel Meeting held on 9 July 2020.

### **Recommendation**

***That the Local Planning Panel confirm the minutes of the previous Meeting held on 9 July 2020.***

### **Attachments**

- 1 MINUTES - Local Planning Panel - 9 July 2020 D14071291





## Local Planning Panel

Minutes of the  
**LOCAL PLANNING PANEL MEETING**  
Held remotely - online  
on 09 July 2020

### Present

Chairperson	Donna Rygate
Panel Experts	Garry Fielding Stephen Leathley
Community Representative/s	David Kitson

### Central Coast Council Staff Attendance

Andrew Roach	Unit Manager Development Assessment
Alisa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Development Planner Development Assessment South
Cade Tracey	Trainee Development Planner Development Assessment South
Phill Coon	Senior Development Assessment Engineer Engineering Assessment South
Mark Wasson	Strategic Planner City Planning and Design

### Public Forum Attendance

Helen Orchard	Koolewong and Point Clare - Tascott Progress Association, spoke against the recommendations for items 3.1 and 3.2
Kuda Dzinotizei	Stream Network Construction, spoke on behalf of the applicant for item 3.1
Paul Davidson	Telstra, spoke on behalf of the applicant for item 3.1
Michael Leavey	Michael Leavey Consulting, spoke on behalf of the applicant for item 3.2
Andrew Dickson	White + Dickson Architects, spoke on behalf of the applicant for item 3.2

The Chairperson, Donna Rygate, declared the meeting open at 2.00pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chairperson, Donna Rygate read an acknowledgement of country statement.

## Apologies

***The Panel noted that no apologies had been received.***

### **1.1 Disclosures of Interest**

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***The Panel noted advice of disclosures.***

### **2.1 Confirmation of Minutes of Previous Meeting**

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***The Panel confirmed the minutes of the previous Meeting held on 11 June 2020 and noted two typographical amendments only.***

***Moved: Stephen Leathley***

***Seconded: Donna Rygate***

### **3.1 DA 56560/2019 - Report for Telecommunications Tower, Brisbane Water Drive, Koolewong**

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**Site Inspected** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Council assessment report
- First exhibition 16 submissions were received and a petition (late)
- Second exhibition 12 submissions were recorded as well as a second petition
- Photomontages
- Three speakers

**Council Recommendation** Approval subject to conditions

**Panel Decision**

**1** ***That the Local Planning Panel grant consent to the proposed development 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 and other relevant issues.***

**2** ***That an additional condition be imposed requiring the tower to be painted eucalyptus green (or similar) to minimise its visual impact.***

**3** ***That an additional condition 6.6 be included as follows***

***“In the event of the telecommunications facility no longer being required, the facility is to be removed and the site restored to a condition that is similar to its original setting before the facility was constructed.”***

**4 That Council advise those who made written submissions of the Local Planning Panel’s decision.**

**Reasons**

- 1 The proposed development complies with the relevant State and Local Planning instruments and policies.
- 2 Adjoining property owners were notified of the proposed development in accordance with Council’s policy and concerns raised in submissions have been considered and addressed where applicable.
- 3 The Panel notes the applicant has modified the location of the proposed tower and its height in response to community concerns.
- 4 The Panel accepts the applicant’s verbal submission and report accompanying the development application that future EME levels will be well within the acceptable standard set by the relevant regulatory/health authorities
- 5 The provision of this item of telecommunications infrastructure is in the public interest.

Consent conditions are agreed subject to amendment in accordance with section 4.33(1)(b) of the Environmental Planning and Assessment Act 1979.

**Votes**

Unanimous

**3.2 DA 54122/2018 - 34-36 Brisbane Water Drive, Koolewong - Residential Flat Building and Commercial Premises**

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**Site Inspected**

Yes

**Relevant Considerations**

As per Council assessment report

**Material Considered**

- Council assessment report and addenda
- First exhibition 28 submissions
- Second exhibition 45 submissions
- Three speakers

<b>Council Recommendation</b>	Approval subject to conditions
<b>Panel Decision</b>	<p><b><i>That the Local Planning Panel defer consideration of the Development Application and invite the applicant to:</i></b></p> <ol style="list-style-type: none"><li><b><i>1 Make an amended clause 4.6 submission addressing the additional gross floor area generated by provision of parking on the site in excess of Council requirements.</i></b></li><li><b><i>2 Delete the northern driveway and two associated car parking spaces, and propose an alternate use for the liberated area and an alternative approach for garbage collection</i></b></li><li><b><i>3 Reduce the width of the northern and southern balconies of the central apartment building ( maximum width of 1.1 metres)</i></b></li><li><b><i>4 Amend the Landscape Plan to reflect the above</i></b></li></ol> <p><b><i>The amended details and plans referred to above are to be submitted to Council within 14 days.</i></b></p>
<b>Reasons</b>	<ol style="list-style-type: none"><li>1 The Panel does not consider that the current clause 4.6 submission properly reflects the provisions of the Gosford Local Environmental Plan 2014.</li><li>2 The Panel considers the provision of two driveways servicing the proposed development is excessive and therefore favours the deletion of the northern driveway and the use of the liberated area for more appropriate purposes.</li><li>3 The Panel considers that the northern and southern balconies on the central apartment building are excessive in width, having regard to the ADG Building Separation requirements.</li></ol>
<b>Votes</b>	Unanimous

The Local Planning Panel Public Meeting closed at 3:10pm. The Panel moved into deliberation from 3:10pm and concluded 4:30pm

**Item No:** 3.1  
**Title:** DA/592/2019 - 1 Kanangra Drive, Crangan Bay -  
Use of rebuilt clubhouse ancillary to existing mini  
cycle club (recreation facility (outdoor))

**Department:** Environment and Planning

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23 July 2020 Local Planning Panel Meeting

Reference: DA/592/2019 - D14028840  
Author: Rebecca Samways, Development Planner  
Manager: Emily Goodworth, Section Manager, Development Assessment  
Approver: Andrew Roach, Unit Manager, Development Assessment

### Summary

An application has been received for the use of a rebuilt clubhouse at 1 Kanangra Drive, Crangan Bay ancillary to the use of the land for the Junior Trial Mini Cycle Club (recreation facility (outdoor)). 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.

Having regard for the Ministerial Directions of 23 February 2018 and 3 November 2019, the application is required to be determined by the Central Coast Local Planning Panel as it is development on Crown Reserve Trust land under the care and control of Council. There are lease arrangements with the club which may be perceived as a conflict of interest.

<b>Applicant</b>	Junior Trials & Minicycle Club Inc
<b>Owner</b>	Gwandalan Recreation (R96201) Reserve Trust
<b>Application No</b>	DA/592/2019
<b>Description of Land</b>	Lot 649 DP 1027231, 1 Kanangra Drive, Crangan Bay
<b>Proposed Development</b>	Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor))
<b>Site Area</b>	182,700m <sup>2</sup>
<b>Zoning</b>	RE1 Public Recreation
<b>Existing Use</b>	Recreation Facility (outdoor) comprising of a mini-bike track and associated facilities including parking and amenities block
<b>Employment Generation</b>	No
<b>Estimated Value</b>	Nil

**3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)**

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**Recommendation**

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.**
- 2 That Council advise those who made written submissions of its decision.**

**Precis:**

<b>Proposed Development</b>	Use of rebuilt clubhouse ancillary to existing use of the land for the purposes of a 'mini cycle club' (defined as a 'recreation facility (outdoor)' in accordance with the <i>Wyang Local Environmental Plan 2013</i> )
<b>Permissibility and Zoning</b>	The site is zoned <i>RE1 Public Recreation</i> under the provisions of <i>Wyang Local Environmental Plan 2013</i> .  The proposed development is the use of a building for a purpose which is ancillary to the existing 'Recreation Facility (outdoor)' and is therefore permissible within the <i>RE1 Public Recreation</i> zone.
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Wyang Local Environmental Plan 2013 (WLEP 2013)</i></li> <li>• <i>Draft Central Coast Local Environmental Plan 2018 (CCLEP 2018)</i></li> </ul>
<b>Current Use</b>	Recreation Facility (outdoor) comprising of a mini-bike track and associated facilities (including parking and amenities block).
<b>Integrated Development</b>	No – the proposed development is not integrated development as defined by Section 4.46 of the Environmental Planning & Assessment Act 1979
<b>Submissions</b>	1 submission

**The Site**

The subject site is legally described as Lot 649 DP 1027231 and is commonly known as the 'Junior Trials Mini Cycle Club' (1 Kanangra Drive, Crangan Bay). The site is located on the corner of Kanangra Drive and the Pacific Highway. The site is an irregular shaped parcel of land having a size of approximately 18.27 hectares. The land currently contains a recreation facility (outdoor) comprising a mini-bike track and associated facilities including parking and amenities block. There is an existing 'clubhouse' building which is the subject of this

### 3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)

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application. The building was re-built without development consent after the loss of the previous clubhouse to bushfire in 2013.

The land has been used for the purposes of a 'mini-cycle track' since the early 1980's (with development consent granted in 1983, see later sections of this report). In 2005 the land was leased to the club for the operation of the 'mini-bike track' for a period of 10 years (from 1 July 2005). Since the expiration of the lease in 2015 the land has been leased on a monthly basis for the continued use for mini-cycle trials events and activities.

There was an existing clubhouse that was burnt down by bushfire in 2013. The clubhouse has since been rebuilt without development consent. It is this re-built clubhouse structure that is the subject of this application.



**Figure 1. Location of the clubhouse on the site**

The subject site is zoned *RE1 Public Recreation* under the provisions of the Wyong Local Environmental Plan (Wyong LEP) 2013. The and is bounded by:

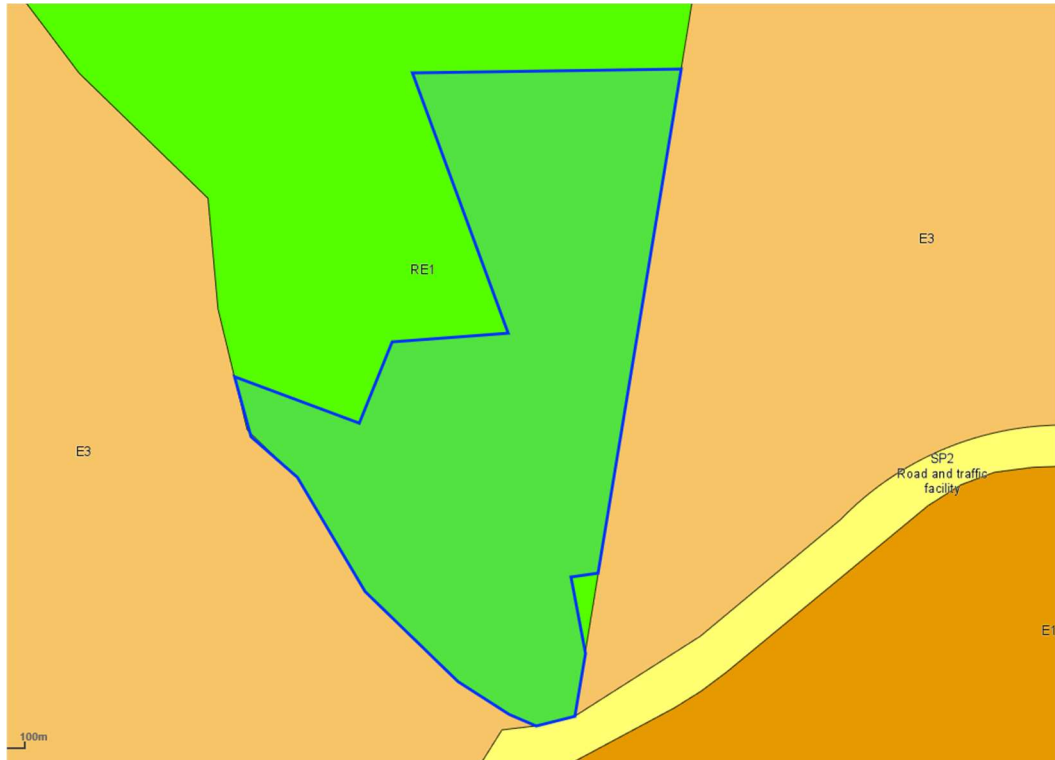
- land zoned *E3 Environmental Management* to the east and south-west (on the opposite side of Kanangra Drive);

### 3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)

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- Land zoned *E1 National Parks and Nature Reserves* to the south; and
- *RE1 Public Recreation* to the north.

The site is surrounded by significantly vegetated areas and is mapped as bushfire prone land.



**Figure 2. Extract of Wyong LEP 2013 zoning map**

#### **Surrounding Development**

Directly adjoining the site to the east is a concrete recycling facility and directly adjoining the site to the north is cleared bushland. The remainder of the site is surrounded by bushland and Munmorah State Conservation Area to the south. Further north of the site is Lake Macquarie State Conservation Area.

#### **The Proposed Development**

The proposed development consists of the use of a rebuilt clubhouse ancillary to the existing mini cycle club (recreation facility (outdoor)). The clubhouse is currently existing onsite and has been rebuilt without development consent after bushfire destroyed the previous clubhouse in 2013. The clubhouse consists of 3 modular relocatable units supported on concrete pier footings and a large concrete slab area adjacent to the clubhouse buildings.

A large single steel awning/roof covers all three modular units and the adjoining concrete slab to form a large shaded area (See Figure 3).



### 3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)

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As previously noted, the land is currently leased by council to the Junior Trials Mini Cycle Club for the purpose of a mini-bike track for mini-cycle trial events and activities associated with the use. The clubhouse is to be used in relation to the operation of the existing not-for-profit community club on the site for mini-cycle trial events in accordance with the current lease agreement.

The clubhouse will be used during events at the Junior trial Mini Cycle Club. The clubhouse contains a sign-in room for competitors, a meeting room which is used for committee meetings, a canteen which sells pre-package food, drinks and club merchandise, and a covered outdoor area used for rider safety briefings and a lunch area.

Events are typically held an average of two weekends per month between late February and early October each year, which include the following:

- 10 club competition days
- 4 'all club' competition days
- 1 large size interclub day
- 4 coaching days
- 4 kick start/endorsement days
- 1-2 practice days

The events typically have 40 junior competitors and 50 parents/caregivers in attendance. The inter-club day typically has 90 junior competitors and 110 parents/caregivers in attendance.



**Figure 3. Photograph of the existing clubhouse building/s**

### 3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)

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#### History

Development Application Ref DA/83/036 was approved on 11 February 1983 for the operation of a *'mini-bike track and associated amenities'*.

There was an existing clubhouse building that was lost to bushfire in 2013. Since that time, a replacement clubhouse was constructed on site without development consent (the subject of this development application).

A Building Information Certificate (Reference BC/67/2017) was lodged with Council on 27 July 2017 to rectify the illegal construction works of the clubhouse. The building information certificate is currently under assessment and pending the determination of the development application for the use of the building.

#### Assessment

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, the assessment has identified the following key issues:

#### Wyong Local Environmental Plan 2013 - *Permissibility*

The subject land is zoned *RE1 – 'Public Recreation'* under the provisions of the *Wyong Local Environmental Plan 2013*. The use of the site was previously approved as a *'mini-bike track and associated amenities'* which is best defined as a *'recreation facility (outdoor)'* under the provisions of the *Wyong Local Environmental Plan 2013*.

A *'recreation facility (outdoor)'* is permitted in the zone and is defined in the Wyong LEP as:

***'recreation facility (outdoor)'*** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or recreation facility (major).'

The proposed development is for the use of the building on site as a clubhouse is an ancillary use to the existing *recreation facility (outdoor)* as it will be used to support the operation of the approved mini-bike track. Note that the definition of *'recreation facility (outdoor)'* specifically including *'any ancillary buildings'*.

**3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)**

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The use of a building for the purposes of a clubhouse, as proposed, is ancillary to the dominant use (recreation facility (outdoor)). In considering with the use can be properly characterised as 'ancillary' to the primary use of the land, Council officers have reviewed relevant documentation, including *Planning Circular PS 13-001 - 'How to Characterise Development'* dated 21 February 2013.

In relation to 'ancillary use', the Planning Circular states:

*'An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land.'*

*To put it simply:*

- *if a component serves the dominant purpose, it is ancillary to that dominant purpose;*
- *if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed use development.'*

The Planning Circular also contains a number of 'Considerations for Characterisation' when determining whether a use is 'ancillary' or not. These are dealt with specifically in the table below:

<b>'Consideration for Characterisation' as 'ancillary use' from Planning Circular PS 13-001</b>	<b>Comment</b>
Is the component going to serve the dominant purpose of the development or is it independent?	The purpose of the clubhouse is for ancillary purposes to support the main use of community sporting activities undertaken on the site. The use of the clubhouse will serve the dominant purpose of the site as a 'recreation facility (outdoor)' and the clubhouse is not proposed to be used for any purpose other than in conjunction with the long-standing use of the site for mini-bike trials.
What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.	The clubhouse building occupies a very small portion of the site.

**3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)**

Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.	There is no evidence that the proposed use is inconsistent with the dominant use of the land for sporting/recreation purposes.
If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.	<p>Whilst the consent is not applied for a temporary period. There are a number of considerations:</p> <ul style="list-style-type: none"> <li>• the buildings proposed to be used for the purposes of a clubhouse are pre-fabricated with a single steel roof. As such, they are not as substantial as a more permanent structure; and</li> <li>• The lease for the site is currently on a month-to-month basis, and subject to ongoing agreement with Council for continuation.</li> </ul> <p>(It must be noted, however, that the use of the site for the purposes of a mini-cycle track' has been for some time – first commencing in the early 1980's.)</p>
If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).	It is considered that the proposed use the clubhouse building to support the use of the site is 'reasonably required'.
Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.	The proposed development (use of building as a clubhouse) is intrinsically linked and has an ancillary relationship to the primary use of the site for sport/recreation.
Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.	The building to be used as a clubhouse is located centrally on the site, immediately adjacent to the mini-cycle track – again demonstrating the use of the buildings is ancillary to the main purpose.

Given the above, it is considered that the proposed development (use of building as clubhouse) is properly characterised as 'ancillary' to the substantive use of the land as a recreation facility (outdoor).

**3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)**

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**Wyong Local Environmental Plan 2013 - Zone Objectives**

Subclause 2.3(2) of the *WLEP 2013* requires the consent authority to have regard for the objectives of development in a zone when determining a development application.

The objectives of the *RE1 Public Recreation* zone are as follows:

- *To enable land to be used for public open space or recreational purposes*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide linked open space for ecosystem continuity, public access, local community recreation and waterway protection.*
- *To provide space for integrated stormwater treatment devices for a flow and water quality management.*
- *To enable ancillary development that complements land zoned for recreational purposes.*

The proposal is ancillary development to the Junior Trials Mini Cycle Club that will complement the existing recreational use. The clubhouse is located in an existing cleared area next to the designated parking area and as such will not impact the natural environment and has suitable public access.

The proposal is considered to be consistent with the zone objectives of the RE1 Public Recreation zone.

**Wyong Local Environmental Plan 2013 - Clause 7.9 – Essential Services**

Clause 7.9 requires the consent authority to be satisfied that the site has access to all essential services for the development including water, electricity, management of sewage, drainage and suitable vehicular access. All essential services are to be suitably provided to the site and as such meets the requirements of the clause.

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

The Draft CCLEP 2018 will replace the former Wyong Council and Gosford Council planning instruments.

Under the Draft CCLEP 2018 the zoning of the site remains RE1 Public Recreation and a *recreation facility (outdoor)* remains permissible and consistent with the objectives of the RE1 Public Recreation zone. There are no changes to or additional development standards in the Draft CCLEP 2018 that require further discussion in relation to the proposed development.

**3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)**

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**State Environmental Planning Policies (SEPP)**

There are no relevant SEPPs to the proposed development to report.

**Wyong Development Control Plan 2013 (DCP)**

***DCP Chapter 2.11 – Parking and Access***

The mini cycle club was originally approved under DA/83/036 which assessed the parking and conditioned the provision of 100 parking spaces on the site. The existing parking is considered to be adequate to service the proposed development. The current proposal is for the use of the rebuilt clubhouse only that is ancillary to the facility, there is no proposed intensification of the approved use. It is considered that the existing parking is suitable for the use of the clubhouse having regard for the previous and continuing use of the site as a mini cycle club with no increase in the number of participants and spectators proposed.

***DCP Chapter 3.6 – Tree & Vegetation Management***

The proposed development does not involve the removal of any trees or vegetation. The site is extensively disturbed in the area of the existing bike track, parking area and clubhouse. The proposal does not present any impact in terms of vegetation removal/disturbance.

***DCP Chapter 3.8 – On Site Effluent Disposal in Non-Sewered Areas***

The proposed development does not involve the installation of any additional toilet facilities – there is an existing amenities building and no alterations are proposed to this arrangement. In addition, the proposed development (use of clubhouse) does not propose to increase the intensity of use of the land. As such, additional toilet and/or on site effluent disposal infrastructure is not required.

Councils Environmental Health Officer has reviewed the proposal and has no objections (see comments later in this report). Appropriate conditions have been recommended and are applied to the draft conditions schedule for the consideration of the Local Planning Panel.

**Likely Impacts of the Development**

***Built Environment***

The proposal is for the use of an existing clubhouse located adjacent to the parking area and mini cycle track and amenities on the site. The Junior Trials Mini Cycle Club is not visible from the street as it is surrounded by bush and as such will not impact on the visual amenity of the surrounding built environment.

**3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)**

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***Access and Transport***

The clubhouse is located adjacent to the existing carpark area and mini cycle track and is 30m away from the amenities block. The position of the clubhouse provides suitable accessibility within the site and does not impact on public access and transport to the site and surrounding land uses.

***Context and Setting***

The surrounding locality is predominantly bushland and a neighboring concrete recycling facility. The site is of large scale with an established mini cycle club on it and is screened from the road by bushland. The proposed use of the clubhouse is considered to have suitable regard for the context and setting of the site given its location within the existing recreation facility.

***Natural Environment***

The clubhouse has been constructed in an existing cleared area on the site and there is no impact to the vegetation. The proposed use of the clubhouse will not result in any intensification of the current use of the land that will likely have any impact on the natural environment.

**Suitability of the Site for the Development**

The proposed use of the clubhouse is considered to be suitable having regard for the locality given the existing use on the site for a recreation facility and the suitability of the location given there will be no amenity impact to the surrounding properties.

**Notification & Public Submissions**

The development application was notified from 29 August 2019 until 12 September 2019 in accordance with *Wyong Development Control Plan 2013, Chapter 1.2 – Notification of Development Proposals*.

One submission was received during the notification period. The issues raised in the public submission are detailed below:

- *Submission: The proposal is for the use of a building which has recently been erected without development consent.*

Comment: The clubhouse has been reconstructed without development consent following the loss of the previous clubhouse to bushfire. The proposal is for the use of the building only, not the construction of the building as retrospective approval cannot be granted for the construction. A building information certificate has been

**3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)**

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lodged with Council and is currently awaiting development consent for the use of the unauthorised structure prior to issuing the Building Information Certificate.

- *Submission: The amenities block appears to encroach into the adjacent property to the east.*

Comment: The proposal is for the use of the rebuilt clubhouse only. The toilet facilities are existing and there are no proposed alterations or additions to the toilet facilities/amenities. A boundary adjustment to rectify any encroachment does not form part of the application. Any encroachment of the toilet facilities over the boundary should be formalised through a separate development application arranged by the owners of the two properties affected

- *Submission: Is the existing amenities block the only facilities provided or are there new amenities in the clubhouse? What is the usage demand for the amenities?*

Comment: No additional toilets are proposed and there are no toilets within the clubhouse. The existing amenities block will be used during events which generally occur two weekends a month between late February and early October, and generally have between 40-90 competitors and 50-110 spectators. It is also noted that during large events the club hires portable toilets for the increased number of attendees to the site. The proposal does not involve the intensification of the existing use of the site and as such there is no change to the demand for the amenities and the existing amenities are considered to be suitable.

- *Submission: There is no SEE accompanying the documentation submitted that details the history or confirms that the building is to be utilised in conjunction with an approved land use.*

Comment: Additional information was requested from the applicant regarding the history and operational details of the clubhouse. The clubhouse is considered to be ancillary to the existing recreation facility approved in 1983 for a mini-bike track and associated structures. The proposed use of the clubhouse is consistent with the existing use and operation of the recreation facility and will not result in the intensification of the previously approved existing land use. No additional events or other land uses are proposed on the site.

### **Submissions from Public Authorities**

#### ***Rural Fire Service***

The site is identified as bushfire prone land and was referred to the NSW Rural Fire Service (RFS) for comment in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979*.



**3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)**

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The RFS has identified that the performance-based solution proposed in the bushfire report submitted with the application is considered to be suitable and has raised no objection to the proposal.

The RFS has provided recommended conditions of consent regarding the management of the land around the clubhouse as an inner protection area, the upgrade of the club building to comply with a BAL 19 level of construction, compliance with access requirements for emergency services personnel, compliance of water, electricity and gas services with the relevant standards and the preparation of a bush fire emergency management and evacuation plan.

The recommended conditions are included in the draft conditions of consent schedule for consideration by the Local Planning Panel.

***Mine Subsidence Advisory Board***

The application was referred to Subsidence Advisory NSW who raised no objection to the use of the building and advised that Subsidence Advisory NSW was unable to retrospectively approve any surface improvements.

**Internal Consultation (Council Officers)**

***Development Engineer***

The application was referred to Council's Development Engineer who raised no objection to the use of the existing clubhouse and found the engineering aspects of the development to be satisfactory. No engineering conditions were recommended for the proposal.

***Environmental Health Officer (Food)***

The application was referred to Council's Environmental Health Officer regarding the canteen and raised no objection to the development proposal. The officer has provided recommended conditions to be incorporated into the consent.

***Environmental Health Officer (On Site Sewage Management)***

The application was referred to Council's Environmental Health Officer regarding the OSSM who raised no objection to the development proposal and use of the existing OSSM on site for to service the building. The officer has provided recommended conditions to be incorporated into the consent.

**3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)**

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**Ecologically Sustainable Principles**

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

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

**Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its 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. It is considered that the proposal will not result in any climate change impacts.

**Section 7.12 Contributions**

Section 7.12 contributions do not apply to the proposed development as the use of the clubhouse is ancillary to an existing previously approved recreation facility and is not considered to be an intensification of the existing use.

**The Public Interest**

The proposal is considered to be within the public interest as it will provide a formal clubhouse for the existing recreation facility. The clubhouse will improve the amenity of the site for a community organisation to support the current events held on the site and will not impact the surrounding environment. The proposed use of the clubhouse will not increase the intensity of development, does not involve the clearing of vegetation and is unlikely to have any significant impact on the locality. The use of the building provides clubhouse facilities that were lost from the site as a result of the previous clubhouse building being lost to bushfire in 2013.

The public interest is best served through approval of the application.

**3.1 DA/592/2019 - 1 Kanangra Drive, Crangan Bay - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) (contd)**

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**Conclusion**

The application seeks consent for the use of a rebuilt clubhouse ancillary to the existing mini cycle club (recreation facility (outdoor)).

The proposal has been assessed using the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. It is generally considered the proposed development is suitable for approval subject to conditions.

The proposal is recommended for approval, subject to conditions.

**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 objectives of the RE1 Public Recreation zone 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 EP&A Act.

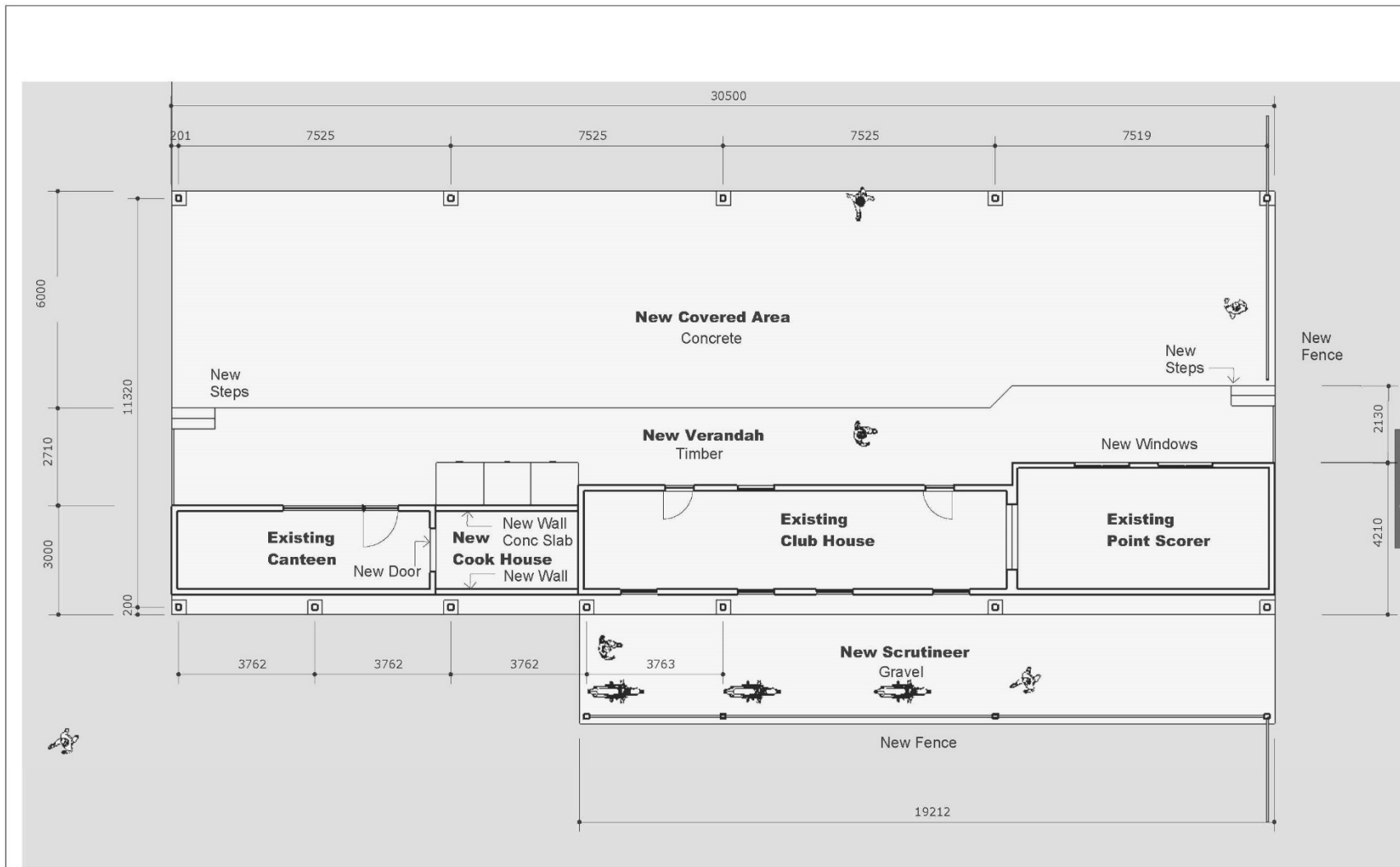
**Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | DA/592/2019 - Development Plans - Use of rebuilt clubhouse ancillary to existing mini cycle club (recreation facility (outdoor)) - Junior Trials Mini Cycle Club, 1 Kanangra Drive, Crangan Bay | D14027586 |
| <b>2</b> | Draft conditions of consent - 1 Kanangra Drive, CRANGAN BAY NSW 2259 - DA/592/2019 - Development - Central Coast Council  | D13641535 |





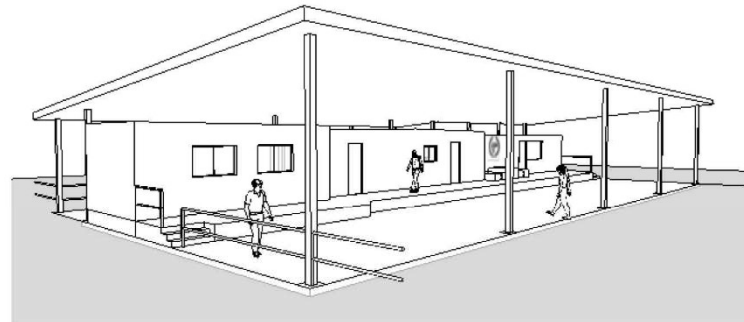
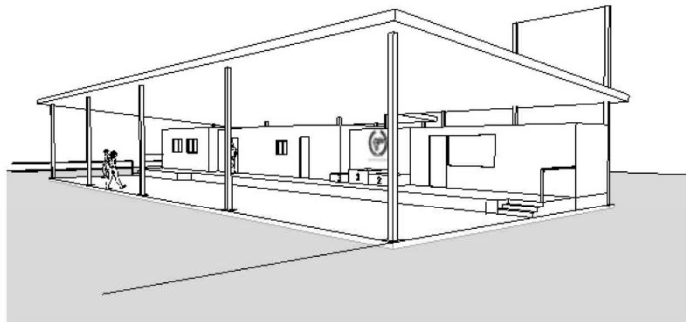




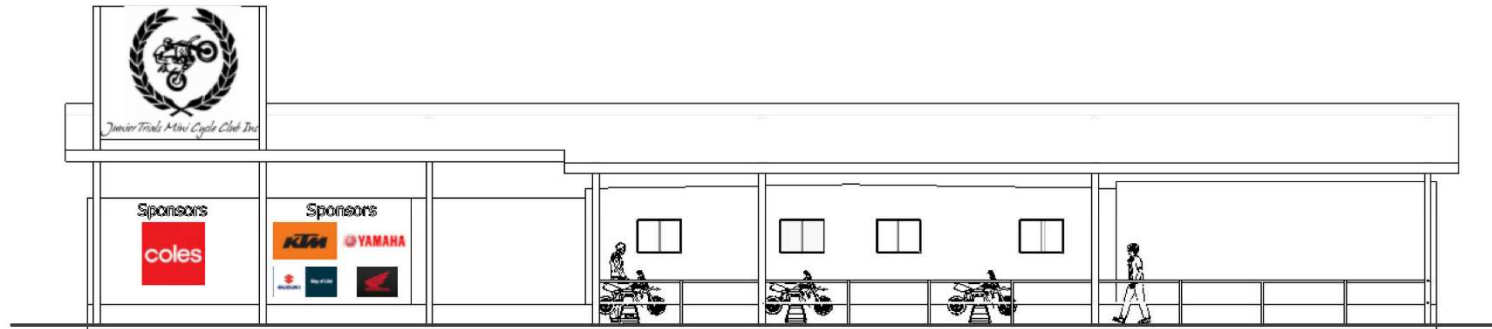
**Sketch Floor Plan  
Scale 1:100 (A3)  
Issue B**



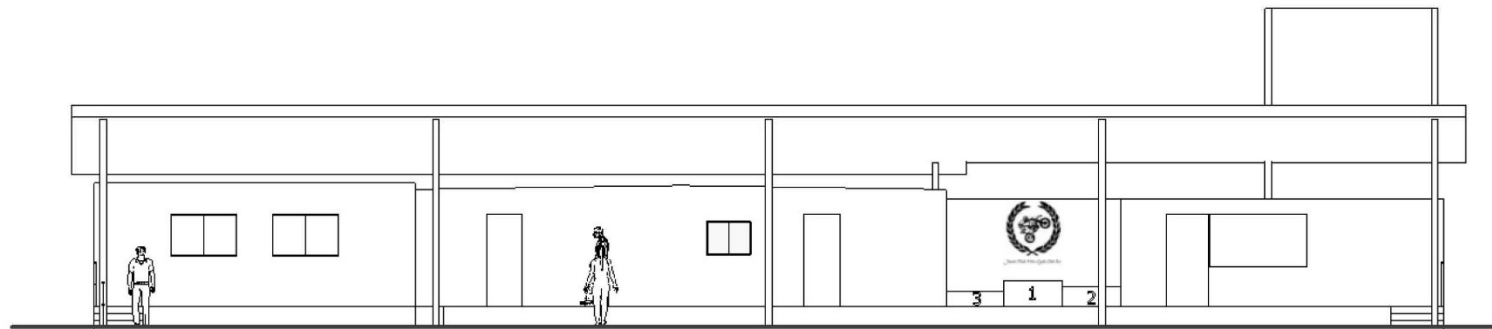
Haxono Pty Ltd



Sketch 3D  
Issue A



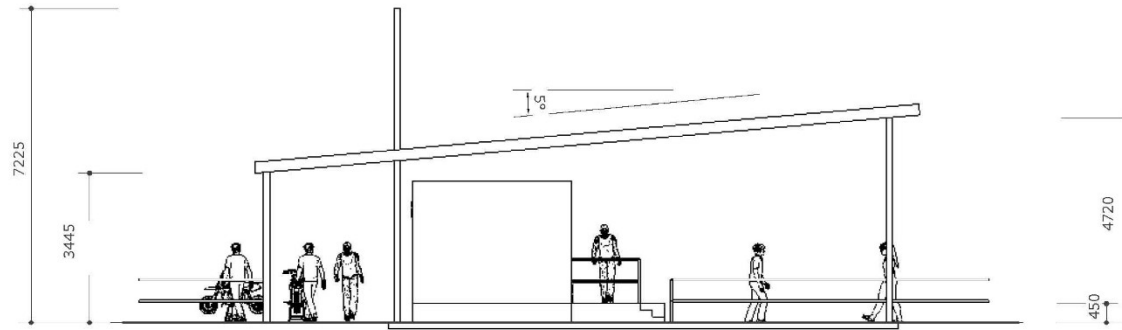
South Elevation



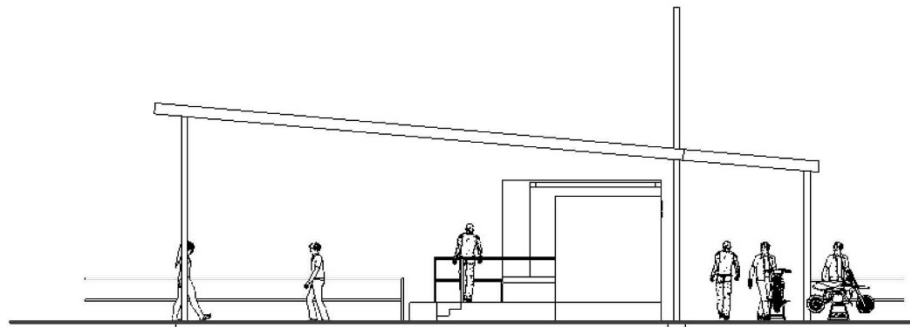
North Elevation

Haxono Pty Ltd

Sketch Elevations  
Scale 1:100 (A3)  
Issue A



East Elevation



West Elevation

Hakoma Pty Ltd

Sketch Elevations  
Scale 1:100 (A3)  
Issue A



**Location:** 1 Kanangra Dr, CRANGAN BAY NSW 2259  
Lot 649 DP 1027231

**Applicant:** Junior Trials & Minicycle Club Inc

**Date Of Application:** 25 June 2019

**Application No:** DA/592/2019

**Proposed Development:** Use of a rebuilt clubhouse ancillary to the existing mini cycle club (recreation facility (outdoor))

## 1. PARAMETERS OF THIS CONSENT

- 1.1. 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.

