

Central Coast

Local Planning Panel

Central Coast
LOCAL PLANNING PANEL MEETING
Business Paper
26 November 2020



Meeting Notice

**The LOCAL PLANNING PANEL MEETING
of Central Coast
will be held remotely - online,
THURSDAY 26 NOVEMBER 2020 at 2.00 pm,
for the transaction of the business listed below:**

1 PROCEDURAL ITEMS

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Donna Rygate
Chairperson

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

Central Coast
Local Planning Panel

12 November 2020 Local Planning Panel Meeting

Reference: F2020/02502 - D14205789

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

Recommendation

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

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

26 November 2020 Local Planning Panel Meeting

Reference: F2020/02502 - D14305110

Author: Rachel Callachor, Local Planning Panel Support Coordinator

Summary

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

- **Local Planning Panel Meeting held on 12 November 2020**
- **Electronic Determination DA 58327 – endorsed 15 November 2020**
- **Supplementary Meeting Minutes**

Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 12 November 2020 and Electronic Determination DA 58327 endorsed 15 November 2020 are submitted for noting.

Attachments

- | | | |
|----------|--|-----------|
| 1 | MINUTES - Local Planning Panel - 12 November 2020 | D14295499 |
| 2 | MINUTES – Electronic Determination DA 58327/2019 – endorsed 15 November 2020 | D14305827 |
| 3 | MINUTES – Supplementary Meeting DA 57145/2019 – 11 November 2020 | D14308147 |



Local Planning Panel

Minutes of the
LOCAL PLANNING PANEL MEETING
Held remotely - online
on 12 November 2020

Panel Members

Chairperson	Donna Rygate
Panel Experts	Garry Fielding Linda McClure
Community Representative/s	Paul Dignam

Central Coast Council Staff Attendance

Salli Pendergast	Section Manager Development Assessment North
Robert Eyre	Principal Development Planner Development Assessment South
Nathan Burr	Senior Development Planner Development Assessment North
Karen Hanratty	Senior Development Planner Development Assessment South
Amanda Hill	Development Planner Development Assessment North
Sarah Georgiou	Section Manager Councillor Support
Rachel Callachor	Local Planning Panel Support Coordinator
Maggie Rowland	Meeting Support Officer

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

The Chair recognised NAIDOC week and read an acknowledgement of country statement.

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

The Panel noted that disclosure forms had been submitted by all members and no conflicts of interest had been identified.

2.1 Confirmation of Minutes of Previous Meeting

The Minutes of the following Meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, were submitted for noting:

- **Local Planning Panel Meeting held on 29 October 2020.**

Moved: Donna Rygate
Unanimous

The Chair moved a motion to hear agenda items 3.2 and 3.3 concurrently, as content is related.

Moved: Donna Rygate
Unanimous

Public Forum

Item 3.1

There were no registered speakers.

Item 3.2 and Item 3.3

Bruce Farrar, on behalf of Louise Pitman, Stephen Woodley, Graham Woodley, Jim Welby, Reg Ingram and Samantha Farrar (For recommendation)
Fleur Goulding (Against recommendation)

Richard Haydon, Acoustic consultant - Acoustic Dynamics, Con Perry and Jill Cooney (Perry), Owners of The Hillview, Bonnie Doolan, Everlong Events Centre and Tim Shelley, Director, Tim Shelley Planning, all spoke on behalf of the applicant regarding the matter and provided responses to enquiries from the Panel.

Lisa Wrightson, Planning Manager / Heritage Advisor, Barker Ryan Stewart provided responses to enquiries from the Panel.

Item 3.4

Peter Pond (Against recommendation)

Jane Ann Gray (Against recommendation)

Adrian Player, Wyong Community Action Group (Against recommendation)

Gary Chestnut, Wyong Community Action Group (Against recommendation)

Ian Johnston (Against recommendation)

Jenny Pond, Wyong Community Action Group (Against recommendation)

Joe Coyte, The Glen for Women (applicant) and Chris Smith, Town Planner, ADW Johnson spoke regarding the matter and responses were provided to enquiries from the Panel.

The Local Planning Panel public meeting closed at 3:50pm. The Panel moved into deliberation from 3:55pm, which concluded at 4:45pm.

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none"> • Documentation with application • Council assessment report • Submissions
Council Recommendation	Approval as a deferred commencement consent

Panel Decision

- 1 That the Local Planning Panel grant deferred commencement consent subject to the conditions detailed in the schedule attached to the report, with amendments as follows, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**

Replacement of deferred commencement section with the following:

A. DEFERRED COMMENCEMENT

In accordance with section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, a deferred commencement consent is granted to Development Application No. 58066/2020 for a Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 on Lot 70 DP1215036, No. 2 High Valley Close Wamberal, subject to the following conditions being met to the satisfaction of Council within twenty – four (24) months from the date of this consent. Such satisfaction will be achieved by:

1. Completion and registration with the NSW Land Registry Services of the boundary realignment between Lot 70 DP1215036 and Lot 71 DP1215036.

Evidence must be produced to the consent authority sufficient to enable it to be satisfied that above conditions have been complied within twenty-four (24) months of the date of this approval, otherwise this consent will lapse.

This consent does not operate until the deferred commencement condition has been satisfied, as confirmed in writing by Council.

B. OPERATIVE CONDITIONS

1. PARAMETERS OF THIS CONSENT

1.1. **Approved Plans and Supporting Documents**

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

Amended condition 2.2:

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

- a) Provision of 22 staff car spaces. Car spaces 10, 11 and 12 to be designated for staff car spaces to reduce turnover of vehicles in these spaces and further reduce any likelihood of queuing within the immediate entry of the car park.
- b) Amendment of the Landscape Plan to provide 5 trees of the species 'Waterhousia Floribunda' along eastern boundary of the site.

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.

Reasons

- 1 The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
- 2 The proposal has been considered against the provisions of Interim Development Order No 122 and has been found to be satisfactory.
- 3 There are no significant issues or impacts identified with the proposal under 4.15 of the Environmental Planning and Assessment Act 1979.

Votes

The decision was unanimous

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use)

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Refusal

Panel Decision

- 1 That the Local Planning Panel refuse the modifications to Development Application 1418/2016/B for the reasons detailed in the schedule attached to the report and having regard for the matters for consideration detailed in 4.55 (1A) and Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That Council advise those who made written submissions of the Panel's decision.**

Reasons

- 1 The proposed modification is not of minimal environmental impact and s4.55(1A) is not enlivened and there is no statutory authority to grant approval to the application to modify the consent.
- 2 The development as proposed to be modified would be for a prohibited land use.
- 3 The proposed modification is adverse to the public interest and would entrench a use of the site which negatively impacts on the amenity of the surrounding area.
- 4 The modified development is not consistent with the original reasons for the granting of consent.
- 5 The modified development does not demonstrate adequate future conservation of the heritage item.

Votes The decision was unanimous

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Refusal

Panel Decision

- 1 That the Local Planning Panel refuse the application 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.**

Reasons

- 1 The development is a prohibited land use under the current E3 Environmental Management zoning of the subject land in accordance with the provisions of the Wyong Local Environmental Plan 2013.
- 2 Clause 5.10(10) – 'Conservation Incentives' of the Wyong Local Environmental Plan 2013 is not applicable because:
 - a) It has not been demonstrated that the proposed development will facilitate the conservation of the heritage item in accordance with Clause 5.10(10)(a)
 - b) It has not been demonstrated that the use will not have a significant adverse effect on the amenity of the surrounding area as required by Clause 5.10(10)(e)
- 3 The proposed development is likely to have an adverse impact on the surrounding area, including by virtue of noise/acoustic impacts.
- 4 The proposed development is adverse to the public interest.

Votes The decision was unanimous

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Approval

Panel Decision

- 1 That the Local Planning Panel grant consent subject to the conditions detailed in the schedule attached to the report, with an additional condition requiring landscape screen planting to a minimum height at maturity of 3 metres on the eastern and western boundaries, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That Council advise those who made written submissions of the Panel's decision.**
- 3 That Council advise relevant external authorities of the Panel's decision.**

Reasons

- 1 The proposal is considered satisfactory having regard to the heads of consideration set out in Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 2 The proposal is considered satisfactory having regard to the the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.
- 3 The proposal is considered satisfactory having regard to the relevant provisions of Wyong Local Environmental Plan 2013.
- 4 The proposal is suitable for the site.

Votes The decision was unanimous



Central Coast
Local Planning Panel

Local Planning Panel

RECORD OF ELECTRONIC DETERMINATION

Panel Members

Chairperson	Jason Perica
Panel Experts	Sue Francis Stephen Leathley
Community Member	Geoff Mitchell

A Supplementary Report was provided to the Local Planning Panel on 10 November 2020, as per request at the Panel meeting of 17 September 2020 where the matter was deferred.

The Local Planning Panel members considered the supplementary report and supporting documents for DA/58327 via electronic determination.

Relevant Considerations As per Council assessment report and Supplementary report

Material Considered

- Council assessment report
- Submissions
- Speakers at LPP meeting, 17 September 2020
- Supplementary report

Council Recommendation Approval subject to conditions

Panel Decision

- 1** *The Local Planning Panel grants consent subject to the conditions detailed in the schedule attached to the Addendum report, with the insertion of a replacement to condition 2.3 below, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.*

New condition 2.3:

The ground level(s) at the side and rear boundaries to the rear of the existing dwelling shall be retained at their existing level (i.e. between the fence(s) and the retaining walls). An appropriate annotation shall be included in the

approved Construction Certificate plans, and this shall be complied with prior to any Occupation Certificate.

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

Reasons

- 1 The proposal (as amended) is satisfactory having regard to the relevant environmental planning instruments, plans, policies the site and its context.
- 2 The environmental impacts are acceptable after consideration in accordance with Section .4.15 of the Environmental Planning and Assessment Act 1979.
- 3 Where environmental impacts exist, they are appropriately managed or mitigated by the proposed design or conditions of consent.
- 4 The Panel modified a recommended condition regarding the driveway width as the key issue for the Panel was the width at the kerb (retained as recommended), as the play within the street verge will have minor impact and will improve manoeuvring to and within the site. A condition was added to ensure existing site levels are retained to the rear at the property boundaries, for reasons relating to site drainage, neighbour interface and amenity.

Votes The decision was unanimous

Date: 15 November 2020



Central Coast
Local Planning Panel

Local Planning Panel

Minutes of the
LOCAL PLANNING PANEL MEETING

Held remotely - online
on 11 November 2020

Panel Members

Chairperson	Donna Rygate
Panel Experts	Grant Christmas Linda McClure
Community Representative/s	Stephen Glen

Central Coast Council Staff Attendance

Rachel Callachor Local Planning Panel Support Coordinator

The Chairperson, Donna Rygate, declared the meeting open at 3.32pm.

This Supplementary meeting is to consider DA 57145/2019. As a Supplementary Report was provided to the Local Planning Panel on 3 November 2020, as per request at the Panel meeting of 1 October 2020 where the matter was deferred.

Meeting closed 3:42pm

Relevant Considerations As per Council assessment report and Supplementary report

Material Considered

- Council assessment report
- Submissions
- Speakers at LPP meeting, 1 October 2020
- Supplementary report

Council Recommendation Approval subject to conditions

Panel Decision

1 Pursuant to the provisions of clause 4.6 of Gosford Local Environmental Plan 2014 ("the LEP"), the Panel is satisfied that the written request in relation to the

contravention of the height of buildings development standard in clause 4.3 of the LEP has adequately addressed the required matters in clause 4.6 of the LEP.

The Panel agrees that the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard.

Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within Zone B4 Mixed Use in which the development is proposed to be carried out.

- 2 The Local Planning Panel assumes the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Gosford Local Environmental Plan 2014, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.***
- 3 The Local Planning Panel grants consent subject to the conditions detailed in the schedule attached to the Addendum report with the inclusion of the additional condition below regarding the rooftop communal area, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***
- 4 In order to ensure an acceptable amount of communal open space is provided, the size of the rooftop communal space area must be increased via inclusion of additional condition.***

Additional condition:

The size of the rooftop communal area is to be increased such that the boundary between it and the private open space balcony of Unit 5.1 is to be re-located to between the eastern wall of the stairwell and the eastern wall of the building as an extension of the southern wall of the stairwell, parallel with Henry Parry Drive.

The dividing wall between the rooftop communal open space and the private open space balcony of Unit 5.1 is to be a minimum height of 1 metre.

A landscaping strip in the form of a planter box 0.5metres wide is to be provided along the length of this wall within the rooftop communal open space area.

These design amendments are to be in accordance with the attached plan marked in red and stamped by the Council and are to be shown on the approved Construction Certificate plans.
- 5 That Council approach the Roads and Maritime Service to consider measures in Henry Parry Drive to provide for left in/left out traffic to/from the site only***

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

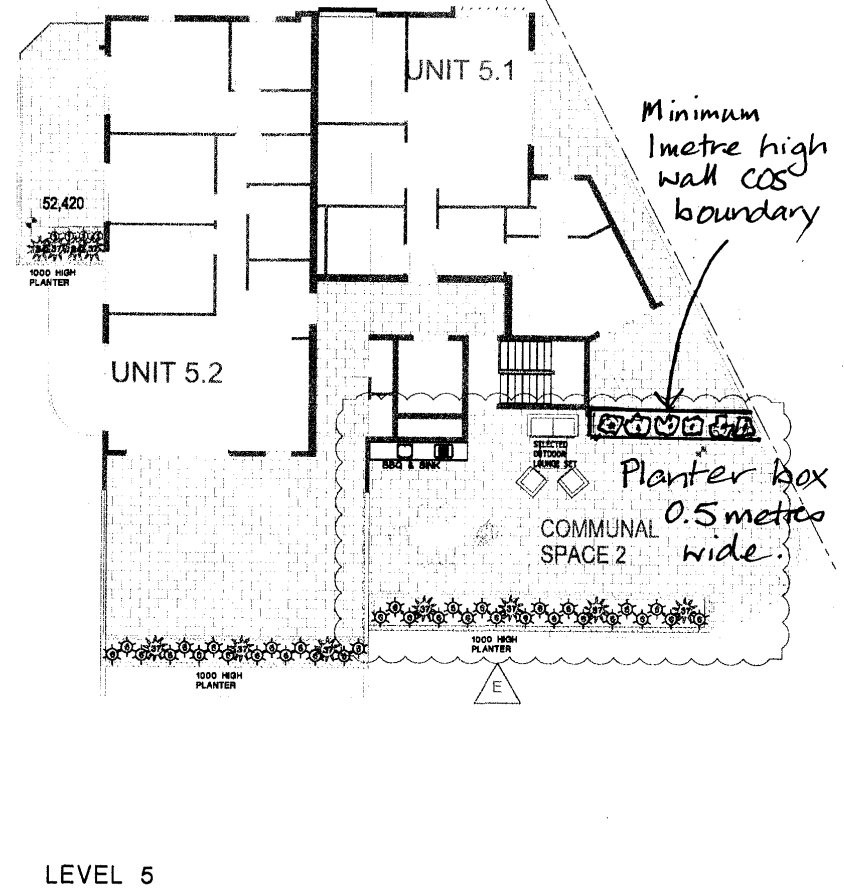
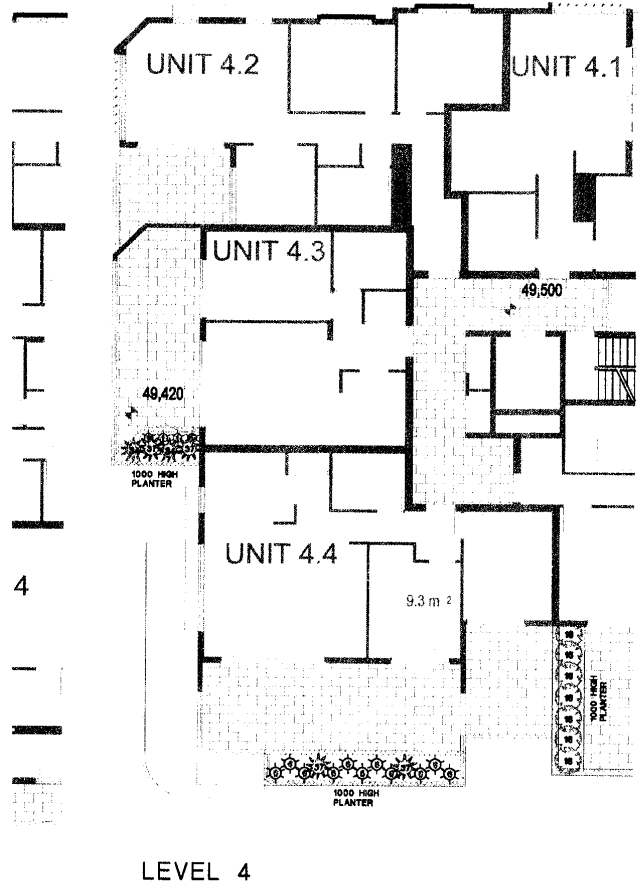
7 *That Council advise the relevant external authorities of the Panel's decision.*

Reasons

- 1 The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
- 2 There are no significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.
- 3 The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.
- 4 Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact.
- 5 It is considered that the proposed development will complement the locality and meet the desired future character of the area and the residents' needs.

Votes The decision was unanimous

Attachments Attachment 1 Sketch of changes to Communal Open Space area

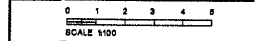


REV	DESCRIPTION	REVISED DATE
E	AMEND AS PER ARCH CHG	14.10.20
D	REMOVED ACCESS FROM Gartrude Street	20.8.20
C	AMEND AS PER ARCH CHG	18.8.20
B	ADD STREET THREE AS REQ BY COUNCIL	18.8.20
A	DA ISSUE	12.8.19

- NOTE:**
- All landscape works shall be carried out by members of the LANDSCAPE CONTRACTORS ASSOCIATION of AUSTRALIA.
 - Contractors must verify all dimensions at the site before commencing any work or making any site drawings which must be approved before manufacturing.
 - Do not scale drawing, if in doubt - ASK
 - This drawing is to be read in conjunction with Architectural, Hydraulic and survey plans
 - All existing trees to remain shall be protected in per arborist report & council requirements
 - All pruning shall be in accordance with the AS 4
 - Thoroughly eradicate weeds from all garden areas
 - No variation to the works to be carried out with prior approval from owner.
 - All materials to be the best of their respective kind and shall comply with approved sample type submitted or specified.
 - Substitution of plant species or varieties will not be permitted.
 - Unless otherwise specified or directed, all instructions are to be issued by the consulting landscape designer.
 - All storm water outlets & surface run off shall be to Hydraulic Engineers detail.
 - Provide sub-soil drainage to garden beds & lawn areas where required - To be confirmed on site.
 - Refer to survey plan for position of all existing services.
 - Refer to Architectural elevations & Sections for existing and proposed ground line.
 - All landscape works shall comply with all councils DA & CD conditions and all relevant "AUSTRALIA STANDARDS" and AUS SPEC NO.1 Specification 0273-Landscaping.
 - Irrigation system - if required, shall be designed & installed to comply with AS 1600, AS 2008.1-1004, AS 2008.2-1000, AS 2008.3-1000, water board or other relevant authority regulations.

MAINTENANCE

- All landscape works are to be maintained for a period of 12 months (or as required by council DA Consent) landscape contractor after final completion AND shall be maintained at all times in a suitable manner. Replace plants which have failed with the same species. Mulch to be maintained at specified depth. All plants and turf shall be watered on a regular basis to maintain moist levels required for optimum growth. All garden areas to be maintained free from weeds.



PROPOSED PLANT SCHEDULE
IN ACCORDANCE WITH AS 2503: 2019

GROUND COVER / BOARDER			
1	Nandina domestica "Nana"	Dwarf Nandina	0.6 100mm 8
2	Lomandra "TANICA"	Dwarf Lomandra	0.75 100mm 2
3	Liriodendron "Just Right"	Just Right Liriodendron	0.7 100mm 21
4	Diella Inermis "Deady"	Deady Flax Lily	0.4 100mm 29
5	Crassula "Star Mint"	Crassula	0.4 100mm 02



Item No: 3.1
Title: DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events

Department: Environment and Planning

26 November 2020 Local Planning Panel Meeting

Reference: DA/502/2020 - D14262860
Author: Ross Edwards, Senior Development Planner
Manager: Salli Pendergast, Principal Development Planner North
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for a Community Facility - Use of The Village Green Precinct, The Village Green Precinct Carpark (25 Yaralla Road), Carpark 20W Yaralla Road & 40 Beachcomber Parade for various community events (General Events & Major Events) throughout the year for a period of 5 Years. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is required to be determined by the Local Planning Panel because it is a development proposed by Central Coast Council as the applicant and land owner.

Applicant	Central Coast Council
Owner	Central Coast Council
Application No	DA/502/2020
Description of Land	Lot 34, Lot 35 and Lot 36 DP20493, Lot 1 DP 237410, Lot 2 DP 237410, Lot 3 DP 237410, Lot 2 DP 537269, Lot 4 DP 532715, Lot 1 DP 702807, 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley
Proposed Development	Community Facility - Use of The Village Green Precinct, The Village Green Precinct Carpark (25 Yaralla Road), Carpark 20W Yaralla Road & 40 Beachcomber Parade for various community events (General Events & Major Events) during the year for 5 Years
Site Area	3,951.5 m ²
Zoning	B2 Local Centre, B4 Mixed Use
Existing Use	Village Green, public car park

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

Recommendation

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

Key Issues

- Acid sulfate soils
- Flood Planning
- Carparking
- Traffic Management
- Waste Management

Precis:

Proposed Development	Community Facility - Use of The Village Green Precinct, The Village Green Precinct Carpark (25 Yaralla Road), Carpark 20W Yaralla Road & 40 Beachcomber Parade for community events (General and Major events) per year for a period of 5 Years
Permissibility and Zoning	<p>The subject site is zoned <i>B2 Local Centre</i> and <i>B4 Mixed Use</i> under <i>Wyong Local Environmental Plan 2013 (WLEP 2013)</i>.</p> <p>The proposed development is defined as a 'community facility' under the WLEP 2013 and is permissible within the B2 and B4 zones</p> <p>Community Facility is defined in the WLEP 2013 as:</p> <p>community facility means a building or place—</p> <p>(a) owned or controlled by a public authority or non-profit community organisation, and</p> <p>(b) used for the physical, social, cultural or intellectual development or welfare of the community,</p> <p>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</p>
Relevant Legislation	State Environmental Planning Policy (Coastal Management) 2018

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

	<p>State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007</p> <p>Wyong Local Environmental Plan 2013</p> <p>Wyong Development Control Plan 2013</p>
Current Use	Village Green, car park
Submissions	Nil

Variations to Policies

There are no variations to report.

The Site

The site is located in the Village Green Precinct with adjoining carparks and the carpark on the corner of Yarralla Road and Beachcomber Parade in Toukley Town Centre. The site currently contains an open space area (Village Green), public toilets and public carpark.



Figure 1 - Aerial photograph of proposed development site

3.1 **DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)**

Surrounding Development

The immediate locality predominantly contains low density residential development located to the south and west of the site and commercial development located to the north and west of the site. The commercial development includes cafes, op shops, a butcher, Coles supermarket, bakery, medical centres, dance studio, retail shops, a chemist, hairdresser and Australia Post. An over 50's leisure and learning centre is also located immediately south of the site. The site is zoned B2 Local centre and B4 Mixed Use, Class 5 Acid Sulfate Soils and as flood planning land.

History

- Development Consent No. DA/930/2019 was approved on 23 November 2019 for a temporary event (lighting of the Christmas Tree and Fireworks Display)
- Development Consent No. DA/292/2019 was approved on 2 September 2019 for the ongoing operation of Toukley markets.
- Development Consent No. DA/913/2014 was approved on 12 November 2014 for signage including the erection of three flagpoles.

Plan of Management under Local Government Act 1993

The entirety of the subject site/s are classified as '*Operational Land*' under the provisions of the *Local Government Act 1993*. Section 36 of the *Local Government Act 1993* that requires *Plans of Management* for Council do not apply to '*Operational Land*' as defined within the Act.

As a result

- there is no requirement from the *Local Government Act 1993* for the provision of a *Plan of Management* over the land; and
- Council's generic '*Sportsgrounds, Parks and General Community Use*' Plan of Management is not applicable to the site (note that the '*Sportsgrounds, Parks and General Community Use*' Plan of Management specifies that it applies specifically to '*community land*'. In addition, Schedule 1 of the Plan of Management lists all lands to which the Plan applies, the subject land is not listed).

The Proposed Development

The proposed development includes the use of the subject site as a community facility for the intent of providing a range of community events (General Events & Major Events) each year for 5 Years. The proposed events will include markets, craft zone, Christmas tree and Christmas carols in the village green, Wet Wild 'n' Rhythm event and a firework display in the carpark at 20W Yaralla Road/40 Beachcomber Parade.

3.1 **DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)**

The proposed events will involve the road closure of Beachcomber Parade from the intersection with Anchor Avenue to Yaralla Road and the road closure of Yaralla Road from the intersection with Hargrave Street to Main Road. The right and left turn lanes from Main Road into Yaralla Road will also be closed for the duration of the events.

The proposal is for to hold a range a range of general and major events per year for 5 Years on the following dates:

School Holiday Events:

- Maximum 3 general events per week in the January school holiday period,
- Maximum 2 general events per week in the April, July and September/October school holiday periods,
- The proposed dates have been provided as contingencies dates due to incremental weather,
- The proposed general events in the school holidays will only be utilising the Village Green with no road or car park closures required as part of these events,
- No major events are proposed to be undertaken during the week within the school holiday periods.

The proposed general events within the school holiday periods is as follows:

- January
 - 2021: 4 January – 22 January
 - 2022: 3 January - 24 January
 - 2023: 2 January -27 January
 - 2024: 1 January – 26 January
 - 2025: 6 January – 24 January
- April
 - 2021: 5 April -16 April
 - 2022: 11 April – 22 April
 - 2023: 10 April – 21 April
 - 2024: 15 April – 26 April
 - 2025: 14 April – 24 April
- July
 - 2021: 28 June – 9 July
 - 2022: 4 July – 15 July
 - 2023: 3 July – 14 July
 - 2024: 8 July – 19 July
 - 2025: 7 July – 18 July

3.1 **DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)**

- September/October
 - 2020: 28 September – 9 October
 - 2021: 20 September – 1 October 2021
 - 2022: 26 September – 7 October 2022
 - 2023: 25 September – 6 October 2023
 - 2024: 30 September – 11 October 2024

Major events:

- Lighting of the Christmas tree is proposed to be held on the first weekend in December from 2020 to 2025 inclusive. Contingencies dates for this event due to bad weather etc is for the second or third weekend of December.
- Wet Wild 'n' Rhythm event is proposed to be held on the third Saturday of April from 2021-2026 inclusive. Contingencies dates for this event due to bad weather etc is for the second or third weekend of May.

The proposed major events will include:

- Food stalls (serving hot and cold food)
- Market stalls
- Entertainment
- Fireworks
- Free craft activities etc
- Road and car park closures

The proposed general events will include:

- Food stalls (serving hot and cold food)
- Market stalls
- Entertainment
- Free craft activities etc

All proposed events will be free community events open to the public.

The proposed firework display will be conducted in the carpark at 20W Yaralla Road from 8:55pm to 9pm and will be dependent on weather conditions.

The general events/carnivals will run from 9am to 9:15pm with a bump in time of 7am and a bump out time of 10:15pm. The event is expected to have 500 – 1000 attendees.

The major events/carnivals will run from 4pm to 11:00pm with a bump in time of 2pm and a bump out time of 11:30pm. The event is expected to have 1000 attendees.

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

The previous community events held in the Toukley Village have had only positive feedback with no complaints received.

The development will be conditioned appropriately (**Condition 1.21**) as part of the consent so that suitable notification is provided to Council, Government authorities being NSW Police, TFNSW, Fire NSW and the public in regards to when the community events will be held. Additionally, it will be conditioned as part of the consent that only the proposed dates for the community events listed above will occur in a 12 month period for a maximum of 5 Years.





-  = Firework Zone
-  = General and Major event area

Figure 2 - Proposed site layout plan for general and major events

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

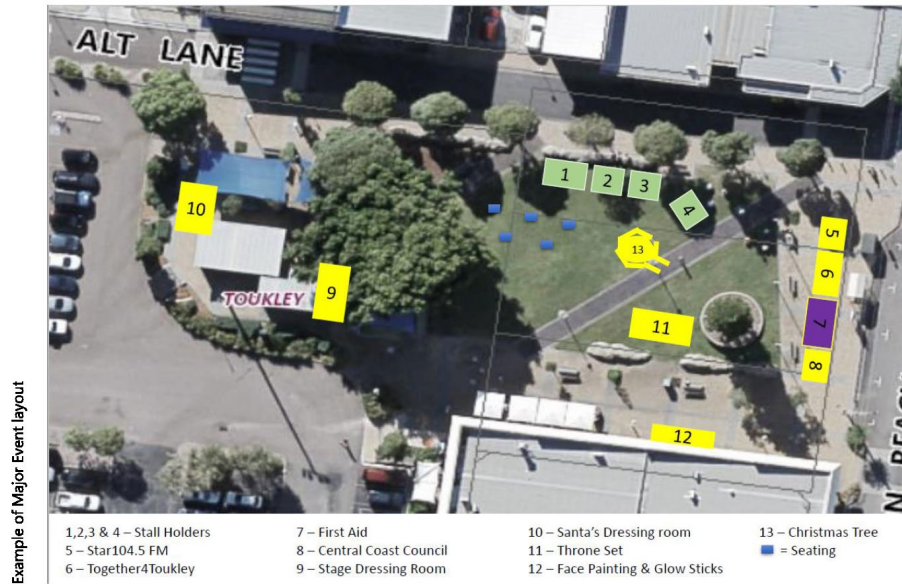


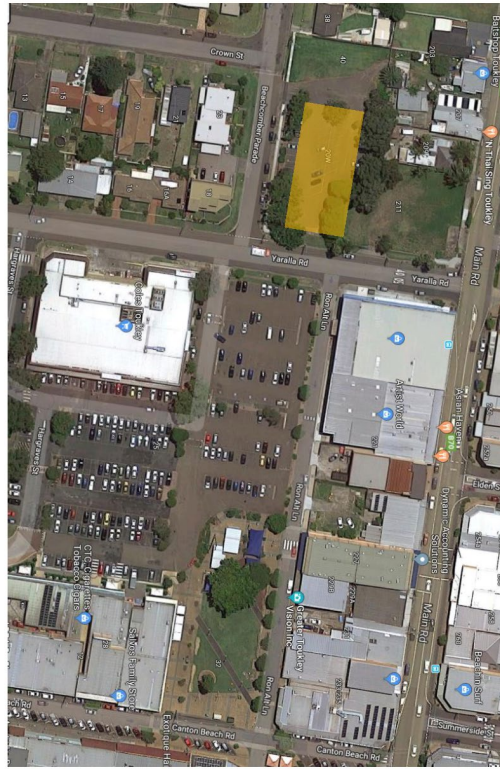
Figure 3 - Proposed indicative major event layout in the village green
 Example of a General event layout:



Figure 4 - Proposed indicative general event layout in the village green

3.1

DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)



= Firework Zone

Figure 5 - Proposed fireworks zone

TCP8360 - Yaralla Rd (Main Rd & Hargraves St), Beachcomber Parade (Yaralla Rd & Anchor Avenue & Crown St), Toukley NSW

Event Date: Friday 29/11/2019
 Event Time(s): 05:00pm to 9:00pm
 Event Road Closures Time(s): 8:00pm to 9:30pm

TM to install Advance Warning Signs, TC's to close roads, only authorised vehicles permitted through closure points

Legend	
	Barrier position
	Cone
	Fireworks Zone 20W Yaralla Rd
	A sign single
	Traffic Controller

Manifest	
18 x	Cone
16 x	Barrier board
7 x	T1-23 CHANGED TRAFFIC CONDITIONS
8 x	Barrier position
5 x	T2-4 ROAD CLOSED
4 x	Traffic Controller
3 x	T1-32 SIDE ROAD CLOSED
3 x	T2-4-002a ROAD CLOSED AHEAD
2 x	T5-1 (R) DETOUR LEFT
1 x	Local Traffic Only
1 x	R2-6 (L) NO LEFT TURN NSW
1 x	R2-6 (R) NO RIGHT TURN NSW

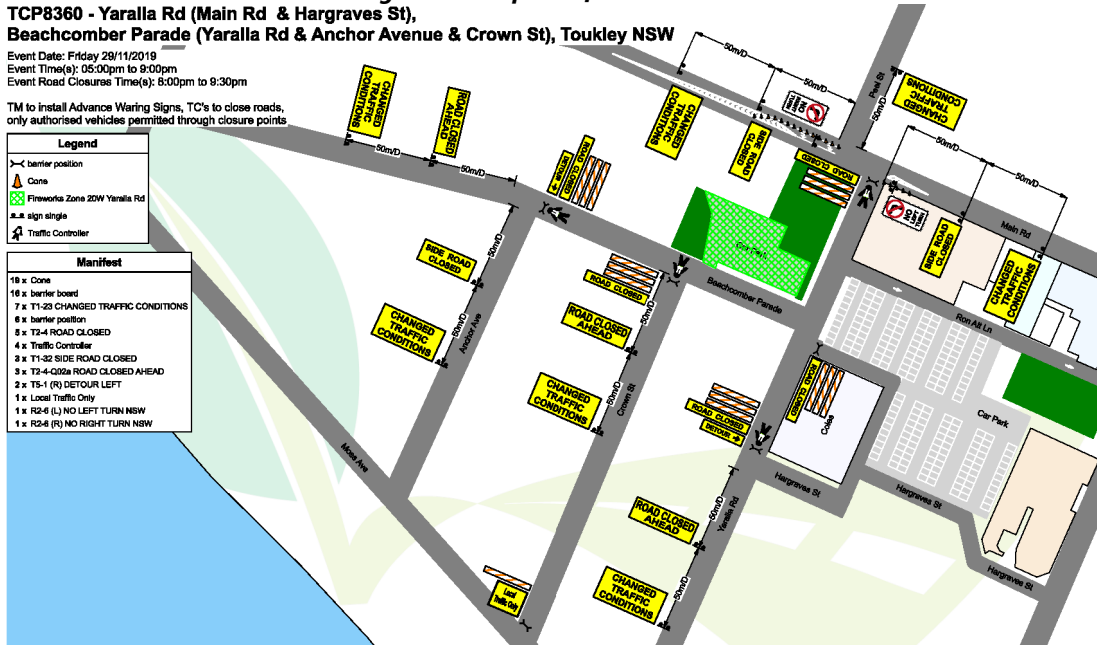


Figure 6 - Proposed road closures

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

Assessment

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

Provisions of Relevant Instruments/Plans/Policies

State Environmental Planning Policy (Coastal Management) 2018

Under the above SEPP, the site is identified as being located within a Coastal Environment Area. Any development on land identified as a Coastal Environment Area and Coastal Use Area and is required to be in accordance with clause 13 and 14 of the above SEPP. There are no construction or excavation works required for the proposed use and only temporary structures will be erected for the events. The proposal will not have an impact upon the coastal environment or coastal use area and is therefore consistent with the requirements of clause 13 and 14. The proposal has been found to be consistent with the requirements of the above policy and will not result in any impact within the coastal area.

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

Clause 12 of the above plan states:

"Before granting consent to the erection of a temporary structure, the consent authority must consider the following matters:

- (a) whether the number of persons who may use the structure at any one time should be limited,*
- (b) any adverse impact on persons in the vicinity of any noise likely to be caused by the proposed erection or use of the structure and any proposed measures for limiting the impact,*
- (c) whether the hours during which the structure is used should be limited,*
- (d) any parking or traffic impacts likely to be caused by the erection of the structure or its proposed use,*
- (e) the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines,*

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

- (f) *whether the proposed location of the structure is satisfactory in terms of the following:*
- (i) *the proposed distance of the structure from public roads and property boundaries,*
 - (ii) *the location of underground or overhead utilities,*
 - (iii) *vehicular and pedestrian access,*
- (g) *whether it is necessary to provide toilets and washbasins in association with the use of the structure,*
- (h) *whether the structure is proposed to be erected on land that comprises, or on which there is:*
- (i) *an item of environmental heritage that is listed on the State Heritage Register, or that is subject to an interim heritage order, under the Heritage Act 1977, or*
 - (ii) *a place, building, work, tree, relic or Aboriginal object that is described as an item of environmental heritage or as a heritage item in another environmental planning instrument, or*
 - (iii) *land identified as a heritage conservation area, an archaeological site or a place of Aboriginal heritage significance in another environmental planning instrument,*
- (i) *the duration for which the structure should be permitted to remain on the land concerned,*
- (j) *whether any conditions should be imposed on the granting of consent in relation to the dismantling or removal of the structure in view of any safety issues."*

The proposed temporary use includes the erection of marquees. The structure has been assessed against the above requirements and the following will apply:

- The marquees are to be oriented to reduce any potential noise impacts from music.
- The hours will be limited from 7am to 11:30pm which includes bump in and bump out.
- Signage will be included to provide clear vehicle access direction.
- The temporary structures will be suitably located.
- Portable toilets and wash basins will be used.
- The structures will be located on land that is already disturbed and cleared. No vegetation is required to be removed.
- Structures will be erected and dismantled for each function.

Wyong Local Environmental Plan 2013

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

Permissibility

The subject site is zoned B2 Local Centre and B4 Mixed Use under Wyong Local Environmental Plan 2013 (WLEP 2013). The proposed development is defined as a 'community facility' under the WLEP 2013 which provides the following:

Community Facility means a building or place-

- a) *owned and controlled by a public authority or non-profit community organisation, and*
- b) *used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The development satisfies the above definition, as the development comprises the use of a place owned and controlled by the Central Coast Council which is a public authority for the intent of providing a range of physical, social, cultural and intellectual events for the community throughout the year over a 5 year period. In regard to clause 2.3 the community facility development is permissible with the consent in the B2 Local Centre and B4 Mixed Use zone.

Clause 2.3 – Zone Objectives and Land Use Table

Subclause 2.3(2) of the WLEP 2013 requires the consent authority to have regard to the objectives for development in a zone when determining a development application. The objectives of the B2 Local Centre and B4 Mixed Use zone are as follows

B2 Local Centre Zone Objectives

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To permit residential accommodation while maintaining active retail, business and other non-residential uses at street level.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

B4 Mixed Use Zone Objectives

- *To provide a mixture of compatible land uses.*
- *To integrate suitable businesses, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To permit residential accommodation while maintaining active retail, business and other non-residential uses at street level.*
- *To encourage development that supports or complements the primary office and retail functions of the zone.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

The development satisfies the above B2 and B4 zone definitions, as the development uses a place for the carrying out of free community events for the local population in manner which will have a minimal conflict with the existing land uses in the area. The proposed Community Facility seeks consent for carrying out a range of community events within a location accessible to public transport and within a location close to neighbouring residential areas which will encourage walking and cycling to the community events and will potentially utilise the existing retail premises within the area during the events.

Acid Sulfate Soils

The site is identified as containing potentially Class 5 acid sulfate soils. The proposed development does not involve any excavation works and as such does not require the preparation of an acid sulfate soils management plan. It is considered that the proposal has satisfactory regard for any potential acid sulfate soils.

Flood Planning

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

- Is compatible with the flood hazard of the land: and
- Is not likely to significantly adversely affect flood behaviour resulting in worsened flood hazard to other development or properties, and
- Incorporates appropriate measures to manage risk to life from flood and

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

- Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The proposed development is considered to be suitable for the site, as the site is affected only by minor flooding only at the carpark where the fireworks are to be located which is on the corner of Yaralla Road and Beachcomber Parade.

A wet weather plan and cancellation plan will be implemented in the case of severe wet weather that may cause flooding. It is considered that in the event of a flood there would be safe evacuation to the local road away from the flood hazard if required.

As the community events will not involve the erection of any permanent structures, the development will not have any impact on flood behaviour, the environment or social and economic costs to the community. In the event of a flood there is suitable access to and from the site to enable people to move away from the flood hazard to manage risk to life.



Figure 5 - Flood planning land at the subject site

Clause 7.9 – Essential services

The Community events will have access to the necessary services.

Draft Central Coast Local Environmental Plan

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

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

Under the Draft CCLEP 2018 the zoning of the site remains B2 Local Centre and B4 Mixed use and the community facility remains permissible and consistent with the objectives of the B2 Local Centre and B4 Mixed use zone. There are no changes to or additional development standards in the Draft CCLEP 2018 that require further discussion in relation to the proposed development.

Wyong Development Control Plan 2013 (DCP)

DCP Chapter 2.11 – Parking and Access

Clause 3.13 outlines the parking requirements for special events. The traffic management report has identified that most of the people visiting the event will be families, locals and visitors. Numerous events have operated within previous years which have had no significant impact to the locality in regard to parking given the short duration of the event and the number of people attending the event who are generally locals.

It is considered that the existing part of the public carpark at 25 Yaralla Road which is not being used for the community events and which contains 136 car spaces will be available for the parking for the attendees of the proposed temporary events along with the on-street parking available at Canton Beach Road and along the surrounding local roads.

Chapter 3.1 Waste Control Guidelines

It is considered that suitable waste arrangements are provided during the event to ensure that the event will not pollute the local environment. This includes waste stations comprising both mixed and recyclables mobile garbage bins which will be distributed throughout the event site, in carparks, entry/exit points, high traffic flow areas, and food and drink areas. The waste generated from the proposed events will be collected by Council's waste contractor

Relevant Regulations

The *Environmental Planning and Assessment Regulations 2000* applies to all development applications in regard to such items as application type, compulsory contributions, notification of development applications and a range of many other details regarding development application requirements. In regard to this application, there is no specific clause that warrants discussion.

Likely Impacts of the Development:

Built Environment

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of DCP compliance.

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As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

Plan of Management

The submitted plan of management details the proposed operation of the community events. The plan of management is considered to be acceptable for the proposed event.

Context and Setting

The proposed location of the event within the Toukley Town Centre and the fact that there are a limited number of residences within the vicinity of the proposal, it is not likely there will be significant impacts from the noise generated by the event. The proposed hours of operation of the events are suitable and will not have a significant or unreasonable impact on the amenity of the residences nearby.

Facilities such as toilets, water stations and waste bins will be provided throughout the event which will provide suitable amenities for the patrons of the event.

