

Central Coast Local Planning Panel

Central Coast
LOCAL PLANNING PANEL MEETING
Business Paper
22 July 2021



Meeting Notice

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

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Donna Rygate
Chairperson

Item No: 3.2

Title: Section 8.2 Review of Determination -
DA/57698/2019 - Staged Caravan Park (165 sites)
at 255, 255A, 255B Avoca Drive, Kincumber and 19
Picketts Valley Road, Picketts Valley

Central Coast
Local Planning Panel

Department: Environment and Planning

22 July 2021 Local Planning Panel Meeting

Reference: 021.2019.00057698.002 - D14549569
Author: Erin Murphy, Senior Development Planner
Manager: Emily Goodworth, Section Manager, Development Assessment
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received under Section 8.2 of the *Environmental Planning and Assessment Act, 1979 (the Act)* for the consent authority to review its decision on the refusal of Development Application DA/57698/2019 for a staged 'Residential Land Lease Community' (Caravan Park) comprising 202 sites, community facilities, roads and infrastructure, landscaping, and demolition of existing structures at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley.

This report re-examines the issues associated with Development Application DA/57698/2019 with particular regard to supporting documentation and amended plans submitted with the Section 8.2 Review.

The application was refused by the Local Planning Panel at its meeting of 6 August 2020. In accordance with the provisions of Clause 8.3(5) of the *Environmental Planning and Assessment Act 1979*, the Review of Determination must also be determined by the Local Planning Panel. In addition, the *Local Planning Panels Operational Direction* (endorsed by the Minister on 30 June 2020) states that: '*the determination of a review application from a panel decision shall be determined by different members of the panel to those who made the original determination.*' (Section 2.1).

The reasons for refusal are summarised below:

- The proposed development is not consistent with the objectives of the E4 Environmental Living zone.
- The proposed development would result in additional stormwater run-off and increased downstream flooding.
- The proposed development would result in significant cut and fill, earthworks and removal of vegetation on the site which would impact the ecological values, visual and scenic quality of the area.
- The site is not suitable for the proposed development due to its landscape, scenic and ecological qualities which should be preserved.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- Insufficient information has been provided on potential contamination, road works within the site, ecology impacts, heritage impacts, waste impacts, soil and water management, emergency and construction access, bush fire hazard, and tree retention.
- The proposal is an overdevelopment of the site and is inconsistent with the current and future desired character of the locality. Approval is not in the public interest.
- Pursuant to Draft Central Coast LEP (2018), the proposed development is prohibited within E4 Environmental Living zone.

The application has been examined having regard for the matters for consideration detailed in Section 4.15 and Section 8.3 of the *Environmental Planning & Assessment Act 1979* and other statutory requirements, with the issues requiring attention and consideration being addressed in the report.

The application proposes the following amendments to the development originally considered by the consent authority:

- A reduction in sites from 202 to 165 sites
- Minor relocation of internal Road 1 in the south west corner
- Minor alterations to internal Road 6
- Reduction of tree removal from 491 to 327 trees
- Retention of existing farmhouse and incorporated into future community facilities
- Removal of Welcome Centre

The proposal, as amended, fails to provide adequate justification or additional information to address the reasons for refusal.

Applicant	Choice Living Avoca Development Pty Ltd c/ADW Johnson
Owner	Choice Living Avoca Development Pty Ltd
Application No	DA/57698/2019
Description of Land	Lot A DP449600, Lots 2, 3 and 9 DP976799, Nos 255, 255A, 255B Avoca Drive Kincumber, and 19 Picketts Valley Road Picketts Valley.
Proposed Development	Staged Caravan Park comprising 165 sites, community facilities, retained farmhouse, demolition of structures, removal of dams, roads and infrastructure and landscaping
Site Area	24.12ha
Zoning	E4 Environmental Living
Existing Use	Dwelling houses, agriculture
Employment Generation	No
Estimated Value	\$19,739,800

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Recommendation

- 1 That the Local Planning Panel refuse the application Section 8.2(a) review of determination of Development Application Ref DA/57698/2019 for the integrated and Staged 'Residential Land Lease Community' (Caravan Park) comprising 165 sites, community facilities, retained farmhouse, demolition of structures, removal of dams, roads and infrastructure and landscaping at Nos 255, 255A, 255B Avoca Drive Kincumber, and 19 Picketts Valley Road Picketts Valley, subject to the reasons for refusal 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.**
- 2 That Council advise those who made written submissions of the Panel's decision.**
- 3 That Council advise relevant external authorities of the Panel's decision.**

Key Issues

- Permissibility and characterisation of use as a caravan park
- Inconsistency with the objectives of the E4 Environmental Living zone
- Ecological impacts
- Insufficient information has been provided on stormwater run-off and increased downstream flooding impacts, ecology impacts, waste impacts, soil and water management, emergency and construction access and tree retention.
- Overdevelopment and inconsistency with the current and future desired character of the locality
- Inconsistency with Draft Central Coast LEP (2018)
- Ability to comply with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*

Precis:

Proposed Development	Staged 'Residential Land Lease Community' (Caravan Park) comprising 165 sites, community facilities, retained farmhouse, demolition of structures, removal of dams, roads and infrastructure and landscaping.
Permissibility and Zoning	E4 Environmental Living (<i>Gosford Local Environmental Plan 2014</i>) Caravan parks are permissible within the E4 Environmental Living. The characterisation of the site as a caravan park is detailed further below.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979 – Section 4.15</i> • <i>Local Government Act 1993 – Section 68 and 89</i> • <i>Fisheries Management Act 1994</i> • <i>Heritage Act 1977</i> • <i>Protection of the Environment Operations Act 1997</i> • <i>Roads Act 1997</i> • <i>Rural Fires Act 1997</i> • <i>Water Management Act 2000</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>Gosford Local Environmental Plan 2014</i> • <i>Gosford Development Control Plan 2013</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>State Environmental Planning Policy No 21-Caravan Parks</i> • <i>State Environmental Planning Policy No 36-Manufactured Home Estates.</i> • <i>State Environmental Planning Policy No55-Remediation of Land</i> • <i>Draft Central Coast Local Environmental Plan 2018 (CCLEP)</i> • <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.</i>
Current Use	Dwelling houses and agriculture
Integrated Development	<ul style="list-style-type: none"> • <i>Natural Resources Access Regulator (NRAR)</i> • <i>NSW Primary Industries (NSW Fisheries)</i> • <i>NSW Rural Fire Service (NSW RFS)</i>
Submissions	137 submissions

The Site and Surrounds

The site is an irregular shape and consists of four (4) existing allotments, 255, 255A & 255B Avoca Drive Kincumber, and 19 Picketts Valley Road Picketts Valley, legally identified as:

- Lot A DP449600
- Lots 2, 3 and 9 DP976799

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

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

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

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

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

The site is identified as "bushfire prone land". A Bushfire Assessment Report prepared by Peterson Bushfire (Reference 17033 dated 11 March 2021) was submitted with the application recommending the proposal comply with varying BAL levels with the highest being BAL-19 for 7% of the dwelling sites.

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

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

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)



Figure 1-Locality Plan

Background

Development application DA/57698/2019 was considered by the Local Planning Panel at its meeting of 6 August 2020. This application was for a Staged 'Residential Land Lease Community' (Caravan Park) comprising 202 long term sites, 2 short term 'caravan' sites, community facilities, roads and infrastructure, landscaping, and demolition of existing structures. DA/57698/2019 was refused development consent by the Local Planning Panel.

The reasons for refusal at that meeting are summarised below:

- The proposed development is not consistent with the objectives of the E4 Environmental Living zone
- The proposed development would result in additional stormwater run-off and increased downstream flooding.
- The proposed development would result in significant cut and fill, earthworks and removal of vegetation on the site which would impact the ecological values, visual and scenic quality of the area.
- The site is not suitable for the proposed development due to its landscape, scenic and ecological qualities which should be preserved.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- Insufficient information has been provided on potential contamination, road works within the site, ecology impacts, waste impacts, soil and water management, emergency and construction access, bush fire hazard, and tree retention.
- The proposal is an overdevelopment of the site, inconsistent with the current and future desired character of the locality and approval is not in the public interest.
- Pursuant to Draft Central Coast LEP (2018) the proposed development is prohibited within E4 Environmental Living zone.

The reasons for refusal and applicant's response to these reasons are included under the 'Applicant's Response to Reasons for Refusal' heading below.

The Proposed Development

The s8.2 application includes amended engineering and landscape plans. It is noted there have been no revised design plans submitted. The amended proposal maintains the overall design approach and general configuration of the originally considered development with the following amendments made as part of the review of determination:

- A reduction in sites from 202 sites to 165 sites
- Minor relocation of internal Road 1 in south west corner
- Minor alterations to internal Road 6
- Reduction of tree removal from 491 to 327 trees
- Retention of existing farmhouse and incorporation into future community facilities
- Removal of Welcome Centre at the southern end of the site near the entrance

It is considered that both qualitatively and quantitatively, the amended proposal remains substantially the same as the original proposal as per the provisions of Clause 8.3(3) of the *Environmental Planning & Assessment Act, 1979*.

The Section 8.2 application proposes the following:

- Demolition of existing structures on the site
- Retention of existing farmhouse
- De-watering and filling in of the existing farm dam
- De-watering and reshaping of dam on southern watercourse to revert to a watercourse
- Bulk earthworks. Preliminary plans submitted indicate cut up to 6.2m and fill up to 5.5m. The applicant has estimated the total cut volume of 92,970m³, fill of 98,692m³, and a shortfall of 5,722m³ to be imported into the site
- Construction of three water quality basins
- 165 long term dwelling sites
- 2 short term 'caravan' sites (15m x 6m)

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- Construction of community facilities including a club house (including caretakers' residence), indoor swimming pool, tennis court, bowling green, putting green, village green, community garden and yoga deck
- Construction of intersection of access driveway with Avoca drive and internal driveways
- Realignment of southern existing watercourse crossing and upgrade of road and culvert
- Services, including the provision of sewer
- Removal of 327 trees
- Landscaping

The development is proposed to be staged, with the three stages shown in Figure 2.

The 165 long-term dwelling sites are proposed to contain future manufactured homes. The application shows an indicative mix of 1 and 2 storey, 3-bedroom homes.

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

When requested to provide updated design plans, the applicant provided the original design plans as lodged with the original submission and stated that: *Certain parts of this document have been amended by the additional information submitted in December 2020 as part of the Review of Determination request. In particular, the original site layout showing 202 sites and been reduced to 165 sites as documented in the specific reports accompanying the request for Review.*

A note "*SUPERSEDED LAYOUT - Refer to amended 165 site layout and supporting information lodged with Council December 2020 as part of the Request for Review of determination*" was on the Context Plan, Site Plan, Site Sections, Shadow Diagrams, Staging Plan and Entry Recreational and Sales Facilities plan (which has been deleted as part of the amended scheme). Accordingly, assessment staff have relied upon the amended landscape and engineering plans to undertake the review (refer figures 2, 3 and 4).

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

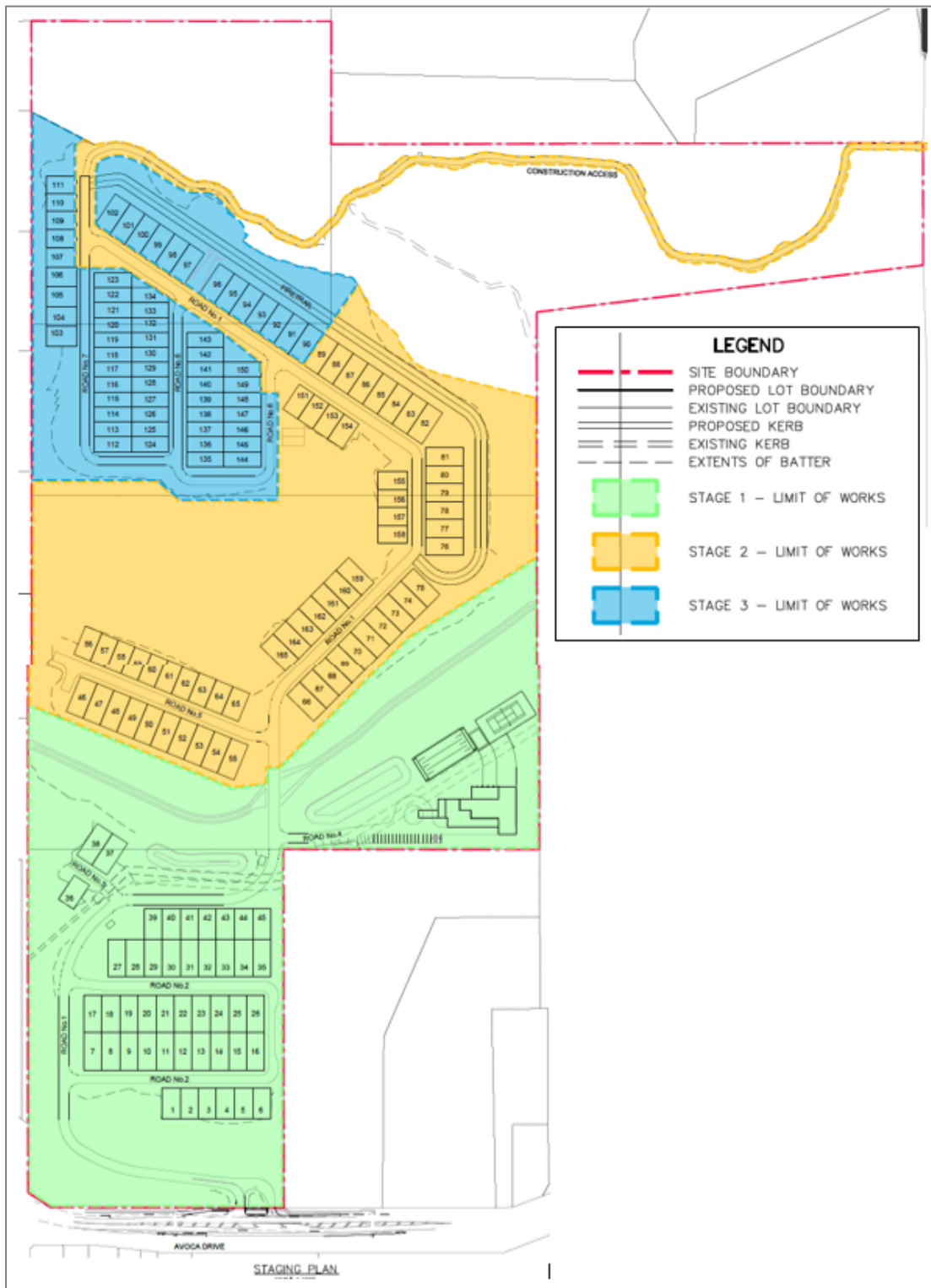


Figure 2- Engineering Site Layout and Staging Plan

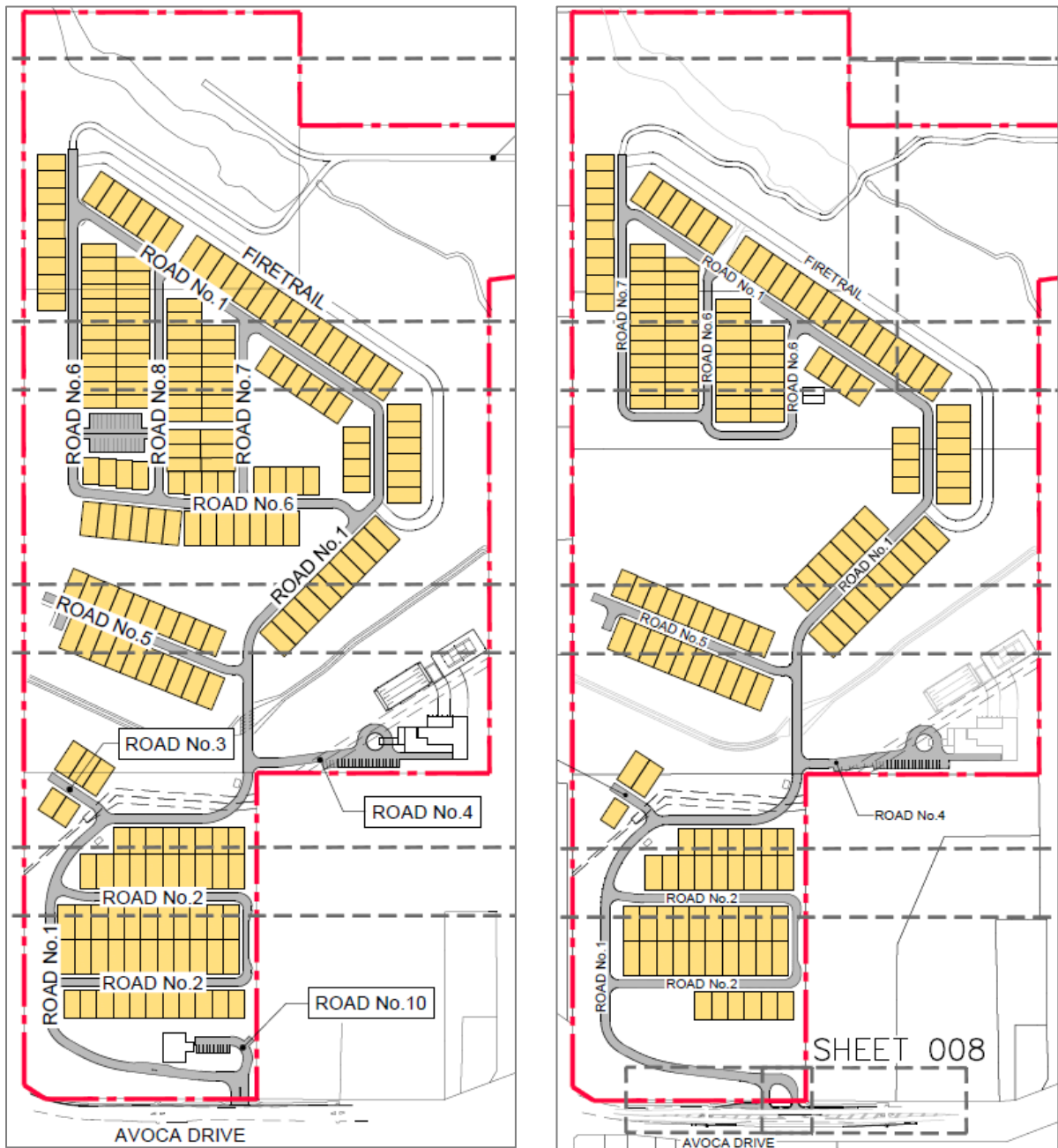


Figure 3- Original Site Plan (left) and Section 8.2 review Site Plan (right)

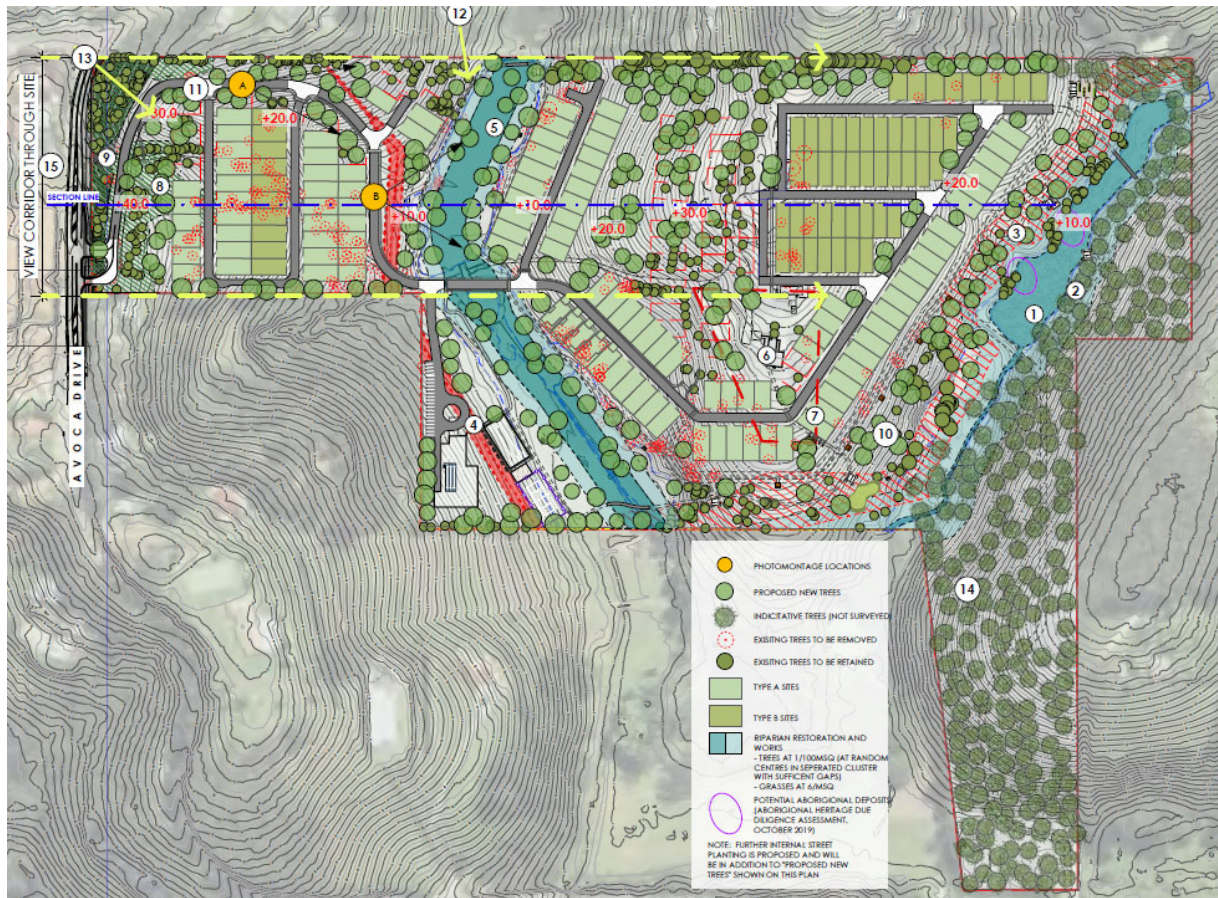


Figure 4- Current landscape plan submitted with Section 8.2 application

Planning History

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

DA16548/1992 - 6 lot community title subdivision was approved on 9 November 1993; this consent has lapsed.

Two Pre-DA meetings 2018 & 2019

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

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

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

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

DA60468/2020 – an application for a Caravan Park (31 Long Term Sites and 39 Short Term Sites) was lodged on 14 December 2020 and is still under assessment. The proposed site layout is shown in Figure 4. This application has been made by the same applicant and given the number of submissions will also be required to be determined by the Local Planning Panel.

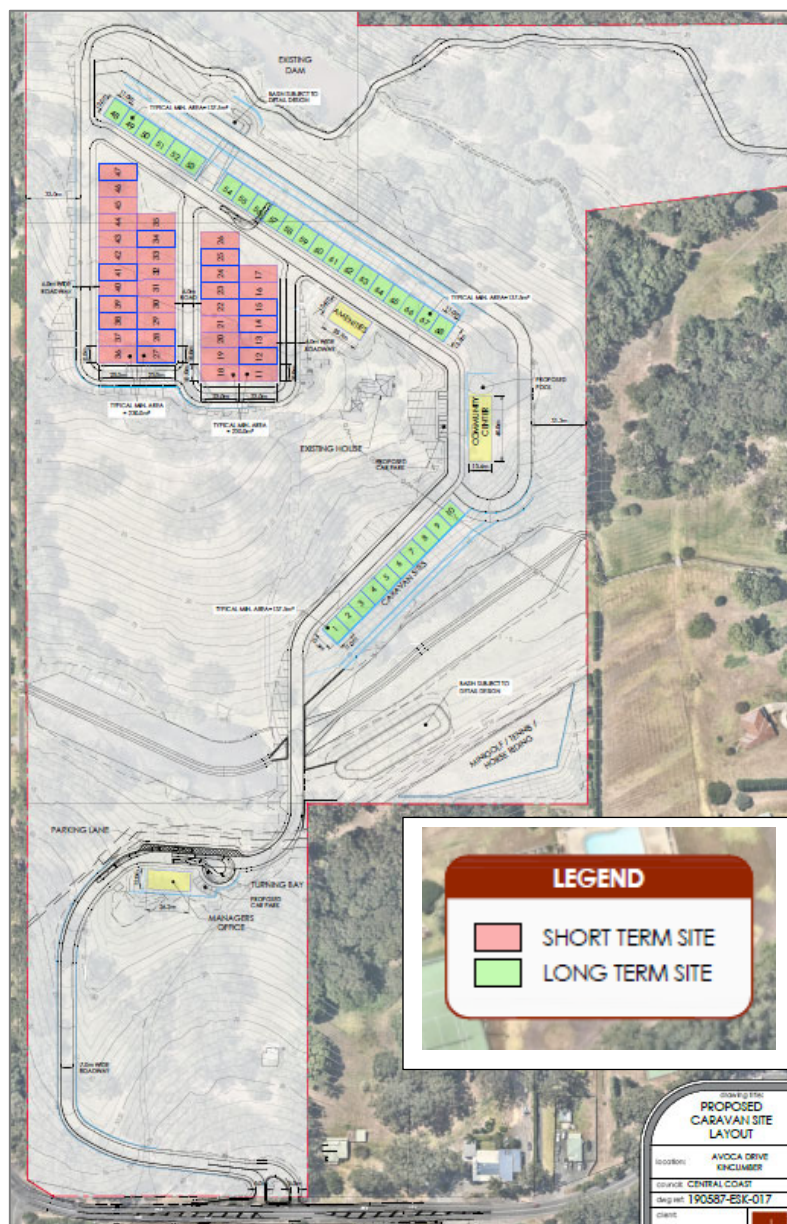


Figure 5- Site layout plan for DA60468/2020

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Applicant's Response to Reasons for Refusal

The applicant has provided a response to each of the reasons for refusal which have been summarised below, with Council's comment, as follows:

Reason for Refusal

- a) **The proposed development is not consistent with the objectives of the E4 Environmental Living zone under the provisions of the Gosford Local Environmental Plan 2014.**

Applicant's Response

The objectives of the E4 Environmental Living zone are:

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

Section 4.1.2, Table 2 of the original Statement of Environmental Effects provided initial responses as to how the development was consistent with the objectives of the zones. The comments in this submission should be read in conjunction with and supplementary to those earlier comments.