**Site Plan by:** Applicant

Description	Date
Site Plan	26 June 2019

**Architectural Plans by:** Haxono Pty Ltd

Drawing	Description	Issue	Date
03	Sketch Floor Plan	B	8 January 2016
04	Sketch 3D	A	8 January 2016
05	Sketch Elevations	A	8 January 2016
06	Sketch Elevations	A	8 January 2016

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Prior to the use of the building, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.

## 2. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 2.2. Obtain a Building Information Certificate for the unapproved works.
- 2.3. 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.
- 2.4. All liquid trade waste is required to pass through a basket arrestor with fixed screens, fitted to all floor wastes and sinks, before being discharged into the sewerage system.

- 2.5. Compliance with the requirements of the *NSW Food Act 2003*, the Food Regulation 2015, and AS4674–2004 – Design, Construction and Fitout of Food Premises, and AS1668, Part 11 – Mechanical Ventilation, for all food preparation and food storage areas, including liquor areas.
- 2.6. The installation of hand wash facilities with a minimum dimension of 500mm x 400mm providing warm running water through a common mixing spout with hands-free tap operation (consisting of elbow or wrist operated tap levers, foot or hip operated tap levers, or electronic sensor tap operation).
- 2.7. The existing club building shall be upgraded to comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006'.
- 2.8. Property access roads must comply with the following:
  - a) In forest, woodland and heath situations, rural property access roads have passing bays every 200 metres that are 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.
  - b) A minimum vertical clearance of 4 metres is provided to any overhanging obstruction, including tree branches.
  - c) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress. The minimum distance between the inner and outer curves is 6 metres.
  - d) Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads. The crossfall does not exceed 10 degrees.
  - e) Pavements and bridges are capable of carrying a load of 15 tonnes. Bridges clearly indicate load rating.
- 2.9. Water, electricity and gas must comply with the following:
  - a) A 20,000 litre static water supply tank must be provided for fire fighting purposes.
  - b) The tank must be located / designed so that a connection for fire fighting purposes is located within the inner protection area (IPA) or on the non-hazard side away from the building.
  - c) Underground tanks must be clearly marked, have an access hole of 200mm to allow fire fighting appliances to refill direct from the tank, and have a hardened ground surface for truck access within 4 metres of the access hole.
  - d) Aboveground tanks must be manufactured of concrete or metal. Raised tanks must have their stands protected.
  - e) Tanks on the hazard side of a building must be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for firefighters.

- f) A standard 65mm metal Storz outlet with a gate or ball valve must be provided to the tank. The gate or ball valve, pipes and tank penetration of any tank must be adequate for full 50mm inner diameter water flow through the Storz fitting and made of metal.
- g) All associated fittings to the tank must be metal.
- h) Pumps where provided to supply water for fire suppression activities, must be a minimum 5hp or 3kW and petrol or diesel powered. The pump must be shielded from the direct impacts of bush fire. Any hose and reel must have an internal diameter of 19mm.
- i) An SWS marker must be obtained from the local NSW RFS and positioned for ease of identification by fire fighting personnel and other users of the SWS. Markers must be fixed in a suitable location so as to be highly visible and be positioned adjacent to the most appropriate access for the static water supply.
- j) All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
- k) Electrical transmission lines should be located underground where possible. Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- l) Gas must be installed and maintained as set out in the relevant Australian Standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.
- m) Fixed gas cylinders must be kept at least 10 metres clear of flammable materials and be shielded on the hazard side. Connections must be metal. Cylinders near to a building must be have safety valves directed away from the building and be at least 2 metres from combustible materials.

### **3. ONGOING**

- 3.1. The property around the club building must be managed as an inner protection area (IPA) for a distance of 70 metres or to the boundary. The IPA must comprise:
- a) Minimal fine fuel at ground level;
  - b) Grass mowed or grazed;
  - c) Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
  - d) Trees and shrubs located far enough from buildings so that they will not ignite the building;
  - e) Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
  - f) Minimal plant species that keep dead material or drop large quantities of ground fuel;
  - g) Tree canopy cover not more than 15%;
  - h) Tree canopies not located within 2 metres of the building;
  - i) Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,

- j) Lower limbs of trees removed up to a height of 2 metres above the ground.
- 3.2. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'. This shall include a provision for non-occupation on days of Extreme or Catastrophic Fire Danger days.
- 3.3. Maintain vegetation over septic trench area to ensure the trench is operating efficiently

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.



Rebecca Samways

**Development Planner**

**DEVELOPMENT ASSESSMENT** .....

Reporting Officer

Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein.

Approved/Refused:

.....

Date \_\_/\_\_/\_\_

**Item No:** 3.2  
**Title:** Additions to Existing Community Building at 28 Brava Ave, San Remo  
**Department:** Environment and Planning



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23 July 2020 Local Planning Panel Meeting

Reference: DA/430/2019 - D14062780  
Author: Katrina O'Malley, Development Planner  
Manager: Salli Pendergast, Principal Development Planner North  
Approver: Andrew Roach, Unit Manager, Development Assessment

**Summary**

An application has been received for alterations and additions to the existing *San Remo Neighbourhood Centre* (including an activity room, 2 counselling rooms and general storage). 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 Panels as the site is owned by Central Coast Council. In addition, the applicant (and Neighbourhood Centre Manager) is a current elected Central Coast Councillor. Given the potential for perceived conflict of interest, the assessment of the application, including drafting of this report, were undertaken by an independent planning consultant rather than Council officers.

<b>Applicant</b>	Jillian Hogan (Manager – San Remo Neighbourhood Centre)
<b>Owner</b>	Central Coast Council
<b>Application No</b>	DA/430/2019
<b>Description of Land</b>	Lot 160 in DP 46754, 28 Brava Avenue, San Remo
<b>Proposed Development</b>	Alterations and additions to the existing neighbourhood centre including an activity room, 2 counselling rooms and general storage
<b>Site Area</b>	4,895m <sup>2</sup> (approx. area)
<b>Zoning</b>	RE1 – Public Recreation
<b>Existing Use</b>	Neighbourhood Centre
<b>Employment Generation</b>	Yes
<b>Estimated Value</b>	\$110,000

**3.2 Additions to Existing Community Building at 28 Brava Ave, San Remo (contd)**

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**Recommendation**

***That Central Coast Local Planning Panel grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.***

**Precis:**

<b>Proposed Development</b>	To undertake alterations and additions to the existing community building (at the north-western end) of the San Remo Neighbourhood Centre, comprising: an activities room; 2 smaller rooms (1 counselling and 1 clinic room); and a small storage room.
<b>Permissibility and Zoning</b>	The subject site is zoned RE1 Public Recreation under the provisions of <i>Wyong Local Environmental Plan 2013</i> . The proposed development is defined as a "community facility" which is permissible within the zone with the consent of Council.
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979 - Section 4.15</i></li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li> <li>• <i>Wyong Local Environmental Plan 2013 (WLEP 2013)</i></li> <li>• <i>Development Control Plan 2013 – Development Controls for Wyong Shire (WDCP 2013)</i></li> <li>• <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i></li> <li>• <i>Rural Fires Act 1997</i></li> </ul>
<b>Current Use</b>	Neighbourhood/Community Centre
<b>Integrated Development</b>	No
<b>Submissions</b>	Nil

### 3.2 Additions to Existing Community Building at 28 Brava Ave, San Remo (contd)

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#### The Site

The site is legally known as Lot 160 in DP 46754 and commonly known as No. 28 Brava Avenue, San Remo (aka. San Remo Neighbourhood Centre). The site is located on the northern side of Brava Avenue and comprises a triangular allotment of land with an approximate area of 4,895m<sup>2</sup>. The site has a front curved boundary of 79m, an eastern boundary of 96m, a western boundary of 22m and a diagonal rear boundary of 89m (refer Figure 1).



**Figure 1 – Aerial view of the subject site**





**Figure 2 – View of building to be extended**

### **Surrounding Development**

Adjoining the north-eastern boundary are the rear yards of residential properties comprising single free-standing dwelling-houses in Scribbly Gum Close. To the north-west is dense urban bushland on the other side of which is the Northlakes Shopping Centre. Immediately opposite the site, to its south, is the Northlakes High School.

### **The Proposed Development**

Development Application No. 430/2019 seeks approval to construct an extension at the north-western end of the existing neighbourhood centre (with its own separate/independent entrance at the south-western corner of the building). The extended building will comprise an activities room and 2 smaller office/counselling rooms. A storage room will also be accessible from within the activities room.

### **History**

Not relevant in this particular case.



### 3.2 Additions to Existing Community Building at 28 Brava Ave, San Remo (contd)

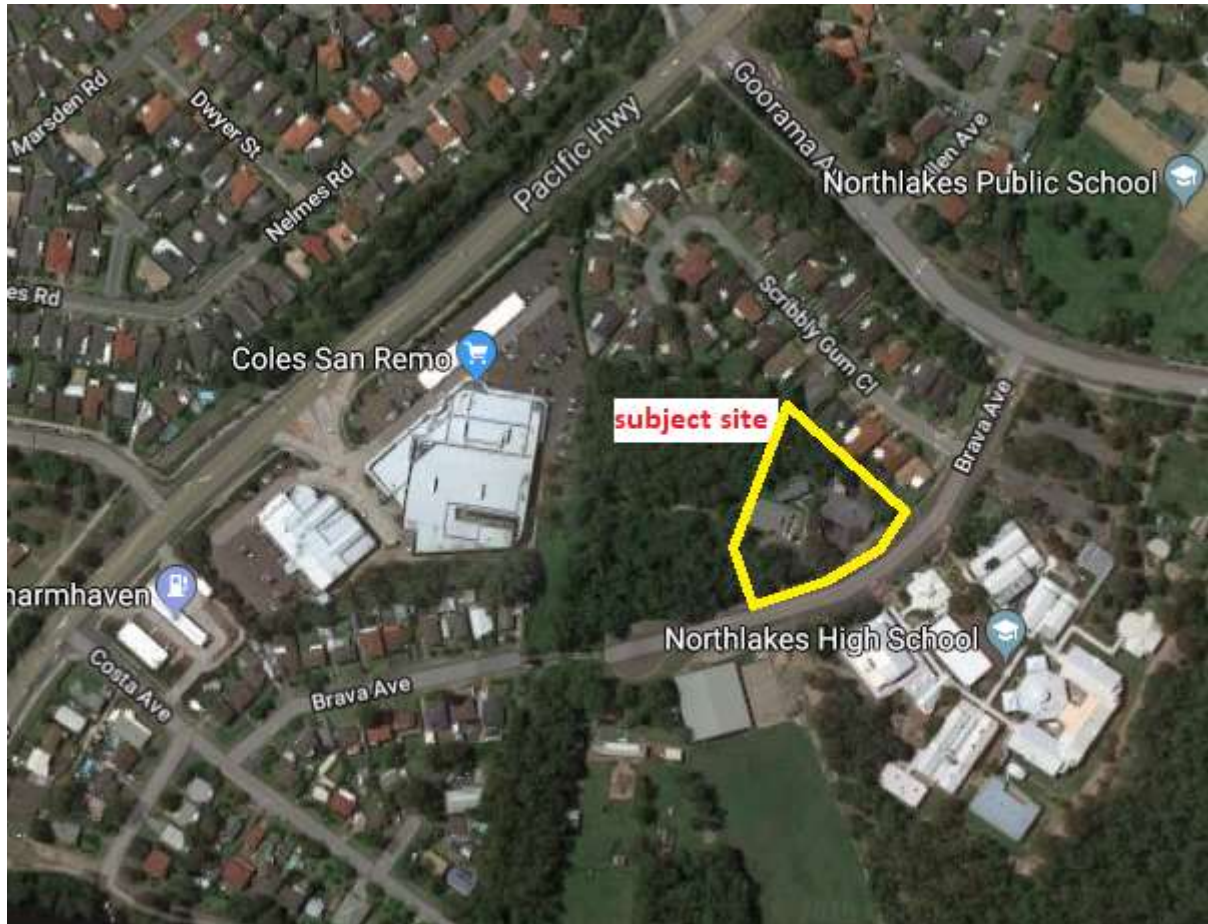


Figure 3 – Surrounding Development



Figure 4 – External view (of north-western end)

#### Submissions

In accordance with *Wyong Development Control Plan 2013 (WDCP 2013) – Chapter 1.2 – Notification of Development Proposals*, the application was publicly exhibited from 16 May 2019 until 30 May 2019. No submissions were received.

### 3.2 Additions to Existing Community Building at 28 Brava Ave, San Remo (contd)

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#### Assessment

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, the assessment has identified the following key issues:

#### Wyong Local Environmental Plan 2013 – Zoning & Permissibility

The subject site is zoned *RE1 Public Recreation* under the provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013). The proposed development is most accurately defined as a 'community facility' which means:

**'community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and;
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.'

Community Facility is permitted with consent under the provisions of the *RE1 Public Recreation* zone. As such the proposed development for the purpose of alterations and additions to an existing community-based neighbourhood centre is permissible with consent.

#### Wyong Local Environmental Plan 2013 – Zone Objectives

The *RE1 Public Recreation* zone is based on the following objectives:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide linked open space for ecosystem continuity, public access, local community recreation and waterway protection.
- To provide space for integrated stormwater treatment devices for flow and water quality management.
- To enable ancillary development that complements land zoned for recreational purposes.

The proposal will assist in enhancing the existing San Remo Neighbourhood Centre which services the needs of the broader Central Coast Local Government Area by providing a valuable community facility.

Accordingly, the proposal is considered satisfactory with regard to the objectives of the *RE1 Public Recreation* zone.

### **3.2 Additions to Existing Community Building at 28 Brava Ave, San Remo (contd)**

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#### **Wyong Local Environmental Plan 2013 – Clause 7.1 Acid Sulfate Soils**

The subject site is identified as containing Class 5 acid sulfate soils. In accordance with the provisions of Clause 7.1 of WLEP, Council is required to consider any potential acid sulfate soil affectation so that it does not disturb, expose or drain acid sulfate soils and cause environmental damage.

There are no excavation works to take place beyond the footings of the additions to the existing building and therefore the subject works are not likely to lower the water table below 1.0m AHD on any land within 500m of a Class 1, 2 and 3 land classifications. Having regard to the above, a preliminary acid sulfate soils assessment is not required in this case as there is unlikely to be any acid sulfate affectation.

The proposal is therefore acceptable with regards to Clause 7.1 of the WLEP.

#### **Wyong Local Environmental Plan 2013 – Clause 7.9 Essential Services**

Clause 7.9 requires that services that are essential for the development are available or that adequate arrangements have been made to make them available when required prior to consent being granted. These services include; water supply, electricity supply, sewage management and disposal, stormwater drainage or on-site conservation and suitable vehicular access.

The site is in an established urban area. There is adequate infrastructure in the locality which the site is serviced by and the proposal is considered satisfactory with regard to clause 7.9 of WLEP.

#### **State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)**

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 Management Areas.

The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning & Environment. The subject property falls outside of the mapped coastal management areas.

#### **State Environmental Planning Policy No 55 – Remediation of Land**

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Under Clause 7 of SEPP 55, it must be considered as to whether the land is contaminated, and if so, the consent authority must be satisfied that the land is suitable in its contaminated state (or will be

### **3.2 Additions to Existing Community Building at 28 Brava Ave, San Remo (contd)**

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suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The site has a long history of being used for community purposes. The nature of the use will not be altered. As a result, the proposal is considered satisfactory under the provisions of SEPP 55.

#### **Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997) (SREP 20)**

The site is affected by *Sydney Regional Environmental Plan No 20 Hawkesbury Nepean River No. 2 1997 (SREP 20)*.

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

The proposed development is not located within a drinking water catchment and does not raise any significant issues in relation to Clauses 5 and 6 of SREP No 20.

#### **Central Coast Regional Plan 2036**

The subject site is included in the *Central Coast Regional Plan 2036* as 'Urban Area'.

The proposed use of the site is consistent with all relevant Directions under the *Central Coast Regional Plan 2036* and upon approval, the continued use of the land would be considered a niche community-based activity.

#### **Wyong Development Control Plan 2013 (DCP)**

##### ***DCP Chapter 2.11 – Parking and Access***

There are currently 13 formal parking spaces provided on site. Observation of the demand on site indicates several of these spaces are typically unoccupied throughout the day, thereby representing spare parking supply on site.

In accordance with *Chapter 2.11 Parking and Access* of the *Wyong DCP* "community facilities" (eg. Halls, Neighbourhood Centres and Youth Centres) require:

- 1 space per 10 seats OR 20m<sup>2</sup> (whichever is the greater); and
- 1 additional space for service vehicles.

Significantly, the compliance table for this category of uses states:

### **3.2 Additions to Existing Community Building at 28 Brava Ave, San Remo (contd)**

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*'Additional parking is dependent on location and size of centre and nature of activities provided'*

The *existing* building being extended comprises a gross floor area of approximately 260m<sup>2</sup> which would require the provision of 13 off-street parking spaces. The *proposed additions* will result in approximately 73.5m<sup>2</sup> of additional floor area which would ordinarily require an additional 3.7 spaces. As such a total of 16.7 spaces – rounded up to 17 – would be required under the provisions of the DCP.

An existing 13 spaces if provided, and the proposed extensions/additions do not propose any additional parking spaces.

However, the proposed development does not seek to provide additional services that would generate additional patronage, but rather simply seek to provide additional amenities on site for existing users. Further, many of the user groups commonly served by the facility have limited access to private vehicles and the existing attracts a large proportion of pedestrian and active based transport users, which also limits the demand for parking.

Having regard to the availability of spare car parking supply on site, intermittent frequency of use of the existing centre and the high availability of unrestricted on-street parking directly in front of the site, additional off-street parking is not considered necessary in this case.

#### ***DCP Chapter 3.1 – Site Waste Management***

Given that the site is operated as an existing Community Centre, an existing suitable waste management plan is currently being operated within the site in accordance with *WDCP – Chapter 3.1 – Site Waste Management*.

Any construction/building waste generated on the site will be minimised and recycled prior to disposing. Standard conditions to be applied to the draft consent for consideration of the Local Planning Panel (Conditions 3.5 and 4.8).

#### **Relevant Legislation**

##### ***Biodiversity Conservation (Savings and Transitional) Regulation 2017***

The NSW Government has established transitional arrangements related to biodiversity assessment for the various categories of development consent or approval that are underway or have already been made. From 25 February 2018, any new application for development consent or modification to an approved development under Part 4 of the *Environmental Planning & Assessment Act 1979* (not including state significant development) is subject to the biodiversity assessment requirements of the *Biodiversity Conservation Act 2016 (BC Act)* and the *Biodiversity Offsets Scheme*, and transitional arrangements no longer apply.

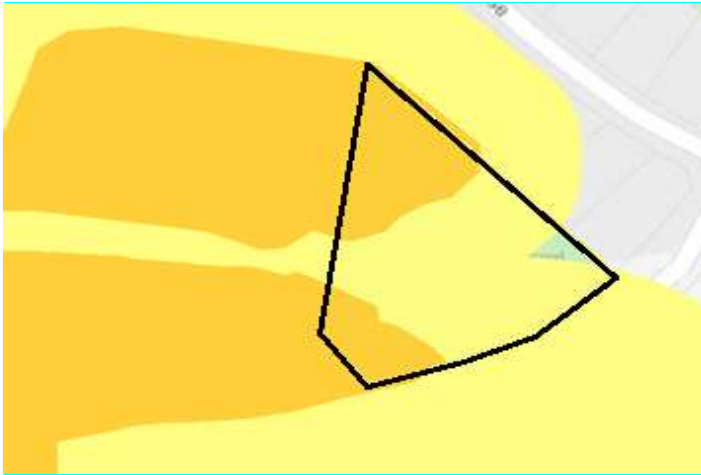
### 3.2 Additions to Existing Community Building at 28 Brava Ave, San Remo (contd)

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Council's Ecologist has assessed the ecological impact of the proposed development in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the *Environment Protection and Biodiversity Conservation Act 1999 (EP&BC Act)*. The proposed development is supported by Council's Ecologist subject to the imposition of conditions.

#### ***Rural Fires Act 1997 (Rural Fires Act)***

The site is identified as "*bushfire prone land*" on Council's bushfire maps, (refer to figure 5).



**Figure 5 – Bushfire prone land**

Having regard to Section 4.14 (1)(a) of the *Environmental Planning & Assessment Act 1979*, the proposed development is required to address the requirements of the *Rural Fires Act* and the document *Planning for Bushfire Protection*, published 2006, by the New South Wales Rural Fire Service.

Council's Bushfire Planning officer has reviewed the proposal and confirmed that the development complies with *Planning for Bushfire Protection* and has recommended that the building should be constructed to a Bushfire Attack Level (BAL) Level of 29 in accordance with *Australian Standard AS 3959-2009 Construction of Buildings in Bushfire Prone Areas*.

Conditions of consent (**Condition No.4.12**) has been recommended accordingly.

#### **Likely Impacts of the Development:**

##### ***Built Environment***

The design of the building's extension and materials of constructions are considered to be suitable with regard to the context and setting of the site and its surrounds. The extension of the main building outwards from its rear facade will not be easily viewable from the streetscape and will ensure that the existing building and its vegetated backdrop will remain the dominant feature within the streetscape.

### **3.2 Additions to Existing Community Building at 28 Brava Ave, San Remo (contd)**

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The proposal will not have an adverse impact upon any views from the public domain or from neighbouring private properties. In addition, having regard to the siting and location of the building works to the south-west of the neighbouring residences, the proposal will not result in any additional significant overshadowing of the adjoining private open space areas of the dwellings located within Scribbly Gum Close.

The siting and location of the existing neighbourhood centre and the setbacks to the rear yards of residential properties facing Scribbly Gum Close provides for a suitable separation distance which will not adversely impact upon the acoustic or visual amenity currently enjoyed within any adjoining residential properties.

#### ***Access and Transport***

The development proposes a modestly scaled extension of an existing community facility which is appropriately co-located with other community, education and retail uses.

The nature and scale of the extension is such that it cannot be expected to cause any legible impact upon the safety and efficiency of the local traffic and transport network.

#### ***Context and Setting***

The site currently accommodates a neighbourhood community facility and is co-located with other community, educational and retail uses.

The proposed works are considered to be consistent with the uses envisaged for the *RE1 Public Recreation* zone and are, on balance, considered to be reasonable.

#### ***Natural Environment***

The proposal will not cause the loss of any vegetation and is satisfactory in relation to impacts on the natural environment as identified throughout this report.

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

The site currently accommodates a neighborhood facility and is co-located with other community, educational and retail uses which make it ideally suited to the proposed development.

A review of Council's records identifies the following constraints:

- The site is mapped as bushfire prone land on Councils maps (see Figure 5).

The appropriate construction requirements of Bushfire Attack Level 29 and compliance with the recommendations of this report are included as a conditions of development consent.



### **3.2 Additions to Existing Community Building at 28 Brava Ave, San Remo (contd)**

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There are no other constraints that would render the site unsuitable for development.

#### **Any Submission made in Accordance with the EP&A Act or Regulations**

##### ***Public Submissions***

In accordance with *Wyong Development Control Plan 2013 (WDCP 2013) – Chapter 1.2 – Notification of Development Proposals*, the application was publicly exhibited from 16 May 2019 until 30 May 2019. No submissions were received.

##### ***Submissions from Public Authorities***

There were no public authorities required to be consulted in relation to the proposal.

#### **Internal Consultation**

The application was referred to the following officers for comment:

- Bushfire Officer – No objection was raised subject to conditions.
- Environmental Health – No objection was raised subject to conditions.
- Waste Services (Garbage) – No objection was raised subject to conditions.

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

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

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

#### **Climate Change**

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

**Required Contributions**

***Section 7.11 Contributions***

The proposed development is not a development type that is subject to Section 7.11 of the EP&A Act development contributions. No contributions are applicable.

***Water and Sewer Contributions***

The proposed development is not subject to Water & Sewer Contributions.

**The Public Interest**

The proposed development is considered to be in the public interest as it will improve the functionality of the existing centre and will therefore improve the available social and community-based opportunities within the local area.

**Conclusion**

The application has been assessed under the heads of consideration of Section 4.15 of the EP&A Act 1979 and all relevant instruments and policies.

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed Development subject to the imposition of appropriate conditions. The proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for approval subject to conditions as set out in the attached draft conditions schedule.

**Attachments**

- |          |                             |           |
|----------|-----------------------------|-----------|
| <b>1</b> | Draft Conditions of Consent | D13534918 |
| <b>2</b> | Development Plans           | D13531864 |

**Location:** San Remo Neighbourhood Centre, 28 Brava Avenue, SAN  
REMO NSW 2262  
Lot 160 DP 46754

**Applicant:** Ms J Hogan

**Date Of Application:** 3 May 2019

**Application No:** DA/430/2019

**Proposed Development:** Addition to Existing Neighbourhood Centre

## 1. PARAMETERS OF THIS CONSENT

- 1.1. 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:** Kath Field

Job No.	Description	Sheets	Issue	Date
2018-04	Floor Plan	03	A	May 2018
2018-04	Elevations	04	A	May 2018
2018-04	Elevations & Section A-A	05	A	May 2018

### 1.2 Works in accordance with BCA

Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.

## PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

### 2.1 All conditions under this section to be met

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

### 2.2 No activity until CC issued

No activity is to be carried out on-site until the 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 and the like that are required by this consent
- Demolition.

## PRIOR TO THE COMMENCEMENT OF ANY WORKS

### 3.1 All conditions under this section to be met

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

### 3.2 Appoint a PCA

Appoint a Principal Certifying Authority for the building work:

- a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
- b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

### 3.3 Erect PCA sign

Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:

- a) The name, address and telephone number of the Principal Certifying Authority for the work; and
- b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
- c) That unauthorised entry to the work site is prohibited.
- d) Remove the sign when the work has been completed.

### 3.4 Submit plumbing and drainage inspection application

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](http://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 are 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 Provide and maintain garbage receptacle

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.

### 3.6 Install run-off and erosion controls

Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- 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
- diverting uncontaminated run-off around cleared or disturbed areas, and
- preventing the tracking of sediment by vehicles onto roads, and
- stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

### 3.7 Hoarding or fence

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.

### 3.8 Temp closet accommodation

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*.

### **3.9 Asbestos removal work**

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 10m<sup>2</sup> 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*.

## **DURING WORKS**

### **4.1 All conditions under this section to be met**

All conditions under this section must be met during works.

### **4.2 Construction works times**

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

- 7.00am and 5.00pm Monday to Saturday

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

### **4.3 Erosion and sediment control measures**

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.

**4.4 Copy of stamped plans on site**

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.

**4.5 Notify plumbing and drainage ready for inspection**

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).

**4.6 Storage of building material work within road reserve**

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*.

**4.7 Stormwater disposal system**

Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifying Authority for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

**4.8 Waste Management**

All waste building materials shall be stored in a suitably fenced/secured area on the site, measuring not less than 2 cubic metres. All waste materials are to be either re-used, recycled or disposed of appropriately prior to occupation of the development.

**4.9 No fill footprint building**

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

**4.10 Application next to a reserve**

Do not access the development site through a public reserve unless approval for temporary access over the public reserve is obtained from Council as the Land Manager. A copy of the approval must be available for viewing on-site at all times during work.



**PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE****4.11 In accordance with National Construction Code**

Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.

**4.12 Bush Fire Attack Level - BAL**

Complete the building in accordance with the provisions of *Planning for Bush Fire Protection 2006 (NSW)* and the requirements of Australian Standard AS 3959-2009 - *Construction of Buildings in Bush Fire Prone Areas* and additional measures as contained within Appendix 3 of the *Planning for Bush Fire Protection Guidelines 2010*, for a Bush Fire Attack Level of BAL 29 level.

**4.13 Offensive noise POEO Act**

Do not give to offensive noise as defined in the *Protection of the Environment Operations Act 1997*.

**4.14 Dust control measures**

Implement dust control measures to ensure airborne dust particulates are abated and airborne movement of sediment blown from exposed disturbed areas is contained within the site.

**4.15 Air pollution**

Do not give rise to air pollution as defined in the *Protection of the Environment Operations Act 1997*.

**ADVISORY NOTES****Discharge of sediment pollution**

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.

**Public authorities' requirements**

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 work in accordance to WH&S Act**

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**

#### 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

### **Telecommunications Act 1997 (Commonwealth)**

#### 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.

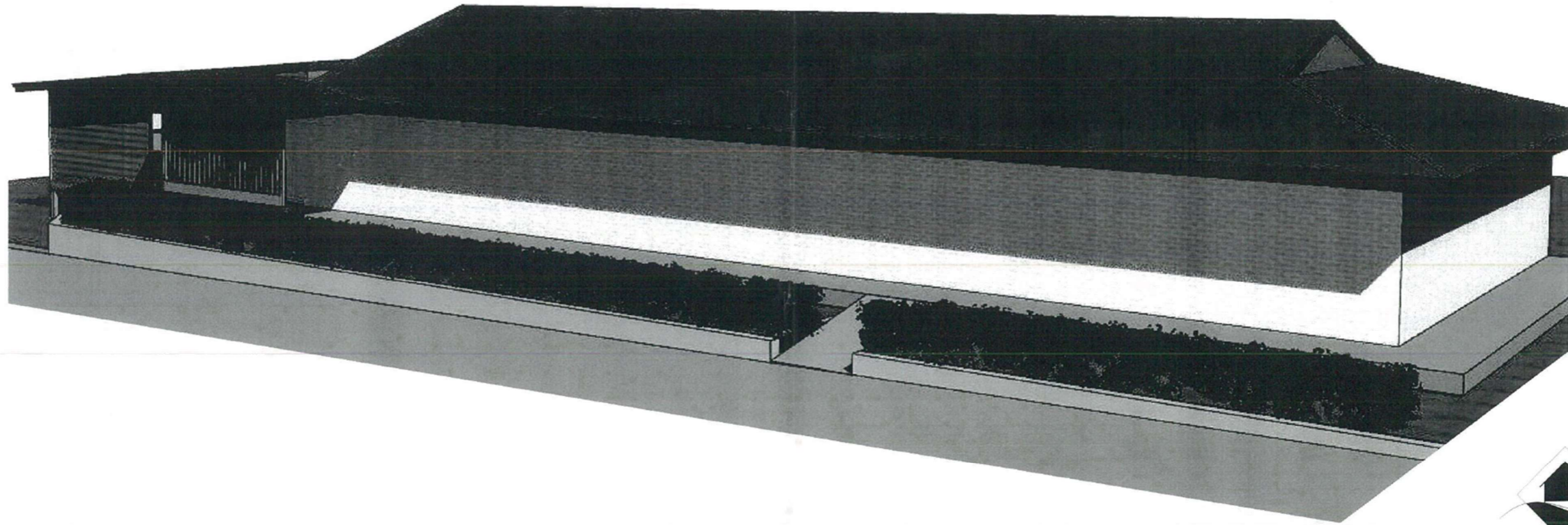
### **Install backflow prevention device**

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](http://www.centralcoast.nsw.gov.au)

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

## SCHEDULE OF ARCHITECTURAL DRAWINGS

DRAWING No	TITLE	SCALE	SIZE
01	COVER SHEET		
02	SITE PLAN / SITE ANALYSIS	NTS	A3
03	FLOOR PLAN	1:200	A3
04	ELEVATIONS	1:100	A3
05	ELEVATIONS & SECTION A-A	1:100	A3
06	PERSPECTIVES	NTS	A3