Transport

It is not considered that the proposed road closures will have a significant impact on the traffic flow within the area, as a suitable detour route will be in place and enforced throughout the duration of the event. Any inconvenience will be temporary and short term in duration.

Safety

Security officers will be patrolling the event so as to ensure the safety of the attendees.

In the event of an emergency, the emergency procedures as outlined within the emergency management plan submitted with the application will be undertaken. The emergency management plan is adopted as part of the recommended conditions of a consent.

In the case of wet weather, the procedures outlined within the wet weather plan submitted with the application will be undertaken so as to ensure the safety of the attendees. The wet weather plan is conditioned as part of the consent to be complied with for each event.

Fireworks

The proposed development includes a 5-minute fireworks display from 8:55pm to 9pm associated with the major events. It is noted that Council has no power to approve the use of fireworks as this is regulated by a separate authority, however Council may object to the use

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

of the fireworks before SafeWork NSW issues a licence by way of the *Explosives Regulation 2013*.

No objection is raised in regard to the proposed fireworks as part of the community events which is proposed by Central Coast Council for the enjoyment of the general community. The proposed fireworks display is for a period of 5 minutes from 8:55pm to 9pm and any impacts regarding noise will be for a short duration. The fireworks display will be dependent on the weather conditions at the time of the event.

Natural Environment

There will be no significant impact upon the natural environment as a result of the proposal.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the development is suitable for an approval subject to conditions.

Suitability of the Site for the Development:

The site area is suitable for the community events and fits with the locality which is used primarily for commercial development within a reasonable distance away from residential development nearby.

Any Submission made in Accordance with this Act or Regulations

Any submission from the public.

The application was notified in accordance with DCP 2013 – Chapter 1.2 Notification of Development Proposals with no submissions being received.

Any submission from public authorities.

External Consultation

<i>Transport for NSW (TfNSW)</i>	Supported subject to condition 1.2 . See comments below.
<i>NSW Police Force</i>	See comments below.

Transport for NSW (TfNSW)

TfNSW supports the proposed development and road closures during the event subject to specified conditions which have been adopted under the recommended **condition 1.12**.

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

NSW Police Force

The application was referred to NSW Police for comment. To date, comments have not been received from the NSW Police within a nominated 28 day period. Under the Consultation Protocol between Tuggerah Lakes Local Area Command and Council, no objection can be assumed if Council does not receive a response from the NSW Police within the nominated 28-day period.

Upon determination, Council will advise the NSW Police Force of the Panel's decision.

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

The proposed events are in the public interest as it will create an opportunity for the community and visitors to the Central Coast to attend free community events throughout the year for a period of 5 years within the Toukley Town Centre.

Internal Consultation

Environmental Health Officer	Supported subject to conditions 1.4 and 1.5 . See comments below.
Transportation Engineer	Supported subject to condition 1.2 . See comments below.
Waste Services	Supported subject to conditions 1.14, 1.15, 1.16, 1.17, 1.18, 1.19 and 1.20 . See comments below.

Environmental Health Officer

The application was referred to Council's Environmental Health Officer who provided recommended **conditions 1.4 and 1.5** regarding the food stalls to be incorporated into a consent.

Transportation Engineer

The application was referred to Council's Transportation Engineer who raised no objection to the proposed road closures for the duration of the events subject to being in accordance with the Traffic Management Plan which is recommended as **condition 1.12**.

Waste Officer

The application was referred to Council's Waste Officer who provided recommended **conditions 1.14, 1.15, 1.16, 1.17, 1.18, 1.19 and 1.20** regarding waste bins which are to be provided throughout the events and including the collection of these bins by Council's waste services vehicles.

3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events (contd)

Ecologically Sustainable Principles:

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

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

Climate Change

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

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

Other Matters for Consideration

Contributions

Development Contributions are not applicable to the proposed free community events.

Conclusion

The proposal has been assessed using the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. It is considered the proposed development which is to operate a range of free community events throughout the year (for a 5 year period) as outlined previously within this report is suitable for site and is recommended for approval subject to conditions.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Conditions - Canton Beach Rd, Beachcomber Pde & Yaralla Rd Toukley - DA 502-2020 | D14266307 |
| 2 | Attachment A - Site plan | D14239158 |
| 3 | SiteMap_Entry+Exit Points - DA/502/2020 - 32-36 Canton Beach Rd, TOUKLEY NSW | D13998496 |
| 4 | Road Closure Map - DA/502/2020 - 32-36 Canton Beach Rd, TOUKLEY NSW | D13998499 |

Date:	15 October 2020
Responsible Officer:	Ross Edwards
Location:	Lot 34, Lot 35 and Lot 36 DP20493, Lot 1 DP 237410, Lot 2 DP 237410, Lot 3 DP 237410, Lot 2 DP 537269, Lot 4 DP 532715, Lot 1 DP 702807, 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley
Owner:	Central Coast Council
Applicant:	Central Coast Council
Date Of Application:	27 May 2020
Application No:	DA/502/2020
Proposed Development:	Use of The Village Green Precinct, The Village Green Precinct Carpark (25 Yaralla Road), Carpark 20W Yaralla Road & 40 Beachcomber Parade for various community events per year for 5 Years
Land Area:	3951.50m ²
Existing Use:	Village Green, car parking areas

1. PARAMETERS OF THIS CONSENT

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

Architectural Plans by: Applicant

Description
Attachment A – Toukley Village Green Precinct and Town Centre Carpark Precinct – Areas for fireworks, General and Major events

Supporting Documentation:

Description
Waste Wise Plan, The Village Green prepared by Caillin Wiles dated 20/08/2020
Letter of Response prepared by Caillin Wiles dated 14/07/2020

- 1.2. Comply with the requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
Transport for NSW	Use of Village Green Precinct	CR2020/002828	28 July 2020

1.3. The events are to operate during the following periods and hours as outlined below:

- January
 - 2021: 4 January – 22 January
 - 2022: 3 January - 24 January
 - 2023: 2 January -27 January
 - 2024: 1 January – 26 January
 - 2025: 6 January – 24 January

- April
 - 2021: 5 April -16 April
 - 2022: 11 April – 22 April
 - 2023: 10 April – 21 April
 - 2024: 15 April – 26 April
 - 2025: 14 April – 24 April

- July
 - 2021: 28 June – 9 July
 - 2022: 4 July – 15 July
 - 2023: 3 July – 14 July
 - 2024: 8 July – 19 July
 - 2025: 7 July – 18 July

- September/October
 - 2020: 28 September – 9 October
 - 2021: 20 September – 1 October 2021
 - 2022: 26 September – 7 October 2022
 - 2023: 25 September – 6 October 2023
 - 2024: 30 September – 11 October 2024

A maximum 3 general events per week in the January school holiday period.

A maximum 2 general events per week in the April, July and September/October school holiday periods.

The general events which are to be held in the school holidays are to only utilise the Village Green with no road or car park closures permitted.

No major events are to be undertaken between Monday and Friday within the school holiday periods.

Lighting of the Christmas tree is proposed to be held on the first weekend in December from 2020 to 2025 inclusive. Contingencies dates for this event due to bad weather etc is for the second or third weekend of December.

Wet Wild 'n' Rhythm event is proposed to be held on the third Saturday of April from 2021-2026 inclusive. Contingencies dates for this event due to bad weather etc is for the second or third weekend of May.

The proposed firework display will be conducted in the carpark at 20W Yaralla Road and 40 Beachcomber Road from 8:55pm to 9pm dependent on weather conditions.

The general events will run from 9am to 9:15pm with a bump in time of 7am and a bump out time of 10:15pm.

The major events will run from 4pm to 11:00pm with a bump in time of 2pm and a bump out time of 11:30pm.

- 1.4. Food business operating are to hold a current Approval to operate a temporary/mobile food business within the Central Coast Council boundaries.
- 1.5. Food businesses are to comply with the *New South Wales Food Act 2003*, the *Food Regulation 2010*, the *Australian New Zealand Food Standards Code* and the New South Wales Food Authority guidelines for food businesses at temporary events/mobile food vending vehicles- operation, construction and food handling guidelines.
- 1.6. All marquees are to be erected so as not to cause harm to the public. No guy ropes are to be pegged out in any public thoroughfare due to the potential trip hazards that will be created. It is also the organiser's responsibility to ensure that all banners are secure so as not to cause any harm to the public.
- 1.7. The curtilage of the events shall at all times be presented in a neat and tidy manner.
- 1.8. No advertising sign/s shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2013, Chapter 2.6 - *Signage*.
- 1.9. All temporary signs must be removed at the completion of each event.
- 1.10. The management, maintenance and operation of the events are to be conducted at all times in a manner that will not become unsightly, untidy or in such a state as to become a danger to the health and safety of the general public and event patrons.
- 1.11. To ensure the safety of the attendees of the events and the general public, the events will be appropriately managed by event organisers which includes a security and alcohol management plan which is to be prepared before the events occur.

- 1.12. Traffic resulting from the development must be appropriately managed by event organisers / traffic marshals in accordance with the Traffic Management Plan, prepared by Drew Ferguson-Tait, dated 27 September 2019 and in accordance with the road closure plan prepared by Andrew Ferguson-Tait dated 27/09/2019.
- 1.13. The events shall ensure that access for emergency vehicles will be provided in the event of an emergency.
- 1.14. Compliance with all waste commitments detailed in the Letter of Response dated 14 July 2020 prepared by Central Coast Council.
- 1.15. Mixed and recyclables waste bin stations to be located generally as indicated on the site plan attached to the Letter of Response dated 14 July 2020 prepared by Central Coast Council.
- 1.16. Waste stations comprising both mixed and recyclables high top waste mobile garbage bins (coloured hoods) to be evenly and strategically distributed throughout the event site, in carparks, entry/exit points, high traffic flow areas, food and drink area/s and at specific event activities that increase waste production. Note : existing street litter bins are not to be included / counted as part of any waste management strategy employed for an event.
- 1.17. A suitable number of additional mixed and recyclables waste bins must be available on site in a readily accessible screened location (Waste Compound) to allow exchange of filled bins to manage waste generated by the event.
- 1.18. Monitoring of mixed and recyclables high top waste bins to be regularly undertaken by event organisers to ensure waste storage capacity at all times.
- 1.19. Food and market stalls to be provided with individual back of house sealed waste storage containers to manage and separate waste into mixed and recyclables waste streams prior to disposal.
- 1.20. The site to have a comprehensive final waste collection/sweep of the entire event area/s after pack down of the event is completed.
- 1.21. Council, NSW Police, TFNSW and Fire NSW will be advised in writing of each event 2 weeks prior to the event commencing.

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



Ross Edwards

**Senior Development Planner
DEVELOPMENT ASSESSMENT**

.....
Reporting Officer

.....
Reviewing Officer

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

Approved/Refused:

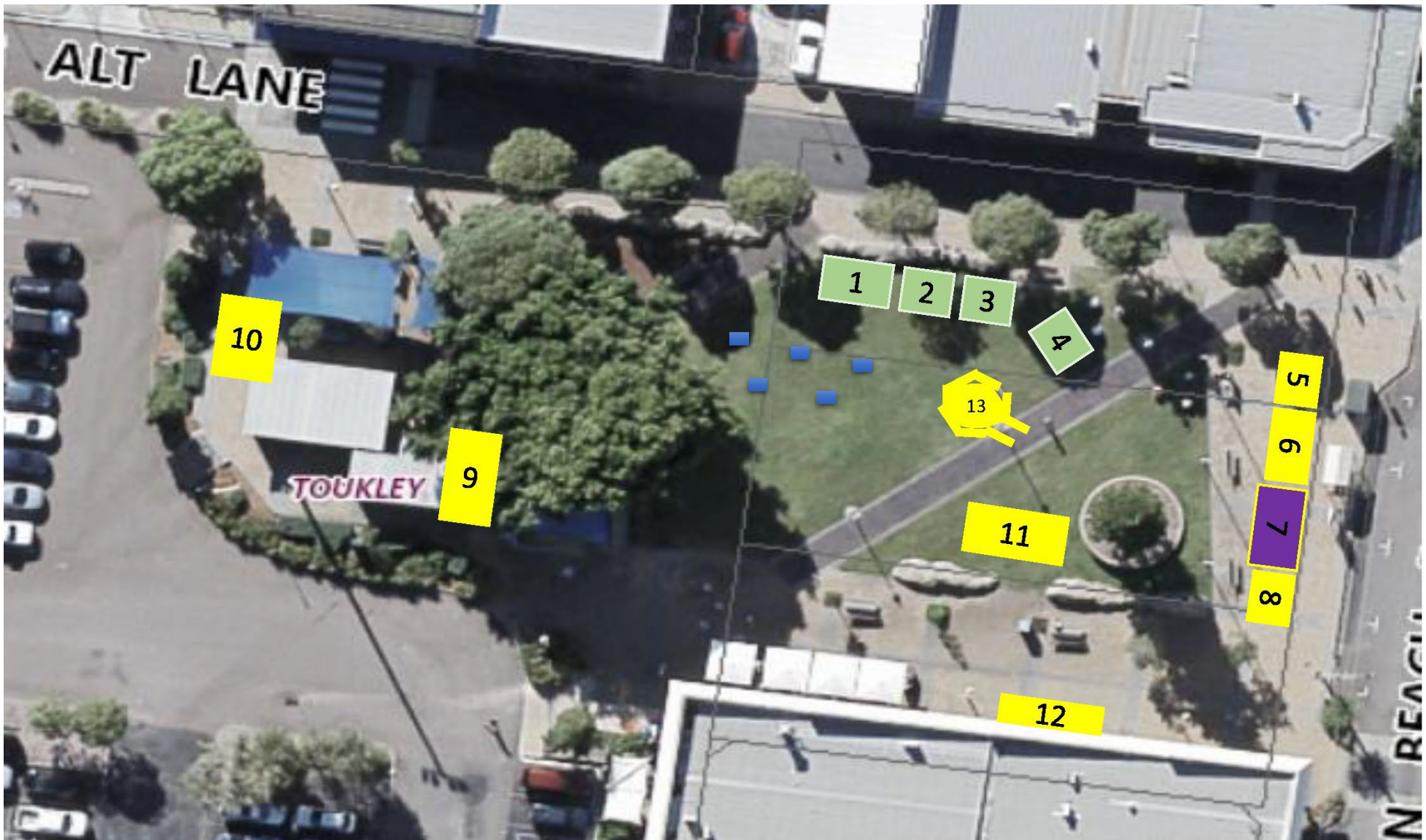
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Attachment A:



 = Firework Zone

 = General and Major event area



1,2,3 & 4 – Stall Holders

5 – Star104.5 FM

6 – Together4Toukley

7 – First Aid

8 – Central Coast Council

9 – Stage Dressing Room

10 – Santa’s Dressing room

11 – Throne Set

12 – Face Painting & Glow Sticks

13 – Christmas Tree

■ = Seating



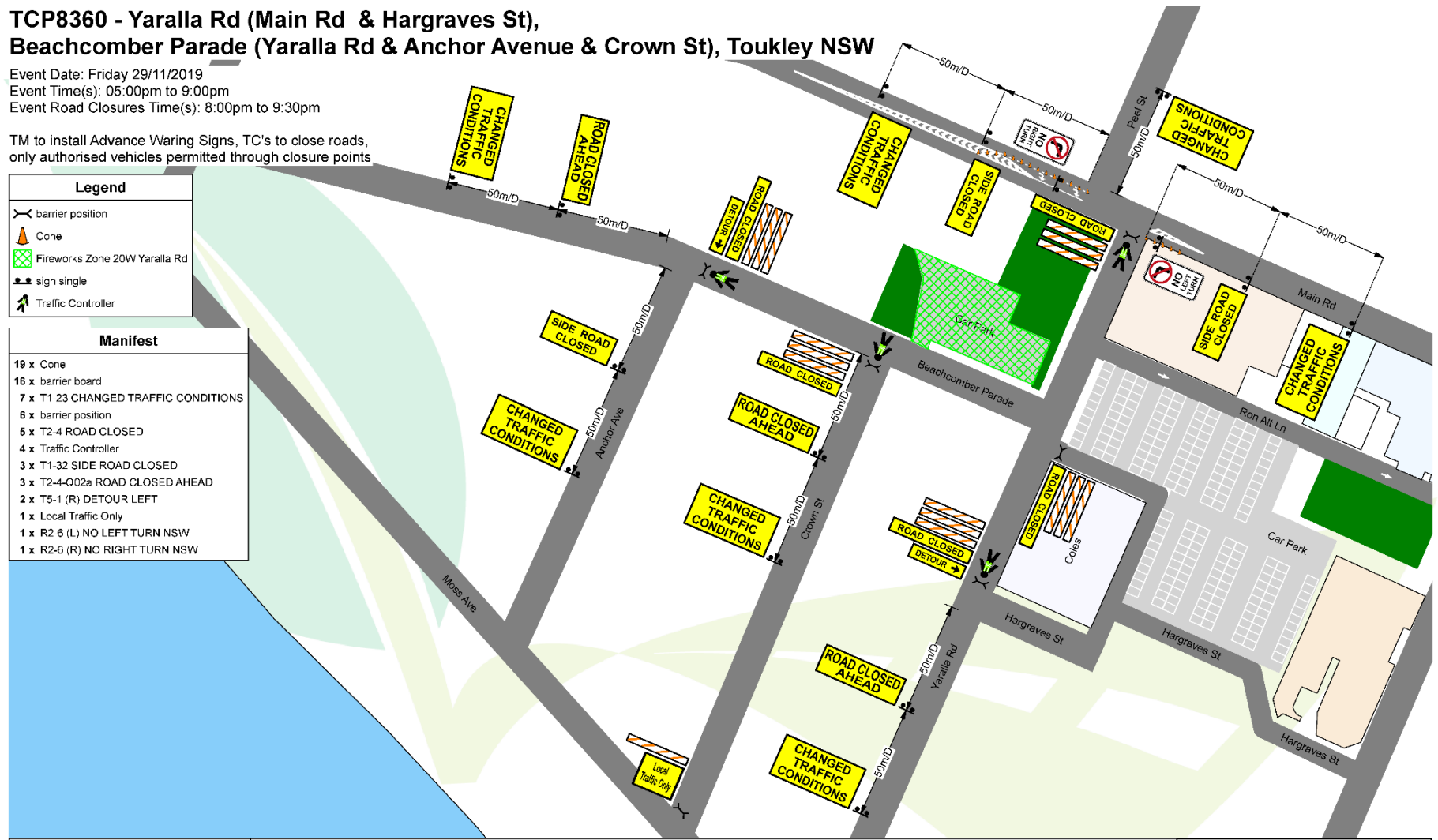
**TCP8360 - Yaralla Rd (Main Rd & Hargraves St),
Beachcomber Parade (Yaralla Rd & Anchor Avenue & Crown St), Toukley NSW**

Event Date: Friday 29/11/2019
 Event Time(s): 05:00pm to 9:00pm
 Event Road Closures Time(s): 8:00pm to 9:30pm

TM to install Advance Warning Signs, TC's to close roads,
 only authorised vehicles permitted through closure points

Legend	
	barrier position
	Cone
	Fireworks Zone 20W Yaralla Rd
	sign single
	Traffic Controller

Manifest	
19 x	Cone
16 x	barrier board
7 x	T1-23 CHANGED TRAFFIC CONDITIONS
6 x	barrier position
5 x	T2-4 ROAD CLOSED
4 x	Traffic Controller
3 x	T1-32 SIDE ROAD CLOSED
3 x	T2-4-Q02a ROAD CLOSED AHEAD
2 x	T5-1 (R) DETOUR LEFT
1 x	Local Traffic Only
1 x	R2-6 (L) NO LEFT TURN NSW
1 x	R2-6 (R) NO RIGHT TURN NSW



Date: 27/09/2019 **Author:** Drew Ferguson-Tait **Project:** Short Term Road Closure
RMS PWZ/TMP: 0043930353 **Version:** 1.3 of 2019 TCP: 8360

Comments:
 Event Name: Lighting of the Christmas Tree @Toukley
 Event Date(s) and Time(s): 29/11/2019, 5:00pm to 9:00pm
 Event Location 20W Yaralla Rd (Car Park)
 Road Closure(s): Yaralla Rd (Main Rd & Hargraves St), Beachcomber Parade (Yaralla Rd & Anchor Avenue & Crown St)
 Road Closure Date(s) and Time(s): 29/11/2019, 8:00pm to 9:30pm
 Advance Warning Signs Spacing = ("D") 80km/80m, 70km/70m, 60km/60m, 50km/50m, 40km/15m-40m
 Advance Warning Sign Tolerance = 10% to 25% +/-

NSW Transport Roads & Maritime Services

Prepare a Work Zone Traffic Management Plan
 Card No. 0043930353

This qualification enables you to prepare Traffic Management Plans and conduct inspections on Traffic Management Plans.

ANDREW FERGUSON-TAIT

Expiry Date: 09/08/2020

This card is not a proof of identity.

Item No: 3.2
Title: DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building
Department: Environment and Planning

26 November 2020 Local Planning Panel Meeting

Reference: 011.2017.00051538.001 - D14279219
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 for the demolition of existing structures on site and the use of the land for the purposes of a caravan park comprising 57 long-term dwelling sites and five short-term sites, a community building, landscaping and civil works at 1 Bowtells Drive, Avoca Beach.

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

The proposed development has been through a number of revisions and submission of amended details, and has been notified as follows:

- 10 March 2017 to 24 March 2017;
- 2 June 2017 to 16 June 2017;
- 8 March 2018 to 11 April 2018;
- 20 September 2018 to 23 October 2018;
- 8 August 2019 to 5 September 2019; and
- 4 March 2020 to 1 April 2020

The application is required to be reported to the Local Planning Panel for determination due to the number of submissions received in relation to the application. 281 submissions were received in total, with 38 submissions received in response to the last notification period.

Applicant Ian Stewart - Barker Ryan Stewart
Owner Resort Parks Australia Management Pty Ltd
Application No DA 51358/2007
Description of Land Lot 2 DP 577212 and Lot 6 DP 826812, 1 Bowtells Drive, Avoca Beach.

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Proposed Development	Demolition of existing structures on site and the use of the land for the purposes of a caravan park comprising 57 long-term dwelling sites and five short-term sites, a community building, landscaping and civil works.
Site Area	2.79ha
Zoning	E4 Environmental Living and R2 Low Density Residential
Existing Use	Currently vacant - previously caravan park
Employment Generation	No
Estimated Value	\$19,951,512

Recommendation

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

Key Issues

- Permissibility
- Character and amenity impacts
- Flooding
- Ecological impacts
- Existing easements, services and Council's Sewer Pump Station

Precis:

Proposed Development	Demolition of existing structures on site and the use of the land for the purposes of a caravan park comprising 57 long-term dwelling sites and five short-term sites, a community building, landscaping and civil works.
Permissibility and Zoning	E4 Environmental Living and R2 Low Density Residential (<i>Gosford Local Environmental Plan 2014</i>) Caravan parks are permissible within the E4 Environmental Living. Only a road and infrastructure works are proposed within the R2 zone.

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (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>Rural Fires Act 1997</i> • <i>Water Management Act 2000</i> • <i>State Environmental Planning Policy 19 – Bushland in Urban Areas</i> • <i>State Environmental Planning Policy No 21-Caravan Parks</i> • <i>State Environmental Planning Policy No55-Remediation of Land</i> • <i>State Environmental Planning Policy Coastal Management) 2018</i> • <i>State Environmental Planning Policy No 71 - Coastal Protection</i> • <i>State Environmental Planning Policy No 14 - Coastal Wetlands</i> • <i>Gosford Local Environmental Plan 2014</i> • <i>Gosford Development Control Plan 2013</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	Vacant – previously a caravan park
Integrated Development	Yes Natural Resources Access Regulator (NRAR) and NSW Rural Fire Service (NSW RFS).
Submissions	The application has been advertised on six occasions. A total of 281 submissions were received from 163 separate submitters.

Variations to Policies

There are no variations to report.

The Site

The site is located at 1 Bowtells Drive, Avoca Beach, and comprises two lots:

- Lot 2 DP 577212
- Lot 6 DP 826812

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

The site is located to the north of The Round Drive, adjacent to the southern section of Avoca Lagoon. The site has an irregular shape and has an area of approximately 2.79 hectares (refer figure 1). The topography gradually falls from approximately RL5.12m AHD at The Round Drive frontage to approximately RL2.5m AHD at the Avoca Lagoon foreshore.

A caravan park has operated on the site for many years, however the site is currently vacant. The site currently comprises internal bitumen driveways, two dwellings, a community building and an amenities building (refer figures 2, 3 and 4). All the existing structures are in a state of disrepair. The site also contains internal driveways and a mix of approximately 121 (powered and unpowered) caravan/camping sites. The majority of the site has been cleared to accommodate the caravan park. The eastern portion of the site accommodates a creek and retained native vegetation.

The site also accommodates a sewer pump station, which is a council asset (refer figure 5).

The site is subject to a number of easements including:

- Easement located adjacent to the lagoon foreshore for sewer pumping station and rising main;
- Easements for drainage, electricity and water supply for the sewer pump station
- Easement for access 6 metres wide from site entrance; and
- Easement for access 6 metres wide, extending from the public reserve located at 187 to 191 and 193 The Round Drive.

In addition to the various easements, an access handle approximately 3m wide extends from The Round Drive (between 211 and 215 The Round Drive) for additional pedestrian access.

The site is identified as "bushfire prone land". A Bushfire Assessment Report prepared by Clarke Dowdle and Associates (Version 12 dated 29/08/18) was submitted with the application recommending the proposal comply with BAL levels of either BAL Low or BAL-12.5.

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)



Figure 1-Locality Plan



Figure 2 – Entrance to site via Bowtells Drive and southernmost dwelling



Figure 3 – Dwelling on south east of site

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)



Figure 4 – Existing community building and amenities block facing east across site



Figure 5 – Sewer Pump Station at northern boundary, facing north

3.2 **DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)**



Figure 6 – Sites northern boundary to the west, interface with 231 The Round Drive



Figure 7 – Sites western boundary facing south west across site

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Surrounding Development

The site is surrounded by a mix of land uses, largely comprising single and double storey low density residential dwellings to the north, east and west (refer figures 6 and 7). To the south is a small group of neighbourhood shops, a two storey townhouse development and a public reserve. The neighbourhood shops include a general store, pet grooming store and hairdresser. Further to the south is the 'Palms at Avoca', comprising 45 holiday cabins available for tourist accommodation and 100 manufactured homes for permanent accommodation.

The Proposed Development

The proposed development includes the demolition of structures on site and the use of the site for a caravan park including:

- 57 long- term dwelling sites
- 5 short-term sites
- Community building comprising office, storage and amenities
- 3 screened waste storage areas
- Reconfiguration of the internal road network
- Off-street parking for 129 cars, comprising 114 spaces for the long-term sites (i.e. 2 spaces each) and 15 visitor spaces, located along the entrance road
- Removal of approximately 20 trees
- Retained vegetation and recreation area of 2,700sqm
- Masonry, timber and metal fencing
- Landscaping and civil works

The 57 long-term dwelling sites will contain future manufactured homes that will be manufactured off site and transported to the site for installation. The type of manufactured homes that were submitted with the application are shown as 2 storeys and contain 3 bedrooms, double garage, kitchen, living and rumpus rooms and amenities.

The proposal includes a 15m setback from the Avoca Lagoon Foreshore.

Vehicular access to the site is provided via an existing two-way driveway known as Bowtells Drive which extends from The Round Drive (refer figures 8, 9 and 10).

The proposal also includes the relocation of existing access and electricity easements and infrastructure that service council's sewer pump station.

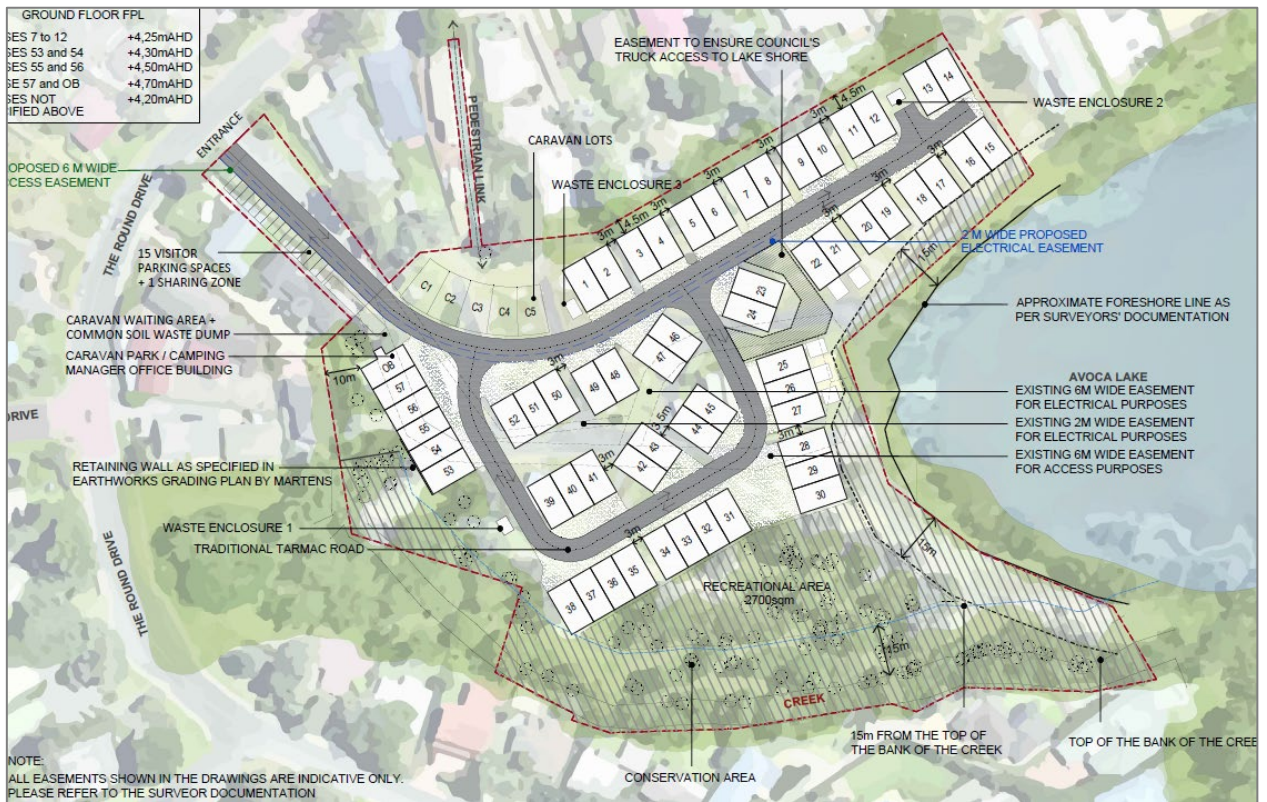


Figure 8 – Site Plan



Figure 9 – Elevation of westernmost movable dwellings



Figure 10 – Impression of movable dwellings

Planning History

Development consent DA/37693/2009 was approved by Gosford City Council on 1 November 2011 for modifications and upgrading of an existing caravan park. This proposal included the replacement of existing community and amenities buildings with a single new community building containing dining facilities, amenities, boardroom and swimming pool. The number of sites within the development was reduced from an existing 121 to 119, comprising 16 long-term sites and 103 short-term sites. The approved site plan of this application is included at Figure 11.

The applicant has advised that works associated with development consent DA/37693/2009 were physically commenced prior to the lapsing date of 1 November 2016 (refer figure 11).

The applicant has advised that some site preparation works (demolition, earthworks and provision of services) is being continued in accordance with DA/37693/2009 whilst the current application is being considered by Council.

The applicant also obtained approval to operate the caravan park under section 68 of the *Local Government Act, 1993*. This approval permitted 16 long term, 98 short term and 7 camping sites (121 in total) and was valid between 1 July 2013 to 30 June 2018. A condition of consent is recommended requiring the surrender of consent for DA/37693/2009 see **Condition 1.4**.

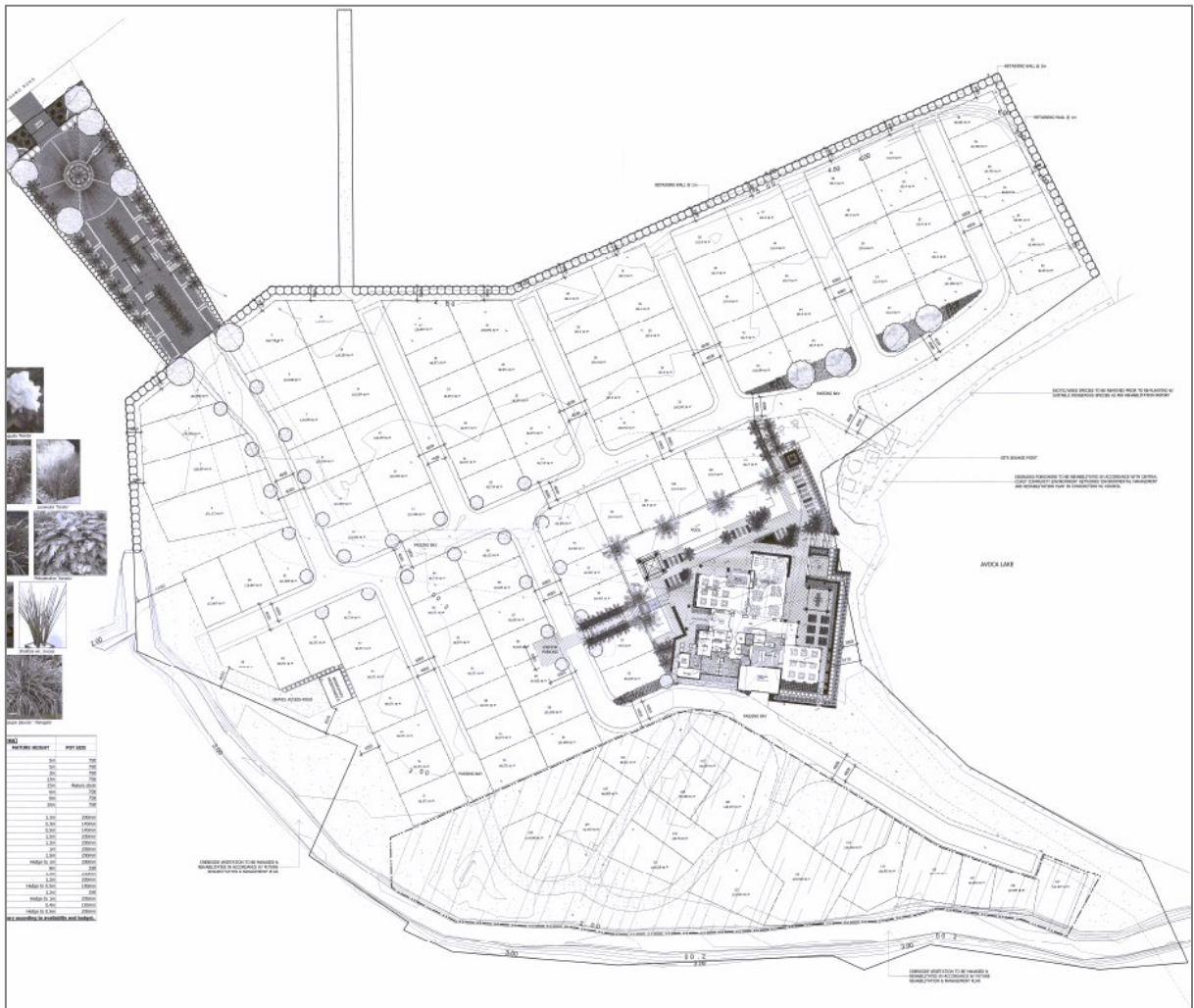


Figure 11 – Approved site plan under DA/37693/2009

Application background

The application as originally submitted on 21 February 2017 and proposed 86 long term sites and 15 short term sites. The proposal also included a community centre, convenience store, café and two swimming pools.

Council officers identified various issues with the proposal including:

- Flooding - impact of the development's effect on flood behavior on the site and surrounding sites and flood risk to proposed development and its occupants
- Waste management
- Building and structural issues
- Tree removal
- Ecology
- 15m buffer requirement from the lagoon foreshore

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Amended plans and reports were received in February 2018 and included 80 long term sites only.

The issue of permissibility was raised in May 2018 and in June 2018 further issues were raised regarding ecology, tree removal, waste, engineering and flooding.

Amended plans and reports were provided on September 2018 and included 58 long-term dwelling sites and 9 short-term sites. An assessment of this documentation led to concern still being raised in January 2019 in relation to:

- Ecology – Impact on wetlands from stormwater runoff
- Waste
- Engineering – including forward access and egress to the Sewer Pump Station
- Flooding

In response to the issues identified, amended plans and reports were submitted to council in July 2019. An assessment of this information resulted in the following issues being raised (September 2019):

- Flooding
- 15m buffer requirement from the lagoon foreshore
- Existing easements and rights of way
- Flora and Fauna Assessment
- Tree removal
- Stormwater plans including works in vicinity of trees including endangered *Melaleuca biconvexa*
- Impact of required bushfire asset protection zones on endangered *Melaleuca biconvexa*
- Consideration of threatened species of microbats in derelict billings
- Waste – proposed 114 bins – impacts of servicing, bulk waste bins recommended – waste enclosers no detailed
- Acid Sulphate Soils
- Contamination – given evidence of filling
- Acoustic impacts
- Soil and Water Management Plan
- Compliance with the *Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*

Further amended plans and reports were provided in February 2020. Concern was raised in April 2020 regarding:

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

- Engineering and Water and Sewer - existing rights of way and easements over the proposed development on the site, particularly with regards to truck access to Sewer Pump Station
- Flooding
- Wastes – bulk bin storage recommendation
- Contamination
- Construction Noise and Vibration Management Plan
- Revised Soil and Water Management Plan

Additional information was further provided in May and June 2020, with a detailed contamination report received on 31 July 2020.

Upon assessment of that suite of information, issues were raised with the applicant during August and September 2020 including:

- Proposed use of 66 x 120L/240L mobile garbage bins (MGB's) instead of 13x bulk waste bins is not supported. Waste Services teams recommendation was for bulk waste bins to reduce noise and servicing times. The amenity impacts from the proposal to service minimum 66 x 120/240 litre MGB's weekly are significant and inefficient.
- Details demonstrating access and easements relating to the Sewer Pump Station - access must accommodate forward entry and forward egress from the site and provide for a crane truck.
- Compliance with the *Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*

Amended plans and further information were provided in September and October. These amendments included:

- Minor reconfiguration of the office/amenities building to address compliance with the *Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.
- Provision for 13 bulk waste bins, instead of 66 bins, however with no change in location of the waste enclosures.
- Details of access ways an easement to the Sewer Pump Station.

Given these changes did not materially change the overall layout or impacts of the development these plans were not re-notified.

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Assessment:

This application has been assessed having regard for the matters for consideration specified under section 4.15 of the EP&A Act, and other relevant instruments, plans and policies.

Integrated Development

Water Management Act 2000

The proposed development included 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 National Resource Access Regulator (NRAR) is required.

The application was referred to DPI Crown Lands and Water Division, with amended plans being provided to the equivalent and current body being the Natural Resources Access Regulator (NRAR).

DPI Crown Lands and Water Division has issued General Terms of Approval (GTA) for the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000*. The Natural Resources Access Regulator have reviewed the amended plans and confirm that the GTA's submitted remain relevant. Refer **Condition 1.2**

Rural Fires Act 1997 & Planning for Bushfire Protection

The subject site is located within a designated bushfire prone area and is classified as Integrated Development. General terms of approval were sought from the NSW Rural Fire Service for the subject Integrated Development in accordance with Division 4.8 of the *Environmental Planning and Assessment Act 1979*.

Pursuant to Section 100B of the *Rural Fires Act 1997* NSW RFS provided General Terms of Approval which have been included as part of the recommended conditions, see **Condition 1.3**.

Provisions of relevant Instruments/Plans/Policies

State Environmental Planning Policy 19 – Bushland in Urban Areas

The general aim of this Policy is to protect and preserve bushland within the urban areas.

The site adjoins land zoned RE1 Public Recreation to the north along the Avoca Lagoon foreshore and to the south at 187 to 191 and 193 The Round Drive. Clause 9 of this SEPP applies to land adjoining land zoned or reserved for public open space and requires the

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

public authority to consider the following before granting an approval or development consent:

- (c) the need to retain any bushland on the land,*
- (d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and*
- (e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.*

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

- No tree clearing is proposed to the existing vegetated areas of the site that adjoin the RE1 Public Recreation zoned land.
- The development will be connected to sewer and proposes appropriate stormwater, erosion and sediment control measures. Any potential stormwater impacts to RE1 zoned land will be appropriately mitigated.

State Environmental Planning Policy No 21-Caravan Parks

The proposal has been assessed under State Environmental Planning Policy 21 - Caravan Parks.

- (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](#).*

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

The proposed development is considered to involve the orderly and economic use of the land that is in an ideal location for both short-term and long-term residents. The proposed development is adequately set back from the foreshore area and will retain the existing established vegetation along the foreshore and existing creek line and will enhance the scenic quality of the site with additional landscaping.

Clause 8 of this SEPP 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 (See **Condition 1.1 and 7.1**).

The definitions 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

Development consent is being sought for 57 long-term sites and 5 short-term dwelling sites which are indicated on the plans as lots C1 -C5. The 57 long-term dwelling sites are considered suitable for long-term residence as discussed elsewhere in this report.

Clause 10 of this SEPP includes the matters to be considered by Council 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.*

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

The site is currently an existing approved caravan park site. The applicant provides the following comments in regard to Clause 10:

- *The site has historically been used for tourist accommodation but has been vacant for a number of years. The re-establishment of the caravan park will therefore not displace existing tourist accommodation.*
- *The 'Palms at Avoca' caravan park is located to the south of the site and has 45 holiday cabins available for tourist accommodation and 100 manufactured homes for permanent accommodation.*
- *The provision of 5 caravan sites on the subject site will contribute to the supply of tourist accommodation in the locality.*
- *The addition of long-term sites will contribute to affordable housing supply by providing relatively low-cost accommodation within an established suburb and with good public transport connections to services and facilities.*
- *On-site facilities include: power supply; toilet / shower amenities, landscaped grounds and a general store is located on The Round Drive a short walk from the site.*
- *The proposed development complies with all relevant requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

It is considered that the site is suitable and well located for the long-term and short-term sites proposed. The proposal will not unreasonably displace the supply of tourist accommodation within the area and will provide a good supply of new housing in a desirable and well serviced and established area.