It should be noted that zone E4 Objectives provide for low-impact residential development. The term "low impact" should be differentiated with the terminology used in, for example, objectives for zone R2 which reference low density residential environment.

This submission highlights how the submitted proposal can occur with low impact to the local setting and landscape in which it sits.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

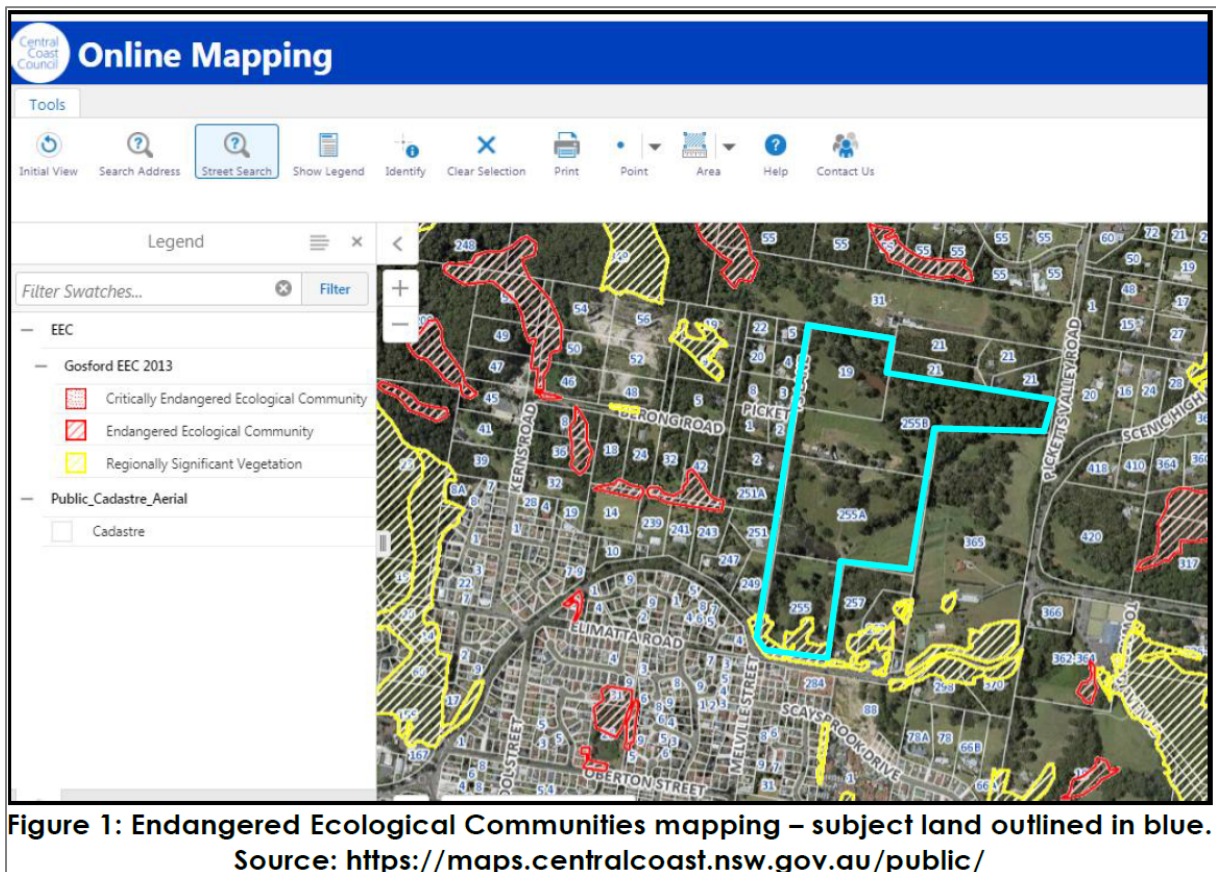
Objective 1 - Key attributes of land zoned E4

The following comments are provided in respect to the three key attributes - being special ecological, scientific or aesthetic values.

Special ecological

It is noted that the whole of the site is zoned E4. The site does not contain any land zoned E2 Environmental Conservation, which is typically applied to areas of high ecological, scientific, cultural or aesthetic values. It is noted that the site retains its current E4 zoning in Council's draft consolidated LEP, with no E2 zoned land proposed.

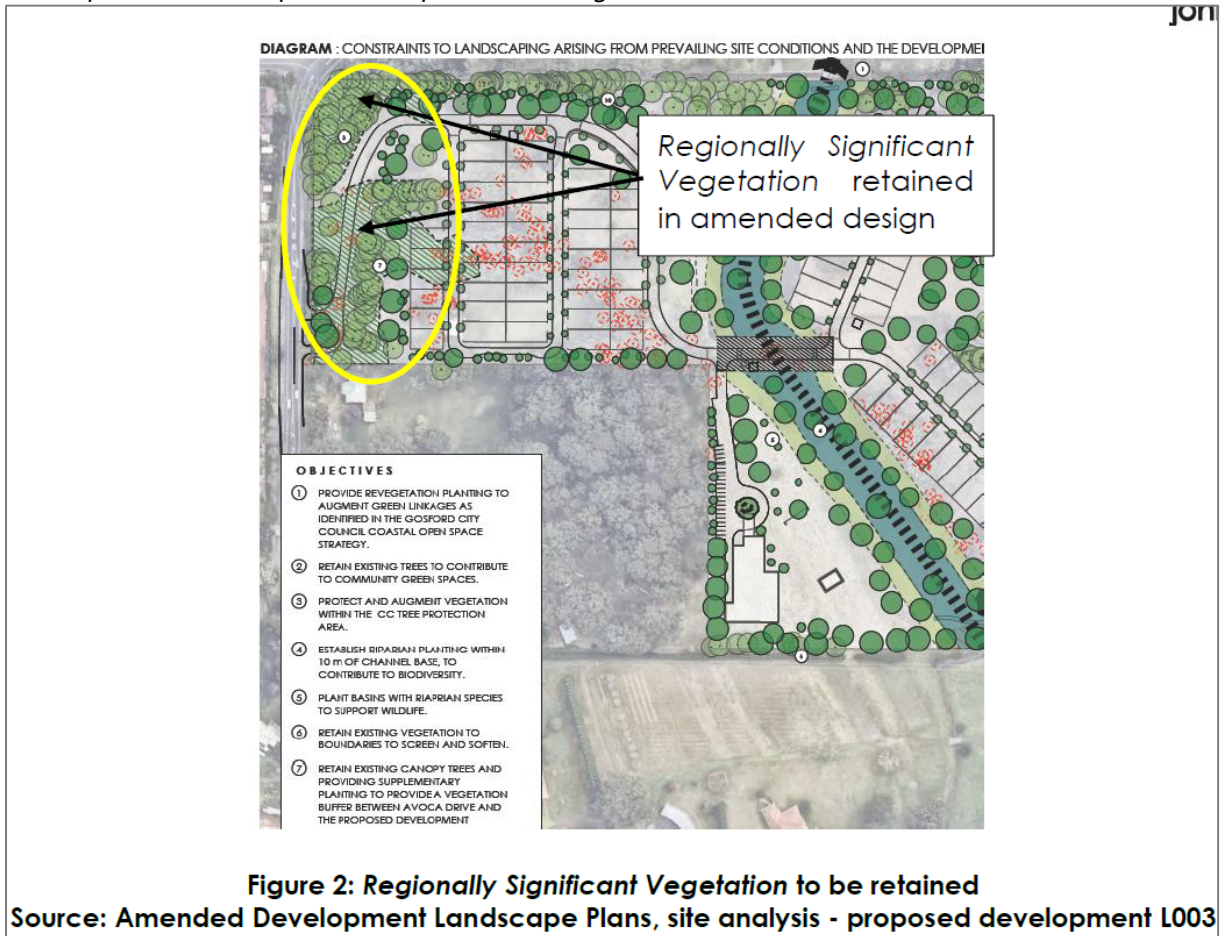
Council's online mapping provides a layer for known Endangered Ecological Communities, and distinguishes between Critically Endangered Ecological Communities, Endangered Ecological Communities and Regionally Significant Vegetation. Figure 1 below is extract from Council's website.



The subject land does not have any mapped Endangered Ecological Communities but does contain some Regionally Significant Vegetation (marked as yellow hatching on the above map).

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

'The amended application not only avoids any clearing of the Regionally Significant Vegetation, but will also enhance this vegetation through proposed landscaping works. Extract from the Development Landscape Plans is provided in Figure 2.



It should be noted that local biodiversity is further improved by the retention and rehabilitation of approximately 5.5ha of vegetation at the northern end of the site where the tree count is estimated at more than 1,200 trees, retention of over 605 trees in the works area and works to the historic farm dam and drainage channel to be reconstructed and rehabilitated to mimic a natural riparian corridor. When complete, the local landscape will benefit by at least 208 additional trees.

Further, an amended Biodiversity Development Assessment Report (BDAR) accompanies this application. Prepared by a specialist and accredited Ecologist, this report further assesses local biodiversity and within the BDAR addresses avoid and minimise principles, provides further recommendations on minimising and mitigating impacts and identifies ecocredit obligations of approximately \$790,000 to be retired if this development proceeds.

New buildings and associated infrastructure have been sited to take advantage of a landscape previously cleared for agriculture and timber getting operations. Figure 3 following is from a 1971 aerial photo.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)



Figure 3: Historic clearing in the locality (subject land outlined in blue dashes)
Source: 1971 aerial photo, page 64 Preliminary Contamination Assessment, Qualitest 2019

Scientific

There are no scientific values recorded against the site, with no listings in any Local, State or other register for European heritage value. A search of records for any registered Aboriginal sites resulted in nil findings.

Notwithstanding the absence of any search results, specific site investigations were undertaken as part of this development application process for both European and Aboriginal heritage values.

The Aboriginal Cultural Heritage Assessment, submitted with the original proposal, has revealed a potential archaeological deposit (PAD) adjacent to the southern bank of the northern dam. This area has been marked on plans and is retained within riparian setbacks. No works are intended within close proximity. In accordance with standard protocols should nearby excavations reveal any matters of significance, appropriate procedures will be implemented.

In Council' assessment report dated 6 August 2020, Council's Heritage Officer has raised a number of comments to the submitted European heritage assessment and site, particularly in respect to existing structures upon the land and potentially the holding itself.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

The amended application proposes to retain the original farm cottage and will be repurposed as a community facility within the development. There is opportunity within community infrastructure and buildings within the development to capture key elements of the sites history.

Aesthetic

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

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

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

The project team has considered those comments raised by Council Offices in their report dated 6 August 2020, with the amended proposal modified and reduced accordingly.

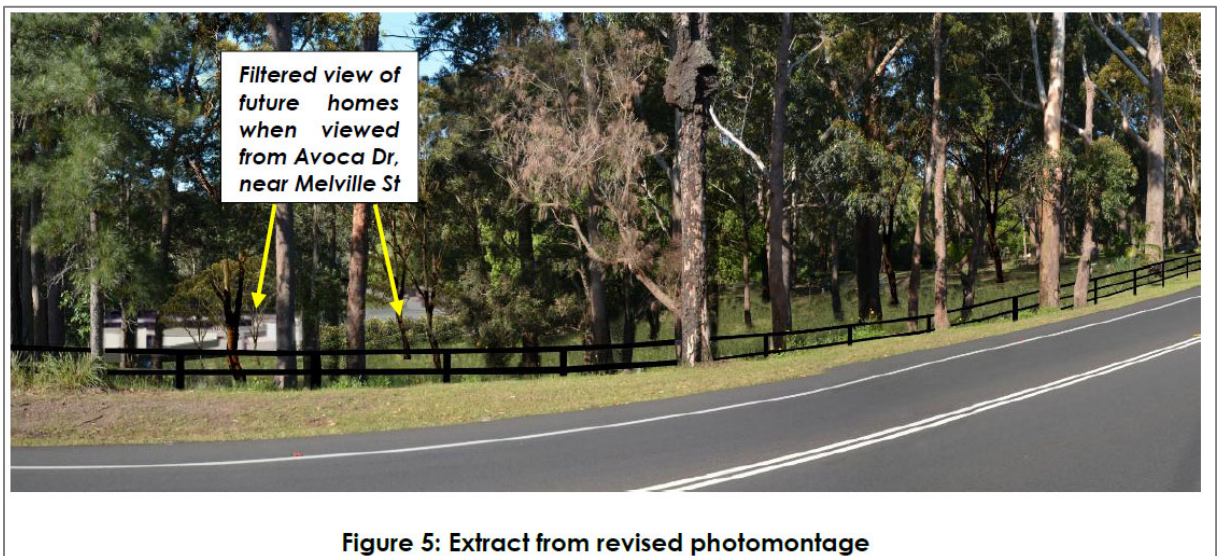
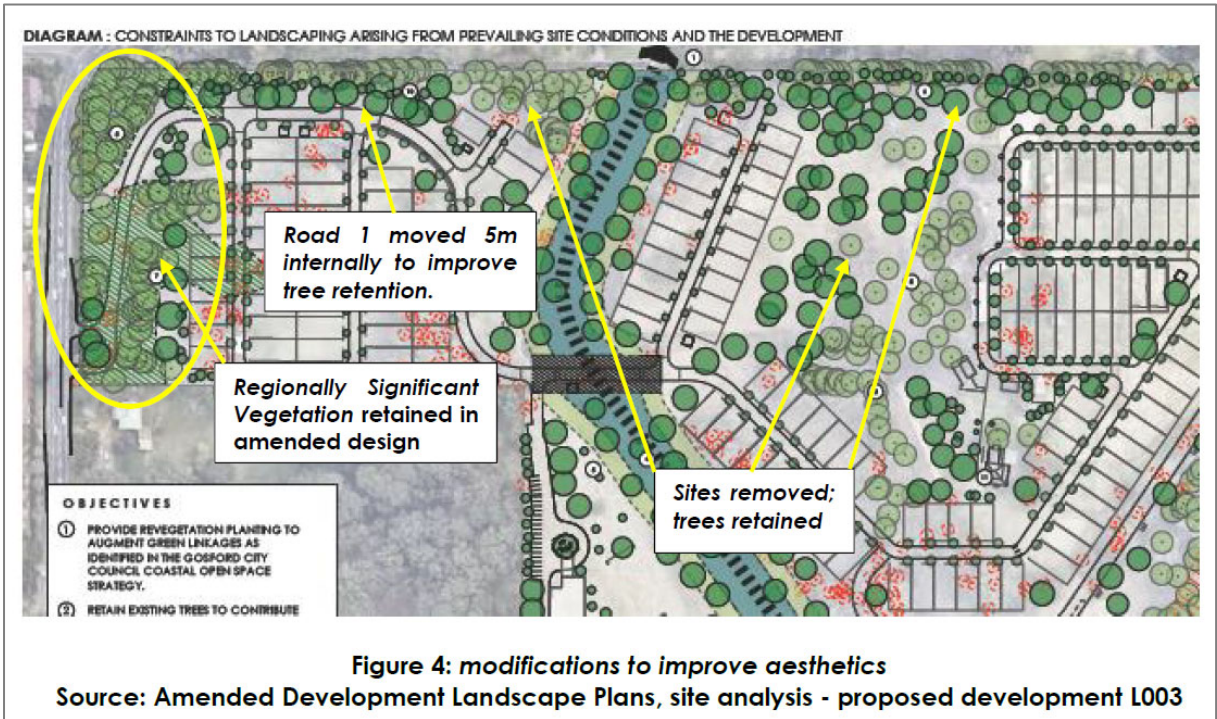
Key changes to maintain the aesthetics' of the locality include;

- Retention and enhancement of the Regionally Significant Vegetation adjacent to the southern Boundary;*
- Relocation of the primary lead-in road approximately 5m further in from the western Boundary to allow for greater retention of and minimise impacts to trees along the western boundary;*
- Removal of sites and retention of trees along the central ridge line.*
- Works to the historic farm dam and drainage channel to be reconstructed and rehabilitated to mimic a natural riparian corridor.*
- Retention and rehabilitation of approximately 5.5ha of vegetation at the northern end of the site, where the tree count is estimated at more than 1,200 trees*
- The net increase trees on site by at least 208 as outlined in Table 1.*

The above measures provide for enhanced screening and are appropriate and significant measures to minimise the impacts on aesthetics, as demonstrated in the following figures.

Annexure 3 provides a response from the Team's consulting Landscape Architect/ Arborist, with a photomontage showing the proposed development when viewed from Avoca Dr (south western corner) as Annexure 4.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)



Objective 2 – no adverse impact on values

The above responses to [zone] Objective 1 demonstrate that key values have been considered and appropriately responded to in the amended and reduced proposal so that no adverse impacts occur on those values.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Objective 3 - To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford

Approval of this residential land lease community is likely to be the greatest opportunity to achieve ecologically, socially and economically sustainable development which respects and values the biodiversity of the region. Once developed, it will remove any opportunity for further development as the Region continues to experience a continued growth in population for the years ahead.

The submitted Biodiversity Development Assessment Report (BDAR) has considered local biodiversity conditions and has provided measures to mitigate any impacts of the development. The development is largely proposed upon land previously cleared for agricultural pursuits – making good of previous clearing works so as to minimise impacts on the natural environment. The community once constructed will provide a sense of place and security for a section of the ageing population sharing similar values. The growth in popularity of such communities, occupancy rates and waiting list is testament to their desirability for a lifestyle living choice. This is expanded on in the Social Impact Assessment report submitted with the application, with additional comments in response to the Local Planning Panel report now provided as Annexure 5.

The development once complete will be the management responsibility of one single entity. All internal roads community facilities, landscaped gardens and retain bushland will be maintained by the operator, at no cost to Council. Buildings and community facilities within the community will be maintained to documented standards, to ensure values are preserved. Landscaping, including rehabilitated riparian corridors and retained conservation land to the north will be maintained for the life of the development.

A fenced dog exercise park has been provided where residents can meet where dogs can be safely off leash with minimal impact to local fauna.

The retention of over 5.5 ha of native forests and further lands in the riparian corridor (Approximate 8ha in total) – land not currently Identified in Councils Coastal Open Space Strategy, will be preserved and maintain for the life of the development, in keeping with COSS principles.

Objective 4 - To provide land for low-impact tourist-related development.

Comments stated in the original proposal remain relevant for the amended proposal;

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

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Objective 5 To ensure that development is compatible with the desired future character of the zone

Comments stated in the original proposal remain relevant for the amended proposal;

The proposal is based on a systematic assessment of the site and allowing natural features to give shape to a development and integrate with its surrounds. The emphasis has been on conserving and enhancing the site's features such as open watercourses, retaining trees and avoiding large-scale levelling.

The amended proposal has taken into account comments raised by Council Officers in their report dated 6 August 2020, with the amended proposal modified and reduced accordingly. Amendments include;

- *A reduction in the area of site works;*
- *Reduction in site yield, allowing for greater retention of existing vegetation;*
- *Removal of "Welcome Centre" and community facility near Avoca Dr;*
- *Relocation of internal infrastructure (roads) away from side boundaries to assist with vegetation retention and screening opportunities from neighbouring properties;*
- *Retention of mapped Regionally Significant Vegetation adjacent to southern boundary and side boundaries;*
- *Retention of trees on the central ridgeline;*
- *Retention of approx. 5.5ha of vegetation land as set-aside conservation land consistent with COSS principles;*
- *Reduction in trees to be remove and increase in trees to be planted, resulting in a net increase in trees onsite*

These above amendments, and other design changes as detailed in the comprehensive plan sets and specialist reports annexed to this submission demonstrate how the reduction in scale of this project seeks to differentiate development of this site to urban development (including a recently approved 3 storey aged care facility) upon the adjacent R2 Low Density residential zoning.

Comment

In relation to the zone objectives, the "special ecological values" of the land include:

- The wetland provided for by the large dams and waterway, including the largest dam which meets the definition of a locally important wetland (BDAR p8);

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- The wildlife corridor, which benefits a range of threatened species including the Yellow Bellied Glider;
- Potential Green and Golden Bell Frog habitat, including a vegetated link to Avoca Lagoon where there is a known population of the species;
- The BDAR details that the presence of 35 threatened "ecosystem" credit species has been assumed. This indicates that habitat for these species is either present or assumed to be present based on surveys undertaken;
- The BDAR details that purchase of species credits for six threatened species would be required to offset the residual impacts of the development. This indicates that important habitat for these species, including breeding habitat, is either present or assumed to be present;
- Presence of the Critically Endangered plant species *Rhodamnia rubescens*;
- Presence of mapped Regionally Significant Vegetation Narrabeen Coastal Blackbutt Forest (Bell), which is equivalent to Plant Community Type (PCT) Smooth-barked Apple - Turpentine - Blackbutt open forest on ranges of the Central Coast in the BDAR.

Vegetation and Habitat Removal

The BDAR (20 November 2020) for the revised proposal subject to the 8.2 review states that "A large portion of the native vegetation in the subject land requires complete clearing (4.93 ha, or approximately 72.1%)." (pp51). The BDAR (Table 6.1) gives the total area of clearing as covering 6.92 ha. This comprises 3.02ha of total clearing, 3.56ha of APZ (including areas of total and incomplete clearing) and 0.34ha of clearing along the access from Pickett's Valley Rd.

Figure 1.2 in the BDAR shows the areas assumed to require complete clearing and those areas assumed to be IPA and Outer Protection Area (OPA). Site disturbance, including bulk earthworks, is still stated as covering over 50% of the site (SEE, pg 4). This will modify the existing landform and involve total removal of trees and vegetation in these areas.

The vegetation to be retained still only includes 11 of the 46 hollow bearing trees identified in the subject land, approximately 24% (pg 51 of BDAR).

The development will result in the reduction of an existing wildlife corridor that benefits the Yellow-bellied Glider, amongst other threatened species.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

The development will result in the reduction of aquatic habitat due to the modifications to the waterways, including dewatering of the larger dam which is recognised in the BDAR as a local wetland and assumed habitat for the Endangered Green and Golden Bell Frog.

Statements are made in the SEE about the proposal providing a net increase in numbers of trees on the site. However, this would involve removing well established mature trees in favour of tree planting. A proportion of replanted plants are usually anticipated to fail to reach maturity, and those remaining would take many years to reach maturity. Of significance are the 35 hollow bearing trees proposed to be removed.

The proposed tree removal has not been sufficiently minimised and is still excessive with regards to the environmental and planning constraints of the site.

The reduction of impacts to visually prominent trees adjacent to the southern boundary that are mapped as Regionally Significant appears to have occurred but could be much better. Councils Tree Assessment Officer noted the following:

- Civil works for the battering of the road and catchment drains along the road and western boundary will still have an unaddressed impact on the trees they think they are avoiding.
- The secondary access track to Picketts Valley Drive will likely need to be wider and require more cut and fill. This is likely to have a greater unquantified impact on native trees.
- Such bushfire requirements may further fragment the existing tree canopy and inhibit the success or suitability of re-planted trees, resulting in even greater tree removal than presented by the applicant.
- The proposal still does not go far enough to better utilise existing cleared area, conserve mature trees that provide scenically prominent backdrops visible from roads and nearby properties and does not prevent further fragmentation of the tree canopy. The concept hasn't adequately minimised impacts on mature native trees, nor concentrated enough new buildings and pavements in existing clearings.

Given the above factors, the development proposal as outlined in the 82A review could still not be reasonably described as "low impact". The proposal is not compatible with the special ecological values of the site. The proposal has not made sufficient use of existing cleared areas and avoided important habitats.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

European Heritage

Councils Strategic Planner and qualified Architect has reviewed the amended plans and information and concludes that heritage impacts have not been adequately addressed, noting the following:

- The site is occupied by an original farmhouse. The applicant sought to have the building listed as an item of heritage significance though it is not currently on the list of heritage items in Schedule 5 of the *Gosford Local Environmental Plan 2014*, it is considered an item of local significance and worthy of listing.
- The existing curtilage makes an important contribution to the original farmhouse. The curtilage allows views of the original farmhouse from all sides and provides a relatively open treed backdrop to the farmhouse.
- The application proposes locating dwelling sites to the north and east approximately 8m from the original farmhouse which will obscure view to the farmhouse and result in a cluttered visual background to the item when viewing it from the south and west
- The total number of sites and their impact on the curtilage of the item results in detrimental impacts. The impact on the original farmhouse is considered to be unacceptable.
- It is considered an unobstructed curtilage of 60m on all sides of the item is the minimum necessary to maintain the significance of the item and allow the retention of existing trees and landscaping that also contribute to the significance

However, as the site is not currently a heritage listed property or subject to a draft listing, it is noted that weight of the heritage significance of the farmhouse is limited.

The farmhouse does contribute to the aesthetic values of the site, as such further consideration could be given to the preservation of the farmhouse and its setting and curtilage. Irrespective of this, the proposal remains inconsistent with the zone objectives for the E4 zone for the other reasons detailed in this report.

Coastal Open Space System (COSS) Land

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

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

northern part of the site is supported but will be impacted by the proposed construction access and fire trail. To provide such a link between Kincumber Mountain and Avoca Lagoon would require additional private land to be added to the COSS.

Summary

The proposed development as amended remains non complaint with the objectives of the E2 zone. The proposal as amended is not a low impact residential development. It still involves:

- Significant cut and fill, up to 6.2m and 5.5m respectively
- Significant land disturbance of 131,165m², which is over half of the site
- Significant tree removal, with 327 trees proposed to be removed (noting proposed 535 tree plantings)

The proposal impacts the unreasonably impacts the trees and ecological and biodiversity values of the site and locality. The proposal is not compatible with the desired future character of the zone and area due to the urban nature of the development and impacts on the natural and built environment.

Reason for Refusal

b) The proposed development would result in additional stormwater run-off and increased downstream flooding.

Applicant's Response

Response: Stormwater

A Water Cycle Management Plan was included as Appendix 13 of the SEE submitted with the original DA. It is noted that during Council's assessment time no contact was made by relevant Council staff in relation to stormwater matters, nor was this matter addressed in Council Offices LPP report dated 6 August 2020, yet appears as a reason for refusal (1f).