ISSUE  
**B**

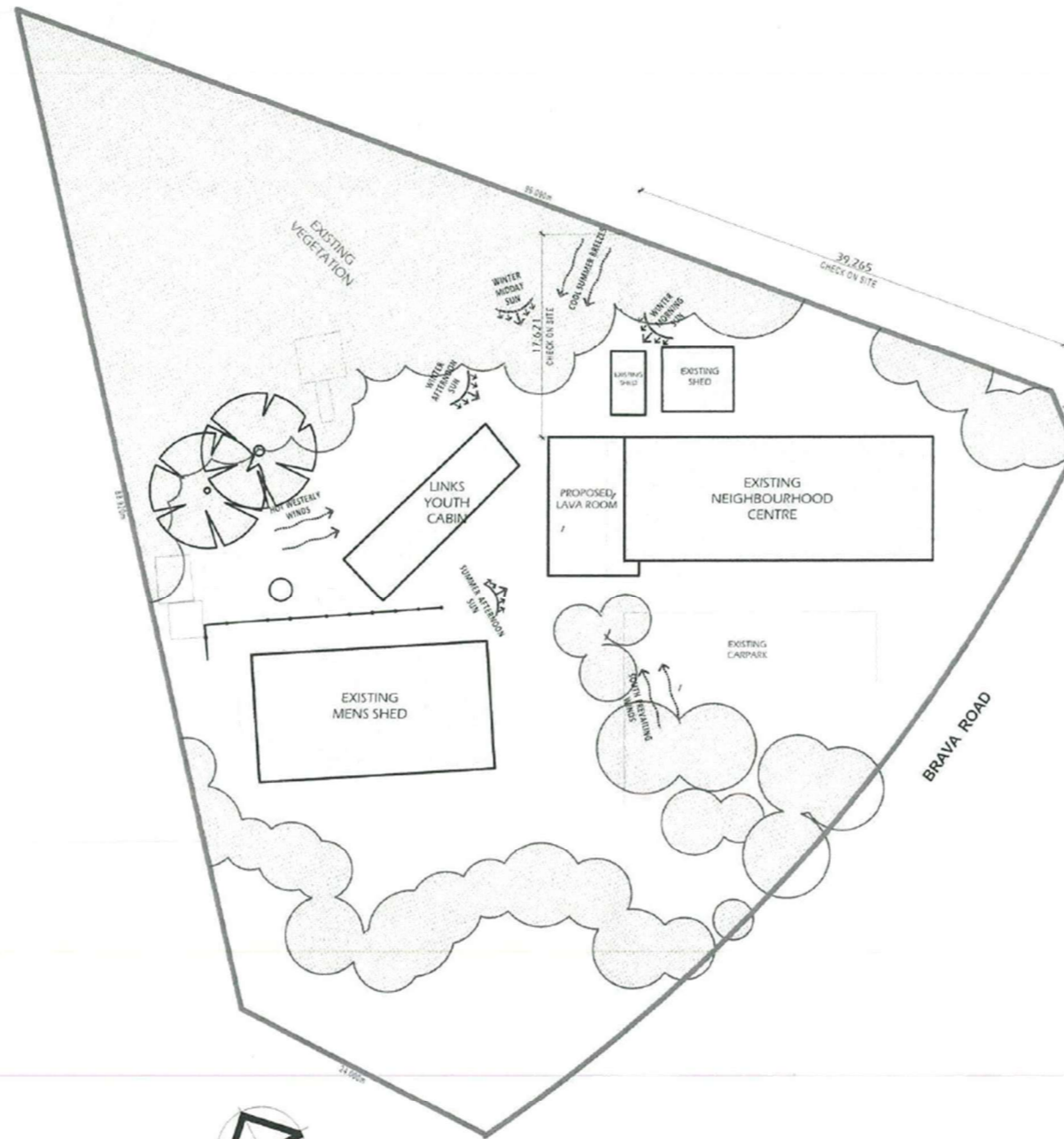
**Proposed Lava Room**  
The Epicentre, San Remo Neighbourhood Centre  
Brava Avenue, San Remo NSW, 2262  
November 2018



design by  
**KATH  
IFIELD**

O : 1201-3 Birkdale Place,  
Magenta NSW 2261  
M : 0413 982 452



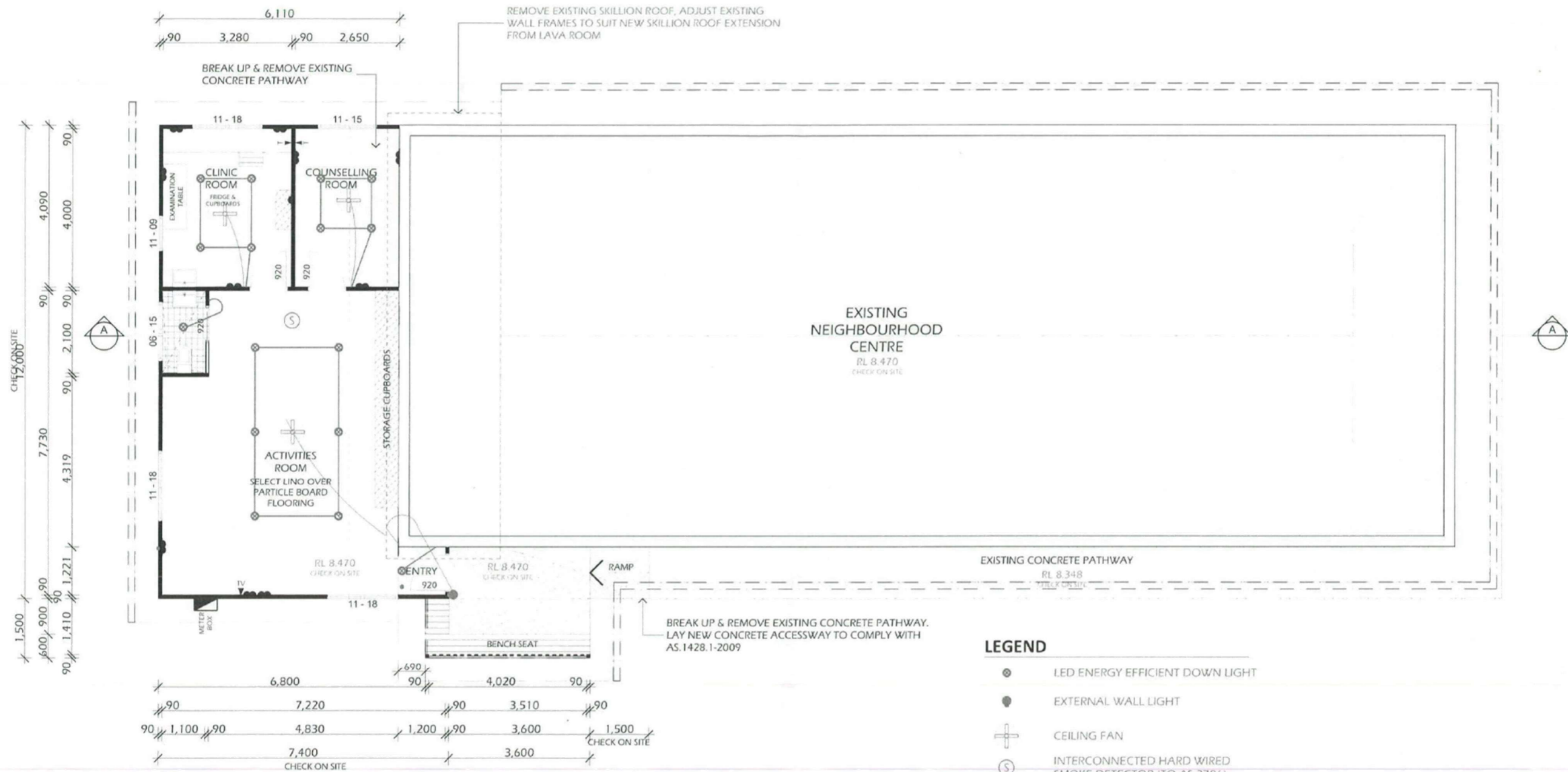


**SITE PLAN**

1:200 @ A3

**SEWER / STORMWATER**  
 -SEWER TO CONNECT INTO EXISTING SYSTEM  
 -STORM WATER TO DISCHARGE INTO ON SITE WATER STORAGE TANK AND OVER FLOW TO DISCHARGE TO STREET

ISSUE:	DATE:	AMENDMENT:
B	26.11.2018	Building 500mm wider
 design by <b>KATH FIELD</b>		
O : 1201-3 Birkdale Place Magenta NSW 2261 M : 0413 992 452		
PROJECT: PROPOSED LAVA ROOM THE EPICENTRE, SAN REMO NEIGHBOURHOOD CENTRE BRAVA AVENUE, SAN REMO NSW, 2262.		
SCALE:	DATE:	
1:500	NOVEMBER 2018	
DRAWING: Site Plan / Site Analysis		
JOB No.:	2018-04	
DRAWING No.:	02	
ISSUE:	B	

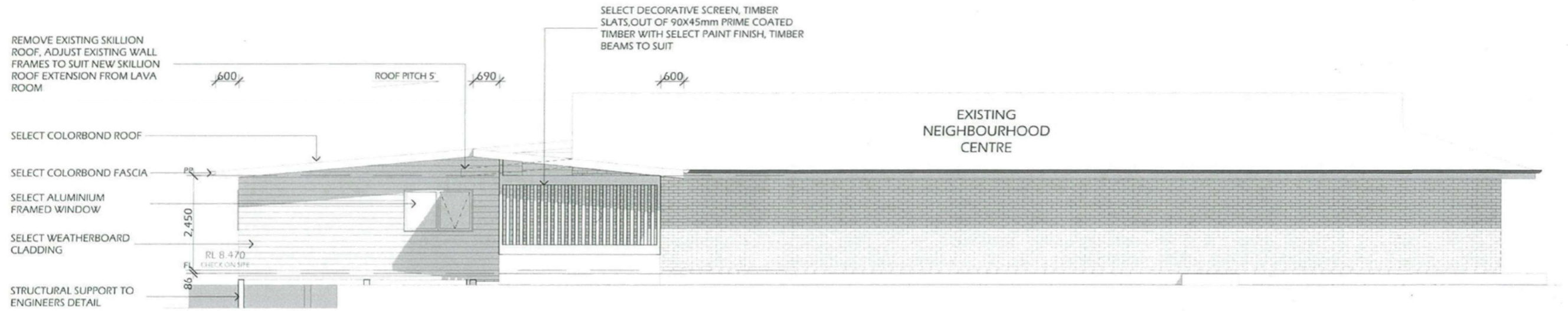


**FLOOR PLAN**  
SCALE - 1:100 @ A3

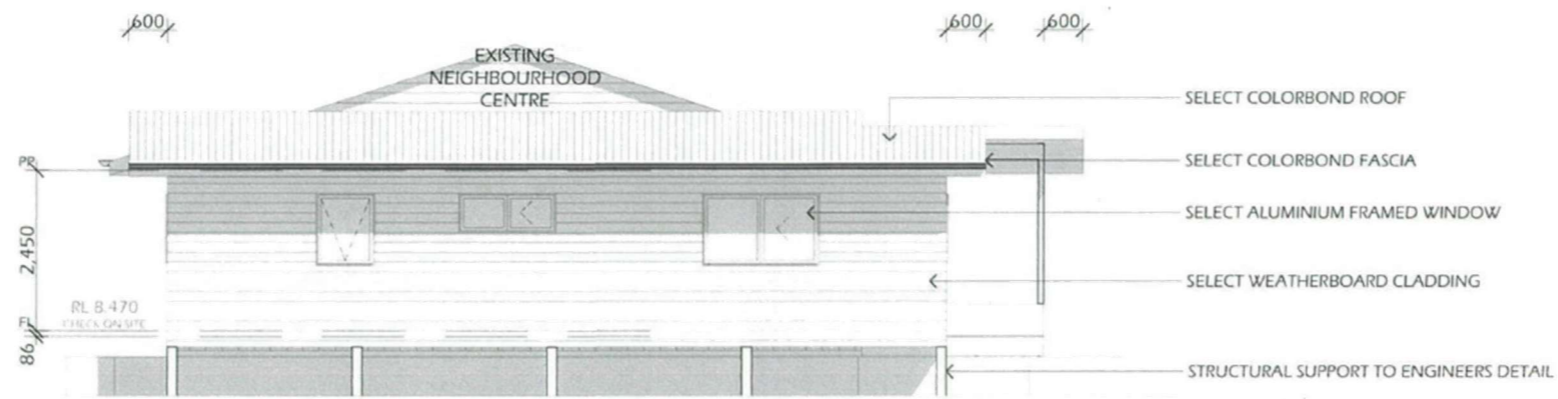
NOTE:  
ALL BUILDING WORKS TO COMPLY WITH 'SECTION J' BUILDING REGULATIONS

 <p>design by <b>KATH FIELD</b> O : 1201 Birkdale Street Magenta NSW 2261 M : 0413 992 452</p>	ISSUE :	DATE :	AMENDMENT :	DRAWING :	PROJECT :	SCALE :	JOB No. :
				Floor Plan	PROPOSED LAVA ROOM THE EPICENTRE, SAN REMO NEIGHBOURHOOD CENTRE BRAVA AVENUE, SAN REMO NSW, 2262	1:100	2018-04
						DATE : MAY 2018	DRAWING No. : 03 ISSUE : A

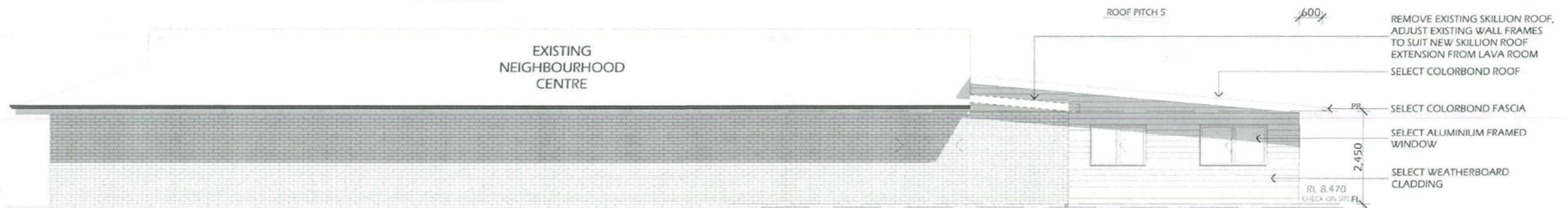




**SOUTH ELEVATION**  
SCALE - 1:100 @ A3

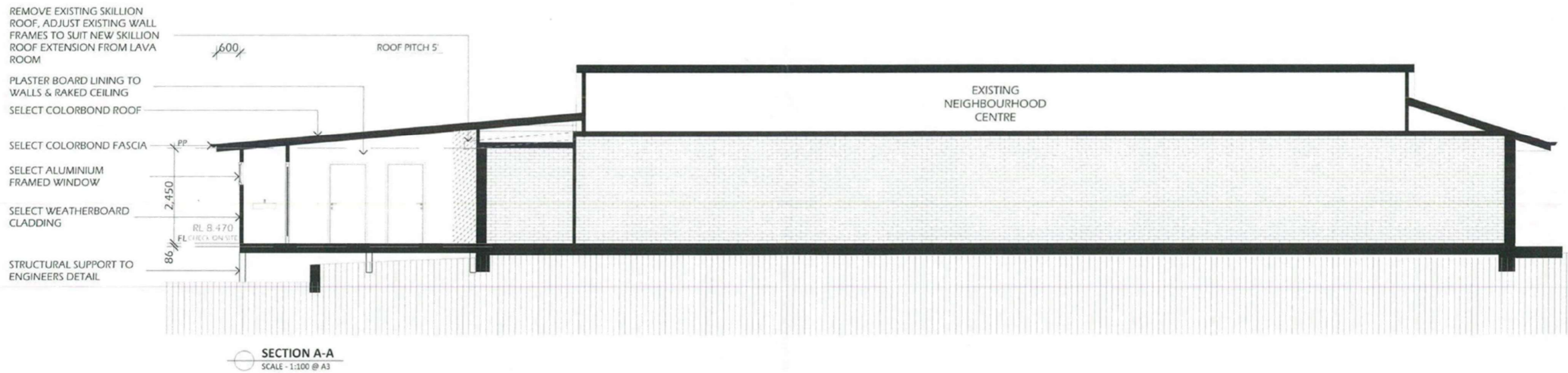


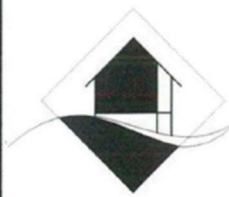
**WEST ELEVATION**  
SCALE - 1:100 @ A3



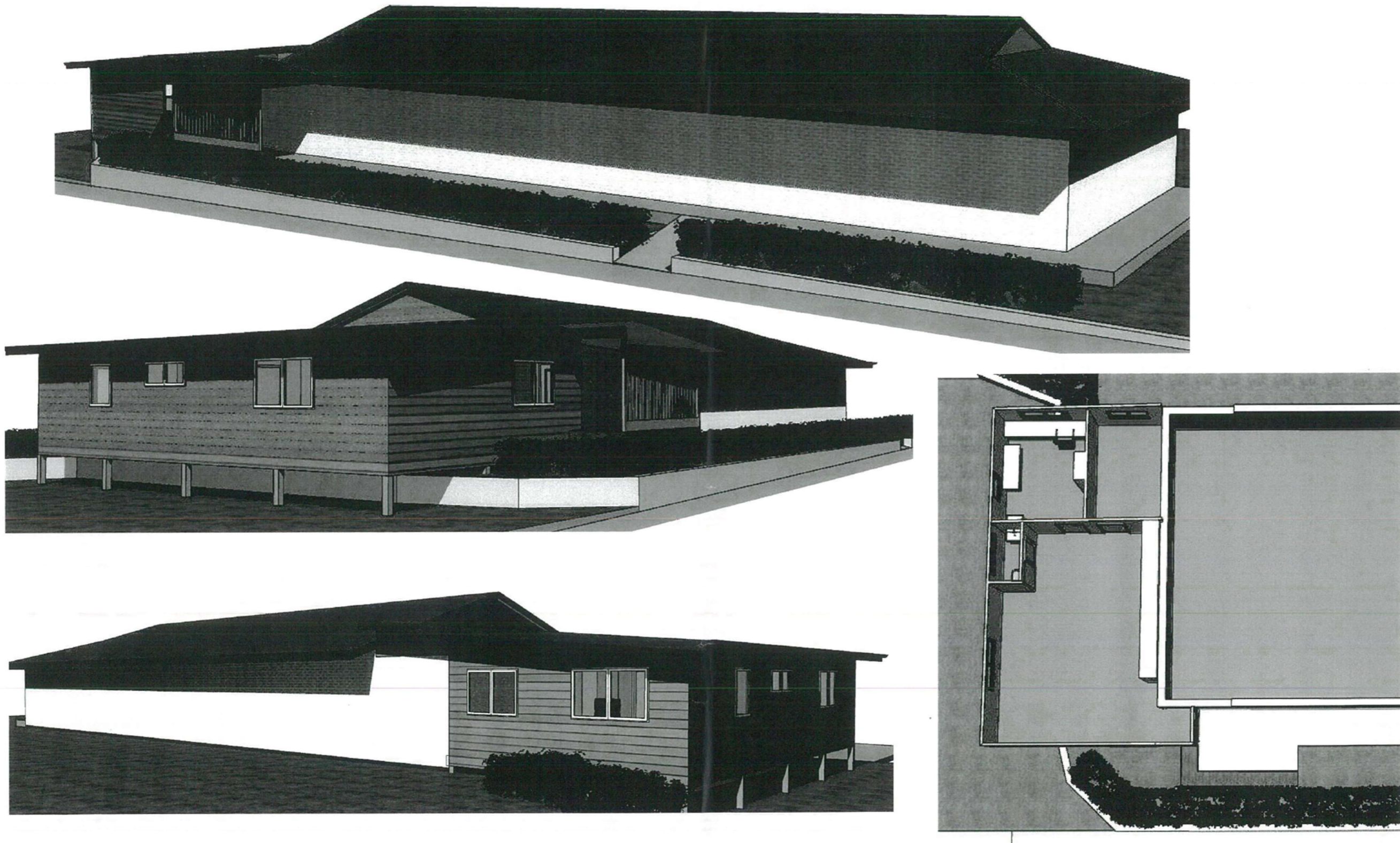
**NORTH ELEVATION**  
SCALE - 1:100 @ A3

 <p>design by <b>KATH IFFIELD</b> O : 1201 Birkdale Street Magenta NSW 2281 M : 0413 992 452</p>	ISSUE:    DATE:    AMENDMENT:	DRAWING:	PROJECT:	SCALE:	JOB No.:
		Elevations	PROPOSED LAVA ROOM THE EPICENTRE, SAN REMO NEIGHBOURHOOD CENTRE BRAVA AVENUE, SAN REMO NSW, 2262		2018-04
				DATE:	DRAWING No.:
				MAY 2018	04
				ISSUE:	A



 <p>design by <b>KATH IFIELD</b></p> <p>O : 1201 Birkdale Street Magenta NSW 2261 M : 0413 992 452</p>	ISSUE:    DATE:    AMENDMENT:	DRAWING:	PROJECT:	SCALE:	JOB No.: 2018-04
		Elevations & Section A-A	PROPOSED LAVA ROOM THE EPICENTRE, SAN REMO NEIGHBOURHOOD CENTRE BRAVA AVENUE, SAN REMO NSW, 2262	DATE: MAY 2018	DRAWING No.: 05
					ISSUE: A





ISSUE  
**B**

**Proposed Lava Room**  
The Epicentre, San Remo Neighbourhood Centre  
Brava Avenue, San Remo NSW, 2262  
November 2018

design by  
**KATH  
IFIELD**

O : 1201-3 Birkdale Place,  
Magenta NSW 2261  
M : 0413 992 452



**Item No:** 3.3

**Title:** DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises

**Central Coast**  
Local Planning Panel

**Department:** Environment and Planning

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23 July 2020 Local Planning Panel Meeting

Reference: F2020/00812 - D14075986

Author: Chris Ross, Senior Development Planner

Approver: Andrew Roach, Unit Manager, Development Assessment

### Summary

A development application has been received for the staged redevelopment of the existing West Gosford Shopping Centre, located at 269 Brisbane Water Drive West Gosford. The proposed development includes alterations and upgrades, as well as the addition of a new Child Care Centre and new Food and Drink Premises. The application was lodged on 25 September 2019.

The development application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The development application has been referred to the Local Planning Panel as a result of the number of unique submissions received during the notification process. The application received 43 submissions objecting to the proposal.

<b>Applicant</b>	Think Planners
<b>Owner</b>	Mintus Properties Pty Ltd
<b>Application No</b>	DA 57302/2019
<b>Description of Land</b>	Lot 11 DP 880156, 269 Brisbane Water Drive, West Gosford
<b>Proposed Development</b>	Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises.
<b>Site Area</b>	1.756ha
<b>Zoning</b>	B2 Local Centre
<b>Existing Use</b>	Commercial premises
<b>Employment Generation</b>	Yes
<b>Estimated Value</b>	\$2,230,000

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)**

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**Recommendation**

- 1 That the Local Planning Panel grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.**
- 2 That Council advise those who made written submissions of the Panel's decision.**

**Precis:**

<b>Proposed Development</b>	Staged redevelopment of existing Shopping Centre with inclusion of a new Child Care Centre and new Food and Drink Premises.
<b>Permissibility and Zoning</b>	The site is zoned <i>B2 Local Centre</i> under <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014). The proposed development is defined as 'Commercial Premises', 'Child Care Centre' and 'Food and Drink Premises' which are permissible in the zone with consent of Council.
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979 – s. 4.15</i> (EP&amp;A Act)</li> <li>• <i>Rural Fires Act 1997</i></li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></li> <li>• <i>State Environmental Planning Policy 64 – Advertising and Signage</i></li> <li>• <i>State Environmental Planning Policy No 55 - Remediation of Land</i> (SEPP 55)</li> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007</i></li> <li>• <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i></li> <li>• <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014)</li> <li>• <i>Draft Central Coast Local Environmental Plan 2018</i> (Draft CCLEP 2018)</li> <li>• <i>Gosford Development Control Plan 2013</i> (GDGP 2013)</li> <li>• <i>Central Coast Regional Plan 2036</i> (CCRP 2036)</li> </ul>
<b>Current Use</b>	The site is currently utilised as a Shopping Centre, with the anchor tenant being a Coles supermarket. Numerous other retail stores support the key tenancy, with retail stores and food and drink premises located throughout the centre.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)**

<b>Integrated Development</b>	Yes, integrated development as defined by <i>Section 4.46</i> of the <i>Environmental Planning &amp; Assessment Act 1979</i> requiring referral to the NSW Rural Fire Service for consideration under <i>Section 100B</i> of the <i>Rural Fires Act 1997</i> - General Terms of Approval obtained.
<b>Other Referrals Required</b>	Referral required to Roads & Maritime Services/Transport for NSW in accordance with SEPP (Infrastructure) – No objection or requirements.
<b>Submissions</b>	43 submissions were received in response to the notification of the application.

**The Site**

The site consists of Lot 11 DP 880156, commonly known as 269 Brisbane Water Drive, West Gosford. The subject land is located on the western side of Brisbane Water Drive and has frontage to Henry Kendall Street to the west and Corumbene Road to the north.

The site is irregular in shape, with:

- A northern frontage of 83m to Corumbene Road,
- An eastern frontage of 260m to Brisbane Water Drive,
- A southern boundary of 83m to residential properties, and
- A western boundary of 230m to Henry Kendall Street.

The site currently contains the established West Gosford Shopping Centre which has Coles supermarket as an anchor tenant. A number of smaller retail stores are located within the remainder of the centre. At the current time a number of these tenancies are vacant. Loading docks are currently accessed through Corumbene Close, and a 'Return and Earn' container collection point is located within the carpark at the south eastern corner of the site. The site also contains the former Henry Kendall Tavern building (currently vacant).

Surrounding development consists of:

- Residential dwellings adjoining the site to the south, across Henry Kendall Street to the west, and across Corumbene Close to the north;
- The four lane Brisbane Water Drive immediately to the east, with sound screening separating residential developments further to the east;
- Industrial development beyond the residential dwellings fronting Henry Kendall Street.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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**Current Zoning**

The subject site is zoned *B2 Local Centre* under *Gosford Local Environmental Plan 2014* (GLEP 2014), (refer to Figure 2). The proposed development is defined as 'Commercial Premises', 'Centre Based Child Care Facility' and 'Food and Drink Premises' which are permissible in the zone with the consent of Council.

Adjoining land to the south, and the land on the western side of Henry Kendall Street is zoned R1, General Residential.





3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)

Figure 1 - Aerial photograph of the site, (in blue)

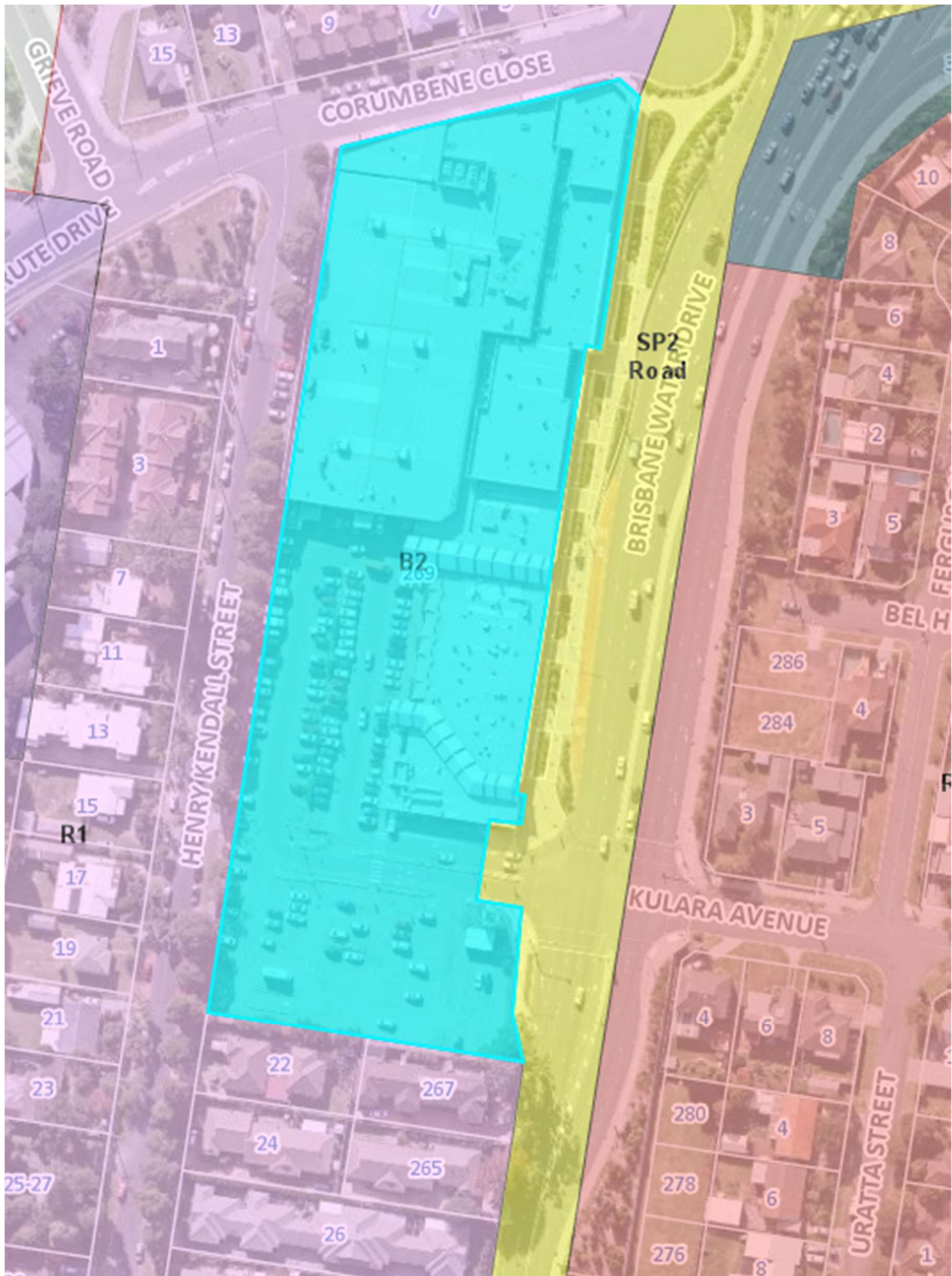


Figure 2 - Zoning of the site, (in blue showing B2 Local Centre, the entire site)

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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**Site History**

Council's records show that a number of applications have been lodged and approved for various uses within the existing commercial premises. These are of little relevance to the site history in planning terms. Of note are the following applications:

- DA36163/2008  
Development Application - Reconfiguration of Shopping Centre including Retail/Commercial Alterations and Additions and 3 level Car Park.

No other applications of relevance are contained in Council records.



**Figure 3 – Site from the northern corner looking generally south along the Brisbane Water Drive frontage.**



**Figure 4 – Site from Henry Kendall Street, looking generally south.**



**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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**The Proposed Development**

The proposal seeks approval for the staged redevelopment of the existing shopping centre (*Commercial Premises*), including the establishment of a first floor 121 space *Child Care Centre*, and the construction of a new *Food and Drink Premises* (shown to be a 'Hungry Jacks' restaurant) at the south eastern corner of the site.

Proposed works and staging are as follows:

**Stage 1: Hungry Jacks: Fast Food Outlet**

- Construction of Hungry Jacks Pad Site
- Hungry Jacks building signage, pylon signage and banner signage
- Hungry Jacks new car parking spaces
- Acoustic fence between pad site and neighbouring property
- Hungry Jacks pad site landscaping.

**Stage 2: First floor alterations**

- Demolition of existing walls to first floor
- Conversion of existing office space to 121 place child care centre
- Installation of new lift to accommodate first floor tenancies
- Building facades Signage for childcare

**Stage 3: Upgrade works to ground floor tenancies**

- Demolition of existing tavern
- Re-sheeting and reconfiguration of the existing carpark
- Construction of new shade sails to carpark
- New carpark vehicular entry/exits
- Relocation of recycling units
- New play area along with forecourt refurbishment with outdoor seating
- New mall and shopfront to Coles supermarket entry
- Pedestrian arcade from Brisbane Water Drive includes new feature ceiling\
- Upgrading to the building façade
- Reconfiguration of existing shopping centre loading dock.
- Amenities upgrade with addition of a new parent's room
- New signage towers associated with the Shopping Centre
- Landscaping along boundary to Henry Kendall Drive and throughout car park

A number of contradictions occur within the proposed staging of the development. The staging recommended for approval is therefore different to that proposed, but only to ensure the appropriate levels of carparking and amenity are maintained throughout the staging of the development. See comments and recommended staging later in this report for more detail.

3.3

DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)

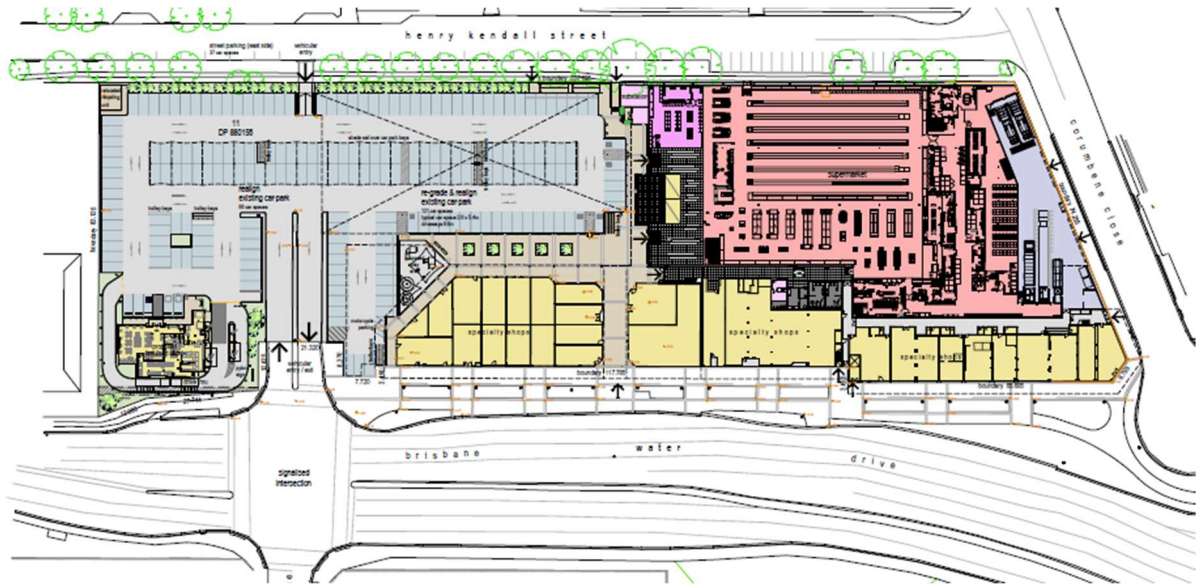


Figure 5 - Proposed site plan

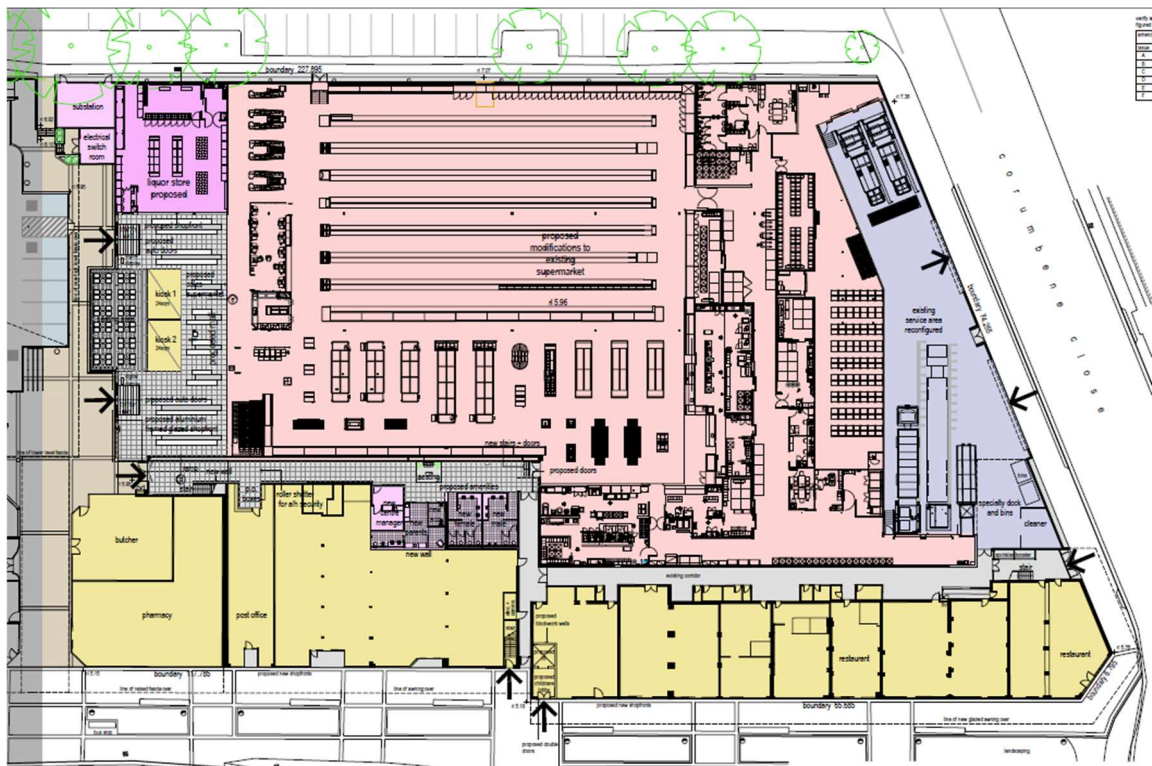


Figure 6 - Proposed site plan - Northern half

3.3

DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
 Redevelopment of Existing Shopping Centre with inclusion of a new  
 Centre Based Child Care Facility and new Food and Drink Premises  
 (contd)