An assessment against the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005* is included further below. The application is considered consistent with the stated aims and objectives.

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 some ground disturbance through site regrading and provision of infrastructure on the site.

The applicant has provided the following information in relation to contamination:

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

- A Preliminary Site Investigation prepared by Martens (P1907052JR04V01, dated 12/05/2020); and
- Detailed Site Investigation Report, prepared by Martens Consulting, dated July 2020

Council's Environmental Officer reviewed the two Contamination Assessments and concluded that the site is considered suitable for the proposed development with regard to land contamination and the provisions of SEPP 55. As soil testing was unable to be conducted under the existing site structures, including the chemical storage shed and transformer, a condition is recommended to require the completion the stage 2 investigation following demolition, see **Condition 3.11**.

Council's Environmental Officers comments are included below:

The land is not mapped as a potential or known contaminated site. Historic aerial imagery dated 1964 shows the land consists of native vegetation, with the use changing to a caravan park in 1986. Records indicate that a portion of the land was subject to land filling in 1986...

...The Acid Sulphate Management Plan also indicates that filling has occurred on the land from surface levels to up to 2 metres in some bore holes. VENM certificates have not been provided to certify the fill material is not contaminated and the site is suitable for the proposed use and does not present a risk to human health and the environment.

The Stage 1 Preliminary Site Contamination Investigation has been reviewed. It meets the minimum requirements of the NSW EPAs Guidelines and identifies several potential contaminants of concern, including fill material applied to land, stockpiles of fill material, the electrical transformer, chemical storage shed and hazardous materials within the existing buildings.

Suspected asbestos containing material was also identified on the grounds surface. The report recommends that at Stage 2 detailed site contamination investigation is conducted post demolition and site clearing. The Stage 2 Detailed Site Contamination Investigation has been provided and reviewed.

Intrusive soil samples were undertaken and analysed for all potential contaminants of concern. Human health and ecological screening levels were applied for residential land use. Results were all below the site-specific assessment criteria, indicating the site is suitable for the proposed at the tested locations. Soil testing was unable to be conducted under the existing site structures, including the chemical storage shed and transformer, therefore these must be assessed post demolition.

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

State Environmental Planning Policy No 71 - Coastal Protection

State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management) came into effect on 3 April 2018. The savings and transitional provisions contained within SEPP Coastal Management states the *State Environmental Planning Policy No 71 Coastal Protection* provisions continue to apply if a Development Application is lodged but not finally determined prior to the commencement of SEPP Coastal Management. The subject application was lodged in 2017 therefore the savings provisions apply. Similar savings provisions also apply to *State Environmental Planning Policy No 14 - Coastal Wetlands* (SEPP 14), which is discussed further below.

SEPP 71 affects the site because the site is located within the "coastal zone".

The overall aim of SEPP 71 is to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.

Clause 8 of this SEPP set out the matters for consideration that must be taken into account by any consent authority when determining a development application to carry out development on land to which this Policy applies. A table outlining the merits of the application having regard for the matters for consideration are provided for in

Attachment 1.

In summary, the proposed development is considered satisfactory as it is considered to maintain the visual amenity of the coastal area and will not adversely impact on any foreshore environment or native coastal vegetation or animals. The proposal will not affect public access to foreshore areas and will provide adequate access for residents and visitors of the caravan park. The provision of a 15m buffer along the boundary of the property adjacent to the foreshore will allow for the retention of existing coastal vegetation and habitats whilst maintaining the scenic qualities of this area. In addition, appropriate water quantity and quality measures are proposed to maintain the water quality of the lake.

State Environmental Planning Policy No 14 - Coastal Wetlands

The site is mapped as having SEPP 14 coastal wetlands in the north-eastern corner as shown in Figure 12. The aim of SEPP 14 is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.

The vegetation in the north-eastern most corner of the site is to be completely retained with no works in or within close proximity to this area. Appropriate erosion and sediment control measures are to be implemented to ensure there is no transfer of soil and sediments into the adjoining area of mapped coastal wetland.

The Flora and Fauna Assessment prepared by Conacher Environmental confirms the proposed development will not adversely impact the Wetland area. Council's ecologist has

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

assessed the flora and fauna assessment and is satisfied there will be no adverse impact to the mapped wetland. As such, the application is considered satisfactory having regard for the provisions of SEPP 14.



Figure 12 – Blue shaded area depicts location of SEPP 14 Coastal Wetlands mapping (source: Geocortex)

Gosford Local Environmental Plan 2014 (GLEP 2014)

Zoning and Permissibility

The majority of the site is zoned E4 Environmental Living, apart from the easternmost two access handles zoned R2 Low Density Residential (refer Figure 13- Zoning Map Extract).

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

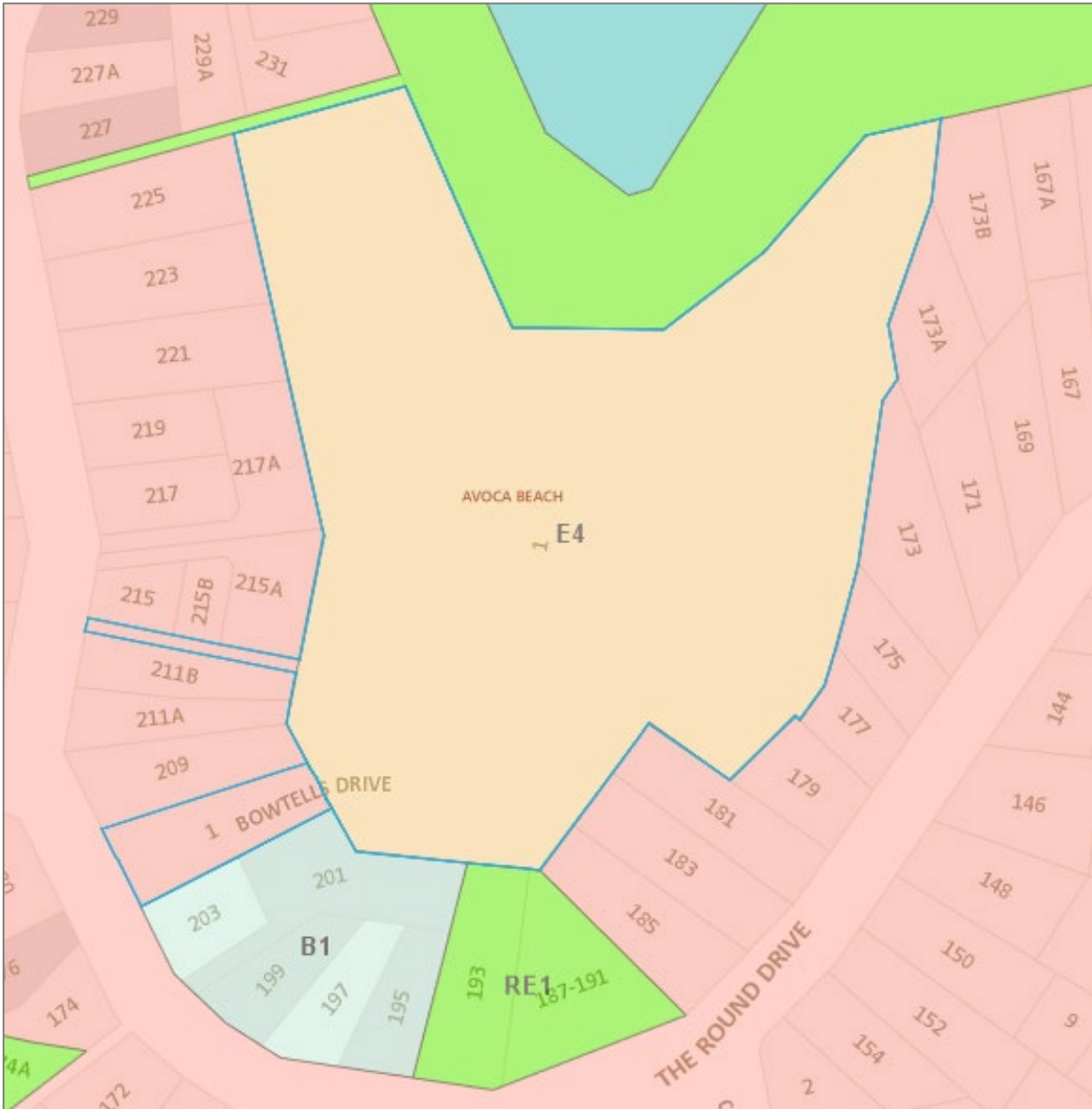


Figure 13 – Zoning Map extract

Caravan parks are permissible with consent in the E4 Environmental Living zone. Roads are permissible with consent in the R2 Low Density Residential zone. The proposal involves works to Bowtells Drive which is within the R2 zone.

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 57 long-term and five short-term dwelling sites and an associated community building comprising an office, storage area and facilities. It is important to note that this

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application is for the use of the site for 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*.

If approval is granted for the use of the land as a caravan park, the operator is not required to obtain prior approval of the council for the installation of the manufactured homes or any associated structure if the dwelling is designed, constructed and installed in accordance with the relevant provisions of Division 4, as per the provisions of clause 74 (4A)(b) of the Local Government Regulation 2005.

The definition of "caravan park" is conjunctive, such that it requires the installation or placement of both caravans and moveable dwellings on the site.

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.

The Land and Environment Court decision of *TMT Devco Pty Limited v Cessnock City Council* [2016] NSWLEC 1161 ('*TMT Devco*') stated 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.

The facts and proposed uses in that case are fundamentally different to those proposed by this application. In *TMT Devco Pty Limited v Cessnock City Council*, it is clearly distinguishable as the proposed uses of two sites for storage and parking does not constitute a use which is comparable or similar to the ongoing use of the five allocated sites for caravan occupation.

It is considered the inclusion of five short-term dwelling sites for moveable dwellings, in conjunction with 57 long-term dwelling sites satisfies the requirements of the definition for caravan park and is sufficiently beyond a "nominal" inclusion.

The *Local Government Act 1993* defines moveable dwellings and manufactured home as follows:

Moveable dwelling means—

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

The proposal has provided five short-term sites that will cater for a moveable dwelling in the form of that which is defined above in (a), and 57 long-term sites that will involve the installation of 57 manufactured homes.

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

(a) that comprises one or more major sections, and

(b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 1909,

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

The operator intends to install manufactured homes on the long-term dwelling sites and the applicant has advised that the manufactured homes provided as part of the application documentation will be manufactured off site and transported to the site for installation.

In accordance with the provisions of the Department of Planning's Planning Circular PS 06-018, installation of a manufactured home involves connecting together its major sections (and any associated structures that form part of the home) and attaching them to footings, and also includes the connection of gas, electricity, telephone, water sewerage and drainage.

The type of manufactured homes to be installed in the caravan park will need to be capable of being connected. A major section, as defined under the LG Regulation 2005, is a 'single portion of a manufactured home, being a portion:

- (a) that contains a total living space (excluding the living space contained in any associated structure) of at least 20 cubic metres, and
- (b) that comprises all the major components of that portion of the home, including the chassis or frame, the external and internal walls, the roof and ceilings, the floors, the windows and doors, the internal plumbing and wiring, the tiling, the kitchen, bathroom and window fittings (other than whitegoods) and the built-in cupboards and cabinets.

A recommended condition of consent is to require the installation of the homes in major sections as per the requirements of the LG Regulation 2005, see **Condition 6.3**.

Objectives of the zone

The majority of the subject site is zoned E4 Environmental Living with the exception of the two access handles which are zoned R2 Low Density Residential.

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.

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- 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 proposal is consistent with the E4 zone objectives for the following reasons:

- The future installation of moveable dwellings on piers will cause minimal site disturbance on the established and cleared area of the existing caravan park site.
- The retention of vegetation and 15m buffer from the foreshore edge will ensure that the development will not adversely impact on any special ecological, scientific or aesthetic values of the site.
- The provision of a mix of short-term tourist accommodation and long-term housing is consistent with the principles of environmental, social and economically sustainable development and is compatible with the desired future character of the area.

The R2 Low Density Residential zone objectives are:

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

The only works on the R2 zoned land relate to the proposed upgrading of Bowtells Drive which will improve access to the caravan park and provides legal and physical access to the site.

Clause 4.3 Height of buildings

The provisions of Clause 4.3 (Height of Buildings) within GLEP 2014 establishes a maximum height limit for buildings. The applicable height control indicated on the GLEP Height of Buildings map is 8.5 metres. The plans of future moveable dwellings on the site show a

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height of approximately 8.37m however, the dwelling types do not form part of this approval and will need to be designed in accordance with Division 4 of the LG Regulation 2005.

Clause 4.4 Floor Space Ratio

The provisions of Clause 4.4 (Floor Space Ratio) within GLEP 2014 establish a maximum floor space ratio (FSR) for buildings. The E4 zoned part of the site does not have an FSR control. The R2 land has a maximum floor space ratio of 0.5:1. No buildings are proposed in the R2 zone.

Future homes on the dwelling sites will be required to comply with the provisions of Division 4 of the LG Regulation 2005.

Clause 7.1 Acid Sulphate Soils

The site is mapped as containing class 2 and 3 acid sulfate soils. An Acid Sulphate Soils Management Plan has been provided which indicates that acid sulfate soils are present from 0.1m to 3m at various locations throughout the site and that groundwater is present at depths ranging from 1.1m to 1.6m depths.

Recommendations are included for excavation works, dewatering, stockpiling of acidic soils, potential and actual acid sulfate soils and emergency response procedures. **Condition 4.10** is recommended to ensure compliance with this Plan and the proposal adequately addresses the objectives of this clause.

Clause 7.2 Flood Planning

The site is subject to flooding from Avoca Lagoon and from the upstream catchment. Clause 7.2 applies to the site and requires that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- *is compatible with the flood hazard of the land, and*
- *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- *incorporates appropriate measures to manage risk to life from flood, and*
- *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

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The applicant has provided the following information in relation to flooding:

- Flood Assessment Report & Detail prepared by Martens (Rev E dated 21/02/2020)
- Flooding Emergency Response Plan (FERP) prepared by Martens (P1907052JR03V01, dated 21/02/2020).
- A letter, prepared by flooding expert, Drew Bewsher, independently reviewing flood safety risks and draft FERP dated 25/02/2020.

The proposed works address site flooding as follows:

- Future moveable dwellings are capable of being structurally designed to withstand floodwaters and associated debris with a void underneath the homes to allow the passing of flows.
- A flood control bund and retaining wall at the rear of lots 53 – 55.
- Filling in areas of minor flood affectation to elevate proposed lots above the floodplain, and compensatory cut in areas of greater flood affectation to achieve balanced earthworks and to ensure offsite impacts do not occur.
- A 4m wide trench drain at the driveway entrance connects to a box culvert that discharges to Avoca Lake, which attenuates concentrated flood flows from upslope of the driveway.
- Proposed swales adjacent to the internal roads collect upslope flood waters and direct them to Avoca Lake downstream of the site.
- A box culvert conveys flood waters from the central swale to pass underneath the internal east-west road at the site's northern boundary.
- The box culverts are connected to a proposed level spreader along the northern boundary of the site and discharges to Avoca Lake.
- The proposed development has been designed to ensure there is no material loss of flood storage on site, and hence there are negligible impacts on local floodplain flow characteristics.
- Appropriate erosion and sediment control measures to ensure there is no transfer of soil and sediments into the adjoining vegetation, foreshore and wetland area.

The Flood reports and modelling have been reviewed and the following comments are provided:

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- The flood level varies from 6.8 to around 9.6m AHD over the site. This is generally a low depth slow flow regime flooding as the water passes through what is likely to be almost wetland fringe land.
- The proposed location of the access road to the dwelling sites are on marginally flood impacted land in the 1% event.
- From a perspective of flooding the primary access and dwelling sites are not significantly impacted in the 1% event.
- The floor levels of future dwellings can be set at the probable maximum flood (PMF) and this is to be secured via **Condition 2.5(j)**.
- **Condition 6.4** is recommended to ensure that all building elements provide at least 75% permeability to the flow of water in any plane is required.
- The 88b instrument is to include a caveat that the underfloor is always to remain open and free flowing, see **Condition 5.9**.

Due to the nature of flooding over the site a final Flood Emergency Response Plan (FERP) is to be submitted to Council for approval prior to the issue of any Construction Certificate, see **Condition 2.6**. The FERP is to include (as a minimum) the following:

- Emergency Contact List
- Flood Risk Summary
- Flood Action Plan

The Flood Action Plan within the FERP shall include as a minimum the following Phases:

- PREPARE Trigger – All the Time
- RESPOND Level 1 Trigger – Flood Watch or severe weather warning Issued
- RESPOND Level 2 Trigger – Floodwater observed in the suburb
- RESPOND Level 3 Trigger – Floodwater observed in Driveways on site
- RESPOND Level 4 Trigger – Floodwater restricting access to dwellings
- RECOVERY Trigger – Floodwater receded, and threat passed

The 88b instrument is to include a requirement that a copy of the approved Flood Emergency Response Plan shall be placed in all houses and buildings. Condition's recommended will also require the continual appointment of a Chief Flood Warden and require the Flood Emergency Response Plan to be reviewed every 5 years and after every flood event.

Subject to the above, and other relevant conditions the development is considered satisfactory in respect to clause 7.2 of the GLEP 2014.

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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.*

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.

As detailed above, there will be a condition of consent that requires future manufactured home floor levels to be set at the probable maximum flood (PMF) and structurally designed to withstand floodwaters and associated debris with a void underneath the homes to allow the passing of flows.

By comparison the 121 caravan and camping sites that are currently approved for the site under DA/37693/2009 would not be able to withstand flows and debris from flood waters. As such, the proposed number of dwelling sites represent a preferable outcome in terms of flooding and emergency response issues on the site.

Clause 7.5 Caravans Parks and Manufactured Home Estates

The site is located on land identified as "Caravan Parks and Manufactured Home Estates". This clause applies where development *other than* a caravan park, a camping ground, a manufactured home estate or a public utility undertaking is proposed.

It is noted that the proposal involves the use of the site as a caravan park therefore no further consideration of the clause is required.

Draft Central Coast Local Environmental Plan 2018

The *Draft Central Coast Local Environmental Plan 2018* (Draft CCLEP) applies to the subject land. Under the provisions of the Draft CCLEP the subject land retains E4 Environmental Living zone. However, under the provisions of the Draft CCLEP the development of a 'caravan park' is a prohibited use under the proposed E4 Environmental Living zone.

Draft CCLEP was publicly exhibited from 6 December 2018 to 28 February 2019.

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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 *Wyong 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

Council considered a planning report on the Draft CCLEP at its meeting on 9 March 2020 and deferred the draft Plan for further consideration. The Draft CCLEP also includes savings provisions that provide for an application lodged before the making of the draft Plan, that the application must be determined as if the draft Plan had not been made.

The Draft 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 matter for consideration in s4.15(1) of the EPA Act is a matter for the consent authority.
- The case law is to the effect that the weight to be given to a draft instrument will be greater, the more 'certain and imminent' its 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, however it has not been approved by the planning authority or sent to the Minister. It is noted that the site has historically been used as a caravan park for many years and that 121 caravan and camping sites are currently approved for the site under DA/37693/2009. It is also noted that at the time of lodgement, being February 2017, the Draft CCLEP had not been exhibited.

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Gosford Development Control Plan 2013 (GDCP 2013)

Chapter 2.1 Character

The site is located within the Avoca Character Area 8: Mobile Home Estate. The desired character for this area, as set out in the GDCP 2013 is:

These properties should remain medium-density residential estates where manufactured homes accommodate a combination of permanent and transient residents, and streetscape quality plus amenity are enhanced by "greening" to provide leafy settings for each dwelling as well as improving the scenic quality of prominent backdrops to Gosford City's major tourist routes.

Conserve existing visually-prominent trees, particularly along street frontages, and plant a combination of shady trees and shrubs along estate boundaries and internal roadways. In order to complement the informal character of existing garden frontages, use hedges or fences that are low or see-through rather than tall and opaque. Maintain the informal qualities of existing wide grassy street verges and conserve existing shady street trees.

Avoid the appearance of long or continuous rows of buildings facing any boundary by varying the siting or orientation of successive dwellings, by providing landscaped setbacks that vary in width, and lining internal roadways with avenues of trees and shrubs. Maintain street setbacks similar to surrounding properties and minimise the extent of hard-paved surfaces.

The use of the site as a caravan park with five short-term dwelling sites that will cater for moveable dwellings and 57 long-term dwelling sites that are intended to comprise manufactured homes, will be consistent with the desired medium density character. The retention of existing trees, particularly to the east and south will screen the density of these dwellings and proposed landscaping includes a range of trees and shrubs. The recommended deferred commencement condition of consent will require the avoidance of long continuous rows in the placement of moveable dwellings on the site.

Chapter 2.2 Scenic Quality

The site is in the Avoca/North Avoca Landscape Unit of the South Coastal Geographic Unit and consists of:

A moderate to high level of residential development situated around Avoca Beach and Avoca Lake with rural residential development enclosing the area in the southern and western portions of the unit. The area features a high level of visual usage both at the local and the tourist level and comprises an important part of the scenic coastal system. Despite the moderate to high level of residential development within the unit, the landform and vegetation characteristics help to create good visual integration.

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

The proposed development will not have any significant adverse impacts on the scenic quality of the area. It is consistent with the established and desired character of the area as a caravan park. Retained vegetation, the 15m buffer from the foreshore and landscaping will provide appropriate green buffer and screening.

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%.*
- *Maximise retention of existing native vegetation.*
- *Restrict the amount of cut and fill.*
- *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 meets these requirements as:

- The site does not contain any slopes greater than 20%.
- Existing vegetation located on the eastern side of the site and within the 15m buffer from the lagoon foreshore will be retained.
- Cut and fill is limited and relates to proposed flood management works. Future manufactured homes will be installed on piers and minor site grading will be required for driveways and car parking areas.
- The site is currently connected to utility services, including sewer.
- The dwellings sites are largely contained within the already cleared areas.
- The design of the development is compatible with the character of the area.

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Chapter 6.1 Acid Sulfate Soils

The site is mapped as containing class 2 and 3 acid sulfate soils. An Acid Sulphate Soils Management Plan has been provided and adequately addresses management of acid sulfate soils as discussed in the previous section under Gosford Local Environmental Plan 2014 (see **Condition 4.10**).

Chapter 6.3 Erosion and Sedimentation Control

Appropriate erosion and sediment control measures are to be implemented to ensure there is no transfer of soil and sediments into the adjoining areas of retained vegetation, adjacent sites and waterways. The Soil and Water Management Plan provided satisfies the requirements of this section of the GDCP 2013 (see **Condition 4.14**).

Chapter 6.4 Geotechnical requirements for development applications

A Geotechnical Report has been provided which provides recommendations for different construction method stages. **Conditions 2.5, 3.8 and 4.8** are recommended to ensure compliance with this report.

Chapter 6.6 Preservation of trees or vegetation

The objective of this clause is to protect trees on privately owned land that contribute positively to the amenity, scenic landscape characteristics and ecological values of the area.

The application includes the removal of approximately 20 trees, located within the predominantly cleared and grassed caravan park area. The proposal will preserve all trees that occupy the eastern half of the site; adjacent to the creek line and along the lagoon foreshore. See **Conditions 2.7, 2.8, 2.9, 3.12, 3.13, 3.14, 4.20, 4.21, 4.23, 4.24, 4.25, 4.26, 4.27, 4.28, 4.29, 4.30 and 4.31**.

Councils Ecologist and Tree Officer have reviewed the relevant documents and raise no objection to the proposal given the proposal avoids impacts to *Melaleuca biconvexia* and the area of Swamp Sclerophyll Forest EEC canopy vegetation in the eastern section of the site.

Chapter 6.7 Water cycle management

Stormwater Plans and a Water Quality Management Report have been submitted with the application and provide for appropriate water quality and stormwater retention measures in accordance with this section of the GDCP 2013.

Chapter 7.1 Car parking

3.2 **DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)**

There are no specific car parking rates for caravan parks in this Chapter, as such, car parking is assessed on merit. The application will provide two car parking spaces for each long-term dwelling (in the form of a double garage) as well as 15 visitor parking spaces (including a disabled space). This is well in excess of the requirements under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005* which requires one space per dwelling or camp site and 7 visitor spaces. The Regulations require one visitor parking space for people with disabilities and this has been provided.

The proposed development is also providing more car parking than that required under this Chapter for residential uses which require 1 space per dwelling for those that are less than 125m². The manufactured homes are less than 125m².

Adequate provision for car parking on site has been provided. The design of the car parking spaces complies with this section of the GDCP 2013 and relevant Australian Standard for Off-Street Parking (AS2890).

Chapter 7.2 Waste Management

The application originally proposed weekly pick up of 66 x 120/420L bins. Council's Waste Services team recommended bulk waste bins to reduce noise and servicing times. The application has been amended to show the three screened waste enclosures which can accommodate the required 13 bulk waste bins. The site is able to be serviced for bulk bin pick up.

Council's Waste Services team are supportive of this arrangement subject to the submitted Waste Management Plan being updated to reflect the bulk waste bin arrangement, see **Condition 2.10**.

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).

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

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 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 of Division 3.

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 and must require the installation of the relocatable home to be in accordance with the relevant requirements of Division 4 Relocatable homes and associated structures. The flooding information provided during the assessment process confirms that the installation of moveable dwellings can comply with the principles contained in the Floodplain Development Manual.

Clause 76 provides requirements relating to the installation of a relocatable home, rigid annexe or associated structure of more than one storey and requires council to have regard to the likely impact on the amenity of the occupiers of any adjoining relocatable home and the amenity of the occupiers of land adjoining that caravan park or camping ground. The proposed two-storey manufactured homes have appropriate setbacks to ensure that the amenity of residents within the park is achieved, and the amenity of neighbouring land owners is maintained.

Under clause 84, at least 10% or a lesser proportion (but not less than 6%), must be reserved for recreation or other communal activities. Subclause 84(2) requires the council to have regard to the type and range of amenities to be provided and to such other matters as it considers relevant in deciding to allow a lesser portion.

The applicant's submission refers to approximately 68% of the site being capable for use for "recreation and communal activities". This figure considers the 'recreational area' located adjacent to the southern and eastern boundaries and the provision of the 15m buffer along the foreshore which equates to approximately 2,700m² of 2.79 hectares.

It is acknowledged that this area may allow for passive recreation, however, there are no other form of community amenities, except for the community building comprising the office and amenities (approximately 170m²), that can be included in the community amenities calculation. Previous plans included the provision of a swimming pool and community centre building, but these were deleted as part of the amendments made in the December 2017 plans. An environmental walk and designated recreation area by the foreshore in the north eastern corner were provided in the amended plans submitted in September 2018, however, further amended plans deleted these components and subsequent amended plans have not provided more formalised areas.

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

The combined community amenities area, including the recreational area and the community building, equates to approximately 2870m² which is just above 10% of the site. However, given the recreation area also includes that part of the site that contains the creek and associated bank and conservation area, this figure may be just below 10% as this area is not capable of being used by residents and visitors for recreational activities.

Whilst technically the area available for recreation and community amenities is above the required 6%, this area is largely unformalised and the development would benefit from more formal amenities within the recreation areas, such as pathways, picnic tables and seating around the site. Accordingly, formal amenities have been conditioned (**refer Condition 1.5**).

In considering accepting a lesser portion than 10%, consideration can be given to other matters that are relevant. In this regard, the location of the site adjacent to Avoca Lake provides for a tranquil and scenic area for residents to relax and enjoy and direct access to the foreshore and lake will also enable residents, visitors and tourists to participate in water-based recreational activities.

The site is located within proximity to the beach and Avoca Beach town centre which provides additional recreational opportunities/areas and is adequately serviced by a regular bus service.

The following table is an assessment of the requirements of Subdivisions 1-8 of Division 3. Some details are not required at development application stage but are capable of compliance and **Condition 6.2** notes that full compliance is required.

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 2.79 hectares.
84 Community amenities – 10% of land area for recreation or other communal activities	Between 6%-10% of the site can be used for recreational purposes including the proposed community building.
85 Size of dwelling sites and camp sites – 80sqm site size for long term sites 65sqm for short term sites	Complies – 112m ² minimum for long term and 85m 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	The amenities/office building is setback 10 from the property boundary and is attached to

3.2

DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

reduced to 3m and 5m respectively in accordance with cl 88(3).	dwelling site 57. This variation is discussed below.
<p>89 Setbacks of dwelling sites and camp sites from road frontages – 10m from a public road and 3m from any other boundary.</p> <p>This clause allows a lesser distance if the council is satisfied that the dwelling site or camp site has been or will be properly screened, fenced, enclosed or otherwise treated.</p>	<p>All dwelling sites are setback greater than 10m from any public road.</p> <p>All dwelling sites are setback at least 3m from any property boundary apart from dwelling sites 14 and 15. These sites are setback between 1.2m and 3.2m. However, this part of the site adjoins a public pathway which is 3m wide.</p> <p>This pathway creates an overall separation of 4.16m – 6.19m between the proposed dwellings and the nearest residential property. Landscaping is also proposed along this boundary. This variation is discussed below.</p>
90 Use of buffer zones – setback area can be used for amenities, roads, parking and landscaping	The 15m buffer zone to the foreshore area and the retained vegetation buffer around the southern and eastern boundaries is proposed to be used for passive recreation.
91 Separation distances - 3m required between long term sites. This clause does not prohibit the installation of semi-detached relocatable homes on adjoining dwelling sites so long as they are separated by construction conforming to the fire safety and sound insulation provisions.	The dwelling sites are directly adjoining one another in a different arrangement of groups (2, 3, 4 or 5) in one contiguous row with a minimum 3m achieved being achieved between each group. However, concern is raised with the proposed layout as this clause only allows for a variation to the 3m for a semi-detached arrangement which, in council's view, should comprise no more than two dwelling sites. This variation is discussed in more detail below.
Subdivision 3 Roads	
92 Entrance and exit roads – 7m	Complies – 7m
93 Forecourt – 4m by 20m, to accommodate incoming vehicles	Complies – 4m x 20m forecourt provided to the south of the amenities building
94 Width of roads – 6m for 2 way roads	Complies – roads are 7m 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 caravan sites provide ample space for the parking of a caravan and a car. Each manufactured home will have 2 car parking spaces.

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97 Visitor parking - one visitor parking space for each 10 long-term sites, one visitor parking space for each 20 short-term sites	Complies - 7 visitor spaces are required; 15 spaces are provided
98 Visitor parking for people with disabilities - at least one for sites with less than 100 sites	Complies – 1 space is provided
99 Road surfaces – all weather sealed, with adequate drainage	Complies - the internal driveways will be bitumen sealed and incorporate appropriate drainage
100 Lighting - All access roads must be adequately lit between sunset and sunrise.	Capable of compliance.
Subdivision 4 Utility services	
101 Water supply	Complies - the site is connected to mains water supply
102 Sewerage	Complies - 57 long term sites and the office/amenities building will be connected to sewer. A common soil waste dump point is provided for the short-term sites.
103 Drainage	Complies – acceptable stormwater drainage is proposed
104 Electricity supply	Complies – dwelling site will have 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 57 moveable dwellings have self-contained bathroom facilities and are disregarded from the calculations.
107 Number of showers and toilets to be provided – 4 showers, 4 toilets + urinal and 5 basins required	Complies
Clause 108 Facilities for people with disabilities – one of each facility for each sex	Complies – 2 accessible toilets/shower rooms are provided
109 Other facilities – hot and cold water, mirrors, sanitary napkin disposal	Capable of compliance
110 Construction of shower blocks and toilet blocks – materials and finishes	Complies

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111 Proximity of dwelling sites to shower blocks and toilet blocks – short term site must be located within 100m	Complies - the short-term sites are within 45m of the amenities building.
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	Complies – 2 washing machines provided
114 Laundry tubs – 1 laundry tub required	Complies – 1 laundry tub provided
115 Clothes dryers – 1 clothes dryer is required	Complies – 2 clothes dryers provided
Clause 116 Drying areas – 50m required	Complies – 50m of clothes during line provided at amenities building
117 Water supply – hot and cold water required	Capable of compliance
118 Ironing facilities – 1 ironing board and iron with electricity supply required	Capable of compliance
119 Construction of laundry blocks - materials and finishes	Capable of compliance
120 Maintenance	Capable of compliance
Subdivision 7 Management	
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 has advised the moveable dwellings will not be constructed on site and will be installed in major sections as per the requirements of the LG Regulation 2005.
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

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130 Car washing bay	A caravan park must be provided with an area for use for washing vehicles. Each dwelling is provided with 2 covered car parking spaces in combination with the provided visitor parking spaces which satisfies this clause.
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

Variations

As discussed above, there are variations proposed to the requirements of clauses 88, 89 and 91. These variations relate to the setback of the community building to the boundary of a dwelling site, the setback of dwelling sites to the property boundaries and the separation distances between dwellings, however, in clauses 89 and 91, provision is made to allow for a lesser distance, providing the council is satisfied of certain matters. These variations are discussed in more detail below.

Clause 88 Setbacks of community buildings

In accordance with clause 88(1), a community building must not be located closer than 10 metres to the boundary of a caravan park, or the boundary of a dwelling site. However, this distance can be less if the council is satisfied the community building has been or will be properly screened, fenced, enclosed or otherwise treated (cl 88(2)), although any variation to this distance must not result in the community building being any closer than 3 metres to the boundary of a caravan park or 5 metres to the boundary of a dwelling site (cl 88(3)).

The proposed community building is proposed to be adjoining dwelling site 57 and any manufactured home installed on the site thereby contravening the setback requirements. The applicant has advised they are not seeking any variation to Division 3 requirements via an objection under Section 82 of the *Local Government Act 1993* and will accept a condition of consent requiring compliance with the LG Regulation 2005. As such, a deferred commencement condition has been prepared that requires compliance with this requirement and the variations to other requirements contained within clauses 89 and 91 as discussed below.

Clause 89 Setbacks of dwelling sites and camp sites from road frontages

Under the provisions of clause 89(1), a dwelling site must not be located closer than 3 metres to any boundary of a caravan park that does not front a public road. In this instance, long-term dwelling sites 14 and 15 are setback between 1.2m to 3.2m. However, this part of the site adjoins a public pathway which is 3m wide and this pathway creates an overall separation of 4.16m – 6.19m between the proposed dwellings and the nearest residential property.

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A lesser distance than 3m can be considered by council under clause 89(2) if council is satisfied the dwelling site will be properly screened, fenced, enclosed or otherwise treated. The property boundary adjoining long-term dwelling sites 14 and 15 is proposed to be dark metal fencing as shown below and detailed on plan DA6.03 titled 'Layout Fences and Entrance View', Revision E, dated 28/12/18. Landscaping is also proposed along this boundary.

DARK METAL FENCE
to future detail



Whilst the variation to setback is considered reasonable in this instance, it is considered that a more solid fence would afford future residents more privacy from the public pathway. As such, it is considered reasonable to impose a condition of consent which requires this part of the boundary to have a more solid type of fence like the timber fence proposed along the entry on Bowtells Drive (refer figure below), see **Condition 1.5**.

TIMBER FENCE
to future detail



Clause 91 Separation distances

Under the provisions of clause 91(1), a moveable dwelling must be installed no closer than 3m to another moveable dwelling on a long-term site. However, subclause 91(2) allows for the installation of semi-detached homes on adjoining dwelling sites so long as they are separated by construction conforming to the fire safety and sound insulation provisions

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relating to class buildings contained in Section 3.7.1 and 3.8.6 of Volume Two of the *Building Code of Australia*.

The proposed long-term dwelling sites are sited in groups of two, three or four with one row of five dwelling sites which is attached to the community building located at the front entry to the park. A minimum setback of 3m is achieved between each group but not each dwelling site and the current layout of the sites and indicative plans of dwelling types provided, demonstrate this setback cannot be achieved. The applicant has advised that the manufactured homes are designed for group installation with blank side walls that can comply with the fire separation and sound requirements. Compliance with the BCA is recommended as a condition of consent (**Condition 1.6**).

There is no definition of a "semi-detached" home in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* or the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. Moreover, there was no such definition in other relevant documents pertaining to manufactured homes released by the NSW Government Department of Planning, specifically Planning Circular PS 06-018 'Approval to install relocatable and flat-pack homes outside a caravan park or manufactured home estate' and the Fact Sheet 'Approval and operation of caravan parks, camping grounds and manufactured home estates' dated July 2010.

The common use term for 'semi-detached', as defined in the Macquarie Dictionary, is "*of or pertaining to a pair of houses joined by a common wall but detached from other buildings*". In this regard, those dwelling sites comprising three sites in a row (x4), four sites (x2) and five sites (x1) technically do not meet this definition and therefore could be considered to contravene the requirements of the clause.

The applicant has not specifically raised this as an issue in their submission but has indicated they would be willing to accept conditions allowing for amendment to the plans prior to a Construction Certificate. It is considered reasonable for a deferred commencement condition to be imposed that requires the deletion of some of the dwelling sites within rows that exceed two dwelling sites to achieve compliance with the clause. The removal of excess sites would need to be within the current development footprint which would not impact on vegetation proposed to be retained, the nominated recreational area required under clause 84, foreshore or boundary setbacks or compliant separation distances, and would align with the assessment of the application to date.

Clause 91(1)(b) states that a moveable dwelling cannot be installed closer than 2.5m to any other moveable dwelling on a short-term site. Depending on the type of moveable dwelling that will occupy the 'caravan lots' at the frontage of the site, particularly tents or campervans, the short-term sites appear to be capable of compliance with this requirement.

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The deferred commencement condition is drafted as follows:

- a) **Amend sites 53-57 including site containing office and amenities building as follows:**
- The community building comprising the office and amenities is required to be setback from the boundary of a dwelling site a minimum of 10m.
 - The deletion of a minimum of two long-term dwelling sites within this row.
 - No more than two dwelling sites are to be attached, in a semi-detached arrangement.
 - The amendments shall ensure a minimum 3m setback shall be retained between dwelling sites/ semi-detached dwelling sites.
- b) **Amend sites 50-52 as follows:**
- The deletion of one long-term dwelling site.
 - No more than two dwelling sites are to be attached, in a semi-detached arrangement.
 - The amendments shall ensure a minimum 3m setback shall be retained between dwelling sites/ semi-detached dwelling sites.
- c) **Amend sites 39-41 as follows:**
- The deletion of one long-term dwelling site.
 - No more than two dwelling sites are to be attached, in a semi-detached arrangement.
 - The amendments shall ensure a minimum 3m setback shall be retained between dwelling sites/ semi-detached dwelling sites.
- d) **Amend sites 31-38 as follows:**
- The deletion of at least one long-term dwelling site.
 - No more than two dwelling sites are to be attached, in a semi-detached arrangement.
 - The amendments shall ensure a minimum 3m setback shall be retained between dwelling sites/ semi-detached dwelling sites.
- e) **Amend sites 25-30 as follows:**
- The deletion of at least one long-term dwelling site.
 - No more than two dwelling sites are to be attached, in a semi-detached arrangement.
 - The amendments shall ensure a minimum 3m setback shall be retained between dwelling sites/ semi-detached dwelling sites.

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Note: The amendments above shall not alter or enlarge the current development footprint.

The amendments required under the deferred commencement condition would require the deletion of a minimum of six long-term dwelling sites which is considered reasonable as the proposed contravention to the requirements of clauses 88, 89 and 91 of the LG Regulation 2005 would otherwise require an objection from the applicant in accordance with Section 82 subsections (1) and (2) of the *Local Government Act 1993* (LG Act) that compliance with the above provisions are unreasonable or unnecessary in the particular circumstances of the case, and subsequent concurrence from the Departmental Chief Executive would be required in accordance with Section 82(3) of the LG Act.

Other than those variations discussed above, the proposed development is generally consistent with, or capable of being consistent with the LG Regulation 2005 - **refer condition 6.2**), the other requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

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

Built Environment

Built Form, Character, Locality and Context

The site is located within the E4 Environmental Living zone, which permits caravan parks. The site is located within the Avoca Character Area 8: Mobile Home Estate under the GDCP 2013. The desired character for this area includes "*medium-density residential estates where manufactured homes accommodate a combination of permanent and transient residents*". The site has been used as a caravan park for many years but has more recently been vacant and fallen into disrepair.

The use of the site as a caravan park with five short term-sites and 57 long-term sites consisting of future moveable dwellings will be consistent with the desired character of the area.

The location of the site means there is limited visibility from any public streets. The retention of existing trees, particularly to the east and south will screen the density of these dwellings, and the proposed landscaping includes a range of trees and shrubs which will provide further screening to surrounding residential properties. Existing vegetation on the foreshore adjoining the subject site plus the 15m buffer provide an appropriate visual buffer when viewed from the lagoon.

The density proposed is commensurate with the surrounding low-density residential zone.

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The proposed built form is considered acceptable in the context of the site.

Overshadowing, privacy, overlooking and boundary treatments

The lower topography of the site and setbacks ensure the proposed manufactured homes do not result in any unreasonable overshadowing of surrounding residential properties.

The proposed dwelling sites are setback 10m to 60m from the southern and eastern boundaries to adjoining residential dwellings and the proposed retaining wall and new landscaping provide a significant screen and buffer.

A 4.5m setback is proposed along the western boundary, this is greater than the 3m required under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. The western boundary also has a steep embankment up to the neighboring properties and all trees along this boundary are proposed to be retained. Figure 14 below shows a section through the western boundary and Figure 15 shows the adjacent residential properties, the embankment and existing trees. These conditions ensure the interface and privacy between the proposed dwelling sites and the neighboring dwellings are acceptable.