An updated Water Cycle Management Plan has been prepared for the revised 165 site proposal and is provided as Annexure 6. This report concludes;

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

The stormwater detention provided by the proposed basins will allow the limiting of

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

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

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

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

Total water management has been considered during the design and modelling of the proposed development so as to incorporate water retention or reuse measures to reduce the demand on potable water.

An erosion and sedimentation control plan will be implemented to minimise the risk of erosion to disturbed areas and limit the transport of sediments from the development site to the receiving waters during construction.

Response: Flooding

A Flood Impact Assessment was included as Appendix 14 of the SEE submitted with the original DA.

It is noted that during Council's assessment time no contact was made by relevant Council staff in relation to flooding matters, yet Council Officers LPP report dated 6 August 2020, included four (4) recommendations the original report should have addressed. The subsequent lack of additional information then appears as a reason for refusal.

An updated Flood Impact Assessment has been prepared for the revised 165 site proposal and is provided as Annexure 7. This report addresses earlier criticisms and now concludes;

Two flow paths, Saltwater Creek and an unnamed tributary, flow through the Site into Avoca Lagoon. The 'Coastal Lagoon Catchments, Overland Flood Study' (the Flood Study) TUFLOW hydraulic model was used as the basis of this assessment. The Council TUFLOW model was modified to incorporate pertinent aspects of the development. Post Development conditions were assessed in the flood model for the 1% AEP and PMF events with the results presented as flood depths, levels and hazard. The results indicate that all proposed lots are above the level of the PMF and the FPL, and that the creek crossing is above the level of the 1% AEP event. Hazardous flows overtopping the crossing are noted during extreme events and warning signage should be implemented to manage the risk to motorists.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

A flood impact assessment indicates that the development does not result in off-site flood impacts and consideration of the potential cumulative impacts indicates that multiple similar developments would not result in increased flood impacts as per the Floodplain Development Manual (FDM, 2005) requirements. Local drainage design will manage site runoff and ensure that it does not affected neighbouring properties.

Comment

The applicant's repeated assertions that there were no requests for information to address certain issues are noted. It should be noted that there is no legislative requirement for council to issue a request for information.

The application was refused on a number of matters, including fundamental inconsistencies with the zone objectives, as such, it would not have been prudent to ask the applicant to undertake further detailed technical studies at that time, as it would not have addressed the fundamental issues with the nature of proposed development.

This reason for refusal is still valid for the following reasons:

- There is no way to assess the appropriateness of any of the input parameters as very few are presented. The following information has not been provided:
 - Intensity–Frequency–Duration (IFD) data used in Analysis
 - Probable Maximum Flood (PMF) Parameters and rainfall determination used in analysis
 - Pre and Post Developed WBNM files (with all parameters and ARR HUB & IFD files used)
 - TUFLOW run files
- It is proposed to create new blocks of land that will contain residential dwellings and incur a level of hazard of H3 (without the inclusion of the impact of structures (Dwellings) in a PMF event, which if accounted for, would likely raise the hazard level further.
- The construction access requires a creek crossing approximately 15m from Picketts Valley Road. The culvert and associated fill have not been accounted for in the flood modelling. There is insufficient information to ascertain if this will increase flood levels upstream of the creek crossing.
- The construction access passes by an existing dam. It is unclear whether any parts of this access are located below the 1% AEP flood.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- The use of the TrueGrid permeable paving system has not been demonstrated as being adequate for the expected construction traffic loadings.
- A concept stormwater plan for the proposed intersection and upgrade of Avoca Drive have not been provided.

The proposed development as amended has not adequately addressed flooding and stormwater impacts.

Reason for Refusal

c) The proposed development would result in significant cut and fill, earthworks and removal of vegetation on the site which would impact the ecological values, visual and scenic quality of the area.

Applicants Response

The extent of cut and fill across the site has been reduced for the amended design as a result of a reduction in overall yield and relocation and redesign of internal roads. This has resulted in reduction in cut by 36%, reduction in fill by 40%, with an overall total balance improvement by 68% as summaries in Table 1. This is likely improve further through detailed design plans to be submitted at the Construction Certificate stage, with the objective to achieve a nil cut/fill balance.

The area disturbed has been reduced by approximately 15%.

Once a site (any site) is disturbed by cut and fill and other site or building works, the level of cut/ fill and disturbance, to some degree, becomes a constant in terms of impacts on ecological values – that is, vegetation is either removed or it's not. The depth of cut/fill, to some degree, becomes immaterial.

In this instance, the level of cut and fill within the development footprint has the effect of lowering overall development, by filling natural depressions, and designing internal roads and access for improved manoeuvrability for residents throughout. The lowering of site levels, reduction in the number of sites, increased side setbacks, greater retention of mature trees providing increased vegetation screening, and proposed plantings which results in a net increase of trees by not less than 208, will not result in the deterioration of visual and scenic quality of the area to the extent that warrants refusal of the proposal.

The impacts of site disturbance on local ecological values has been addressed in the revised BDAR Assessment, which concludes that the development can be approved subject to appropriate mitigation measures, ongoing management plans and the retirement of eco-credits. This is detailed in full at Annexure 8.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

The extent of cut and fill results in development upon the subject land being lower than the surrounding landscape, including Avoca Dr to the south and adjacent rural- residential development to the west.

The siting of future development, together with the retention and enhancement of Regionally Significant Vegetation adjacent to the southern boundary, increased setbacks and vegetated buffer opportunity along the western boundary, the loss of sites and retention of mature trees central to the site, significantly reduces any impacts the visual and scenic quality of the area to the extent that it justifies refusal on this reason.

The extent of design changes is detailed in the amended concept engineering plans, landscape development application and photomontage as annexed to this submission. A separate Tree Impact Assessment for the upgraded construction access track is provided as Annexure 9.

Comment

The proposed development still results in significant cut and fill, earthworks and removal of vegetation on the site which would impact the ecological values, visual and scenic quality of the area.

While the applicant notes a reduction in cut by 36% and a reduction in fill by 40%, the argument that is made is that *"Once a site (any site) is disturbed by cut and fill and other site or building works, the level of cut/ fill and disturbance, to some degree, becomes a constant in terms of impacts on ecological values – that is, vegetation is either removed or it's not. The depth of cut/fill, to some degree, becomes immaterial."*

While the area to be area disturbed has been reduced by approximately 15%, significant land disturbance of 131,165m² remains, which is over half of the site (54%).

The significant cut and fill, up to 6.2m and 5.5m respectively, will completely change the nature of the landscape, from natural undulating hills to retaining walls and flat pads, to support the proposed 165 one and two storey manufactured home sites.

While the significant tree planting of 535 trees is noted, 327 trees are still proposed to be removed. Whilst tree removal is acknowledged as being required to enable development to occur on land, the extent of tree removal proposed in this location within the E4 zone, which seeks to retain the ecological values and visual and scenic quality of the area, is not considered appropriate or warranted in this instance.

Accordingly, the proposed development is still considered to be unacceptable with regard to cut and fill, earthworks and removal of vegetation and is considered to result in a development that is not in harmony with the objectives of the E4 zone and one which will negatively impact on the ecological values, and visual and scenic quality of the area.

Reason for Refusal

d) The site is not suitable for the proposed development due to its landscape, scenic and ecological qualities which should be preserved.

Applicant's Response

The proposal has been carefully designed to ensure that it sits within the local landscape, sympathetic to surrounding development. Landscape design principles are provided on page L101 of the Landscape Development Assessment, provided as Annexure 2.

The amended design, both layout and home designs, continue to take into account natural topography, with internal roads, the location of sites, and future home designs taking advantage of slopes by accommodating retaining walls between sites, with a mix of 2 storey designs to suit. Importantly, sites have been removed from key locations to increase landscape buffers between the development footprint and adjacent land, and to retain mature trees that not only preserve ecological values but also provide additional vegetation screening across the site, particularly when viewed from Avoca Dr.

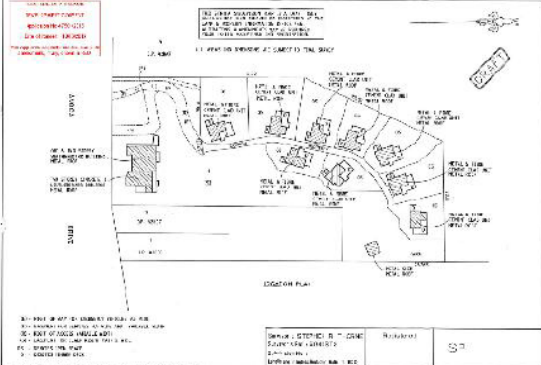
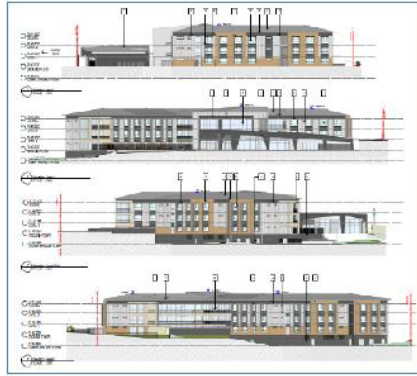
The siting of future development, together with the retention and enhancement of Regionally Significant Vegetation adjacent to the southern boundary, increased setbacks and vegetated buffer opportunity along the western boundary, the loss of sites and retention of mature trees central to the site, significantly reduces any impacts the visual and scenic quality of the area to the extent that it justifies refusal on this reason.

The Biodiversity Development Assessment Report has assessed impacts of site disturbance on local ecological values. This report concludes that the development can be approved subject to appropriate mitigation measures, ongoing management plans and the retirement of eco-credits. This is detailed in full at Annexure 8, with a response letter from the consulting ecologist provided as Annexure 10.

The retention of over 5.5 ha of native forests and further lands in the riparian corridor (Approximate 8ha in total) – land not currently Identified in Councils Coastal Open Space Strategy, will be preserved and maintain for the life of the development, in keeping with COSS principles.

The locality and immediate landscape is under continual 'transition' as the Region experiences sustained and forecast population grow. Two immediate examples of nearby growth are summarised in the following table;

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

<p>Nine tourist cabins and subdivision approved upon adjoining site to south at 263 Avoca Dr.</p>	<p>108 bed aged Care Facility, in 3-4 Storey buildings, approved immediate opposite (south) of site at 290 Avoca Dr.</p>
	
<p>This equates to 12 dwellings per hectare, with an average lot size of 839m², with limited opportunity for perimeter vegetated screening and retention of vegetation on site.</p>	<p>Approved June 2020.</p>
<p>Table 2: Examples of adjacent development</p>	

It is put that the proposed development, which has been designed to site development generally upon land previously cleared for agriculture and forestry, maximise perimeter vegetated buffers, retain significant canopy trees, retained conservation land, re-establish riparian corridors etc will provide for at least equal, if not superior outcomes, in respect to landscape, scenic and ecological qualities than is otherwise provided by existing development further along Picketts Valley Rd. An aerial image of nearby development (also zoned E4) is provided below in figure 6.



3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Comment

The site is not considered suitable for the proposed development due to the urban nature of the development, extent of earthworks required, tree clearing and impacts on ecology.

The applicant states that the development has been “*carefully designed to ensure that it sits within the local landscape*”, but this is not the case as the proposal involves large-scale site regrading, to provide for what are akin to benched lots for future one and two storey dwellings. The site regrade plan at Figure 5 demonstrates this. The design has not sought to utilise existing roads or cleared areas within the site.

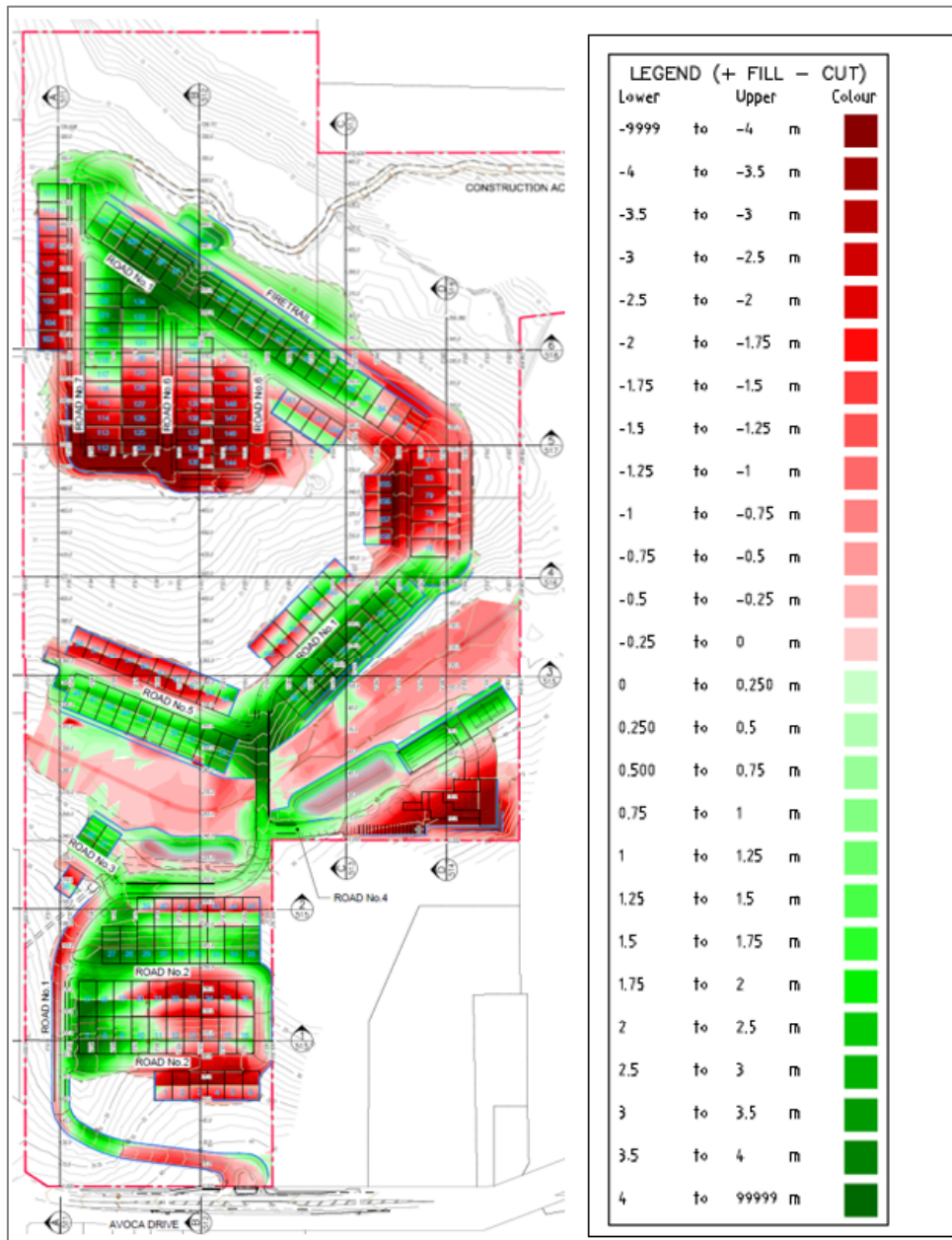


Figure 5- Site regrade plans extract

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

The scale and nature of the proposed 'caravan park', with the intention of 165 dwelling sites that will cater for substantially sized one and two storey manufactured homes, is essentially an urban development. The land is zoned for low-impact residential and tourist-related development that will not have an adverse impact on the ecological or aesthetic values and is of a scale that is compatible with those values of the area.

In regard to the applicant's reference to the consent at 263 Avoca Drive, deferred commencement development consent was granted for 9 x 2 bedroom Tourist Units and Shed, car parking and provision of sewer to the site under **DA/40779/2011** on 13 July 2012.

This development was approved almost 10 years ago, under different planning controls, being the *Gosford Interim Development Order No 122*. However, it is noted there were similar issues and controls at that time. The assessment report for DA/40779/2011 included the following comments:

"The proposed development consists of nine (9) low-impact single storey units and minimal cut/fill. The proposal will minimise environmental and tree management issues in relation to the subject land. However, the provision of sewer to the subject land includes a proposal to connect to the Gosford Coastal Carrier System Augmentation Stage 2 works through private land to the west of the site. The proposed sewer line as shown on the Plan titled: "Concept Pressure Main and Gravity Sewers within Lot 3 DP 421607 and Lot A DP 449600 Avoca Drive Kincumber", prepared by Treers Rose & Associates, is located within an established tree line which runs along the front and western boundaries of this property.

Removal or further fragmentation of the tree canopy along the property boundary of Lot A DP 449600 to accommodate connection to Council's Sewer system has potential to impact on natural scenic qualities and amenity of surrounding properties in the locality and detract from the character of the locality. Accordingly, a deferred commencement condition has been imposed requiring the sewer line to be positioned to minimise impact on established trees."

It is noted that a Section 96(1A) amendment to Deferred Development Consent DA/40779/2011 involved the deletion of the deferred commencement conditions, and allowed for the issue of an operative consent, but also added 3 stages, and included the requirements of the deferred commencement conditions within Stage 2, with the stages constructed as follows:

- Stage 1 shall comprise construction of a shed. The shed shall not be used for habitable purposes. Stage 1 works shall not include tree removal as indicated in red on the consent plans.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- Stage 2 shall comprise provision and connection of reticulated sewer to the site, submission of Arboricultural Impact Assessment and Nest-box Replacement Strategy
- Stage 3 shall comprise the following works:
 - Construction of Nine (9) x two (2) bedroom tourist units; including required car parking - 9 spaces.
 - Redesign of the existing parking arrangements and provision of a total of fifty-seven (57) car parking spaces for use by the existing restaurant/art gallery; and
 - Reconstruction of access and construction of an access road through the site to provide access to the proposed units and shed.
 - Provision of sewer to the development.
 - Tree removal.

Council records show that only Stage 1 (the shed) of this development consent has been progressed. The required Arboricultural Impact Assessment, which is required to be submitted to and approved by Council, has not been undertaken.

Given this approval has not progressed, this does not represent an 'example of nearby growth' as stated by the applicant.

The 108-bed aged care facility referenced by the applicant at 88 Scaysbrook Drive (formerly 290 Avoca Drive), was approved by the Regional Planning Panel on 16 June 2020 under **DA/56271/2019**. It is noted that all works on this site are confined to within the R2 Low Density Residential zone. It is also noted that the R2 portion of the site is already developed and cleared and forms part of the larger aged care facility known as 'Brentwood Village retirement precinct'.

Again, given this approval relates to residentially zoned land, and previously developed land, this does not reasonably justify a similar form of growth or development on the subject site which is zoned E4 Environmental Living.

The existing rural residential land to the north along Picketts Valley Road and Country View Road as referenced by the applicant, is zoned 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) under the *Gosford Interim Development Order No.122*, and is not Zoned E4 as stated by the applicant. The relevance of this subdivision arrangement, which from records appears to be from the 80's and 90's, 30-40 years ago, is not apparent.

The applicant has not provided adequate justification to demonstrate that the site is suitable for proposed development.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Reason for Refusal

f) Insufficient information has been provided on potential contamination, road works within the site, ecology impacts, heritage impacts, waste impacts, soil and water management, emergency and construction access, bush fire hazard, and tree retention.

Applicants Response

It is noted that during Council's assessment time of the original development application no contact was made by relevant Council staff in relation to a number of matters raised in this reason for refusal.

Contamination

A Phase 1 Site Contamination Assessment and Phase 2 Detailed Assessment were submitted during assessment of the original application. These initial reports recommended further actions to improve site conditions but concluded that this site can be made suitable for the proposed development provided the stated recommendations are implemented.

It is noted that no further requests for information were made by Council.

In Council Officers Assessment report to LPP dated 6 August 2020, identified further concerns and the need for additional reporting requirements, including a;

<i>Required</i>	<i>Response</i>
<i>1. Stage 3 Remediation Action Plan (RAP) –</i>	<i>Now provided as Annexure 11</i>
<i>2. Hazardous Substances Audit (HSA)</i>	<i>Now provided Annexure 12</i>
<i>3. Dewatering Management Plan</i>	<i>Now provided as Annexure 13</i>
<i>4. Soil and Water Management Plan</i>	<i>Now provided as Annexure 14</i>

A Contaminated Land Management Plan has also been prepared and provided as Annexure 15.

Council had also requested remediation and validation prior to DA approval, however, the Project's Senior Environmental Scientist has advised that such a request is highly unusual and onerous at this stage of the project. Further comments in reply are provided as Annexure 16.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Road works

A complete set of Concept Civil Engineering Drawings reflecting the revised 165 site layout are provided as Annexure 1. This set includes staging plans, site constraints and demolition, dewatering, Avoca Drive intersection plan, various detail plans, road section plans including fire trail and construction access, concept stormwater layout, site regrading, pad regrading, erosion and sediment controls, concept water and sewer layout.

Ecology impacts

As noted earlier in the submission a revised Biodiversity Development Assessment Report has been prepared in support of the revised 165 site proposal. This report, like the original, considers avoid and minimise measures, other measures to minimise and mitigate any impacts, and the quantum of environmental credits required to be retired in order for the development to proceed.

The revised BDAR Is provided as Annexure 8.

Heritage

This revised proposal has considered the comments from Councils Heritage Officer provided in the LPP report dated 6 August 2020.

A significant change in this amended application is the retention of the original dwelling which will be adaptively used and incorporated into the proposed community buildings as recommended by Council's Heritage Officer.

Page L302 of the Landscape Development Plans provides an overview of the "village green" which will contain the existing dwelling and curtilage. Further examples of landscaping treatments and materials, such as the use of timber post and rail fencing, use of oversized and weathered timber in constructed landscape structures (pergolas etc) and other landscaping features will be incorporated throughout the development as measures to reflect the site's cultural history as agricultural land.

It is noted that the site does not contain any registered items of Aboriginal cultural or European heritage significance. A Potential Archaeological Deposit was previously recorded in the submitted Cultural Heritage Assessment as part of the original documentation package. This PAD area is contained within the riparian buffer of the northern watercourse and is not impacted by the proposed development.

Waste

A revised Waste Management Plan, reflecting the amended 165 site layout, consistent with Council's DCP Chapter 7.2 is provided as Annexure 17.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Soil and water management

A Soil and Water Management Plan, reflecting the amended 165 site layout is provided as Annexure 14.

It is noted that the civil contractor will be required to produce their own Soil and Water Management Plan prior to construction.

Emergency and construction access

The amended proposal seeks to retain the emergency and construction access, leading from the northern part of the development area, connecting through to Pickett's Valley Rd.

Details of the upgraded access track are provided in the Concept Civil Drawings, provided as Annexure 1.

A separate Tree Assessment for the construction access has been prepared and provided as Annexure 9. This report identifies 5 trees along the existing access track to be removed, with a further 4 trees at risk due to minor upgrade and maintenance works.

*Prior to design work, further ecological investigation were undertaken in this location targeting *Rhodamnia rubescens*, with 12 Additional plants located. The alignment of the access track has been adjusted slightly, where required, to avoid any impacts upon the threatened plants. This is further commented on in the BDAR (Annexure 8).*

Bush fire hazard

The NSW Rural Fire Service issued its General Terms of Approval (GTA's) to the original proposal. A number of conditions appear to have been applied in error, or as oversight, as they do not reflect current conditions or comments made in the original Bushfire Assessment and Design Plans.

A key issue was that the issued GTA is required the entire property to be treated as an "inner protection zone" (IPA). This condition is in conflict with intention to preserve existing bushland at the northern end of the site.

The inconsistencies have been discussed with NSW RFS and a summary of those discussions and specific request to revise relevant conditions is provided in the letter prepared by Peterson Bushfire, provided as Annexure 18.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Tree retention.

As outlined in Table 1 and as discussed elsewhere in the submission, the revised proposal for 165 sites has resulted in a significant reduction in the amount of trees required to be removed, and in fact with proposed plantings, results in a net increase in trees by approximately 208.

The amended design also retains the mapped Regionally Significant Vegetation, located along the Avoca Drive frontage.

The amended design continues to retain approximately 5.5ha of existing bushland, which will be preserved and maintained consistent with COSS principles.

Comment

Contamination

The preliminary and detailed contamination assessment identify lead and asbestos contamination in surface soils around the vicinity of the residential dwelling, microbial contamination associated with the septic tank and buried asbestos pipework.

The Remediation Action Plan ('RAP') has been prepared generally in accordance with the NSW EPAs Guidelines. The demolition plan indicates that one dwelling is to be retained with all other buildings to be demolished. The Hazardous Substances Audit, which forms part of the RAP indicates that asbestos, synthetic mineral fibre and lead paint is present in several structures.

The RAP identifies the preferred methods of remediation, which include offsite disposal of lead and asbestos impacted soils, asbestos pipes and asbestos from the buildings to a licensed waste facility. Excavation and exposure to UV radiation of the microbial contamination is the preferred option, with offsite disposal to a licensed waste facility as a contingency plan, however this could be conditioned should consent be granted. An asbestos removal plan, environmental management plan and unexpected finds protocol forms part of the RAP. A construction environmental management plan for the remediation and validation works has also been provided.

A Stage 4 Validation that all site contamination has been removed and the site is suitable for the proposed land uses would be required to be provided to Council following demolition and remediation works, should consent be granted.

The application as amended has now adequately addressed contamination.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Road works

As previously discussed under the comment for reason for refusal b), outstanding engineering information relating to road works remains which does not allow the consent authority to be satisfied of the impacts in relation to the following:

- The construction access requires a creek crossing approximately 15m from Picketts Valley Road. The culvert and associated fill have not been accounted for in the flood modelling. There is insufficient information to ascertain if this will increase flood levels upstream of the creek crossing.
- The construction access passes by an existing dam. It is unclear whether and parts of this access are located below the 1% AEP flood.
- Additional information from a geotechnical engineer certifying the use the TrueGrid permeable paving system will be adequate for the expected construction traffic loadings has not been provided.
- Concept stormwater plan for the proposed intersection and upgrade of Avoca Drive has not been provided.

Ecology impacts

There is still insufficient information submitted in relation to ecological impacts associated with the development. Having regard for the updated Biodiversity Development Assessment Report (BDAR), the amended plans and report submitted with the Section 8.2 Review of Determination the following matters have been identified.