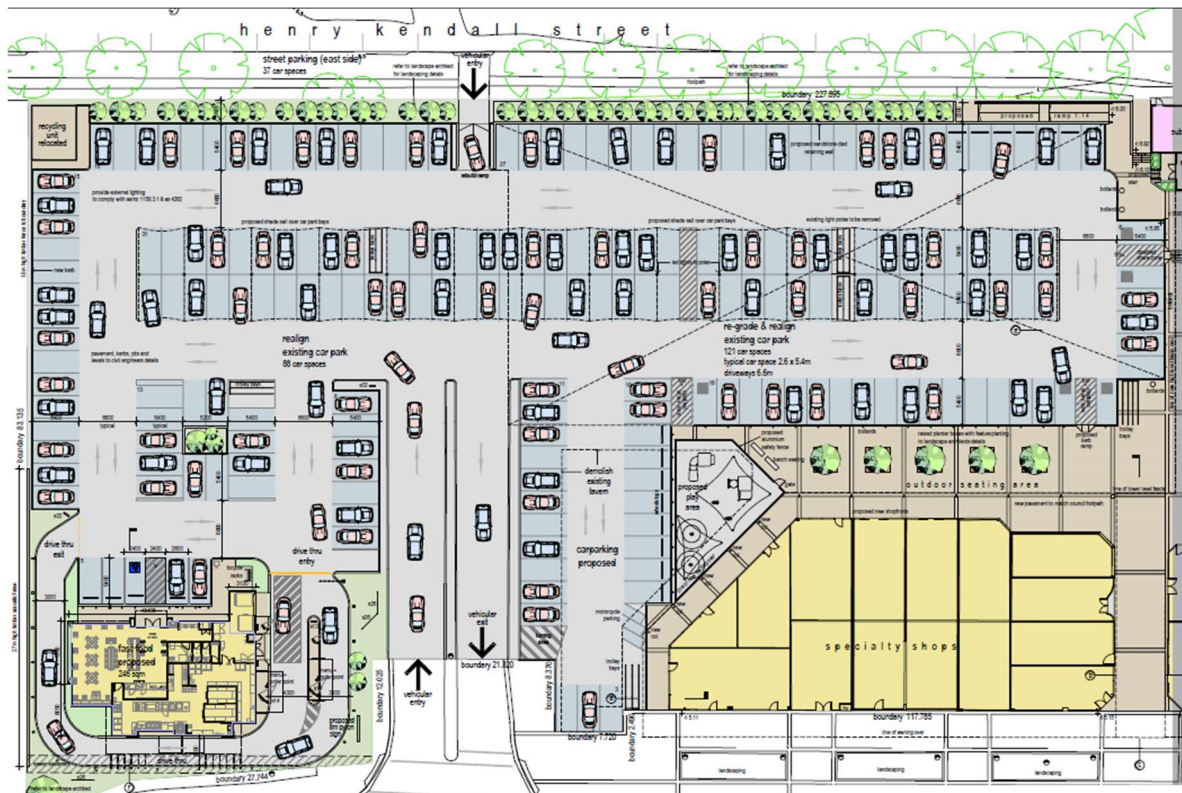


Figure 7 - Proposed site plan – Southern half

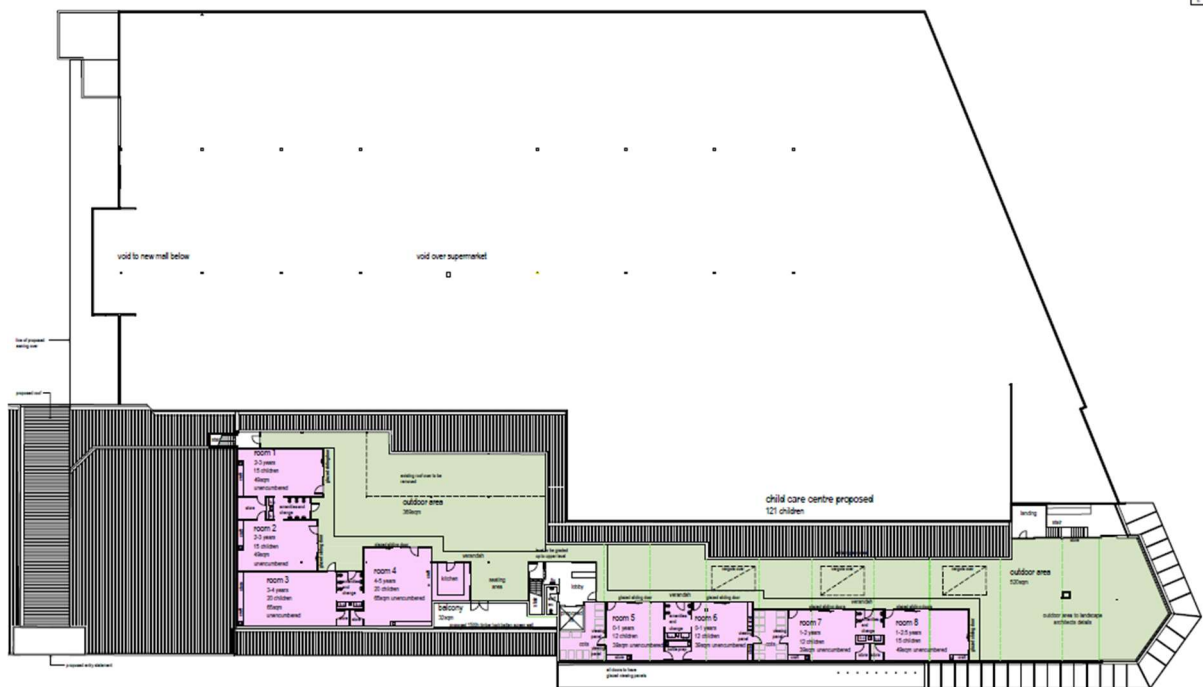
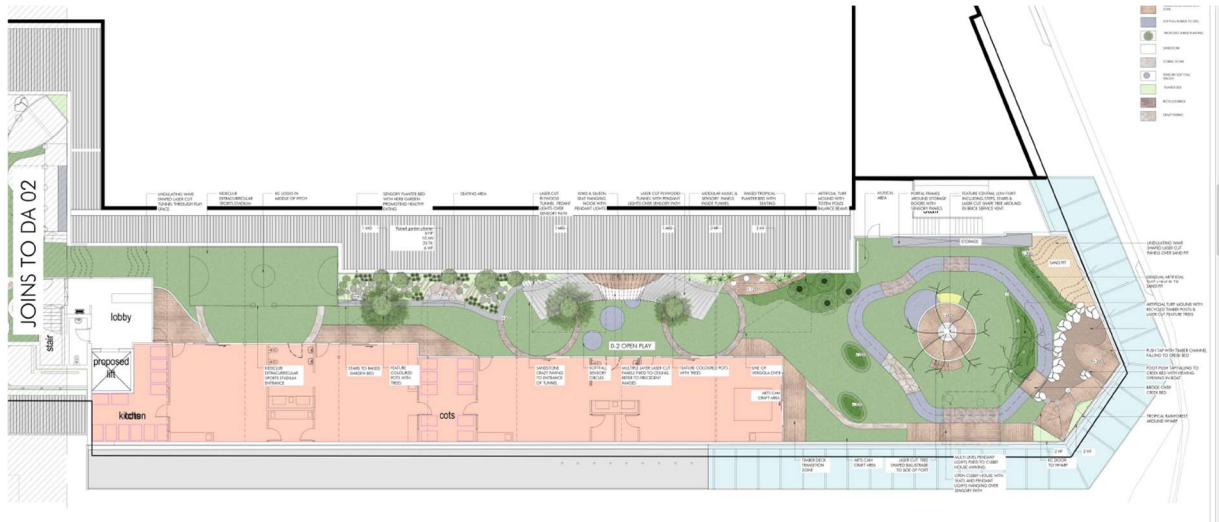


Figure 8 – Proposed first floor childcare centre plan



**DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**



**Figure 9 - Proposed first floor childcare centre landscape plan – Northern section**



**Figure 10 - Proposed first floor childcare centre landscape plan – southern section**

3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)

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*Figure 11 – Existing Coles southern elevation*



*Figure 12 – Proposed Coles southern elevation*

3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)

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*Figure 13 – Existing south eastern elevation at the intersection of Brisbane Water Drive*



*Figure 14 – Proposed south eastern elevation at the intersection of Brisbane Water Drive*







**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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**State Environmental Planning Policy (Infrastructure) 2007**

As the proposed redevelopment includes a new Food and Drink premises, being a take away food and drink premises with drive-through facilities.

The provisions of *SEPP Infrastructure* as contained within Schedule 3 requires Council to notify Roads and Maritime Service NSW, now Transport for NSW (TfNSW), and to take into consideration any submission that TfNSW provides in response to that notice.

Council formally notified TfNSW of the development application on 3 October 2019 through the NSW Planning Portal. TfNSW requested additional information of the applicant. This additional information was supplied in December 2019, and further supplementary information was again provided in January 2020.

TfNSW requested a final round of additional information in March 2020.

TfNSW issued final comments on the proposal to Council on 1 April 2020, which '*raises no objections to or requirements for the proposed development*'.

**State Environmental Planning Policy No 64 – Advertising and Signage**

The provisions of this *State Environmental Planning Policy No 64 – Advertising and Signage* (SEPP 64) apply to the application.

***Referral to Roads & Maritime Services/Transport for NSW***

In accordance with the *State Environmental Planning Policy 64 (SEPP 64) Clause 18*, the consent authority must not grant development consent without the concurrence of Roads and Maritime Services (RMS), to the display of advertising signs greater than 20 square metres and within 250 metres of, and visible from, a classified road.

Brisbane Water Drive is a classified road. As such, the matter was referred to Roads and Maritime Services for concurrence.

It is noted that legislation to dissolve Roads & Maritime Services (RMS) came into effect part way through the assessment of this application, on 1 December 2019, transferring former RMS assets, rights and liabilities to Transport for NSW. Transport for NSW made its response to the proposed development on 1 April 2020 which '*raises no objections to or requirements for the proposed development*'.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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***Requirements from the SEPP***

The SEPP defines signage as all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:

- (a) *Building identification signs;*
- (b) *Business identification signs; and*
- (c) *Advertisements to which Part 3 applies, but does not include traffic signs or traffic control facilities.*

The proposed signage is considered to constitute "*business identification signage*". The provisions of Part 3 of the SEPP therefore do not apply in this instance, as "*business identification signs*" are exempt from the provisions. The signs are therefore assessed against the objectives of the plan and the criteria contained within Schedule 1 (see below).

***Consideration Against Aims of the SEPP***

The aims of SEPP 64 (*Advertising & Signage*) are:

- (a) *To ensure that signage (including advertising):-*
  - (i) *Is compatible with the desired amenity and visual character of the area;*
  - (ii) *Provides effective communication in suitable locations; and*
  - (iii) *Is of high quality design and finish*
- (b) *To regulate signage (but not content) under Part 4 of The Act; and*
- (c) *To provide time-limited consents for the display of certain advertisements.*
- (d) *To regulate the display of advertisements in transport corridors, and*
- (e) *To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposed signage is considered to satisfy the objectives of the policy in this instance in accordance with Clause 13(2) of the SEPP. No objection is raised in this regard.

***Consideration Against Schedule 1 of the SEPP***

The following represents consideration against Schedule 1 Assessment Criteria contained within *State Environmental Planning Policy No 64 — Advertising and Signage*:

*1 Character of the area:*

The location of the proposed business identification signage is considered compatible and consistent with the business character of the area.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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*2 Special Areas:*

The proposed signage does not degrade or detract from the visual quality or amenity of the area.

*3 Views and Vistas:*

The proposed signage does not compromise or obscure any views or vistas.

*4 Streetscape, setting or landscape:*

The proposed scale, proportion and form of the signage is considered appropriate for the area, whilst contributing to the visual interest of the shopping centre.

*5 Siting and Building:*

The proposed signage is considered consistent to the scale and proportion of the shopping centre and associated land.

*6 Associated devices and logos with advertisements and advertising structures*

All proposed signage relates wholly to the businesses located within the shopping centre.

*7 Illumination:*

Proposed signage is located on site in a manner that would limit the impacts of illumination to the public domain. No unacceptable glare is expected to occur from the use of the signage, and the illumination would not detract from the amenity of nearby residential dwellings.

*8 Safety:*

It is considered the proposed signage will not reduce the safety for pedestrians, bicyclists, and drivers or have the opportunity to obscure sightlines from public areas given the setback from the street proposed.

The proposed signage is considered to support and reinforce the aims and objectives of SEPP 64 when considered against the assessment criteria contained within Schedule 1 of the SEPP.

**State Environmental Planning Policy No 55 – Remediation of Land**

The provisions of this *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) apply to the site.

The site has a history of being utilised as retail/commercial premises and so contamination is not likely to be present. In accordance with cl. 7(2) of the SEPP, no further consideration is required in this regard.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)**

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**State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP Education)**

The provisions of *SEPP Education* requires Council to consider any applicable provisions of the *Child Care Planning Guideline*, in relation to the proposed development.

Council officers have considered the proposed childcare facility and it is concluded the proposal is consistent with the provisions of *SEPP Education*, and the principles and considerations of the *Child Care Planning Guideline*.

The following comments are made in relation to the Design Quality Principles within the *Child Care Planning Guideline*:

*Principle 1 - Context*

The proposed child care centre responds to the qualities and identity of the area and enhances an established shopping hub by including a well designed and well located centre, capable of adapting to future needs of the area, and allowing for greater passive use of existing centre amenities and shops through increased foot traffic of centre users.

*Principle 2 - Built form*

The child care centre is to be housed entirely within the footprint of an existing first floor. The reuse of the traditionally underutilised first floor is considered a positive outcome for the site, and will contribute to the character of the centre.

*Principle 3 - Adaptive learning spaces*

High quality learning spaces are proposed that achieve a high level of amenity for children and staff, with fit-for-purpose, enjoyable outdoor play areas designed to offer a variety of settings and multiple opportunities for interaction. Numerous smaller indoor rooms are proposed that will cater for individual age groups, enabling appropriate teaching to be tailored for the groups.

*Principle 4- Sustainability*

By reusing an existing first floor space as a childcare centre the applicant aims to reduce the environmental impact of a new greenfield build. The centre will benefit from adequate cross ventilation, sunlight and passive thermal design, whilst also including water play areas and adequate shading to allow for year round comfort that requires minimal artificial heating and cooling.

*Principle 5 – Landscape*

The outdoor play areas of the proposed centre are located on the first floor of the existing shopping complex. Little opportunity exists to enhance the streetscape through the development of the centre, however the outdoor spaces within the centre are well designed and include diversity in function and use, age-appropriateness and amenity.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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*Principle 6 – Amenity*

Appropriate indoor and outdoor learning spaces with good access to sunlight and natural ventilation are proposed. All learning rooms have outlook, visual and acoustic privacy and adequate storage, and the inclusion of a lift to access the first floor centre offers ease of access for all age groups and degrees of mobility

*Principle 7 - Safety*

The childcare centre has been designed and located in a manner that ensures the safety of students, parents and staff through well located access ways, numerous opportunities for surveillance of the outdoor areas from all rooms of the centre, and a sign in and access point located on the ground floor of the building. This results in a child care centre that monitors access to and from the areas that children are cared for, and allows for the principles of CPTED to be achieved.

It is concluded the proposed child care centre is considered to display compliance with the principles of the *Child Care Planning Guideline* and warrants support.

**Gosford Local Environmental Plan 2014 (GLEP 2014) - Zoning and Permissibility**

The subject site is zoned B2 Local Centre under the provisions of *Gosford Local Environmental Plan 2014* (Gosford LEP 2014). The proposed development is best defined as 'commercial premises', 'child care centre' and 'food and drink premises'. These uses are defined under the Gosford LEP 2014 as:

**'commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.'

**'child care centre** means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)**

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- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
- (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the [Children and Young Persons \(Care and Protection\) Act 1998](#)), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.'

**'food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.'

Development for the purposes of 'Commercial Premises', 'Child Care Centre' and 'Food and Drink Premises' are permissible in the B2 Local Centre zone with development consent.

**Gosford Local Environmental Plan 2014 (GLEP 2014) - Zone Objectives**

The following represents the consideration of the proposed development with regard to the objectives of the control in accordance with the Clause 2.3(2) of Gosford LEP 2014.

- *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.*

The proposed redevelopment of the West Gosford Shopping Centre, with the inclusion of a new food and drink premises and child care centre would provide new business and community uses that serve the needs of people who live in, work in and visit the local area.

The proposed food and drink premises is to be a Hungry Jacks restaurant which will relocate from the current location on the Central Coast Highway at West Gosford. The new building

### **3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)**

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will better cater for local community and increase the offer of take away food options in the locality.

The proposed child care centre will be a new provider in the area and will provide 121 childcare spaces in a central location, allowing the opportunity for residents and those working in the area to utilise the new child care centre co-located with other uses on the site.

- *To encourage employment opportunities in accessible locations*

The proposed childcare centre will employ 21 staff on premises at any given time, which will all be new employees to the site. Similarly, the new food and drink premises will likely expand its employee numbers to meet demand and requirements of a new premises. It is further anticipated that the redevelopment of the existing shopping centre and the refurbishment of the Coles supermarket tenancy would provide a catalyst for new retailers to relocate to the centre, thus bringing new employment opportunities with them.

- *To maximise public transport patronage and encourage walking and cycling.*

The site is serviced by a number of bus routes and is located approximately 300m from the cycleway which links Gosford to Woy Woy.

The site is accessible by regular public transport services and is easily accessible by local residents who gain employment within the existing or new tenancies and businesses and choose to walk or cycle to the area.

- *To provide for residential uses, but only as part of a mixed-use development.*

No residential dwellings are proposed as part of this development.

- *To ensure that development is compatible with the desired future character of the zone.*

The development site sits within the 'Main Road Centre' character area as defined within Chapter 2.1 of GDCP 2013. An analysis of the proposed development against the desired character of the area, as set out in the DCP, is included in the DCP analysis as Attachment 3.

The proposed development would promote high levels of visible retail-type activities facing the main roads and outdoor carparks, and ensures the area remains a mixed-use centre that provides predominantly retail and business services to the surrounding district.

The proposed first floor childcare centre will offer a redesigned facade that will break the monotony of the existing built form, disguising the bulk and scale of the northern portion of the existing shopping centre.



### **3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)**

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The proposal is consistent with the desired future character, as detailed in Section 2.1 of the Gosford Development Control Plan 2013.

- *To promote ecologically, socially and economically sustainable development.*

The application seeks to upgrade and maximise the use of an existing centre, reuse and existing first floor area as a childcare centre, the construction of the new Food and Drink Premises. The development provides economic benefits, improved services to the public and makes the best use of an existing 'brownfield' site. The proposed developer will incorporate sufficient environmental measures in to ensure no detrimental environmental impacts would arise.

- *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.*

The proposed development does not detract from the town centres listed as being recognised as being higher order town centres, second to Gosford City Centre in terms of services and facilities offered to the community.

- *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.*

The proposed development is crucial in allowing the West Gosford village centre to continue to provide 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.*

The proposed redevelopment will further reinforce the West Gosford Shopping Centre as being a hub that provides local level services and facilities that serve the local population catchment and will continue to provide a focus point for future public transport planning.

- *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.*

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)**

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West Gosford Shopping Centre is regarded as a purpose built centre that services the needs of the local population. The redevelopment proposed will ensure the West Gosford Village Centre remains a capable centre that will continue to serve the needs of the local population into the future.

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

The development is not considered to be contrary to this objective.

**Gosford Local Environmental Plan 2014 (GLEP 2014) - Development Standards**

An assessment of the proposed development against the relevant development standards is detailed below.

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance with Controls</b>	<b>Variation %</b>	<b>Compliance with Objectives</b>
<b>cl. 4.3 (Height of Buildings)</b>	11.5m	10.5m to top of signage tower	Yes	Nil	Yes
<b>cl.4.4 (Floor Space Ratio)</b>	1:1	0.5:1	Yes	Nil	Yes

**Gosford Local Environmental Plan 2014 (GLEP 2014) – Clause 4.3 Height of Buildings**

The provisions of cl. 4.3 (Height of Buildings) within GLEP 2014 establish a maximum height limit for buildings. The applicable height control indicated on the GLEP 2014 Height of Buildings map is 11.5m. The proposed development would not alter the existing maximum height of the West Gosford Shopping Centre buildings which are all below the 11.5m specified within this control.

The New signage tower located in the north eastern corner of the site achieves a maximum height of 10.5m, which is within the height controls specified for the site.

**Gosford Local Environmental Plan 2014 (GLEP 2014) – Clause 4.4 Floor Space Ratio**

The provisions of cl. 4.4 (Floor Space Ratio) within GLEP 2014 establish a maximum floor space ratio (FSR) for buildings. The applicable FSR control is 1:1, which permits a maximum gross floor area of 17,600m<sup>2</sup>. The proposed development would result in a gross floor area of 8335m<sup>2</sup>, equating to an FSR of 0.47:1, which is approximately half the maximum permitted FSR for the site.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)**

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**Gosford Local Environmental Plan 2014 (GLEP 2014) – Clause 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 GLEP 2014 have been considered. The site is mapped to contain Class 5 Acid Sulfate Soils. No excavation is required at a greater depth than 5 metres AHD.

As such, no further concerns are raised in regard to Acid Sulfate Soils.

**Draft Central Coast Local Environmental Plan 2018**

Following a review of the *Draft Central Coast Local Environmental Plan 2018* (Draft CCLEP 2018) which finished exhibition on 27 February 2018, the zoning of the subject site retains the existing zoning and development controls. The proposed development is therefore not contrary to the draft instrument.

**Gosford Development Control Plan 2013**

An assessment of the proposed development against the relevant chapters of *Gosford Development (DCP) 2013* is provided in a Compliance Table as **Attachment 3**.

For the convenience of the Panel, the areas of non-compliance with the Development Control Plan are set out in the table below:

<b>Policy/Clause</b>	<b>Variation</b>
<b>Gosford DCP 2013</b> 3.7.7.2 (ii) - Pole or Pylon Sign	The pole or pylon sign proposed for the new Food and Drink premises is proposed to be 8m in height, resulting in a 2m variance to the maximum 6m height control relating to pole or pylon advertising height.  This variation is assessed within <b>Attachment 3</b> GDCP 2013 Compliance Table.
<b>Gosford DCP 2013</b> 7.1 carparking	<b>Required Car Parking</b>  Shops (7,065m <sup>2</sup> ): <ul style="list-style-type: none"> <li>• 1 space per 30m<sup>2</sup> shops = 235</li> </ul> Childcare Centre: <ul style="list-style-type: none"> <li>• 1 space per employee = 21</li> <li>• 1 temporary space per 6 children = 20 temporary spaces</li> </ul> Food and Drink Premises: <ul style="list-style-type: none"> <li>• Minimum 30 spaces for premises with drive through = 30</li> </ul>

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)**

Policy/Clause	Variation
	<p><u>Total required spaces = 288 plus 20 temporary spaces.</u></p> <p><b>Proposed Car Parking</b></p> <ul style="list-style-type: none"> <li>209 car spaces in total are proposed for the site, 6 of which are disabled spaces, and 25 of which are temporary. In total there would be a shortfall of 79 car parking spaces.</li> </ul> <p>At present there is a total of 205 car parking spaces available on site. There will be a net increase of 4 car parking spaces on site as a result of the proposed works (total of 209 spaces when works are complete).</p> <p>In support of the application, the applicant commissioned a <i>Traffic and Parking Study</i> by McLaren Traffic Engineering and Road Safety Consultants that assessed the existing peak demand against the proposed peak demand on parking and found that there will be a net decrease demand on parking by some 34 parking spaces. Council supports the variation proposed and accepts that the changed uses of the site will result in a lower demand for parking than currently exists.</p> <p>Bicycle parking for a minimum 20 bicycles is to be conditioned as part of any consent, and the location of the shopping centre is serviced by a number of regular bus routes. For the reasons discussed above the proposed parking arrangements are considered satisfactory in this instance.</p> <p>This variation is assessed within <b>Attachment 3</b> GDCP 2013 Compliance Table.</p>

**Public Authority Consultation / Approvals**

***NSW Rural Fire Service (Integrated Development Referral)***

A portion of the site is identified as being bushfire prone land. In addition, the proposed development includes a 'special fire protection purpose', being the proposed child care centre. As such, the proposed development is integrated development, requiring referral to the NSW Rural Fire service for consideration under *Section 100B* of the *Rural Fires Act 1997*.

### 3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)

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Formal a referral was sent to NSW Rural Fire Service who, on 21 November 2019, issued a Bush Fire Safety Authority with no specific conditions or terms of approval.



**Figure 18 – Bushfire Prone Lands (2008) Mapping Extract**

#### ***Transport for NSW***

The site has frontage to, and access from Brisbane Water Drive, a classified Road.

In accordance with Schedule 3 of *State Environmental Planning Policy (Infrastructure)* the consent authority is required to notify Roads and Maritime Service NSW, now Transport for NSW (TfNSW) of the proposed development and to take into consideration any submission that TfNSW provides in response to that notice.

Council formally notified TfNSW of the development application on 3 October 2019.

TfNSW requested additional information of the applicant. Additional information was supplied on December 2019, and further supplementary information was again provided in January 2020. TfNSW requested a final round of additional information in March 2020.

TfNSW issued final comments on the proposal to Council (1 April 2020) which '*raises no objections to or requirements for the proposed development*'.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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**Internal Consultation**

The application was referred to the following internal officers and the following comments have been provided:

***Architect***

Council's Architect has reviewed the proposed development and supports in principle the proposed redevelopment, noting that the development should not turn its back to Brisbane Water Drive, that additional landscaping should be located within the carpark, and that the impact of the Food and Drink premises on adjoining residential development requires attention. Appropriate conditions (**C2.3**) relating to the matters raised have been included and will be incorporated into any consent.

***Engineering***

Council's Development Assessment Engineer has reviewed the application and supports the proposal subject to conditions.

***Waste Services (Garbage)***

Council's Waste Services Officer has reviewed the application and has raised concerns relating to the ongoing servicing of the centre and the proposed new Centre Based Child Care Facility and new Food and Drink Premises. Numerous attempts have been made to mediate the situation, however as of the date of this report the applicant has yet to supply information that satisfies Council's Waste Services unit.

It is proposed that conditions (**C2.4**) requiring the applicant to supply waste documentation to the satisfaction of Council's Waste Services Unit prior to the issue of a construction certificate be included as part of any consent granted.

***Liquid Trade Waste***

Council's Liquid Trade Waste unit has reviewed the application and supports the proposal subject to conditions.

***Building Surveyor***

Council's Building Surveyor has reviewed the application and supports the proposal subject to conditions.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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***Environmental Health***

Council's Environmental health officer has reviewed the application and supports the proposal subject to conditions.

***Tree Assessment Officer***

Council's Tree Assessment Officer has reviewed the proposed development and notes that the proposed new tree planting within and near the carpark layout is insufficient for a redevelopment of this magnitude.

It is considered that the incorporation of an additional 150 m<sup>2</sup> of deep soil area within the development, with a minimum additional 20 trees and appropriate understory planting will greatly enhance amenity and landscape offering within the site.

A draft condition of consent is recommended (**Condition 2.3(b)(2)**) requiring the applicant to submit revised landscaping plans addressing the figures above prior to the issue of a Construction Certificate.

**Public Consultation**

The Development Application was notified in accordance with Part 7.3 - Notification of Development Proposals of GDCP 2013 from Thursday, 10 October 2019 until close of business on Thursday, 31 October 2019. A total of 43 submissions were received during the notification period.

The following is a summary of the issues raised in the notification period:

- ***The proposed Food and Drink Premises (Hungry Jacks) is not appropriate for the area, and it is positioned too close to residential dwellings.***

*Comment:*

A number of submissions raised concerns that a fast food restaurant is not appropriate for this part of the Central Coast as it is an unhealthy food option, and that there is an existing Hungry Jacks located only 1km east on the Central Coast Highway.

Whilst not obvious through the publicly available documentation, the existing Hungry Jacks on the Central Coast Highway at West Gosford is to relocate to the subject site should approval be granted for the development. Irrespective of this, there are no provisions within Council's planning controls to limit the number of Food and Drink premises in any given location. Similarly, the product being sold is irrelevant in terms of planning controls.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)**

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The location of the restaurant is a considered response to site constraints, and placement of the restaurant in the location proposed provides maximum usability of the carpark. The residential dwellings are located on land zoned R1 General Residential which adjoins the subject land, zoned B2 – Local Centre, the latter having been developed as a commercial holding since the 1970s. It is unreasonable to limit the building envelope of the commercial zoned land and effectively render the southern portion of the site a carpark based on the proximity to residential dwellings when mitigation measures can provide the levels of separation sought.

Whilst the restaurant is generally compliant with the applicable planning controls, both Council's Architect and the assessing officer note that issues regarding noise generation, light emissions from signage and carpark floodlights and 24hr use, and fumes from car exhaust may have some effect on the residents of adjoining dwellings. Further, the provision of a 2.7m high acoustic timber fence to the boundary of the residential dwellings located adjacent the proposed restaurant is not considered a suitable outcome due to the impacts on existing solar access the dwellings currently receive.

As such a condition has been included (**C2.3(a)(1)**) that requires the restaurant and associated drive through roadways to be shifted a minimum 1000mm north, allowing for a dense vegetation buffer to be planted and maintained between the drive through roadway and the adjacent dwellings to the south. The reasons of the condition are to increase the setback of the restaurant from the residential dwellings, and to ensure existing levels of solar access are maintained.

For the reasons above, and additionally throughout this report, the proposed built form is not considered to be in conflict with the envisaged character of the area.

- ***24 Hour trade for Food and Drink Premises (Hungry Jacks) is not appropriate for the area and will result in antisocial behavior, as well as noise and light impacts to nearby dwellings.***

*Comment:*

A number of submissions raised concerns that a 24 hour trade fast food restaurant is likely to lead to antisocial behavior and ongoing noise and nighttime light impacts to adjoining dwellings.

The applicant has provided a Hungry Jacks Plan of Management that specifically identifies measures to deal with antisocial behavior, including appropriate lighting and signage alerting patrons that the area is under video surveillance. The store will have a surveillance system installed so that the car park and internal areas of the restaurant can be viewed if required.



**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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Minimum requirements – 16 camera CCTV system, 30 Days recording memory Panic Alarms (Mandatory Requirement for 24hrs stores). The measures specified within the plan of management are considered satisfactory in respect to the concerns of antisocial behaviour.

The inclusion of floodlights as stipulated within the Hungry Jacks Plan of Management does however raise further concerns that the residential dwellings adjoining the site will be bathed in light throughout the night.

As such, conditions **(5.18, 6.16)** have been included to require all carpark lighting, and all lighting associated with the Hungry Jacks restaurant to be shielded in a manner that ensures no light is cast higher than the existing 1800mm dividing fence.

The concerns about noise impacts are mitigated somewhat by the requirement through Condition **(C2.3(a)(2))** to provide an acoustic fence that angles away from the residential dwellings from 2000mm above ground to achieve its maximum height no closer than 500mm north of the fence line. This ensures there is minimal loss of mid-winter sunlight to the residential dwellings or the rear setbacks of the residential dwellings. The acoustic fence is to be a minimum 2.7m in height, and constructed of acoustic absorbing material, as specified within the Acoustic Report listed within the supporting documentation in the Conditions of Consent.

To ensure the ongoing 24 hour use is not going to cause issues in regard to noise impacts on adjoining dwellings a condition **(C6.6)** has been included requiring the applicant to provide an acoustic assessment that must be undertaken by an acoustic consultant, one (1) month, three (3) months, and six (6) months after operation commences.

The acoustic assessment must compare operational noise levels to the predicted noise levels, during peak usage periods, loading, delivery and dispatch, and at set points throughout the night, and identify any areas where further noise mitigation measures will be required. A copy of the Report shall be submitted to Council's Compliance and Health team within fourteen (14) days of the reviews being undertaken who will then ensure any and all measures required are undertaken.

For the reasons above, and additionally throughout this report, the proposed Hungry Jacks restaurant location and hours of trade are considered appropriate in this instance.

- ***The Return and Earn recycling unit is not suitable in the proposed location shown on the plans.***

*Comment:* The proposed location of the Return and Earn unit is not supported by Council and is detailed under condition **(C2.3(a)(3))** to be deleted prior to the issue of any construction certificate.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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- ***The staging is inappropriate and allows the hungry jacks and childcare centre to be built before any additional parking is created.***

*Comment:* It is noted that a number of contradictions occur within the proposed staging of the development. The staging proposed would allow the food and drink premises to be constructed and used and as part of stage 1, the establishment and use of the first-floor child care centre as part of stage 2, and then majority of site works including demolition of the former tavern site to create additional parking, re sheeting and reconfiguration of the remainder of the carpark, and the amenity upgrades and loading dock upgrades as part of stage 3.

The staging proposed is not supported, and an alternate staging is to be conditioned **(C2.3(c))** to ensure the appropriate levels of parking and public amenity are achieved throughout the development.

The revised staging is as follows:

Stage 1:

- Re-sheeting and reconfiguration of the southern portion of the existing carpark
- Removal of the Return and Earn facility from the site.
- Construction of Hungry Jacks Pad Site
- Hungry Jacks building signage, pylon signage and banner signage
- Hungry Jacks new car parking spaces
- Acoustic fence between pad site and neighbouring property
- Hungry Jacks pad site landscaping, including vegetation buffer to adjoining residential land.
- Establishment of all landscaping associated with the southern portion of the carpark.
- And ancillary works as required

Stage 2:

- Demolition of existing tavern and construction of 24 car parking spaces and 3 motorcycle spaces in the location of the former tavern. 20 of the new spaces are to be marked as temporary spaces to service the child care centre.
- Amenities upgrade with addition of a new parent's room
- Demolition of existing walls to first floor
- Conversion of existing office space to 121 place childcare centre
- Installation of new lift to accommodate first floor tenancies
- Building facades Signage for childcare
- And ancillary works as required

### 3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford - Redevelopment of Existing Shopping Centre with inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises (contd)

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#### Stage 3:

- Re-sheeting and reconfiguration of the northern portion of the existing carpark
- Construction of new shade sails to carpark
- New carpark vehicular entry/exits
- New play area along with forecourt refurbishment with outdoor seating
- New mall and shopfront to Coles supermarket entry
- Pedestrian arcade from Brisbane Water Drive includes new feature ceiling\
- Upgrading to the building façade
- Reconfiguration of existing shopping centre loading dock.
- Establishment of all landscaping associated with the northern portion of the carpark.
- New signage towers associated with the Shopping Centre
- Establishment of all remaining landscaping elements.
- And ancillary works as required]

The above staging will help ensure the public amenity is preserved and enhanced during the development of the site.

- ***There is inadequate landscaping proposed for a redevelopment of this scale.***

#### *Comment:*

Council's Architect and Tree Assessment Officer have noted that the proposed landscaping is inadequate for the scale of the site.

Opportunities for additional tree planting exist in proposed landscape areas along the western boundary and in corners of the fast foot property, as well as throughout the carpark. As such a condition **(C2.3(b)(2))** has been included that requires the landscaping plans be redrawn to incorporate a minimum additional 150 square metres of seep soil planting area within the site. A minimum of 20 trees are to be specified for planting within the new deep soil areas, with each area achieving a minimum of 15 m<sup>2</sup> of unpaved area to ensure adequate water and air, avoid root compaction or damage to paving and to protect them from vehicles.

Plants used for landscaping car park areas should, whenever possible, be:

- Native to the region,
- Suitable for the eco-climate produced within the car park
- able to provide foliage at the appropriate height/spread to avoid creating sight distance in security problems, and be able to provide shade to vehicles and pavement areas,
- species which will not damage car surfaces by dropping of fruit etc.

A list of plants suitable for use in car parks is included in Appendix D GDCP2013, chapter 7.1.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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It is anticipated that this will result in a better outcome and is preferred to the provision of excessive hardstand areas within the site.

**Likely Impacts of the Development**

**a) *Built Environment***

The proposed redevelopment of the existing, aged shopping centre considered a positive outcome for the site. The proposed works are consistent with the uses envisaged for the B2 Local Centre zone, and the inclusion of a Food and Drink premises further reinforces the location as being the village centre of the West Gosford area.

**b) *Natural Environment***

The proposal is satisfactory in relation to impacts on the natural environment as identified throughout this report. No trees are to be removed to accommodate the proposed development, and multiple opportunities for new vegetation and trees are present within the plans. Conditions requiring the planting and ongoing maintenance of the vegetation are proposed as part of any consent granted.

**c) *Economic Impacts***

The proposed development will contribute to the supply of employment opportunities within the local area and offer a modern shopping centre and childcare centre that will draw people from the wider area.

**d) *Social Impacts***

As discussed throughout this report, it is not anticipated that any social impacts will arise from the approval of the proposed works. The new Food and Drink premises will be conditioned to abide by the Plan of Management prepared as part of the application, and will be conditioned further to undertake regular acoustic monitoring proving there will be limited impacts to adjoining properties prior to the 24hr trade being given an open approval.

**Ecologically Sustainable Development 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 not considered to result in any adverse impacts on the site. The proposal incorporates landscaping with street trees, and numerous garden areas. The

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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proposed plantings will increase the amount of vegetation compared to the existing situation and aid in the retention and re use rainwater on site. The development is unlikely to have any significant adverse impacts on the environment.

The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments. As such, the proposed works will not decrease environmental quality for future generations.