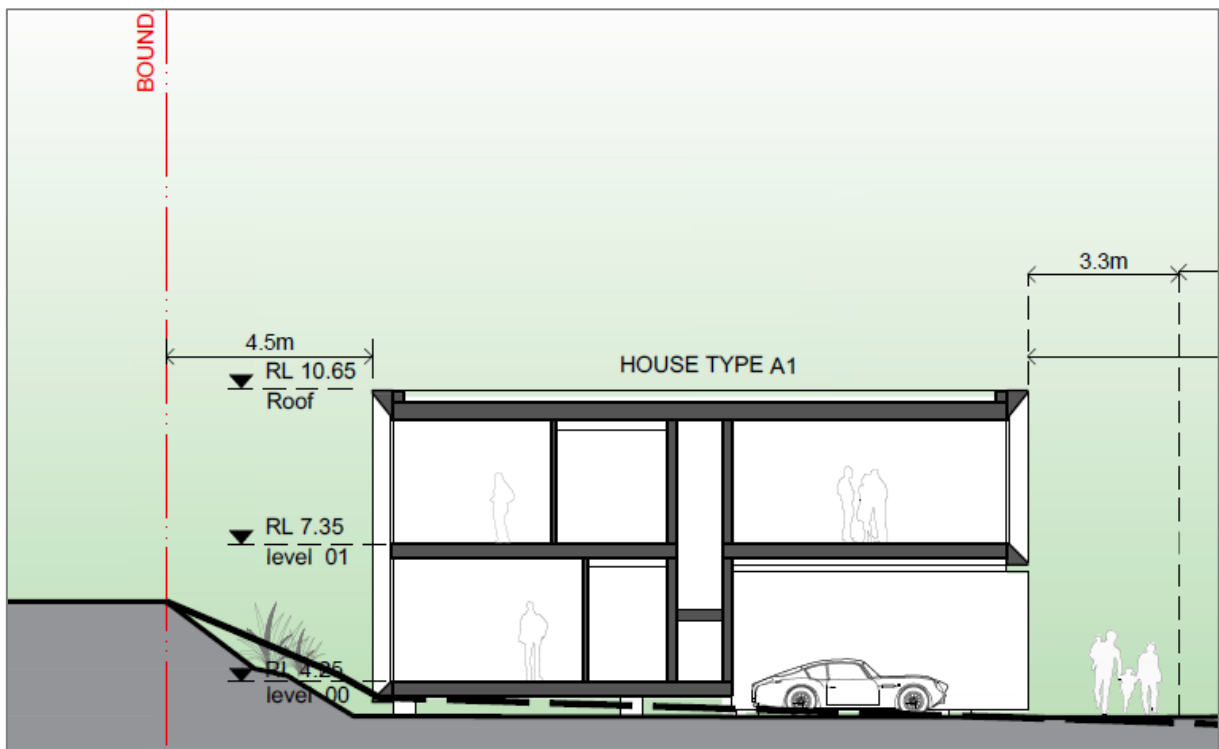


Figure 14: Section through western boundary

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Figure 15: Photos of existing western boundary

The northern boundary is adjacent to a 3m wide public pathway, with the residential property of 201 The Round Drive beyond. The setbacks of the northern most two dwelling sites, being shown as sites 14 and 15 on the plans, vary between 1.2m at the closest point and 3.2m at its greatest as discussed previously (see Figure 16). The additional separation provided by the public pathway results in an overall separation of 4.2m – 6.2m between the subject site and the closest residential property boundary. This separation is consistent with the residential properties within the immediate vicinity of the site. In addition to this there are limited windows on the southern elevation of 231 the Round Drive, see Figure 18.

The proposed setbacks of the dwelling sites to the property boundary, combined with proposed boundary landscaping and fencing will provide an appropriate visual buffer and will not result in an unreasonable privacy impacts on the neighboring residential property.

It is noted that the dwelling type provided as part of the application documentation shows that dwelling site 15 may result in a home that sits approximately 6m forward of 231 The Round Drive and result in potential overlooking between the north facing bedroom window and the front/east facing elevation of 231 The Round Drive. **Condition 7.16** is recommended to preclude/prohibit any north facing windows at first floor for any future dwelling on dwelling site 15. These are matters that will need to be resolved as part of the installation of the manufactured homes in accordance with Division 4 of the LG Regulation 2005.

The placement of moveable dwellings on the site including the separation of the homes by internal roadways and landscaping will create an acceptable level of privacy within the site.

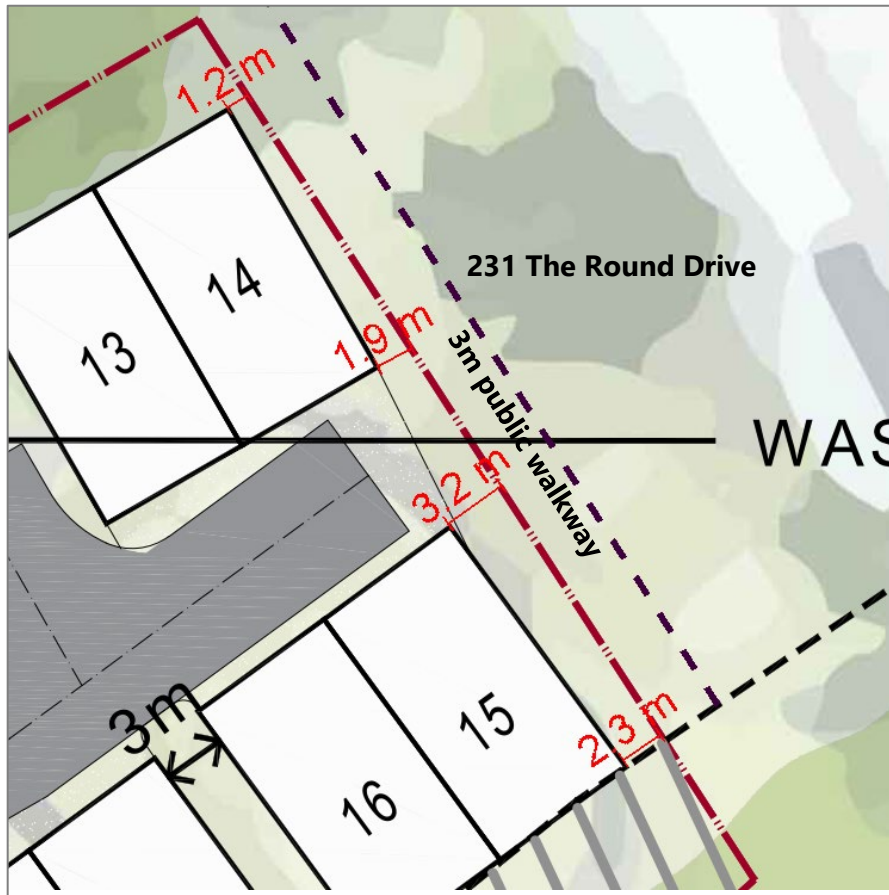


Figure 16: Northern boundary setbacks

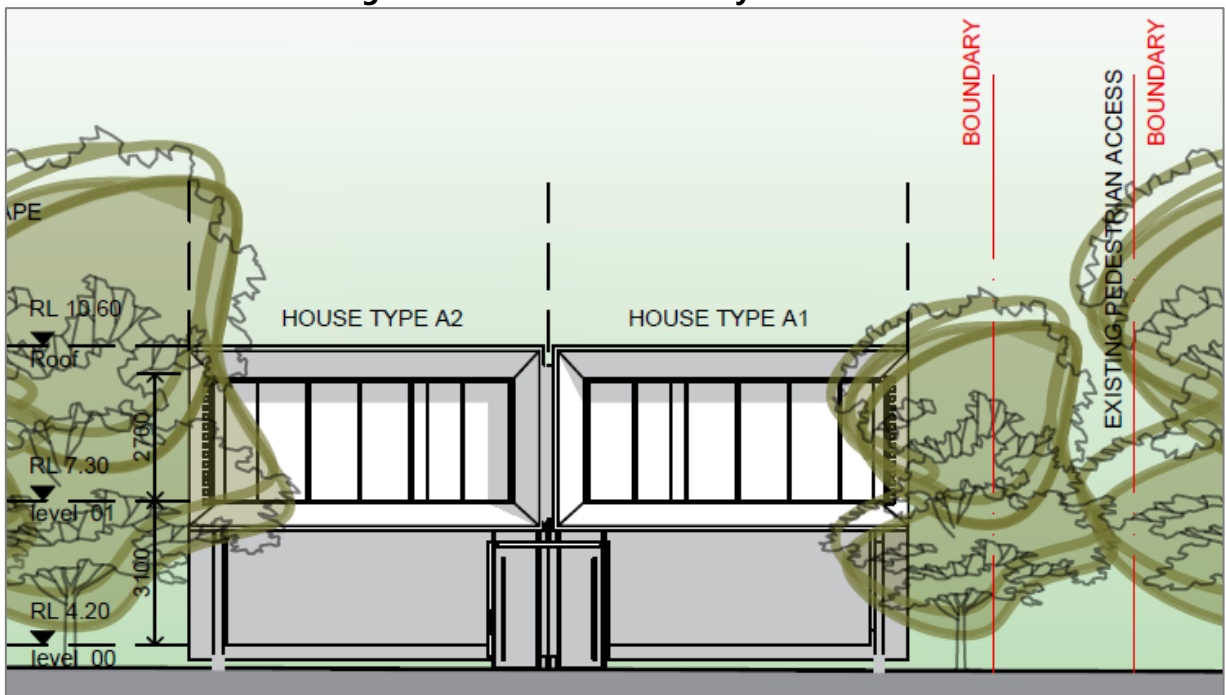


Figure 17: Northern elevation of dwellings 13 and 14, showing 3m pedestrian access to the north

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Figure 18: Northern boundary and Southern elevation of neighboring 231 the Round Drive

Earthworks / Cut and Fill

Apart from at the entry road, the proposed earthworks, including cut and fill, are limited to the centre of the site, away from the site boundaries, limiting impacts on neighboring properties (refer Figure 19). The cut and fill relate to the proposed infrastructure and flood management works.



Figure 19: Earthworks Cut and Fill Plan

Safety, security and crime prevention

The proposed development will improve the passive surveillance of the site and surrounding public areas, including the foreshore. Conditions are recommended to require a Caravan Park Plan of Management as well as requiring Safer by Design strategies in regard to lighting, landscaping and fencing, signage and CCTV. See **Conditions 5.14 and 5.15**.

Road Works and Access

The vehicle access is to be reconstructed to accommodate the vehicle swept path of 12.5m Heavy Rigid Vehicles and Articulated Vehicles. Internally, the access driveways, ramps and car parking areas will be required to comply with the requirements of the current edition of Australian Standard AS/NZS 2890: Parking Facilities, other applicable Australian Standards, the *Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005*, and Sections 4.1.3 & 4.2.7 of *Planning for Bush Fire Protection 2006*.

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Traffic and Transport

The impact of the proposal on pedestrian access, parking and the road network has been considered. The road network is considered to have adequate capacity to cater for the proposed development with minimal adverse traffic impacts and the proposed road layout and proposed parking provisions are supported.

It is noted that development consent DA/37693/2009 included 16 long term sites, 98 short term sites and 7 camping sites. The proposed 57 long-term sites and 5 short-term caravan sites will result in a net reduction of 13.3 vehicle trips per hour as compared to the previous approval.

The proposal also involves the reconfiguration of the internal road network into a more efficient layout, including the provision of a circulation system. The proposed internal road comprises a typical pavement width of 6.6m, allowing two-way traffic flow, as well as a turning bay at the far end of the dead-end road in between dwelling sites 12 and 13.

The proposed development provides 129 car spaces, comprising 114 residential car spaces (2 spaces per dwelling), and 15 visitors including one shared space. The proposed parking is adequate and satisfies the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* requirements for parking.

Infrastructure and easements

The site is serviced by power, telecommunication, sewer and water. The site also accommodates a sewer pump station, which is a council asset.

The site is subject to several easements including:

- Easement located adjacent to the lagoon foreshore for sewer pumping station and rising main;
- Easements for drainage; electricity and water supply for the sewer pump station
- Easement for access 6m wide from site entrance; and
- Easement for access 6m wide, extending from the public reserve located at 187 to 191 and 193 The Round Drive.

The existing electricity and water easement and right of access to the sewer pump station will require relocation. The amended plans detail the location of the easements and access and maintain a smaller loop road arrangement that allows truck access to the sewer pump without requiring reversing into the proposed roads. This arrangement is acceptable to the Central Coast Water Authority.

The applicant has confirmed that the proposed road, at 7m wide, can accommodate the proposed trunk drain as well as the easements and infrastructure.

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Conditions are recommend requiring the creation of new easements over the realigned infrastructure and for access to the sewer pump station. **See Conditions 2.13, 2.14 and 5.9.**

Waste

The application originally proposed weekly pick up of 66 x 120/420L bins. Council's Waste Services team recommended the use of bulk waste bins to reduce noise and servicing times. The application has been amended to show that the three screened waste enclosures can accommodate the required 13 bulk waste bins and be serviced.

Council's Waste Services team are supportive of this arrangement subject to the submitted Waste Management Plan being updated to reflect the bulk waste bin arrangement, see **Condition 2.10.**

Noise and Vibration

An Amended Acoustic Assessment has been submitted which identifies the potential sources of noise, including traffic noise, that will impact the development and considers the noise emission from proposed mechanical plant and its potential impact on neighbouring properties.

An air conditioning noise assessment has also been provided. Recommended control measures for air conditioning units for each dwelling site has been provided, so that they do not exceed the required noise criteria. Conditions are recommended to requires compliance with the recommendation of these reports, see **Conditions 6.7 and 6.8.**

The length of time for construction (approximately 2 years), the associated construction methods i.e. bulk earthworks and piling, and the number of potentially affected residential receptors located around the perimeter of the development, are considered to be the main factors in relation to noise and vibration impacts. A Construction Management Plan and Acoustic Construction and Vibration Management Plan has been submitted to address this concern. Noise modelling indicates that noise and vibration criteria may be exceeded at several residential receivers. Both plans recommend several measures to reduce the impacts on neighbouring residents including restricting work hours, engineering and physical controls, complaints management, noise/ vibration monitoring, dilapidation reports and buffer distances. Subject to compliance with these recommendations the impacts are considered acceptable. Appropriate conditions are recommended, see **Conditions 4.15 and 4.16.**

Construction and the National Construction Code (NCC) / Building Code of Australia (BCA)

The manufactured homes are not considered buildings by definition within the EP&A Act and are therefore not given a building classification under the NCC/ BCA.

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A separate Section 68 Approval will be required under the *Local Government Act 1993* for both the new layout of the caravan park and for the installation of each manufactured home, see **Condition 6.2**.

Manufactured homes are required to meet certain prescribed construction standards under the *Local Government Regulation (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) 2005* relating to matters like fire and structural adequacy, waterproofing and the provision of light and ventilation. The provisions in the LG Regulation 2005 require a manufactured home or associated structure to be design certified by a practicing structural engineer as structurally sound, be installed in accordance with the specifications in the engineer's certificate and other such applicable specifications and have compliance plates attached.

It is also noted that the proposed changes to the existing caravan park license approval issued under Section 68 of the LG Act 1993 are required before the commencement of any physical activity on the site, see **Condition 3.15**.

Natural Environment

Flooding, drainage and water quality

The site is subject to flooding from Avoca Lagoon and from the upstream catchment.

Flooding has been the subject of lengthy discussion between the applicant and Council's Hydrology and Development Engineers. The submitted flood reports and modeling and have been reviewed and the design and flood response to be acceptable subject to the recommended conditions. This is discussed in more detail under the Gosford Local Environmental Plan 2014 - Clause 7.2 Flood Planning heading of this report.

Appropriate measures to ensure there is no transfer of soil and sediments into the adjoining vegetation, foreshore and wetland area are proposed.

The stormwater plans and Water Quality Management Report submitted with the application provide for appropriate erosion and sediment control, water quality and stormwater retention measures that will maintain the water quality in the adjoining vegetation, foreshore and wetland area.

Ecology and Trees

Most of the site has already been cleared to accommodate the previously operating caravan park, apart from a stand of trees on the eastern portion of the site and the Avoca Lagoon foreshore. The stand of trees to the east comprises the threatened flora species *Melaleuca biconvexa* and endangered ecological community (EEC) listed as Swamp Sclerophyll Forest

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and Swamp Oak Forest on Coastal Floodplain have been recorded on the site (see Figure 20: Flora and Fauna Characteristics Plan).

The application includes the removal of approximately 20 trees, located within the predominantly cleared and grassed caravan park area. The proposal will preserve all trees that occupy the eastern half of the site; adjacent to the creek line and along the lagoon foreshore. See tree removal plan at Figure 21.

Councils Ecologist and Tree Officer have reviewed the proposal and are supportive given the proposal avoids impact to *Melaleuca biconvexia* and the area of Swamp Sclerophyll Forest EEC canopy vegetation in the eastern section of the site.

An independent review of the proposed impacts has been undertaken and council is satisfied that it would not be significant and therefore does not require the preparation of a species impact statement (SIS) (now Biodiversity Development Assessment Report - BDAR).

It is noted that the NSW RFS General Terms of Approval (dated 01/05/2020) requires the entire site to be maintained as an Outer Protection Zone. The north-eastern most corner of the site contains a small area mapped as Coastal Wetlands, however, no vegetation clearing/thinning will be permitted within the small area identified as Coastal Wetland.

Condition 2.8 requires a Vegetation Management Plan to be provided prior to the release of a Construction Certificate, and this will need to ensure that all exotic vegetation is prioritised for removal within the riparian area proposed to be managed as an Outer Protection Area. The Vegetation Management Plan will require strict erosion and sediment controls to be implemented where any vegetation thinning is required within the riparian corridor.

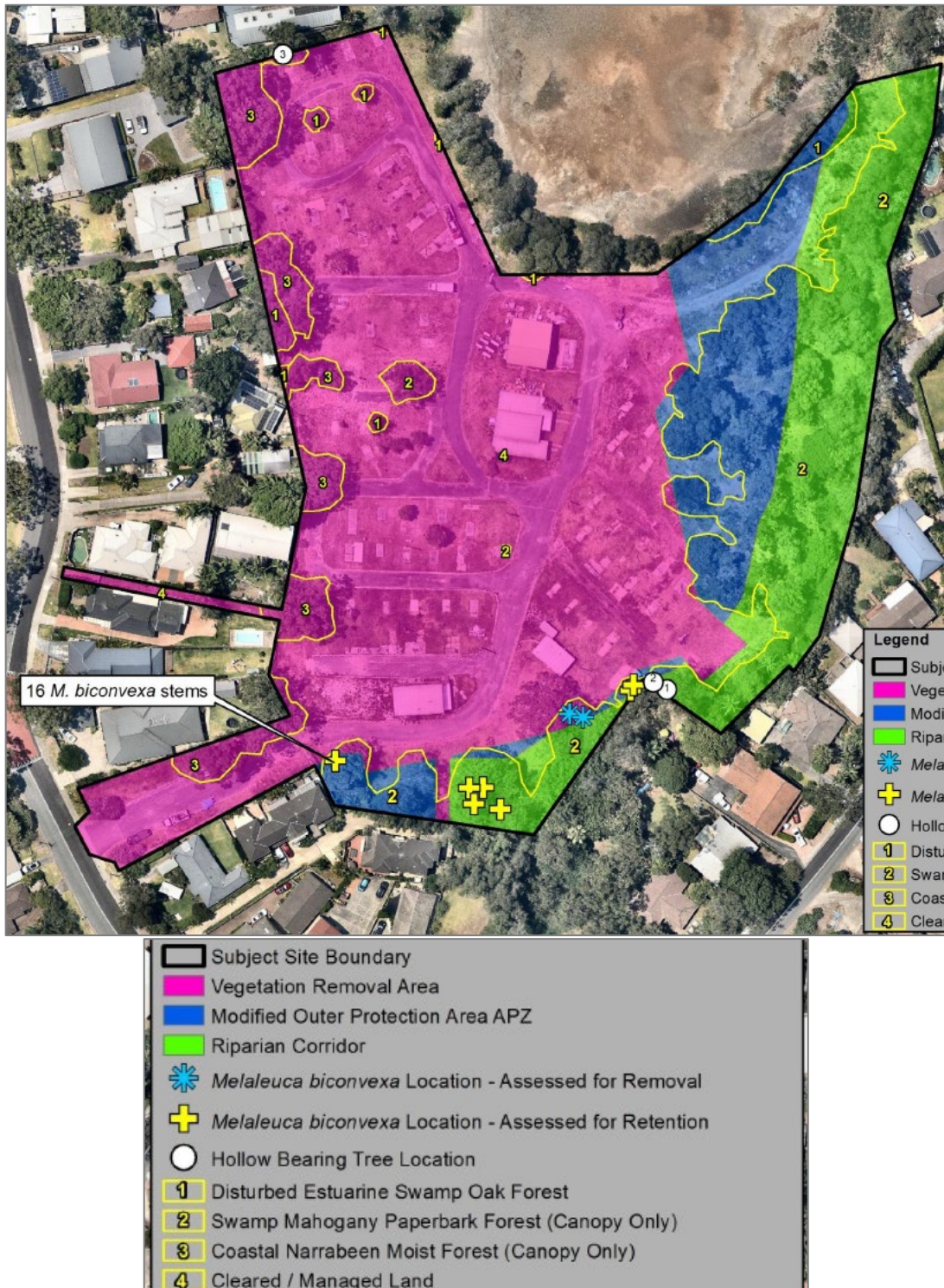


Figure 20: Flora and Fauna Characteristics Plan (Conacher consulting)

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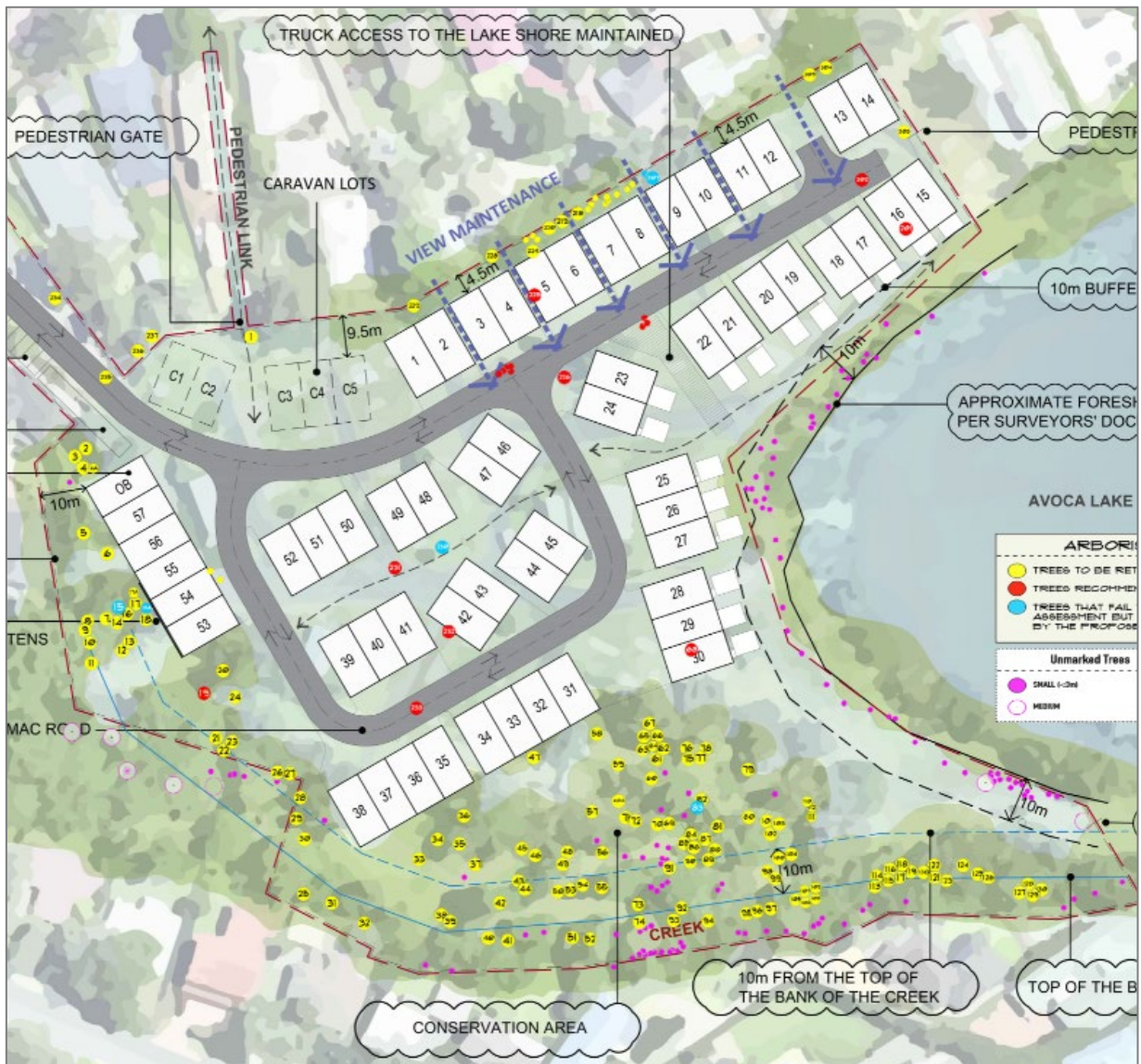


Figure 21: Tree Removal Plan (noting the 10m buffer zone is now a 15m buffer zone)
Contamination and Acid sulfate soils

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The applicant has provided the following information in relation to contamination:

- A Preliminary Site Investigation prepared by Martens (P1907052JR04V01, dated 12/05/2020)
- Detailed Site Investigation Report, prepared by Martens Consulting, dated July 2020

The site is considered suitable for the proposed development with regard to land contamination and the provisions of SEPP 55, subject to the recommended conditions (see **Condition 3.11**):

An Acid Sulphate Soils Management Plan has been provided which indicates that acid sulfate soils are present from 0.1m to 3m at various locations throughout the site and that groundwater is present at depths ranging from 1.1m to 1.6m depths.

The Plan has generally been prepared in accordance with the NSW EPAs Guidelines on acid sulfate soils and is considered satisfactory.

Recommendations are included for excavation works, dewatering, stockpiling of acidic soils, potential and actual acid sulfate soils and emergency response procedures. Appropriate conditions are recommended to ensure compliance with this Plan, see **Condition 4.10**.

Economic and Social Impacts

The existing caravan park has been in a state of disrepair for a number of years. The proposed works will generate economic benefits over both the short-term construction phase and long-term operational phase.

It is acknowledged that long term caravan sites are utilised as a source of affordable housing accommodation within the community and that there is a need for affordable and low cost housing on the Central Coast. The proposal will generate positive social benefits for the Central Coast by increasing the supply of different types of housing as well as improved tourist accommodation.

It is noted that while the site has been vacant for some years, the site has historically been used as a caravan park. The proposed improvement of the derelict site will improve the passive surveillance of the site and surrounding public areas, including the foreshore. Conditions are recommended to require a Caravan Park Plan of Management and the implementation of Safer by Design strategies in regard to lighting, landscaping and fencing, signage and CCTV. See **Conditions 5.14 and 5.15**.

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Suitability of the Site for the Development

The site is considered suitable for use as a caravan park. For the reasons identified in the above assessment it is considered that the site is suitable for the proposed development.

Submission

The application was publicly exhibited for the following periods:

- 10 March 2017 to 24 March 2017
- 2 June 2017 to 16 June 2017
- 8 March 2018 to 11 April 2018
- 20 September 2018 to 23 October 2018
- 8 August 2019 to 5 September 2019
- 4 March 2020 to 1 April 2020

A total of 281 submission from 163 separate submitters were received. The submissions are summarised in the table below:

Summary of Submissions	Response
Overdevelopment of the site, excessive bulk and scale and not consistent with the character of the area	<p>The maximum building height applicable to the site is 8.5m. A maximum height of 8.37m is proposed.</p> <p>No FSR control applies to the E4 zoned land.</p> <p>The surrounding R2 land has an FSR control of 0.5:1. In comparison, the application proposes an FSR of 0.312: 1.</p> <p>The site is located within the Avoca Character Area 8: Mobile Home Estate under the GDCP 2013. The desired character for this area includes "medium-density residential estates where manufactured homes accommodate a combination of permanent and transient residents". The site has been used as a caravan park for many years but has more recently been vacant and fallen into disrepair. As such the proposal is consistent with the desired character of the area.</p>
Streetscape and character impacts from undesirable built form and loss of vegetation.	There is limited visibility of the site from any public streets. The retention of existing trees, particularly to the east and south will screen the dwellings and the proposed landscaping includes a range of trees and shrubs which will provide further screening to surrounding residential properties. Existing vegetation on the foreshore will provide an

3.2

**DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated
Development - Caravan park comprising 57 long term dwelling sites, 5
short term caravan sites and office/amenities building (contd)**

Summary of Submissions	Response
	appropriate visual buffer when viewed from the lagoon.
<p>Amenity impacts including overshadowing, overlooking/privacy, noise, loss of sea breeze and views.</p> <p>The proposed 1.8m fence for the perimeter offers no screening, privacy or sound barrier to adjoining properties.</p>	<p>The lower topography of the site and setbacks ensure the proposed moveable dwellings do not result in any unreasonable overshadowing or overlooking of surrounding residential properties. Existing fences to the residential properties provide appropriate screening, see Figures 14 and 17. It is acknowledged that the proposed palisade metal fencing should be replaced with solid timber fencing along the public footpath to afford future occupants privacy, however, it is noted that the majority of adjoining residential properties that back on to the subject site already have their own form of boundary fencing or established landscape screening. It is therefore considered unreasonable to request solid fencing for privacy and acoustic purposes. As the majority of dwelling sites will be for long-term occupation it is anticipated that the noise generated from future manufactured homes will be the same noise which is generated from other residential dwellings in the immediate and surrounding area.</p> <p>Given the proposed development sits significantly lower than the surrounding residential properties it is considered there will be no unreasonable impacts on views or air flow.</p>
<p>Incorrect characterisation of the development – not a caravan park and not permissible in the zone.</p> <p>Ratio of caravan sites to dwellings is insufficient to constitute a caravan park.</p>	<p>This is discussed under the Gosford Local Environmental Plan 2014 - Zoning and Permissibility heading of this report. In summary, the proposed development meets the definition of a caravan park.</p>
<p>Inconsistency with GLEP 2014, particularly:</p> <ul style="list-style-type: none"> • Zoning objectives of R2 and E4 zones • Clause 7.2 Flood planning • Clause 7.5 Caravan parks and manufactured home estates 	<p>These issues are discussed under the following headings of this report:</p> <ul style="list-style-type: none"> • Environmental Plan 2014 - Zoning and Permissibility • Gosford Local Environmental Plan 2014 - Clause 7.2 Flood Planning • Gosford Local Environmental Plan 2014 - Clause 7.5 Caravans Parks and Manufactured Home Estates <p>The proposed development is not considered to be inconsistent with the relevant clauses of GLEP 2014.</p>
<p>Does not comply with the minimum lot size R2 and E4 zoned land.</p>	<p>No subdivision of land is proposed.</p>

3.2

**DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated
Development - Caravan park comprising 57 long term dwelling sites, 5
short term caravan sites and office/amenities building (contd)**

Summary of Submissions	Response
Prohibited pursuant to Draft CCLEP 2018	This is discussed under the Draft Central Coast Local Environmental Plan 2018 heading of this report.
It appears the proposal is for affordable housing however no reference to SEPP (Affordable Rental Housing) 2009. Affordability is relative, no facts and figures have been provided justifying the references to affordable housing.	The proposal does not propose affordable housing under SEPP (Affordable Rental Housing) 2009. It is noted that the SEE refers to it as 'affordable housing' but the application has not been assessed in relation to the relevant affordable housing provisions. The application is for a caravan park and has been assessed in accordance with the relevant legislation pertaining to caravan parks.
Inconsistency with SEPP 36, particularly: <ul style="list-style-type: none"> • Definition of manufactured homes • Proposal is not low- cost housing • Aims of SEPP 36 • Locational criteria in Schedule 2 which excludes land unsuitable for residential development because of flooding, land for habitat corridor or significant remnant vegetation. 	State Environmental Planning Policy No 36— Manufactured Home Estates does not apply to the proposed development.
SEE does not identify if the application is made pursuant to SEPP 36 or clause 7.5 of GLEP.	Sepp 36 does not apply; the application is made under the Gosford LEP 2014 however clause 7.5 is not relevant in this instance as it does not apply to development for caravan parks (7.5(2)).
No consideration of SEPP 14 – Coastal Wetlands or SEPP (Coastal Management) 2018	This is discussed under State Environmental Planning Policy No 71 - Coastal Protection and State Environmental Planning Policy No 14 - Coastal Wetlands headings of this report. There are relevant savings provisions relating to the assessment of the application in relation to new/repealed SEPP's.
Approval under the <i>Water Management Act 2000</i> not been addressed in the application.	The application has been assessed as nominated integrated development, requiring approval under the <i>Water Management Act 2000</i> . DPI Crown Lands and Water Division has issued General Terms of Approval (GTA). The Natural Resources Access Regulator have reviewed the amended plans and confirm that the GTA's submitted remain relevant.
The application identifies approval under section 68 of the Local Government Act required to install manufactured homes, moveable dwellings or associated structures. The dwellings are not moveable.	A moveable dwelling includes a manufactured home, which means it is constructed in one or more major sections off-site, and capable of being transported to the dwelling sites. The applicant has advised the proposed manufactured homes are capable of being installed in accordance with the LG Regulation 2005 and have submitted information to this effect.
Non-compliance with <i>Local Government Regulation (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) 2005</i> particularly:	These issued are discussed under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 heading of this report. Consideration

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**DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated
Development - Caravan park comprising 57 long term dwelling sites, 5
short term caravan sites and office/amenities building (contd)**

Summary of Submissions	Response
<ul style="list-style-type: none"> • Clause 76 which requires the Council to consider the impact of structures of more than one storey on other residents inside the estate and outside. • Clause 91 which requires dwellings to be separated by a minimum of 3 metres. The proposal has all dwellings in a single row with zero separations. • Clause 93 which requires a caravan park to have forecourt of minimum 4 x 20m to accommodate incoming vehicles. 	<p>has been given to the requirements of Division 3 particularly subdivisions 1-8 which includes clauses 76, 91 and 93. A variation to certain requirements contained within the division has been acknowledged and discussed accordingly.</p> <p>The variation to clause 91 has been addressed within the report.</p> <p>A forecourt complying with the minimum dimensions, has been provided near the community building.</p>
<p>The proposed houses are large with 4 bedrooms, double garages and living spaces which are not typical of low impact tourist development and are more similar to permanently occupied housing, not a caravan park.</p>	<p>This application is only for the approval for use of the site to operate as a caravan park. Approval is not required for the subsequent installation of the manufactured homes on the site however, installation of the homes must comply with the requirements of Division 4 of the LG Regulation 2005.</p>
<p>No laundry, toilet, kitchen facilities, reception office have been provided for campers.</p>	<p>Laundry, toilet, and reception office have been provided as required.</p>
<p>Playground location unsuitable, isolated away from open space and passive surveillance</p>	<p>No playground is proposed as part of the proposal as amended.</p>
<p>Increased load on electricity, water and sewer network.</p>	<p>The site is fully serviced by infrastructure with enough capacity.</p>
<p>No piped gas in this area, all houses will need to have gas brought in meaning more large transport into The Round Drive area.</p>	<p>The dwelling sites will be connected to electricity.</p>
<p>Potential site contamination issues from historical filling of the site and extension of land into Avoca Lake</p>	<p>This is discussed under the State Environmental Planning Policy No55-Remediation of Land heading of this report.</p>
<p>The Estimated Cost of Work for this project at \$19,951,512, is a fraction less than the \$20,000,000 required to trigger JRPP assessment. Concerns are raised if this estimate is accurate.</p>	<p>A Quantity Surveyors report was submitted with the application to justify the cost of works.</p>
<p>Inconsistency in plans – finished floor levels, setbacks, road widths, height of dwellings, plans not showing ramp access to dwellings or support structures</p> <p>All easements are not shown on the survey plan</p>	<p>The plans as amended are acceptable and provide an indicative ground and first floor layout and stair access to each home and support structures. However, as noted previously, this application does not involve the approval of the moveable dwellings shown on the plans. Their installation is not subject to approval providing they comply with Division 4 of the LG Regulation 2000.</p>

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DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Summary of Submissions	Response
	Easements have now been shown and adequately addressed as part of the application.
Locations of water tanks not shown.	The applicant has advised that the location of the water tanks is not shown as further detail design (including tank location) is associated with the proposed downpipes etc. which is the subject of the installation of the manufactured homes which is not the subject of this approval. It is anticipated that the dwelling sites will contain a tank that will be located in the immediate vicinity of each dwelling.
Construction Noise – Acoustic report provides only generic discussion and does not address specific noise abatement measures.	The construction and acoustic reports address noise mitigation as discussed previously in the report.
Several homes are in close proximity to Council's sewer pump station vent pipe which would cause odours into the homes.	The use of covered tanks with an appropriate treatment process and use of odour filters on air vents typically prevent odour issues. With regular servicing of the sewer pump station odour should not be a nuisance to the future residents of this site. The location of the pump station is existing, and the caravan park has operated previously from this location.
<p>The site is significantly flood affected and the proposed development is not compatible with the flood hazard.</p> <p>Climate Change/rising sea level has not been adequately considered in the flood assessment.</p> <p>Compatibility of services such as sewer, electricity and communications with the flood hazard.</p>	<p>Flooding is discussed under the Gosford Local Environmental Plan 2014 - Clause 7.2 Flood Planning Heading of this report.</p> <p>All works and dwelling sites are set back a minimum of 15m from the lagoon foreshore edge and flooding has been appropriately planned for.</p> <p>Infrastructure will be built to legislative and Australian standards and can withstand flooding.</p>
<p>Inadequate of fauna surveys, were not carried out on clear nights when more animals are active and does not address environmental impact from the development on local flora and fauna (including threatened species) and the Avoca Lake wetland area.</p> <p>Flora and fauna assessment has considered the application against the Threatened Species Conservation Act not the current Biodiversity Conservation Act 2016. The current legislation is being avoided by</p>	<p>An amended Flora and Fauna Report has been provided and reviewed by Councils Ecologist and found to be acceptable. See further discussion under Ecology and Trees heading of this report (under Likely Impacts of the Development – Natural Environment).</p> <p>The application has been assessed under the relevant legislation and had regard for the relevant savings provisions.</p>

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**DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated
Development - Caravan park comprising 57 long term dwelling sites, 5
short term caravan sites and office/amenities building (contd)**

Summary of Submissions	Response
maintaining an old DA, despite the lodged proposal being substantially different to the current DA.	
The proposal states that a total of 72 trees are nominated for removal. Inconsistencies in the arborist report including incorrect plotting of the location of trees. The level of compaction and other negative impacts on the tree protection zones of the tree on the western boundary that are to be retained should be reduced.	The application has been amended and includes the removal of approximately 20 trees. Appropriate tree protection measures are proposed and are conditioned, see Conditions 2.7, 3.12, 3.13.
Stormwater runoff, pollution entering Avoca Lake, erosions and sediment control	Stormwater plans and a Water Quality Management Report have been submitted with the application and provide for appropriate erosion and sediment control, water quality and stormwater retention measures to maintain the water quality in the adjoining vegetation, foreshore and wetland area.
There appears to be no plans for water storm runoff along the western boundary.	Given the topography of the site all runoff from the western boundary will drain towards the center of the site. The concept stormwater plans are considered satisfactory.
Inadequate assessment of acid sulfate soils.	An Acid Sulphate Soils Management Plan has been provided and adequately addresses management of acid sulfate soils. This is discussed further under the Gosford Local Environmental Plan 2014 - Clause 7.1 Acid Sulphate Soils heading of this report.
Traffic survey inadequate and misleading as it reports an incremental increase in traffic based on current use. Current traffic flows are nil as the caravan has not operated for many years. Traffic and road safety, pedestrian safety, lack of public transport Lack of car parking on site and impact on parking in the local area.	The road network is considered to have adequate capacity to cater for the proposed development with minimal adverse traffic impacts and the proposed road layout and proposed parking provisions are supported. This is discussed further under the Traffic and transport heading of this report (under Likely Impacts of the Development – Built Environment). Car parking, road and pedestrian safety and accessibility to public transport is considered satisfactory.
A second vehicular access point should be provided as any interruption to that entry would close off the whole development.	Appropriate access is provided and there is no opportunity for a second vehicular access point.
The narrow roads present a problem for garbage collection and manoeuvrability of garbage trucks. Noise and odour impacts.	The roads can accommodate Councils Waste trucks. Three appropriately screened waste enclosures are provided. 13 bulk waste bins are to be provided (rather than 66 smaller bins) to minimise disturbances This is discussed further under the Waste heading of this report (under Likely Impacts of the Development – Built Environment).