Vegetation and Habitat Removal

The SEE incorrectly states that any clearing of the Regionally Significant Vegetation (Narrabeen Coastal Blackbutt Forest) will be avoided. There is in fact clearing of this community within the extent mapped by Bell for the access of Avoca Drive and as shown in Figure 1 of the SEE. The BDAR also outlines that 5.54 ha of Plant Community Type (PCT) Smooth-barked Apple - Turpentine - Blackbutt open forest would be cleared. This PCT is equivalent to the regionally significant vegetation community mapped by Bell and referred to in the SEE.

The proposed bushfire Asset Protection Zone (IPA) appears to still encroach into the required 20m Vegetated Riparian Zone of the southern bank of the northern watercourse at certain locations, see *Figure 1.2* and *Figure 2.1* in the BDAR and *Figure 4* in the Bushfire Assessment (March 2021).

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Tree Removal and Retention

Tree removal is stated in the SEE to be 327 trees, reduced from 491 (previous proposals). There is no tree plan or Arborist report that details the size, species, health or significance of those trees to be removed compared to those being retained. Statements are made in the SEE about the proposal providing a net increase in numbers of trees on the site. However, this would involve removing well established mature trees in favour of tree planting. A proportion of replanted plants are usually anticipated to fail to reach maturity, and those remaining would take many years to reach maturity. Of significance are the 35 hollow bearing trees proposed to be removed.

The impact on existing trees is underestimated, particularly with reference to the extent of earthworks required for the accesses. There is a lack of detail that allows full assessment including tree plans, schedules and tagging to trees to allow cross referencing. The proposed tree removal has not been sufficiently minimised and is still considered excessive with regards to the environmental and planning constraints of the site.

Access from Picketts Valley Road

There remains a lack of clarity and conflicting information in relation to the upgrade of the secondary access from Picketts Valley Rd, including the scale of tree and vegetation removal required in this area. The BDAR states that a "A temporary construction access route will enter the northern portion of the subject land off Picketts Lane and will use a partially pre-existing track" and that "The temporary construction access track would not require widening or the removal of any canopy species". The BDAR, including the credit calculations, have assumed no canopy removal along the access track. This not consistent with the Tree Assessment Report for the access track and engineering plans which show that tree removal would in fact be required along the access. The credit calculations in the BDAR are incorrect if there is going to be an upgrade of this access, as outlined in the Arborist report and as required by the RFS GTAs.

BDAR information

A number of technical issues have been identified with the amended Biodiversity Development Assessment Report (BDAR):

- The BDAR needs to state which version of the BAM has been used, BAM 2017 or BAM 2020. It is assumed BAM 2017 has been used.
- The "BAM Biodiversity Credit Report (Like for like)" needs to be provided. Only the "payment summary report" has been provided with the BDAR, which does not show the full set of required credit information.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- Council's Ecologists again detected additional *Rhodamnia rubescens* plants along the access from Picketts Valley Rd that are likely to be impacted and not covered by the revised BDAR.
- One of the BAM plots was located along an access track (Figure 3.6 in BDAR). This is not compliant with the acceptable methods to locate plots outlined in Section 4.3.4 of the BAM.
- Tree removal along the access road have not been included in the calculations but is required based on the Tree Assessment Report and RFS requirements.
- Any proposed species polygon assigned to the GGBF is to be consistent with the 'NSW Guide to Surveying Threatened Frogs' (September 2020).
- Additional on-site mitigation measures would be required for removal of Green and Golden Bell Frog habitat.
- The BDAR would need to be updated to include all the RFS requirements for clearing.
- Overall, the BDAR contains insufficient measures to avoid and minimise the biodiversity impacts of the proposal.

Heritage

As the site is not currently a heritage listed property or subject to a draft listing, it is noted that weight of the heritage significance of the farmhouse is limited.

The farmhouse does contribute to the aesthetic values of the site, as such further consideration could be given to the preservation of the farmhouse and its setting and curtilage. However, given the above, the application does not require further information in regard to heritage.

Waste

Council's Waste Management Assessment Officer has reviewed the Waste Management Plan and Traffic Report submitted with the review of determination application and notes the following outstanding issues:

- The submitted document provides limited, overly brief demolition advice. Construction waste disposal advice refers to mixes of waste types where separation of all waste types for each waste stream is required.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- Commentary regarding travel paths for resident transfer of mixed and recyclables waste bins to the common waste servicing locations is required. As indicated in Table C.2: Bin-carting design standards of the Better practice guide for resource recovery in residential developments dated April 2019 by NSW EPA, a maximum surface gradient of 1 :14 over a maximum 30m distance is required.
- Swept turning path details to AS 2890.2 are required to demonstrate waste vehicle movements over the internal road network. The Traffic Report by McLaren provides comment only that the road design will generally be able to accommodate a 12.5m Heavy Rigid Vehicle, subject to detailed design with no swept turning paths for waste vehicle use detailed.
- A detailed Waste Management Strategy as referred to in the submitted Waste Management Plan to support sustainable ongoing operation of the proposed development has not been provided.

Soil and water management

Councils Senior Environmental Health Officer notes that works will require approximately 131,165m² of soil disturbance, therefore a Soil and Water Management Plan should be approved prior to consent being granted as per Section 6.3 of the Gosford DCP.

The site contains two watercourses, tributaries of Saltwater Creek and Avoca Lagoon. Avoca Lagoon is a regionally significant water body, with high recreational, ecological and aesthetic values.

Works involve dewatering and filling a small farm dam, reshaping the southern dam into a flowing watercourse with riparian vegetation and keeping the northern watercourse in its current state (with additional riparian planting). Three permanent detention/biofiltration basins (to be used as sediment basins during construction works) are proposed upstream of the existing watercourses to allow for treatment prior to dewatering. A further three sediment basins will be constructed to capture and treat sediment laden water during construction works.

Works are required on 'waterfront land', therefore a soil loss class 6 applies automatically and works are identified as a high erosion hazard, therefore timing constraints apply to when excavation and construction works can be undertaken.

The submitted Soil and Water Management Plans are not satisfactory for the following reasons:

- Construction drawings and notes for wet sediment basins have not been provided.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- Water quality parameters set for dewatering sediment basins and dewatering existing dams have not been provided.
- Hay bales are not supported in watercourses due to the risk of weeds spreading downstream. Also, construction notes and detail for hay bales have not been provided.
- Special sediment and erosion control measures have not been listed and identified.
- Sediment basins have been sized on 50% settling zone capacity however as soil loss is identified as Class 6, they must be sized on 2-month soil loss.
- Mulch mounds are not depicted on Area 1 and Area 4 catchments and are used to make up storage zones for sediment basins, however no technical construction details or notes are provided, nor is this method endorsed by the 'Blue book'.

Soil and water management has not been adequately addressed.

Emergency and construction access

Councils Tree Assessment Officer notes that the secondary emergency and construction access track to Picketts Valley Drive essentially follows the alignment of an existing track. The Tree Assessment Report - Access Track (Dec 20) proposes removal of five (5) trees, however a site inspection has revealed that the track will likely need to be wider and require cut and fill. This is likely to have a greater unquantified impact on native trees. T

No tagging of trees has been undertaken nor has any corresponding tree plan been prepared.

It is noted that the applicant offered via mail dated 16 March 2021 the following:

As we review public submissions, one clear issue is the proposed temporary construction access to/from Picketts Valley Rd.

In response to this public concern (traffic volumes, safety, environmental impacts etc), we can amend the construction process so that all construction will occur via the main entrance from Avoca Dr. Amended concept engineering plans, including staging plans etc and an amended CMP are currently being prepared and will be ready by early next week, and will be submitted via the Portal.

This issue was raised in the original assessment report and submissions and the information submitted for the Review of Determination still proposed access from Picketts Valley Road.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

The above offer to move amend the construction process has been received more than two months post lodgement of the review of determination application.

Having regard for the fact that the application would require renotification and another referral to both internal and external officers, and there were other concerns in relation to the proposed development, the applicant was requested not to submit further amended plans.

It is also noted that the applicant made an offer to tag trees, however this offer came in after the application was lodged and Council Officers (including Planning, Engineering, Ecology, and Tree Officers) had already visited the site. This should have been carried out prior to lodgement of the Review of Determination application and an updated Arborist report prepared.

Bush fire hazard and tree retention

The applicant has submitted a bushfire assessment which has been reviewed by the NSW Rural Fire Service (RFS). The RFS has issued a bushfire safety authority which includes a condition requiring the whole site to be managed as an inner protection zone, with the exception of the native vegetation located in the northern part of the site, the riparian corridor that is proposed to be retained and conserved, and the existing stand of managed trees located along Avoca Drive.

The Inner Protection Area requires a tree canopy less than 15%, canopies separated by 2 to 5m and large gaps in vegetation. Such bushfire requirements may further fragment the existing tree canopy and inhibit the success or suitability of re-planted trees.

Tree removal along the access road shown has not been included in the BDAR calculations but is required based on the Tree Assessment Report for the Access Track. The BDAR would need to be updated to include all required clearing.

Reason for Refusal

g) The proposal is an overdevelopment of the site, inconsistent with the current and future desired character of the locality and approval is not in the public interest.

Applicant's Response

Overdevelopment of the site

In forming an opinion as to whether the proposal is an overdeveloped of the site consideration should be given to whether the proposal is consistent with zone objectives. In this instance, the first design objective states;

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

It should be noted that zone E4 Objective provide for low-impact residential development. The term "low impact" should be differentiated with the terminology used in, for example, objectives for zone R2 which reference low density residential environment.

Earlier in this submission, comment has been provided as to how the amended proposal can occur with low impact to the local setting and landscape in which it sits. It is stressed that low density and low impact are not the same.

As noted earlier in this submission, the project team has worked hard to ensure the proposal has low impact upon the site and surrounds. The lowering of site levels, reduction in the number of sites, increased side setbacks, greater retention of mature trees providing increased vegetation screening, and proposed plantings which results in a net increase of trees by not less than 208 and reestablishment and enhancement of riparian zones.

An updated Traffic Impact Assessment is provided as Annexure 19.

The assertion that the proposal is an overdevelopment of the site is not supported by the Biodiversity Development Assessment Report, or expert reports addressing Traffic, Flooding, or Stormwater Management.

The original proposal was supported by;

- *Council's Water & Sewer Section – subject to conditions;*
- *Council's Social Planner – subject to conditions;*
- *NSW Rural Fire Service – subject to conditions;*
- *TfNSW (formerly RMS) – subject to conditions;*
- *Natural Resources Access Regulator – subject to conditions;*
- *NSW Department of Primary Industries (Fisheries) - subject to conditions;*

It is anticipated that the amended and reduced proposal will again be supported by the above Departments.

Inconsistent with the current and future desired character of the locality

Section 4.12 of the original Statement, stated the following in respect to desired future character;

The proposal is based on a systematic assessment of the site and allowing natural features to give shape to a development and integrate with its surrounds. The emphasis has been on conserving and enhancing the site's features such as open watercourses, retaining trees and avoiding large-scale levelling.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Further comments were provided under Cl 4.7.1, in respect to Council's DCP Ch. 2.1 Character, and stated the following;

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

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

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

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

Not only do these comments remain relevant for the amended proposal, but the changes made to the amended proposal (including the lowering of site levels, reduction in the number of sites, increased side setbacks, greater retention of mature trees providing increased vegetation screening, and proposed plantings which results in a net increase of trees by not less than 208 and reestablishment and enhancement of riparian zones) further demonstrate the proponents willingness to work with both Council & the community to ensure the modified development is consistent with the current and future desired character of the locality.

It should be noted that the current Gosford LEP 2014, allows for a variety of uses upon land zoned E4 Environmental Living including: -

*Animal boarding or training establishments; Camping grounds; Caravan parks; Dwelling houses; Eco-tourist facilities; Environmental protection works; Extensive agriculture; Homebased child care; Home industries; Oyster aquaculture; Pond-based aquaculture; **Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes;** Roads; Secondary dwellings; Signage; Tank-based aquaculture; **Tourist and visitor accommodation; Veterinary** hospitals; Water storage facilities*

The highlighted uses above represent some examples where potential impacts could equal or exceed those impacts anticipated by this current amended proposal.

It should also be noted that the Gosford LEP 2014 currently permits strata subdivision of the land which allows creation of allotments having a lot size less than the prescribed minimum by virtue of Cl. 4.1A of Gosford LEP 2014. This Clause states;

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential, recreation and environment protection zones

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (c) Zone RU5 Rural Village,*
- (d) Zone R2 Low Density Residential,*
- (e) Zone RE1 Public Recreation,*
- (f) Zone E2 Environmental Conservation,*
- (g) Zone E3 Environmental Management.*
- (h) (Repealed)*

(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the [Strata Schemes \(Freehold Development\) Act 1973](#) or [Strata Schemes \(Leasehold Development\) Act 1986](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

The important exception to this Clause is that Zone E4 Environmental Living was repealed when an amendment was gazetted on 27 March 2015. The consequence of this repeal is that no minimum lot sizes applies for an approved development e.g. tourist accommodation, under the Gosford LEP 2014.

There are a number of examples of where this has occurred, with one example adjacent to the site at 263 Avoca Dr Kincumber, where a 9 lot strata subdivision has been approved, created lots with an average size of 840m² (equates to 12 dwellings/Ha – comparable to low density residential development) upon land zoned E4. We are aware of other similar examples within 2km of the site upon land also zoned E4. This provides an indication that Council is flexible on its own views on the current and future desired character of the locality.

It should be noted that the original and amended proposal do not propose subdivision, with the development intended to be managed by a single entity, with individual sites subject to a lease arrangement.

Consistent with recognised Planning Principles, the visual dominance of the amended development is reduced by;

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- *The retention and enhancement of the Regionally Significant Vegetation adjacent to the southern boundary;*
- *Increased setbacks from both southern and western boundaries;*
- *Retention of trees along the western boundary providing for improved vegetation screening;*
- *Revised cut/fill and benching work which has the effect of reducing the overall levels of future housing and also taking advantage of level changes and designing houses accordingly;*
- *Ensuring a maximum height of any building will be two story, consistent with surrounding existing development (with the exception of the recent approval for 3-4 storey Aged care facility opposite upon 290 Avoca Dr).*

It should also be noted and as previously mentioned earlier in this submission, the locality and immediate landscape is also under continual 'transition' as the Region experiences sustained and forecast population grow.

Having regard for the above matters, the design responses and detail provided in the specialist reports annexed, it is our considered view that the amended proposal is not inconsistent with the current and future desired character of the locality.

Public interest

Section 5.4 of the original submission put forward reasons why approval of the original application was in the public interest. These reasons remain relevant to the amended 165 site proposal.

The amended proposal has gone to great lengths to reduce potential localised impacts by reducing site yield, realigning roads to increase separation distances to adjacent developments and to improve vegetation screening opportunities between developments, retaining mature trees central to the site to enhance vegetated screening, retaining mapped Regionally Significant Vegetation, retention of the original dwelling to be repurposed into future community facilities, identifying and avoiding a listed threatened plant, and other measures.

The original proposal was supported by;

- *Council's Water & Sewer Section – subject to conditions;*
- *Council's Social Planner – subject to conditions;*
- *NSW Rural Fire Service – subject to conditions;*
- *TfNSW (formerly RMS) – subject to conditions;*
- *Natural Resources Access Regulator – subject to conditions;*
- *NSW Department of Primary Industries (Fisheries) - subject to conditions;*

It is anticipated that the amended and reduced proposal will again be supported by the above Departments.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Comment

The proposal as amended is still considered to be an overdevelopment of the site. As discussed above the significant site regrading, cut and fill and site disturbance of over half of the site cannot reasonably be considered 'low impact'. There are significant impacts on trees, ecology, flooding, soil and water quality, and the visual and aesthetic values of the site.

The applicant's comments on the difference between low impacts and low density are noted. Setting aside density, the nature and character of the development is that of an urban development, which is not in line with the current and future desired character of the locality or environmental living zone which applies to the site now, and is intended to apply to the site upon the commencement of the Central Coast Local Environmental Plan.

The other permitted uses within the zone are noted. The statement that the uses "*represent some examples where potential impacts could equal or exceed those impacts anticipated by this current amended proposal*" is a general assumption as any future development would have regard for the merits of a proposal and its potential impacts.

The relevance of the strata subdivision controls as cited by the applicant are not clear. Strata subdivision allows for different ownership arrangements but still may be considered "low impact" in the context of the assessment and may result in little physical or environmental impacts on land in isolation.

The applicant notes the strata subdivision of the nine tourist cabins at the adjacent 263 Avoca Drive, Kincumber (approved under **DA 47581/2015** on 18 March 2016), and includes the resultant density "*lots with an average size of 840m² (equates to 12 dwellings/Ha – comparable to low density residential development) upon land zoned E4.*". However, it is not the density, but the impacts that are of relevance. It is noted that the Assessment Report for the strata subdivision states that "*The proposal is a Strata Subdivision of an approved tourist development and has no additional impact on the site or the locality. The proposal will not detract from the character or scenic qualities of the area or have unreasonable impacts on the environment.*"

For the above reasons and those discussed further in this report the proposal is not in the public interest.

Reason for Refusal

h) Pursuant to Draft Central Coast LEP (2018) the proposed development is prohibited within E4 Environmental Living zone.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Applicant's Response

Council's attention is drawn to Cl.1.8A of the exhibited draft consolidating LEP 2018, which states;

1.8A Savings provision relating to development applications

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

The original development application was lodged on 14 January 2020. The Draft Central Coast LEP (2018) was in draft form at the time of lodgement (and still remains in draft form). It is the proponents considered view that Cl.1.8A preserves the provisions of the Gosford LEP 2014, and that the proposed land use is Permitted with Consent.

The relevance of Draft LEP's, including the weight to be applied, has been examined many times before the Courts. In general, the weight to be given to a draft LEP depends on whether the draft LEP is "certain and imminent". Certainty refers to the content of the LEP. If the terms of the draft LEP are still being debated then the draft LEP is not certain. If the terms have been finalised then the draft LEP is certain. Being imminent refers to how close the LEP is to be made, that is signed off by the Minister.

A brief history on the Draft Central Coast LEP (2018) is provided below;

- In November 2016 Council resolved to refer the draft Planning Proposal to the Dept of Planning seeking Gateway Determination;*
- The Dept of Planning issued Gateway Determination on 26 October 2017. Dot Point 1, sub point 6 of the Gateway states;*
- Provide justification for reducing the potential areas where caravan parks are permissible*
- The Gateway Determination was extended on 29th November 2018;*
- The draft consolidated LEP was exhibited 6 December 2018 to 28 February 2019;*
- Amongst the exhibition material included the Planning Proposal, dated December 2018;*
- Assessment of Sec 117 Directions, in particular 3.2 Caravan Parks & MHE's, wherein Council acknowledges inconsistency with the Direction, but considered to be of minor significance.*
- It is unclear whether Council has provided sufficient justification in response to Gateway Point 1, sub-point 6*

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- *On 9 March 2020, a report was put to Council seeking that the Draft LEP be adopted and that the Planning Proposal be referred to the Department of Planning, Industry & Environment to be finalised. However, on the night, Councillors resolved to make not less than 17 amendments to tabled report. Questions were raised as to whether the extent of changes warranted re-exhibition. this issue remains unresolved.*

Council also resolved on the 9 March 2020;

That Council

- a) defer finalisation of the draft Consolidated LEP and Consolidated DCP until after the LSPS has been finalised*
- b) consider a further report to Council that aligns the draft Consolidated LEP / DCP with the adopted Local Strategic Planning Statement including;*
 - i) any proposed changes to the CCLEP / CCDCP*
 - ii) any further work necessary, if applicable*
 - iii) outlining how the draft CCLEP / DCP aligns with each Action in Council's Community Strategic Plan*

The Draft Central Coast LEP (2018) has not been reported back to Council since 9 March 2020, and is therefore put not to be certain or imminent.

It is noted that there has been a gradual erosion of landowner entitlements as each version of the principle planning document (IDO or LEP) has been introduced – from zone 7(c3) under the former IDO, to the proposed E4 under the Draft LEP as it applies to the subject land. This is despite each conversion LEP promoted as generally a "like for like" zone conversion intending to carry over similar permissible used from one document to another.

It is accepted that it is not always possible to transiting exact entitlements, but the point is made that the landowner has suffered a downgrade of entitlements on each conversion, which are not minor or insignificant (to the landowner) as Council has previously stated in the relevant Planning Proposal(s). It is put that such significant changes to the landowner's entitlements should occur as part of the future comprehensive review of the LEP, and supported by the various studies including rural lands, housing, the yet to be complete urban edge review etc, rather than incremental "downzoning" as has currently occurred.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

A summary of the loss of entitlements is highlighted in the Table? below;

	HISTORIC	CURRENT	PROPOSED	Comments
	Gosford IDO No. 122 ZONE NO. 7(c3) CONSERVATION AND SCENIC PROTECTION (SCENIC PROTECTION - TOURIST ACCOMMODATION)	Gosford Local Environmental Plan 2014 Zone E4 Environmental Living	Draft Central Coast LEP 2018 Zone E4 Environmental Living	
3 Permitted with current	Development (other than exempt development) for the purpose of: advertisements; animal establishments; bed and breakfast accommodation; camping grounds or caravan parks; child care centres; clubs; clubs; clubs; occupancies attached dwelling-houses; educational establishments; home industries; hotels; lawn cemeteries; places of public worship; plant nurseries; recreation and sporting facilities; recreation establishments; restaurants; roads; roads; roads; roads; utility substations; utility substations	Animal boarding or training establishments; camping grounds; Caravan sites ; dwelling houses; Essential facilities ; Environmental protection works; intensive agriculture; home-based child care; Home industries; Water aquaculture ; Non-based aquaculture ; Nurs ; Recreation facilities (indoor) ; Recreation facilities (outdoor) ; Registered clubs; Restaurants or cafes; Roads; secondary dwellings; Signage; Tank-based aquaculture; Tourist and visitor accommodation ; Veterinary hospitals; Water storage facilities	Animal boarding or training establishments; Bed and breakfast accommodation; Breeding centres ; Based child care facilities ; Community facilities; Bus occupancies ; Dwelling houses; Essential facilities ; Educational establishments ; Emergency services facilities; Environmental facilities; Environmental protection works; farm buildings; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (see services); Information and education facilities; Recreation areas; Research stations; Respite day care centres; Roads; Roadside shops ; Secondary dwellings; Sewage reticulation systems ; Signage; Veterinary hospitals ; Water recycling facilities ; Water supply systems	The draft Consolidating LEP has the effect that it will delete the following: <ul style="list-style-type: none"> > Caravan parks > Clubs > recreation facility (indoor)* > recreation facility (outdoor)* > Registered clubs > restaurant or cafe > Tourist and visitor accommodation • See below for expanded definitions

Table ??: Loss of entitlements through consecutive LEP amendments

Comment

The *Draft Central Coast Local Environmental Plan* (Draft CCLEP) is a matter for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

Under the provisions of the Draft CCLEP, the land is proposed to retain the *E4 Environmental Living zoning*, however 'caravan parks' are not permissible in the E4 zone under the provisions of the Draft CCLEP.

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

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

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

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

- The weight to be given to each head of consideration in s4.15(1) of the EPA Act is a matter for the consent authority.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- The case law is to the effect that the weight to be given to a draft instrument will be greater, the more 'certain and imminent' it's making (*Terrace Tower Holdings v Sutherland Shire Council* [2003] NSWCA 289 (Terrace Towers)).
- A draft instrument is generally considered to be 'imminent and certain' where it has been approved by the planning authority and sent to the Minister to be made.
- By contrast, a draft instrument which has not been the subject of public consultation will generally be given less weight than one that has been the subject of public consultation.

The Draft CCLEP has been publicly exhibited and adopted by Council on 14 December 2020, however, has not yet been sent to the Minister to be made. The Draft CCLEP is considered both reasonably imminent and certain and can be afforded significant weight.

The following site-specific circumstances are considered in terms of the public interest being served in approving the development:

- The objectives of the E4 zone under the Draft CCLEP are:
 - To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
 - To ensure that residential development does not have an adverse effect on those values.
 - to allow additional land uses that will not have an adverse impact on those values.
- As discussed throughout this report the proposed development is not consistent with these objectives as the proposal cannot be considered to be 'low impact' and results in adverse impacts on the ecological and aesthetic values of the site.
- There is no historic or future expectation for this nature of development on the site. The site is located within the Kincumber Character Area 13: Scenic Buffer under the GDCP 2013. The desired character for this area includes "very-low density residential developments" and requires the retention of natural slopes, prevention of further fragmentation of tree canopy, low impact construction methods and avoidance of retaining walls. The proposed development is in direct conflict with desired character future for the area.

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

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

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

The draft CCLEP will prohibit caravan parks on E4 zoned land. The applicant was aware of this during the exhibition of the draft plan and prior to the lodgement of the application and Section 8.2 Review. No public submissions were received objecting to the proposed E4 zoning of the land and or that caravan parks should be retained as a permissible use with consent in the zone during the exhibition of the Draft CCLEP.

It is not in the public interest to approve a development which is inconsistent with both the current and draft zone objectives. This would prejudice the making of the draft Plan and future planning objectives for the area. It is considered the draft plan must be given significant weight and remains a recommended reason for refusal insofar as it is inconsistent with the zone objectives is therefore does not result in the public interest being served.

Assessment:

Having regard for Sections 8.2 and 8.3 and the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for the Local Planning Panel's information. Any tables relating to plans or policies are provided as an attachment.

Sections 8.2 and 8.3 of the *Environmental Planning and Assessment Act 1979*

Section 8.2 (1) (a) of the EP&A Act 1979 allows for the determination of an application by a local planning panel to be subject to a review under this Division.

Section 8.3 (3) allows for the applicant to amend the proposed development and *the "consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development"*. The amended plans retain the general configuration of the original proposal and it is considered that the proposal remains substantially the same as that for which was refused on 6 August 2020.

Section 8.3(5) states that *"the review of a determination or decision made by a local planning panel is also to be conducted by the panel"*

Moreover, the Local Planning Panel best practice notes recommend the local planning panel reviewing the decision is comprised of different Panel members to those who made the original decision. This panel is to be called the "Decision Review Panel of the Central Coast Council local planning panel."

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Section 4.6 of the *Environmental Planning and Assessment Act 1979* -Integrated Development

Water Management Act 2000

The proposed development includes the carrying of work within 40m of waterfront land and is classified as Integrated Development. In accordance with section 91 of the *Water Management Act 2000* a controlled activity approval from the Natural Resource Access Regulator (NRAR) is required.