**Climate Change**

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

This assessment has included consideration of such matters as potential 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 ground floor level of the proposed development is 5.96m AHD, which is unlikely to be affected by sea level rise during the lifetime of the building.

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

**Suitability of the Site for the Development:**

A review of Council's records has identified the following constraints:

Bushfire prone land – A portion of the site is identified as being bushfire prone land. As such a referral was sent to NSW RFS who issued General Terms of Approval on 21 November 2019 with no specific conditions.

There are no other constraints that would render the site unsuitable for the development of the site.

**Other Matters for Consideration**

***Development Contribution Plan***

The site is subject to the provisions of *Section 7.11 Development Contribution Plan No. 164 Gosford Regional Centre*. The only portion of the proposed development that would be new floor space is the Food and Drink premises which totals 246m<sup>2</sup> of floor space.

**3.3 DA 57302/2019 - 269 Brisbane Water Drive, West Gosford -  
Redevelopment of Existing Shopping Centre with inclusion of a new  
Centre Based Child Care Facility and new Food and Drink Premises  
(contd)**

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However, the proposed development also includes the demolition of the former tavern building (approximately 350m<sup>2</sup> of floor space ). As such, the proposed Food and Drink premises does not provide net additional floor space for the site, and as a result no contributions are payable.

***Water and Sewer Contributions***

Water and sewer is available to the land. The payment of water and sewer contributions is applicable and imposed by the Water Authority. The proponent must obtain a section 307 certificate for the development of the land.

**The Public Interest**

The proposed redevelopment and inclusion of a new Centre Based Child Care Facility and new Food and Drink Premises to the existing West Gosford Shopping Centre is considered an appropriate use for the B2 Local Centre zoned site. The proposed childcare centre will provide a well located and well-equipped child-care service that can be accessed by many residents who commute past this centre daily. Considered against the objectives of the zone and the controls within GDCP 2013, the approval of the application is considered to be in the public interest.

**Conclusion:**

The Development Application has been assessed against the heads of consideration of Section 4.15 of the EP&A Act and all other relevant instruments and polices and, on balance, the proposed development is considered reasonable.

Therefore, it is recommended that the Local Planning Panel grant approval to DA57302/2019, subject to the draft conditions included in Attachments.

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Draft Attachment 1 - Draft Conditions of Approval V3 | D14072194 |
| <b>2</b> | FINAL DA PLAN SET COMBINED                           | D14061575 |
| <b>3</b> | Draft Attachment 3 GDCP Compliance Table             | D14072196 |



## STAGE 1: Food and Drink premises works, partial demolition works, car park works, fencing works, landscaping works

### 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 drawn by Squillace, and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

#### Architectural Plans

Drawing	Description	Sheets	Issue	Date
DA1 - 02	Demolition plan North	1	C	20.11.2019
DA1 - 03	Demolition Plan South	1	B	26.06.2019
DA1 - 04	First Floor Demolition Plan North	1	E	7.11.2019
DA1 - 05	First Floor Demolition Plan South	1	B	26.06.2019
DA1 - 10	Site Plan	1	G	07.11.2019
DA1- 11	Main Floor Plan North	1	J	04.06.2020
DA1 - 12	Main Floor Plan South	1	H	04.06.2020
DA1 - 13	First Floor Plan South	1	F	15.04.2020
DA1 - 14	Roof Plan North	1	F	15.04.2020
DA1 - 15	Roof Plan South	1	D	17.09.2019
DA1 - 16	Elevations 1	1	K	07.11.2019
DA1 - 17	Elevations 2	1	J	17.09.2019
DA1 - 18	Elevations 3	1	J	18.09.2019
DA1 - 19	Elevations 4	1	J	18.09.2019
DA1 - 20	Sections	1	J	18.09.2019
DA1 - 21	Signage Details	1	G	18.09.2019
DA1 - 23	Staging Plans	1	A	23.09.2019

DA1 – 24	Staging Plans	1	A	23.09.2019
DA1 - 25	Staging Plans	1	A	23.09.2019
DA01	0-2 Age Group Outdoor Play Plan	1	B	26.11.2019
DA02	2-5 Age Group Outdoor Play Plan	1	B	26.11.2019
L 101	Landscape Architectural Plan – Southern Zone	1	E	19.09.2019
L 102	Landscape Architectural Plan – Northern Zone	1	E	19.09.2019
40644 005DT – (1 – 13)	Detail Survey	13	C	03.06.2019

### Supporting Documentation

ECM No.	Title	Date
D13869471	Statement of Environmental Effects	November 2019
ECMD25452055	Air Quality Report	December 2019
ECMD25427310	Kids Club Operational Management Plan	No Date
ECMD25427304	Civil Stormwater Plans	10 November 2019
ECMD25427308	Acoustic Report	November 2019
ECMD25280261	Operation Plan - Hungry Jacks	No Date
ECMD25427305	Traffic Report	26 November 2019
D14063447	TfNSW Agency Advice	01.04.2020

1.2. Approval is granted for the development to be carried out in 3 stages in the following manner:

Stage 1 –

- Re-sheeting and reconfiguration of the southern portion of the existing carpark
- Removal of the Return and Earn facility from the site.
- Construction of Hungry Jacks Pad Site
- Hungry Jacks building signage, pylon signage and banner signage
- Hungry Jacks new car parking spaces
- Acoustic fence between pad site and neighbouring property
- Hungry Jacks pad site landscaping, including vegetation buffer to adjoining residential land.
- Establishment of all landscaping associated with the southern portion of the carpark.
- And ancillary works as required

## Stage 2 –

- Demolition of existing tavern and construction of 24 car parking spaces and 3 motorcycle spaces in the location of the former tavern. 20 of the new spaces are to be marked as temporary spaces to service the child care centre
- Amenities upgrade with addition of a new parent's room
- Demolition of existing walls to first floor
- Conversion of existing office space to 121 place childcare centre
- Installation of new lift to accommodate first floor tenancies
- Building facades Signage for childcare
- And ancillary works as required

## Stage 3 –

- Re-sheeting and reconfiguration of the northern portion of the existing carpark
- Construction of new shade sails to carpark
- New carpark vehicular entry/exits
- New play area along with forecourt refurbishment with outdoor seating
- New mall and shopfront to Coles supermarket entry
- Pedestrian arcade from Brisbane Water Drive includes new feature ceiling
- Upgrading to the building façade
- Reconfiguration of existing shopping centre loading dock.
- Establishment of all landscaping associated with the northern portion of the carpark.
- New signage towers associated with the Shopping Centre
- Establishment of all remaining landscaping elements.
- And ancillary works as required

Works are to be finalised for each stage prior to the release of the Occupation Certificate for each stage.

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

**2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE**

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

- 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; and

- c. Demolition.
- 2.3 Submit amendments to the approved plans to the Accredited Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:
- a) Plan DA1.12 – Main Floor Plan South is to be modified in the following manner:
1. The food and drink premises and associated drive through roadway and pylon sign is to be relocated in the approved form to an area no less than 1000mm north of the location indicated on plan.
  2. The acoustic fence shown between the fast food premises and the residential dwellings is to be designed and indicated on plans to achieve the maximum height of 2700mm at a point no closer than 500mm from the dividing fence line. This is to be achieved through the fence being constructed so as the vertical portion, located at the boundary ceases at 2000mm and the remainder of the fence height is to be angled away from the residential dwellings at a maximum angle of 33 degrees, matching that of mid-winter sunlight.
  3. The “Recycling Unit Relocated” located in the south west corner of the plan is to be deleted. No consent is given for the Return and Earn unit as part of this approval.
  4. The plan is to be revised to identify all mixed and recyclables waste storage containers /storage and servicing location for the food and drink premises.
- b) Plan L101 – Landscape Architectural Plan – Southern Zone is to be modified in the following manner:
1. The area separating the food and drink premises from the adjoining residential dwellings made available through item (a)(1) of Condition 2.3, above, is to be revised to indicate suitable evergreen vegetation capable of growing to a maximum height of 2500mm and planted at a rate of no less than 1 plant per m<sup>2</sup>.
  2. The carpark and surrounding land and buffers of the site is to be revised to include a minimum additional 150 square metres of seep soil planting area. A minimum of 20 trees are to be specified for planting within the new deep soil areas, with each area achieving a minimum of 15 m<sup>2</sup> of unpaved area to ensure adequate water and air, avoid root compaction or damage to paving and to protect them from vehicles.

The minimum width of the new deep soil areas is to be 1800mm, and trees are to be capable of achieving a height that provides shade to parked vehicles at midday, mid-summer. Refer Gosford DCP Part 7.1.4.4 Landscaping for further detail.

Trees specified are to be a minimum 100L pot size at planting. Suitable understory planting is to be selected so as to help achieve a satisfactory appearance of parking areas.

Plants used for landscaping car park areas should, whenever possible, be:

- Native to the region,
- Suitable for the eco-climate produced within the car park
- able to provide foliage at the appropriate height/spread to avoid creating sight distance in security problems, and be able to provide shade to vehicles and pavement areas,
- species which will not damage car surfaces by dropping of fruit etc.

A list of plants suitable for use in car parks is included in Appendix D GDCP2013, chapter 7.1.

- c) Plan DA1. 23, 24, 25 - Staging Plans 1-3 are to be revised to match the details within Condition 1.2 of this consent.
- 2.4 A Waste Management Plan in accordance with Chapter 7.2 – Waste Management of Gosford DCP 2013 for Construction, Use of Premises and Ongoing management of waste is to be submitted for the proposed Hungry Jacks to Council's Waste Services Unit for approval. Plan assessment fees apply.
- 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.au](http://www.centralcoast.nsw.gov.au) . Early application is recommended.
- A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.
- 2.6 Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development.
- The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.7 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

- a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
- b) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design
- c) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site to the existing stormwater system within the site. Existing stormwater discharge points within the site are to be utilised to connect stormwater from the site to Council's drainage system in the road reserve/s.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

- 2.8 Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent to Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.
- 2.9 Submit details to the Principal Certifying Authority of the design of the fit out of the food premises. The design of the fit out of the food premises is 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.
- 2.10 Submit details to the Principal Certifying Authority 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.
- 2.11 Provide certification to the Principal Certifying Authority to confirm the final fit-out of the food 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.



- 2.12 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](http://www.centralcoast.nsw.gov.au)
- 2.13 Submit details showing that the levels of fire safety within the premises will achieve total conformity with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate / an adequate level of fire safety in accordance with a fire safety report prepared by a suitably qualified person.

The fire safety report must detail the measures considered appropriate to satisfy the relevant performance requirements of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate to:

- protect persons using the building, and to facilitate their egress from the building in the event of fire, or
- restrict the spread of fire to other buildings nearby

**Note:** Required by Clause 94 of the *Environmental Planning and Assessment Regulation 2000*.

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifying Authority for the building work:
- a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b. Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a. The name, address and telephone number of the Principal Certifying Authority for the work; and
  - b. The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - c. That unauthorised entry to the work site is prohibited.

- d. Remove the sign when the work has been completed.
- 3.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: [www.centralcoast.nsw.gov.au](http://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 are proposed (excludes stormwater drainage)

- 3.5. Obtain a Construction Certificate for the construction works within the private property.
- 3.6. 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.

- 3.7 Submit a dilapidation report to Council, the Accredited 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).

- 3.8 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.

- 3.9 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 **Error! Hyperlink reference not valid.** contain provisions relating to scaffolds, hoardings and other temporary structures.

#### 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:
- All excavation or disturbance of the area must stop immediately in that area, and
  - 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. It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit. If during works suspected Aboriginal heritage items (stone tool artefacts, shell middens, axe grinding groves, pigment or engraved rock art, burials or scar trees) are identified, works will cease and OEH (131555) will be contacted.
- 4.5. Implement all erosion and sediment control measures and undertake works in accordance with the approved Erosion and Sediment Control Plan, prepared by Danmor Consulting Engineers, dated 10.11.19. Update the plan as required during all stages of the construction or in accordance with the *'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004)*.
- 4.6. Classify all excavated material removed from the site in accordance with NSW EPA (2014) *Waste Classification Guidelines* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.
- 4.7. Do not give rise to water pollution as defined in the *Protection of the Environment Operation Act 1997*.

- 4.8 Implement dust suppression measures on-site during works 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*.
- 4.9 Immediately notify Council of any new information which comes to light during works which has the potential to alter previous conclusions about site contamination.
- 4.10 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.

## 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 Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.3 Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.4 Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.5 Amend the Deposited Plan (DP) for lot 11 DP 880156 to:
  - 1) Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
    - Create a 'Restriction on the use of Land' over all lots containing a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
  - 2) Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
    - a) To ensure on any lot containing a nutrient / pollution facility that:
      - i. the facility will remain in place and fully operational.
      - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.

- iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
- iv. Council is indemnified against all claims of compensation caused by the facility.

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

Submit to the Principal Certifier copies of registered title documents showing the restrictive and positive covenants.

- 5.6 Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.7 Install acoustic fences along common boundaries between the Food and Drink Premises and 267 Brisbane Water Dr, West Gosford. The fences should be a minimum 2700mm solid capped and lapped timber fence above FGL, designed in accordance with Condition 2.3(a)(2) and maintained to ensure no gaps at all times. The cost of the fence in its entirety is to be borne by the beneficiary of this consent.
- 5.8 A qualified acoustic consultant is to confirm that the specification and location of the mechanical plant and exhaust fans shall not exceed those listed in Section 8.2 of the *Noise Impact Assessment* prepared by Reverb Acoustics, dated August 2019.
- 5.9 Provide certification to the Principal Certifying Authority to confirm the final fit-out of the food 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.
- 5.10 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.
- 5.11 Provide certification from a mechanical engineer to the Principal Certifying Authority 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*



- 5.12 Submit a Food Premises registration form to Council. The form can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 5.13 Install floor waste bucket traps in commercial kitchen food preparation and handling areas.
- 5.14 Install in-sink strainers within the commercial kitchen sink waste outlets.
- 5.15 Install approved commercial grease arrestor (minimum capacity \*1500 litres) in association with the food premises.
- 5.16 The following is to be implemented:
- Install floor waste screens or basket arrestors in waste bin storage/wash areas.
  - Connect waste bin wash waste water to sewer in accordance with Australian Standards AS/NZ 3500 Plumbing & Drainage Regulations.
  - Exclude ingress of stormwater into Council' Sewerage System
- 5.17 Complete the landscaping works as detailed on Plan L101 – Landscape Architectural Plan – Southern Zone once amended in line with Condition 2.3(2)(b).
- 5.18 Install all carpark lighting and restaurant lighting so as all lighting is shielded in a manner that ensures no light is cast higher than the dividing fence of the southern boundary.

## 6. ONGOING OPERATION

- 6.1 Restrict deliveries to during the day (7am-6pm) & evening (6pm-10pm). No deliveries at night (10pm-7am).
- 6.2 Install the drive-thru speaker boxes so they face towards the centre of the shopping centre site and away from residential dwellings.
- 6.3 Restrict waste collection of the Food and Drink Premises to weekdays between 7.00am to 6.00pm.
- 6.4 Operate in accordance with Operational Management Plan Hungry Jack's.
- 6.5 Maintain the boundary fences at all times. The is to be free of any visible air gaps. The cost of maintenance of the fence is the sole responsibility of the owner or management of the shopping centre.
- 6.6 The person benefiting this consent must supply to Council, at three months intervals for a period of 12 months after the restaurant begins operating, an acoustic assessment of operational noise emissions from the premises. This acoustic assessment is to be undertaken by a suitably qualified and experienced Acoustic Consultant and is to identify any areas where further noise mitigation measures **may be required**.

- 6.7 Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.8 Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.9 Comply with all commitments generally as detailed in the Waste Management Plan as/when approved by Council's Waste Services Unit in line with Condition 2.4.
- 6.10 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.11 Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: *Chapter 7.2 Waste Management*, Appendix D and Appendix G, as applicable.
- 6.12 Food waste to be stored in a designated Food Waste Refrigerator prior to disposal alternatively food waste to be separately stored for disposal of maximum 2-3 day intervals.
- 6.13 All waste to be serviced at a suitable frequency to ensure available waste storage at all times.
- 6.14 Lodge a new 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 reassess 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](http://www.centralcoast.nsw.gov.au)
- 6.15 Maintain all works associated with the approved Landscape Plans throughout all stages of the development in perpetuity. Plants and landscaping as approved are to be replaced and maintained as required for the lifetime of the development.
- 6.16 Ensure all lighting associated with the carpark and restaurant remains shielded in a manner that permits no light to be cast higher than the dividing fence on the southern boundary.

## PENALTIES

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

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

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or

- Seek injunctions/orders before the courts to retain and remedy any breach.

### Warnings as to Potential Maximum Penalties

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

## ADVISORY NOTES

- The inspection fee for works associated with approvals under the *Roads Act 1977* is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- 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 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form

or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- *Telecommunications Act 1997* (Commonwealth)  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

## STAGE 2: Construction of Parents Room, First Floor Works to Facilitate New Childcare Centre, New Lift to First Floor Tenancies, Childcare Signage

### 7. PARAMETERS OF THIS CONSENT

#### 7.1. 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 drawn by Squillace, and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

#### Architectural Plans

Drawing	Description	Sheets	Issue	Date
DA1 - 02	Demolition plan North	1	C	20.11.2019
DA1 - 03	Demolition Plan South	1	B	26.06.2019
DA1 - 04	First Floor Demolition Plan North	1	E	7.11.2019
DA1 - 05	First Floor Demolition Plan South	1	B	26.06.2019
DA1 - 10	Site Plan	1	G	07.11.2019
DA1- 11	Main Floor Plan North	1	J	04.06.2020
DA1 - 12	Main Floor Plan South	1	H	04.06.2020

DA1 - 13	First Floor Plan South	1	F	15.04.2020
DA1 - 14	Roof Plan North	1	F	15.04.2020
DA1 - 15	Roof Plan South	1	D	17.09.2019
DA1 - 16	Elevations 1	1	K	07.11.2019
DA1 - 17	Elevations 2	1	J	17.09.2019
DA1 - 18	Elevations 3	1	J	18.09.2019
DA1 - 19	Elevations 4	1	J	18.09.2019
DA1 - 20	Sections	1	J	18.09.2019
DA1 - 21	Signage Details	1	G	18.09.2019
DA1 - 23	Staging Plans	1	A	23.09.2019
DA1 - 24	Staging Plans	1	A	23.09.2019
DA1 - 25	Staging Plans	1	A	23.09.2019
DA01	0-2 Age Group Outdoor Play Plan	1	B	26.11.2019
DA02	2-5 Age Group Outdoor Play Plan	1	B	26.11.2019
L 101	Landscape Architectural Plan – Southern Zone	1	E	19.09.2019
L 102	Landscape Architectural Plan – Northern Zone	1	E	19.09.2019
40644 005DT – (1 – 13)	Detail Survey	13	C	03.06.2019

### Supporting Documentation

ECM No.	Title	Date
D13869471	Statement of Environmental Effects	November 2019
ECMD25452055	Air Quality Report	December 2019
ECMD25427310	Kids Club Operational Management Plan	No Date
ECMD25427304	Civil Stormwater Plans	10 November 2019
ECMD25427308	Acoustic Report	November 2019
ECMD25280261	Operation Plan - Hungry Jacks	No Date
ECMD25427305	Traffic Report	26 November 2019

7.2. Stage 2 involves the following works–

- Demolition of existing tavern and construction of 24 car parking spaces and 3 motorcycle spaces in the location of the former tavern. 20 of the new spaces are to be marked as temporary spaces to service the child care centre
- Amenities upgrade with addition of a new parent's room
- Demolition of existing walls to first floor
- Conversion of existing office space to 121 place childcare centre
- Installation of new lift to accommodate first floor tenancies
- Building facades Signage for childcare
- And ancillary works as required

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

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

## **8. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE**

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

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

8.2 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

- d. Site investigation for the preparation of the construction; and / or
- e. Implementation of environmental protection measures, such as erosion control and the like that are required by this consent; and
- f. Demolition.

8.3 Submit amendments to the approved plans to the Accredited Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:

- c) Plan DA1.11 – Main Floor Plan North is to be modified in the following manner:
  - 1. The Plan is to be revised to identify clearly all mixed and recyclables waste storage containers /storage and servicing location for the Childcare Centre, the various tenancies within the existing shopping centre, and the supermarket. The plan is to correspond with the revised Operational Waste Management Plan as specified within Condition 8.4 of this consent.



- 8.4 An Operational Waste Management Plan to revise waste generation rates consistent with the Better practice guide for resource recovery in residential developments for the proposed Child Care Centre. ie. 20 litres/child/day mixed waste and 5 litres/child/day recyclables waste is to be submitted to Council's Waste Services Unit for approval. assessment fees apply.
- 8.5 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.au](http://www.centralcoast.nsw.gov.au) . Early application is recommended.

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

- 8.9 Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development.

The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.

- 8.10 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

- a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
- b) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design
- c) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site to the existing stormwater system within the site. Existing stormwater discharge points within the site are to be utilised to connect stormwater from the site to Council's drainage system in the road reserve/s.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

- 8.11 Submit details showing that the levels of fire safety within the premises will achieve total conformity with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate / an adequate level of fire safety in accordance with a fire safety report prepared by a suitably qualified person.

The fire safety report must detail the measures considered appropriate to satisfy the relevant performance requirements of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate to:

- protect persons using the building, and to facilitate their egress from the building in the event of fire, or
- restrict the spread of fire to other buildings nearby

**Note:** Required by Clause 94 of the *Environmental Planning and Assessment Regulation 2000*.

## 9. PRIOR TO COMMENCEMENT OF ANY WORKS

- 9.1. All conditions under this section must be met prior to the commencement of any works.
- 9.2. Appoint a Principal Certifying Authority for the building work:
  - c. 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.
  - d. 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](http://www.centralcoast.nsw.gov.au)
- 9.3. 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:
  - e. The name, address and telephone number of the Principal Certifying Authority for the work; and
  - f. The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - g. That unauthorised entry to the work site is prohibited.
  - h. Remove the sign when the work has been completed.
- 9.4. 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](http://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 are proposed (excludes stormwater drainage)

- 9.5. Obtain a Construction Certificate for the construction works within the private property.
- 9.6 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.

- 9.7 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.
- 9.8 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:
- d. could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - e. could cause damage to adjoining lands by falling objects, or
  - f. 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 **Error! Hyperlink reference not valid.** contain provisions relating to scaffolds, hoardings and other temporary structures.

## 10. DURING WORKS

- 10.1. All conditions under this section must be met during works.
- 10.2. 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.
- 10.3. 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:
- c. All excavation or disturbance of the area must stop immediately in that area, and

- d. 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*.

- 10.4 It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit. If during works suspected Aboriginal heritage items (stone tool artefacts, shell middens, axe grinding groves, pigment or engraved rock art, burials or scar trees) are identified, works will cease and OEH (131555) will be contacted.
- 10.5 Implement all erosion and sediment control measures and undertake works in accordance with the approved Erosion and Sediment Control Plan, prepared by Danmor Consulting Engineers, dated 10.11.19. Update the plan as required during all stages of the construction or in accordance with the *'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004)*.
- 10.6 Classify all excavated material removed from the site in accordance with NSW EPA (2014) *Waste Classification Guidelines* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.
- 10.7 Do not give rise to water pollution as defined in the *Protection of the Environment Operation Act 1997*.
- 10.8 Removal of greater than 10m<sup>2</sup> 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 2011*.
- 10.9 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*.
- 10.10 All excavated material removed from the site must be classified in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility and receipts of the disposal must be kept on site.
- 10.11 Implement dust suppression measures on-site during works 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*.
- 10.12 Immediately notify Council of any new information which comes to light during works which has the potential to alter previous conclusions about site contamination.
- 10.13 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.

## 11. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 11.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 11.2 Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 11.3 Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 11.4 Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 11.5 Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 11.6 A qualified acoustic consultant is to certify the specifications for window glazing and adsorbent ceiling are as per those listed in Section 8.1 of the *Noise Impact Assessment* prepared by Reverb Acoustics, dated August 2019.
- 11.7 Install in-sink strainers within the commercial childcare centre kitchen sink waste outlets.
- 11.8 Install floor waste bucket traps in commercial childcare centre kitchen food preparation and handling areas.
- 11.9 Install approved commercial grease arrestor (minimum capacity 1000 litres) in association with the Childcare centre kitchen, assuming hot food is to be prepared on site.
- 11.10 The following is to be implemented:
- Install floor waste screens or basket arrestors in waste bin storage/wash areas associated with the childcare centre.



- Connect waste bin wash waste water to sewer in accordance with Australian Standards AS/NZ 3500.2.2018 Plumbing & Drainage – Sanitary Plumbing & Drainage.
- Exclude ingress of stormwater into Council's sewerage System.

11.11 Twenty (20) of the car parking spaces located in the general footprint of the former tavern site are to be marked and signposted in a clear manner as temporary spaces to service the child care centre.

## 12. ONGOING OPERATION

12.1 The activities conducted at the premise are not to give rise to offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.

12.2 Operating hours are restricted to the following times:

- Monday to Friday: 6:30am to 6:30pm.

12.3 The use of outdoor play areas is restricted to a maximum of two hours per day.

12.4 Accommodation limits are restricted to the following:

- 0-2 years: 36 children
- 1.5-2.5 years: 15
- 2-3 years: 30 children
- 3-5 years: 40 children

12.5 Operate in accordance with the Childcare Centre Operation Plan.

12.6 Should a report of a noise nuisance from the operation of the Childcare Centre be received and confirmed by Council the person benefiting this consent must supply to Council, within 30 days, an acoustic assessment of operational noise emissions from the premises to be undertaken by a suitably qualified and experienced Acoustic Consultant that identify any areas where further noise mitigation measures **will be required**.

12.7 Comply with all commitments generally as detailed in the Waste Management Plan required to be prepared and approved by Council's Waste Services Unit under Condition 8.3(c)(1).

12.8 Locate the approved waste storage enclosure / area as indicated in accordance with the Waste Management Plan required to be prepared and approved by Council's Waste Services Unit under Condition 8.3(c)(1).

12.9 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.

12.10 Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: *Chapter 7.2 Waste Management*, Appendix D and Appendix G, as applicable.

- 12.11 Food waste to be stored in a designated Food Waste Refrigerator prior to disposal alternatively food waste to be separately stored for disposal of maximum 2-3 day intervals.
- 12.12 All waste to be serviced at a suitable frequency to ensure available waste storage at all times.
- 12.13 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 reassess 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](http://www.centralcoast.nsw.gov.au)
- 12.14 The twenty (20) car parking spaces located in the general footprint of the former tavern site marked and signposted in a clear manner as temporary spaces to service the child care centre are to be maintained as temporary parking spaces exclusively for the use of child care drop off and pick up for the lifetime of the development.

## PENALTIES

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

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

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

### Warnings as to Potential Maximum Penalties

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

## ADVISORY NOTES

- The inspection fee for works associated with approvals under the *Roads Act 1977* is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- 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 may have separate requirements in the following aspects:
  - f. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
  - g. Jemena Asset Management for any change or alteration to the gas line infrastructure
  - h. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
  - i. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
  - j. 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- **Telecommunications Act 1997 (Commonwealth)**  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

## STAGE 3: Construction of Balance of New Carparking Surfaces, Shade Sails, Façade updates, New Mall Entry for Coles Tenancy, New Signage Towers, Reconfiguration of Loading Docks

### 13. PARAMETERS OF THIS CONSENT

#### 13.1. 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 drawn by Squillace, and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

#### Architectural Plans

Drawing	Description	Sheets	Issue	Date
DA1 - 02	Demolition plan North	1	C	20.11.2019
DA1 - 03	Demolition Plan South	1	B	26.06.2019
DA1 - 04	First Floor Demolition Plan North	1	E	7.11.2019
DA1 - 05	First Floor Demolition Plan South	1	B	26.06.2019
DA1 - 10	Site Plan	1	G	07.11.2019
DA1- 11	Main Floor Plan North	1	J	04.06.2020
DA1 - 12	Main Floor Plan South	1	H	04.06.2020
DA1 - 13	First Floor Plan South	1	F	15.04.2020
DA1 - 14	Roof Plan North	1	F	15.04.2020
DA1 - 15	Roof Plan South	1	D	17.09.2019
DA1 - 16	Elevations 1	1	K	07.11.2019
DA1 - 17	Elevations 2	1	J	17.09.2019
DA1 - 18	Elevations 3	1	J	18.09.2019
DA1 - 19	Elevations 4	1	J	18.09.2019
DA1 - 20	Sections	1	J	18.09.2019
DA1 - 21	Signage Details	1	G	18.09.2019

DA1 - 23	Staging Plans	1	A	23.09.2019
DA1 – 24	Staging Plans	1	A	23.09.2019
DA1 - 25	Staging Plans	1	A	23.09.2019
DA01	0-2 Age Group Outdoor Play Plan	1	B	26.11.2019
DA02	2-5 Age Group Outdoor Play Plan	1	B	26.11.2019
L 101	Landscape Architectural Plan – Southern Zone	1	E	19.09.2019
L 102	Landscape Architectural Plan – Northern Zone	1	E	19.09.2019
40644 005DT – (1 – 13)	Detail Survey	13	C	03.06.2019

### Supporting Documentation

ECM No.	Title	Date
D13869471	Statement of Environmental Effects	November 2019
ECMD25452055	Air Quality Report	December 2019
ECMD25427310	Kids Club Operational Management Plan	No Date
ECMD25427304	Civil Stormwater Plans	10 November 2019
ECMD25427308	Acoustic Report	November 2019
ECMD25280261	Operation Plan - Hungry Jacks	No Date
ECMD25427305	Traffic Report	26 November 2019

13.2. Stage 3 involves the following works–

- Re-sheeting and reconfiguration of the northern portion of the existing carpark
- Construction of new shade sails to carpark
- New carpark vehicular entry/exits
- New play area along with forecourt refurbishment with outdoor seating
- New mall and shopfront to Coles supermarket entry
- Pedestrian arcade from Brisbane Water Drive includes new feature ceiling\
- Upgrading to the building façade
- Reconfiguration of existing shopping centre loading dock.
- Establishment of all landscaping associated with the northern portion of the carpark.
- New signage towers associated with the Shopping Centre
- Establishment of all remaining landscaping elements.
- And ancillary works as required.

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

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

#### 14. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

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

- 14.1 All conditions under this section must be met prior to the issue of any Construction Certificate.
- 14.2 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- g. Site investigation for the preparation of the construction; and / or
  - h. Implementation of environmental protection measures, such as erosion control and the like that are required by this consent; and
  - i. Demolition.
- 14.3 Submit amendments to the approved plans to the Accredited Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:
- a) Plan DA1.11 – Main Floor Plan North is to be modified in the following manner:
    - 1. The Plan is to be revised to identify all mixed and recyclables waste storage containers /storage and servicing location for alterations and additions under this stage of the application. The plan is to correspond with the revised Operational Waste Management Plan as specified within Condition 14.5 of this consent.
  - b) Plan DA1.12 – Main Floor Plan South
    - 2. The Plan is to be revised to indicate parking facilities for a minimum of 20 bicycles in a location accessible to the shops, and in clear sight of pedestrians and patrons of the shopping centre so as to ensure passive surveillance is achieved.
- 14.4 A Construction and Demolition Waste Management Plan to provide a residual waste volume estimate to cover those materials, fixture and fittings etc that are unable to be reused, recycled and are not possible or feasible to separate is to be submitted to Council's Waste Services Unit for approval. assessment fees apply.
- 14.5 A Waste Management Plan in accordance with Chapter 7.2 – Waste Management of Gosford DCP 2013 for Construction, Use of Premises and Ongoing management of waste to be submitted for the proposed stage 3 works. The Waste Management Plan is to be submitted to Council's Waste Services Unit for approval. assessment fees apply.
- 14.6 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.au](http://www.centralcoast.nsw.gov.au) . Early application is recommended.

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

- 14.7 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
- a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
  - b) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design
  - c) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site to the existing stormwater system within the site. Existing stormwater discharge points within the site are to be utilised to connect stormwater from the site to Council's drainage system in the road reserve/s.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

- 14.8 Submit details showing that the levels of fire safety within the premises will achieve total conformity with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate / an adequate level of fire safety in accordance with a fire safety report prepared by a suitably qualified person.

The fire safety report must detail the measures considered appropriate to satisfy the relevant performance requirements of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate to:

- protect persons using the building, and to facilitate their egress from the building in the event of fire, or
- restrict the spread of fire to other buildings nearby

**Note:** Required by Clause 94 of the *Environmental Planning and Assessment Regulation 2000*.



**15. PRIOR TO COMMENCEMENT OF ANY WORKS**

- 15.1. All conditions under this section must be met prior to the commencement of any works.
- 15.2. Appoint a Principal Certifying Authority for the building work:
- e. 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.
  - f. 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](http://www.centralcoast.nsw.gov.au)
- 15.3. 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:
- i. The name, address and telephone number of the Principal Certifying Authority for the work; and
  - j. The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - k. That unauthorised entry to the work site is prohibited.
  - l. Remove the sign when the work has been completed.
- 15.4. Obtain a Construction Certificate for the construction works within the private property.
- 15.5. Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

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

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

- Ingress and egress of construction related vehicles to the development site.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.

- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

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

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

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

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

- 15.6 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.
- 15.7 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:
- g. could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - h. could cause damage to adjoining lands by falling objects, or
  - i. 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 **Error! Hyperlink reference not valid.** contain provisions relating to scaffolds, hoardings and other temporary structures.

## 16. DURING WORKS

- 16.1. All conditions under this section must be met during works.
- 16.2. 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.

- 16.3. 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:
- All excavation or disturbance of the area must stop immediately in that area, and
  - 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*.

- 16.4. It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit. If during works suspected Aboriginal heritage items (stone tool artefacts, shell middens, axe grinding groves, pigment or engraved rock art, burials or scar trees) are identified, works will cease and OEH (131555) will be contacted.
- 16.5. Implement all erosion and sediment control measures and undertake works in accordance with the approved Erosion and Sediment Control Plan, prepared by Danmor Consulting Engineers, dated 10.11.19. Update the plan as required during all stages of the construction or in accordance with the *'Blue Book'* (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).
- 16.6. Classify all excavated material removed from the site in accordance with NSW EPA (2014) *Waste Classification Guidelines* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.

- 16.7. Do not give rise to water pollution as defined in the *Protection of the Environment Operation Act 1997*.
- 16.8. Removal of greater than 10m<sup>2</sup> 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 2011*.
- 16.9 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*.
- 16.10 Implement dust suppression measures on-site during works 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*.
- 16.11 Immediately notify Council of any new information which comes to light during works which has the potential to alter previous conclusions about site contamination.
- 16.12 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.

## **17. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE**

- 17.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 17.2 Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 17.3 Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 17.4 Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 17.5 Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.

- 17.6 Complete the landscaping works as detailed on Plan L101 – Landscape Architectural Plan – Southern Zone and Plan L102 - Landscape Architectural Plan – Northern Zone as amended through condition 2.3(b)(2).
- 17.7 Install the twenty (20) bicycle parking spaces as per the plan amendments of Condition 14.3(b).

## 18. ONGOING OPERATION

- 18.1 Store all waste generated on the premises in a manner so that it does not pollute the environment
- 18.2 Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 18.3 Comply with all commitments generally as detailed in the Waste Management Plan required to be prepared and approved by Council's Waste Services Unit under Condition 14.5.
- 18.4 Locate the approved waste storage enclosure / area as indicated in accordance with the Waste Management Plan required to be prepared and approved by Council's Waste Services Unit under Condition 14.3(a)(1).
- 18.5 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 18.6 Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: *Chapter 7.2 Waste Management*, Appendix D and Appendix G, as applicable.
- 18.7 Food waste to be stored in a designated Food Waste Refrigerator prior to disposal alternatively food waste to be separately stored for disposal of maximum 2-3 day intervals.
- 12.12 All waste to be serviced at a suitable frequency to ensure available waste storage at all times.
- 12.13 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 reassess 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](http://www.centralcoast.nsw.gov.au)
- 12.14 Maintain all works associated with the approved Landscape Plans throughout all stages of the development in perpetuity. Plants and landscaping as approved are to be replaced and maintained as required for the lifetime of the development.
- 12.15 The twenty (20) bicycle parking spaces as per the plan amendments of Condition 14.3(b) are to be maintained in a useable and safe manner for the lifetime of the development.

## PENALTIES

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

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

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

### Warnings as to Potential Maximum Penalties

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

## ADVISORY NOTES

- The inspection fee for works associated with approvals under the *Roads Act 1977* is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
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- The following public authorities may have separate requirements in the following aspects:
  - k. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
  - l. Jemena Asset Management for any change or alteration to the gas line infrastructure
  - m. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
  - n. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure

- o. 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.
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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](http://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.
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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.