3.2

**DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated
Development - Caravan park comprising 57 long term dwelling sites, 5
short term caravan sites and office/amenities building (contd)**

Summary of Submissions	Response
Safety and crime from people accessing surrounding homes from the proposed Lakeview Village.	The site has historically been a caravan park, and while it has been vacant for some years the proposal will improve the site overall and provide increased passive surveillance. The number of long-term sites means there will be a greater sense of ownership and is not considered to have impacts substantial different as compared to other types of residential development.
There is still insufficient access for existing residents to access the lake. The proposed Common access walking trail through the ecological area is potentially dangerous. All footpath access to the lake should be designed to be within close proximity of the residences to prevent assaults, loitering and anti-social behavior.	The proposal does not alter existing public access to Avoca lagoon. The proposal will renew and upgrade the existing caravan park site and will improve natural surveillance of the area.
Tourism has changed considerably. There has been no report made of tourism statistics and demographics for 2019 with attention focused on the Central Coast. This is necessary to ascertain whether a caravan park would be warranted.	The site has historically been a caravan park, and while it has been vacant for some years the proposal will improve the site overall. The applicant is not required to demonstrate a market demand.
Insufficient services for new residents including medical centres, recreational facilities and schools.	The proposal is located in an established residential suburb with appropriate services.
If permanent manufactured homes are to be permitted on this site, the building designs and materials must fully conform with provisions of the Australian Standard and Building Code of Australia applicable to construction in a bushfire prone location.	Agreed. The manufactured homes will be required to comply with all relevant provisions of the LG Regulation 2005 and LG Act 1993 and planning for bushfire requirements.
Some of the dwellings should be allocated as affordable and include dwellings that are adaptable for those with disabilities	<p>There is no policy or legislative requirements for a % of moveable dwellings within a caravan park to be allocated for affordable housing, although, caravan parks and the homes contained therein have often been recognized as a form of affordable accommodation, particularly compared to other forms of low density residential housing in the area.</p> <p>As the dwellings are not classified under the BCA, they are not required to provide adaptable dwellings, however, it is recognized as good practice to provide adaptable housing and this will be up to the owner/operator of the caravan park to consider having regard for the type of manufactured homes they intend to install.</p>

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DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Summary of Submissions	Response
Bushfire risk	General terms of approval were sought and received from the NSW Rural Fire Service, see Condition 1.3.
Unauthorised works undertaken on site (tree removal and importing of soil)	The applicant has advised that works associated with development consent DA/37693/2009 were physically commenced prior to the lapsing date of 1 November 2016. If works are carried out in accordance with a development consent, then they are considered to be lawful unless demonstrated otherwise.
Residential development around the lake requires a minimum 15m setback from the foreshore. The DA proposes only a 0-2m setback from the foreshore boundary line.	The amended plans include a 15m setback.
Lack of private open space for each dwelling. No dedicated communal open space, except for open space fragmented around pools, foreshore and residual space along the eastern boundary and amongst the caravan sites.	<p>The subject application is for the approval for the use of the land for a caravan park and is therefore subject to the requirements of Division 3 of the LG Regulation 2005 which is predominantly focused on the site layout requirements in terms of the dwelling sites and other buildings (e.g. community building) and recreational areas.</p> <p>The requirements for the siting of the manufactured homes, size, site coverage, design etc. are all contained within Division 4 of the LG Regulation 2005 and must be adhered to upon installation. Clause 139 of LG Regulation 2005 specifically refers to site coverage requirements and will determine the amount of open space required on each dwelling site.</p>
<p>The removal of swimming pools and common area in the amendments will exacerbate pressures on surrounding community facilities which are currently limited at best.</p> <p>Social impact associated with the operation of the caravan park. Caravan park not within walking distance of services and facilities</p>	The site has historically been used as a caravan park and the proposal reduces the overall density, though the proportion of long-term site is noted. The caravan park in an established residential area which is considered to have appropriate facilities and satisfactory access to services and public transport.
The address of 1 Bowtells Drive Avoca Beach does not exist. The correct address for both the properties involved is 205 The Round Drive Avoca Beach. Is this a way for the developers to confuse the public?	1 Bowtells Drive is the correct address.
Development is not in the public interest having regard for the number of submissions received during each notification period.	The public interest is one of many matters for consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> and

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Summary of Submissions	Response
	the assessment must take into consideration all those matters and assess the application on merit.
Clarification should be provided on which dwellings are for permanent residents.	57 dwelling sites are identified as 'long term sites' and 5 sites (at the frontage of the site) are identified as short-term sites.
No plan of management has been submitted.	This is discussed further under the Safety, security and crime prevention heading of this report (under Likely Impacts of the Development – Built Environment). A Plan of Management is required, see Condition 5.14.
Council advised by telephone today that all submissions sent to council in the earlier notification periods will not be further considered in council's assessment of this DA. This is unreasonable because as it is still the same development application.	This is not correct. All submissions received throughout the assessment process have been considered.
The information about this DA on the council website is incomplete. Unable to view documents during the coronavirus.	All DA documentation has been uploaded onto Council's website. Documents were available to view online. It is acknowledged that at the beginning of the Coronavirus council administration buildings were forced to shut down however, the documents remained available for public viewing on the website.
The previous DA approval for a caravan has lapsed and no physical commencement has occurred. The old caravan park has not operated for over 10 years and as such the proposal is not considered to be 'alterations and additions to a caravan park'.	The applicant has provided evidence that the previous DA has been physically commenced. The current application is a new application for use of the site as a caravan park, it is not for alterations and additions to an existing caravan park.
There is a considerable amount of loose rock, concrete debris and general rubbish strewn throughout the land to the east of the proposed home sites on council and private land. The DA documents need to address how the developer will remove all and generally beautify the lands	The owner will be required to complete all proposed landscaping works and ensure the site is safe prior to the occupation of any of the dwelling sites, see Condition 5.18.
Loss of property value	Loss of property value is not a relevant planning consideration and there is no evidence to substantiate this claim.
No detail about if animals at the property will be allowed. Either animals should be banned entirely, or space and facilities should be provided by the developers.	Individual pet ownership is not a relevant planning consideration.

Table 2 - Summary of submissions

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Submissions from Public Authorities

External Consultation

The application has been referred to NSW Rural Fire Service and the Natural Resource Access Regulator (NRAR) as detailed under the Integrated Development heading of this report. General Terms of Approval have been provided by these Authorities and have been included in the recommended conditions of consent.

See **Conditions 1.2 and 1.3.**

Internal Consultation

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

- Environmental Health
- Environment - Ecology
- Engineering
- Engineering - Flooding /Hydrology
- Engineering - Traffic and Transport
- Water and Sewer
- Waste Services
- Building Surveyor

Any comments provided by the officers have been considered in the assessment of the application and included in the recommended conditions of consent.

The Public Interest

Notwithstanding the number of submissions received, the proposed development is considered suitable for the site having regard for the provisions of Gosford Development Control Plan 2013, specifically Chapter 2.1 Character which identifies the long-term strategic planning for the area as catering for a caravan park with manufactured homes which is retaining established vegetation, and enhancing the site with additional landscaping, to enhance the scenic quality of the site and foreshore.

Ecologically Sustainable Principles:

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

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

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

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

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

Other Matters for Consideration

Development Contribution Plan

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

In this instance, the proposed development increases the gross floor area and the proposed cost of works is \$19,951,512. Therefore, a contribution levy of 1% is applicable. A standard condition of consent has been imposed requiring the development contribution to be paid prior to the issue of any Occupation Certificate or installation of any Manufactured Homes. Refer to **Condition 2.15**.

Planning Agreements

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

Conclusion

This application has been assessed against the heads of consideration of Section 4.15 of the *Environmental Planning & Assessment Act 1979* and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area. Accordingly, the application is recommended for approval pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

3.2 DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building (contd)

Reasons for the Decision

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

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. The variations to the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* can be resolved via a deferred commencement condition to satisfy the relevant provisions.
3. The proposal has been considered against the provisions of the *Gosford Local Environmental Plan 2014* and has been found to be satisfactory.
4. There are no significant issues or impacts identified with the proposal under s.4.15 of the *Environmental Planning and Assessment Act 1979*

Attachments

- | | | |
|----------|--|--------------|
| 1 | SEPP 71 Matters for Consideration | D14289332 |
| 2 | Draft Conditions of Consent 1 Bowtells Dr 51538/2017 | D14278322 |
| 3 | Architectural Plans 1 Bowtells Dr 51538/2017 | D14231843 |
| 4 | Landscape Plans 1 Bowtells Dr 51538/2007 | ECMD25145406 |

Attachment 1: SEPP 71 Matters for Consideration

	Matters for Consideration	Proposed
a	The aims of this Policy set out in clause 2	The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment; and the maintenance of pedestrian access to foreshore areas.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	The proposal does not affect public access to foreshore areas.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,	The proposed development will not impact on current access to the waterfront. Access to the foreshore will be provided for residents and tourists/visitors to the park. Given the land is privately owned, it is considered unreasonable to request provision of general public access, and connection to such, through the site.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	<p>The proposal involves the construction of an additional 57 dwelling sites which will allow for an increase in housing opportunities in the area. The 5 short term sites will also allow for additional tourist opportunities in the Avoca Beach area.</p> <p>The location of the proposal is considered satisfactory, given other surrounding development and the facilities the park will provide.</p> <p>It is considered the proposal will not have a significant impact on the character of the locality particularly given the development will be screened by existing vegetation and the setbacks provided to surrounding properties will assist in maintaining the amenity of surrounding development.</p> <p>It is important to note that Council has already considered the site as being suitable for a caravan park given its approval under DA 37693/2009 for 16 long-term dwelling sites and 103 short-term sites.</p>
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	Given the location of the site from the foreshore, the proposal will not overshadow the foreshore nor will it limit views from a public place.
f	The scenic qualities of the New South Wales coast and means to protect and improve these qualities.	The proposal will have no adverse impact on the scenic qualities of the coastline.

g	Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.	Information submitted with the application indicates that the conservation of flora and fauna has been suitably considered.
h	Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal will have no significant impact on the conservation of fish and marine vegetation.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor. The vegetation community along the foreshore and along the southern and eastern boundaries of the site will be retained.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The site is not located within a coastal hazard zone nor will the proposed development impact on coastal processes.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any known aboriginal sites or relics. A condition of consent will be included which requires all work to cease immediately if any aboriginal engravings or relics are unearthed.
m	Likely impacts of development on the water quality of coastal water bodies.	The stormwater design provided ensures that the proposal will not adversely affect the downstream water quality.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	Energy efficiency and sustainability features of the development include recycling / reuse of demolished materials where practicable, efficient off-site construction techniques to minimise wastage during the construction process and installation of rainwater tanks for water reuse.

A. DEFERRED COMMENCEMENT

Deferred Commencement

This consent does not operate until an amended site plan has been provided to satisfy the following:

- a) **Amend sites 53-57 including site containing office and amenities building as follows:**
 - The community building comprising the office and amenities is required to be setback from the boundary of a dwelling site a minimum of 10m.
 - The deletion of a minimum of two long-term dwelling sites within this row.
 - No more than two dwelling sites are to be attached, in a semi-detached arrangement.
 - The amendments shall ensure a minimum 3m setback shall be retained between dwelling sites/ semi-detached dwelling sites.
- b) **Amend sites 50-52 as follows:**
 - The deletion of one long-term dwelling site.
 - No more than two dwelling sites are to be attached, in a semi-detached arrangement.
 - The amendments shall ensure a minimum 3m setback shall be retained between dwelling sites/ semi-detached dwelling sites.
- c) **Amend sites 39-41 as follows:**
 - The deletion of one long-term dwelling site.
 - No more than two dwelling sites are to be attached, in a semi-detached arrangement.
 - The amendments shall ensure a minimum 3m setback shall be retained between dwelling sites/ semi-detached dwelling sites.
- d) **Amend sites 31-38 as follows:**
 - The deletion of at least one long-term dwelling site.
 - No more than two dwelling sites are to be attached, in a semi-detached arrangement.
 - The amendments shall ensure a minimum 3m setback shall be retained between dwelling sites/ semi-detached dwelling sites.
- e) **Amend sites 25-30 as follows:**
 - The deletion of at least one long-term dwelling site.
 - No more than two dwelling sites are to be attached, in a semi-detached arrangement.
 - The amendments shall ensure a minimum 3m setback shall be retained between dwelling sites/ semi-detached dwelling sites.

Note: The amendments above shall not alter or enlarge the current development footprint.

Evidence must be produced to the consent authority sufficient to enable it to be satisfied that above conditions have been complied within twelve (12) months of the date of this approval, otherwise this consent will lapse.

Upon compliance with the conditions of deferred commencement Council will issue an operative consent (including stamped plans) that is subject to the attached conditions.

B. OPERATIVE CONDITIONS

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by: Marchese Partners

Drawing	Description	Rev	Date
DA0.01	Cover Sheet	U	06/10/2020
DA1.01	Site Analysis	I	07/05/2018
DA1.02	Proposed Site Plan	Z	06/10/2020
DA2.10	Bin Storage N.3 Details	C	06/10/2020
DA0.11	Bin Storage 1&2 Details	C	06/10/2020
DA6.03	Layout Fences and Entrance View	E	22/07/2019

Supporting Documentation

Author	Document Title	Date / Rev	Council Ref
Douglas Partners;	Acid Sulfate Soil Management Plan	January 2020	D14193277
Renzo Tonin and Associates.	Construction Noise and Vibration Management Plan,	04/05/2020 Version 3	D13998323
Barker Ryan Stewart	Preliminary Construction Management Plan	21/02/2020 Rev 2	D13836275
Martens and Associates Pty Ltd.	Detailed Site Investigation (Contamination Assessment) P1907052JR05V01	31/07/2020 Rev 1	D14193275
Renzo Tonin and Associates	Air Conditioning Noise Assessment	5 February 2020 Rev 1	D13836301
Renzo Tonin and Associates	Noise Impact Assessment	28/02/2020	D14193274

Rev 8			
Martens and Associates Pty Ltd.	Amended Soil and Water Management Plan and Demolition Plan, Drawing Number PS02-B300 Revision G;	05/05/2020	D14278093
	Soil and Water Management Control Details Drawing Number PS02-B310 Revision D; and	05/05/2020	
	Sediment and Erosion Control Calculations and Notes Drawing Number PS02-B311 Revision A,	01/05/2020	
Mark Bury Consulting	Tree Statement on Trees 5th June 2019 (Arborist Addendum) and Amended Tree removal plan	12/07/2019	D14193272 D13836300
Conacher Consulting	Revised Flora and Fauna Report REF: 20031	February 2020	D13841122
Varga Traffic Planning Pty Ltd.	Traffic Report Ref. 18488	31/07/2019	ECMD25145410
Asset Geotechnical Engineering Pty Ltd	Geotechnical Investigation ref: 4672-R1-Rev1	12/02/2018 Rev 1	ECMD25145429
Matthew Higginson	Landscape Plans	29/07/2019 Issue I	ECMD25145406
Martens and Associates Pty Ltd.	Concept Water Quality Management Report - P1907052JR02V03	26/10/2020 Rev 3	D14278057
Martens and Associates Pty Ltd.	Flood Assessment And Flood Assessment Details	20/02/2020 Rev 4 20/02/2020 Rev B	D14192545 D14192576
Martens and Associates Pty Ltd.	Flood Emergency Response Plan (FERP) P1907052JR03V01	21/02/2020 Rev 1	D14192573

Its is noted the approval relates to the use of the site as a caravan park comprising five short-term 'caravan lots' and the remaining dwelling sites are long-term dwelling sites (reserved for self-contained moveable dwellings) the number of which is as required and detailed by the deferred commencement condition of this consent.

1.2. Comply with the General Terms of Approval from Department of Primary Industries / Water (letter dated 11/04/2018, ref: IDAS1106000) and as confirmed by Natural Resources Access Regulator (NRAR) (letter dated 20/08/2019, ref: S961118182) as included below:

Design of works and structures

GT0009-00004 Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.

Erosion and sediment controls

GT0014-00003 A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Crown Lands and Water Division as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.

Plans, standards and guidelines

GT0002-00267 A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 515382017 provided by Council to Crown Lands and Water Division. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.

GT0005-00110 A. The application for a activity approval must include the following plan(s): - Erosion and Sediment Control Plan, Vegetation Management Plan (that includes rehabilitation of riparian corridor with fully structured riparian vegetation), Stormwater Management Plan, Stormwater Outlet Structure Plan.. B. The plan(s) must be prepared in accordance with Crown Lands and Water Division's guidelines located on the website <http://www.water.nsw.gov.au/waterlicensing/> approvals/controlled-activity.

GT0008-00013 A. Before the proposed controlled activity can commence, a riparian corridor must be clearly marked, protected and maintained in accordance with a plan submitted as part of the controlled activity approval, and approved by Crown Lands and Water Division. B. The corridor must extend for: i. a width of 15 m, measured horizontally landward from the highest bank of the river, and ii. the length of the site directly affected by the controlled activity.

GT0010-00003 All documents submitted to Crown Lands and Water Division as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

GT0030-00001 The application for a controlled activity approval must include plans prepared in accordance with Crown Lands and Water Division's guidelines located on the website as follows: <http://www.water.nsw.gov.au/waterlicensing/> approvals/controlled-activity.

Rehabilitation and maintenance

GT0007-00003 When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval and approved by Crown Lands and Water Division.

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

Reporting requirements

GT0016-00002 The consent holder must inform Crown Lands and Water Division in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

1.3. Comply with the General Terms of Approval from NSW Rural Fire Service (letter dated 1/05/2020, ref: DA-2017-00702-CL55-1) as included below:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

Condition 1

At the commencement of building works and in perpetuity, the entire property shall be managed as an outer protection area (OPA) which comprises:

- Minimal fine fuel at ground level;
- Understorey managed (mowed) – all shrubs and grasses treated on an annual basis;
- Native shrubs retained as clumps or islands and take up less than 20% of the area;
- Trees and shrubs are located far enough from buildings so that they will not ignite the building;
- Tree canopy cover is not more than 30%;
- Tree canopies are not located within 2 metres of a building;
- Trees are pruned or removed so they are separated by 25 metres and do not form a continuous canopy from hazard to buildings; and,
- Trees to have lower limbs removed up to a height of 2 metres above the ground.

Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

Condition 2

Construction of buildings within 100 metres of the unmanaged vegetation must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006.

Access - Internal Roads

The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

Condition 3

Internal access roads shall comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'. All dead end roads shall be provided with turning areas that comply with Section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

Condition 4

The provision of water, electricity and gas services are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006':

- Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1–2005 'Fire Hydrant Installations'.
- Fire hydrants shall not be located within any road carriageway

Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

Condition 5

Future landscaping to the site is required to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Emergency and Evacuation Planning Assessment

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

Condition 6

A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

1.4. Surrender the development consent(s) described below within 12 months of the date of commencement of this consent and in the manner prescribed by clause 97 of the *Environmental Planning and Assessment Regulation 2000*.

Development Application No.	37693/2009 Part 1
Land description	LOT: 2 DP: 577212, LOT: 6 DP: 826812 No 205 The Round Drive AVOCA BEACH
Development Description	Modifications & Upgrading of Existing Caravan Park
Date of Determination	1 November 2011
Consent Authority	Gosford City Council

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

- a) Details/notation on the site plan to require solid timber fencing along the northern boundary adjacent to dwelling sites 14 and 15, subject to flooding requirements.
 - b) Amended site plan and landscape plans that include the provision of facilities/furniture in the recreation areas including picnic tables and other forms of seating around the site. The furniture must not be located within the 15m setback from the Avoca lagoon foreshore or in the retained vegetation/ conservation area. The installation of such should not impact on retained vegetation.
- 1.6. Carry out all building works in accordance with the Building Code of Australia where applicable.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE OR INSTALLATION OF ANY MANUFACTURED HOMES

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate or installation of any Manufactured Home on any of the long-term dwelling sites.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
- 2.3. Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's *Civil Works Specifications*.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

- a) Construction of an industrial/commercial vehicle access crossing that has a width of 13.5m at the road gutter crossing and 9.5m at the property boundary including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- b) Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb and/or heavy-duty gutter crossing.
- c) Removal and replacement of all damaged kerb and gutter with new kerb and channel.

- d) Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary. Concrete path to be constructed if required.
- e) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

The section 138 Roads Act Works Approval must be issued by Council and all conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

2.4. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.

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

- a) Construction of earthworks including all excavation and filling including treatment of cut and fill surface for permanent stability, in accordance with plans prepared by Martens & Associates Pty Ltd project number P1907052 sheets PS02-C100 (revision D) and PS02-C500 (revision D). The earthworks design must be endorsed by a practising Geotechnical Engineer or be in accordance with the recommendation of a practising Geotechnical Engineer. The endorsement or recommendations must only be made following an investigation of the site by the practising Geotechnical Engineer.
- b) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities, other applicable Australian Standards, the 'Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005', and Sections 4.1.3 & 4.2.7 of Planning for Bush Fire Protection 2006. Note, the pavement shall be designed and certified by a Geotechnical Engineer having consideration of service and construction vehicle loadings including Council's waste contract vehicles and the heavy-rigid vehicle required to service the sewer pump station.
- c) The turning head to access Waste Enclosure 2 shall be designed to accommodate the swept path of a 12.5m Heavy Rigid Vehicle (HRV) as per AS 2890.2:2018. Waste Enclosure 2 shall be located clear of the swept path of the 12.5m HRV.
- d) Construction of a minimum 6m wide access road between dwelling sites 22 and 23 and 24 and 25 extending past Council's sewer pump station to permit servicing of the sewer pump station by the service vehicle (represented by a 12.5m HRV). Provide a minimum 6m wide access road between dwelling sites 24 and 25 to form a loop around dwelling sites 22 and 23. The access road and connecting access road shall be designed to accommodate the swept path of a 12.5m HRV and permit it to exit in a forward direction.
- e) The intersection of access road 1 and the access road to Council's sewer pump station shall be designed to accommodate the swept path of a 12.5m Heavy Rigid Vehicle (HRV) as per AS 2890.2:2018.

- f) Construction of a 1.5m wide reinforced concrete Pedestrian Link from access road 1 to The Round Drive via the property handle located between numbers 211B and 215, 215A & 215B The Round Drive.
- g) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan. A nutrient and pollution control report including an operation and maintenance plan must accompany the design
- h) Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design
- i) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site to Avoca Lagoon generally in accordance with plans prepared by Martens & Associates Pty Ltd project number P1907052 PS02-D100 (revision F). The box culvert between dwelling sites 22 and 23 is to be extended past the end of the vehicle access servicing Council's sewer pump station.
- j) Construction of footings on each dwelling site to ensure the minimum floor level of all habitable rooms of any manufactured homes installed being Reduced Level (RL) to Australian Height Datum (AHD) as per the following schedule.

Dwelling Site Number	Minimum Floor Level (m AHD)
1	4.20
2	4.20
3	4.20
4	4.20
5	4.20
6	4.20
7	4.25
8	4.25
9	4.25
10	4.25
11	4.24
12	4.26
13	4.20
14	4.20
15	4.20
16	4.20
17	4.20
18	4.20
19	4.20
20	4.20
21	4.20
22	4.20
23	4.20
24	4.20
25	4.20

26	4.20
27	4.20
28	4.20
29	4.20
30	4.20
31	4.20
32	4.20
33	4.20
34	4.20
35	4.20
36	4.20
37	4.20
38	4.20
39	4.20
40	4.20
41	4.20
42	4.20
43	4.20
44	4.20
45	4.20
46	4.20
47	4.20
48	4.20
49	4.20
50	4.20
51	4.20
52	4.20
53	4.20
54	4.20
55	4.20
56	4.26
57	4.37
OB (Office Building)	4.57

k) Construction materials that are used or located below Reduced Level (RL) Australian Height Datum (AHD) as per the minimum floor level schedule must be of a type that is able to withstand the effects of immersion.

l) Construction of open type fences in flood affected areas that are of a height and type so as not to restrict the flow of water or cause an accumulation of debris.

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

2.6. Submit to Council for assessment and approval a Flood Emergency Response Plan (FERP). The FERP is to include (as a minimum) the following:

- Emergency Contact List
- Flood Risk Summary
- Flood Action Plan

The Flood Action Plan within the FERP shall include as a minimum the following Phases:

- PREPARE Trigger – All the Time
- RESPOND Level 1 Trigger – Flood Watch or severe weather warning Issued
- RESPOND Level 2 Trigger – Floodwater observed in the suburb
- RESPOND Level 3 Trigger – Floodwater observed in Driveways on site
- RESPOND Level 4 Trigger – Floodwater restricting access to dwellings/ manufactured homes
- RECOVERY Trigger – Floodwater receded, and threat passed

The FERP shall be approved by Council prior to the issue of any Construction Certificate.

2.7. Identify trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas and areas of retained native vegetation must be clearly marked as "No Go Area" on all plans. The location of any threatened species and ecological communities must also be marked on all plans.

2.8. Submit a Vegetation Management Plan to Council's Environment Officer/Ecologist for approval. The Vegetation Management Plan must be approved by Council and must be prepared by a suitably qualified Ecologist in accordance with the Central Coast Council: Flora and Fauna Guidelines 2019, as well as the specific details listed below.

The Vegetation Management Plan is to encompass all areas of retained native vegetation and ecological significance along the northern, eastern and southern boundaries as well as all hashed areas (including both 15m riparian buffer zones, the 'Recreational Area' and Conservation Zone) as identified on the 'Proposed Site Plan' (Marchese Partners Drawing DA1.02, Rev Z, dated 06/10/2020)

The Vegetation Management Plan must:

- Integrate with other relevant plans eg. Landscape Plans or Erosion and Sediment Control Plans
- If relevant, integrate with NSW Department of Primary Industries: Water requirements.
- Recommend management actions to be undertaken during clearing, construction works and post construction.
- Clearly stage management actions to identify works required prior to commencement of construction works, during works, prior to subdivision certificate and ongoing.
- Include a map identifying indicative weed densities across the Vegetation Management Area

- Identify different management zones based on vegetation condition, composition and or different levels of ongoing management required (APZ requirement, full restoration ect...)
- The area identified as 'Coastal Wetland' (as per SEPP Coastal Management 2018) in the north-eastern most corner of the site is to be completely retained with no clearing of native vegetation proposed.
- The area identified as 'Proximity to Coastal Wetland' (as per the SEPP Coastal Management 2018) is to be maintained to the maximum native vegetation coverage allowable under the requirements of an Outer Protection Area APZ. Where vegetation is required to be thinned within this area, exotic vegetation is to be prioritised for removal whilst Individuals of both *Melaleuca biconvexa* and *Eucalyptus robusta* are to be prioritised for retention. Appropriate erosion and sediment control measures are to be implemented to ensure there is no transfer of soil and sediments into the adjoining area of mapped Coastal Wetland.
- Include baseline photographic monitoring points at the site of each proposed monitoring quadrat within each Vegetation Management Zone.
- Identify existing individual *Melaleuca biconvexa* plants and specify protective measures to be implemented to ensure their survival prior to, during and post construction.
- Identify suitable areas within the proposed Vegetation Management Area to incorporate the planting of 100 *Melaleuca biconvexa* plants (Flora and Fauna Assessment, Conacher Consulting, February 2020). The plants are to be locally sourced from within the Central Coast Local Government Area and are to have a survival rate of no less than 90% at the end of the life of the VMP.
- Include a protocol to prevent the transfer of weeds or pathogens onto or off the site.
- Detail ongoing reporting requirements.
- Be prepared by a suitably qualified and experienced restoration ecologist.
- Be implemented for no less than five years.
- Aiming to achieve the following outcomes by year 5 being:
 - Less than 2% woody weed cover in any 1000m² of the subject site;
 - Less than 20% exotic ground cover in any 1000m² of the subject site; and
 - If replanting is required, that replanted canopy species achieve a median height of no less than three metres;
 - If replanting is required; a 90% survival rate of all native plantings

Progress reports are to be submitted to Council's Ecologist by the 30th June each year for a minimum of 5 years after the commencement of works. Reports are to detail the progress of the

works and any recommended additional actions, with a final report certifying completion of the Vegetation Management Plan at the end of the implementation period, or once the specific objectives of the plan have been met. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

The primary objective of the Plan is weed management, regeneration of the native vegetation and supplementary native plantings for the benefit of the local flora and fauna as well as habitat values, threats and ameliorative measures to ensure protection for threatened species and ecological communities.

2.9. Install five microbat specific nest boxes within the retained native vegetation of the 15m riparian corridor of the creek along the eastern boundary of the property. The nestboxes are to be placed on tree at no lower than 4m above the ground and are to be installed by a suitably qualified and experienced arborist or ecological consultant.

Documentary evidence of compliance is to be provided to Council and Principal Certifying Authority for its records.

2.10. Submission of a revised Operational Waste Management Plan by Elephants Foot to:

- Delete references and details regarding 120L and MGB's and
- Provide commentary regarding communal bulk waste bin enclosures indicating a minimum 2 x 1100 litre mixed waste bulk bins in two of the communal enclosures and 3 x 1100 litre mixed waste bulk bin in the third communal enclosure.
- Indicate a minimum 2 x 1100 litre recyclables waste bulk bins to be indicated in each of the three communal bulk waste bin enclosures.
- Confirm that all bulk waste bins to be serviced weekly by a private commercial waste contractor.

2.11. Submit an application to Council under section 305 of the *Water Management Act 2000* to obtain a section 307 Certificate of Compliance. The Application for a 307 Certificate under section 305 *Water Management Act 2000* form can be found on Council's website www.centralcoast.nsw.gov. Early application is recommended.

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

2.12. Submit engineering details prepared and certified by a practising structural engineer that comply with Council's Building in Proximity of Sewer and Water Pipelines to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

2.13. Submit detail for approval by the Water Authority for the vehicular (truck) access to existing sewer assets including sewer pump station. The access must comply with Council accepted standard for pump station access and shall be of suitable size and location to accommodate Councils maintenance (crane) vehicles as well as fit for the purpose.

2.14. Submit detail for approval by the Water Authority of the relocations of water supply services and electrical services supplying Council's sewer pump station. The relocation of the assets must be to the satisfaction of the Water Authority.

2.15. Pay to Council a contribution amount of **\$199,515.12**, that may require adjustment at time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contribution Plan 2019.

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

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

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

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 49 Mann Street Gosford, or 2 Hely Street Wyong or on Council's website:

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 49 Mann Street Gosford, or 2 Hely Street Wyong, or on Council's website:

[Development Contributions - former Gosford LGA](#)

3. PRIOR TO COMMENCEMENT OF ANY WORKS

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

3.1. Appoint a Principal Certifier for the building work:

a) The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.

b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website:

www.centralcoast.nsw.gov.au

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

a) The name, address and telephone number of the Principal Certifier for the work; and

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

3.3. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au

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

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

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

- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- diverting uncontaminated run-off around cleared or disturbed areas, and
- preventing the tracking of sediment by vehicles onto roads, and
- stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

3.5. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.

3.6. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:

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

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

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

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

Each toilet must:

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

3.8. Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.

3.9. Submit to Council, for approval, details of proposed haulage routes to and from the site. Approval of haulage routes may be subject to the provision of a dilapidation report of all or part of the approved haulage route.

3.10. Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.

3.11. Submit to Council's Environment Officer for approval a further detailed Stage 2 contamination investigation prepared by a suitably qualified contaminated land consultant that takes into consideration areas under existing site structures, including the chemical storage shed and transformer. Such investigation must be undertaken in accordance with *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land* (1998) and NSW Environment Protection Authority's *Contaminated Land Guidelines - Consultants Reporting on Contaminated Land 2020 and Contaminated Sites – Sampling Design Guidelines* (2011).

(If required) Submit to Council's Environment Officer for approval a Stage 3 Remediation Action Plan prepared by a suitably qualified contaminated land consultant. The plan must be undertaken in accordance with *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land* (1998) and NSW Environment Protection Authority's *Contaminated Land Guidelines - Consultants Reporting on Contaminated Land 2020 and Contaminated Sites – Sampling Design Guidelines* (2011).

(If required) Submit to Council's Environment Officer for approval a Stage 4 Validation Report prepared by a suitably qualified contaminated land consultant. The Report must be undertaken in accordance with *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land* (1998) and NSW Environment Protection Authority's *Contaminated Land Guidelines - Consultants Reporting on Contaminated Land 2020 and Contaminated Sites – Sampling Design Guidelines* (2011).

3.12. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.

3.13. Tree Protection is to be as per the recommendations of the Arboricultural Impact Assessment prepared by R Kingdom dated 23/8/18.

3.14. Install a temporary fence around the entire Vegetation Management Zone identified in the approved Vegetation Management Plan. All fenced conservation areas are to be clearly marked as

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

3.15. The proposed changes to the existing caravan park license approval issued under Section 68 of the *Local Government Act 1993* will require a further application for consideration before the commencement of any physical activity on the site.

4.DURING WORKS

All conditions under this section must be met during works.

4.1. During the construction and installation phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately in that area, and
- b) The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

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

4.2. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction and installation works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

4.3. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.

4.4. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

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

4.5. Place all building materials, plant and equipment on the site of the development during the construction and installation phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.

4.6. Demolish all buildings and/or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.

- 4.7. Do not access the development site through a public reserve unless approval for temporary access over the public reserve is obtained from the council as the Land Manager. A copy of the approval must be available for viewing on-site at all times during work.
- 4.8. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.9. Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.10. Undertake works in accordance with the *Acid Sulfate Soil Management Plan*, January 2020, Douglas Partners.
- 4.11. Carry out construction, installation or demolition works only between the hours as follows:
- Monday to Friday: 7am to 6pm
 - Saturday: 8am to 1pm
 - No work on Sundays or public holidays.
- 4.12. Classify all excavated material removed from the site in accordance with NSW EPA (November 2014) *Waste Classification Guidelines* and/or the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
- 4.13. All excavated material removed from the site must be transported to a site that is a lawful waste facility and/or a site that meets the requirements of the Resource recovery Exemptions under Part 9, Clause 91 and 92 *Protection of the Environment Operations (Waste) Regulation 2014*.
- 4.14. Implement all soil and water management control measures and undertake works in accordance with the approved Soil and Water Management Plan and Demolition Plan, Drawing Number PS02-B300 Revision G; Soil and Water Management Control Details Drawing Number PS02-B310 Revision D; and Sediment and Erosion Control Calculations and Notes Drawing Number PS02-B311 Revision A, Martens and Associates Pty Ltd. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004).
- 4.15. Undertake works in accordance with the *Construction Noise and Vibration Management Plan*, 4 May 2020, Version 3, Renzo Tonin and Associates.
- 4.16. Undertake works in accordance with the *Construction Management Plan*, 21 February 2020, Barker Ryan Stewart.
- 4.17. Submit to Council a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that the site has been made free of asbestos material following completion of demolition works.

4.18. Classify all excavated material removed from the site in accordance with NSW EPA (November 2014) *Waste Classification Guidelines* and/or the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

4.19. Undertake demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*. The person having the benefit of this consent must ensure that the removal of:

- a. more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b. friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence. The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2017*

4.20. Trees to be removed are those shown on Proposed Site Plan (rev R, 22/7/19) and as recommended and shown for removal by the Arboricultural Impact Assessment by R Kingdom 23/8/18. Undertake tree removal in a manner so as to prevent damage to those trees that are to be retained.

4.21. Ensure a qualified AQF5 Arborist is on-site to oversee the works in relation to tree protection measures during critical stages of construction and installation of the manufactured home.

4.22. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by B. Miller dated 6 September 2018.

4.23. Supervision by a suitably qualified Ecologist is required for all vegetation clearing. The Ecologist must:

- Mark trees for retention and removal
- Supervise the installation of fencing around any conservation areas
- Provide an environmental induction to civil contractors and subcontractors
- Supervise clearing, removal of habitat trees (if any are identified)

The Ecologist must provide updates in writing to Council's Environment Officer/Ecologist upon completion of the above environmental control measures.

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

4.25. Undertake clearing in accordance with the approved tree removal/retention survey plan ('Appendix K - Tree Removal Plan' – Marchese Partners Drawing DA1.02, 28/08/2016). Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

4.26. Manage native fauna appropriately during clearing and construction phase of the approved works. In this regard, an appropriately licensed Fauna Ecologist is to be engaged to advise and supervise the clearing of trees and native vegetation. Where, in spite of precautions, wildlife is

injured, the Fauna Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as WIRES or Wildlife Arc.

4.27. Utilise timber from felled native trees by:

- Re-instating logs as ground habitat in areas of retained vegetation, and/or
- Wood chip or tub grind into mulch for landscaping, soil stabilisation or bush regeneration, and/or
- Using for firewood (but not piled burned on-site); and/or
- Recycling for use in construction materials, furniture or fencing.

4.28. Preserve the identified wetland area in the north eastern extent of the property by restricting all access except for monitoring and / or maintenance activities such as the removal of litter or weeds.

4.29. Undertake works in accordance with the approved Vegetation Management Plan as required by Condition 2.11 of this consent. No development or any works contrary to the Vegetation Management Plan are permitted in the designated Vegetation Management Zone as shown on the approved plan.

4.30. Stockpiling will be undertaken within the approved works foot print.

Stockpiling will not be undertaken in locations that impact on adjacent areas of retained native, vegetation.

Stockpiles are to be managed to suppress dust, prevent erosion and reduce the impact of sediment and other contaminants on the environment. This may require compaction and the installation of adequate sediment and erosion control measures around the stockpiles in accordance with the Blue Book and Best Practice Erosion and Sediment Control (IECA) guidelines.

No contaminated material is permitted to be stockpiled onsite.

4.31. Vehicles and other equipment to be used on site must be free of soil, seeds and plant material before entering/leaving the site to prevent the spread of exotic plant species and pathogens. Standard hygiene protocols will be used to clean tools and other equipment. All vehicles and machinery must be inspected prior to site entry and those failing inspection are to be sent away for cleaning. Appropriate records of inspections shall be maintained.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

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

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

5.3. Install a material or device to prevent the build-up of flammable material (such as leaf matter) within the roof gutters. The material or device must have a flammability index of not greater than 5 when tested in accordance with Australian Standard AS 1530.2-1993: *Methods for fire tests on building materials, components and structures - Test for flammability of materials*.

5.4. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.

5.5. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.

5.6. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.

5.7. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.

5.8. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.

5.9. Consolidation of Deposited Plans (DP) being Lot 2 DP 577212 & Lot 6 DP 826812 and creation of the following:

1) Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:

- Create a 'Restriction on the use of Land' over all lots containing a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

- The underfloor of all manufactured homes and the office building (as denoted on the plans) shall always remain open for the free-flowing passage of flood waters, with an absolute maximum of 25% impermeable elements (including water tanks). in any single plane below the ground floor soffit.

- A copy of the approved Flood Emergency Response Plan (FERP) shall be placed in all dwelling sites and buildings.
- The minimum floor levels of each dwelling site and the office building, in accordance with the consent condition defining minimum floor levels.
- Creation of a new easement for electrical infrastructure over the realigned electrical conduits to service Council's sewer pump station.
- Creation of a new easement for water service infrastructure over the realigned water service conduits to connect to Council's sewer pump station.
- Creation of a new easement for access over the constructed access driveway to benefit Council, from The Round Drive to and over the vehicle access to Council's sewer pump station, and any associated turning area/s.
- Extinguish redundant easements for electricity 2m and 6m wide and redundant 6m wide easement for access purposes.

2) Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:

- a) To ensure on any lot containing a nutrient / pollution facility that:
 - i. the facility will remain in place and fully operational.
 - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
 - iv. Council is indemnified against all claims of compensation caused by the facility.

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

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

5.10. Implement vegetation management activities in accordance with the approved Vegetation Management Plan as required by Condition 2.11 of this consent.

5.11. Complete the construction of the communal bulk waste bin enclosures from materials and finish as indicated on Project No. 16083, Drawing No.s DA2.10 and DA2.11, Revision C dated 6 October 2020 prepared by Marchese Partners.

5.12. Provide Waste vehicle manoeuvring as indicated in the Traffic Report Ref. 18488 dated 31 July 2019 by VARGA TRAFFIC PLANNING Pty Ltd.

5.13. Provision of screened Caravan Park and Office Building waste enclosure as referred to in the report by Elephants Foot dated May 2020 to be located adjacent to the Caravan Park Manager Office building to be accessible to all caravan park guests.

5.14. Submit to Council for approval a Plan of Management for the caravan park. The plan must provide for:

a) Park Rules, covering issues such as tenant/customer behaviour, visitor and party policies, activities and noise control, use and operation hours of common areas (e.g. communal open space and policies for regulating smoking and consumption of alcohol and drugs

Note: House Rules must address guidelines for use of the external communal open space area to minimise noise and lighting impacts on adjacent residential uses, areas are not to be used any later than 9:00pm Sunday to Thursday, and 10:00pm Friday and Saturday

b) Safety and security measures for the premises, including lighting, CCTV, access controls, appropriate fencing, emergency egress routes and evacuation plan, and suitable access is to be provided for residents to ring emergency services in the event of an emergency, ie. provide access to a landline telephone

c) Public notice and signs, including:

- a sign showing the name and contact number of the park manager / caretaker, placed in a visible position to the public

5.15. Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:

a) provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*

b) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity

c) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises

d) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development

e) install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.

5.16. Maintain or improve the environmental outcome by planting a total of 12 *Eucalyptus robusta* (Swamp Mahogany) specimens to offset the three *Eucalyptus robusta* identified for removal. The replacement plantings can be incorporated into either the approved landscape plan or the revegetation component of the approved Vegetation Management Plan. The replacement plants are to be mature specimens (45L pot or larger) and are to be sourced from locally occurring genetic stock from within the Central Coast Local Government Area.

5.17. Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity and protect the surrounding areas of ecological significance. Non-provenance specific material is prohibited. The Landscape Plan is to integrate with the required Vegetation Management Plan.

5.18. Provide the Principal Certifier with written certification from a qualified landscape designer certifying that site landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

5.19. All civil and infrastructure works, the office and amenities building and the provision of the five short term caravan park sites must be constructed and completed prior to the issue of an Occupation Certificate and the installation of any manufactured homes.

6. PRIOR TO THE OCCUPATION OF THE MANUFACTURED HOMES

6.1. All conditions under this section must be met prior to the Occupation of the Manufactured Home.

6.2. Do not install or occupy any of the manufactured homes until all required certificates have been provided to Council under the section 68 of the *Local Government Act 1993* approval, demonstrating full compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

6.3. The manufactured homes are to be packaged, delivered and installed on site, and comply with the relevant definitions of manufactured homes being:

'Manufactured home' is defined as 'a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) that comprises one or more major sections, and,
- (b) that is not a registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Act 1997.'

'Major section' is defined as 'a single portion of a manufactured home or relocatable home, being a portion:

- (a) that contains a total living space (excluding the living space contained in any associated structure) of at least 20 cubic metres, and
- (b) that comprises all the major components of that portion of the home, including the chassis or frame, the external and internal walls, the roof and ceilings, the floors, the windows and doors, the internal plumbing and wiring, the tiling, the kitchen, bathroom and laundry fittings (other than stoves, refrigerators, washing machines and other whitegoods) and the built-in cupboards and cabinets.'

'Associated structure' is defined as:

- (a) a carport, garage, shed, pergola, verandah or other structure designed to enhance the amenity of a moveable dwelling and attached to or integrated with, or located on the same site as, the dwelling concerned, or
- (b) a separating wall between two moveable dwellings.

6.4. Ensure that the installed manufactured homes shall have no greater than 25% impermeable elements in any single plane below the ground floor soffit. Typical building footprint plans and sections from every side are to be prepared, which provide details of the elements below the ground

floor soffit demonstrating that this requirement will be met, including details and consideration of water tanks to ensure compliance with the Flood Assessment and requirements.

6.5. A structural certificate of adequacy from a structural engineer (registered on the National Engineering Register) shall be issued certifying that all manufactured homes and buildings have been designed to withstand the imposed structural loads resulting from the Probable Maximum Flood moving floodwater and flood debris loads.

6.6. A registered surveyor shall provide certification that the ground floor level of every dwelling site and building complies with its required minimum floor level as set out in Condition 2.5(j) of this consent.

6.7. A suitably qualified and experienced acoustic consultant is to provide written certification that any air conditioning units meet the recommendations of the *Air Conditioning Noise Assessment*, 5 February 2020, prepared by Renzo Tonin and Associates.