The Section 8.2 Review of Determination application was referred to NRAR. In an email dated 28 April 2021, NRAR advised that the General terms of Approval issued for the original application would remain the same and no further information was required.

Rural Fires Act 1997 & Planning for Bushfire Protection

The subject site is located within a designated bushfire prone area and the proposed development is nominated as a Special Fire Protection Purpose under Section 100B of the *Rural Fires Act 1997*. General terms of approval were sought from the NSW RFS in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*.

On 23 February 2021 the RFS requested that:

- An updated Bush Fire assessment report should be provided, prepared by a Bushfire Consultant and reflect the current revised scheme, illustrating its compliance with Appendix 2 of Planning for Bush Fire Protection (PBP) 2019.
- It should illustrate the extent to which the proposed development conforms with, or deviates from, the specifications set out in PBP 2019, and address all requirements in clause 44 of the *Rural Fires Regulation 2013*; and,
- Include any of the discussions undertaken with the NSW RFS, as well as the issues and compliance with PBP 2019, as outlined in their request for a review dated 24 November 2020.

An updated Bushfire Report was provided by the applicant on 15 March 2021.

Pursuant to Section 100B of the *Rural Fires Act 1997* NSW RFS issued a Bushfire Safety Authority on 4 May 2020.

It is noted that the Bushfire Safety Authority included the requirement for the entire property to be managed as an IPA (refer extract below) which is considered problematic with regard to tree retention and in maintaining the ecological and aesthetic values of the area.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

That the entire property must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019 with the exception of the native vegetation located in the northern part of the site, the riparian corridor that is proposed to be retained and conserved and the existing stand of managed trees located along Avoca Drive.

Fisheries Management Act 1994

The proposed development includes dewatering and filling a small farm dam and reshaping the southern dam into a flowing watercourse. These works involve dredging or reclamation work, and therefore require a s201 permit under the *Fisheries Management Act 1994*.

The Review of Determination application was referred to Department of Primary Industries (Fisheries) and on 2 February 2021 a letter from the Department of Primary Industries (Fisheries) advised the following:

The proposal constitutes a controlled activity under the Water Management Act 2000. As such, an Integrated Development Application should be submitted to NRAR for assessment and determination. If NRAR determines that the works do not require a Controlled Activity Approval, then the integrated development must be referred to DPI Fisheries and will require a s201 permit for dredging and reclamation under the Fisheries Management Act in order to proceed.

The proponent has indicated that NRAR have been consulted and a Controlled Activity Approval is being sought.

DPI Fisheries recommends that some deeper pools be provided along the realigned creek (perhaps in the location of the existing farm dam) to provide refuge points for fish during drought periods.

NRAR have confirmed a controlled activity approval is required therefore no further action was required in relation to referral to Fisheries.

Gosford Local Environmental Plan 2014 (GLEP 2014)

Zoning and Permissibility

The subject site is zoned *E4 Environmental Living* under *Gosford Local Environmental Plan 2014*. A caravan park is permissible in the zone with development consent.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

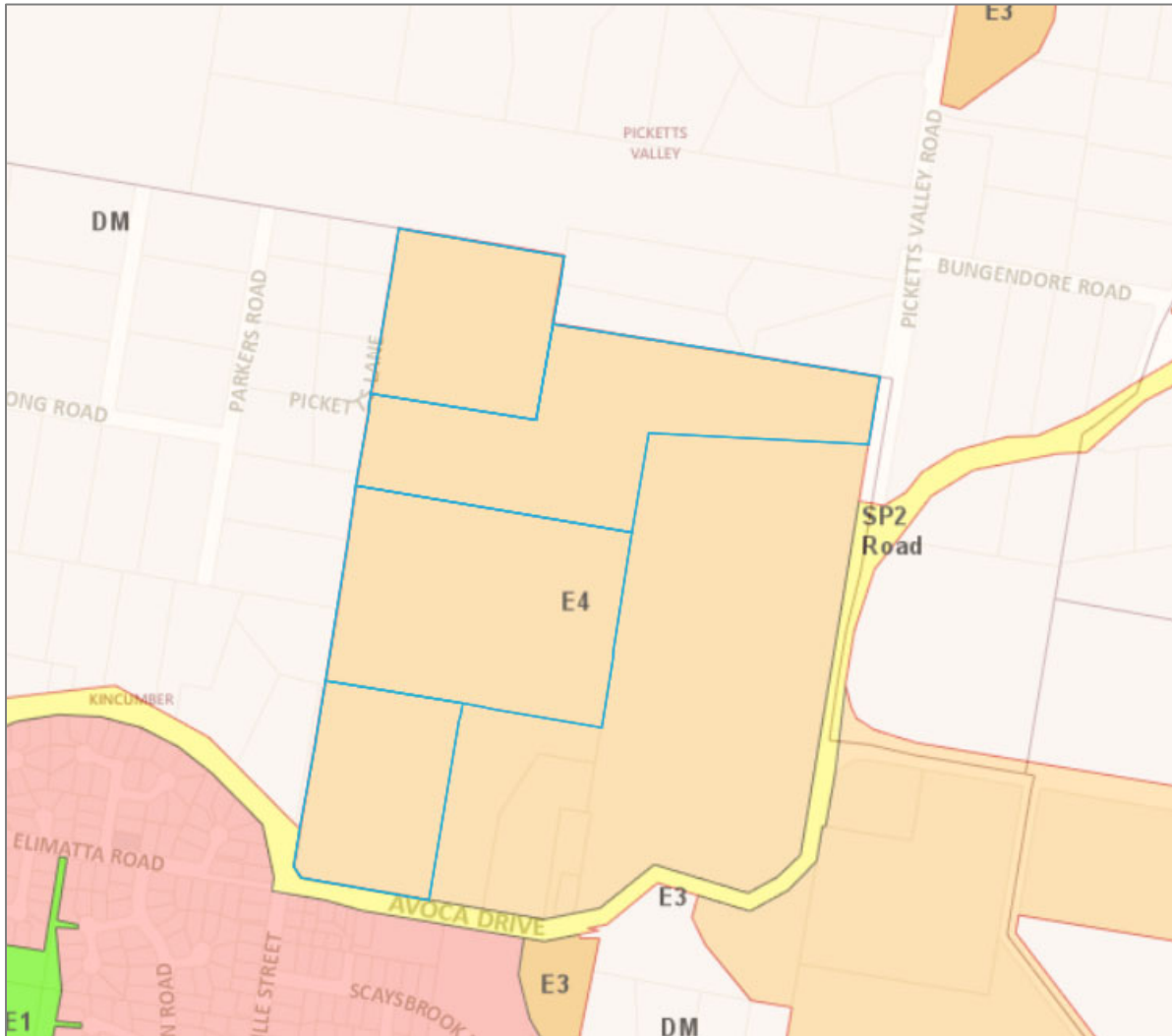


Figure 6 – Zoning Map extract

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

A caravan park is a permissible use in the E4 zone. The proposed development involves the provision of 165 long-term and two short-term dwelling sites and an associated community building and facilities.

The definition of 'caravan park' requires that caravans are to be installed or placed on the land; 'other moveable dwellings' may be placed or installed on the land in conjunction with caravans, but are not required in order for the development to meet the definition of a 'caravan park'.

The definition of "moveable dwellings" includes manufactured homes under the GELP2014:
"moveable dwelling means:

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
(b) a manufactured home, or ..."

The parentheses "(or caravans and other moveable dwelling)" contained in the definition of "caravan park" states that manufactured homes in conjunction with caravan sites qualifies, and forms part of the definition for, a caravan park.

The definition of 'caravan park' does not specify a minimum number or proportion of caravan sites beyond requiring that there must be 'caravans' (i.e. more than one). The application proposes two short-term sites for caravans. The location of the two short-term sites are shown in Figure 7.

Legal advice received by Council for a caravan park at 1 Bowtells Drive, Avoca Beach (DA 51538/2017) recently confirmed that there is no minimum number or proportion of caravan sites and that there is no authority from the Land and Environment Court which requires that a certain proportion or percentage of sites within a caravan park (as that term is defined by the standard template) are required to contain caravans.

However, the inclusion of two short-term dwelling sites for caravans, in conjunction with 165 long-term dwelling sites must be proposed for a proper purpose to satisfy the requirements of the definition for a caravan park, having particular regard for the decision made in *TMT Devco Pty Limited v Cessnock City Council* [2016] NSWLEC 1161 ('TMT Devco').

In *TMT Devco Pty Limited v Cessnock City Council* [2016] NSWLEC 1161 ('TMT Devco'), the Court determined that development for manufactured homes with associated "caravan **parking** and RV storage" did not qualify as a "caravan park" as it was considered **ancillary** to the use of the site as a manufactured home estate.

For this application, the applicant states that "only 2 short term sites are provided, essentially to provide suitable **parking** for visitors of residents".

In addition to this, the sites are not provided with servicing as required by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, such as appropriately located shower, toilet and laundry facilities (discussed further under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* heading below). The applicant states that the two short term sites are provided for "guests of residents of the long-term sites and will therefore utilise their facilities when visiting".

The facts and proposed uses in the *TMT Devco* case are not fundamentally different to those proposed by this application. The applicant states that that two short term sites are 'essentially parking spaces' for visitors of the long-term dwelling sites. As such the two short-term sites appear to be ancillary to the long-term sites in a similar way to that of *TMT Devco*.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

The characterisation of the site as a caravan park is considered to be erroneous as the short-term caravan sites are ancillary to the use of the long-term manufactured home sites and it is evident that they will not be utilised for the placement of caravans. Accordingly, the consent authority cannot be satisfied the proposed development complies with the definition.

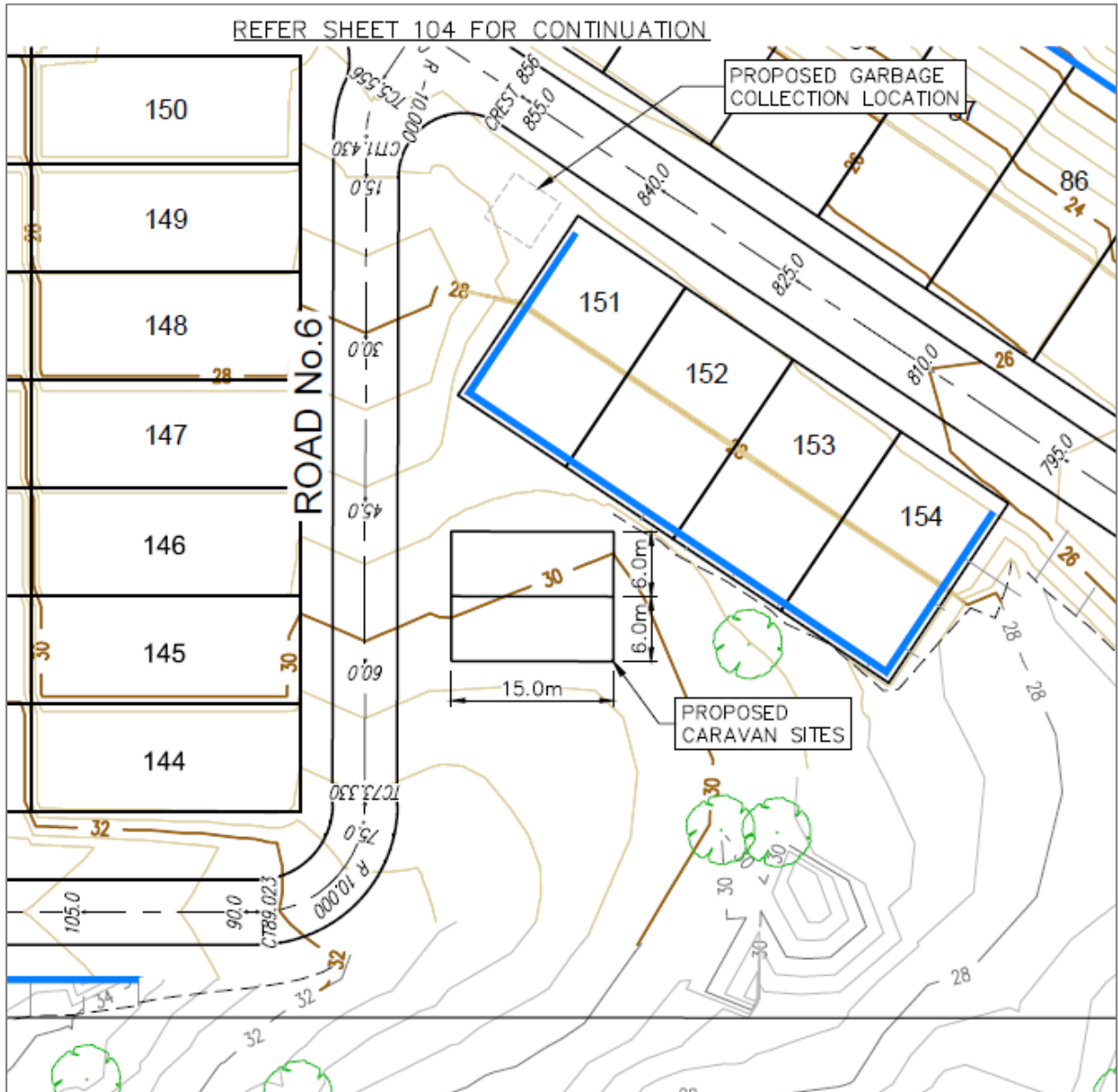


Figure 7 – Engineering Plans extract - location of two short term caravan sites

Caravan Park Use and Approval to Operate a Caravan Park

Despite the discussion regarding permissibility and definition of a caravan park above, it is important to note that this application is for the use of the site for a caravan park, as well as the required infrastructure works and construction of the community building and facilities. A

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

separate approval from Council under s.68 of the *Local Government Act 1993* (LG Act) is required to operate a caravan park and is subject to the provisions of Subdivisions 1-8 of Division 3 of the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

An applicant can make a development application, in which they apply for both development consent under the EP&A Act and approval under the LG Act to operate a caravan park, or they can make two separate applications. This application relates to the use and infrastructure works and building work only and does not include the Section 68 application for the *operation* of the caravan park.

Objectives of the zone

The objectives of the E4 Environmental Living zone are:

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

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

- The proposal is not a low-impact residential or tourist related development and is of an urban nature.
- The proposal is not low impact given it proposes:
 - significant cut and fill, up to 6.2m and 5.5m respectively;
 - significant land disturbance of 131,165m², which is over half of the site; and
 - significant tree removal, with 327 trees proposed to be removed (noting proposed 535 tree plantings)
- The proposal impacts the ecological and biodiversity values of the site and locality.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- The proposal is not compatible with the desired future character of the zone and area due to the urban nature of the development and impacts on the environment.

Clause 7.1 - Acid Sulfate Soils

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

Clause 7.2 - Flood Planning

The land has been classified as being under a "flood planning level" and subject to the imposition of a minimum floor level.

Two watercourses flow through the site and into Avoca Lagoon, being Saltwater Creek and an unnamed watercourse. The applicant has submitted a Flood Impact Assessment and the conclusions of this assessment are not accepted for the following reasons:

- There is no way to assess the appropriateness of any of the input parameters as very few are presented. The following information has not been provided:
 - Intensity–Frequency–Duration (IFD) data used in Analysis
 - Probable Maximum Flood (PMF) Parameters and rainfall determination used in analysis
 - Pre and Post Developed WBNM files (with all parameters and ARR HUB & IFD files used)
 - TUFLOW run files
- It is proposed to create new blocks of residential land that incur a level of hazard of H3 (without the inclusion of the impact of structures (Dwellings) in a PMF event), which if accounted for, would likely raise the hazard level further

7.3 Floodplain risk management

The objectives of this clause are:

- *In relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,*
- *To protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.*

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Clause 7.3(3) states that development consent must not be granted for caravan parks unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land.

Insufficient information has been provided to satisfy assessment staff that the above objectives regarding floodplain risk management can be achieved. Accordingly, it is considered the consent authority is unable to grant development consent without the above information.

State Environmental Planning Policy No 21-Caravan Parks

The proposal has been assessed having regard for the provisions of *State Environmental Planning Policy 21 - Caravan Parks* which state:

- (1) *The aim of this Policy is to encourage—*
 - (a) *the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and*
 - (b) *the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and*
 - (c) *the provision of community facilities for land so used, and*
 - (d) *the protection of the environment of, and in the vicinity of, land so used.*

- (2) *The strategies by which that aim is to be achieved are—*
 - ...
 - (b) *by requiring that development consent be obtained from the local Council for development for the purposes of caravan parks, and*
 - (c) *by providing that development consent may be granted that will authorise the use of sites for short-term stays (whether or not by tourists) or for long-term residential purposes, or for both, and*
 - (d) *by requiring that development consent be obtained from the local Council for the subdivision of land for lease purposes under section 289K of the [Local Government Act 1919](#).*

The proposed development is not considered to result in the orderly and economic use of the land as the development is of a nature and scale that is not appropriate for the character of the area and will result in unacceptable environmental impacts.

Clause 8 requires consideration of the number of sites suitable for long and short-term sites and requires any development consent to include a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

The definition of long-term and short-term sites, from the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* are:

long-term site means a dwelling site that is specified in the approval for a caravan park as being a long-term site.

short-term site means a dwelling site on which a moveable dwelling that is ordinarily used for holiday purposes may be installed and that is specified in the approval for a caravan park as being a short-term site.

Development consent is being sought for 165 long-term sites and 2 short-term dwelling sites. The 165 long-term dwelling sites are not considered suitable for long-term residences as discussed elsewhere in this report.

Clause 10 of this SEPP includes the matters to be considered by the consent authority including:

- (a) *whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*
- (b) *whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*
- (c) *whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*
- (d) *whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,*
- (e) *any relevant guidelines issued by the Director, and*
- (f) *the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

The topography of the site is steep with two watercourses traversing the site and covered in a large number of trees. The site is not considered suitable for the type of development that is proposed as evident by the significant site regrading required, extent of cut and fill required and resultant impacts on trees, ecology, soil and water and visual qualities.

The proposal will neither provide, nor displace any tourist or low-cost accommodation. The proposal is a "residential land lease community for over 50s, in the form of manufactured homes" (as per the applicants original Statement of Environmental Effects).

The proposed development includes on-site facilities and is located approximately 3km from shopping and services at Kincumber.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

An assessment against the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005* is included further below.

It is considered that the site is not suitable for the long-term and short-term sites proposed. The proposal will have unacceptable environmental impacts and is not of a scale or nature that is consistent with the existing or desired future character of the surrounding locality. The application is inconsistent with the stated aims and objectives of *State Environmental Planning Policy 21 - Caravan Parks*.

State Environmental Planning Policy No 55-Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether the land is contaminated when determining a development application. The proposed development involves significant disturbance through site regrading and the provision of infrastructure on the site.

As previously noted, the applicant has provided the following information in relation to contamination:

- Preliminary Stage 1 Contamination Assessment
- Detailed Stage 2 Contamination Assessment
- Contamination Assessment Report
- Stage 3 Remediation Action Plan
- Construction Contamination Management Plan
- Dam Dewatering Management Plan

The submission of the above information is considered to satisfy the provisions of clause 7(1)(c) as it is considered that the land will be suitable for the purposes of a caravan park upon remediation of the land prior to its use.

Draft Central Coast Local Environmental Plan 2018

As discussed under Reason for Refusal (h) above, the land is proposed to retain the E4 Environmental Living zoning, however 'caravan parks' are not permissible in the E4 zone under the provisions of the Draft CCLEP.

The Draft CCLEP is a matter for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979* and has been considered in detail under the Reason for Refusal (h) above.

The objectives of the E4 zone under the Draft CCLEP are similar to the current objectives, being:

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- to allow additional land uses that will not have an adverse impact on those values.

As discussed throughout this report the proposed development is not consistent with these objectives as the proposal cannot be considered to be 'low impact' and results in adverse impacts on the ecological and aesthetic values of the site. Even if caravan parks remained a permissible use, the proposal remains inconsistent with the draft zone objectives and could not be supported in its current form.

Gosford Development Control Plan 2013 (GDGP 2013)

Chapter 2.1 Character

The site is identified as being located within *Unit 13-Scenic Buffer* of the *Kincumber Precinct*. The desired character for this area, as set out in the DCP is (with emphasis added):

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

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

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

*Maintain the informal character of existing semi-rural hillsides by **avoiding tall retaining walls, extensive terraces or broad driveways** that would be visible from any road or nearby property, and provide boundary fences that are see-through such as*

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

traditional post-and-rail designs. Surround all buildings with extensive garden setbacks, planted with new trees and shrubs that are predominantly indigenous to complement the established canopy. Noxious or environmental weeds must not be planted, and existing infestations should be controlled.

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

Chapter 2.2- Scenic Quality

The site is located within *Kincumber land unit* of the *East Brisbane Water Geographic Unit*. The development objectives are:

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

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- 8 *Recognise importance of privately owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for COSS lands.*

The proposed development is by nature and character an urban, seniors living, residential development, with over half of the site being disturbed by cut and fill and with 165 tightly packed dwelling sites proposed. This pattern of land use is commensurate with a more typical urban residential development and similar to the residential and seniors housing development located to the south, which is on residential zoned land. This pattern of land use is not appropriate on environmental conservation land and does not ensure protection of landscape diversity or ensure the continuing dominance of landscape features over built environment.

The built forms will be visible from adjoining properties and from public spaces (including Avoca Drive) and will impact the scenic quality of this area due to the extent of clearing, earthworks, and the nature of development.

Chapter 3.10-Environmental Controls for Development in Zone E4.

The objectives of this clause are:

- *to provide further detail to guide assessment relating to tourist-related development to that provided in Council's planning instrument.*
- *to encourage tourist-related development which is sympathetic with the ecological characteristics of the land on which it is located and in the catchment of the land.*
- *to encourage tourist-related development where the layout of the development ensures that the natural/rural characteristics are the dominant feature of the land.*
- *to encourage tourist-related development where the design of buildings blends with the natural/rural setting.*

The specific requirements of this section of the GDCP 2013 are to:

- *Restrict the amount of development on land on slopes greater than 20% - Where this is not possible, due to the extensive areas of the land having slopes over 20%, development can occur on the steeper land as long as building methods are adopted which rely on minimal disturbance to the land surface such as pole or similar type construction.*

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- *Maximise retention of existing native vegetation - All development including all building works, access, bushfire asset protection zones should be confined to existing cleared areas*
- *Restrict the amount of cut and fill - The extent of cut and fill for buildings is to be limited to a maximum of 1m and in other cases is to be minimised.*
- *Ensure provision of utility services protects ecological and landscape values of land and catchment.*
- *Encourage a design of tourist development which is compatible with the natural/rural character of Environmental land in the City.*

The site has some areas with slopes in excess of 20% which results in extensive cut and fill across the site for the provision of roads and benching of sites. Building methods, such as pole foundations, have not been proposed to minimise impacts.

While the reduction in tree removal from the originally proposed 491 to 327 trees is noted, it remains a significant number, and the works are not confined to the existing cleared areas on site. It is considered that the type of development proposed, including the number of dwelling sites, is not conducive to the retention of existing native vegetation and for minimising the extent of cut and fill on the site where site disturbance equates to approximately 131,165m², which is over half of the site (54%).

While utility services can be provided to the site with underground connections, this will form part of the overall excessive disturbance of the site.

The proposal is not a tourist development and is not compatible with the natural/rural character of environmental land and is inconsistent with this section of GDCP 2013.

Chapter 6.1- Acid Sulfate Soils.

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

Chapter 6.3-Erosion and Sedimentation Control

The proposed development results in extensive cut/fill and earthworks to create roads and building sites. The slope of the land along with the extent of earthworks proposed, in proximity to the watercourses, have the potential for erosion to impact on the watercourses and downstream properties. The submitted Soil and Water Management Plans are not satisfactory as discussed elsewhere in this report.

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Chapter 6.6-Tree and Vegetation Management.

327 trees are proposed to be removed. While proposed tree plantings are noted, there remains a significant removal of trees on E4 zoned land which is a result of the intensification of development proposed on the land that is not in harmony with the objectives of the zone. Development of E4 land is required to consist of low-impact development that does not affect the ecological and aesthetic values of the land and will result in sustainable development of the site. The caravan park in its current form does not achieve these objectives.

Council's Tree Assessment Officer and Ecologist have also raised concerns in relation to the extent of tree removal on site.

Chapter 7.1 - Car Parking

The dwelling sites can accommodate a manufactured home that can provide the required number of car parking spaces for each dwelling along with visitor parking spaces.

Chapter 7.2 - Waste Management

An amended waste management plan was submitted with the application. Council's Waste Assessment Officer advises the plan is not satisfactory as it fails to adequately address waste generated during construction and operational waste collection and servicing.

Any planning agreement

There are no planning agreements applicable to the application.

Relevant Regulations

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

The proposal has been assessed in accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (LG Regulation 2005).

Part 3 'Caravan parks, camping grounds and moveable dwellings' applies to the operation of caravan parks and camping grounds, and to the installation of moveable dwellings (including manufactured homes) in caravan parks and camping grounds.

Clause 71 requires that council must not grant an approval to *operate* a caravan park or camping ground unless it is satisfied that it will be designed, constructed, maintained and

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operated in accordance with the relevant requirements of Subdivisions 1–8 of Division 3. Table 1 below includes an assessment of the requirements of Subdivisions 1-8. Where text in the comment column is bold, this indicates an identified non-compliance or lack of information to demonstrate compliance.