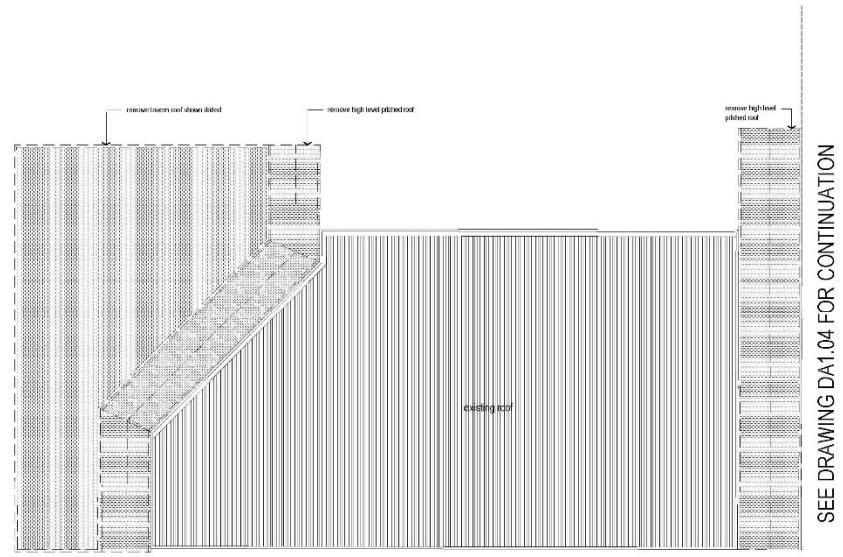






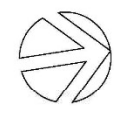
verify all dimensions on site prior to commencement of work  
figured dimensions to be taken as reference to setting

revisions			
issue	details	by	date
A	preliminary	gf	10.06.2019
B	issue for da	gf	19.06.2019



b r i s b a n e   w a t e r   d r i v e

FIRST FLOOR DEMOLITION PLAN - SOUTH  
 PROPOSED ALTERATIONS AND ADDITIONS  
 WEST GOSFORD SHOPPING CENTRE  
 BRISBANE WATER DRIVE  
 WEST GOSFORD  
 FOR MINTUS PTY LTD  
 18044 DA1.05 B



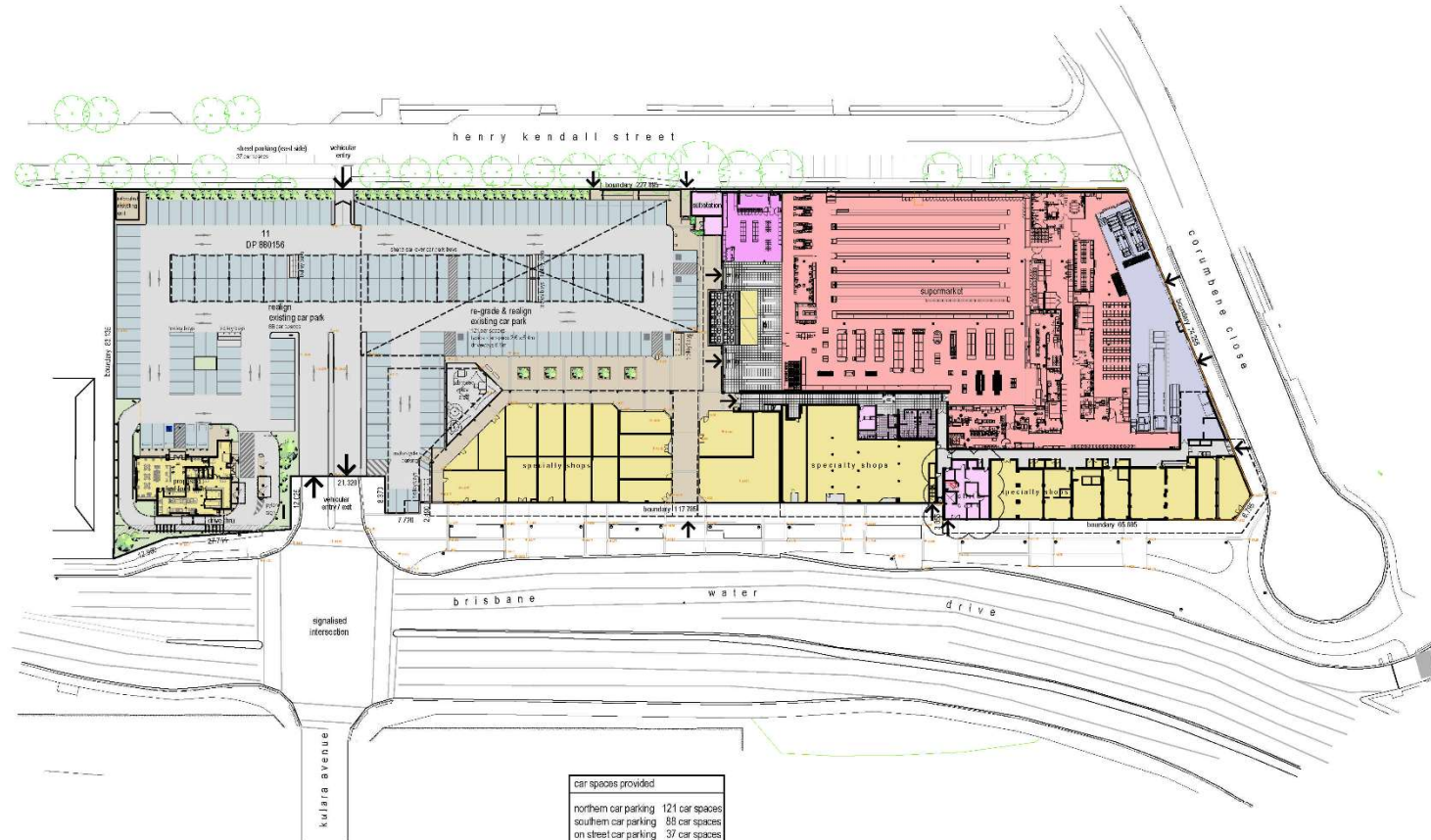
**MINTUS**  
 Residential , Retail , Commercial

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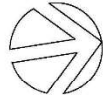

verify all dimensions on site prior to commencement of work  
 figure dimensions to be taken in preference to scaling

amendments			
issue	details	by	date
A	preliminary	gr	18.05.2019
B	issue for DA	gr	20.09.2019
C	amendments	gr	03.07.2019
D	color layout amendments	gr	22.07.2019
E	color layout amendments	gr	03.08.2019
F	issue for DA	gr	17.09.2019
G	general floor children layout added	gr	07.11.2019



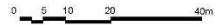
car spaces provided	
northern car parking	121 car spaces
southern car parking	89 car spaces
on street car parking	37 car spaces
<b>total</b>	<b>246 car spaces</b>

PROPOSED SITE PLAN  
 PROPOSED ALTERATIONS AND ADDITIONS  
 WEST GOSFORD SHOPPING CENTRE  
 BRISBANE WATER DRIVE  
 WEST GOSFORD  
 FOR MINTUS PTY LTD  
 18044 DA 1.10 G

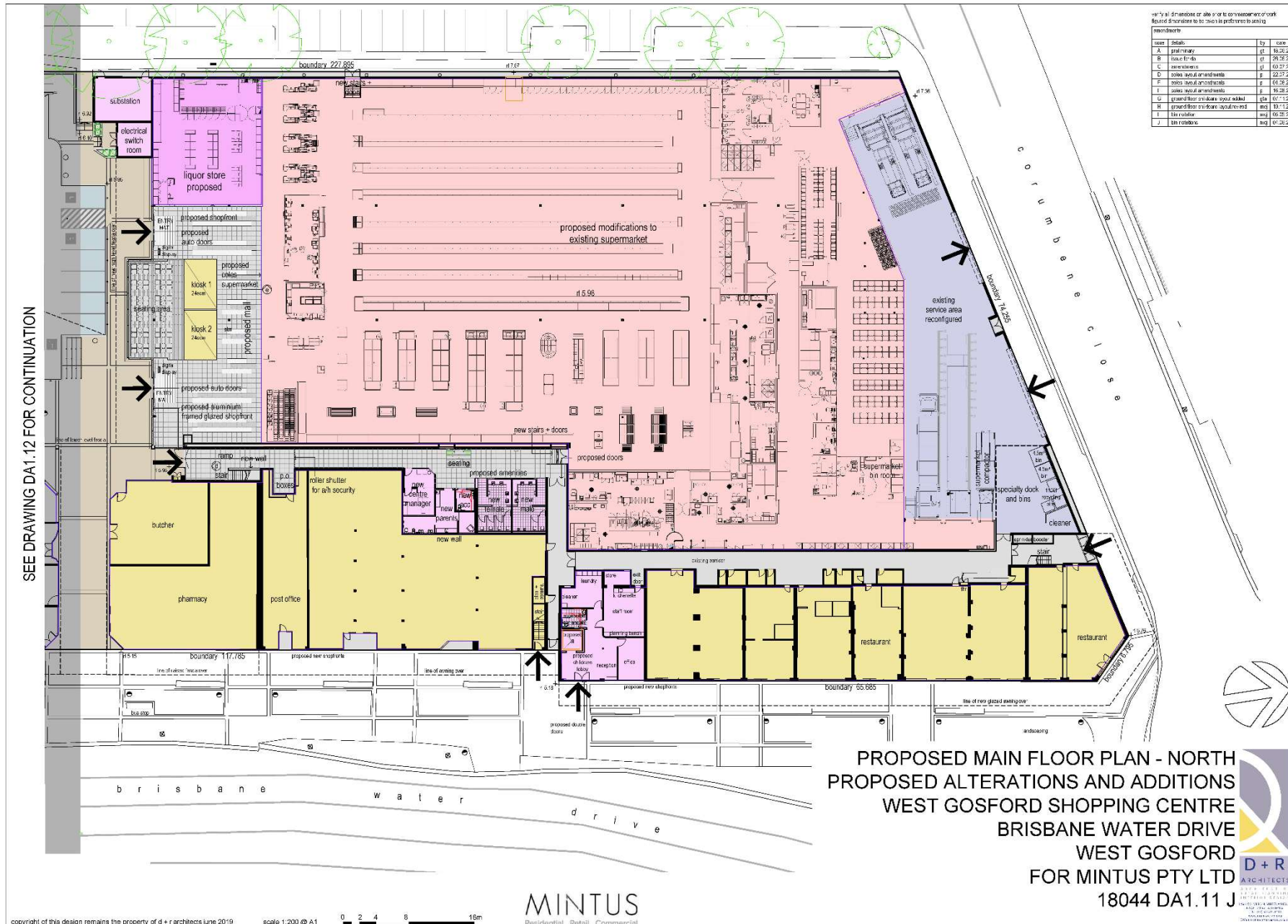



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scale 1:500 @ A1

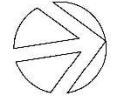


**MINTUS**  
 Residential, Retail, Commercial



SEE DRAWING DA1.12 FOR CONTINUATION

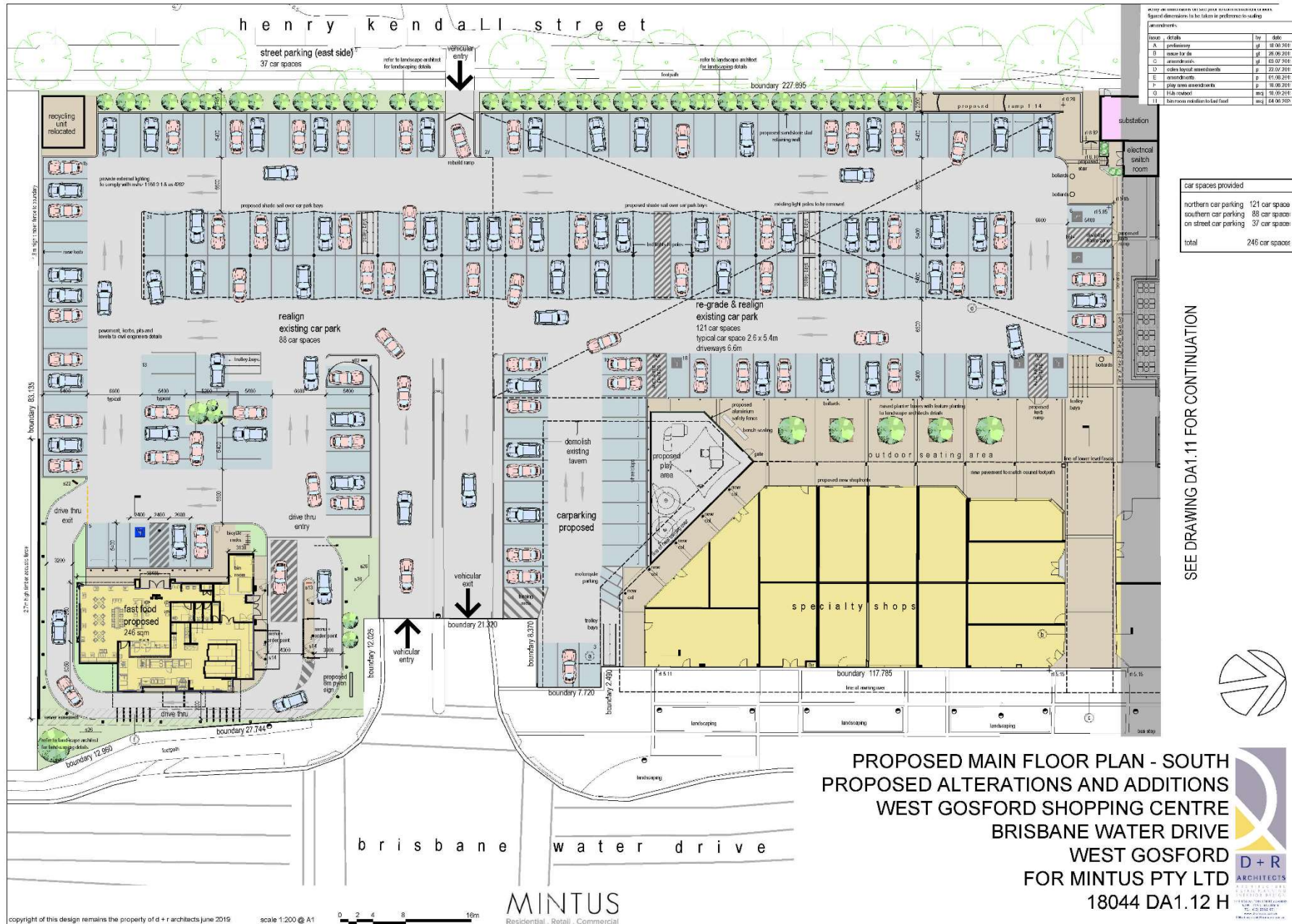
PROPOSED MAIN FLOOR PLAN - NORTH  
 PROPOSED ALTERATIONS AND ADDITIONS  
 WEST GOSFORD SHOPPING CENTRE  
 BRISBANE WATER DRIVE  
 WEST GOSFORD  
 FOR MINTUS PTY LTD  
 18044 DA.11 J



MINTUS  
 Residential . Retail . Commercial

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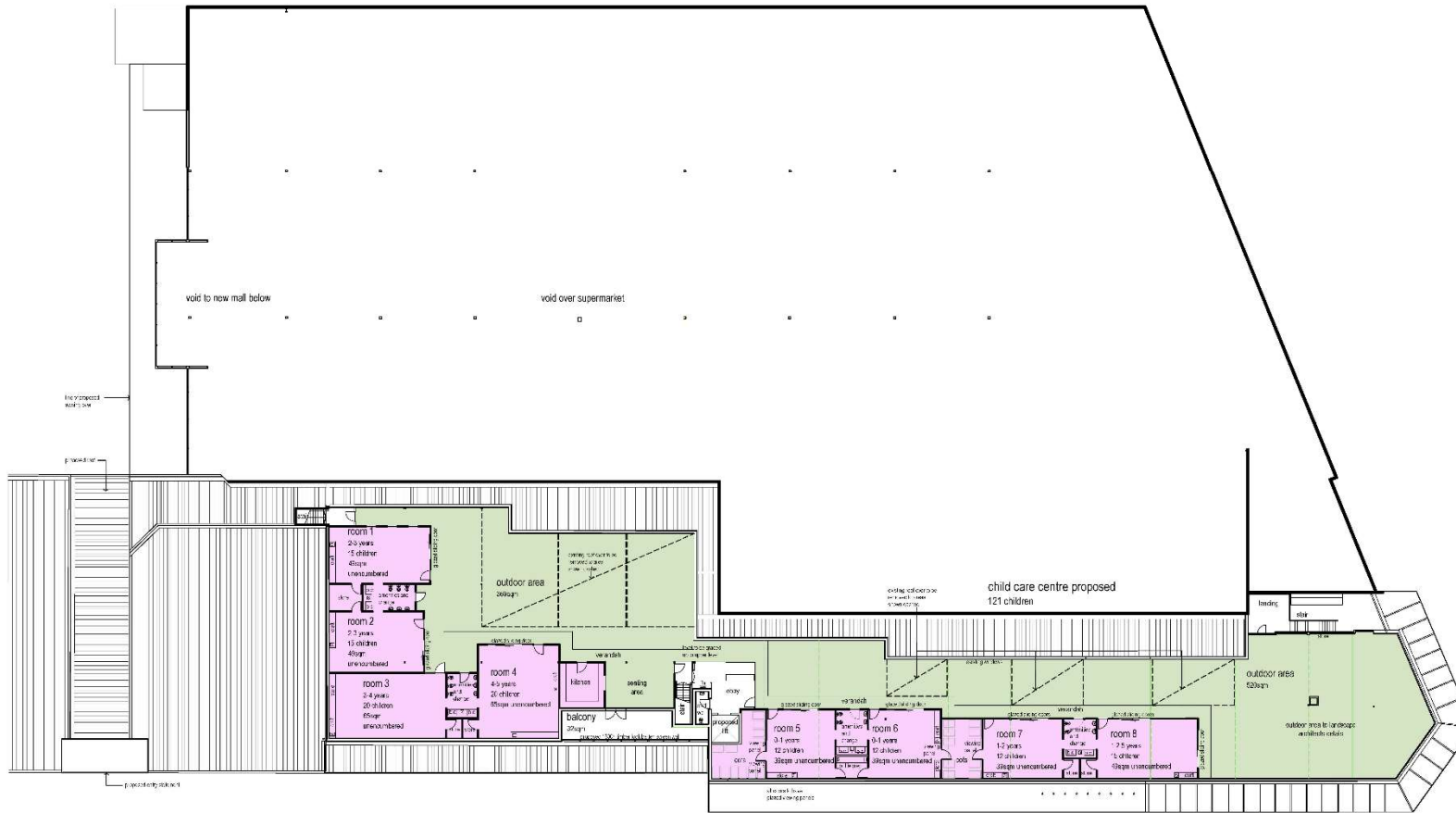






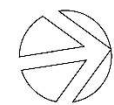
10% of dimensions are also given to nearest centimetre with figures dimensioned to the lower dimension to be used.

revisions			
no.	description	by	date
A	initial issue	gr	18.06.2019
B	issue for go	gr	20.06.2019
C	amendments	gr	01.07.2019
D	full RMA submission	gr	10.11.2019
E	provisional go issued	gr	13.11.2019
F	final go issued	gr	15.04.2020

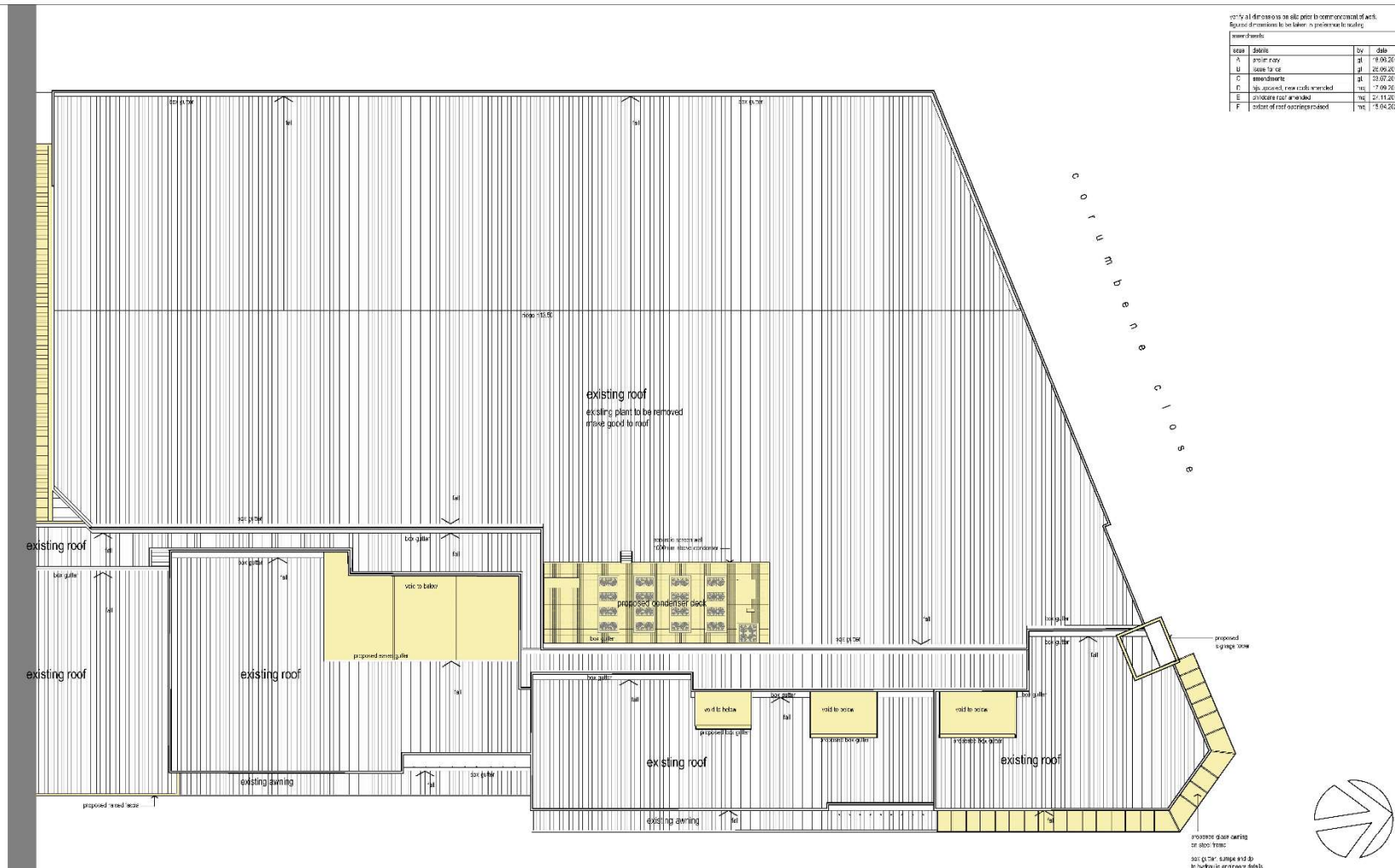


brisbane water drive

PROPOSED FIRST FLOOR PLAN  
 PROPOSED ALTERATIONS AND ADDITIONS  
 WEST GOSFORD SHOPPING CENTRE  
 BRISBANE WATER DRIVE  
 WEST GOSFORD  
 FOR MINTUS PTY LTD  
 18044 DA 1.13 F



SEE DRAWING DA1.15 FOR CONTINUATION

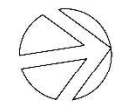


1:200 all dimensions in millimetres to nearest centimetre of work. Figure dimensions to be taken in preference to building.

revision			
no.	description	by	date
A	initial issue	gt	19.06.2019
B	issue for c/c	gt	20.06.2019
C	amendment	gt	23.07.2019
D	typ. amended, new roof structure	gt	17.09.2019
E	proposed roof structure	gt	22.11.2019
F	subset of roof structure sheet	gt	15.04.2020

b r i s b a n e w a t e r d r i v e

PROPOSED ROOF PLAN - NORTH  
 PROPOSED ALTERATIONS AND ADDITIONS  
 WEST GOSFORD SHOPPING CENTRE  
 BRISBANE WATER DRIVE  
 WEST GOSFORD  
 FOR MINTUS PTY LTD  
 18044 DA1.14 F







EAST ELEVATION - BRISBANE WATER DRIVE

scale 1:500

Verify all dimensions in elevation to be in accordance with  
ground conditions to be shown in section to existing

room	details	date	by
A	primary	18/06/20	gr
B	finish to car	24/06/20	gr
C	awaider	23/07/20	gr
D	awaider	23/07/20	gr
E	awaider	21/06/20	p
F	awaider	17/06/20	p
G	retail alterations + awaider	27/08/20	gr
H	retail alterations + awaider	23/06/20	gr
I	retail signage	13/06/20	gr
J	fit out	18/09/20	p
K	other construction work	22/11/20	gr



EAST ELEVATION - PART A

scale 1:200



EAST ELEVATION - PART B

scale 1:200

hungry jack's finishes			
CODE	DESCRIPTION	FINISH SPECIFICATION	LOCATION
31A	WALL COLOUR (EXISTING)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31B	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31C	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31D	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31E	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31F	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31G	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31H	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31I	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31J	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31K	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31L	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31M	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31N	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31O	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31P	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31Q	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31R	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31S	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31T	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31U	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31V	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31W	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31X	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31Y	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS
31Z	WALL COLOUR (NEW)	COLOUR MATCH TO EXISTING WALLS	EXISTING WALLS

shopping centre finishes			
CODE	DESCRIPTION	FINISH SPECIFICATION	LOCATION
P1	interior wall	interior wall finish	interior wall
P2	interior wall	interior wall finish	interior wall
P3	interior wall	interior wall finish	interior wall
P4	interior wall	interior wall finish	interior wall
P5	interior wall	interior wall finish	interior wall
P6	interior wall	interior wall finish	interior wall
P7	interior wall	interior wall finish	interior wall
P8	interior wall	interior wall finish	interior wall
P9	interior wall	interior wall finish	interior wall
P10	interior wall	interior wall finish	interior wall
P11	interior wall	interior wall finish	interior wall
P12	interior wall	interior wall finish	interior wall
P13	interior wall	interior wall finish	interior wall
P14	interior wall	interior wall finish	interior wall
P15	interior wall	interior wall finish	interior wall
P16	interior wall	interior wall finish	interior wall
P17	interior wall	interior wall finish	interior wall
P18	interior wall	interior wall finish	interior wall
P19	interior wall	interior wall finish	interior wall
P20	interior wall	interior wall finish	interior wall
P21	interior wall	interior wall finish	interior wall
P22	interior wall	interior wall finish	interior wall
P23	interior wall	interior wall finish	interior wall
P24	interior wall	interior wall finish	interior wall
P25	interior wall	interior wall finish	interior wall
P26	interior wall	interior wall finish	interior wall
P27	interior wall	interior wall finish	interior wall
P28	interior wall	interior wall finish	interior wall
P29	interior wall	interior wall finish	interior wall
P30	interior wall	interior wall finish	interior wall
P31	interior wall	interior wall finish	interior wall
P32	interior wall	interior wall finish	interior wall
P33	interior wall	interior wall finish	interior wall
P34	interior wall	interior wall finish	interior wall
P35	interior wall	interior wall finish	interior wall
P36	interior wall	interior wall finish	interior wall
P37	interior wall	interior wall finish	interior wall
P38	interior wall	interior wall finish	interior wall
P39	interior wall	interior wall finish	interior wall
P40	interior wall	interior wall finish	interior wall
P41	interior wall	interior wall finish	interior wall
P42	interior wall	interior wall finish	interior wall
P43	interior wall	interior wall finish	interior wall
P44	interior wall	interior wall finish	interior wall
P45	interior wall	interior wall finish	interior wall
P46	interior wall	interior wall finish	interior wall
P47	interior wall	interior wall finish	interior wall
P48	interior wall	interior wall finish	interior wall
P49	interior wall	interior wall finish	interior wall
P50	interior wall	interior wall finish	interior wall
P51	interior wall	interior wall finish	interior wall
P52	interior wall	interior wall finish	interior wall
P53	interior wall	interior wall finish	interior wall
P54	interior wall	interior wall finish	interior wall
P55	interior wall	interior wall finish	interior wall
P56	interior wall	interior wall finish	interior wall
P57	interior wall	interior wall finish	interior wall
P58	interior wall	interior wall finish	interior wall
P59	interior wall	interior wall finish	interior wall
P60	interior wall	interior wall finish	interior wall
P61	interior wall	interior wall finish	interior wall
P62	interior wall	interior wall finish	interior wall
P63	interior wall	interior wall finish	interior wall
P64	interior wall	interior wall finish	interior wall
P65	interior wall	interior wall finish	interior wall
P66	interior wall	interior wall finish	interior wall
P67	interior wall	interior wall finish	interior wall
P68	interior wall	interior wall finish	interior wall
P69	interior wall	interior wall finish	interior wall
P70	interior wall	interior wall finish	interior wall
P71	interior wall	interior wall finish	interior wall
P72	interior wall	interior wall finish	interior wall
P73	interior wall	interior wall finish	interior wall
P74	interior wall	interior wall finish	interior wall
P75	interior wall	interior wall finish	interior wall
P76	interior wall	interior wall finish	interior wall
P77	interior wall	interior wall finish	interior wall
P78	interior wall	interior wall finish	interior wall
P79	interior wall	interior wall finish	interior wall
P80	interior wall	interior wall finish	interior wall
P81	interior wall	interior wall finish	interior wall
P82	interior wall	interior wall finish	interior wall
P83	interior wall	interior wall finish	interior wall
P84	interior wall	interior wall finish	interior wall
P85	interior wall	interior wall finish	interior wall
P86	interior wall	interior wall finish	interior wall
P87	interior wall	interior wall finish	interior wall
P88	interior wall	interior wall finish	interior wall
P89	interior wall	interior wall finish	interior wall
P90	interior wall	interior wall finish	interior wall
P91	interior wall	interior wall finish	interior wall
P92	interior wall	interior wall finish	interior wall
P93	interior wall	interior wall finish	interior wall
P94	interior wall	interior wall finish	interior wall
P95	interior wall	interior wall finish	interior wall
P96	interior wall	interior wall finish	interior wall
P97	interior wall	interior wall finish	interior wall
P98	interior wall	interior wall finish	interior wall
P99	interior wall	interior wall finish	interior wall
P100	interior wall	interior wall finish	interior wall

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ELEVATIONS 1  
PROPOSED ALTERATIONS AND ADDITIONS  
WEST GOSFORD SHOPPING CENTRE  
BRISBANE WATER DRIVE WEST GOSFORD  
MINTUS PTY LTD  
18044 DA 1.16 K



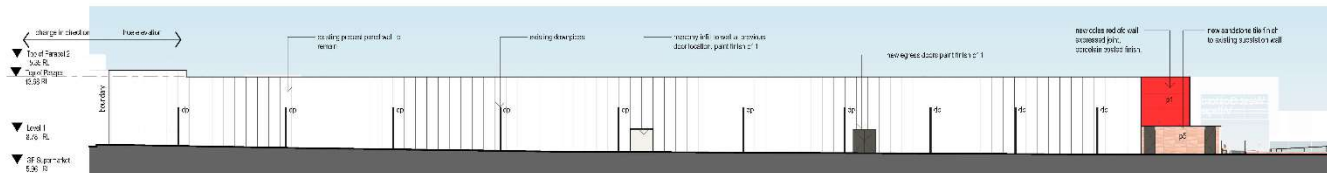
Verify all dimensions in this set to confirm placement of walls  
 (based on columns to be used in preference to existing)

name	details	date	by
A	preliminary	13/06/19	gr
B	issue for coo	20/06/19	gr
C	amendments	23/07/19	gr
D	amendments	29/07/19	gr
E	amendments	31/08/19	p
F	amendments	01/09/19	p
G	revised elevations + sections	27/08/19	gr
H	revised elevations + sections	23/09/19	gr
I	revised elevations	23/09/19	gr
J	final elevation	17/01/20	p



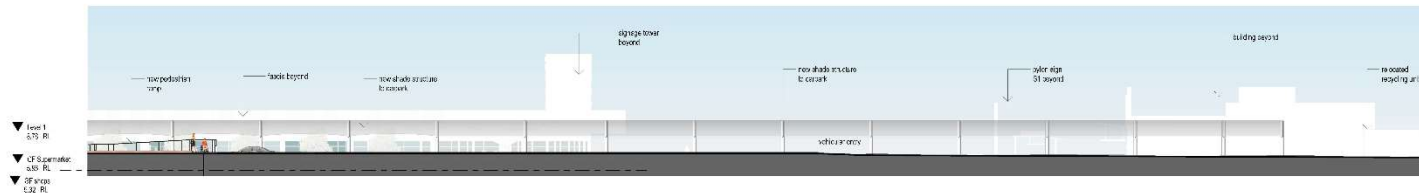
WEST ELEVATION - HENRY KENDALL

scale 1:500



WEST ELEVATION - PART A

scale 1:200



WEST ELEVATION - PART B

scale 1:200

hungry jack's finishes

CODE	DESCRIPTION	FINISH SPECIFICATION	LOCATION	CODE	DESCRIPTION	FINISH SPECIFICATION	LOCATION
XF1A	WALL - BOLLARD/SOFTLINE (WALLS/SCREENS WITH BOLLARDS)	BRAND: DULUX COLOR: WHITE (P10) FINISH: LOW SHEEN APPLY TO EXTERIOR WALL GROUPS CORNER TO CORNER ONLY	1:10 EXTERIOR WALLS	XF7	1:10 EXTERIOR WALLS - CORNER FINISH	BRAND: DULUX COLOR: WHITE (P10) FINISH: LOW SHEEN APPLY TO EXTERIOR WALL GROUPS CORNER TO CORNER ONLY	1:10 EXTERIOR WALLS
XF1B	WALL - EXTERIOR (BOLLARD/SOFTLINE WALLS)	BRAND: DULUX COLOR: WHITE (P10) FINISH: LOW SHEEN APPLY TO EXTERIOR WALL GROUPS CORNER TO CORNER ONLY	EXTERIOR WALLS	XF8	WALL - DARK GREY	BRAND: DULUX COLOR: DARK GREY (P10) FINISH: LOW SHEEN	EXTERIOR WALLS
XF2	WALL - DARK GREY	BRAND: DULUX COLOR: DARK GREY (P10) FINISH: LOW SHEEN	WALLS OUTSIDE EXTERIOR WALLS	XF9	WALL - TIMBER	BRAND: BOONDOOGA COLOR: ACCORDIAN	EXTERIOR WALLS
XF3	WALL - DARK GREY (P10)	BRAND: DULUX COLOR: DARK GREY (P10) FINISH: LOW SHEEN	WALLS OUTSIDE EXTERIOR WALLS	XF11	WALL - TIMBER	BRAND: BOONDOOGA COLOR: ACCORDIAN	EXTERIOR WALLS
XF4	WALL - DARK GREY	BRAND: DULUX COLOR: DARK GREY (P10) FINISH: LOW SHEEN	WALLS OUTSIDE EXTERIOR WALLS	XF12	SLATED COMPOSITE	BRAND: BOONDOOGA COLOR: ACCORDIAN	WALLS OUTSIDE EXTERIOR WALLS
XF5	SKIN PANELS	BRAND: BOONDOOGA COLOR: ACCORDIAN FINISH: LOW SHEEN	SKIN PANELS				
XF6	WALL - DARK GREY	BRAND: DULUX COLOR: DARK GREY (P10) FINISH: LOW SHEEN	EXTERIOR WALLS				

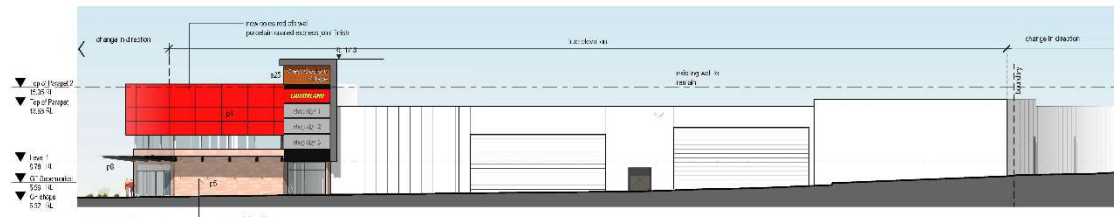
shopping centre finishes

code	description
P1	concrete base: fibrocrete red-brown (see spec)
P2	brick: glaze (see spec)
P3	brick: glaze (see spec)
P4	brick: glaze (see spec)
P5	brick: glaze (see spec)
P6	brick: glaze (see spec)
P7	brick: glaze (see spec)
P8	brick: glaze (see spec)
P9	brick: glaze (see spec)
P10	brick: glaze (see spec)
P11	brick: glaze (see spec)
P12	brick: glaze (see spec)
P13	brick: glaze (see spec)
P14	brick: glaze (see spec)