6.8. A suitably qualified and experienced acoustic consultant must provide written confirmation that each Manufactured Home meets the recommendations of the Noise Impact Assessment, Rev 8 dated 28/02/2020 prepared by Renzo Tonin and Associates

6.9. Install a material or device to prevent the build-up of flammable material (such as leaf matter) within the roof gutters. The material or device must have a flammability index of not greater than 5 when tested in accordance with Australian Standard AS 1530.2-1993: *Methods for fire tests on building materials, components and structures - Test for flammability of materials*

6.10. The Park Management / Body Corporate shall appoint a Chief Flood Warden.

6.11. Prior to the occupation of any new manufactured home, landscaping works are to be properly completed, the landscape designer must provide certification that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

7. ONGOING OPERATION

7.1. A maximum of five short-term 'caravan lots' are permitted under this development consent. The remaining dwelling sites are long-term dwelling sites (reserved for self-contained moveable dwellings / manufacture home) the number of which is as required and detailed by the deferred commencement condition of this consent.

7.2. A copy of the approved Flood Emergency Response Plan (FERP) and Plan of Management for the caravan park shall be kept in each dwelling site and the office and amenities building.

7.3. Park Management / the Body Corporate shall ensure the continual appointment of a Chief Flood Warden to ensure the implementation of the approved Flood Emergency Response Plan (FERP).

- 7.4. The Chief Flood Warden shall ensure that all lot owners / occupiers are aware of the Flood Emergency Response Plan (FERP) and the Flood Action Plan contained within the FERP.
- 7.5. The Chief Flood Warden shall ensure that the Flood Emergency Response Plan (FERP) is reviewed every 5 years and after every flood event by a Flood Consultant (registered on the National Engineering Register) and endorsed by the State Emergency Services. A copy of the revised FERP shall be distributed to each lot dwelling and building.
- 7.6. Maintain all works associated with the approved Landscape Plans for the life of the development.
- 7.7. Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 7.8. Implement vegetation management activities and reporting obligations in accordance with the approved Vegetation Management Plan prepared under Condition 2.11 of this consent.
- 7.9. Use external lighting that minimises overspill into retained vegetated areas.
- 7.10. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 7.11. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 7.12. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 7.13. Locate the approved waste storage enclosure / area as indicated on Drawing No. DA2.01. Revision No. U dated 6 October 2020 prepared by Marchese Partners
- 7.14. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 7.15. Ongoing management of mixed and recyclables waste to be in accordance with the revised Operational Waste Management Plan by Elephants Foot required prior to issue of a Construction Certificate under Condition 2.13 of this consent.
- 7.16. There shall be no north facing windows on the first floor of any future dwelling installed on dwelling site 15.

8.. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

8.1. Ensure the proposed building or works comply with the requirements of the *Disability Discrimination Act*.

NOTE: The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. This development consent does not indicate nor confirm that the application complies with the requirements of the DDA.

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.

- Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- Telecommunications Act 1997 (Commonwealth)

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

- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au

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

DEVELOPMENT APPLICATION LAKE VIEW VILLAGE AVOCA BEACH

DRAWING LIST			
DWG NO.	TITLE	SCALE	REV
PRELIMINARIES			
DA0.01	COVER SHEET	NTS@A3	U
SITE PLANS			
DA1.01	SITE ANALYSIS	1:1000@A3	F
DA1.02	PROPOSED SITE PLAN	1:1000@A3	Z
FLOOR PLANS			
DA2.01	GROUND FLOOR PLAN	1:1000@A3	V
DA2.02	FIRST FLOOR PLAN	1:1000@A3	S
DA2.03	ROOF FLOOR PLAN	1:1000@A3	S
DA2.04	HOUSE TYPE KEY PLAN	1:1000@A3	P
DA2.05	DETAILED HOUSE TYPE A1-3	1:200@A3	N
DA2.06	DETAILED HOUSE TYPE A4-6	1:200@A3	N
DA2.07	DETAILED HOUSE TYPE B1-3	1:200@A3	M
DA2.08	OFFICE BUILDING	1:200@A3	E
DA2.09	BIN STORAGE DETAIL	1:50@A3	A
DA2.10	BIN STORAGE N.3 DETAILS	1:50@A3	C
DA2.11	BIN STORAGE 1&2 DETAILS	1:50@A3	C
ELEVATIONS			
DA3.01	ELEVATION 1	1:200@A3	O
DA3.02	ELEVATION 2	1:200@A3	O
DA3.03	ELEVATION 3	1:200@A3	O
DA3.04	ELEVATION 4	1:200@A3	O
DA3.05	ELEVATION 5	1:200@A3	A
SECTIONS			
DA4.01	SECTIONS	1:200@A3	G
VIEWS AND MATERIAL BOARD			
DA6.01	VIEW IMPRESSION DETAIL 1	NTS@A3	F
DA6.02	MATERIAL BOARD	NTS@A3	C
DA6.03	LAYOUT FENCES AND ENTRANCE VIEW	NTS@A3	E

DEVELOPMENT DATA

57 TWO STOREYS MANUFACTURED HOUSES +
SITE MANAGEMENT OFFICE BUILDING

SITE AREA: 26,700sqm
TOTAL GFA: 8,337sqm
COMMUNAL OPEN SPACE RATIO : 68%

SITE LOCATION



3D VIEW



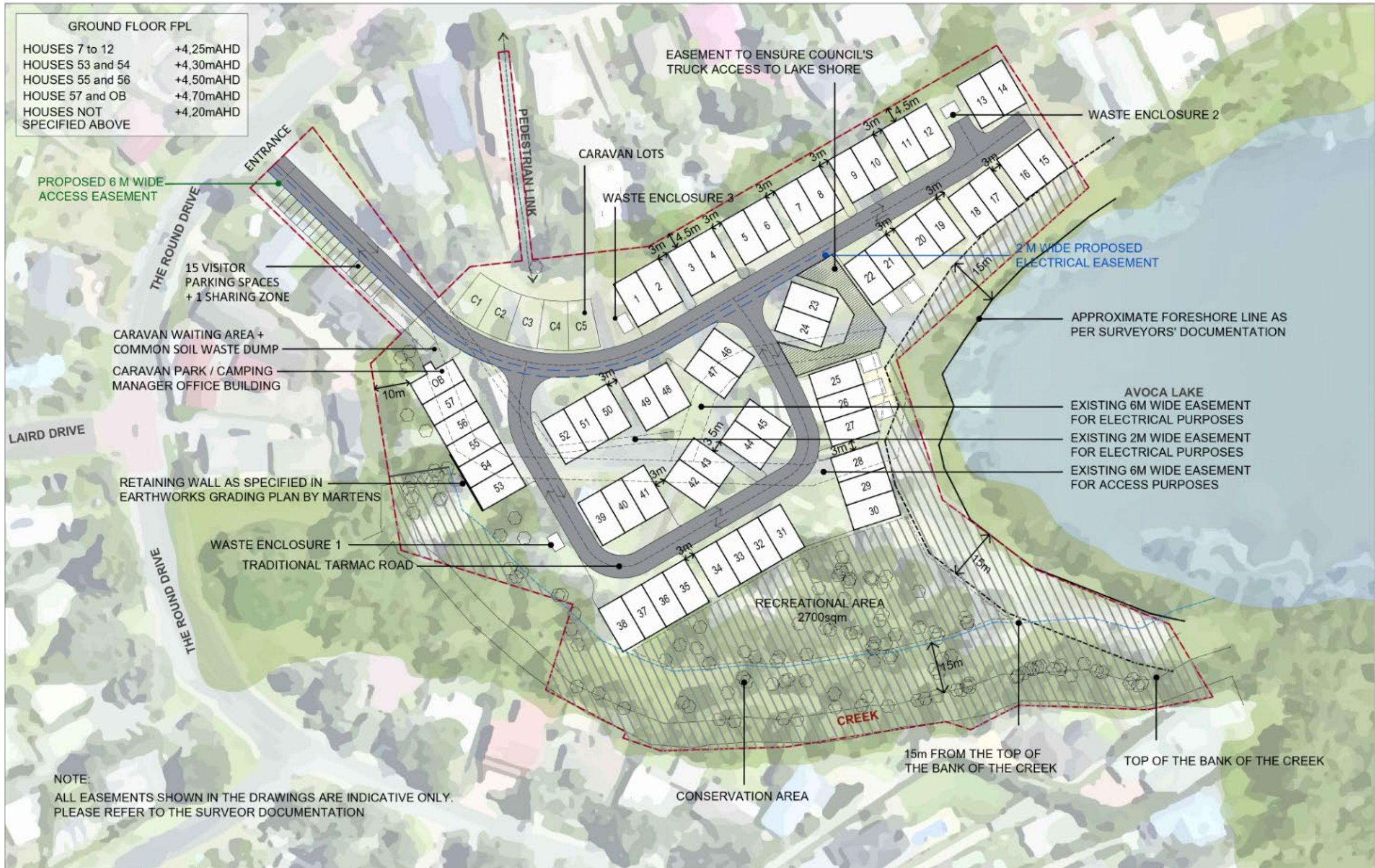
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H	2018-02-16	ISSUED FOR COUNCIL LODGMENT	AS
I	2018-05-17	ISSUED FOR COUNCIL LODGMENT	AS
J	2018-07-26	ISSUED FOR INTERNAL COORDINATION	AS
K	2018-07-31	ISSUED FOR INTERNAL COORDINATION	AS

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Sydney - Brisbane - Canberra - Melbourne - Adelaide - Perth
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ABN 20 068 552 151

CLIENT PLATINUM PROPERTY ADVISORS NO10 PTY LTD	DRAWING TITLE COVER SHEET
PROJECT LAKE VIEW VILLAGE 1 BOWTELLS DRIVE AVOCA BEACH	SCALE NTS
	DATE 28/12/2016
JOB 16083	DRAWN AS
	CHECKED PS
	REVISION U



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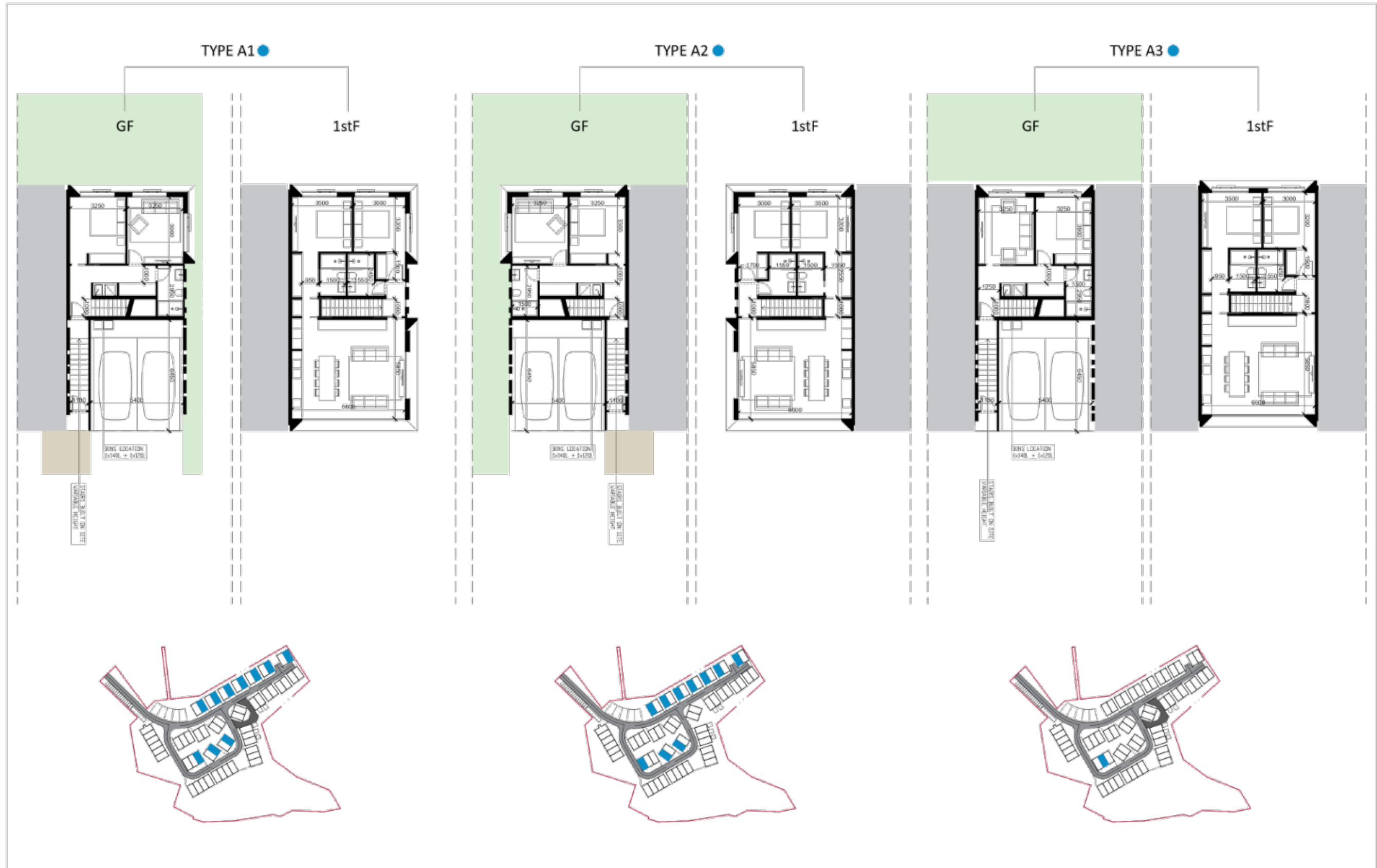
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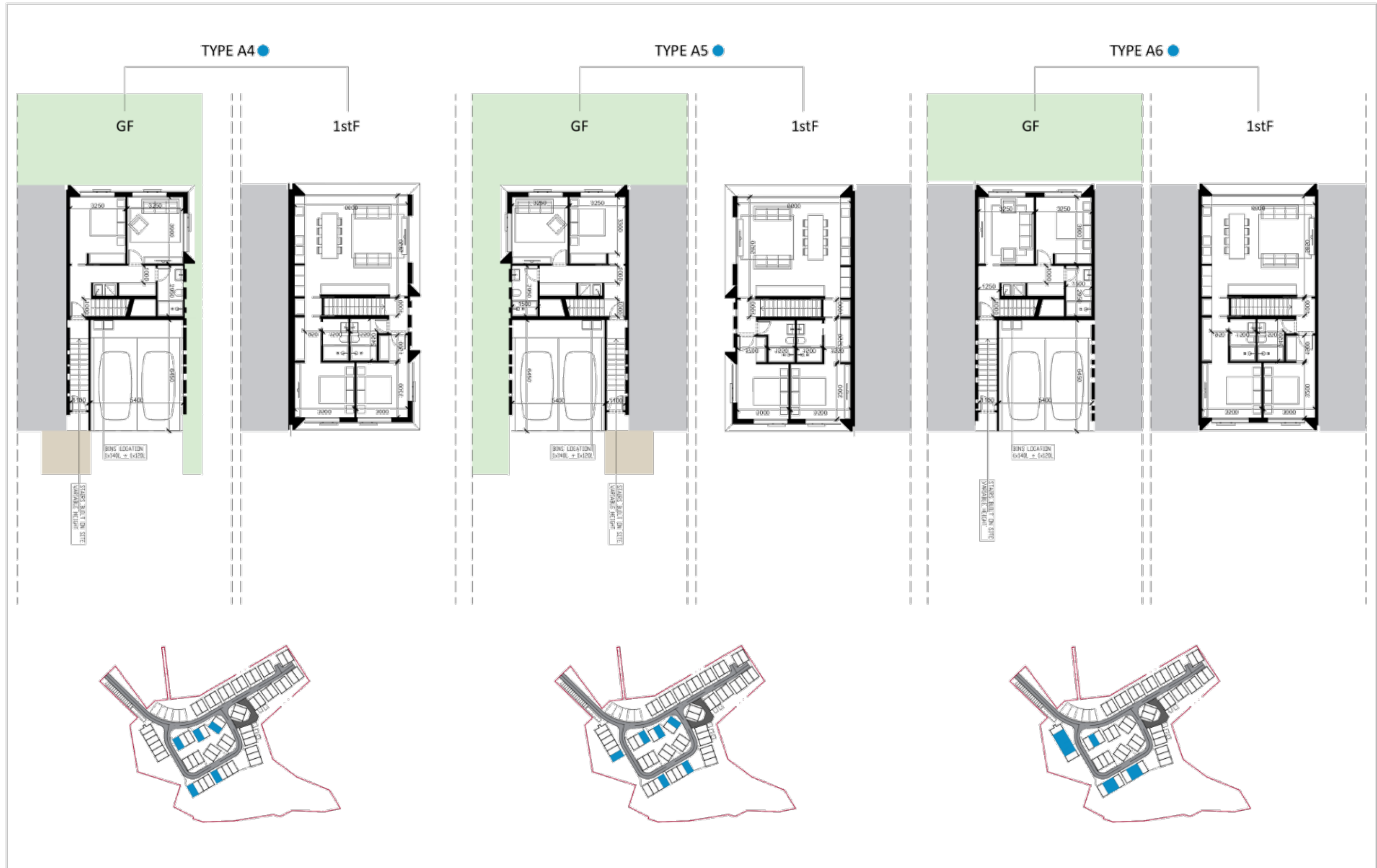
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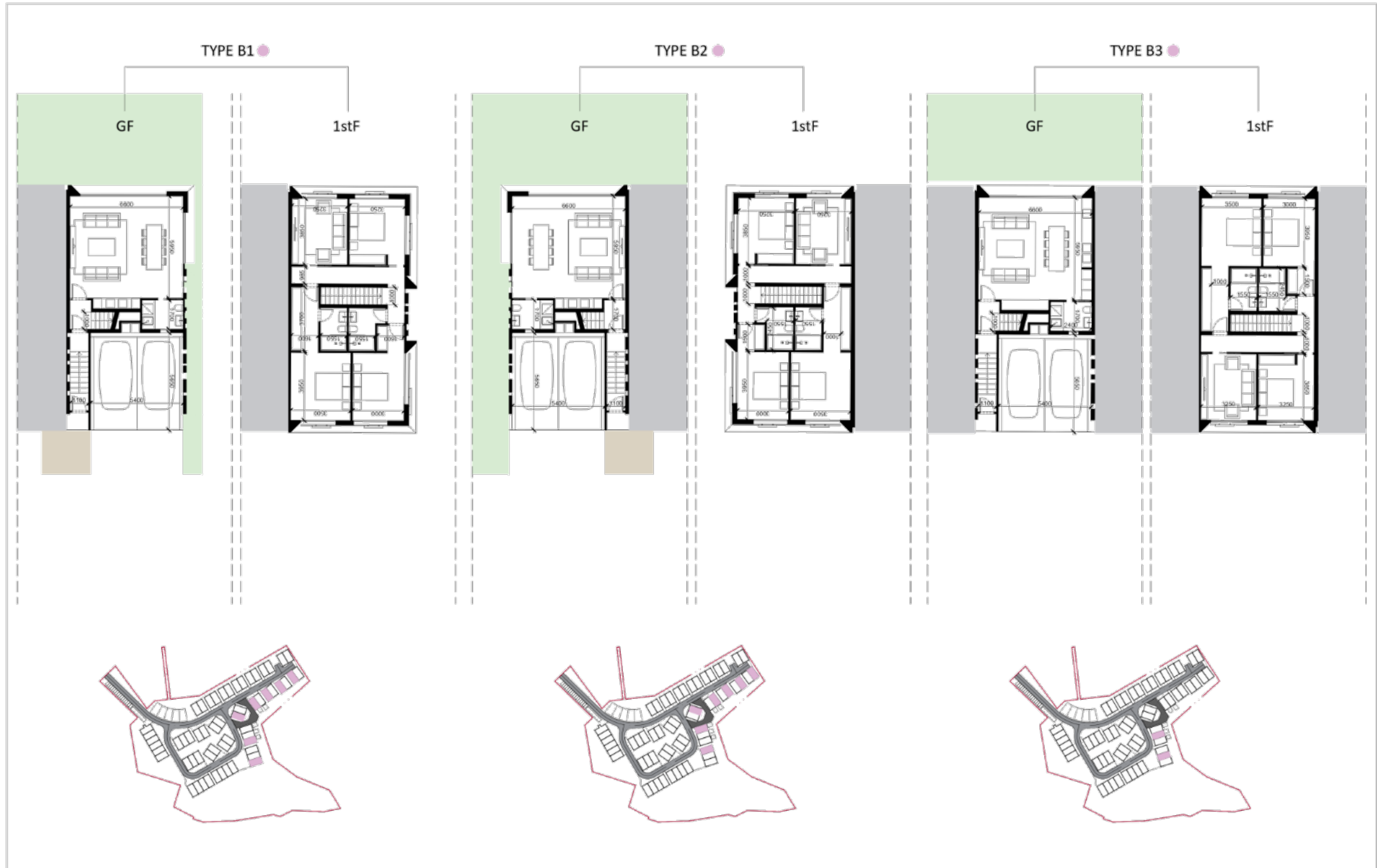
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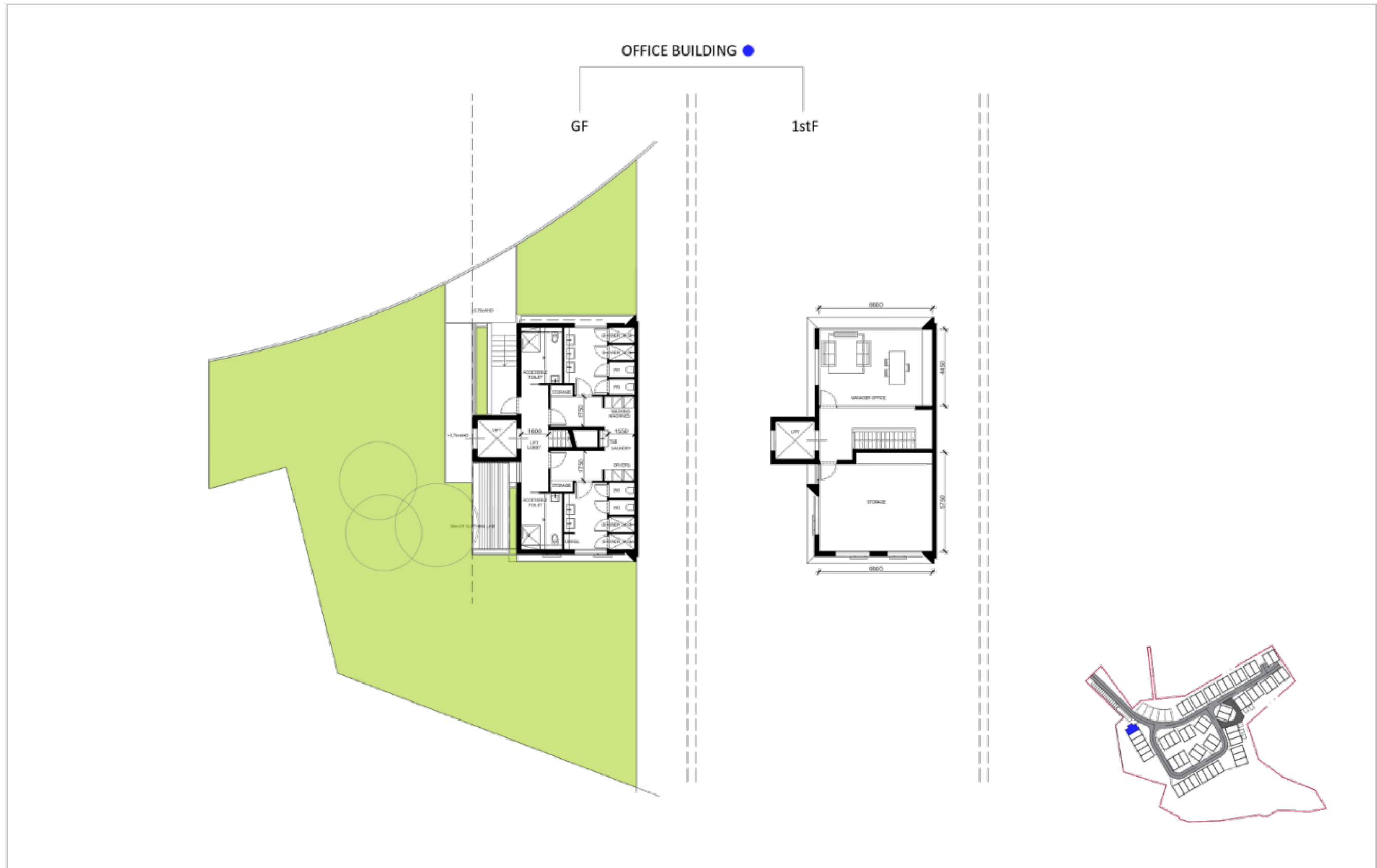
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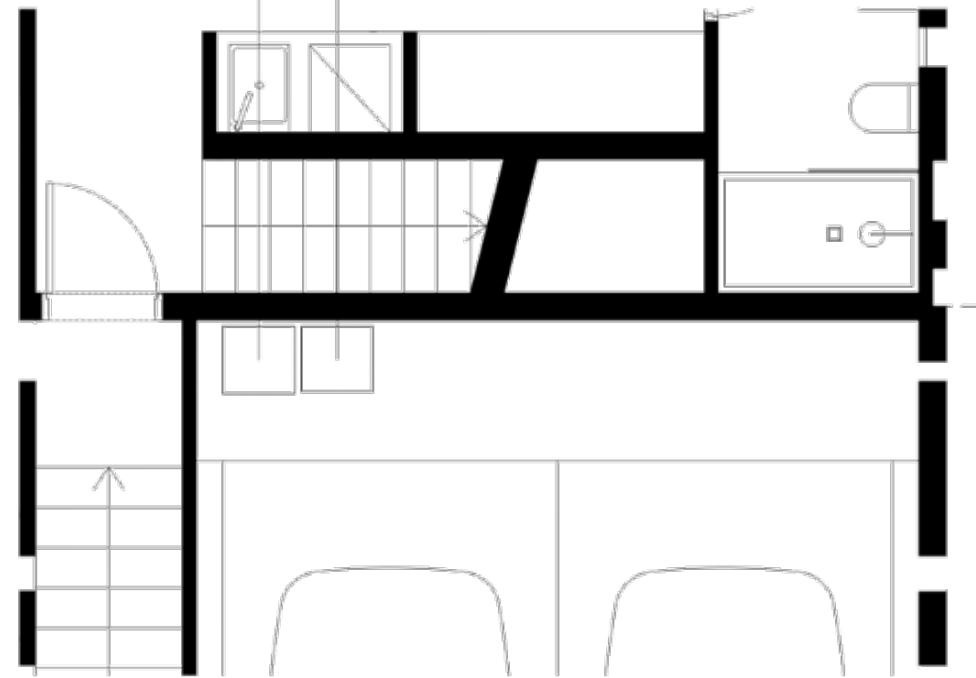
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E	2019 10 30	COUNCIL REF	PS																												
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<p>JOB 16083</p>	<p>DRAWING DA2.08</p>	<p>REVISION E</p>																													

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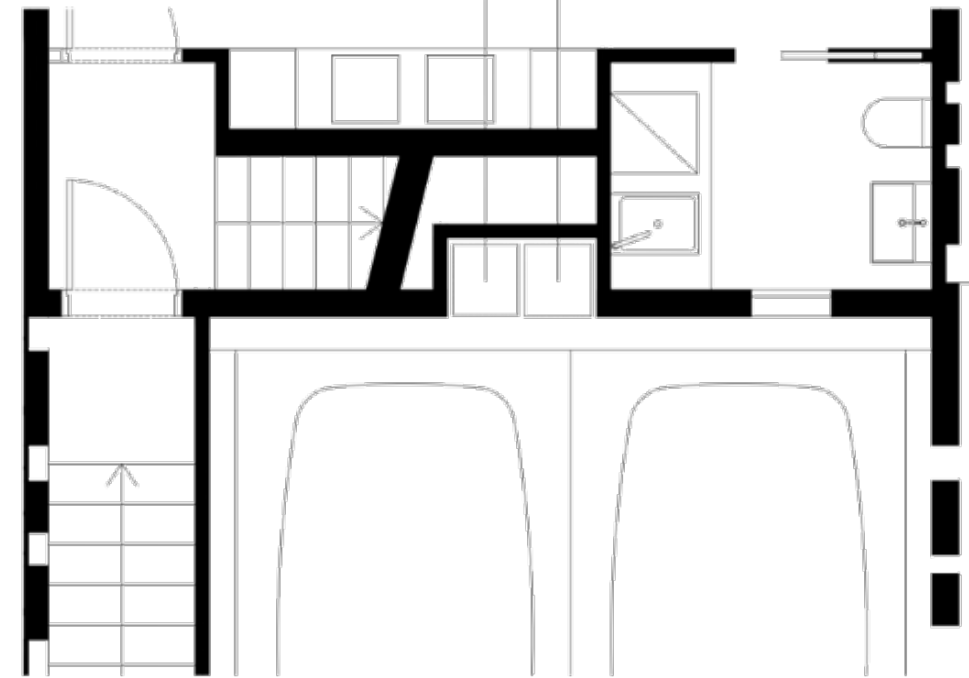
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485x530x940mm



HOUSE TYPE A

120L BIN FOR RECYCLING
485x530x940mm

140L BIN FOR GARBAGE
500x540x1080mm



HOUSE TYPE B

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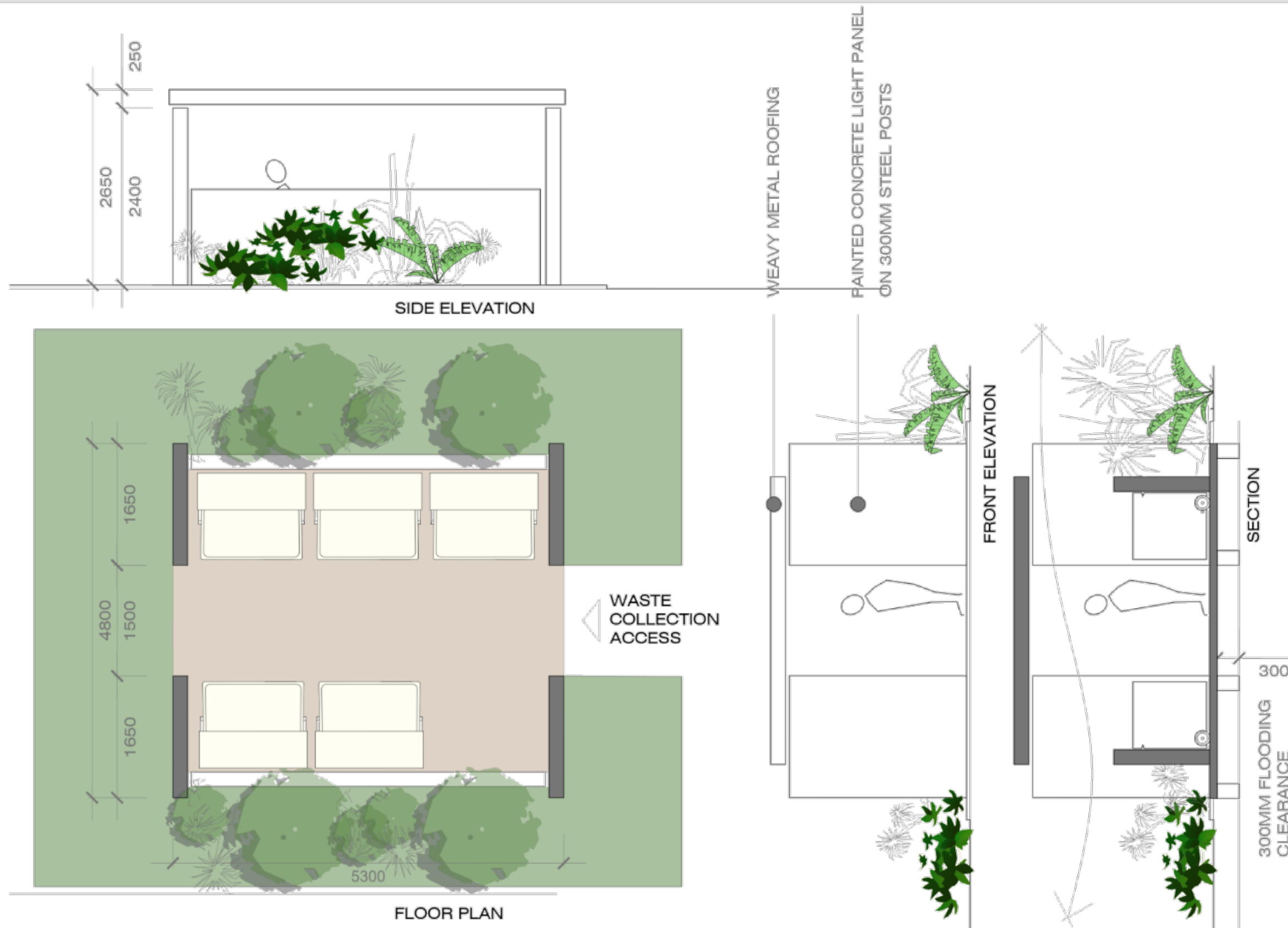
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PROJECT
LAKE VIEW VILLAGE
1 BOWTELLS DRIVE AVOCA BEACH

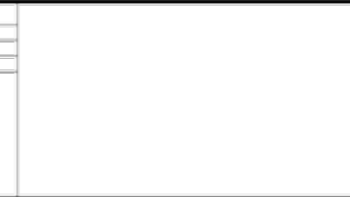
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BIN STORAGE DETAIL

SCALE	DATE	DRAWN	CHECKED
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JOB 16083	DRAWING DA2.09		REVISION A



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REVISION	DATE	DESCRIPTION	BY
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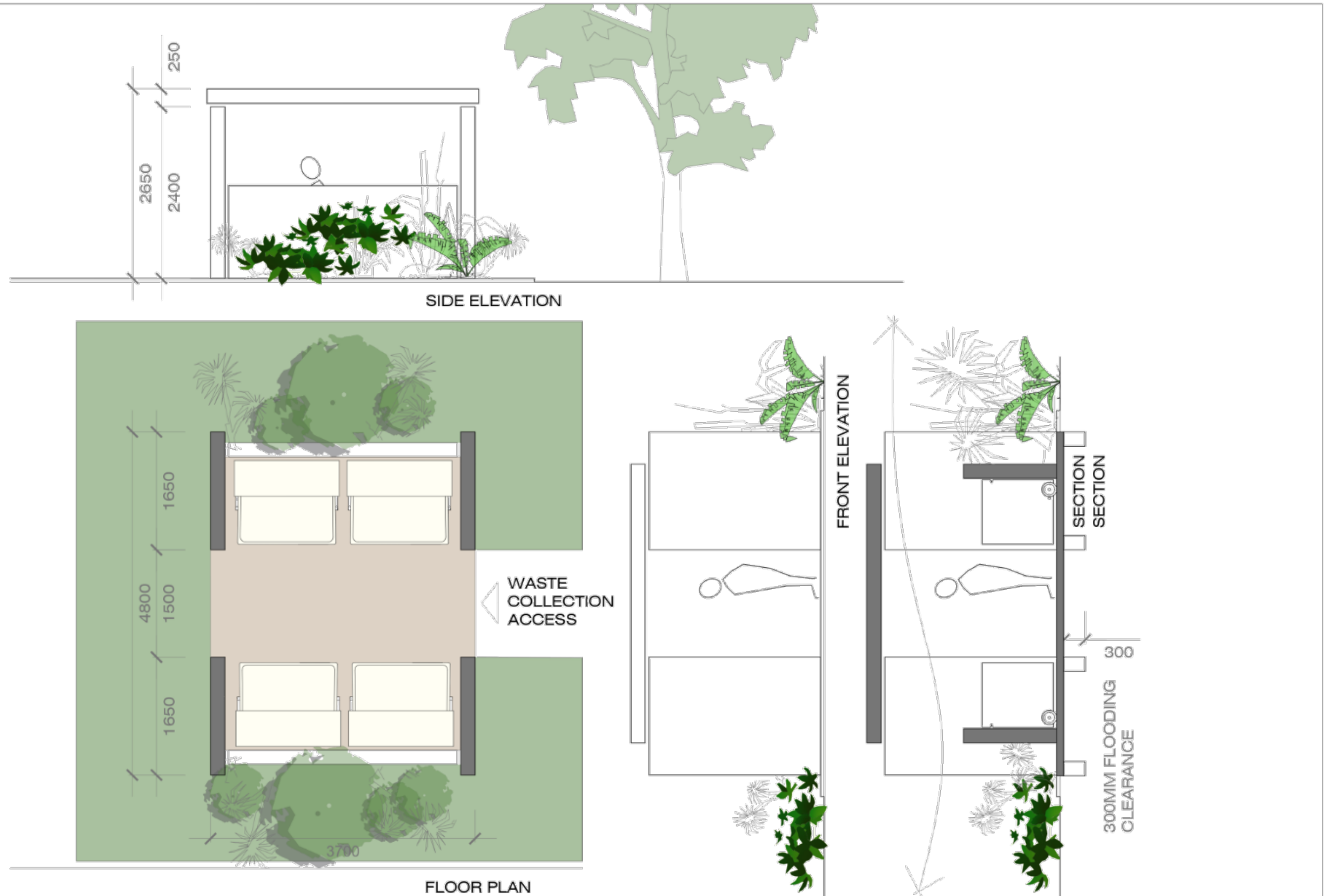


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PROJECT
**LAKE VIEW VILLAGE
 1 BOWTELLS DRIVE AVOCA BEACH**

DRAWING TITLE			
BIN STORAGE N.3, DETAILS			
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JOB 16083	DRAWING DA2.10	REVISION C	



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REVISION	DATE	DESCRIPTION	BY
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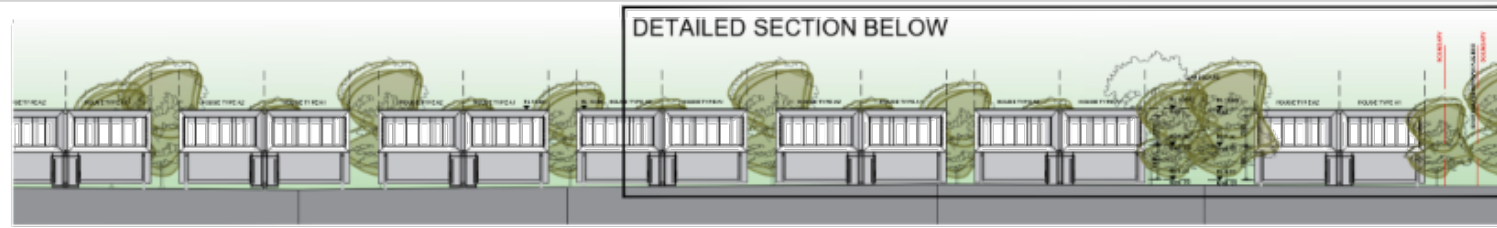
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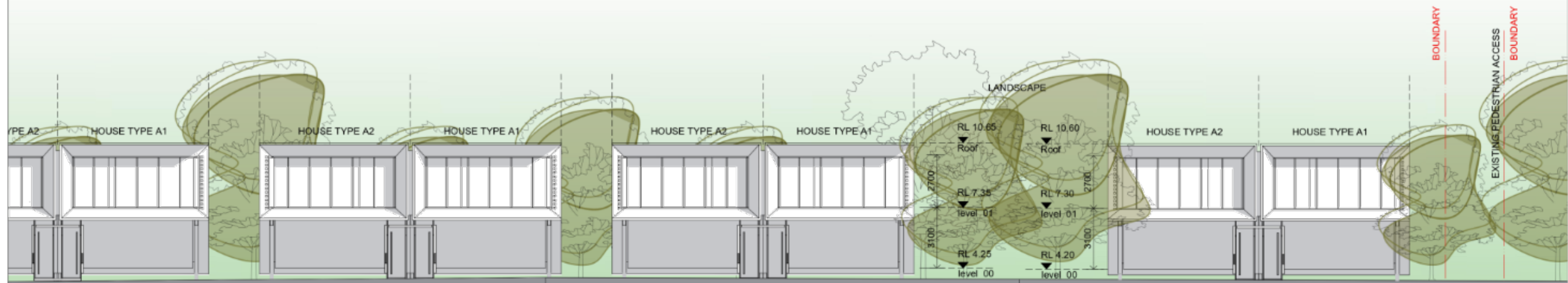
PROJECT
 LAKE VIEW VILLAGE
 1 BOWTELLS DRIVE AVOCA BEACH

DRAWING TITLE
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JOB	DRAWING	REVISION	
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1:600@A3 / 1:300@A1



1:200@A3 / 1:100@A1

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NO	DATE	DESCRIPTION	BY
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N	20180722	ISSUED FOR COUNCIL LODGEMENT	AS
O	20180217	COUNCIL MP	AS

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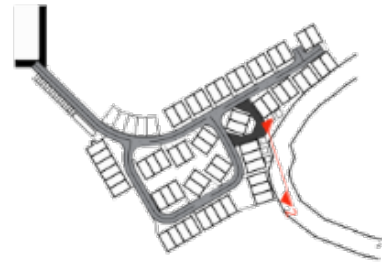
PROJECT
**LAKE VIEW VILLAGE
1 BOWTELLS DRIVE AVOCA BEACH**

DRAWING TITLE
ELEVATION 1

SCALE	DATE	DRAWN	CHECKED
AS SHOWN	28/12/2016	AS	PS
JOB	DRAWING		REVISION
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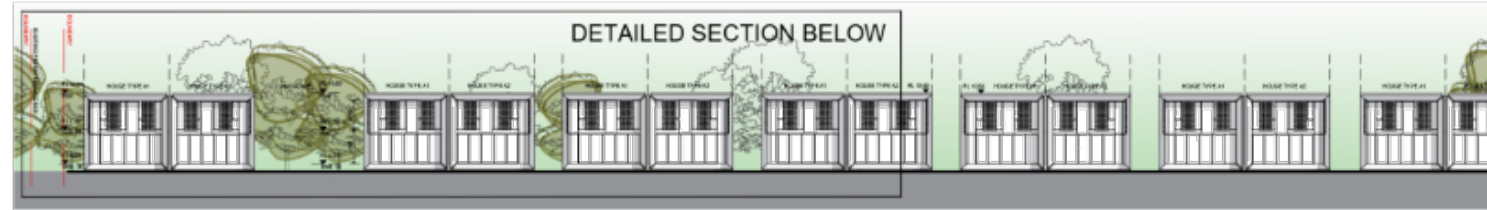