Part 3, Division 3 – Caravan Parks and Camping Grounds	
Requirement	Comment
Subdivision 1 Land and site requirements	
83 Minimum size of caravan park or camping ground – 1 ha	Complies - the site has an area of approximately 24 hectares.
84 Community amenities – 10% of land area for recreation or other communal activities	Over 10% of the site can be used for recreational purposes including the proposed community centre building and swimming pool, bowling green, tennis court, putting green, dog park, walking tracks and passive outdoor recreation.
85 Size of dwelling sites and camp sites – 80sqm site size for long term sites 65sqm for short term sites	Complies – 204m ² minimum for long term and 90m ² minimum for short term sites.
86 Site identification	Capable of compliance.
Subdivision 2 Setbacks	
87 Dwelling sites to have road frontage	All dwelling sites will have vehicular access to internal access road.
88 Setbacks of community buildings – 10m to property boundary and the boundary of a dwelling site. This can be reduced to 3m and 5m respectively in accordance with cl 88(3).	Complies - The community building is setback more than 10m from site boundaries and other dwelling sites.
89 Setbacks of dwelling sites and camp sites from road frontages – 10m from a public road and 3m from any other boundary.	All dwelling sites are setback greater than 10m from any public road or property boundary.
90 Use of buffer zones – setback area can be used for amenities, roads, parking and landscaping	N/A
91 Separation distances - 3m required between moveable dwellings on long-term sites, with the exception of semi-detached	The applicant states that this is “To be addressed when future manufactured homes (moveable dwellings) are installed.” However, the indicative plans show the dwellings with separation of less than 3m and concern is raised with the future ability or intention to comply with this control.

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Part 3, Division 3 – Caravan Parks and Camping Grounds	
Subdivision 3 Roads	
92 Entrance and exit roads – 7m 5m width of sealed portion if divided	The Engineering plans show a divided entrance road, with a road width of 4m and 5m, the 4m section is not compliant. The remainder of Road 1, where not divided has a carriageway of 6.5m, which is not complaint.
93 Forecourt – 4m by 20m, to accommodate incoming vehicles	The applicant states that this control is not applicable, stating that “<i>This is not considered relevant given that the majority of the site is proposed for long term sites for manufactured homes. With this in mind, the caravan park will not have constant incoming/outgoing campervans and caravans. A s82 objection will be lodged with s68 application to operate following approval of the proposed DA.</i>”
94 Width of roads – 6m for 2 way roads	Complies – roads are 6m wide
95 Speed limits – 15km per hour and must be sign posted	Capable of compliance.
96 Resident parking - one resident parking space for each dwelling site or camp site.	Complies - The sites provide ample space for the parking of a caravan and a car. Each manufactured home will have a car parking space.
97 Visitor parking - one visitor parking space for each 10 long-term sites, one visitor parking space for each 20 short-term sites	Complies - 18 visitor spaces are required; 21 spaces are provided
98 Visitor parking for people with disabilities - at least one for every 100 sites	Complies – 2 spaces are provided
99 Road surfaces – all weather sealed, with adequate drainage	The internal driveways are proposed and capable of being all weather sealed, however the proposal has not adequately addressed the stormwater drainage and flooding impacts as a whole.
100 Lighting - All access roads must be adequately lit between sunset and sunrise.	Capable of compliance providing there is minimal impact on fauna.
Subdivision 4 Utility services	

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Part 3, Division 3 – Caravan Parks and Camping Grounds	
101 Water supply	Complies - the site is capable of being connected to mains water supply
102 Sewerage A long-term site must be provided with a connection to the sewage disposal system Any short-term sites must be provided with at least one common soil waste dump point for the disposal of closet waste from caravan holding tanks and the like.	The long-term sites and the community building is capable of being connected to sewer. No common soil waste dump point is provided for the short-term sites. It is noted that the applicant states "only 2 short term sites are provided, essentially to provide suitable parking for visitors of residents. Appropriate connect points to reticulated sewer will be provided."
103 Drainage	The proposal has not adequately addressed the stormwater drainage and flooding impacts as a whole.
104 Electricity supply	Dwelling sites are capable of having an electricity supply
105 Common trenches – may be used for services	Noted
Subdivision 5 Shower and toilet facilities	
106 Modification of calculations under this Subdivision - dwelling sites reserved for use by self-contained moveable dwellings, and dwelling sites provided with ensuite facilities, are to be disregarded.	Noted - Each of the 165 long-term sites will have self-contained bathroom facilities and are disregarded from the calculations. The applicant states that this section is "not applicable as all long-term sites will be self-contained." However, does not address the requirements for the two short-term caravan sites (which are required and integral to the site characterisation as a permissible use, being a caravan park).
107 Number of showers and toilets to be provided – 4 showers, 4 toilets + urinal and 5 basins required	A compliant number of toilets are provided within the community/leisure centre building.
Clause 108 Facilities for people with disabilities – one of each facility for each sex	Two accessible toilets/shower rooms are provided
109 Other facilities – hot and cold water, mirrors, sanitary napkin disposal	Capable of compliance

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Part 3, Division 3 – Caravan Parks and Camping Grounds	
110 Construction of shower blocks and toilet blocks – materials and finishes	Capable of compliance with required materials
111 Proximity of dwelling sites to shower blocks and toilet blocks – short term site must be located within 100m	<p>Does not comply, the two short-term sites are located over 250m from the community building.</p> <p>It is noted that the applicant says this clause is not applicable, but servicing of the two short-term sites is required and the two-short term sites are required for compliance with the definition of a caravan park and to satisfy permissibility.</p>
Subdivision 6 Laundry facilities	
112 Modification of calculations under this Subdivision - camp sites are taken as equivalent of one short-term site	NA
113 Washing machines – 2 washing machines required	<p>Does not comply – none provided. The applicant states that “Only 2 short term sites are proposed, whom will be guests of residents of the long-term sites and will therefore utilise their facilities when visiting. A Section 82 Objection to this requirement accompanies this documentation.”</p> <p>It is noted that no Section 82 Objection has been provided.</p>
114 Laundry tubs – 1 laundry tub required	Does not comply – none provided
115 Clothes dryers – 1 clothes dryer is required	Does not comply – none provided
Clause 116 Drying areas – 50m required	Does not comply – none provided
117 Water supply – hot and cold water required	Does not comply – none provided
118 Ironing facilities – 1 ironing board and iron with electricity supply required	Does not comply – none provided
119 Construction of laundry blocks - materials and finishes	Does not comply – none provided
120 Maintenance	Does not comply – none provided
Subdivision 7 Management	

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Part 3, Division 3 – Caravan Parks and Camping Grounds	
121 Maximum number of persons per dwelling site or camp site – maximum of 12 people	Capable of compliance
122 Register of occupiers	Capable of compliance
123 Information to be given to prospective occupiers	Capable of compliance
124 Use of caravan parks and camping grounds – caravan park must not be used for commercial purposes, for the manufacture, construction or reconstruction of movable dwellings	The applicant states that the site will not be used for the manufacture, construction or reconstruction of moveable dwellings, however the applicant also notes that the manufactured homes will be constructed on site.
125 Community map	Capable of compliance
126 Access to approval and community map	Capable of compliance
127 Garbage removal – arrangements specified must be instituted and maintained	Capable of compliance
128 Fire hydrants - No site situated more than 90m from a fire hydrant.	Capable of compliance
129 Fire hose reels	Capable of compliance
130 Car washing bay	Capable of compliance
131 Buildings – require approval	Noted. Consent is sought for the community building.

Table 1 - Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 Assessment

As indicated in the bold text in Table 1 above, there are several non-compliances with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, including:

- Clause 91 – separation distance between movable dwellings; indicative plans show consistently less than the 3m requirement between the manufactured homes.
- Clause 92 – entrance and exit road are less than the required 5m width required.
- Clause 93 – the requirement for a caravan forecourt is disregarded as irrelevant by the applicant and not indicated on the plans.
- Clause 111 – there is no separate showers and toilet blocks, while there are adequate shower and bathroom facilities provided with the community building, this clause requires these facilities to be within 100m of the short-term sites, with the distance being well over 250m.

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- Clauses 113-119 – relate to laundry facilities – none are provided, with the applicant stating that the short-term sites will only be used by guests of the long-term sites and will rely upon the facilities within the manufactured homes.
- Clause 124 states that the caravan park must not be used for the construction of movable dwellings – the applicant advises that the manufactured homes will be constructed on site.

A number of these non-compliances demonstrate that inadequate services will be provided to the short-term caravan sites. The justification provided by the applicant suggest that these short-term sites are ancillary to the long-term sites only, with statements such as the two short-term sites are *"essentially to provide suitable parking for visitors of residents"* and are provided for *"guests of residents of the long term sites, and will therefore utilise their facilities when visiting"*. This raises the question of the nature and characterisation of the use of the site as a caravan park, which has been discussed previously in the report.

Clause 75 relates to the installation of moveable dwellings on flood liable land and requires Council to have regard to the principles contained in the Floodplain Development Manual. In this regard, consideration needs to be given to the location of the long-term dwelling sites and whether any future erection of a manufactured home/moveable dwelling will be in an appropriate location having regard for flooding impacts. Insufficient information has been received to determine if the dwelling sites, access etc. are in an appropriate location having regard for flooding.

Any variations would require an objection from the applicant in accordance with Section 82(1) and 82(2) of the *Local Government Act 1993* that compliance with the above provisions are unreasonable or unnecessary in the particular circumstances of the case and specify the ground of the objection. A subsequent concurrence from the Departmental Chief Executive would be required in accordance with Section 82(3) of the *Local Government Act 1993*.

The applicant has indicated that a Section 82 objection will be lodged with the Section 68 application to operate the caravan park in the event approval is granted for the proposed development.

It is noted that this application is for the use of the land as a caravan park and associated infrastructure works, as well as the construction of the community building. Even though the s.82 objection is deferred until consideration of the s.68 application to operate the caravan park, concern is raised in relation to the proposal's future ability to comply with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

The applicant's justification for the variations, that being that the two short term sites are *"essentially to provide suitable parking for visitors of residents"* and are provided for *"guests of residents of the long term sites, and will therefore utilise their facilities when visiting"* are not

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considered acceptable or well founded as they dismiss the ability of the short-term sites to be used as genuine short-term caravan sites and the issue of permissibility remains an issue.

Clause 135(1) of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* states that "A relocatable home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the caravan park from, a place of manufacture outside the caravan park. The applicant has advised that the moveable dwellings will be constructed in major sections, however, has advised that the moveable dwellings will be constructed on site. The legislation clearly refers to the "installation" of a relocatable dwelling that has been constructed and assembled outside the caravan park. This is not supported.

It is also unclear whether consent is being sought under this application for the construction of the manufactured homes on site. Insufficient information has been provided in this regard.

Likely Impacts of the Development (built environment, natural environment, economic and social impacts)

Built Environment

The site is located within the E4 Environmental Living zone, which permits caravan parks. However, as discussed elsewhere in the report, it is considered the proposal cannot be properly characterised as a caravan park and is more akin to a seniors housing development and a manufactured home estate, both of which are prohibited in the E4 Environmental Living zone.

The site is located within the Kincumber Character Area 13: Scenic Buffer under the GDCP 2013. The desired character for this area includes "very-low density residential developments" and requires the retention of natural slopes, prevention of further fragmentation of tree canopy, low impact construction methods and avoidance of retaining walls.

The proposed removal of vegetation, cut and fill and benching, does not retain the natural slope of the land and the extent of development proposed on the land (165 dwelling sites) will not result in a low impact, very low density residential development that is consistent with the desired character of the area.

The proposal is not considered acceptable in the context of the site and surrounds.

Natural Environment

The proposed development includes the removal of over 300 trees. However, it there is likely to be more trees to be removed in several areas, including around the main entrance road and the around the fire access road through the rear of the site to Picketts Valley Road. This

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tree removal will have unacceptable visual and ecological impacts, despite any proposed replanting/landscaping.

The site contains two watercourses which are tributaries of Saltwater Creek and Avoca Lagoon. Avoca Lagoon is a regionally significant water body, with high recreational, ecological and aesthetic values. Works will require a significant degree of soil disturbance (approximately 131,165m²). The applicant has been unable to demonstrate how the requirements of Section 6.3 of the Gosford DCP have been met or how soil and water will be managed appropriately on site.

The proposal has significant and unacceptable ecological impacts, as discussed in this report.

The proposal has not adequately addressed the stormwater and flooding impacts, as discussed throughout this report.

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

Trees

A Tree Impact Assessment relating to the upgraded construction access track was provided, however no revised Arborist Report or acceptable plans showing the reduction in tree removal relating to the rest of the site has been provided. Council's Tree Assessment Officer has provided the following comments:

- The reduction of impacts to visually prominent trees adjacent to the southern boundary that are mapped as Regionally Significant appears to have occurred but could be much better. Instead of running mostly through the mapped area, greater reductions of impacts could be achieved by redesigning the entry access and then setting back the east-west running portion beyond 40m of the southern boundary (Avoca Drive). This could reduce tree removal from approximately 60 trees down to less than 20 trees.
- The primary lead road has been moved 5m further in from the western boundary, however civil works for the battering of the road and catchment drains along the road and western boundary will still have an unaddressed impact on the trees that are nominated as being avoided. Consideration could be given to modifying the existing central access track, so that its location impacts mostly on smaller natives or undesirable exotic species (Camphor laurel).
- Retention of native trees along the central ridge to improve the vegetated buffer has been somewhat achieved, with many of the mature native trees in this area now being retained. Although the proposed tree removal in this area has been reduced, a mixture of planted ornamentals and groups of natives set within the managed grounds of the existing dwelling and stables will still be removed.

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- An area that appears to have been overlooked and would reduce impacts on existing trees is the grove along the watercourse on the eastern side of the access. Retention of trees by redesigning to utilise the mostly cleared area upslope could greatly contribute to screening from adjoining properties.
- The secondary access track to Picketts Valley Drive essentially follows the alignment of an existing track. The Tree Assessment Report - Access Track (Dec 20) proposes removal of just five trees, however a site inspection found that the track will likely need to be wider and subject to further cut and fill. This is likely to have a greater unquantified impact on native trees.
- The RFS response states that the entire property must be managed as an Inner Protection Area (IPA) (with the exception of the native vegetation located in the northern part of the site, the riparian corridor that is proposed to be retained and conserved and the existing stand of managed trees located along Avoca Drive). The IPA requires a tree canopy less than 15%, canopies separated by 2 -5m and large gaps in vegetation. Such bushfire requirements may further fragment the existing tree canopy and inhibit the success or suitability of re-planted trees, resulting in even greater tree removal than presented by the applicant.
- The proposal doesn't satisfy an expectation to better utilise the existing cleared area nor demonstrates minimising impacts on native trees by greater tree retention.
- The proposal still does not go far enough to better utilise existing cleared area, conserve mature trees that provide scenically prominent backdrops visible from roads and nearby properties and does not prevent further fragmentation of the tree canopy. The concept hasn't adequately minimised impacts on mature native trees, nor concentrated enough new buildings and pavements in existing clearings.

Ecology

Councils Senior Ecologist reviewed the updated Biodiversity Development Assessment Report (BDAR) as well as the amended plans and report submitted with the Section 8.2 Review of Determination and has raised concern in relation to the proposed development.

As discussed previously in the report, the information contained in the revised BDAR does not adequately address the extent of tree removal and vegetation across the site, particularly having regard for APZ requirements. There has been a limited number of hollow bearing trees retained on site (11 of 46) and the development will result in the reduction of an existing wildlife corridor that benefits the Yellow-bellied Glider, and other threatened species and a reduction of aquatic habitat due to the modifications to the waterways, including

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dewatering of the larger dam which is recognised in the BDAR as a local wetland and assumed habitat for the Endangered Green and Golden Bell Frog. The proposed tree removal has not been sufficiently minimised and is still considered excessive.

It is considered the proposed development cannot be reasonably described as "low impact". The proposal is not compatible with the special ecological values of the site and has not made enough use of existing cleared areas and avoided important habitats.

Economic & Social Impacts

The proposed development would create employment during construction and additional population to support local services.

The proposal has not been lodged as a seniors housing development and is therefore not subject to the *Senior Living SEPP* but is effectively will operate as one as the target market for residents of the caravan park is 55 and over. As the proposal is not permitted under the *Senior Living SEPP* and does not rely on the *Senior Living SEPP*, the appropriateness of the sites in terms of accessibility, slope, flooding, bushfire and availability and impacts on medical and other services has not been addressed.

It is recognized that there is a need to cater for increasing ageing of the population and to provide for affordable housing, however, this site is not appropriate for this type of development and would not provide affordable housing as it is presented as an 'upmarket' seniors housing estate.

Suitability of the Site for the Development:

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

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

The site is considered not suitable for the proposed development due to extent of earthworks required, tree clearing, impact on ecology, and the fact that in its current form, the proposal is not compatible with the desired character of the area.

The proposed development does not fit in the locality and is essentially an urban development on land that is nominated for low-impact residential and tourist-related development and as an area of special ecological and aesthetic values where sustainable development is to be promoted.

Any Submission made in Accordance with this Act or Regulations

The application was publicly exhibited for the following periods:

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- 22 January 2021 to 1 March 2021
- 26 March 2021 to 4 May 2021

It is noted that the application was renotified as additional information was received from the applicant, however this information did not propose any further changes but provided further detail of the proposed development. The additional information included:

- Modified Design Principle Plans, marked-up accordingly as relevant for the reduced layout of 165 sites.
- Additional landscape plans, which includes additional section detail and photomontages.
- Updated Bushfire report.

A total of 137 submission were received. The submissions are summarised in the table below:

Summary of Submissions	Response
Amended plans represent only minor reduction from refused plans - It does not address the overall issues	Agreed. These concerns are shared and discussed in detail in this assessment report.
Contrary to E4 zone objectives is not 'low impact', is not compatible with the semi-rural character of the area, tree, ecology, water and scenic impacts, excessive regrading	Agreed. These concerns are shared and discussed in detail in this assessment report.
Traffic and safety concerns, traffic report is inadequate	Avoca Drive is a main road which carries a high volume of local and through traffic. The traffic generated by the proposed development can be catered for by the existing road system. Both Council's traffic engineer and TfNSW require construction of an intersection onto Avoca Drive for the proposed development. It should also be noted that TfNSW propose to carry out future upgrading roads along Avoca Drive in this locality in the future. The traffic study has been reviewed by TfNSW and Council's traffic engineer who consider the study adequately addresses the impact on the road system and have recommended works if approved.
Significant tree removal	The removal of trees will impact the visual quality, scenic value and character of the area, as well as impact on the biodiversity values of the site.
Site is not suitable for elderly residents who will be socially isolated, particularly those with mobility problems.	These concerns are noted.

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Summary of Submissions	Response
Flooding impacts	The impact of flooding from the watercourses through the site will determine the minimum floor level for dwellings erected on the site. The proposed development will result in a significant increase in impervious and paved areas which will increase stormwater runoff. The impact of this must not increase flooding impacts on other sites in the catchment area. The flood report submitted does not satisfactorily address flooding.
Caravan parks are prohibited in the E4 zone under the draft CCLEP 2018 which has been exhibited.	This is correct. The issue of permissibility is discussed in the report.
Oversupply of retirement living in the Kincumber area.	The proposal has been lodged as a caravan park not housing for seniors or people with a disability and is being assessed accordingly.
Impacts the water quality of the lagoon.	Insufficient information has been provided to demonstrate impacts on water quality and that appropriate stormwater controls will be implemented on site.
Bushfire prone, safety issue with new residents	The applicant has submitted a bushfire assessment which has been reviewed by the RFS. The RFS has issued a bushfire safety authority approval.
Impact on local infrastructure and the environment during construction.	Construction impacts can be mitigated by the preparation of a construction management plan.
The site is an aboriginal transit site with endangered and protected species.	The Aboriginal Cultural Heritage Assessment, submitted with the original proposal, has revealed a potential archaeological deposit (PAD) adjacent to the southern bank of the northern dam. This area has been marked on plans and is retained within riparian setbacks. No work are intended within close proximity. In accordance with standard protocols should nearby excavations reveal any matters of significance, appropriate procedures will be implemented. As the application is recommended for refusal, no further action has been undertaken on this matter.
The existing power line to the site is an agreement between owners and power would not be able to be provided to the site.	The developer would be required to provide power and services to the development in accordance with the various service authority requirements.
Kincumber shopping centre is at capacity and will be overloaded by this development.	There are a number of other shopping centres that could cater for the increase in population created by this development, including Erina Fair. The increase in population is minor in the wider context of the Central Coast and this is not a reason to refusal.
It is a blatant misuse of the definition of a caravan park	The issue of the definition as a caravan park has been discussed in the report.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Summary of Submissions	Response
Concern with close proximity of proposed houses to existing houses on adjoining sites.	Sufficient setbacks from site boundaries are provided in terms of amenity for neighboring residents. However the visual impacts from the proposed site regrading, tree removal and proposed dwelling sites are not acceptable
Local hospitals are under immense pressure due to our aging population	This concern is noted however this issue is to be dealt with at a state level and is not a reason to refuse the application
Picketts Valley Road should not be used as an entry and exit to the site for construction purposes. The intersection of Picketts Valley Road and Avoca Drive is steep and hazardous.	The proposed access to Picketts Valley from the rear is for construction access as well as for emergency access in the event of bushfire, and if approved would be constructed to meet these heavy vehicle requirements.
Manufactured homes are not permitted on E4 zoned land. The proposal is inconsistent with SEPP 21 Caravan Parks as the site has many environmental constraints.	Manufactured homes are permitted in the E4 zone as part of a caravan park development, however for the reasons outlined in this assessment report the proposal is not considered to be properly characterized as a caravan park and the site is not considered suitable for the proposed development.
Subdivision of the site into large lots would be more appropriate.	The minimum lot size in subdivision is 4 ha. The site would have the potential to subdivide from 4 lots into 6 lots. Council officers must assess the development application before them, which is not for subdivision in this case.
Impact on property values	Individual property values are not a valid reason to refuse the proposal and no evidence has been submitted to substantiate changes in land values which are affected by several criteria and variables.
No security fencing around the perimeter of the site	Security fencing is not a requirement and there is existing fencing between properties.
Water restrictions	This is not a reason to refuse the application. The increase in population is minor and water supply has been planned for the increase across the region.
Since Living Choice have owned the property there has been no maintenance carried out such as to fencing, removing fallen tree branches which land on adjoining land.	This is not a relevant matter in determination of the application. It is a matter to be resolved between neighbours.
There are koalas in the area and this will further destroy their habitat.	The site or area has not been identified as containing koalas or koala habitat.
The developer has stated in public meetings that the housing is permanent dwellings and houses will never be moved. The mobile housing classification is to avoid	The proposed development will involve a lease arrangement of the land. The definition allows for the provision of long-term dwellings.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Summary of Submissions	Response
stamp duty on transactions and planning restrictions.	

Submissions from Public Authorities

The application has been referred to NSW Rural Fire Service, the Natural Resource Access Regulator (NRAR) and the Department of Primary Industries (Fisheries) as detailed under the Integrated Development heading of this report.

General Terms of Approval have been provided by NSW Rural Fire Service, the Natural Resource Access Regulator (NRAR) and were not required by Department of Primary Industries (Fisheries).

The application was also referred to Transport for New South Wales (TfNSW), who made no further comments on the proposal, to those comments made in relation to the original development application.

Internal Consultation

The Section 8.2 Review of determination was referred to and reviewed by the following assessment staff:

- Environmental Health – not supported
- Environment - Ecology – not supported
- Tree Assessment – not supported
- Engineering – not supported
- Engineering - Flooding /Hydrology – not supported
- Waste Services – not supported
- Engineering - Traffic and Transport – no objection, however, notes a deficiency in the traffic report as no SIDRA analysis of the increase in U-turns at Avoca Drive / Scenic Highway roundabout has been undertaken

Any comments provided by the officers have been considered in the assessment of the application and discussed within this report.

Ecologically Sustainable Principles:

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

The proposed development is not considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is likely to have significant adverse impacts on the environment and will decrease environmental quality

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

for future generations. The proposal does result in the disturbance of any endangered flora or fauna habitats and is likely to significantly affect fluvial environments.

Climate Change

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

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

The proposed development is not considered to be compatible with the likely increases in flooding and risk of bushfires particularly having regard to the likely age of occupants, and intensity of development.

Other Matters for Consideration:

Development Contribution Plan

The site is not subject to the provisions of any section 7.11 development contribution plan.

The site is subject to the provisions of the Central Coast Regional Section 7.12 Development Contribution Plan 2019. A contribution levy of 1% of the proposed cost of works would be applicable.

Water and Sewer Contributions

Water and sewer contributions are applicable to the development and Section 306 requirements would be issued under the *Water Management Act 2000* if the proposal was supported.

Central Coast Regional Plan 2036

The plan identifies the need for an increase in population and housing by the year 2036, including the need for aged housing. The Central Coast has a higher proportion of aged people over 55 than the state average. There is also a need for affordable housing such as that provided in caravan parks or other residential accommodation. The proposed development would provide additional housing in the local government area however, this site is not considered appropriate for the type of development proposed.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

The Public Interest

For the reasons identified in the assessment and contained within Council's reasons for refusal, the proposal is not considered to be in the public interest.

Conclusion

This application has been assessed having regard for the matters for consideration under Sections 8.3 and 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies.

It is considered that the development is not properly characterised as a caravan park. Based on the applicant's own assertions, the short-term caravan park sites are 'essentially parking spaces' for visitors of the long-term dwelling sites and are therefore ancillary to the long-term sites.

As previously discussed, the definition of "caravan park" is conjunctive, such that it requires the installation or placement of both caravans and moveable dwellings on the site, despite the fact there are no set requirements for the proportion or mix of caravans and moveable dwellings in order to satisfy the definition of a caravan park. There is no evidence that caravans will be placed on the short-term sites and therefore the consent authority cannot be satisfied that the proposed development meets the definition of a caravan park.

The Draft CCLEP was adopted by Council on 14 December 2020. The CCLEP will come into force when notified on the NSW Legislation website and is now considered both imminent and certain. Under the provisions of the Draft CCLEP, the land is proposed to retain the E4 Environmental Living zoning, however 'caravan parks' are not permissible in the E4 zone. It is considered the draft plan must be given significant weight. The proposal is not consistent with the Draft CCLEP, and in particular does not meet the draft objectives of the E4 zone.

Irrespective of the characterisation of use and permissibility, the constraints of the site and impacts of the development have been assessed and it is considered that the site remains unsuitable for the proposed development. The proposal fails to meet the E4 zones objectives (both current and draft) and cannot be 'low impact' given the significant site disturbance, tree removal and the impact on ecological, environmental and visual impacts. The proposal remains inconsistent with the current and future desired character of the area.

The proposal also fails to demonstrate how compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* will be achieved.