ELEVATIONS 2  
 PROPOSED ALTERATIONS AND ADDITIONS  
 WEST GOSFORD SHOPPING CENTRE  
 BRISBANE WATER DRIVE WEST GOSFORD  
 MINTUS PTY LTD  
 18044 DA 1.17 J







NORTH ELEVATION - CORUMBENE CLOSE

scale 1:200



SOUTH ELEVATION - BOUNDARY

scale 1:200



NORTH ELEVATION - DRIVE THRU

scale 1:200

hungry jack's finishes					
CODE	DESCRIPTION	FINISH SPECIFICATION	LOCATION	CODE	FINISH SPECIFICATION
X1A	PAINT	ROOF COLOR	EXTERIOR WALLS	X17	ILLUMINATED LIGHT BOX
X1B	PAINT	ROOF COLOR	EXTERIOR WALLS	X18	PAINT
X1C	PAINT	ROOF COLOR	EXTERIOR WALLS	X19	PAINT
X1D	PAINT	ROOF COLOR	EXTERIOR WALLS	X11	PAINT
X1E	PAINT	ROOF COLOR	EXTERIOR WALLS	X12	PAINT
X1F	PAINT	ROOF COLOR	EXTERIOR WALLS	X13	PAINT
X1G	PAINT	ROOF COLOR	EXTERIOR WALLS	X14	PAINT
X1H	PAINT	ROOF COLOR	EXTERIOR WALLS	X15	PAINT
X1I	PAINT	ROOF COLOR	EXTERIOR WALLS	X16	PAINT

shopping centre finishes	
code	description
P1	burnt brick gable to timber look cladding
P2	solid fibro cladding on roof
P3	concrete ceiling
P4	existing wall in situ
P5	burnt brick gable to timber look cladding
P6	solid fibro cladding on roof
P7	concrete ceiling
P8	existing wall in situ
P9	burnt brick gable to timber look cladding
P10	solid fibro cladding on roof
P11	concrete ceiling
P12	existing wall in situ

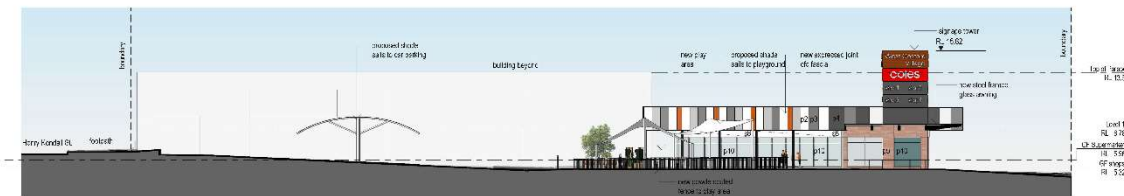
code	description	date	by
A	preliminary	15/06/18	at
B	initial design	20/06/18	gr
C	development	23/07/18	at
D	development	23/07/18	p
E	development	27/08/18	p
F	development	14/09/18	p
G	development	27/08/18	gra
H	development	23/08/18	at
I	development	15/09/18	gra
J	development	15/09/18	p

ELEVATIONS 3  
 PROPOSED ALTERATIONS AND ADDITIONS  
 WEST GOSFORD SHOPPING CENTRE  
 BRISBANE WATER DRIVE WEST GOSFORD  
 MINTUS PTY LTD  
 18044 DA 1.18 J



verify all dimensions on site prior to commencement of work. liquid dimensions in to future in preference to walling.

level	details	date	by
A	preliminary	18/06/19	gt
H	finalisation	26/06/19	gt
C	amendment	03/07/19	gt
D	amendment	21/07/19	p
F	amendment	01/08/19	p
F	amendment	14/08/19	p
H	revised elevations + sections	27/08/19	gt
H	revised elevations + sections	03/09/19	gt
I	revised elevations	11/09/19	gt
J	finalisation	18/09/19	p



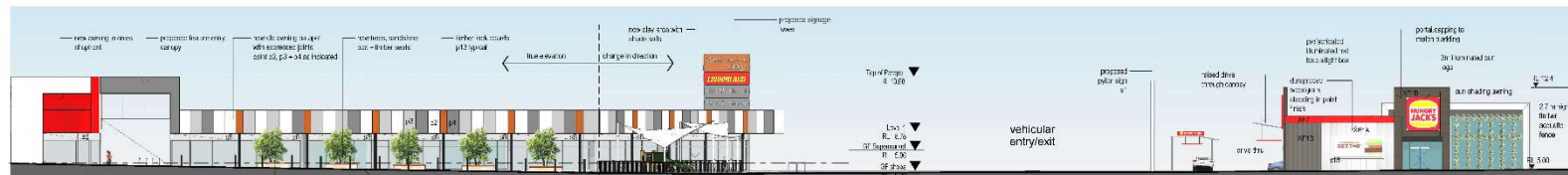
SOUTH ELEVATION - CAR PARK

scale 1:200



SOUTH ELEVATION - COLES SHOPFRONT

scale 1:200



WEST ELEVATION - CAR PARK

scale 1:200

hungry jack's finishes		
CODE	DESCRIPTION	FINISH SPECIFICATION
X17A	PAINT - EXTERIOR WALLS (VERTICAL)	EMERALD GREEN PAINT
X18	PAINT - EXTERIOR WALLS (HORIZONTAL)	EMERALD GREEN PAINT
X19	PAINT - EXTERIOR WALLS (HORIZONTAL)	EMERALD GREEN PAINT
X20	PAINT - EXTERIOR WALLS (HORIZONTAL)	EMERALD GREEN PAINT
X21	PAINT - EXTERIOR WALLS (HORIZONTAL)	EMERALD GREEN PAINT
X22	PAINT - EXTERIOR WALLS (HORIZONTAL)	EMERALD GREEN PAINT
X23	PAINT - EXTERIOR WALLS (HORIZONTAL)	EMERALD GREEN PAINT
X24	PAINT - EXTERIOR WALLS (HORIZONTAL)	EMERALD GREEN PAINT
X25	PAINT - EXTERIOR WALLS (HORIZONTAL)	EMERALD GREEN PAINT
X26	PAINT - EXTERIOR WALLS (HORIZONTAL)	EMERALD GREEN PAINT

shopping centre finishes		
CODE	DESCRIPTION	FINISH SPECIFICATION
P1	interior walling	white walling
P2	interior walling	white walling
P3	interior walling	white walling
P4	interior walling	white walling
P5	interior walling	white walling
P6	interior walling	white walling
P7	interior walling	white walling
P8	interior walling	white walling
P9	interior walling	white walling
P10	interior walling	white walling
P11	interior walling	white walling
P12	interior walling	white walling
P13	interior walling	white walling

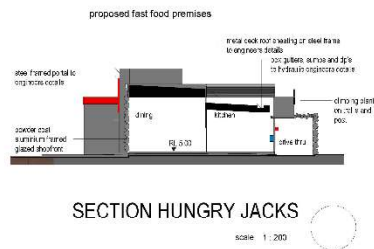
ELEVATIONS 4  
 PROPOSED ALTERATIONS AND ADDITIONS  
 WEST GOSFORD SHOPPING CENTRE  
 BRISBANE WATER DRIVE WEST GOSFORD  
 MINTUS PTY LTD  
 18044 DA 1.19 J





verify all drawings on site prior to commencing work  
typical dimensions in brackets in parentheses as noted

line	details	date	by
A	preliminary	18/06/19	gt
B	revision 1	20/06/19	gt
C	amendments	03/07/19	gt
D	amendments	21/07/19	p
E	amendments	01/08/19	p
F	amendments	19/08/19	p
G	revised elevations & sections	27/08/19	gt
H	revised elevations & sections	03/09/19	gt
I	revised elevations & sections	13/09/19	gt
J	final drawings	18/09/19	p



SECTIONS  
PROPOSED ALTERATIONS AND ADDITIONS  
WEST GOSFORD SHOPPING CENTRE  
BRISBANE WATER DRIVE WEST GOSFORD  
MINTUS PTY LTD  
18044 DA 1.20 J



Verify all dimensions on site prior to commencement of work. Sign face dimensions to be taken in preference to reading.

Material	Supplier	By	Date
A	Acrylic	JD	18.05.2019
U	Aluminium	JD	20.04.2019
C	Character	JD	01.07.2019
D	Character	JD	02.07.2019
E	Character	JD	01.08.2019
F	Character	JD	18.08.2019
G	Character	JD	18.05.2019

Internally illuminated signs indicated by orange on 'coles' sign background panel to cables visible.

**SIGNAGE DETAILS**  
**PROPOSED ALTERATIONS AND ADDITIONS**  
**WEST GOSFORD SHOPPING CENTRE**  
**BRISBANE WATER DRIVE**  
**WEST GOSFORD**  
**FOR MINTUS PTY LTD**  
**18044 DA1.21 G**

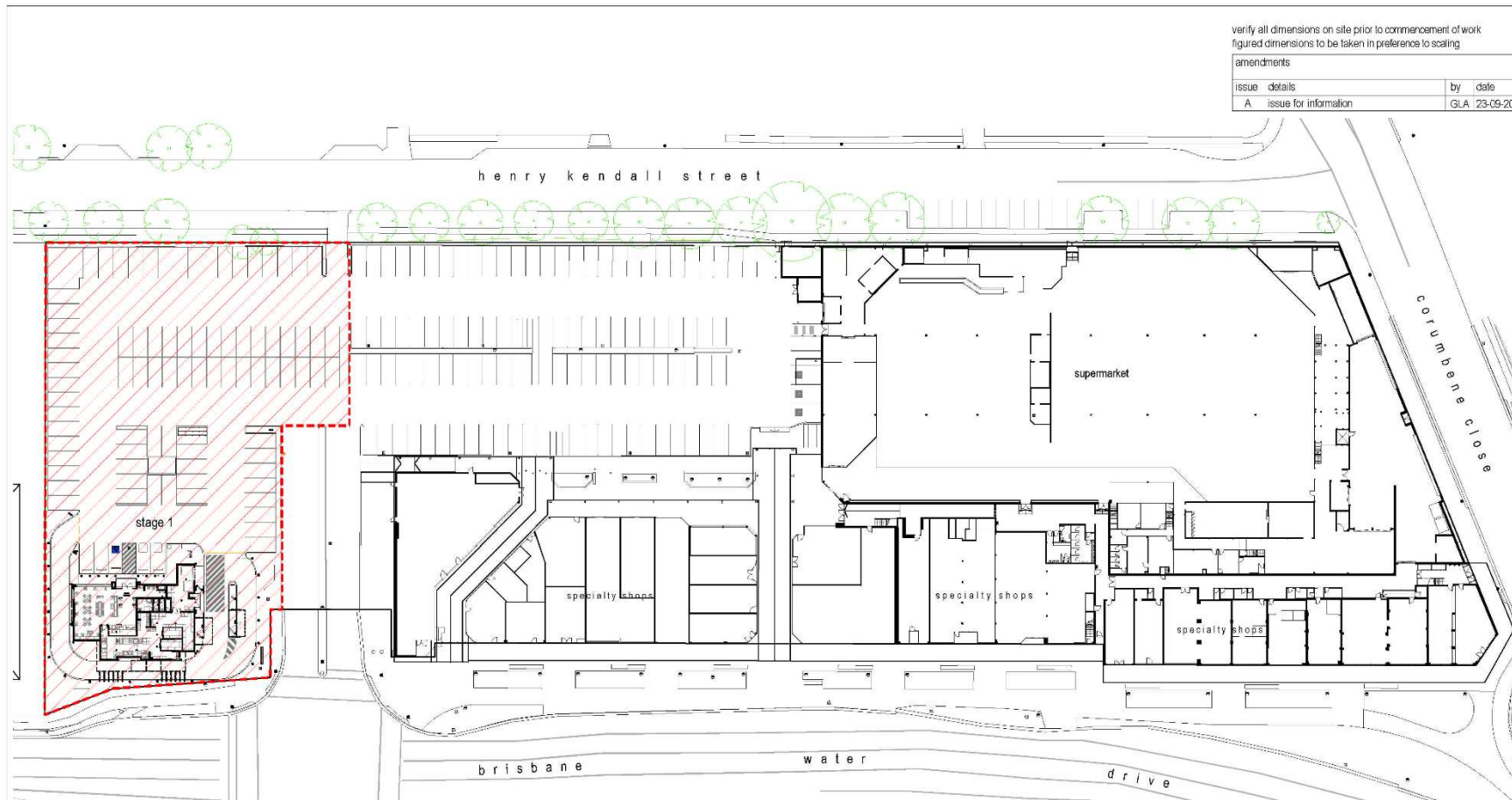
**D + R ARCHITECTS**

copyright: of this design remains the property of d + r architects june 2019 scale as shown @ A1



verify all dimensions on site prior to commencement of work  
figured dimensions to be taken in preference to scaling

amendments			
issue	details	by	date
A	issue for information	GLA	23-09-2019

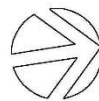


- Stage 1 HJ Pad Site
- Hungry Jacks Pad Site
  - Hungry Jacks building signage, pylon signage and banner signage
  - Hungry Jacks new car parking spaces
  - Acoustic fence between pad site and neighbouring property
  - Hungry Jacks pad site landscaping.

**STAGING PLAN STAGE 1  
PROPOSED ALTERATIONS AND ADDITIONS  
WEST GOSFORD SHOPPING CENTRE  
BRISBANE WATER DRIVE  
WEST GOSFORD  
FOR MINTUS PTY LTD  
18044 DA 1.23 A**



**MINTUS**

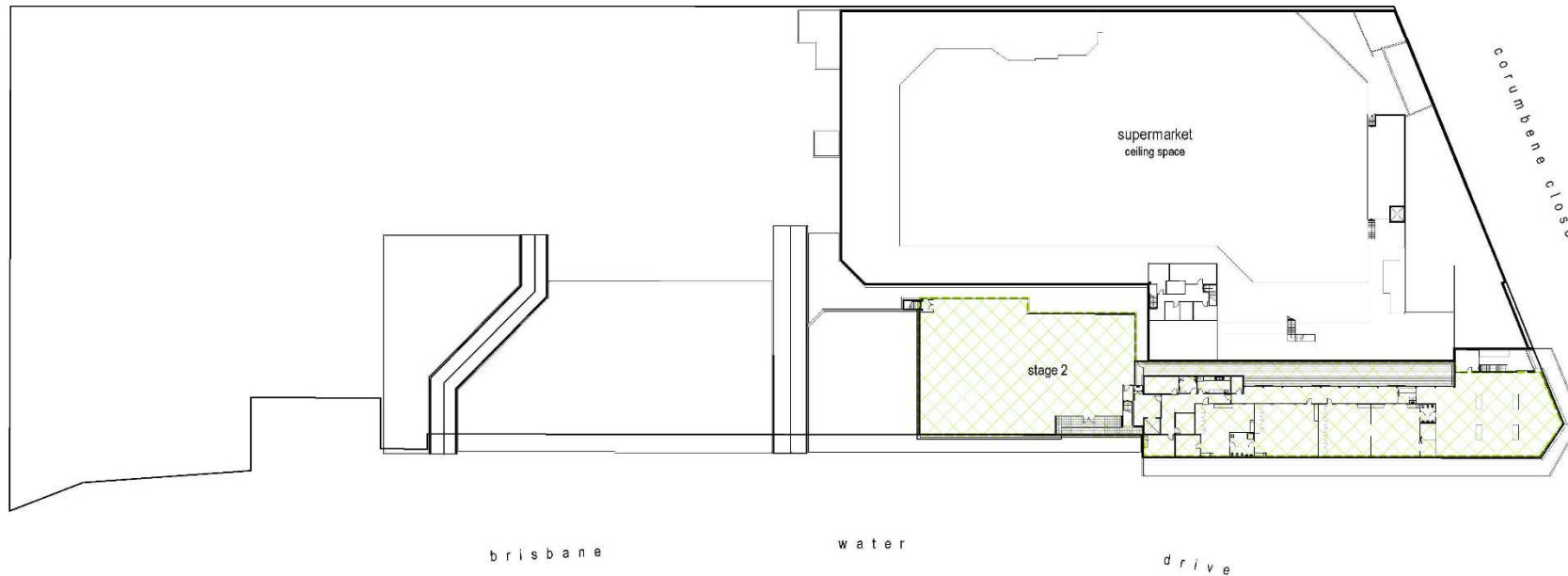


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verify all dimensions on site prior to commencement of work  
figured dimensions to be taken in preference to scaling

amendments			
issue	details	by	date
A	issue for information	GLA	23-09-2019

h e n r y   k e n d a l l   s t r e e t

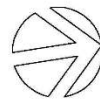


- Stage 2 – First Floor Alterations and Fitouts**
- Demolition of existing walls to first floor
  - Conversion of existing office space to childcare centre as per architectural fit out layout
  - Conversion of existing office space to gym tenancy as per architectural fit out layout
  - Installation of new lift to accommodate first floor tenancies
  - Building facades Signage for both gym and childcare

**STAGING PLAN STAGE 2  
PROPOSED ALTERATIONS AND ADDITIONS  
WEST GOSFORD SHOPPING CENTRE  
BRISBANE WATER DRIVE  
WEST GOSFORD  
FOR MINTUS PTY LTD  
18044 DA 1.24 A**



MINTUS

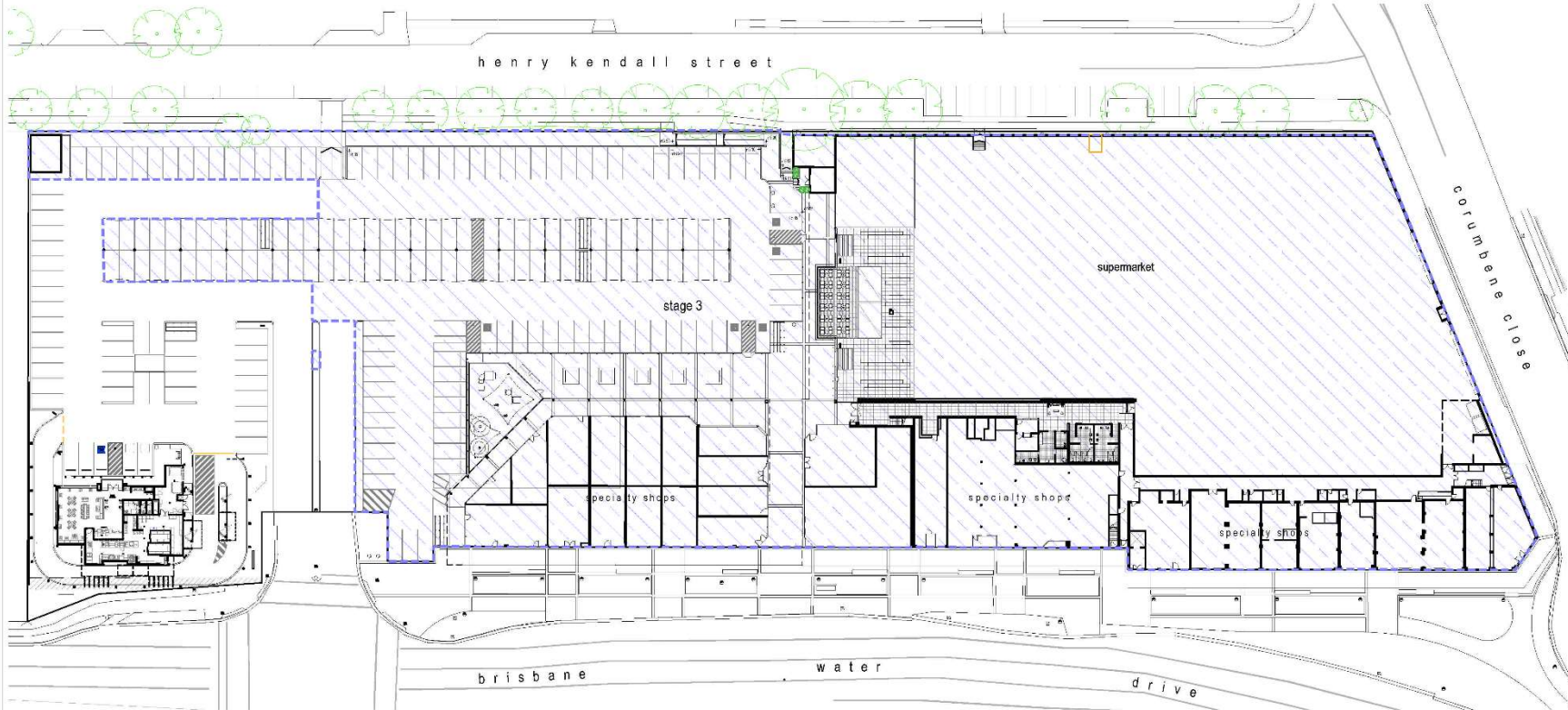


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verify all dimensions on site prior to commencement of work  
figured dimensions to be taken in preference to scaling

amendments

issue	details	by	date
A	issue for information	GLA	23-09-2019



Stage 3

- Demolition of existing tavern
- Re-sheeting and reconfiguration of the existing carpark and introduction of new shade sails.
- New carpark vehicular entry/exits
- Relocation of recycling units
- New play area along with forecourt refurbishment with outdoor seating and feature trees
- New mall and shopfront to Coles supermarket entry
- Pedestrian arcade from Brisbane Water Drive includes new feature ceiling
- Upgrading to the building façade
- Reconfiguration of existing shopping centre loading dock.
- Amenities upgrade to a high standard with addition of a new parents room
- New signage towers associated with the Shopping Centre, Coles and speciality tenancies
- Landscaping along boundary to Henry Kendall Street and throughout car park

**STAGING PLAN STAGE 3  
PROPOSED ALTERATIONS AND ADDITIONS  
WEST GOSFORD SHOPPING CENTRE  
BRISBANE WATER DRIVE  
WEST GOSFORD  
FOR MINTUS PTY LTD  
18044 DA 1.25 A**



MINTUS



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02 FIRST FLOOR 2-5 OUTDOOR PLAY LANDSCAPE PLAN  
1:100

For	Description	Date	Task
DA	DEVELOPMENT APPLICATION	13.11.2019	
DA	DEVELOPMENT APPLICATION	26.11.2019	
DA Number	L191101	Drawing Number	DA02
Issue	0	Date	26.11.2019
DM		DM	DB

Project: PROPOSED NEW CHILDCARE CENTRE  
BROOKING VALLEY DRIVE

Drawing Name:  
2-5 Age Group outdoor play plan

DRAWING NOT FOR CONSTRUCTION

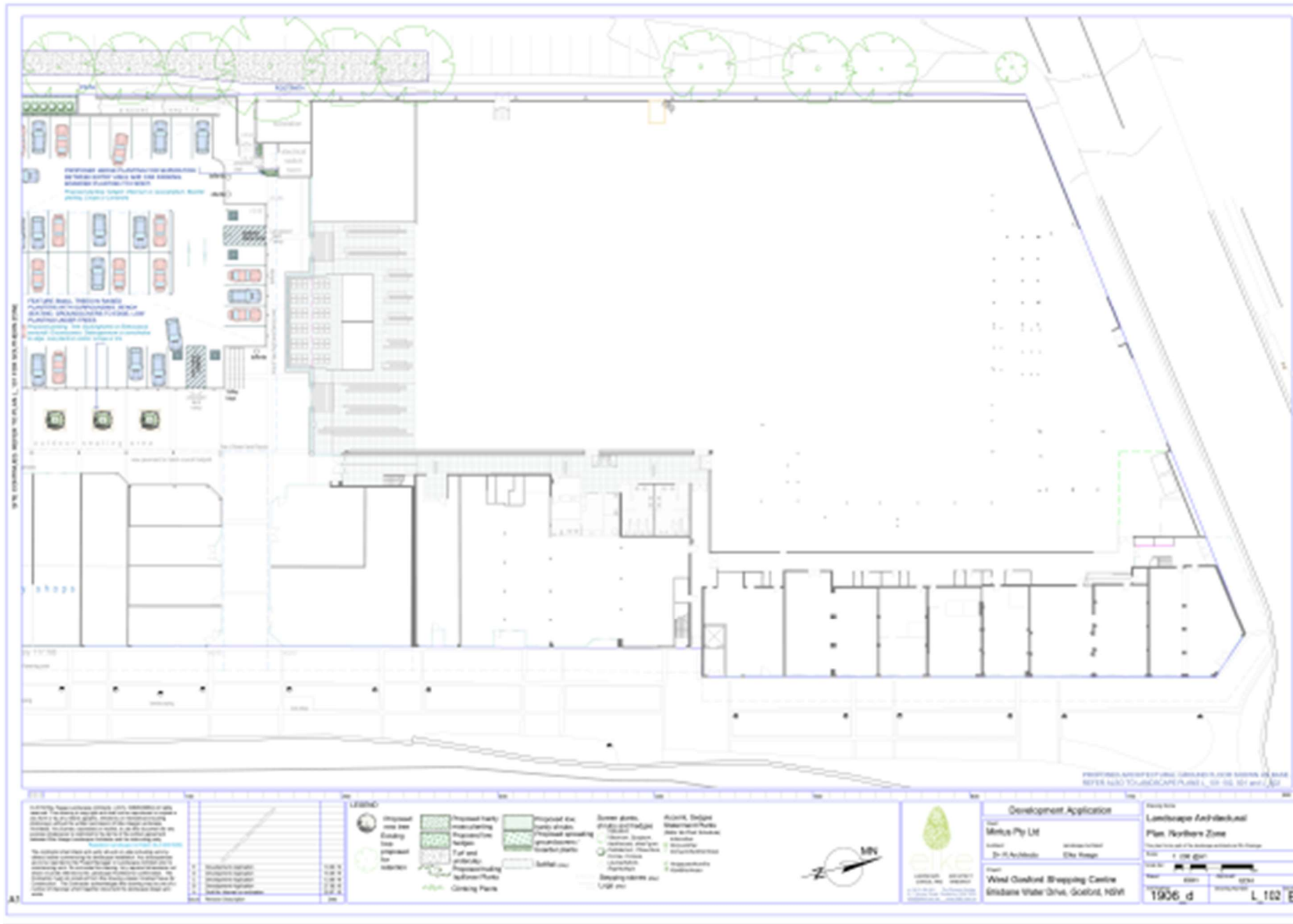


**GREENSCAPE**  
Landscape Architecture + Design

22/488 - NEW SOUTH HEAD ROAD, ROSE BAY 2029  
e. info@greenscape.com.au

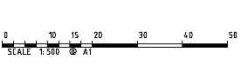
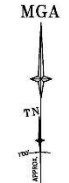
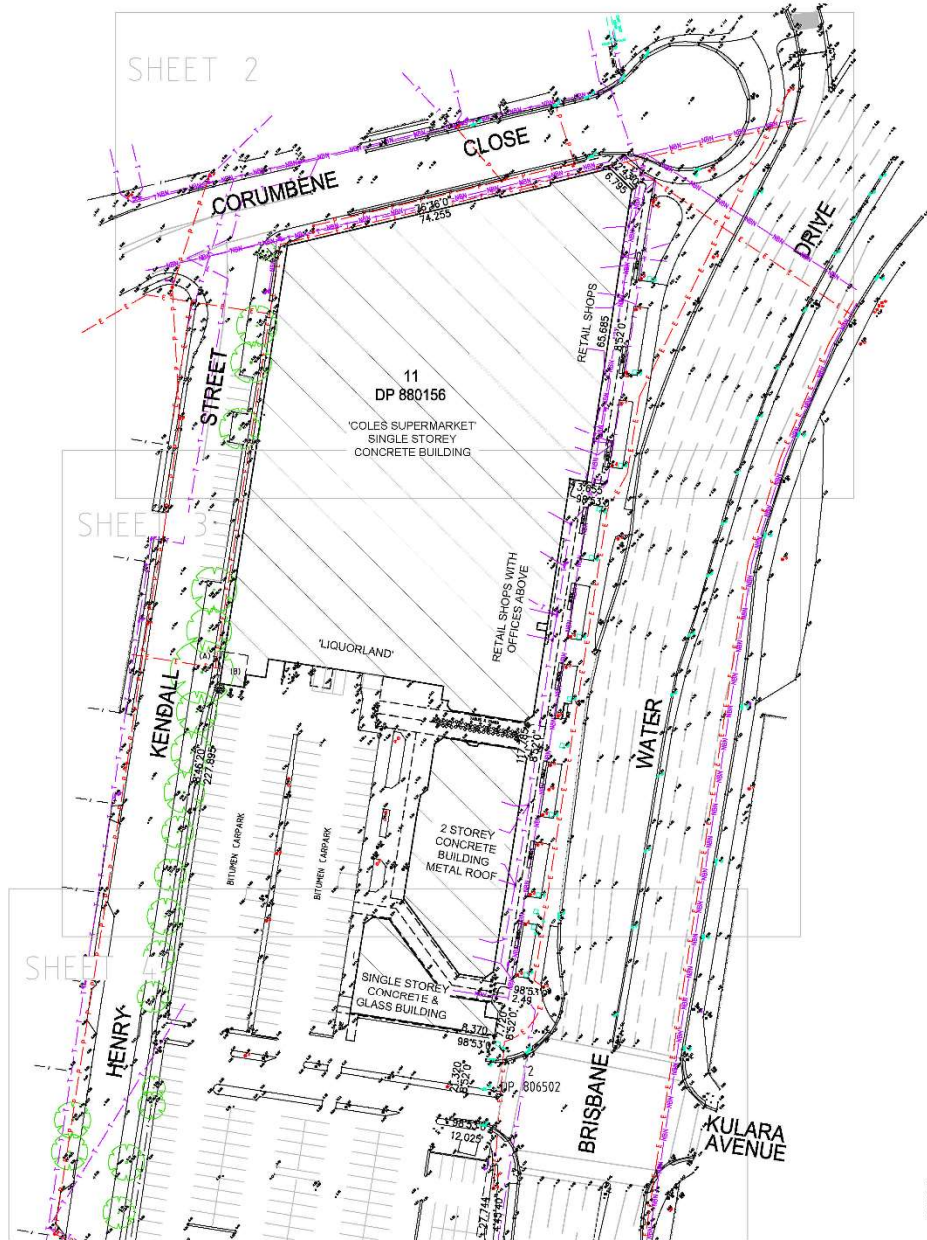






LEGEND	
BENCH MARK	▲
NBN PIT	■ NBN
TELSTRA PIT	■ TEL
ELECTRICITY CONDUIT	○ CONDUIT
ELECTRICITY PILLAR	○ EL/PIL
LIGHT POLE	○ LP
ELECTRICITY BOX	■ EL
POWER POLE	■ PP
PIT WITH CONCRETE LID	□ CLID
PIT WITH METAL LID	□ MLID
TRAFFIC LIGHT	■ TL
STREET SIGN	■ SS
BOLLARD	○ BOL
RUBBISH BIN	○ BIN
MAIL BOX	□ MAIL
ROAD TRAFFIC AUTHORITY	■ RTA
DOWNPIPE	○ DP
GRATED INLET PIT	■ GIP
KERB INLET PIT	■ KIP
SEWER INSPECTION POINT	○ SP
SEWER MANHOLE	○ SHH
STOP VALVE	■ SV
HYDRANT BOOSTER	■ HB
HYDRANT	■ HYD
WATER METER	■ WM
WATER TAP	■ TAP
WATER VALVE	■ WV
FIRE HOSE REEL	■ FHR
GAS METER	■ GM
GAS VALVE	■ GAS
VEHICLE CROSSING	— (VC) —
PRAM CROSSING	— (PC) —
WINDOW	W
DOOR	D
HEAD/SILL	H/S
GAS	— G —
TELSTRA	— T —
WATER	— W —
STORMWATER	— SW —
SEWER	— S —
ROAD TRAFFIC AUTHORITY	— RTA —
ELECTRICITY (OVERHEAD)	— P —
ELECTRICITY (GROUND)	— E —
ELECTRICITY (HIGH VOLTAGE)	— HV —
NATIONAL GRID NETWORK (GDN)	— NGN —

- NOTES**
1. THE BOUNDARIES HAVE NOT BEEN MARKED
  2. ALL AREAS AND DIMENSIONS HAVE BEEN COMPILED FROM PLANS MADE AVAILABLE BY THE OFFICE OF LAND & PROPERTY INFORMATION (NSW) AND ARE SUBJECT TO FINAL SURVEY
  3. ORIGIN OF LEVELS ON A.H.D. IS TAKEN FROM PM38092 R.L. 3.472 (A.H.D.) IN BRISBANE WATER DRIVE
  4. CONTOUR INTERVAL 0.5 m
  5. CONTOURS ARE INDICATIVE ONLY. ONLY SPOT LEVELS SHOULD BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION
  6. KERB LEVELS ARE TO THE TOP OF KERB UNLESS SHOWN OTHERWISE
  7. FLOOR LEVELS SHOWN ARE THRESHOLD LEVELS. NO INVESTIGATION OF INTERNAL FLOOR LEVELS HAS BEEN UNDERTAKEN
  8. NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. SERVICES HAVE BEEN PLOTTED FROM RELEVANT AUTHORITIES INFORMATION AND HAVE NOT BEEN SURVEYED. ALL RELEVANT AUTHORITIES SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION ON OR NEAR THE SITE
  9. 8/4.7 DENOTES TREE SPREAD OF 8m, TRUNK DIAMETER OF 0.4m & APPROX HEIGHT OF 7m
  10. SHOWS APPROXIMATE POSITION OF ROAD LINE-MARKING AND IS INDICATIVE ONLY
  11. BEARINGS SHOWN ARE MGA (MAP GRID OF AUSTRALIA) ADD APPROX. 1°00' FOR TRUE NORTH



<table border="0"> <tr><td>U</td><td>30/02/2016</td><td>REVISIONS</td><td>NO</td></tr> <tr><td>C</td><td>28/04/16</td><td>REVISIONS ADDED</td><td>40644-005</td></tr> <tr><td>B</td><td>14/04/16</td><td>FLOOR PLANS &amp; ELEVATIONS ADDED</td><td>40644-005</td></tr> <tr><td>A</td><td>04/05/17</td><td>EXTRA DETAIL &amp; LEVELS ADDED ALONG BRISBANE WATER DRIVE</td><td>40217</td></tr> <tr><td>Revision:</td><td>Date:</td><td>Description:</td><td>Reference:</td></tr> </table>	U	30/02/2016	REVISIONS	NO	C	28/04/16	REVISIONS ADDED	40644-005	B	14/04/16	FLOOR PLANS & ELEVATIONS ADDED	40644-005	A	04/05/17	EXTRA DETAIL & LEVELS ADDED ALONG BRISBANE WATER DRIVE	40217	Revision:	Date:	Description:	Reference:	THIS SET IS FOR AN OFFSET TO A NEW LITTED DRIVE. Local Registered Surveyors NSW www.lts.com.au	Lot 1 Level 1 8/0 The Esplanade Gordon NSW 2072 Locked Mail Bag 955 Gordon NSW 2072 P 020 489 7200 F 02 9489 7760	Client: COLES GROUP PROPERTY DEVELOPMENT PTY. LTD. Drawing No: 40644 005D1 Scale: 1:500 Date of Survey: 26/03/15 SHEET 13 OF 13 SHEETS
U	30/02/2016	REVISIONS	NO																				
C	28/04/16	REVISIONS ADDED	40644-005																				
B	14/04/16	FLOOR PLANS & ELEVATIONS ADDED	40644-005																				
A	04/05/17	EXTRA DETAIL & LEVELS ADDED ALONG BRISBANE WATER DRIVE	40217																				
Revision:	Date:	Description:	Reference:																				