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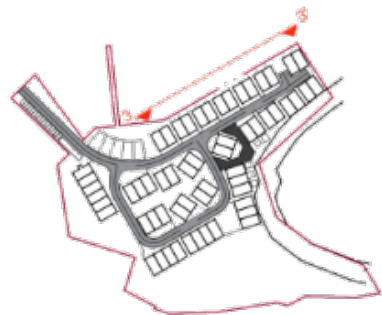


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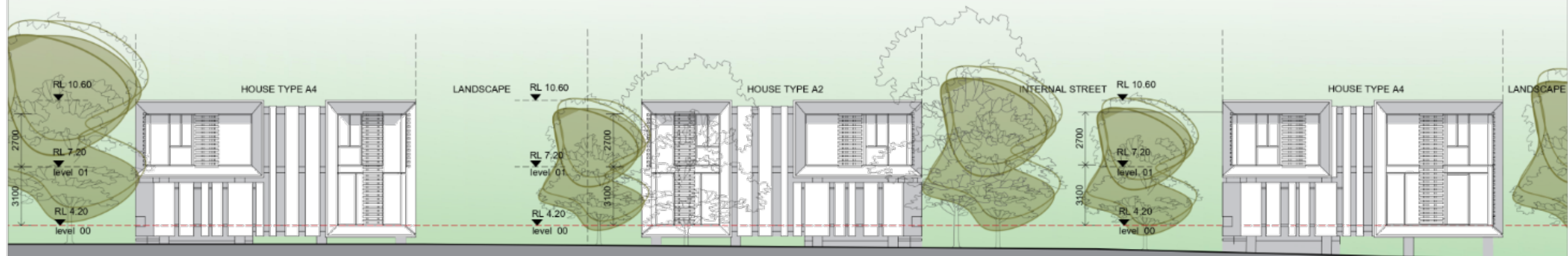
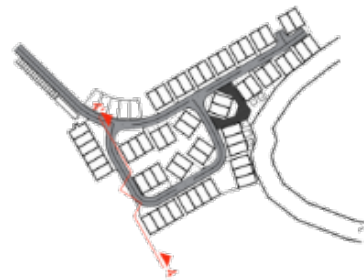


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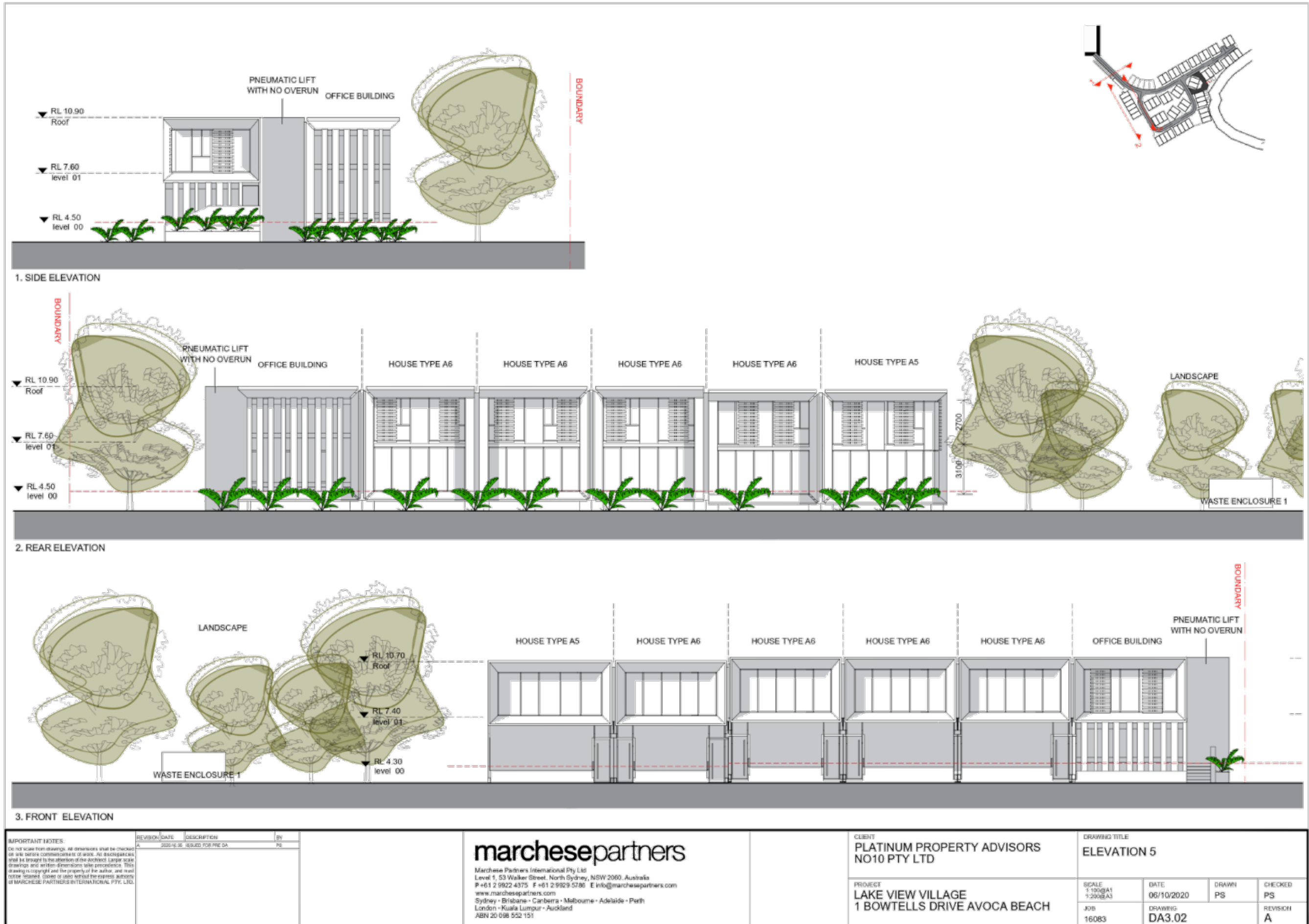
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SECTION B.B



SECTION A.A



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LIGHT STRUCTURE FRAME



DARK ALUMINUM FRAME



DARK ALUMINUM PANELING



COMPOSITE MATERIAL TO MIMIC TIMBER LOOK



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CLIENT
**PLATINUM PROPERTY ADVISORS
NO10 PTY LTD**

PROJECT
**LAKE VIEW VILLAGE
1 BOWTELLS DRIVE AVOCA BEACH**

DRAWING TITLE
MATERIAL BOARD

SCALE	DATE	DRAWN	CHECKED
NTS@A1 NTS@A3	16/02/2018	AS	
JOB 16083	DRAWING DA6.02		REVISION C



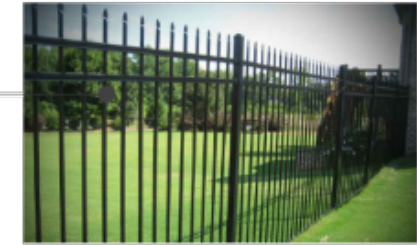
TIMBER FENCE
to future detail



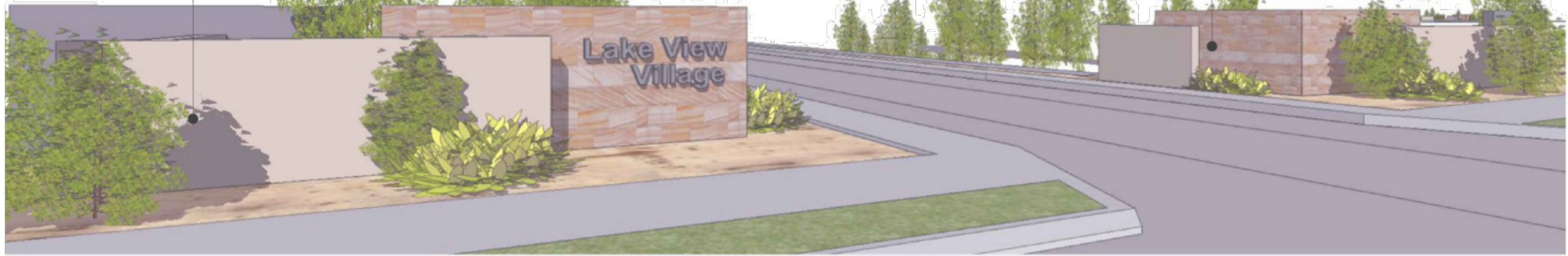
CEMENT RENDER



DARK METAL FENCE
to future detail



SAND STONE



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E	2016/07/27	ISSUED COUNCIL LOOKAWAY	AS

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NO10 PTY LTD**

PROJECT
**LAKE VIEW VILLAGE
1 BOWTELLS DRIVE AVOCA BEACH**

DRAWING TITLE
LAYOUT FENCES AND ENTRANCE VIEW

SCALE	DATE	DRAWN	CHECKED
NIS@A1 NIS@A3	28/12/2016	AS	PS
JOB 16083	DRAWING DA6.03		REVISION E



Matthew Higginson Landscape Architecture Pty Ltd po box 353 five dock nsw 2046 t 0414 725 944 e mhla@mhla.com.au

DEVELOPMENT APPLICATION

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F	30.01.18	Amend to new arch. Issue for comment.
G	23.08.18	Amend to comments DA issue.
H	28.08.18	Update to arch. DA issue.
I	29.07.19	Update to arch. DA issue.

project
Lake View Village
client
Platinum Property Advisors No10 Pty Ltd

drawing title
Landscape Plan 01
scale
1:1000 @ A3
project no.
16718
drawing no.
LP01
issue
1



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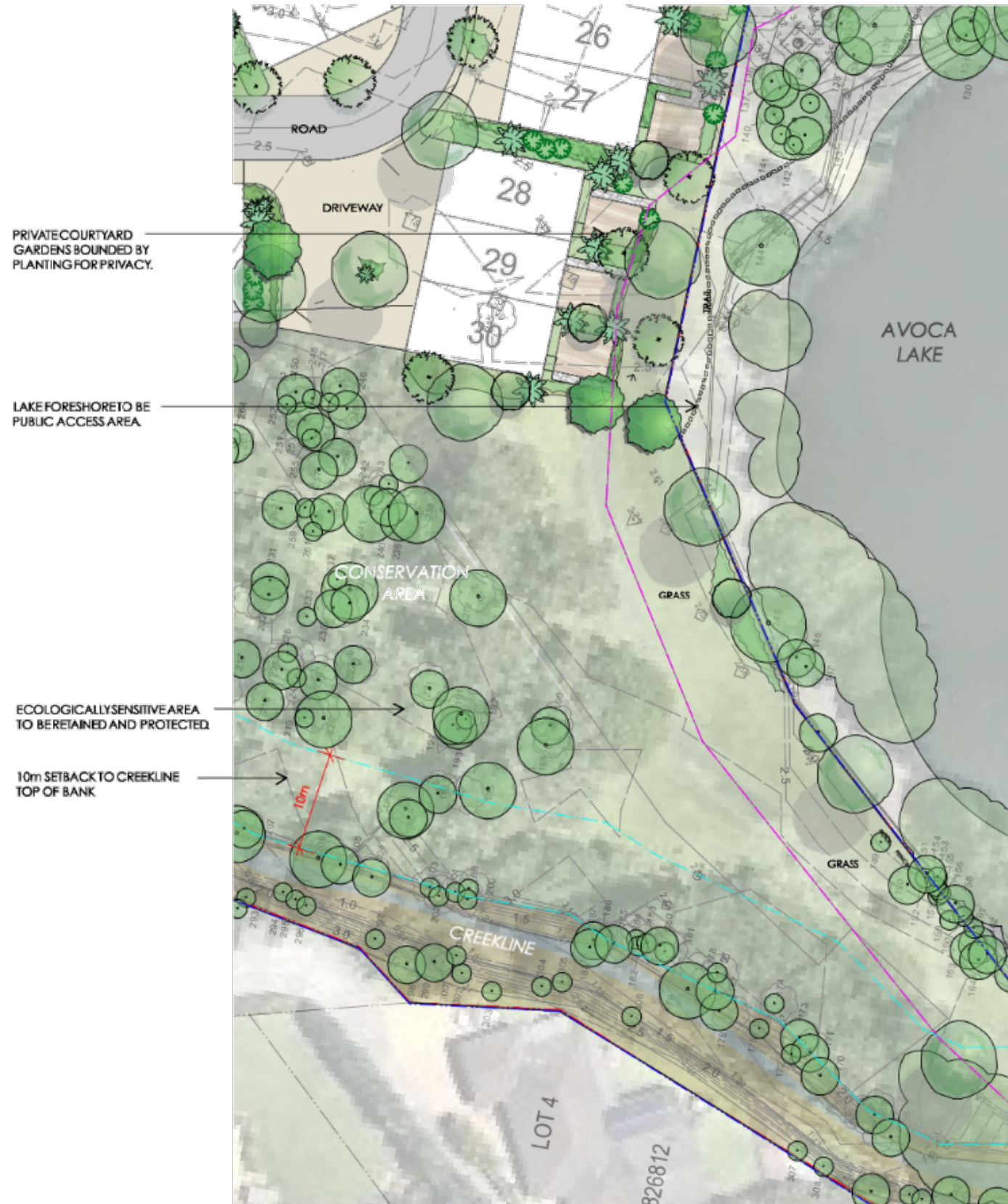
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Lake View Village
client
Platinum Property Advisors No10 Pty Ltd

drawing title
Landscape Plan 02
scale
1:500 @ A3
project no.
16718
drawing no.
LP02
issue
1



LEGEND:



INDICATIVE PLANT SCHEDULE



Botanic Name	Common Name	Supply Size (mm/L)	Mature Height	Notes
Trees - Street				
Eucalyptus resinifera	Red Mahogany	100L	18m	
Cupaniopsis anacardioides	Tuckeroo	100L	8m	
Tristaniopsis 'Luscious'	Luscious Water Gum	100L	7m	
Trees - General				
Acmena smithii	Lilly Pilly	25L	12m	
Casuarina glauca	Swamp Oak	25L	8m	
Cyathea australis	Aust. Tree Fern	1m stem	5m	
Elaeocarpus reticulatus	Blueberry Ash	25L	10m	
Eucalyptus punctata	Grey Gum	25L	15m	
Eucalyptus resinifera	Red Mahogany	25L	18m	
Eucalyptus tereticornis	Forest Red Gum	25L	15m	
Glochidion ferdinandii	Cheese Tree	25L	12m	
Jacaranda mimosifolia	Jacaranda	25L	10m	Ornamental
Lagerstroemia indica	Crepe Myrtle	25L	8m	Ornamental
Melaleuca biconvexa	Biconvex Paperbark	25L	8m	Threatened Sp.
Melaleuca quinquenervia	Broad Leaf Paperbark	25L	8m	
Plumeria obtusa	Frangipani	25L	5m	Ornamental
Syncarpia glomulifera	Turpentine	25L	15m	
Waterhousia floribunda	Weeping Lilly Pilly	25L	10m	
Shrubs				
Callistemon citrinus	Crimson Bottle Brush	200mm	1.5m	
Correa alba	White Correa	200mm	1m	
Correa reflexa	Native Fuchsia	200mm	1m	
Dodonea viscosa	Hop Bush	300mm	2m	
Doryanthes excelsa	Gynea Lily	45L	1.2m	
Grevillea buxifolia	Grey Spider Flower	200mm	1.5m	
Melaleuca 'Revolution Green'	Revolution Green	45L	3m	
Syzygium 'Cascade'	Cascade Lilly Pilly	45L	3m	
Westringia fruticosa	Zena Coast Rosemary	200mm	1m	
Groundcovers / Climbers / Aquatics				
Asplenium australasicum	Birds Nest Fern	100mm	1	
Carex appressa	Tall Sedge	100mm	1	
Crinum pedunculatum	Swamp Lily	100mm	1	
Dianella caerulea	Flax Lily	100mm	0.7m	
Dianella 'Breeze'	Breeze Paroo Lily	100mm	0.7m	
Dianella multiflora	Purple Flax Lily	100mm	-	
Hardenbergia violacea	Native Sarsparilla	100mm	-	
Hibbertia scandens	Snake Vine	100mm	-	
Lomandra longifolia	Spiny-Headed Mat Rush	100mm	1m	
Lomandra 'Tanika'	Tanika Mat Rush	100mm	1m	
Myoporum parvifolium	Creeping Boobialla	100mm	0.3m	
Themeda australis	Kangaroo Grass	100mm	0.5m	

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DEVELOPMENT APPLICATION

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project
Lake View Village
client
Platinum Property Advisors No10 Pty Ltd

drawing title
Landscape Plan 03
scale
1:500 @ A3
project no.
16718
drawing no.
LP03
issue
1

Item No: 3.3
Title: DA 56190/2019 - Proposed Multi Dwelling
Housing Development, 32-36 Melbourne Street
EAST GOSFORD

Department: Environment and Planning

26 November 2020 Local Planning Panel Meeting

Reference: 011.2019.00056190.001 - D14276571
Author: Susana Machuca, Senior Development Planner
Manager: Ailsa Prendergast, Section Manager, Development Assessment South
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for multi dwelling housing development comprising 22 residential units and underground parking on Lot: 2 SEC: 12 DP: 939740, Lot: A SEC: 12 DP: 939740, No.'s 32-34 Melbourne Street, East Gosford.

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

The development application has been referred to the Local Planning Panel (LPP) as a result of the number of submissions, thirty-eight (38) submissions were received by Council, objecting to the amended proposal.

Applicant	White Dickson Architects
Owner	MELB ST Pty Ltd (Robert K Hunter)
Application No	DA 56190/2019
Description of Land	Lot: 2 SEC: 12 DP: 939740, 32-34 Melbourne Street, East Gosford Lot: A DP: 366607, 36 Melbourne Street, East Gosford
Proposed Development	Construction of 22 Multi Dwelling Housing Units & Basement Car Parking
Site Area	Lot 2: 2,023m ² Lot A: 1,012m ² Total: 3,035m ²
Zoning	R1 General Residential
Existing Use	Vacant Sites
Employment Generation	Yes
Estimated Value	\$7,659,665.00

Recommendation

- That the Local Planning Panel grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for***

consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

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

Key Issues

- Waste Management
- Building Setbacks

Precis:

<p>Proposed Development</p>	<p>Construction of a new multi dwelling housing development comprising 22 residential units including 3 x single (1) storey town houses and 19 x two (2) storey townhouses and underground car parking for 38 car spaces.</p>
<p>Permissibility and Zoning</p>	<p>The subject site is zoned R1 General Residential under the provisions of <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014).</p> <p>The proposed development is defined as a 'Multi Dwelling housing' which is defined under the GLEP 2014 as:</p> <p>'Multi Dwelling Housing' <i>means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.</i></p> <p>Note. <i>Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary.</i></p>

Relevant Legislation	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment:</p> <ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 – s. 4.15 (EP&A Act)</i> • <i>Local Government Act 1993 - Section 89</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)</i> • <i>State Environmental Planning Policy (Vegetation Non–Rural Areas) 2017</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>Gosford Local Environmental Plan 2018 (GLEP 2018)</i> • <i>Gosford Development Control Plan 2013 (GDGP 2013)</i> • <i>Draft Central Coast Development Control Plan 2018 (Draft CCDCP 2018)</i>
Current Use	Vacant Site
Integrated Development	No
Submissions	38 submissions – Objections

Variations to Policies

Policy	Clause / Description	Variation
Gosford Development Control Plan 2013	3.3.3.1.3 Minimum Ceiling Height for habitable rooms	Minimum height for buildings with two storey is 2.7m. The proposed development has a maximum height of 2.50m only on second storey resulting in a 20cm or 7.4% variation with the development standard. The minimum flood height complies with the Building Code of Australia.

	<p>3.3.3.2.a Setbacks Deep soil along boundaries</p>	<p><u>Side Boundaries min. width 2.0m</u></p> <ul style="list-style-type: none"> • South-west boundary = 1.10m Variation 45% (for approximately 8% of the total length of the boundary) • North-east (Melbourne St) boundary = 0.26m Variation 87% (for approximately 8% of the total length of the boundary) <p><u>Front and Rear Boundaries min width 6.0m</u></p> <ul style="list-style-type: none"> • South-east (Adelaide St) boundary = 3.70m Variation 38.33% (for approximately 32.98% of the total length of the boundary) • North-west Boundary = 1.10m - 3.70m Variation 81.66% (for approximately 8% of the total length of the boundary) - 38.33% (for approximately 27.46% of the total length of the boundary)
	<p>3.3.3.2.b Setbacks To exterior walls that are up to two storeys high</p>	<p><u>Side boundary average 4m -35m for 2 storey</u></p> <ul style="list-style-type: none"> • South-west boundary = 1.10m Variation 68.57% (for approximately 7% of the total length of the boundary) • North-east (Melbourne St) boundary = 0.26m - 2.02 Variation 92.57% (for approximately 8% of the total length of the boundary) - 42.28% (for approximately 8% of the total length of the boundary) <p><u>Front and Rear Boundaries min width 6.0m</u></p> <ul style="list-style-type: none"> • South-east (Adelaide St) boundary = 4.60m Variation 23.33% (for approximately 55.45% of the total length of the boundary) • North-west boundary = 1.17m – 4.62m Variation of 81.66% (for approximately 8% of the total length of the boundary) - 23% (for approximately 55.45% of the total length of the boundary)
	<p>3.3.3.4 Articulation of Building Forms and Façades</p>	<p><u>Max width and depth of building - 25m</u> The proposals front building cluster elevation to Adelaide Street has an approximate width of 33.7m and 36.5m to the rear elevation on the ground floors respectively.</p>

The Site

The site is commonly known as No. 32-36 Melbourne Street, East Gosford and is legally known as Lot: 2 SEC: 12 DP: 939740, Lot: A SEC: 12 DP: 939740. The site is on the north-western side of Melbourne Street, on the corner of Adelaide Street, between Adelaide and Russell Drysdale Street, East Gosford.

The site has a rectangular shape with an area of approximately 3,035m², a side boundary of 60.32m, a side boundary frontage of 60.35m to Melbourne Street and a frontage to Adelaide

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Street of 50.29m. The site runs on an approximate east to west axis and generally grades from the east boundary corner (RL 7.98 AHD) to the west boundary corner (RL 5.00 AHD) of 2.98m over a diagonal distance of 78.534m (grade of approximately 3.8%). The site is currently vacant as shown on Figure 1.

It is noted the site contains a number of trees and street trees (Melbourne Street) as detailed in the Arboricultural Impact Report prepared by Landscape Matrix Pty Ltd dated, 23 October 2018 that accompanies the application. Overall, it is considered the proposed tree removals are within an acceptable threshold and that the preparation of a landscape plan for the site will provide a coordinated, thematic approach to and improved landscape outcome for the locality.



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

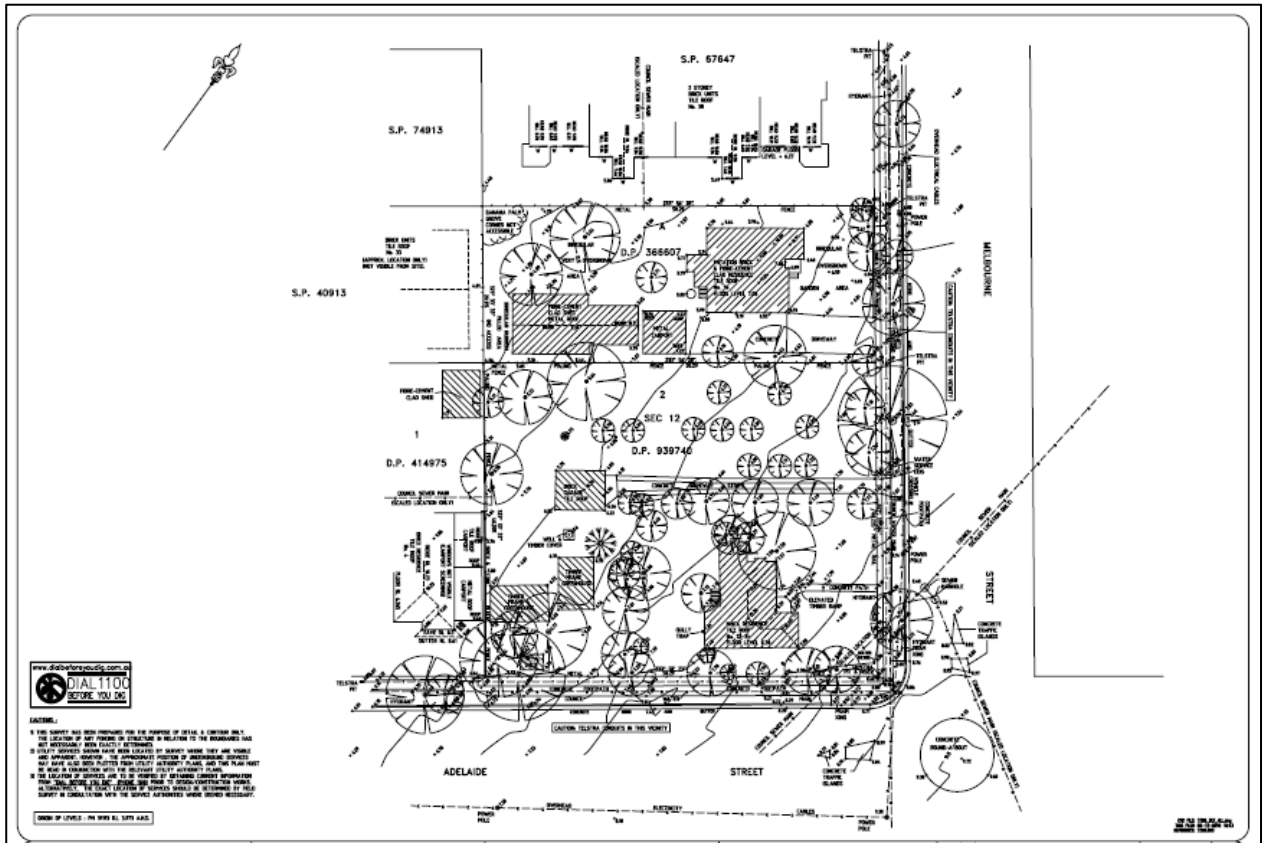


Figure 2 – Photo Survey Plan of subject site



Figure 3 – Photograph of subject site viewed from the corner of Melbourne and Adelaide Streets



Figure 4 – Photograph of subject site viewed from Melbourne Street frontage



Figure 5 – Photograph of subject site viewed from Adelaide Street frontage



Figure 6 – Photograph of subject site looking south-west to adjacent properties (4 Adelaide Street and 33 Webb Street)



Figure 7 – Photograph of subject site looking north-west to adjacent property (38 Melbourne Street)

The site is identified as "flood affected" on Council's flood maps. It is noted that the site is flood affected in a minor manner as identified in the Gosford Overland Flow Flood Study Point Frederick. Areas of flooding are on the north-western boundary and the south-western boundary. The proposed floor levels of the units closest to and/or included in the flood affected areas are above the minimum floor level required (i.e. = 1% AEP flood level + 500mm freeboard).

The site is not identified as being "bushfire prone land" on Council's bushfire maps.

The site is zoned R1 General Residential under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014) (refer to Figure 8). The site is proposed to retain the same zoning under *Draft Central Coast Local Environment Plan 2018* (CCLEP 2018). The proposed development is defined as 'Multi Dwelling housing' which is permissible in the zone with consent of Council.

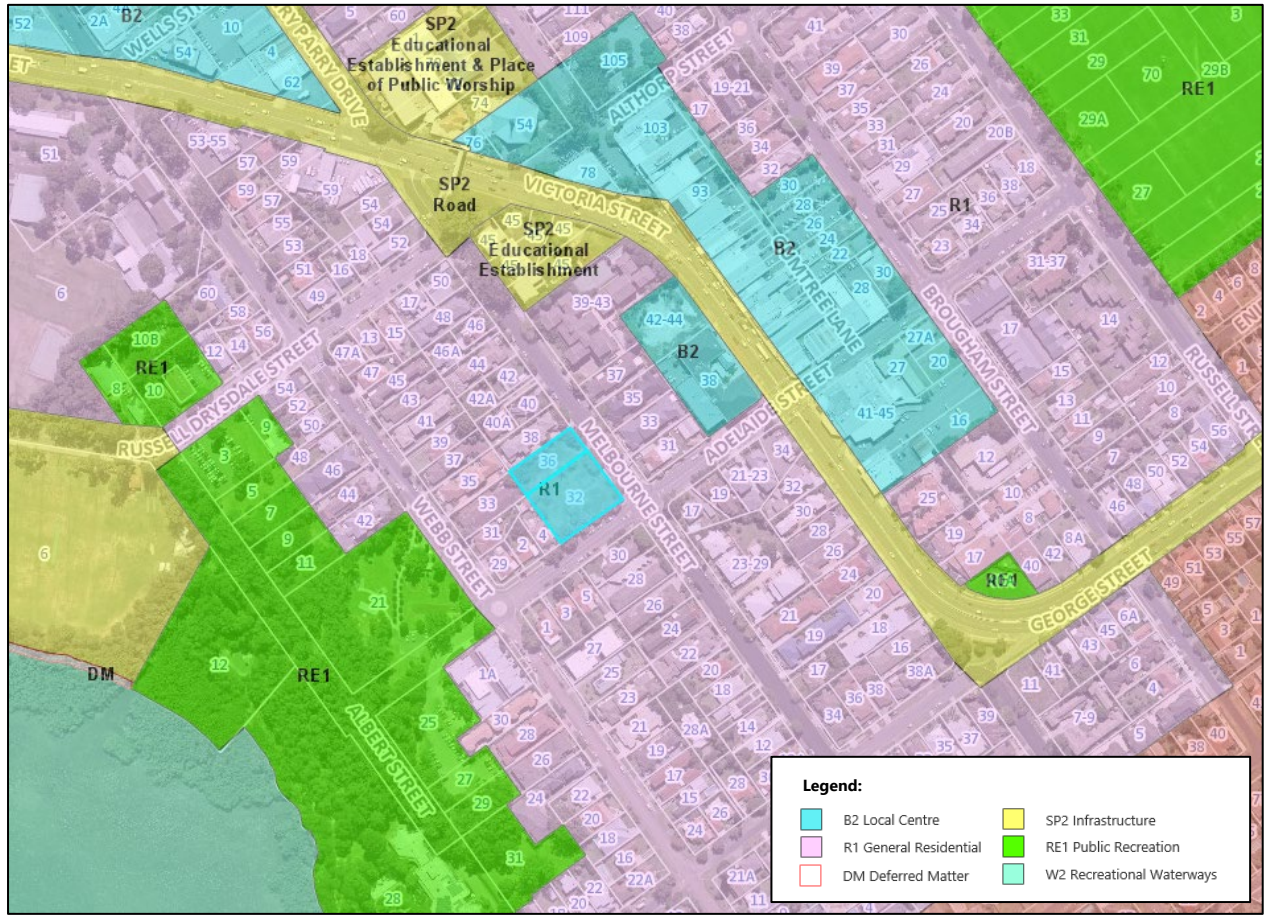


Figure 8 – Aerial Image of sites in blue indicating GLEP 2014 land-use zoning

Surrounding Development

The proposed development for the construction of 22 Multi Dwelling Housing is located on the north-western corner of Melbourne Street and Adelaide Street, East Gosford. Overall, the site is immediately adjoined to the south-west and north-west by single storey detached dwellings and the general locality comprises a mix of residential development including detached dwelling houses, newer multi dwelling villa and townhouse developments and some residential flat buildings. It is noted the site is within 150m of East Gosford commercial and Shopping Centre, public transport services, both primary and high schools as well as prominent Public Recreation areas which include Elizabeth Ross Park and further another 100m to the south-east the Gosford Regional Gallery and Edogawa Commemorative Garden.

- To the immediate north-west (38 Melbourne Street) there is an existing two-storey multi dwelling residential complex (4 Units) with frontage to Melbourne Street (refer to photographs below). Complex's POS facing north-west and driveway with garages south-west boundary adjoining the proposed development;
- Immediately opposite Melbourne Street (north-east) there is a mix of newer single and double storey multi dwelling /residential flat buildings and some older detached post war single storey weather board clad cottages;

- To the immediate south-west (33 Webb Street and 4 Adelaide Street) there is an existing single storey brick and tile multi dwelling residential complex (4 units) with frontage to Webb Street. The complex's driveway with garages and landscaping face to the north-west and POS to the south;
- To the immediate south (4 Adelaide Street) there is an existing single storey brick and tile detached residence with carport and ancillary structures with frontage to Adelaide Street; and
- Immediately opposite Adelaide Street (south side) there is a mix of newer single and double storey residential flat buildings and an older detached post war single storey fibro cement clad cottage.



Figure 9 – Photographs of adjoining Multi Dwelling Housing on 38 and 33 Melbourne Street respectively



Figure 10 – Photographs of Residential Flat Building and detached dwelling house on Melbourne Street respectively



Figure 11 – Photographs of adjoining development and directly across on Adelaide Street

Background

The development application seeks approval for the construction of a multi dwelling housing development for 22 units and basement car parking for 38 car spaces.

It is noted that:

- i. The site benefits from Development Consent DA50089/2016 issued by Council on 21 March 2017, for the construction of 2 x single storey villas and 11 x 2 storey townhouses with associated car parking and landscaping – no visitor car parking included;
- ii. A Pre-Development meeting was not held for the proposed development; and
- iii. The application has required two (2) main assessment processes in response to the additional information required. This work included but was not limited to engineering works associated with Water Cycle Management and Stormwater discharge, Waste Management requirements and compliance, Tree Assessment considerations and Architectural and Planning considerations associated with building articulation / amenity / design principles, setbacks/ POS / landscaping, travel/ means of escape routes and accessible dwellings. It is noted that one (2) revision of architectural plans, engineering plans and SEE were required and two (3) revisions of the landscape plan and waste management plan were required, of which the waste management plan has not being supported by the Waste Management Officer on this occasion.

The Proposed Development:

The development application was lodged on 13 March 2019 for Multi-Dwelling Housing Development of a total of 22 residential units comprising nineteen (19) x two storey dwellings and three (3) single storey dwellings with overall height of building (HOB) >8.5m (HOB 8.68 for 1 dwelling skylight roof), Floor Space Ratio (FSR) of 0.64:1, basement parking for 38 car spaces and one (1) street entry and pedestrian pathway into the complex from Melbourne and Adelaide Streets respectively. Refer to Figures 12, 13 and 14.

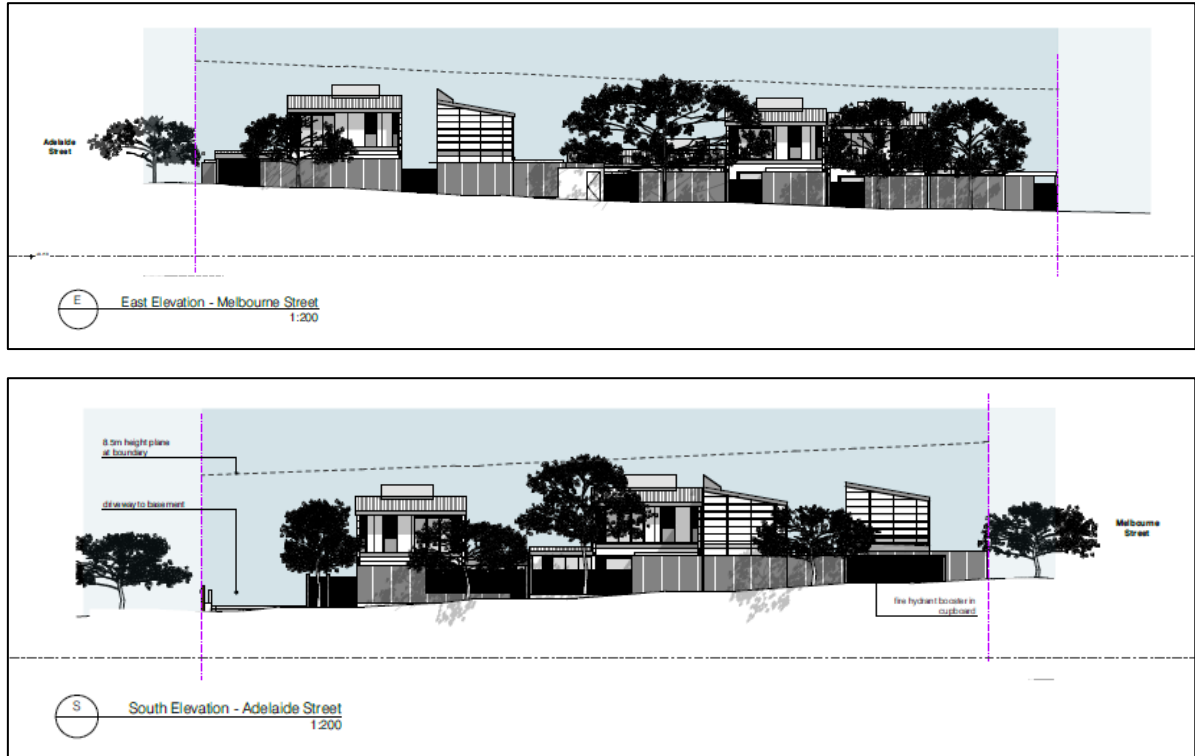


Figure 12 – Proposed Street Elevations of original proposal

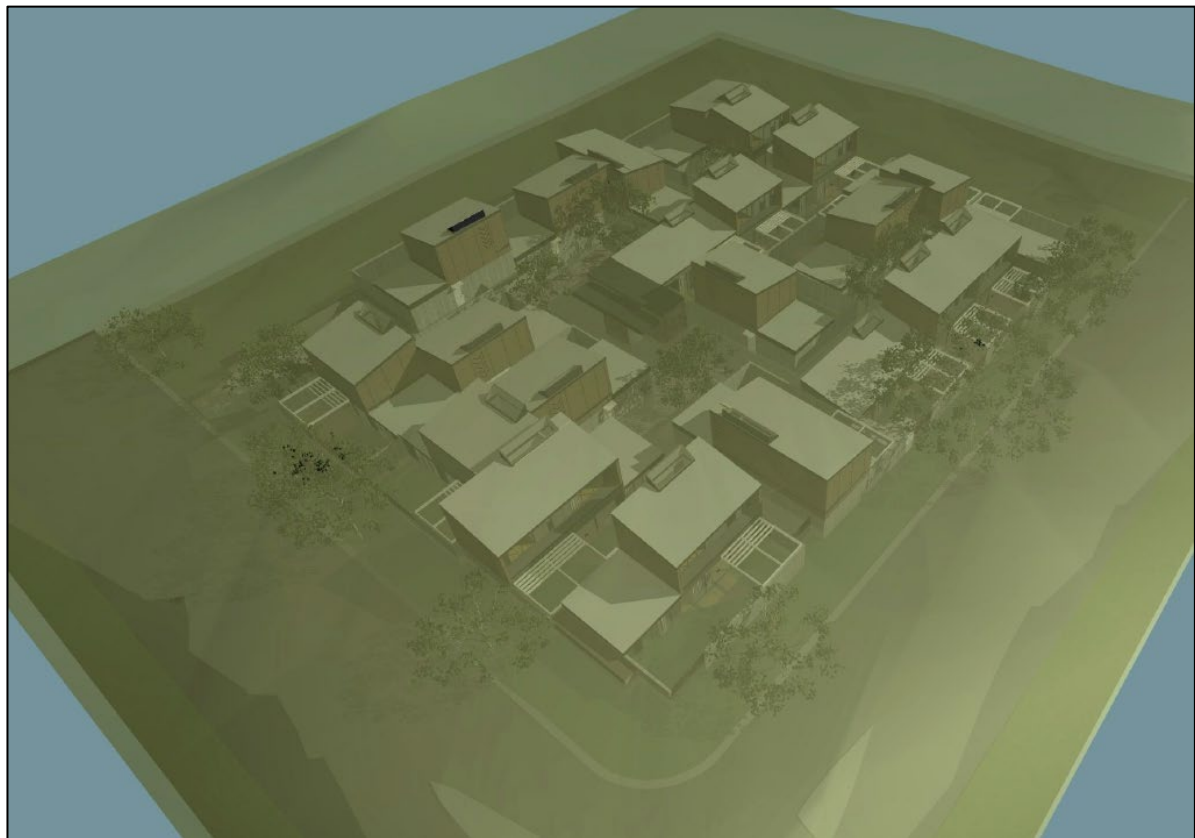


Figure 13 – 3D 8.5m Height Plane of original proposal

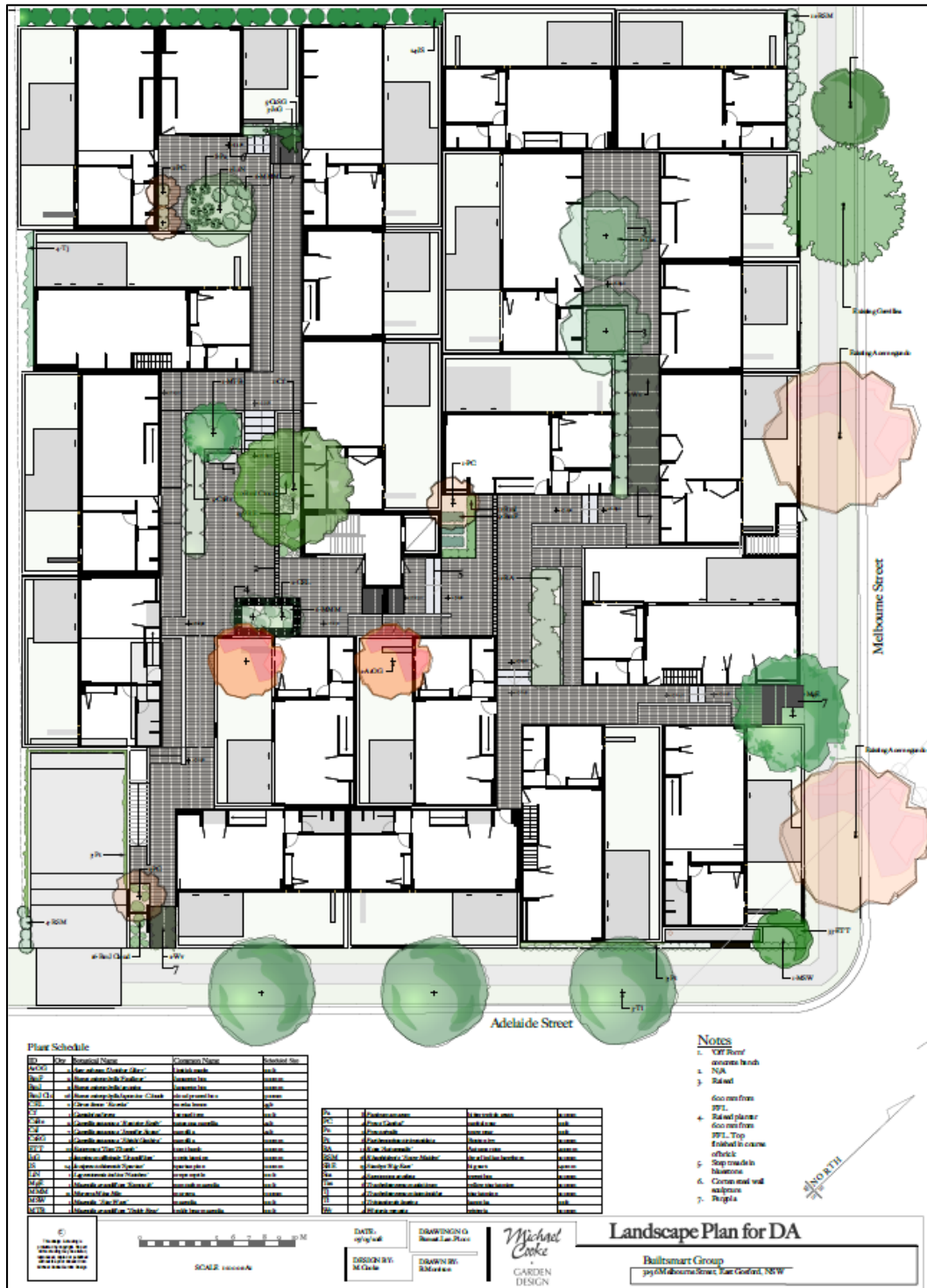


Figure 14 – Landscape Plan for original proposal

The application has been amended once in response to community consultation and discussion with Council assessing officers.