Given the above the proposal is not in the public interest.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley (contd)

Accordingly, it is recommended the previous decision of the Panel be reaffirmed and the application be **refused** pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

Attachments

1	Reasons for Refusal		D14622499
2	Section 8.2A Concept Engineering Plans	Provided Under Separate Cover	D14398832
3	Section 8.2A Landscape Plan		D14398882
4	Original Development Assessment Report	Provided Under Separate Cover	D14622508

Reasons for Refusal

- a) The proposed development is not properly characterised as a 'caravan park' as the two short-term dwelling sites must be proposed for a proper use to satisfy the requirements of the definition for a caravan park. The two short-term dwelling sites have been nominated for parking for visitors of residents.
- b) The proposed development is not consistent with the objectives of the E4 Environmental Living zone under the provisions of the *Gosford Local Environmental Plan 2014*.
- c) The proposed development would result in significant cut and fill, earthworks and removal of vegetation on the site which would impact the ecological values, visual and scenic quality of the area.
- d) The site is not suitable for the proposed development due to its landscape, scenic and ecological qualities which should be preserved.
- e) Insufficient information has been provided in relation to stormwater run-off and downstream flooding impacts, ecology, waste, soil and water management, emergency and construction access and tree retention.
- f) The proposal is an overdevelopment of the site, inconsistent with the current and future desired character of the locality and approval is not in the public interest.
- g) The proposed development does not have adequate regard to achieving compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*



DRAWING REGISTER

DRAWING NUMBER	SHEET NAME	REV. No.	REV. DATE
12861.5 DA L001	site analysis - images	G	26/11/20
12861.5 DA L002	site analysis - existing conditions	G	26/11/20
12861.5 DA L003	site analysis - proposed development	G	26/11/20
12861.5 DA L101	concept - design principles	G	26/11/20
12861.5 DA L102	concept - masterplan	G	26/11/20
12861.5 DA L103	concept - detail plan a	G	26/11/20
12861.5 DA L104	concept - detail plan b	G	26/11/20
12861.5 DA L201	diagram - circulation	G	26/11/20
12861.5 DA L202	diagram - fencing / walls	G	26/11/20
12861.5 DA L203	diagram - paving types	G	26/11/20
12861.5 DA L204	diagram - community facilities	G	26/11/20
12861.5 DA L205	diagram - planting	G	26/11/20
12861.5 DA L206	diagram - proposed trees	G	26/11/20
12861.5 DA L301	detail area - entry	G	26/11/20
12861.5 DA L302	detail area - village green	G	26/11/20
12861.5 DA L303	detail area - club house	G	26/11/20
12861.5 DA L304	detail area - site interface	G	26/11/20
12861.5 DA L401	plant schedules	G	26/11/20

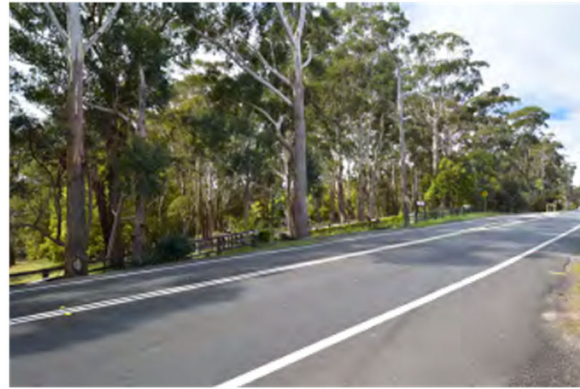
landscape development application

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255 AVOCA DRIVE, KINCUMBER NSW



site analysis - images | L001

CHOICE LIVING AVOCA



A. WESTERN APPROACH TO THE SITE ON AVOCA DRIVE



E. SOUTHERN WATERCOURSE



B. VIEW SOUTH WEST ALONG ENTRY ROAD TOWARDS LAKE



F. VIEW NORTH TOWARDS SITE FROM BUSH AREA



C. TREES AFFECTED BY PROPOSED ROAD WIDENING



G. VIEW OF HOMESTEAD LOOKING NORTH EAST



D. VIEW SOUTH TOWARDS STABLES ON HIGH POINT



H. VIEW NORTH WEST ACROSS NORTHERN PADDOCKS



G 26/11/20 FOR REVISED DA
REV DATE COMMENTS

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
DEVELOPMENT PTY LTD

12861.5, Choice Living Avoca - MASTER PLAN 2019/2020

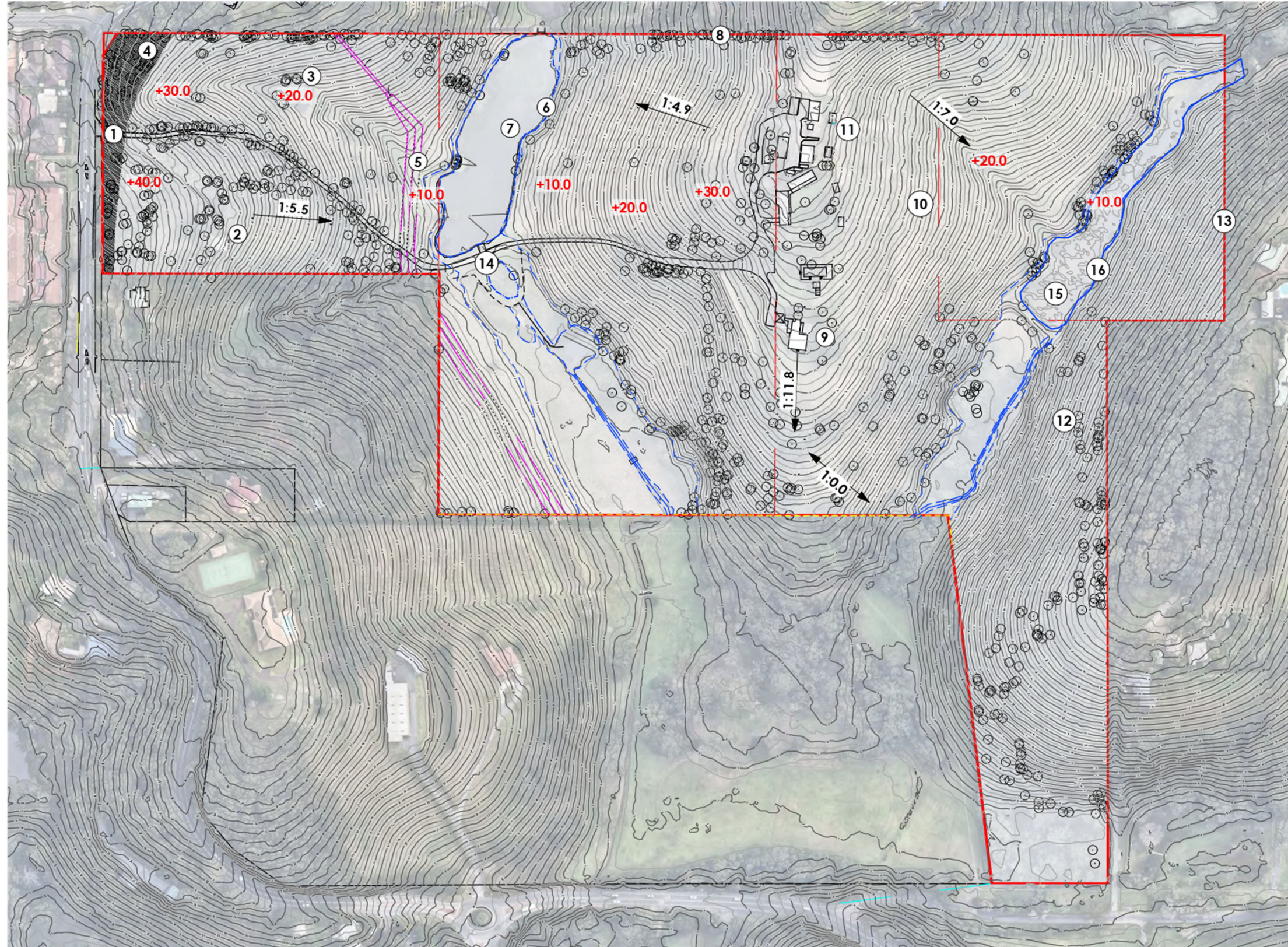
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KH / PW 13.9.19 @A3
JOB NUMBER: PHASE: DWG No: REV:
12861.5 DA L001 G



412 KING STREET NEWCASTLE NSW AUSTRALIA 2300
TERRAS.COM.AU PH: 49 294 928 FAX: 49 283 089

site analysis - existing conditions | L002

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NOTES

- ① EXISTING ENTRY TO THE SITE FROM AVOCA DRIVE
- ② EXISTING RESIDENCE (REFER IMAGE G)
- ③ FARM DAM WITHIN VALLEY
- ④ TREED CORNER PROVIDES SCREENING OF VIEWS INTO SITE FROM AVOCA DRIVE, AFFECTED BY FUTURE ROAD WIDENING WORKS PROPOSED (REFER IMAGE A)
- ⑤ RISING SEWER MAINS THROUGH THE SITE
- ⑥ SOUTHERN WATERCOURSE FLOOD EXTENTS
- ⑦ EXISTING SOUTHERN WATERCOURSE
- ⑧ MIXTURE OF EXOTIC PLANTINGS ALONG BOUNDARY INCLUDING FICUS AND LIQUIDAMBAR
- ⑨ EXISTING HOMESTEAD (REFER IMAGE G)
- ⑩ FENCED HORSE PADDOCKS TO THE NORTH OF RESIDENCE
- ⑪ STABLES AND ASSOCIATED SHEDS
- ⑫ TREED HILLSIDE
- ⑬ TREED HILLSIDE WITH NEIGHBOURS TO THE NORTH, VIEWS MOSTLY SCREENED TO PROPOSED SITE BY EXISTING VEGETATION
- ⑭ CAUSEWAY
- ⑮ EXISTING NORTHERN WATERCOURSE
- ⑯ NORTHERN WATERCOURSE FLOOD EXTENTS

G 26/11/20 FOR REVISED DA
REV DATE COMMENTS

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
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12861.5 DA L002 G



site analysis - proposed development | L003

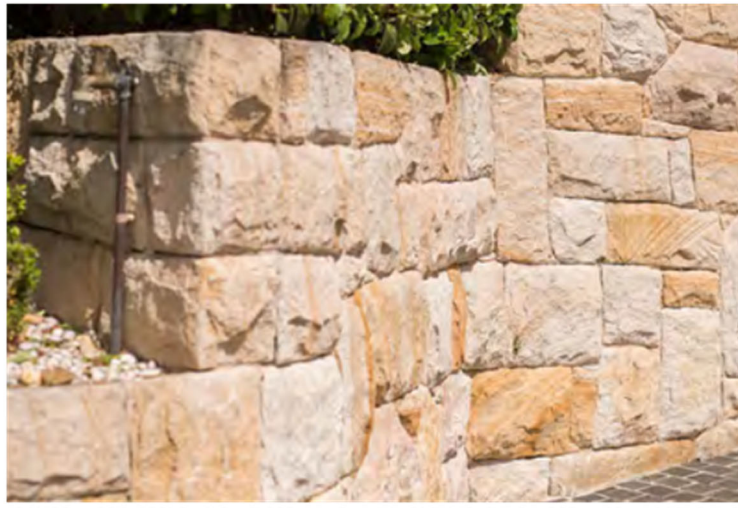
CHOICE LIVING AVOCA

DIAGRAM : CONSTRAINTS TO LANDSCAPING ARISING FROM PREVAILING SITE CONDITIONS AND THE DEVELOPMENT



concept - design principles | L101

CHOICE LIVING AVOCA



PROVIDE A LEGIBLE DESIGN SIGNATURE THROUGHOUT THE SITE WITH THE CO-ORDINATION OF SITE ELEMENTS, MATERIALS AND SIGNAGE



DESIGN PRINCIPLES

THE PROPOSED LANDSCAPE DESIGN BUILDS ON THE EXISTING CHARACTER OF THE SITE PROVIDING OPPORTUNITIES FOR RESIDENTS TO EXPLORE AND ENJOY THE BUSHLAND SETTING THE SITE ALLOWS.

NATIVE VEGETATION OCCURRING ON THE SITE IS TO BE RETAINED WHERE POSSIBLE. THIS WILL FORM THE RECREATIONAL OPEN SPACE AND ASSET PROTECTION ZONES IN PARTICULAR THE TREED AREA TO THE NORTH OF THE PROPOSED DEVELOPMENT AREA.

IN ESSENCE THE NATIVE PLANTING THEME HAS BEEN DRAWN THROUGH THE SITE TO REFLECT THE CHARACTER OF THE EXISTING ENVIRONMENT.

OF PARTICULAR NOTE IS THE RETENTION OF ESTABLISHED CANOPY TREES WITHIN THE VEGETATION BUFFER TO AVOCA DRIVE AND THE NORTHERN RIDGE WITHIN THE SITE. ADDITIONALLY THE SOUTHERN RIPARIAN CORRIDOR AND THE RETAINED VEGETATION TO THE NORTH OF THE PROPOSED DEVELOPMENT SITE. VEGETATION MANAGEMENT AND PURPOSEFUL DESIGN HAS BEEN INTEGRATED TO PROVIDE A VARIETY OF EXPERIENCES AND OPPORTUNITIES FOR OUTDOOR ACTIVITY.

STREETSCAPE

STREETS PROVIDE THE PRIMARY CIRCULATION ROUTES AND ARE DESIGNED TO REDUCE THE DOMINANCE OF CARS

- FEATURE PAVING AT STREET INTERSECTIONS
- SHARED PEDESTRIAN AND VEHICULAR USE
- ENTRY ROAD BECOMES A GREEN CORRIDOR
- ALIGNED TO PROVIDE VIEWS OF WOODLAND AND NATURAL LANDSCAPES

SPECIAL LANDSCAPED AREAS

THESE AREAS ARE WITHIN THE INTERNAL LANDSCAPE BUT HAVE BEEN GIVEN SPECIAL TREATMENT TO INCREASE INTERACTION WITH NATURE AND PROVIDE AN IMPROVED ECOLOGICAL AND VISUAL AMENITY.

COMMUNITY FACILITIES

THE COMMUNITY FACILITIES ARE THE HUB OF THE SOCIAL ASPECT OF COMMUNITY LIFE.

- ACTIVITY AREAS - BOWLING GREEN, TENNIS COURT, SWIMMING POOL
- ENTERTAINING - AUDITORIUM, LIBRARY, LOUNGE
- CONNECTIVITY TO COMMUNITY - ACCESS PATHWAYS
- YOGA PLATFORM
- FITNESS NODES
- FACILITIES ARE OF VARIOUS TYPES AND SIZES AND POSITIONED THROUGHOUT THE DEVELOPMENT TO ASSIST IN SOCIAL INTERACTIONS; ENCOURAGE ACTIVITY & PROVIDE AMENITY.

VILLAGE GREEN

THE VILLAGE GREEN IS PROPOSED AS A CENTRAL SPACE FOR RESIDENTS TO MEET IN SMALLER GROUPS CENTERED AROUND THE EXISTING FARMHOUSE WHICH IS TO BE RETAINED AND REPURPOSED.

RIPARIAN CORRIDOR

CAREFUL MANAGEMENT OF THE RIPARIAN CORRIDOR IS PROPOSED WITH CONSIDERATION FOR ECOLOGICAL CONSTRAINTS TO ACHIEVE A MANAGED GRASSLAND WITH WALKING TRAIL FOR RESIDENTS TO ENJOY

COMMUNITY GARDENS

THESE HAVE BEEN LOCATED TO PROVIDE OPPORTUNITIES FOR RESIDENTS TO WORK TOGETHER IN AN OUTDOOR ENVIRONMENT

DOG PARK

ENCLOSED AREA FOR RESIDENTS TO MEET WHERE DOGS CAN BE SAFELY OFF LEASH WITH MINIMAL IMPACT TO LOCAL FAUNA

MANAGED VEGETATION AREAS

AP2 - NEW TREE PLANTING TO BE SPACED MIN 5m BETWEEN CANOPIES. UNDERSTORY TO BE MOWN GRASS.

GREEN OPEN SPACE AROUND THE PERIMETER OF THE DEVELOPMENT TO BE UTILISED FOR MULTIPLE PURPOSES:

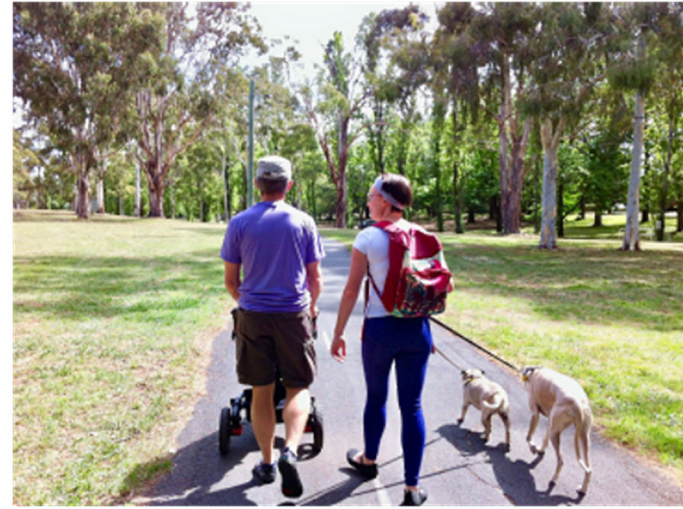
- MANAGED VEGETATION TO MEET FIRE SAFETY REQUIREMENTS
- WALKING PATH
- VISUAL AMENITY TO ENHANCE RESIDENTS' EXPERIENCE

CIRCULATION PATHS

A NETWORK OF CIRCULATION LINKAGES HAVE BEEN ESTABLISHED PROVIDING OPPORTUNITIES FOR RESIDENTS TO WALK/RIDE AND ENJOY THE OUTDOORS INCLUDING ACCESSING THE LINK AROUND THE RIPARIAN CORRIDOR AND THE BUSHLAND TO THE NORTH OF THE SITE



ENCOURAGE ACTIVITY AND EXPLORATION OF THE ENVIRONMENT



NATIVE PLANTING TO ALLOW THE PROPOSED SCHEME TO SIT WELL AND COMPLEMENT WITHIN THE CONTEXT OF THE SURROUNDING LANDSCAPE



REV	DATE	COMMENTS
G	26/11/20	FOR REVISED DA

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
DEVELOPMENT PTY LTD

12861.5_Choice Living Avoca - MASTERPLAN_20190910

DRAWN: KH / PW DATE: 13.9.19 SCALE: @A3

JOB NUMBER: PHASE: DWG No: REV:
12861.5 DA L101 G

concept- masterplan | L102

CHOICE LIVING AVOCA



- NOTES**
- ① MAIN ENTRY TO SITE FROM AVOCA DRIVE
 - ② RIPARIAN CORRIDOR DRAINAGE CHANNEL
 - ③ COMMUNITY CENTRE
 - ④ VILLAGE GREEN
 - ⑤ FENCED DOG PARK
 - ⑥ BUSH WALKING TRACK THROUGH RETAINED VEGETATION
 - ⑦ COMMUNITY GARDEN AND SHED
 - ⑧ EXERCISE CIRCUIT
 - ⑨ YOGA DECK
 - ⑩ CANOPY WALK

REV	DATE	COMMENTS
0	28/11/20	FOR REVISED DA

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
DEVELOPMENT PTY LTD

12861.5_Choice Living Avoca - MASTERPLAN.dwg

DRAWN: KH / PW DATE: 13.9.19 SCALE: @A3

JOB NUMBER: 12861.5 DA L102 G

1 MASTERPLAN
L102 Scale: 1:2500



concept- detail plan a | L103

CHOICE LIVING AVOCA



NOTES

- ① PLANTING OF CANOPY TREES TO ESTABLISH BUFFER BETWEEN DEVELOPMENT AND AVOCA DRIVE IN ANTICIPATION OF ROAD WIDENING WORKS
- ② EXISTING VEGETATION RETAINED TO PROVIDE RURAL RESIDENTIAL BUFFER WITH SUPPLEMENTARY PLANTING PROVIDED TO SCREEN PROPOSED DEVELOPMENT
- ③ SCATTERED MIXED PLANTING OF CANOPY TREES PROVIDE BUFFER TO PROPOSED DEVELOPMENT COMPLEMENTING EXISTING TREES
- ④ EXISTING TREES IN TURF TO REMAIN
- ⑤ FEATURE PAVING NODES AT ROAD INTERSECTIONS OF GRANITE SETS WITH EXPOSED AGGREGATE CONCRETE AT PEDESTRIAN CROSSOVERS
- ⑥ 2000M WIDE DECOGRANITE MAINTENANCE / WALKING TRACK
- ⑦ CANOPY PLANTING IN TURF TO EASTERN BOUNDARY TO PROVIDE SCREENING OF PROPOSED DEVELOPMENT
- ⑧ RIPARIAN CORRIDOR ALONG DRAINAGE CHANEL TO BE VEGETATED (REFER TO VEGETATION MANAGEMENT PLAN) TO PROVIDE ECOLOGICAL HABITAT WITH LOW MASS PLANTING OF GRASSES AND GROUNDCOVERS AND MANAGED GRASSLAND WITH SCATTERED CANOPY TREES. SEATING OPPORTUNITIES PROVIDED ON PERIPHERY
- ⑨ RETENTION OF EXISTING TREES AND PLANTING OF LARGE CANOPY TREES LOCALLY OCCURRING WITHIN THE SITE INCLUDING EUCALYPTUS SALIGNA (BLUE GUM), EUCALYPTUS PILULARIS (BLACKBUTT) AND SYRNARIA GLOMULIFERA (TURPENNE) TO RE-ESTABLISH SIGNIFICANT TREES ON THE SITE AND PROVIDE TREETOP OUTLOOK FROM LOTS AND VEGETATED RIDGE FROM AVOCA DRIVE
- ⑩ BIO-RETENTION BASIN TO BE PLANTED WITH RIPARIAN SPECIES
- ⑪ FOOTPATH PROVIDES LINK BETWEEN NORTHERN SITES AND COMMUNITY FACILITIES AND AVOCA DRIVE
- ⑫ MENS SHED
- ⑬ BOARDWALK PROVIDES LINK TO NORTHERN SITES
- ⑭ RETENTION OF EXISTING TREES TO ENSURE SCREENING OF SITE FROM NEIGHBOURING PROPERTY

G 26/11/20 FOR REVISED DA
REV DATE COMMENTS

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
DEVELOPMENT PTY LTD

12861.5_Choice Living Avoca_MASTERPLAN PART A_20190919

DRAWN: DATE: SCALE:
KH / PW 13.9.19 @A3
JOB NUMBER: PHASE DWG No: REV:
12861.5 DA L103 G



concept- detail plan b | L104

CHOICE LIVING AVOCA



NOTES

- ① VILLAGE GREEN PROVIDES COMMUNITY GATHERING SPACE FOR ACTIVITIES (REFER TO PAGE L11) EXISTING TREES TO BE RETAINED
- ② PUTTING GREEN
- ③ COMMUNITY GARDENS IN RAISED BEDS WITH ASSOCIATED MENS SHED, BBQ AND PICNIC SHELTER
- ④ PLANTING OF LARGE CANPOY TREES TO ENDS OF LOTS
- ⑤ FITNESS STATIONS
- ⑥ YOGA PLATFORM WITH ROOF PROVIDES LOCATION FOR MULTI USE
- ⑦ MASS PLANTED BIO RETENTION BASIN
- ⑧ CARAVAN PARKING
- ⑨ FENCED DOG PARK
- ⑩ BIN STORAGE IN SELECT LOCATIONS TO END OF LOTS
- ⑪ CANOPY WALK MEANDERS BENEATH EXISTING TREES AND NEWLY PLANTED SPECIES CONNECTING THE NORTHERN AND SOUTHERN PORTIONS OF THE SITE
- ⑫ EXISTING FARMHOUSE TO BE RETAINED AND USED FOR COMMUNITY EVENTS



S	20/11/20	FOR REVISED DA
REV	DATE	COMMENTS

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
DEVELOPMENT PTY LTD

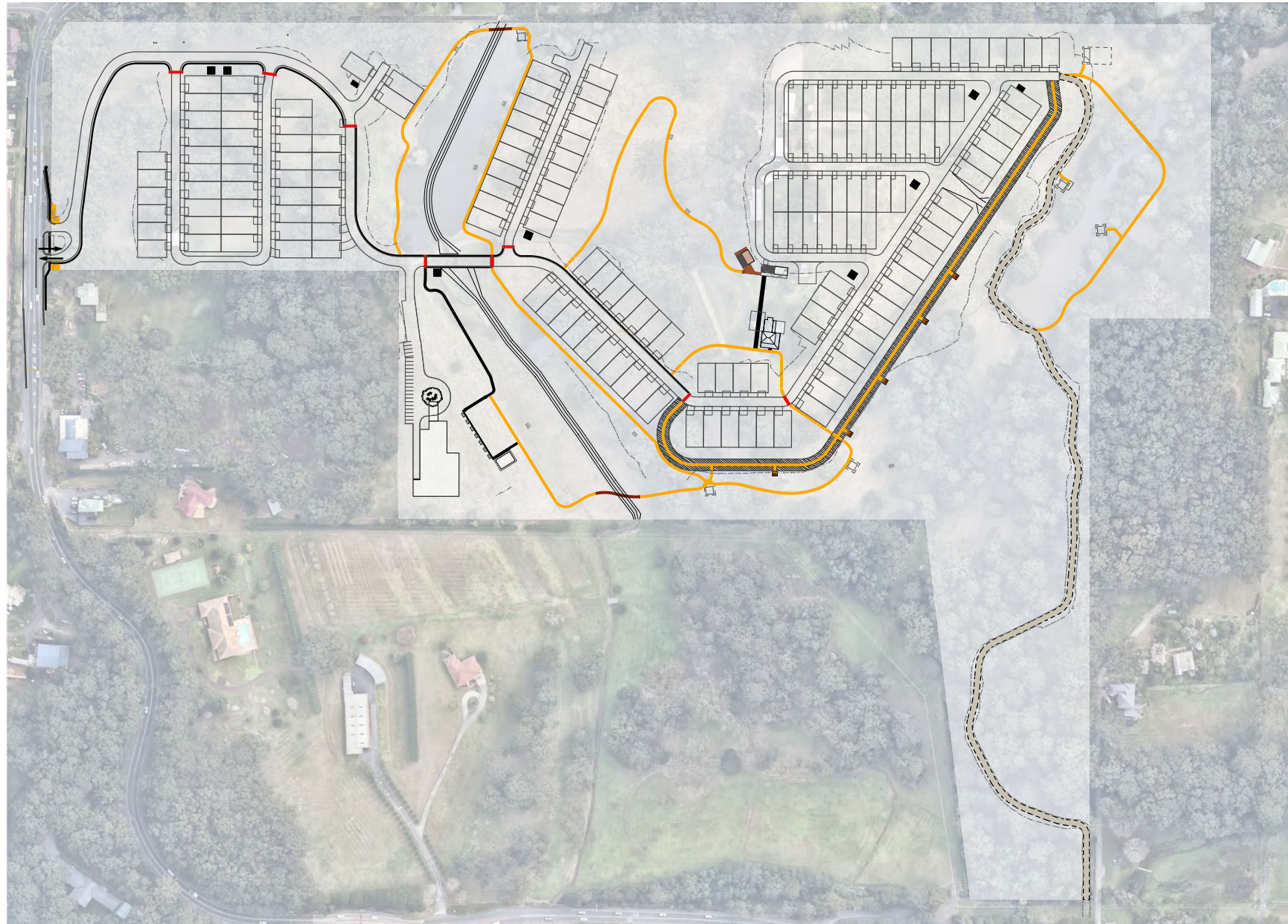
L104_3_Choice Living Avoca - MASTERPLAN - revised.dwg