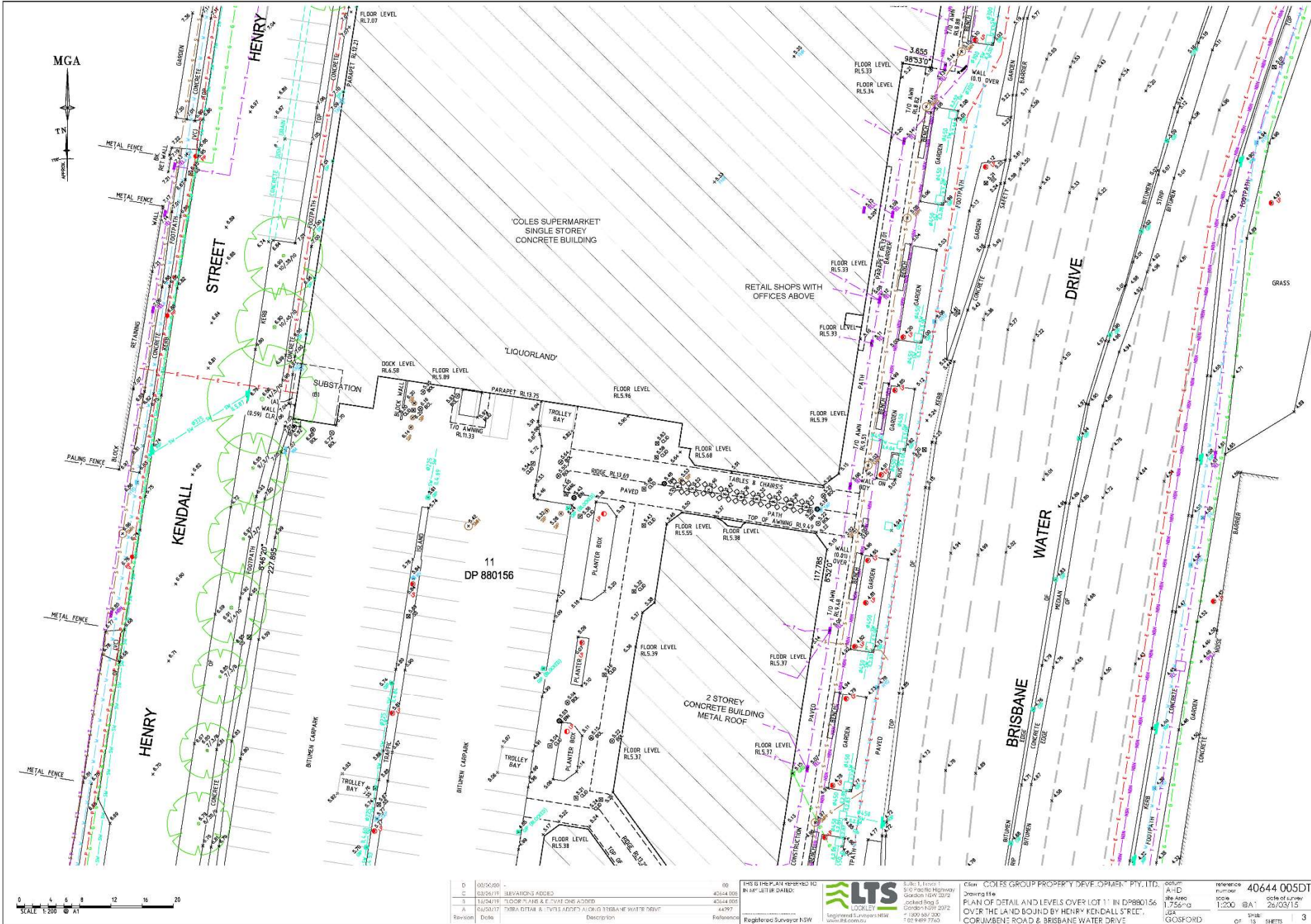
- A - RIGHT OF WAY & EASEMENT FOR ELECTRICITY PURPOSES VARIABLE WIDTH (Y492332)
- B - SUBSTATION PREMISES No.1427 (Y492332)
- C - EASEMENT TO DRAIN SEWAGE 2 WIDE & VARIABLE WIDTH (VIDE DP86502)





D	08/06/09	-	01	THIS IS THE PLAN REFERRED TO IN DP 880156	<p>Lockley 1300 867 200 www.lockley.com.au</p>	<p>Client: COLES GROUP PROPERTY DEVELOPMENT PTY. LTD. Drawing title: PLAN OF DETAIL AND LEVELS OVER LOT 11 IN DP880156 OVER THE LAND BOUND BY - HENRY KENDALL STREET, CORUMBENE ROAD &amp; BRISBANE WATER DRIVE</p>	<p>reference number: 40644 005DT scale: 1:200 date of survey: 26/03/15 sheet: 2 of 13 SHEETS</p>
C	03/07/11	ELEVATIONS ADDED	40644 005				
B	11/02/11	FLOOR PLANS & REVISIONS ADDED	44297				
A	06/07/11	EXTRA DETAIL & LEVELS ADDED TO ALONG BRISBANE WATER DRIVE					
Revision	Date	Description	Reference	Registered Surveyor NSW			





D	00/00/00	00	THIS IS THE PLAN REFERRED TO IN ANY LETTER DATED:	<b>LTS</b>	6/26/11	Client	COLES GROUP PROPERTY DEVELOPMENT PTY. LTD.	Reference	40644 005DT
C	03/07/11	45644 005		LOOKLEY	3/10/11	Drawing title	PLAN OF DETAIL AND LEVELS OVER LOT 11 IN DP880156 OVER THE LAND BOUND BY HENRY KENDALL STREET, GORJUMBENE ROAD & BRISBANE WATER DRIVE	Scale	1:200 @ A1
B	11/04/11	45644 005			1/20/11	Site area	1.756 ha	Scale of survey	26/03/15
A	04/04/11	44297			1/20/11	Project No	1000 007 200	Scale	1:200 @ A1
Revision	Date	Description	Reference	Registered Surveyor NSW	1/20/11	Project No	1000 007 200	Scale	1:200 @ A1
						Project No	1000 007 200	Scale	1:200 @ A1











INTERNAL DETAIL - GROUND LEVEL

D	02/05/20	20	4644 255
C	05/06/19 REVISIONS ADDED	20	3844 128
E	14/07/19 FLOOR LANKS & BEHAVIORS ADDED	20	44297
A	06/07/17 EXTRA DETAILS & LEVELS ADDED ALONG BRISBANE WATER DRIVE	20	44297
Rev/Draw	Date	Description	Scale

THIS IS THE PLAN REFERRED TO IN ANY LITIGATIONS:  
 Registered Surveyor NSW



Client: COLES GROUP PROPERTY DEVELOPMENT PTY. LTD.  
 Drawing title: PLAN OF DETAIL AND LEVELS OVER LOT 11 IN DP880156 OVER THE LAND BOUND BY HENRY KENDALL STREET, CORNUBENE ROAD & BRISBANE WATER DRIVE

Sheet number	40644 005DT
Scale	1:200
Date of survey	26/03/15
Drawn by	GC/SF
Checked by	GC/SF
Sheet	6



INTERNAL DETAIL - GROUND LEVEL

DIAGRAM 1  
INTERNAL DETAIL - MEZZANINE LEVEL

DIAGRAM 2  
INTERNAL DETAIL - MEZZANINE LEVEL

D	00/00/00	00	THIS IS THE PLAN. IT REFERS TO		S:\No. 1 Level 1107 Pacific Highway Coffs Harbour NSW 2450 Locked Mail Bag 9720 Coffs Harbour NSW 2450 P: 399 997 000 F: 399 997 700 www.lts.com.au	Client: COLES GROUP PROPERTY DEVELOPMENT PTY. LTD. Drawing title: PLAN C - DETAIL AND LEVELS OVER LOT 11 IN DP880156 OVER T - LAND BOUND BY HENRY KENDAL STREET, CORUMBEENE ROAD & BRISBANE WATER DRIVE	Drawing number 40644 00SDT scale 1:200 date of survey 26/03/15	reference number 40644 00SDT sheet 01A of 7
C	06/06/19	ELEVATIONS ADDED	06/04/2008					
A	06/06/17	FLOOR PLANS & SEVERAL AREAS ADDED	44297					
A	06/06/17	EXTRA DETAILS & LEVELS ADDED ALSO RE BRISBANE WATER DRIVE						

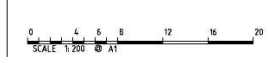








INTERNAL DETAIL - LEVEL 1

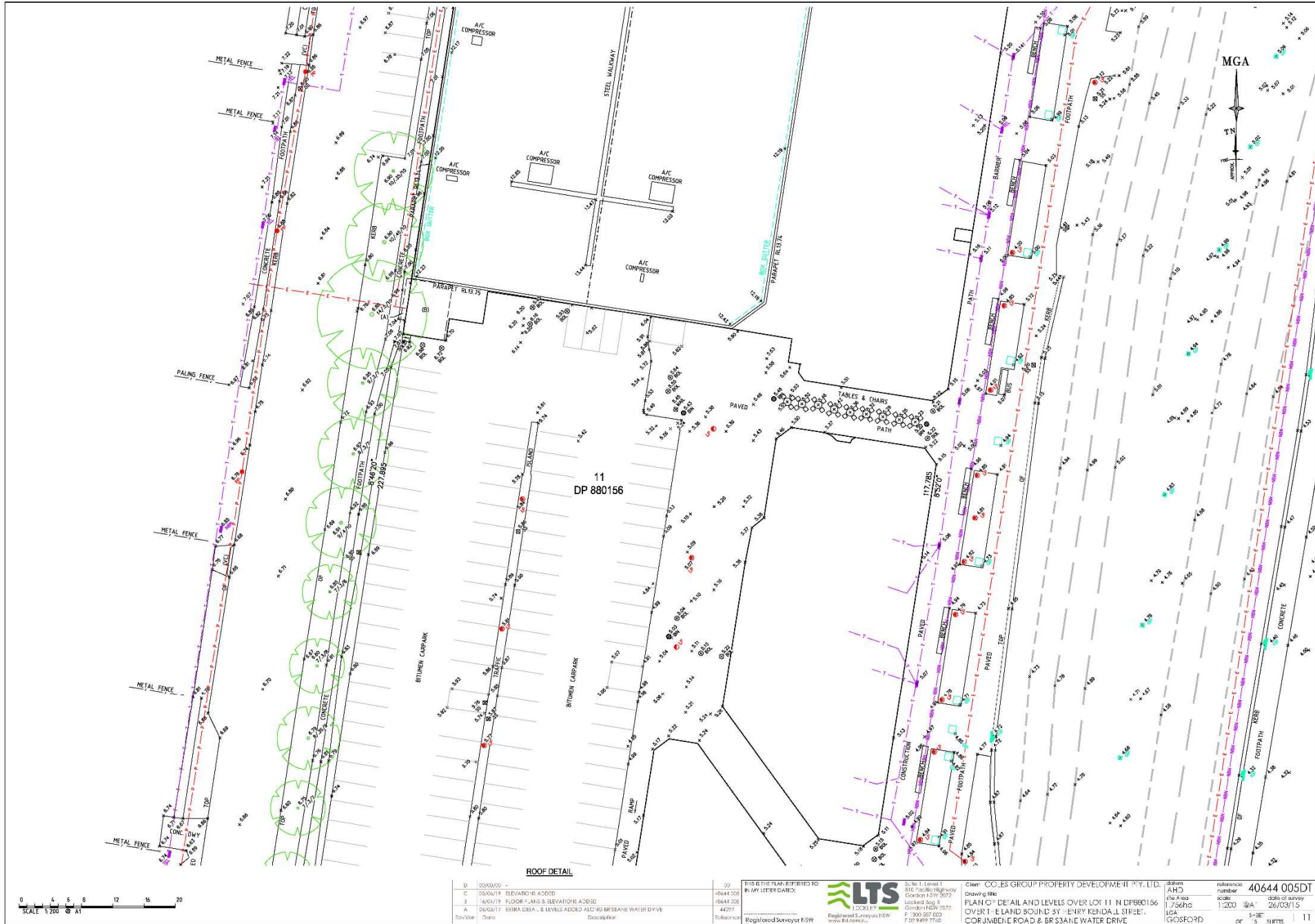


D	00/00/00	-	00	THIS IS THE PLAN REFERRED TO IN MY LETTERDRAFTS:	Suite 1, Level 1 810 Pacific Highway Gordon NSW 2072 Locked Bag 9 Gordon NSW 2072 P: 080 267 2022 F: 080 267 2240 www.lts.com.au	Client: COLES GROUP PROPERTY DEVELOPMENT PTY. LTD. Drawing title: PLAN C- DETAIL AND LEVELS COVER LOT 11 IN DP980156 COVER ELAND BOUND BY HENRY KENDALL STREET, CORUMBECK ROAD & BRISBANE WATER DRIVE	40km AHD 476 Area 1.756ha LCA GOSFORD	reference number 40644 005DT scale 1:200 date of survey 26/03/15 sheet 9
C	05/06/19	ELEVATIONS ADDED	40644 005					
B	16/01/19	FLOOR PLANS & ELEVATIONS ADDED	44292					
A	06/02/17	EXTRA DETAILS & LEVELS ADDED ALSO RE BRISBANE WATER DRIVE						
Rev/No	Date	Description	Reference	Registered Surveyor NSW				

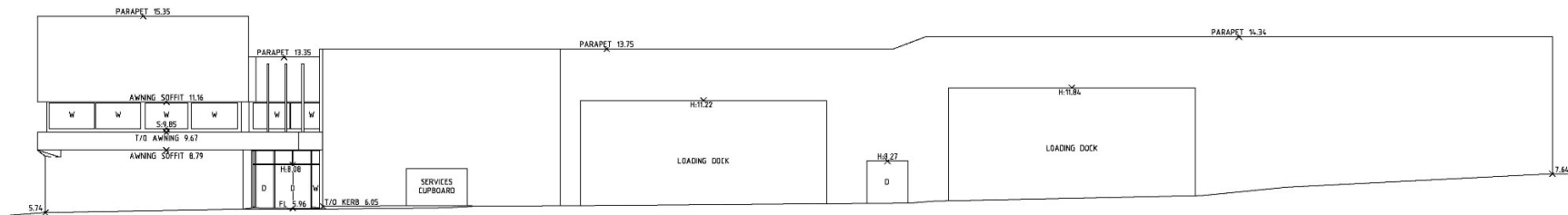


ROOF DETAIL

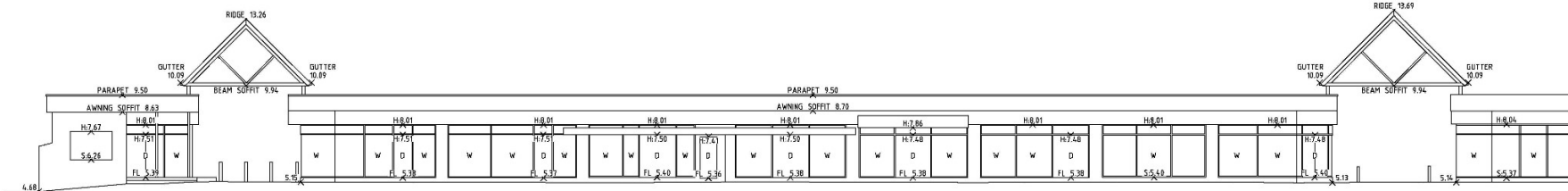
D	00/00/00	00	THIS SET PLAN REFERS TO	<p>LTS LOCKE LY Registered Surveyors NSW www.lts.com.au</p>	<p>Client: COLES GROUP PROPERTY DEVELOPMENT PTY. LTD. Drawing title: PLAN OF DETAIL AND LEVELS OVER LOT 11 IN DP880156 OVER THE LAND BOUND BY HENRY KENDALL STREET, COR JUMBENE ROAD &amp; BRISBANE WATER DRIVE</p>	<p>Station AHD Area 17.56ha ICA GOSFORD</p>	<p>reference number 40644 005DT scale 1:200 date of survey 26/03/15 sheet 3 OF 3</p>
C	05/06/18	01644 005	PLAN LEGENDS:				
B	18/07/18	01644 005					
A	06/07/17	44297					
Rev/No	Date	Description					



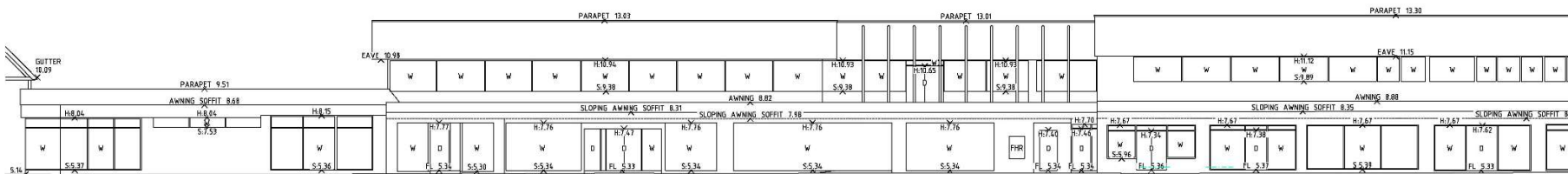




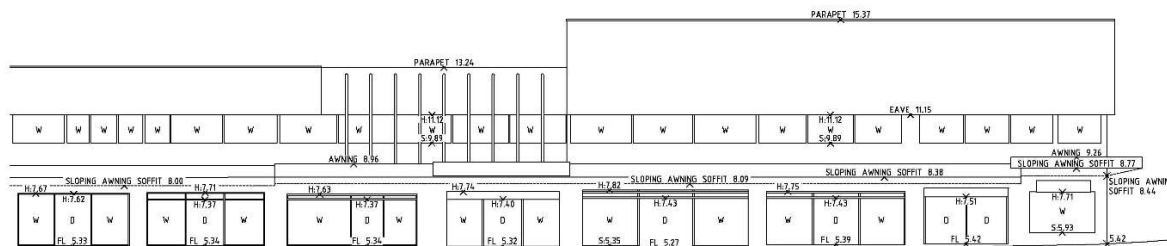
NORTHERN ELEVATION - WEST GOSFORD SHOPPING CENTRE



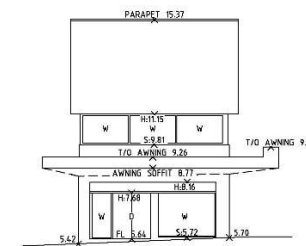
EASTERN ELEVATION - SOUTH - WEST GOSFORD SHOPPING CENTRE



EASTERN ELEVATION - CENTRAL - WEST GOSFORD SHOPPING CENTRE



EASTERN ELEVATION - NORTH - WEST GOSFORD SHOPPING CENTRE



NORTH EASTERN ELEVATION - WEST GOSFORD SHOPPING CENTRE



D	0000000	
C	08/05/19	ELEVATIONS ADDED
Z	08/05/19	FLOOR PLANS & ELEVATIONS ADDED
A	08/05/17	EXTRA DATA & LEVELS ADDED AUGUS MISSISSAUGA WATER DRIVE
Rev/Iss	Three	Description

30	40644 005
40644 005	44297
44297	44297

THIS IS THE PLAN REFERRED TO IN ANY LITIGATIONS

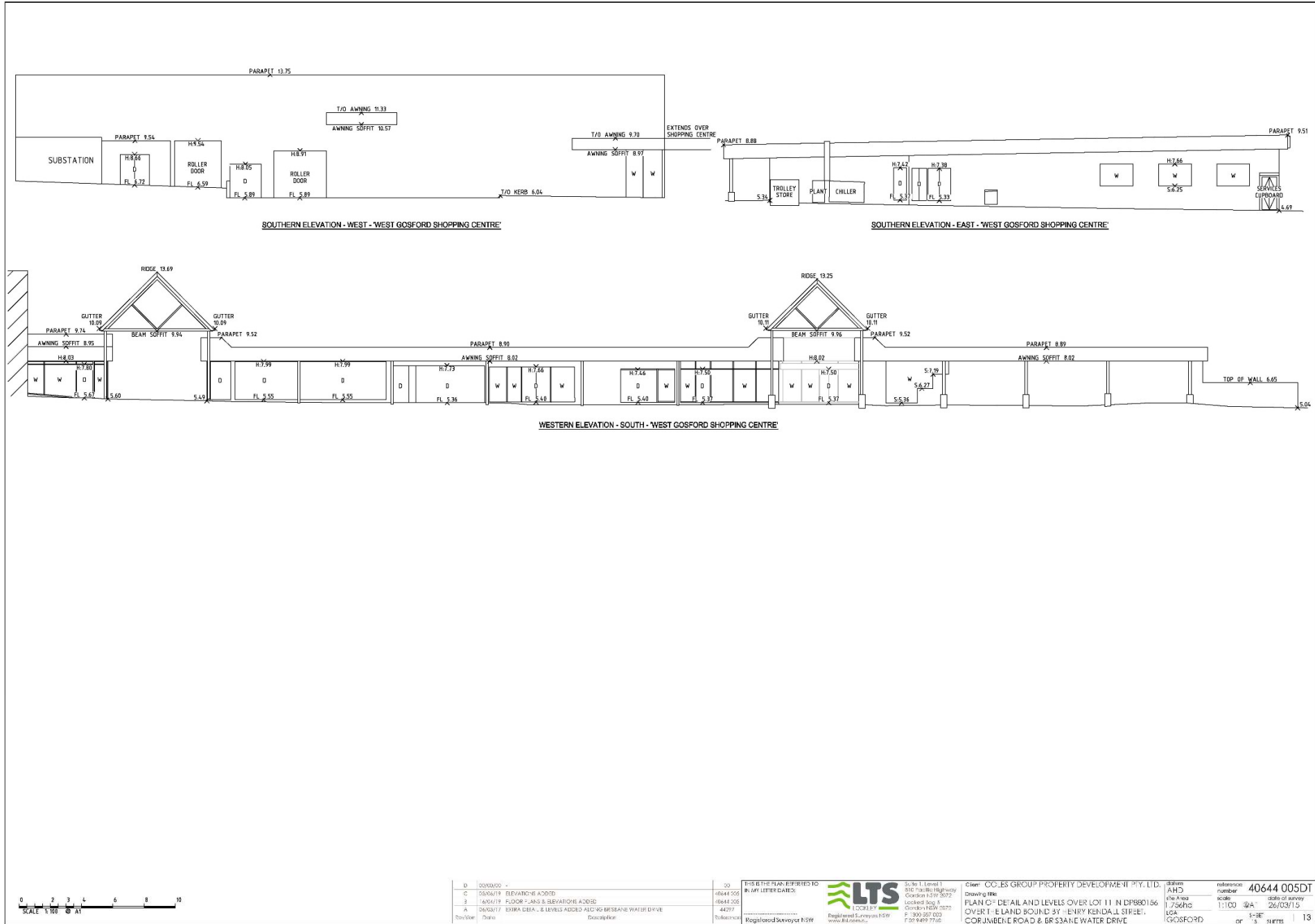
Registered Surveyor NSW



Site No 1, Level 1  
 310 The Hills Highway  
 Gordon NSW 2072  
 Locked Mail Bag 970  
 Gordon NSW 2072  
 P 080 557 020  
 F 02 9499 7742

Client - COLES GROUP PROPERTY DEVELOPMENT PTY. LTD.  
 Drawing No  
 PLAN C - DETAIL AND LEVELS OVER LOT 11 IN DP880156  
 OVER THE LAND BOUND BY HENRY KENDALL STREET,  
 CORUMBER ROAD & BRISBANE WATER DRIVE

Sheet	reference number	40644 005.DT
of	scale	1:100 @ A1
date of survey	date of issue	26/03/15
sheet	of	12



D	00/00/00	-	00	THIS SET OF PLANS REFERS TO THE MAP LETTER DATED:	<b>LTS</b> LOCALITY	Site No. 1 (Level 1) 510 Macleay Highway Cordon NSW 2072 Locked Bag 6 Cordonia NSW 2020 P. 399 957 000 F. 39 9499 7700	Client: COLES GROUP PROPERTY DEVELOPMENT PTY. LTD. Drawing Title: FLANG "C" DETAIL AND LEVELS OVER LOT 11 N DP880156 OVER T-LAND BOUND BY HENRY KENDALL STREET, CORUMBEENE ROAD & BRISBANE WATER DRIVE	Drawn AHC Checked AHC	reference number 40644 00SDT	date of survey 26/03/15	sheet 3	of 13
C	05/06/19	ELEVATIONS ADDED	0644 00SD									
J	18/06/19	FLOOR PLANS & ELEVATIONS ADDED	0644 00SD									
A	06/07/17	EXTRA DETAILS & LEVELS ADDED ALONG BRISBANE WATER DRIVE	44297									
Revision	Date	Description	Released	Released								



## GDCP 2013 Compliance Table

Development Control	Required	Proposed	Compliance
<b>2.1 Character</b>	<p><u>Desired Character</u></p> <p>The development site sits within the <i>West Gosford: Main Road Centre</i> character area as defined within Chapter 2.1 of GDCP 2013. The main elements of the sites desired character are identified below:</p> <ul style="list-style-type: none"> <li>• <i>The Main Road area should remain a mixed-use centre that provides predominantly retail and business services to the surrounding district, but might also incorporate some accommodation, where the civic quality of prominent backdrops to Gosford City's major arterial thoroughfares are enhanced by "greening" of the road frontages, standards of commercial presentation are co-ordinated, and high levels of pedestrian activity are displayed.</i></li> <li>• <i>Facing the major roads, avoid the appearance of uniform building heights facing any street or driveway frontage, and vary the shape of all visible facades by terraces or balconies, as well as by stepping the line of roofs or parapets to emphasise prominent building corners or road intersections.</i></li> <li>• <i>Disguise the scale and bulk of new buildings by applying a variety of finishes to all front and side facades, including extensive windows that are shaded by balconies, verandahs or exterior sunshades, plus painted finishes over a mixture of</i></li> </ul>	<p>Having regard to the desired character for this area, no objection is made for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed development will enhance the retail offerings of the existing West Gosford Shopping Centre, and provide a modernised façade to passing motorists and pedestrians, and offer services appropriate for the area.</li> <li>• the new facades and detached food and drink premises will vary the shape and bulk of the existing centre.</li> <li>• Demolition of the former tavern site will enable further landscaping element to be planted that will further help bed the development into the landscaped backdrop of Kariong Hill.</li> <li>• Signage proposed complies with the NSW State Environmental Planning Policy No 64 – Advertising and Signage, and will not detract from the amenity of the area.</li> </ul>	<p>Yes</p>

Development Control	Required	Proposed	Compliance
	<p><i>masonry and sheet cladding, rather than expanses of plain masonry or metal cladding. Roofs should be gently-pitched to minimise the height of ridges, flanked by wide eaves that disguise the scale of exterior walls.</i></p> <ul style="list-style-type: none"> <li>• <i>Signs should be limited in both size and number, attached to buildings in consistent locations but limited in height to create continuous horizontal bands along awnings or parapets, rather than covering an entire facade. Pylon signs at the street frontage should complement the design of landscaped areas, and should be limited to one per property.</i></li> </ul>		
<p><b>2.2 Scenic Quality</b></p>	<p>The subject site falls within the "Gosford Central" geographic unit which comprises the Koolewong – Point Clare Land Unit and the East Gosford Land unit.</p> <p>The Scenic Quality statement for the area makes no reference to development in the West Gosford Main Road Centre, and generally speaks to the impacts higher density residential developments may have on the landscape units.</p>	<p>The subject site sits within the aforementioned Scenic Quality land unit; however, no development objectives are relevant to the West Gosford centre. As such no objection is raised in regard to the development.</p>	<p>N/A</p>
<p><b>3.7 Advertising Signage</b></p>	<p>Numerous elements of the proposed signage fall within different sub controls of this part. Key elements are:</p> <ul style="list-style-type: none"> <li>• Flush Wall Sign -</li> <li>i. shall not have an advertising area greater than 6m<sup>2</sup> or alternatively be no greater than the area calculated as</li> </ul>	<p>Signage proposed complies with the NSW State Environmental Planning Policy No 64 – Advertising and Signage, and will not detract from the amenity of the area.</p> <ul style="list-style-type: none"> <li>• Flush Wall Sign -</li> </ul> <p>No part of the flush wall signs proposed would have an area greater the area calculated as three times the distance between the lowest part of</p>	<p><b>No</b>, however supported on merit.</p>

Development Control	Required	Proposed	Compliance
	<p>three times the distance between the lowest part of the sign and the ground;</p> <p>ii. where it is illuminated, shall be of less than 2.6m above the ground;</p> <p>iii. if the sign comprises individual skeleton letters the area of the total sign may be increased 50%;</p> <p>iv. the total area of individual flush wall signs on the same wall shall not be greater than the area calculated as three times the distance between the lowest part of the sign and the ground;</p> <p>v. shall not project above or beyond the wall to which it is attached; and</p> <p>vi. shall not cover or be erected upon any window or prominent architectural feature of a building.</p> <ul style="list-style-type: none"> <li>• Pole and Pylon Sign –</li> </ul> <p>i. not projecting more than 1.0m over any road alignment;</p> <p>ii. not extending more than 6m in height above the ground;</p> <p>iii. not having an advertising area greater than 12 m<sup>2</sup> where more than one advertising area is involved and a maximum of 6 m<sup>2</sup> on any single advertising surface; and</p> <p>iv. minimum height above ground level shall be 2.6m</p>	<p>the sign and the ground. The Flush wall signs proposed are located throughout the development, some of which will be illuminated and higher than 2.6m above the ground. It is apparent that the flush wall signage insitu is located in similar locations to that proposed, and has not caused issue in the years past.</p> <p>The proposed signage will not project above or beyond the wall to which it is attached, and is considered suitable for the site.</p> <ul style="list-style-type: none"> <li>• Pole and Pylon Sign</li> </ul> <p>The pylon sign associated with the proposed food and drink premises, a Hungry Jacks restaurant, would reach a maximum height of 8m above ground which exceeds the DCP control by 2m. It is noted that TfNSW raised no objection to the pylon signage during the referral process, and that the location of signage is such that it would be located a substantial distance from the nearest residential dwellings.</p> <p>No part of the sign projects over any roadway, and the location on Brisbane water Drive, a classified road, is considered appropriate for this type of signage.</p>	

Development Control	Required	Proposed	Compliance
	<p>above the ground where it projects.</p> <ul style="list-style-type: none"> <li>• Painted Wall Sign</li> </ul> <p>i. shall not have an advertising area greater than 6m<sup>2</sup>; and</p> <p>ii. shall not be painted over any window or prominent architectural feature of a building.</p>	<ul style="list-style-type: none"> <li>• Painted Wall Sign</li> </ul> <p>The wall signs for individual tenancies do not exceed 6m<sup>2</sup>, and are not proposed to be painted over any window or architectural feature.</p>	
<p><b>3.9 Child Care Centres</b></p>	<p>The provisions of the Child Care Planning Guideline 2017 will generally take precedence over a DCP, other than building height, side and rear setbacks and car parking rates.</p> <p>Given the childcare centre is to be located wholly within an existing commercial building, only the car parking rates are of relevance within GDCP 2013.</p> <ul style="list-style-type: none"> <li>• Parking <ul style="list-style-type: none"> <li>a. Off street car parking requirements are to be calculated and provided in accordance with the Car Parking chapter of this DCP.</li> <li>b. Parking areas shall be easily accessible from the street, and screened by landscaping along all street frontages and private property boundaries. Where parking is located at the front of the site a minimum landscaped garden area of one metre is to be provided along the street frontage.</li> <li>c. The number of staff to be employed at any one time is</li> </ul> </li> </ul>	<p>The proposed carparking arrangements cater for the 23 childcare centre staff and the temporary drop off spaces required for the 121 children to be cared for.</p> <p>Council's Engineering Unit has reviewed the car parking arrangements proposed and supports the dimensions and placement of the temporary drop off spaces, to be located in the position of the former tavern.</p>	<p>Yes</p>

Development Control	Required	Proposed	Compliance
	<p>to be stated, together with the expected number of children. Any increase in staff or children may require additional car parking.</p> <p>d. Car parking spaces should have minimum dimensions as specified in the Australian Standards AS 2890.1 - 1993 Parking Facilities. Driveways should have a minimum width of 3.0 metres and aisle widths should conform to Australian Standards AS 2890.1 - 1993 Parking Facilities.</p>		
<b>6.1 Acid Sulfate Soils</b>	Prescriptive requirements.	A Soil Management Plan has been prepared by the applicant's consultants identifying methods to mitigate impacts from potential Acid Sulfate Soils. The report has been reviewed by Council's Environmental Health Unit and Engineering Units who have recommended appropriate Conditions of consent.	Yes
<b>6.3 Erosion and Sediment Control</b>	Plans to be provided with application.	An Erosion and Sedimentation Plan has been prepared by the applicant's consultants. The report has been reviewed by Council's Engineering Units who have recommended appropriate Conditions of consent.	Yes
<b>6.4 Geotechnical Requirement</b>	No geotechnical requirements applicable to the development.	A Geotechnical Investigation Report is not required due to the soil type present on site.	Yes
<b>6.7 Water Cycle Management</b>	Minimise the impact of the development on the natural predevelopment water cycle.	Appropriate conditions have been recommended by Council's Engineering Unit requiring compliance with this chapter prior to the issue of a Construction Certificate.	Yes
<b>7.1 Car Parking</b>	<p><b>Required Car Parking</b></p> <p>Shops (7065m<sup>2</sup>):</p>	The applicant engaged McLaren Traffic Engineering and Road Safety Consultants to assess the proposed	<b>No</b> , however the proposed variation is



Development Control	Required	Proposed	Compliance
	<ul style="list-style-type: none"> <li>• 1 space per 30m<sup>2</sup> shops = 235</li> </ul> <p>Childcare Centre:</p> <ul style="list-style-type: none"> <li>• 1 space per employee = 23</li> <li>• 1 temporary space per 6 children = 20 temporary spaces</li> </ul> <p>Food and Drink Premises:</p> <ul style="list-style-type: none"> <li>• Minimum 30 spaces for premises with drive through = 30</li> </ul> <p><i>Total required spaces = 288 plus 20 temporary spaces.</i></p>	<p>development and provide recommendations.</p> <p>The assessment found that the overall nett parking requirements for the development would be reduced by a total of 34 car parking spaces.</p> <p>To arrive at this conclusion, McLaren reviewed the existing requirements based on demand generated by the current land uses, and then calculated the demand based on the revised shopping centre layout post demolition works, including the new land uses of Food and Drink premises and Child Care Centre.</p> <p>At present there are 205 car parking spaces provided on site.</p> <p>The proposed development, at completion of stage 3 will provide 209 car parking spaces on site.</p> <p>Summarised below:</p> <p><u>Required Car Parking</u></p> <ul style="list-style-type: none"> <li>• Supermarket                             <ul style="list-style-type: none"> <li>1 space per 40m<sup>2</sup> GFA</li> <li>Exist: 4,474m<sup>2</sup></li> <li>Prop: 3,930m<sup>2</sup></li> <li>Nett parking demand change: - 13.60</li> </ul> </li> <li>• Specialty Shops                             <ul style="list-style-type: none"> <li>1 space per 40m<sup>2</sup> GFA</li> <li>Exist: 3,013m<sup>2</sup></li> <li>Prop: 3,016m<sup>2</sup></li> <li>Nett parking demand change: +0.1</li> </ul> </li> <li>• Tavern                             <ul style="list-style-type: none"> <li>1 space per 40m<sup>2</sup> GFA</li> <li>Exist: 388m<sup>2</sup></li> <li>Prop: 0 m<sup>2</sup></li> <li>Nett parking demand change: - 38.80</li> </ul> </li> </ul>	<p>supported on merit.</p>

Development Control	Required	Proposed	Compliance
		<ul style="list-style-type: none"> <li>• Office 1 space per 40m<sup>2</sup> GFA Exist: 1,543m<sup>2</sup> Prop: 0m<sup>2</sup> Nett parking demand change: -38.58</li> <li>• Child Care Centre 1 space per 40m<sup>2</sup> GFA Exist: 0m<sup>2</sup> Prop: 661m<sup>2</sup> Nett parking demand change: +23 and 20 temporary.</li> <li>• Fast Food Outlet 1 space per 40m<sup>2</sup> GFA Exist: 0m<sup>2</sup> Prop: 246m<sup>2</sup> Nett parking demand change: +25</li> </ul> <p>Total parking demand change: -34</p>	
<b>7.2 Waste Management</b>	Waste Management Requirements	<p>A Waste Management Plan (WMP) has yet to be lodged to the satisfaction of Council's Waste Officer.</p> <p>It is expected that a suitable WMP can be written, however there has been some difficulty in corresponding with the applicant on the matter.</p> <p>In the interest of moving the assessment forward a condition of consent has been included that requires a WMP be prepared and submitted to Council's Waste Assessment Officer for assessment and approval before a construction certificate can be issued on the development.</p>	<b>No</b> , however a condition of consent has been included requiring the preparation of a WMP prior to the issue of a Construction Certificate.