DRAWN: KH / PW DATE: 13.9.19 SCALE: BA3
JOB NUMBER: 12861.5 DA L104 G PHASE: DWG NO: REV:



diagram - circulation | L201

CHOICE LIVING AVOCA



- CIRCULATION**
- ROAD CROSSING
 - FOOTPATHS
 - INFORMAL WALKING TRACKS
 - FIRE TRAIL
 - GRAVEL CONSTRUCTION ROAD / FUTURE WALKING TRACK
 - BOARDWALK
 - ← VEHICULAR ENTRY / EXIT

G 26/11/20 FOR REVISED DA
REV: 04/11 COMMENTS

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
DEVELOPMENT PTY LTD

12861.5, Choice Living Avoca MASTER PLAN 2019/2020

DRAWN: DATE: SCALE:
KH / PW 13.9.19 @A3
JOB NUMBER: PHASE: DWG No: REV:
12861.5 DA L201 G



diagram - fencing / walls | L202

CHOICE LIVING AVOCA



- FENCE TYPES**
- ■ ■ ■ F1 - BLACK POST AND RAIL FENCE
 - ● ● ● ● F2 - 3m HIGH TENNIS COURT FENCE
 - F3 - 1.8m SECURITY FENCE
- WALL TYPES**
- W1 - CUT SANDSTONE FEATURE WALL
 - W2 - SANDSTONE RETAINING WALL

G 26/11/20 FOR REVISED DA
REV 04/11 COMMENTS

PROJECT:
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12861.5, Choice Living Avoca MASTER PLAN 2019/2020

DRAWN: DATE: SCALE:
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JOB NUMBER: PHASE DWG No: REV:
12861.5 DA L202 G

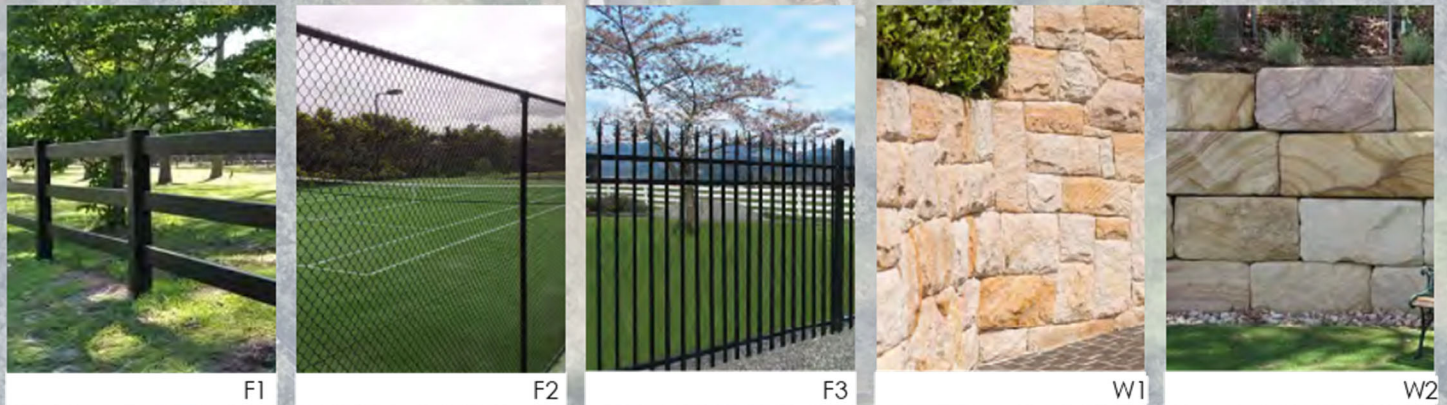


diagram - paving types | L203

CHOICE LIVING AVOCA



diagram - community facilities | L204

CHOICE LIVING AVOCA



- FACILITIES**
- ① PARKING
 - ② YOGA DECK
 - ③ TENNIS COURT
 - ④ BOWLING GREEN
 - ⑤ PUTTING GREEN
 - ⑥ VILLAGE GREEN
 - ⑦ MEN'S SHED
 - ⑧ INDOOR POOL
 - ⑨ COMMUNITY GARDEN
 - ⑩ COUNTRY CLUB
 - ⑪ SEAT
 - ⑫ EXERCISE STATION
 - ⑬ SHELTER
 - ⑭ DOG PARK
 - ⑮ PAVILLION
 - ⑯ EXISTING FARMHOUSE TO BE REPURPOSED FOR COMMUNITY USE
 - ⑰ BIN STORAGE

G 26/11/20 FOR REVISED DA
REV: 04/11 COMMENTS

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
DEVELOPMENT PTY LTD

12861.5, Choice Living Avoca - MASTER PLAN 2019/2020

DRAWN: KH / PW DATE: 13.9.19 SCALE: @A3
JOB NUMBER: 12861.5 DA L204 G PHASE: DWG No: REV:

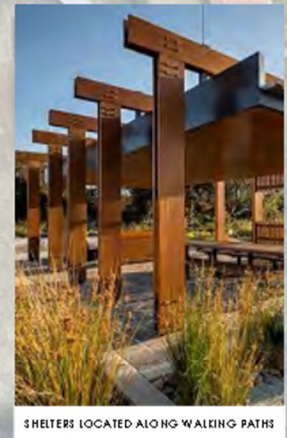


diagram - planting | L205

CHOICE LIVING AVOCA

DIAGRAM : PLANTING STRATEGY AS DEVELOPED IN THE LANDSCAPE MASTERPLAN BASED ON CONSTRAINTS AND OBJECTIVES OUTLINED ON L003



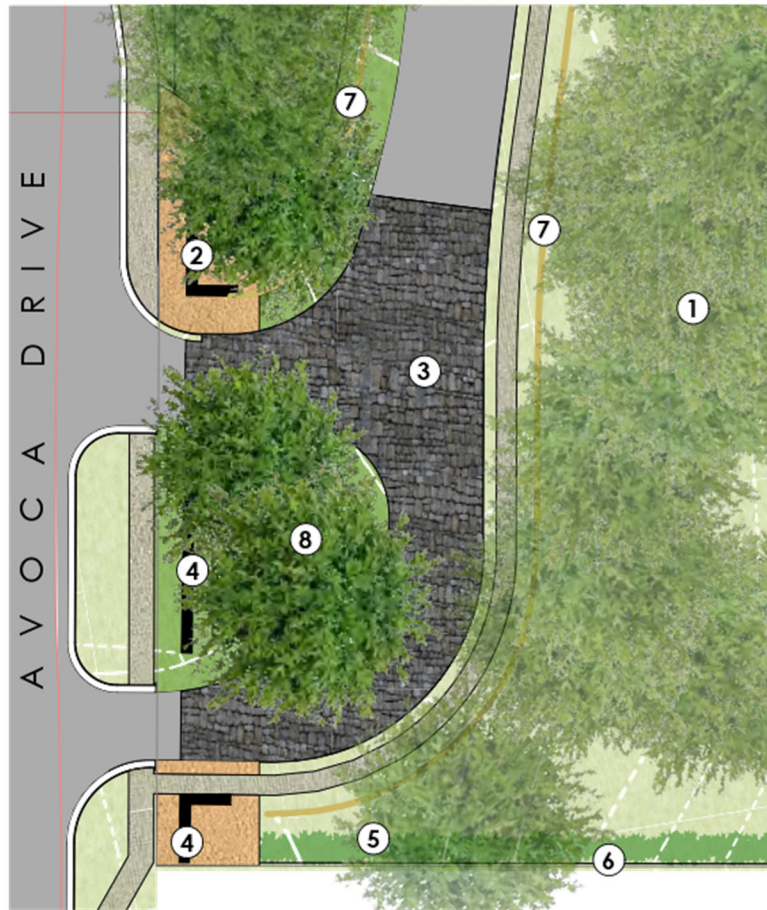
diagram - proposed trees | L206

CHOICE LIVING AVOCA



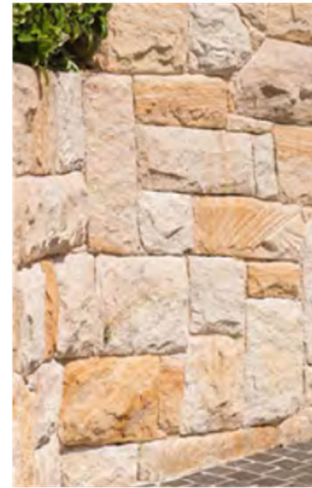
detail area - entry | L301

CHOICE LIVING AVOCA



NOTES

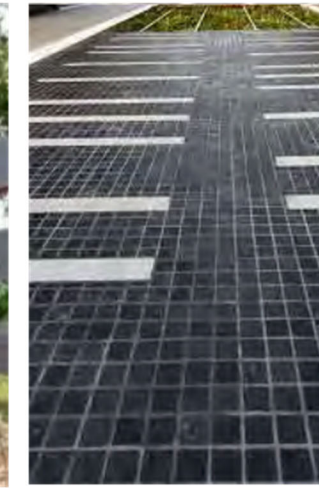
- ① EXISTING TREES IN TURF TO BE RETAINED AND PROTECTED
- ② FEATURE SIGNAGE WALL - 2000mm SANDSTONE FACED WALL WITH 'LIVING CHOICE' SIGNAGE, FRAMING ENTRY TO THE SITE. DECO GRANITE AND MASS PLANTING AS SHOWN.
- ③ EXFOLIATED COBBLES PROVIDE SLOWING EFFECT ON ENTRY CREATING THRESHOLD TO THE SITE WHILE ESTABLISHING LEGIBLE DESIGN SIGNATURE.
- ④ FEATURE STONE WALL REPEATED TO FRAME ENTRY TO SITE
- ⑤ HEDGE PLANTING TO BOUNDARY
- ⑥ BLACK POST AND RAIL FENCE CONTINUED ALONG BOUNDARY
- ⑦ SANDSTONE RETAINING WALL
- ⑧ PLANTING OF LARGE FEATURE CANOPY TREES EUCALYPTUS SALIGNA (BLUE GUM) AND EUCALYPTUS PILULARIS (BLACKBUTT) PROVIDE BACKDROP TO ENTRY



SANDSTONE SIGNAGE WALLS



POST AND RAIL RURAL STYLE FENCE



EXFOLIATED COBBLE TO THRESHOLDS

1 ENTRY FEATURE
L301 Scale: 1:400



2 ENTRY ELEVATION
L301 Scale: 1:175

G 26/11/20 FOR REVISED DA
REV DATE COMMENTS

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
DEVELOPMENT PTY LTD

12861.5, Choice Living Avoca MASTERPLAN 2019/2020

DRAWN: DATE: SCALE:
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JOB NUMBER: PHASE: DWG No: REV:
12861.5 DA L301 G



detail area - village green | L302

CHOICE LIVING AVOCA



MODERN ARCHITECTURAL STYLE WITH RUSTIC AUSTRALIAN EARLY SETTLERS INSPIRED MATERIALS INCLUDING RECYCLED TIMBER BEAMS, SANDSTONE WALLS AND UNIT PAVING.

NOTES

- ① MULTIPURPOSE PAVILIONS, FOR SOCIAL GATHERINGS OVERLOOKING EXISTING FARMHOUSE AND TREADED HILLSIDE
- ② STONE CHIMNEY OVEN REMINISCENT OF EARLY SETTLER DWELLING CHIMNEYS.
- ③ TIMBER PERGOLAS ALLOW FOR LARGER GATHERING OPPORTUNITIES.
- ④ TIMBER DECKING EXTENDS GATHERING SPACE.
- ⑤ COURTYARD WITH LARGE FEATURE TREE FOR FOR GROUP GATHERING SPACE.
- ⑥ OPEN LEVEL GRASS AREA FOR INFORMAL LAWN GAMES AND SOCIAL ACTIVITIES. LAWN TO BE MAINTAINED TO A HIGH LEVEL, WITH POTENTIAL TO MIMIC EARLY SETTLERS AGRICULTURAL PATTERNS.
- ⑦ EXISTING TREES TO BE RETAINED.
- ⑧ SANDSTONE BLOCK TERRACING PROVIDES LEVELS CHANGE AND INFORMAL SEATING.
- ⑨ PATH LINKING TO GREATER CIRCULATION NETWORK. STEPS AND TERRACING WITH SANDSTONE LOGS AND MASS PLANTING TO ACCOMMODATE LEVEL CHANGE.
- ⑩ PATH LINKING TO GREATER CIRCULATION NETWORK.
- ⑪ TREES AND PLANTING TO PROVIDE GREEN OUTLOOK AND PRIVACY FOR SURROUNDING UNITS.
- ⑫ HEDGING PROVIDE SCREENING TO PARKING BAYS
- ⑬ CARAVAN PARKING BAYS
- ⑭ AREA TO BE REPAVED TO PROVIDE FOR SMALL GATHERING SPACE EXTERNAL TO BUILDING
- ⑮ EXISTING FARMHOUSE TO BE RETAINED AND USED FOR COMMUNITY ACTIVITIES

G 26/11/20 FOR REVISED DA
REV DATE COMMENTS

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
DEVELOPMENT PTY LTD

12861.5_Choice Living Avoca_MASTER PLAN_20190923

DRAWN: DATE: SCALE:
KH / PW 13.9.19 @A3
JOB NUMBER: PHASE DWG No: REV:
12861.5 DA L302 G



412 KING STREET NEWCASTLE NSW AUSTRALIA 2300
TERRAS.COM.AU PH: 49 294 928 FAX: 49 283 089

detail area - club house | L303

CHOICE LIVING AVOCA



- ① CLUB HOUSE WITH FACILITIES.
- ② CENTRAL SHELTER.
- ③ SANDSTONE, BUSH ROCK AND MASS PLANTING TERRACING.
- ④ GRASSED BATTER WITH SMALL FEATURE TREE PLANTING.
- ⑤ BOWLING GREEN
- ⑥ TENNIS COURT
- ⑦ EXISTING AND PROPOSED TREES PROVIDE SCREENING FOR NEIGHBOURING PROPERTIES
- ⑧ ACCESS PATH WITH MASS PLANTING AND RETAINING WALLS.
- ⑨ OPEN LAWN AREA PROVIDES SPACE FOR A VARIETY OF USES INCLUDING GAMES, OPEN AIR CINEMA AND TEMPORARY MARQUEES FOR SPECIAL EVENTS.
- ⑩ INFORMAL WALKING PATHS WITH FIRE PROOF DECKING OVER RIPARIAN CORRIDOR.

G 26/11/20 FOR REVISED DA
REV: 01/11/20 COMMENTS

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
DEVELOPMENT PTY LTD

12861.5_Choice Living Avoca_MASTER PLAN_2019/2020

DRAWN: DATE: SCALE:
KH / PW 13.9.19 @A3
JOB NUMBER: PHASE: DWG No: REV:
12861.5 DA L303 G

1 ENTRY FEATURE
L303 Scale: 1:750

detail area - site interface | L304

CHOICE LIVING AVOCA



NOTES

- ① LANDSCAPING WITHIN LOTS TO BE UNDERTAKEN INDEPENDENTLY.
- ② NATIVE STREET TREES.
- ③ SANDSTONE BLOCK RETAINING WALLS.
- ④ MASS PLANTING TO SCREEN RETAINING WALLS AND PROVIDE PRIVACY TO SITES.
- ⑤ DECOMPOSED GRANITE WALKING TRACKS WITH STEPS AS REQUIRED TO ACCOMMODATE LEVELS.
- ⑥ NATIVE FEATURE TREE PLANTING TO PROVIDE SCREENING AND CONTRIBUTE TO CANOPY COVER AND DIVERSITY.
- ⑦ MANAGED GRASSLAND PLANTINGS AS NOMINATED IN BUSHFIRE REPORT.
- ⑧ GRIT BLAST CONCRETE BANDING TO DEFINE ROAD CROSSING POINTS AND LINK CIRCULATION PATHS.
- ⑨ COLOURED CONCRETE FOOTPATHS LINKING TO BROADER CIRCULATION NETWORK.
- ⑩ EXFOLIATED COBBLESTONE THRESHOLD SLOWS TRAFFIC TO PRIORITISE PEDESTRIAN CIRCULATION. STONE SELECTION TO BE SLIP RESISTANCE AND PRESENT NO TRIP HAZARDS.
- ⑪ BIN STORAGE

G 26/11/20 FOR REVISED DA
REV DATE COMMENTS

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
CHOICE LIVING AVOCA
DEVELOPMENT PTY LTD

12861.5_Choice Living Avoca_MASTER PLAN_20190925.rvt

DRAWN: DATE: SCALE:
KH / PW 13.9.19 @A3
JOB NUMBER: PHASE: DWG No: REV:
12861.5 DA L304 G

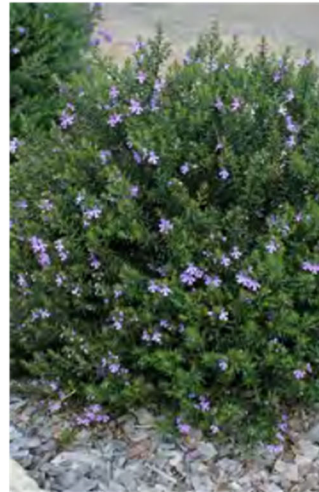


plant schedules | L401

CHOICE LIVING AVOCA



DORYANTHES EXCELSA



WESTRINGIA FRUTICOSA



LOMANDRA TANKIA



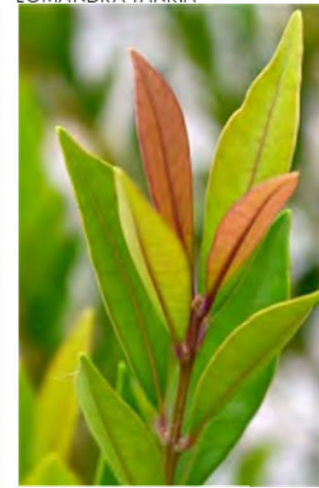
HIBBERTIA SCANDENS



CALLISTEMON 'BETTER JOHN'



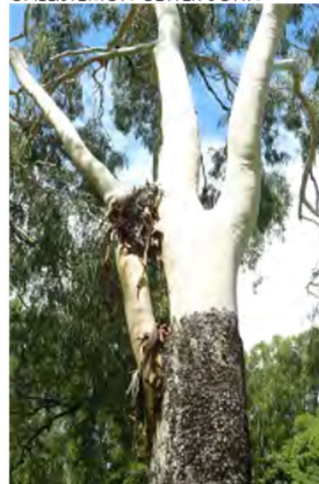
ZAMIA FURFURACEA



ACMENA SMITHII 'MINOR'



LOMANDRA LONGIFOLIA



EUCALYPTUS PILULARIS



DIANELLA CAERULEA



SYNCARPIA GLOMULIFERA

Site Plant Schedule

Botanical Name	Common Name	Height	Width	Local?	Pot Size
STREET TREES					
<i>Eucalyptus leucosylon</i> 'Evay Dwarf'	-	6 m	4 m		100 L
<i>Corymbia eximia</i> 'Nanna'	-	6 m	4 m		100 L
<i>Glochidion ferdinandi</i>	Cheese Tree	8 m	5 m	yes	100 L
<i>Corymbia laevis</i> 'Wildfire'	-	6 m	4 m		100 L
<i>Callistemon viminalis</i>	Bottlebrush	6 m	4 m	yes	100 L
<i>Corymbia 'Little Spotty'</i>	-	6 m	4 m		100 L
SITE TREES					
<i>Angophora costata</i>	Smooth Barked Apple	20 m	12 m		75 L
<i>Acmena smithii</i>	Lilly Pilly	12 m	6 m		75 L
<i>Angophora flabundula</i>	Rough Barked Apple	20 m	20 m	yes	75 L
<i>Banksia integrifolia</i>	Coast Banksia	15 m	6 m		75 L
<i>Eucalyptus gumifera</i>	Red Bloodwood	30 m	15 m		75 L
<i>Eucalyptus haemastoma</i>	Scribbly Gum	15 m	6 m		75 L
<i>Eucalyptus pilularis</i>	Blackbutt	50 m	15 m	yes	75 L
<i>Eucalyptus saligna</i>	Blue Gum	50 m	20 m	yes	75 L
<i>Phasiporum undulatum</i>	Sweet Pittosporum	15 m	6 m	yes	75 L
<i>Syncaempia glomulifera</i>	Turpentine	25 m	10 m	yes	75 L
SHRUBS					
<i>Banksia spinulosa</i> var.	Hill Banksia	2.0 m	2.0 m		5 L
<i>Acmena smithii</i> 'Minor'	Lilly Pilly	4.0 m	3.0 m		5 L
<i>Callistemon 'Better John'</i>	Bottlebrush	1.0 m	0.8 m		5 L
<i>Doryanthes excelsa</i>	Gymea Lily	1.5 m	1.5 m		5 L
<i>Grevillea</i> var.	Grevillea	-	1.0 m		5 L
<i>Hakea salicifolia</i>	Willow-leaved Hakea	5.0 m	4.0 m		5 L
<i>Melaleuca nodosa</i>	Ball Honey Myrtle	3.0 m	2.5 m		5 L
<i>Leucospermum cordifolium</i>	Red Pin Cushion - protea	2.0 m	2.0 m		5 L
GRASSES AND GROUNDCOVERS					
<i>Lomandra 'Tankia'</i>	Dwarf Mat Rush	1.0 m	1.0 m		2.5 L
<i>Carex appressa</i>	Swamp sedge	1.0 m	1.0 m		2.5 L
<i>Dianella caerulea</i>	Flax Lily	0.5 m	0.5 m	yes	2.5 L
<i>Fainia nodosa</i>	Knobby club rush	1.0 m	1.0 m		2.5 L
<i>Hibbertia scandens</i>	Guinea Flower	-	1.0 m	yes	2.5 L
<i>Hardenbergia violacea</i>	False Sarsparilla	-	1.0 m		2.5 L
<i>Junos usulatus</i>	Common rush	1.0 m	1.0 m		2.5 L
<i>Lomandra longifolia</i>	Matrush	1.2 m	1.2 m		2.5 L
<i>Syzygium luehmannii</i> 'Royal Flame'	Lilly Pilly	1.5 m	1.0 m		2.5 L
<i>Westringia fruticosa</i>	Coastal Rosemary	1.5 m	1.5 m		2.5 L
<i>Zamia furfuracea</i>	Cardboard Palm	1.0 m	1.0 m		2.5 L

Riparian and APZ Plant Schedule

Botanical Name	Common Name	Height	Width	Local?	Pot Size
TREES					
<i>Angophora costata</i> (MAGE)	Smooth Barked Apple	20 m	12 m		75 L
<i>Acmena smithii</i>	Lilly Pilly	12 m	6 m		75 L
<i>Banksia integrifolia</i>	Coast Banksia	15 m	6 m		75 L
<i>Callistemon serratifolia</i>	Black wattle	30 m	15 m		75 L
<i>Elaeoacarpus reticulatus</i>	Blue berry ash	15 m	6 m		75 L
<i>Eucalyptus pilularis</i>	Blackbutt	50 m	15 m	yes	75 L
<i>Eucalyptus saligna</i>	Blue Gum	50 m	20 m	yes	75 L
<i>Glochidion ferdinandi</i>	Cheese Tree	8 m	5 m	yes	100 L
<i>Phasiporum undulatum</i>	Sweet Pittosporum	15 m	6 m	yes	75 L
<i>Podocarpus elatus</i>	Flum Pine	25 m	10 m		75 L
<i>Stenocarpus sinuatus</i>	Firewheel tree	25 m	10 m	yes	75 L
<i>Syncaempia glomulifera</i>	Turpentine	25 m	10 m	yes	75 L
GRASSES AND GROUNDCOVERS					
<i>Lomandra 'Tankia'</i>	Dwarf Mat Rush	1.0 m	1.0 m		2.5 L
<i>Carex appressa</i>	Swamp sedge	1.0 m	1.0 m		2.5 L
<i>Fainia nodosa</i>	Knobby club rush	1.0 m	1.0 m		2.5 L
<i>Hibbertia scandens</i>	Guinea Flower	-	1.0 m	yes	2.5 L
<i>Hardenbergia violacea</i>	False Sarsparilla	-	1.0 m		2.5 L
<i>Junos usulatus</i>	Common rush	1.0 m	1.0 m		2.5 L
<i>Lomandra longifolia</i>	Matrush	1.2 m	1.2 m		2.5 L

G 26/11/20 FOR REVISED DA
REV EX11 COMMENTS

PROJECT:
CHOICE LIVING AVOCA

SITE:
255 AVOCA DRIVE,
KINCUMBER NSW

CLIENT:
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DEVELOPMENT PTY LTD

12861.5_Choice Living Avoca - MASTER PLAN - 2019

DRAWN: DATE: SCALE:
KH / PW 13.9.19 @A3
JOB NUMBER: PHASE DWG No: REV:
12861.5 DA L401 G