Amended engineering plans were lodged on 18 March 2020 (Water Cycle Management Plans (WCMP)) and 16 July 2020 (amended WCMP and drains modelling information). Amended architectural plans were lodged on 8 May 2020 seeking approval for Multi-Dwelling Housing

Development of a total of 22 residential units comprising nineteen (19) x two storey dwellings and three (3) single storey dwellings with overall height of building (HOB) >8.5m (HOB 8.68 for 1 dwelling skylight roof), Floor Space Ratio (FSR) of 0.58:1, basement parking for 38 car spaces and two (2) street entries and pedestrian pathways into the complex from Melbourne Street and one (1) from Adelaide Street. Refer to Figures 15, 16 and 17.



Figure 15 – Proposed Street Elevations of amended proposal



Figure 16 – 3D 8.5m Height Plane of amended proposal



Figure 17 – Landscape Plan for amended proposal

Notwithstanding, the amended plans need to include additional Council Officer comments on landscaping and trees (delete one tree on each of the street corner intersection for compliant road sightlines) and waste management services and commitments required some further amendments to complete the final set of architectural plans. As such, final amended architectural + landscape plans and Waste Plan were lodged on 29 September 2020.

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Overall, the final amended plans included:

- changes to the location of first floor plans/elements, particularly in the centre of the site to improve solar access;
- increased setbacks and building design to the Melbourne and Adelaide Street corner;
- increase to the minimum building setback to Adelaide Street, including removal of two storey elements to previous Units 32.10 and 32.09 located close to the boundary;
- increase setbacks along the northern side boundary to Units 32.19 and 32.20;
- improved streetscape design;
- changes to private and communal open space areas to improve solar access and to increase permeability;
- reduction of gross floor area by 9.2% from 1,939.7m² to 1,761.28m², which is a reduction in FSR from 0.64:1 to 0.58:1;
- improved landscape design and replacement trees positioning;
- reduction to the height of the front fencing and introduce transparent fencing elements;
- two (2) corner street trees removed and remaining trees repositioned for adequate and compliant road sightlines;
- introduction of a second pedestrian entry point along the Melbourne Street frontage, with entry gate treatments provided for all pedestrian access points; and
- retention of the proposed on-street waste collection arrangements, based on the large street frontages of the site, and as addressed in this submission.

After review and discussions with Council Architect, the amended plans were not re-notified given the above changes to the architectural plans incorporated minor changes to HOB and FSR, and the overall reduction and improvement to development control assessment issues and building fabric/envelope including but limited to unit / floor plan re-arrangements, setbacks, streetscape and fence treatment, landscaping, private and communal space, solar access landscaping etc. maintained the proposal to be substantially the same development.

As such, the proposal comprises:

- Construction of twenty-two (22) residential dwellings of the following characteristics:

No. of Dwellings	No. of Bedrooms	Type
3	1	Single Storey
4	1 + Study	Two Storey
12	2 + Study	Part Single Part Two Storey
3	3	Part Single Part Two Storey
22		

- Basement level containing 38 car spaces including 2 parking spaces for persons with a disability and 2 waste storage areas;

3.3

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- Two (2) pedestrian pathways and complex site entries off Melbourne Street and one (1) off Adelaide Street adjacent the building basement access driveway;
- One (1) lift and three (3) escape stairs from basement floor;
- Landscape and internal common area spaces to include layered courtyards and steps with double brick seating walls and planter boxes, pergolas and one (1) main plaza area with raised tiled pond and bronze tiled sculpture; and
- Ten (10) replacement street trees.



Figure 18 – 3D rendering of Adelaide and Melbourne Street corner



Figure 20 – 3D rendering of Melbourne Street north-east entry gate



Figure 21 – 3D renderings of internal common area courtyards and pergolas

Assessment:

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

Provisions of Relevant Instruments/Plans/Policies:

State Environmental Planning Policy (Coastal Management) 2018

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

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

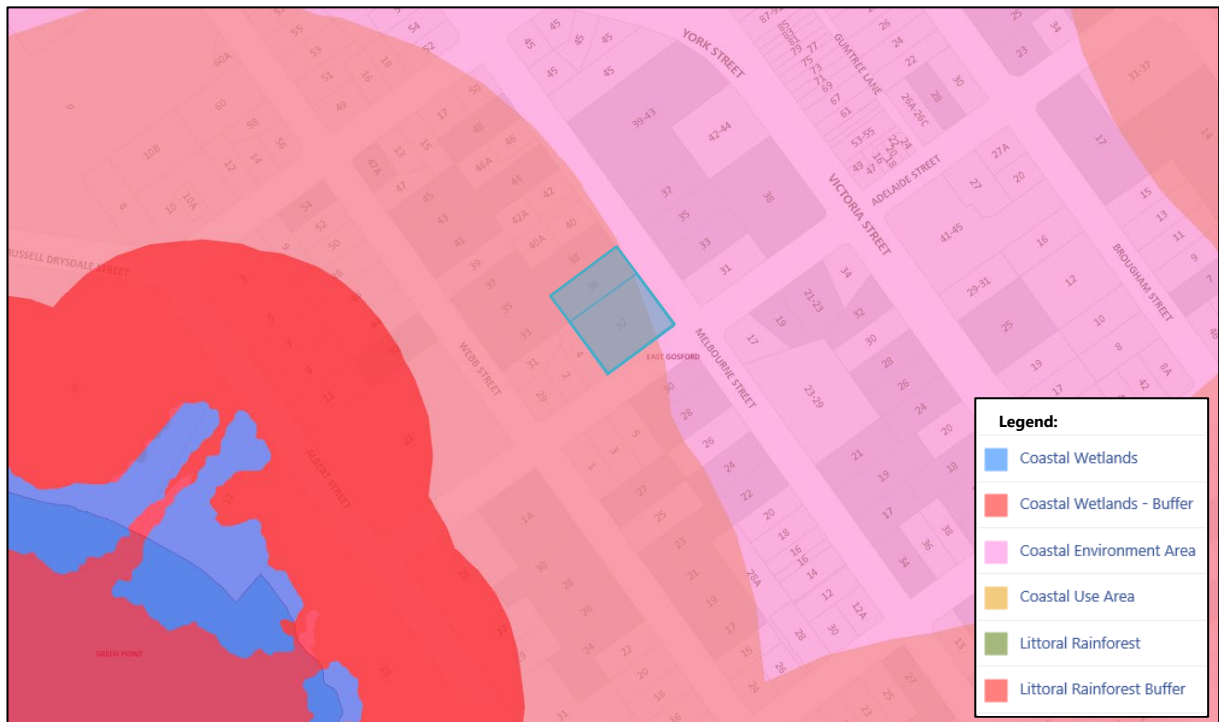


Figure 22 – Aerial Image of sites in blue indicating SEPP Coastal Management 2018 Map Zoning

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

"13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - b) coastal environmental values and natural coastal processes,*
 - c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - f) Aboriginal cultural heritage, practices and places,*
 - g) the use of the surf zone.*
- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005".*

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

- The proposed development has no adverse impact on the integrity or resilience of the biophysical, hydrological or ecological environment – it will be connected to reticulated sewer and stormwater will be managed on site with overflow draining to Adelaide Street;

- The proposed development has no adverse impact upon coastal environmental values or natural coastal processes – the site is located 250m from Brisbane Water at Caroline Bay to the south-west, and will not impact on coastal environmental values or natural coastal processes;
- The proposed development has no adverse impact on the water quality of the marine estate;
- The proposed development has no adverse impact on marine vegetation; native vegetation/fauna and their habitats; undeveloped headlands; or rock platforms;
- The proposed development has no adverse impact on the public amenity of any existing public open space or public access to the coastal foreshore;
- The proposed development has no adverse impact on any known Aboriginal cultural heritage, practices or places - an AHIMS search was undertaken by the applicant and the subject land has not been identified as containing any Aboriginal sites or places;
- The proposed development is far removed from the “surf zone” and does not adversely impact its use by the public;
- Drainage, nutrient and erosion control measures be in place during demolition and construction, and the proposal will not impact on water quality or any sensitive coastal lakes.

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

“14 Development on land within the coastal use area

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

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

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(b) is satisfied that—

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

(iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

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

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

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

- The proposed development will not cause an adverse impact to access along the foreshore and public reserve;
- The proposed development will not overshadow any area of foreshore, will result in loss of views from public spaces and will not result in wind tunnelling;
- The proposal will not be visible from Brisbane Water and will not impact on the visual amenity and scenic qualities of the coast, notwithstanding it noted that the proposal has been designed and located to minimize visual amenity and scenic qualities; and
- The proposal has not been identified as containing any Aboriginal sites or places as such will not cause an adverse impact to and known Aboriginal cultural heritage or cultural and built environment heritage.

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

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

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

And:

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

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

Comment: Due to the proposed development location (250m from Brisbane Water at Caroline Bay to the south-west) which is not in close proximity to the coastal foreshore, the subject land is not subject to increased risk of coastal hazards and is not subject to any certified coastal management program. The proposed development will not therefore cause increased risk of coastal erosion.

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

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

The provisions of this State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) apply however, the site has a history of being utilised as a residential premise and so contamination is not likely to be present. In accordance with cl. 7(2) of the SEPP, no further consideration is required in this regard.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) regulates the clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent and applies to the Sydney and Newcastle metropolitan areas.

The aims of the policy are (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The Vegetation SEPP repeals clause 5.9 and 5.9AA of the Standard Instrument Principal Local Environmental Plan and substantially reproduces the effect of these clauses in the Vegetation SEPP. Council will continue to regulate the clearing of vegetation (including native vegetation) below the Biodiversity Offset Scheme (BOS) thresholds through the GDCP 2013.

SEPP (Vegetation in Non-Rural Areas) 2017 applies to the site under clause 5(1)(b) of the SEPP as the site is zoned R1 General Residential, and the SEPP requires approval for the clearing of vegetation in non-rural areas to which Part 3 of the SEPP applies. Council has not adopted any DCP provisions declaring vegetation under Part 3 of the SEPP, and therefore these provisions do not apply to the proposal.

Notwithstanding, the proposal is accompanied by an Aboricultural Impact Report prepared by Landscape Matrix Pty Ltd, dated 23 October 2018 and a landscape design and plant sheets prepared by Michael Cooke. The Arborist Report outlines there are 49 trees on the site of which the majority are proposed for removal, as such the application has been referred to Council's Tree Officer who has made the following comments:

"Development of the site was initially considered with DA50089/2016, which negotiated retention of more prominent existing street trees and replacement of others. This new proposal

is supported by an Arborist Report that generally aligns with the outcome of the previous DA, apart for a few minor issues.

Retention (with restorative pruning) of the two (2) Box Elder street trees (T4, T5) is supported, however it is recommended that western most street trees (T2, T3) be removed and replaced with a species such as Callistemon 'Hanna Ray'.

Street tree planting in Adelaide Street is acceptable, which has changed proposed species from Tuckeroo to Water Gum.

All trees within the property are recommended for removal, as listed in the arborist report. The majority of those trees consist of planted ornamentals, many noted as over mature. It is recommended that the landscape plan be amended to indicate removal of the two (2) western most street trees (existing Callistemon T2, Existing Grevillea T3) and be replaced with advanced Callistemon 'Hanna Ray' (due to over-head wires)."

As such, the applicant's amended landscape plan is to provide a total of ten (10) street trees, (Water Gum native species) and tree planting within the property shall consist of small ornamental species such as Crape Myrtle, Ornamental Pear and Magnolia, suitable for the limited available area within the development. It is also recommended more small tree species should be planted in all court yards similar to those court yards along the road frontages. Subject to conditions (**Conditions 2.3(b), 5.18, 5.19 and 6.20**) the proposal is satisfactory in relation to SEPP (Vegetation in Non-Rural Areas) 2017 and Clause 6.6.1.2 of the GDCP 2013.

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

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate. Notwithstanding, the use of solar hot water and photovoltaic cells or other energy saving options should also be considered.

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

Gosford Local Environmental Plan 2014

Zoning & Permissibility

The subject site is zoned R1 General Residential zone under *Gosford Local Environmental Plan 2014* (GLEP 2014). The proposed development is defined as Multi Dwelling Housing which is permissible in the zone with consent of Council.

Multi Dwelling Housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

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

The objectives of the R1 General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To promote best practice in the design of multi dwelling housing and other similar types of development.*
- *To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.*

The proposed development is consistent with the objectives of the zone in that it utilises the site to provide the community additional housing stock within a medium density residential environment. The proposed development has a maximum of two storeys in height, is under FSR and maintains and enhances the residential character and amenity of the surrounding area. The proposal is considered consistent with the relevant objectives of the zone.

Principal Development Standards

An assessment of the proposed development against the relevant planning controls stipulated in the GLEP 2014 is detailed on the table as follows:

Development Standard	Required	Proposed	Compliance w/Controls	Variation (%)	Compliance w/Objectives
cl. 4.3 (Height of Buildings)	8.5m	> 8.5m	Yes	Yes	Yes see comments below
cl. 4.4 (Floor Space Ratio)	0.7:1	0.58:1	Yes	N/A	Yes

Figure 23 - GLEP 2014 Development Standards Table

Clause 4.3 Height of Building

Clause 4.3(2) of GLEP 2014 provides that the height of a building on any land will not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown on the relevant map is 8.5m. The GLEP 2014 defines this as the height above existing ground level.

The proposed building units have variable heights and are less than maximum height of 8.5m at the highest roof ridge level accordingly apart for the clerestory (skylight) of one dwelling unit which is between 80mm and 180mm above the 8.5m height. In accordance with cl.5.6 – Architectural Roof Feature of the GLEP 2014 variations to the maximum building height are permitted for roofs features such as a decorative roof element as is the case of a clerestory. As such, the proposed height of building satisfies the objectives of this clause. There is no requirement for the submission of a Clause 4.6 for the roof features.

4.4 Floor Space Ratio

The provisions of cl. 4.4 (2A)(c) within the GLEP 2014 establishes the maximum Floor Space Ratio of 0.70:1 for multi-dwelling housing that includes on-site car parking that is located in the basement.

The site has an area of 3,035.00m². The proposed development has a floor area of 1,761.28m² resulting in a Floor Space Ratio of 0.58:1, which is below the maximum FSR for the site and satisfies the objective of this clause due to the density and intensity of land use. The proposed developments building bulk and scale is consistent and in line with the desired future character of the neighbourhood in maintaining the area as a mixed medium density residential character with improved standards of urban design quality and amenity. Including but not limited to the reduced environmental effects posed on the use and/or enjoyment of adjoining properties /neighbours and the public domain.

5.6 Architectural Roof Features

The proposed development includes the distinct use of a clerestory (skylight) to each of the dwelling units roof, it is reflective of a raised nave for the illumination with natural light of a central space. Although subtle in nature as a decorative roof feature, the clerestory allows open air ventilation and sunlight to enter dramatically into a high height space whilst maintaining the privacy and sometimes secrecy of that accentuated space.

It is noted that only part of one (1) clerestory (skylight) of the twenty-two (22) proposed dwelling units is located slightly above the 8.5m height plane, by between 80mm and 180mm, and this element is 3.3m in width. It is located 19m from the front boundary and 8.8m from the south-west side boundary. The part of the clerestory (skylight) above 8.5m is triangular in its profile and presents as a very narrow element as viewed from Adelaide Street. Refer to Figures 16 and 21.

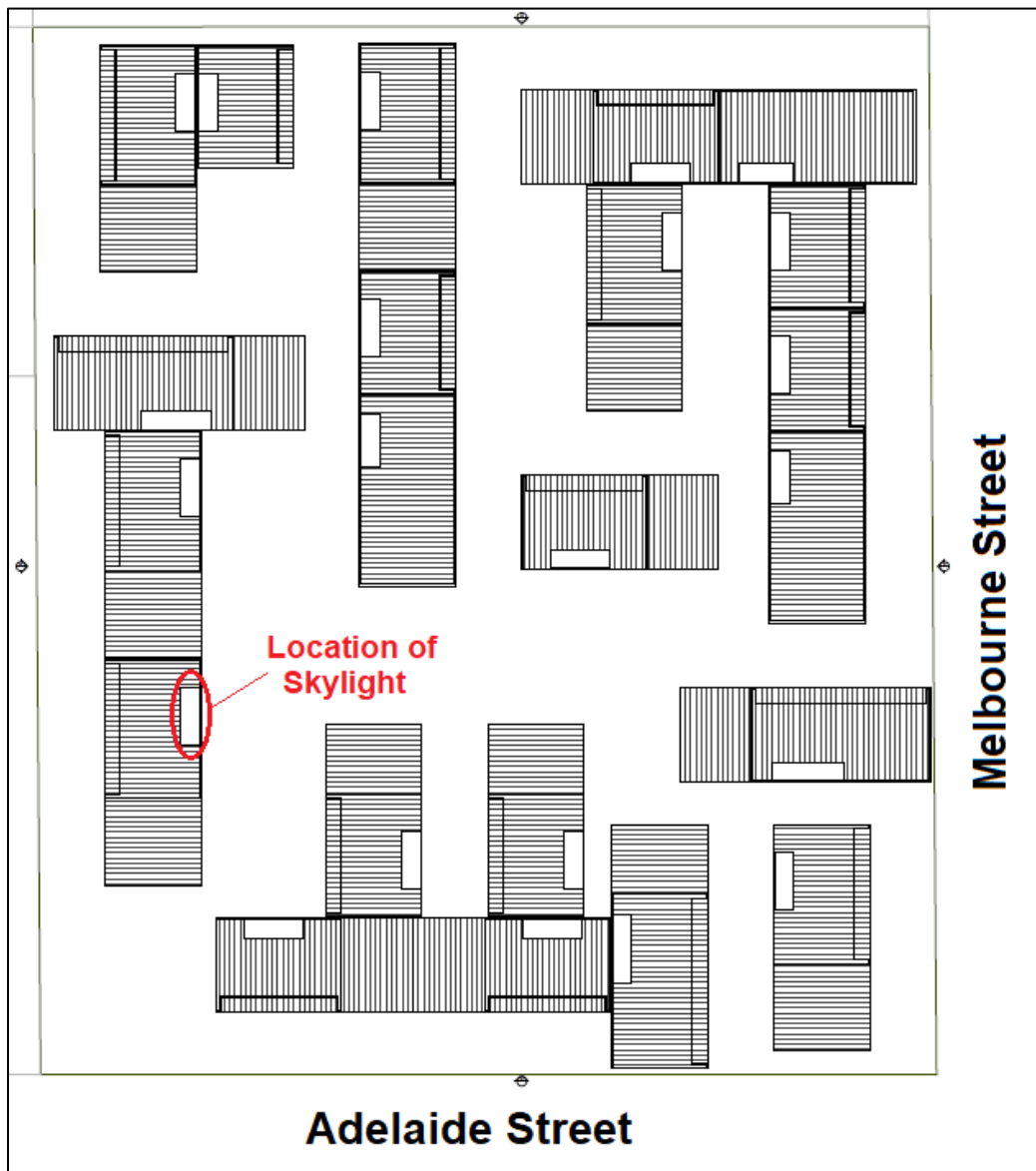


Figure 24 – Location of Clerestory above the 8.5m height lane

The scale and intensity of the multi dwelling development would not result in a development outcome that is inappropriate for the established evolving character and amenity of the East Gosford low and medium density residential developments. It has been noted that the development would be commensurate with the height, scale, site cover and floor area that have been approved and constructed.

In light of the above, it is considered that the minor roof height variation meets the objectives of this clause – Architectural Roof Features and will not unreasonably impact on the neighbouring residents or character of the area and remains consistent with the objectives of the standards of the R1 General Residential zone.

7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site is mapped as Class 5 Acid Sulfate Soils and the site is 160m from mapped Class 2 soils to the south-west. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

Clause 7.2 Flood planning

The subject site is identified as being flood affected land on Council's mapping system in a minor manner in the Gosford Overland Flow Study Point Frederick on the north-western and south western boundaries.

It is noted that, the proposed floor levels of the units closest to these flood affected site areas are above the minimum floor level required (i.e. = 1% AEP flood level + 500mm freeboard).

Council's Engineer is supportive of the proposal subject to conditions (**Condition 2.1, 2.11, 4.13 and 4.20**), and is satisfied that the proposed development is not likely to have a significant impact on flood levels.

Gosford Development Control Plan 2013

An assessment of the proposed development against the relevant chapters of GDCP 2013 is provided in a Compliance Table under Attachment 3. Despite resulting in some variations with the requirements with GDCP 2013, it is concluded the development is appropriate in the locale.

Likely Impacts of the Development:

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The likely impacts of the development are addressed below:

a) Built Environment

The subject site is zoned R1 General Residential under GLEP 2014 and is surrounded by a mix of medium density multi dwelling housing of contemporary design and original mid twentieth century detached single residential dwellings. The site is on a prominent corner of the neighbourhood street network that adjoins a quadrant of a State Road (being Central Coast Highway) to East Gosford commercial and shopping centres, busy schooling areas, transport and regional status galleries and parkland gardens.

The development is considered to provide a medium-density residential development consistent with the allowed HOB and FSR with the objective to maintain the area as a mixed

medium density residential character with improved standards of urban design quality and amenity. While the design is not reflective of the original mid-twentieth century bungalows, it is consistent with the emerging and desired character of the locality as single dwelling housing nearing the end of their economic life are being gradually replaced by medium density development of contemporary design. Despite the increase in density and contemporary design, the proposal will not detract from the original scale and bulk present in the immediate vicinity and neighbourhood.

The proposed development provides a variety of building forms and building heights which are strongly articulated to create an architectural interest reminiscent of an "urban village" style of development. The proposed buildings are located in separate clusters, with different orientation, separated by landscaped private open space areas, and which minimise the massing of the development, creating a formal traditional residential scale and streetscape to Melbourne and Adelaide Streets respectively. The proposed front setbacks, fences and landscaping are consistent with the variable setbacks of surrounding two and one storey buildings and in this regard the residential streetscape will be retained and complemented.

The proposed development is not considered to have adverse amenity impacts to adjoining development from overshadowing, privacy, noise generating activities and views.

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

b) Natural Environment

The proposed development is not considered to have any adverse impacts on scenic quality or the streetscape of Melbourne and Adelaide Streets respectively.

The redevelopment of the site will result in a development consistent with that for a multi dwelling residential development in this location within the East Gosford Medium Density Hillside character area. Although there are a number of visually prominent trees on the subject site that will be removed for the proposed development, as addressed on the arborist report and as shown on the landscape plan it is accepted that many of these trees are nearing the end of their useful life expectancy and very few are worthy of retention, as such it is recommended that new tree species are incorporated into all courtyards and communal spaces of the proposal. Street tree planting on both Melbourne and Adelaide Streets are acceptable given the opportunity to change the tree species from Tuckeroo to Watergum which is more of a suitable native tree when considering overhead power lines. Overall, the proposal provides extensive and quality native trees, hedges and layered landscaping along the road reserves and within the site to maintain the leafy appearance and scenic quality of the locality.

It is noted the proposal has limited the cut and fill to the basement excavation in a manner to consolidate, minimise and screen the number of vehicular access points and driveways to

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Melbourne and Adelaide Streets and utilize the courtyards, POS and landscaping facing the street in a way to contribute to the amenity of public streetscape.

The submitted Water Cycle Management Plan, Arborist Report and Landscape Design provides an overall concept which will stabilise and manage the entire site.

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

c) Economic Impacts

The proposed development is considered to have beneficial economic impacts and facilitates economic development that will lead to more local employment opportunities on the Central Coast and reduce the percentage of employed persons who travel outside the region each day for work.

d) Social Impacts

The proposed development will have beneficial social impacts as it will provide employment in construction and the provision of new medium density residential housing in close proximity to public transport, Gosford waterfront and the Gosford CBD.

Suitability of the Site for the Development:

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

- The site is zoned R1 General Residential zoning under GLEP 2014 Multi Dwelling buildings are permissible under the R1 zone and the scale of the proposed development is consistent with the objectives of the zone.
- There are no environmental hazards which would prevent development of the site.
- Utility services are available to the site.
- The site is located on and near public transport facilities as well as public recreation/community facilities.

Ecologically Sustainable Principles:

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

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

quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

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

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

Other Matters for Consideration

Environmental Impact Assessment

Traffic and Transport

The application is supported by a Traffic Assessment prepared by Barker Ryan Steward dated 23 October 2018.

a) Traffic Impact

The development proposes two vehicle access crossing and that all operational traffic will enter and exit the site via the basement car park driveway off Adelaide Street. GDCP 2013 requires 37 car spaces including 1 disabled space, which is proposed by the applicant. BRS advise that the RMS rate for parking would be 31 spaces which has not been used for this development. The proposed development is to provide 38 parking spaces in the basement car park, including two disabled spaces which is compliant with Council's parking requirement. As such, the proposed development will not have any adverse impact on on-street parking as the RMS guide indicates that the parking demand is expected to be accommodated on-site. Furthermore, the proximity to bus services on Central Coast Highway is expected to reduce the reliance of private cars. The provision of one disabled space complies with Council's requirement of one disabled space.

The anticipated traffic generation increase on the site is 10 vehicles during the peak hour periods. This equates to an extra vehicle every 6 minutes on average, or approximately 3-4 signal cycles at Central Coast Highway/Adelaide Street. Assuming 90% of the traffic from the site is exiting via the signals in the morning period, it is expected that the additional vehicles will clear every cycle, and not pose any further detrimental impact on the operation or safety of Adelaide Street at Central Coast Highway, or Melbourne Street.

It is noted, for both peaks significant levels of development traffic can use Melbourne Street to access the Central Coast Highway intersection (for a left into Central Coast Highway or Left from Central Coast Highway into Melbourne Street). Development traffic will mostly use the Adelaide Street/Central Coast Highway traffic signals for right turning movements for access to the Erina suburb direction. Traffic from the Erina can return via George Street to Melbourne Street rather than use the traffic signals, refer to Figure 22.



Figure 25 – Access diagram, George Street and Melbourne Street provide traffic access to 32 -36 Melbourne Street

b) Pedestrian

The site is close local schools and East Gosford town centre. There are footpaths extensive footpaths on both sides of the road in the area such along Melbourne Street Adelaide Street and Webb Street. The roundabouts in Adelaide St at Melbourne Street and Webb Street intersections provide a traffic calming effect for the area.

c) Public Transport

The site is located along a number of bus routes with a bus stop located approximately 100m away from the site on Melbourne Street and approximately 200m walk away from the site on Central Coast Highway. The bus services link the area with Gosford North and beyond, Gosford East and beyond and to the Central Coast highway to the west. Services include: Routes 17 to 23, 28, 43, 44, 63, 64, 65, 66A, 66C, 67 and 68.

Gosford railway station is located approximately 2.5km away

The Traffic Assessment has been reviewed by Council's Traffic Engineer. In summary the transport network is considered to have adequate capacity to cater for the proposed development with minimal adverse traffic impacts. The site location has close access and easy walking conditions to local schools, East Gosford town center and extensive bus services along Central Coast Highway. The subject site is suitable for the proposed development in relation to the impact of traffic, car parking provision, vehicle and pedestrian access and safety considerations. As such the application is supported on transport engineering grounds.

Drainage

The site generally grades from the east boundary corner to the west boundary corner of the site. The development has the potential to generate additional stormwater flows from the site and discharge these to the downstream drainage system. The piped stormwater system in Adelaide Street required to be extended up to the development from the existing stormwater pit.

The proposal will be connected to reticulated sewer, and all roof and groundwater will be managed in accordance with the submitted stormwater management plan prepared by ACCOR Consultants, which includes on site stormwater detention (OSD), rainwater reuse tanks with a storage volume of 76m³, and connected to a water quality chamber, and a basement pump out tank with a volume of 20m³.

The hydraulics for the development has been reviewed by Council's Traffic Engineer and is supportive of the proposal subject to conditions of consent.

Water and Sewer

Water and sewer are available to the land. A section 307 Certificate is required, and significant contributions may apply.

It is noted that building over sewer conditions will apply including:

- Concrete encasement or lining (if lining method approved at the time) of the 375mm Sewer Main will be required where under structures including fire boosters;
- Piering of structures / retaining walls to outside the Zone of Influence of Councils Sewer main;
- If sewer junction off the 375mm main is to be used as the properties junction, it may require relocation & capping off as this cannot be under a building. 1m horizontal clearance required to structures; and
- Maintenance shafts to be brought to the new service levels (VJ-DE & VF-DE). Junctions to be capped where not in use.

Council's Water and Sewer Engineers have reviewed the proposed development and are supportive of the proposal subject to conditions of consent.

Tree Management / Landscape Considerations

As previously mentioned, the proposal is accompanied by an Arborist Report where it is accepted that all trees on the property are recommended for removal given that many of these trees are planted ornamentals nearing the end of their useful life expectancy and very few are worthy of retention. The original submitted Landscape Plan (concept only) prepared by Michael Cooke dated, 7 March 2018 was generally aligned with the outcome of the previous development application, apart from a few minor issues, whereby Council's Tree Officer recommended the landscape plan be amended to indicate the removal of the two (2) western most street trees (*existing Callistemon T2, Existing Grevillea T3*) and be replaced with advanced Callistemon 'Hanna Ray' (due to over-head wires).

In response the applicant submitted amended Landscape Plans prepared by Michael Cooke dated, 18 March 2020 whereby Council's Tree Officer found issue with the position of the proposed street trees near the corner of Melbourne and Adelaide Street round about. These trees were shown within 12m of the intersection, which is against a long standard condition of Council. These two (2) trees needed to be set back from the intersection to ensure vehicle vision is not impeded. Additionally it was recommended that additional small trees to all courtyards along the road frontages should be planted in lieu of the two street trees.

As such, the applicant again submitted amended Landscape Plans prepared by Michael Cooke dated, 18 June 2020 which as recommended indicate the deletion of the two (2) street trees shown within 12m of the corner intersection. As such, a total of ten (10) Kanooka water gum native trees (*Tristanopsis laurina*) of 45lt sizes to be positioned in compliance with road sight line requirements on Adelaide (4 trees) and Melbourne (6 trees) Streets respectively.

On-site there is great variety of trees shown on the planting schedule to be planted which include but are not limited to seven (7) Crepe myrtles trees (*Lagerstroemia indica 'Natchez'*) of 45lt sizes to be positioned along with six (6) Taiwan Cherry trees (*Prunus campanulate*), four (4) Coral bark Japanese Maple tree (*Acer palmatum 'Sengo Kaku'*), twenty-six (26) Capital Pear trees (*Pyrus 'Capital'*), two (2) magnolia trees (*magnolia galaxy*), one (1) exmouth magnolia tree (*Magnolia grandiflora 'exmouth'*), four (4) eureka lemon trees (*Citrus limon 'Eureka'*), two (2) Valencia orange trees (*Citrus 'Valencia'*), two (2) Tahitian lime trees (*Citrus 'Tahitian Lime'*) and one (1) purple judas tree (*Cercis 'Forest Pansy'*). Additionally, a series of tall hedges, medium and level height shrubs will provide a structured layered horizontal and vertical visual landscape to enjoy various angles whilst preserving and enhancing the level of amenity and safety for the new dwellings and positive scenic backdrops for the neighbouring residents.

Setbacks

The proposal has been designed as an integrated 'urban village' development form which is part single and part 2 storey, locating dwelling building forms to maximise solar access and privacy. Based on this design approach, the proposal breaks up the massing of the

development and allows a more residential scale and with ample communal and private open spaces in line with the desired character of the neighbourhood setting. The proposal reconfigured the floor plans to amend the non-compliance with the deep soil and building setbacks requirements as identified in the GDCP 2013 compliance table. Notwithstanding, it is noted that the setback to the corner of Melbourne and Adelaide Streets has been increased to 5.61m and 8.26m to the 2 storey portion of the dwelling. To Adelaide Street (front boundary) and north-west rear boundary the setbacks have been increased approximately to 3.70m and 4.60m to the second storey and to Melbourne Street (side boundary) and the west side boundary setbacks have been increased to 3.79m and 4.6m to the second storey respectively.

As such, the proposal has greatly increased the quantity and quality of opportunity to include significant tree planting and landscaping within the proposals communal and individual courtyard spaces as well as to the corner of the site and streetscape.

Despite non-compliance with the setback requirements, the proposal is consistent with the intent of GDCP 2013 controls, objectives and future desired character of East Gosford medium density hillsides area.

Shadow Impacts

The shadow diagrams submitted by the applicant indicate that the site and adjoining neighbouring site to the south-west will have an impact on the level of solar access (in shadow at 9am in June) due to the height of the terrain and orientation the site as well as the proposed buildings site sitting.

At midday the shadow impact of the proposed development is mainly over Adelaide Street and within the proposals communal landscape areas and south-west boundary POS's, and at 3pm continues to be mostly over Adelaide Road reserve, with some shadow impact on the proposals common landscape areas.

It is considered the shadow impact of the proposed development and variation to HOB do not significantly impact adjoining sites and is not unreasonable given that neighbor and residents will continue to enjoy over three (3) hours of solar access between 9am and 3pm on 21 June.

Articulation

It is noted that, the proposal deters from the use of a lineal building arrangement of it's buildings, that is a 'gun-barrel' site building sitting layout so commonly used in the surrounding and immediate vicinity. The proposed development provides a variety of building forms and building heights that are located in clusters, with different orientations, separated by landscaped private open space areas that create an architectural interest of "urban Village" which minimises the massing of the development, creating a formal traditional residential scale and streetscape to Melbourne and Adelaide Streets respectively. The proposed front setbacks, fences and landscaping are consistent with the variable setbacks of surrounding two and one

storey buildings and in this regard greatly improves the articulation, amenity and scenic qualities of the residential streetscape that will be retained and complemented.

Given the above, it is considered that the overall building form has adequate articulation and despite non-compliance with the maximum building width and building separations, the proposed development is considered to achieve capability with the predominant building scale, bulk and landscaping patterns found in the immediate neighbourhood.

Accessible Dwellings

The proposal is for multi dwelling housing and does not provide accessible units, notwithstanding more than 10% of the total units will have the capabilities to be 'adapted' to meet resident's future needs and fully accessible from the street entries and car park to the front door of each unit. All common areas in the proposed development and two (2) of the three (3) street entries are accessible pathways and barrier free.

Waste Management

The application is accompanied by a Waste Management Plan prepared by Michael Leavey which was amended on four (4) occasions. It is noted that clause 7.2.16.4 of GDCP 2013 identifies that a residential flat building having 18 units or less can be serviced at the kerbside. However, a residential development greater than 18 units will require on site waste servicing.

The applicant has submitted a written request to vary the waste management controls of the GDCP 2013. The proposal comprises 22 units and kerbside collection - 4 units more than the maximum 18 permitted under the GDCP 2013.

The proposal seeks a variation to the GDCP 2013 to allow kerbside collection on the basis that the proposed scale (HOB and FSR) of the 2 storey multi dwelling development is not feasible/justifiable nor environmentally sensitive (in regard to the amount of excavation works and ramping requirements) to provide a basement height for access and off-street collection by Council's large waste trucks.

Additionally, site design research into the provision of off-street waste collection at the ground level found that the option would likely result in adverse amenity impacts for adjoining properties as well as for residents of the proposed development. Noting the site has a large streets frontage (110m in total) and including a frontage of 50.29m to Adelaide Street, this large street frontage compared to other development sites creates an opportunity for on-street waste collection, noting the constraints that apply to off-street collection.

As such, larger and shared waste bins are proposed, which will minimise the number of bins to be presented, and in a comparative sense the proposal would have less bins overall compared to a 18 unit development which could have up to 36 bins presented to the street once a fortnight.

The final Waste Management Plan dated 30 September 2020 proposes:

- The utilization of 9 x 360L Mixed Waste MGB's; 7 x 360L / 1 x 240L Recyclables MGB's and 2 x 240L Green Waste MGB's to be stored in two (2) centrally located waste areas in the basement car parking level;
- The provision of a Movexx T2500 Battery bin carrier, with an attachment for MGBs, to be used for the transport of shared bins to and from the street for collection;
- To provide delineated safe travel paths for residents and access to the proposed waste rooms; and
- Two (2) convex safety mirrors strategically positioned for each waste room for entering/turning vehicles.

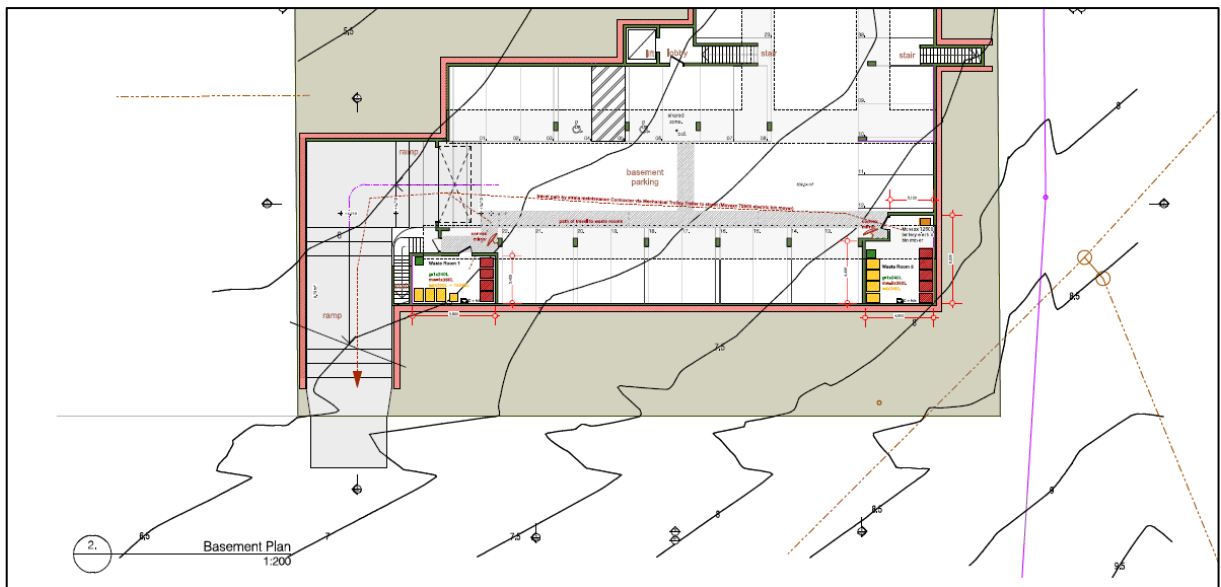


Figure 26 – Amended Basement Floor Plan including Waste Storage areas, resident travel paths and convex safety mirrors



Figure 27 – Amended Ground Floor Plan including bin presentation to Street kerb

It is noted overall that the introduction of the larger 360 litre mobile garbage bins (MGB's) under the new Domestic Waste Contract assists in reducing bins at the kerbside. In city centre and town centre locations, additional weekly servicing of recyclables MGB's is permitted to further reduce the number of bins to be presented.

In this instance, the solid waste outcome provides for a maximum of 19m of approved kerbside presentation within Adelaide Street positioned between the street trees (refer to figure 24) for the servicing of shared 360L mobile waste bins serviced weekly. **Condition 6.14** requires the kerbside collection of bins from Adelaide Street with the MGB's to be presented no earlier than the evening before collection and be returned to the approved waste bin storage enclosure no later than the evening of the day of collection.

After several correspondence and meetings, in view of the above considerations 17 and 21 bins will be presented to the Adelaide Street kerbside for weekly servicing. The following residential waste servicing requirements apply to the development approved under this consent:

- a) 9 X 360 Litre Mixed waste bulk bins serviced weekly.
- b) 7 X 360 Litre/1 x 240 Litre Recyclable waste bulk bins serviced weekly.
- c) 2 X 240 Litre Green waste MFB's for kerbside collection serviced fortnightly.

It is noted Council's Waste Officer has assessed the proposal and is Not Supportive of the merit-based assessment, notwithstanding has provided the Planning Officer appropriate conditions to include in the conditions of consent. **Refer to Conditions 1.3; 6.1-6.5.**

Planning Agreements

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

Development Contribution Plan

The site is located within section 7.11 development contribution plan 43AB East Gosford and Gosford Regional Centre where multi dwelling developments are subject to section 7.11 contributions. The applicable contribution amount was calculated and imposed as a standard condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate.

Refer to Condition 2.2 and 2.3.

Referrals

Internal Referral Body	Comments
Architect	Supported, subject to conditions
Engineering Traffic/Transport	Supported, without conditions
Engineering	Supported, subject to conditions
Waste Services (Garbage)	Not Supported, subject to conditions
Water & Sewer	Supported, subject to conditions
Trees	Supported, subject to conditions

Political Donations

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

Public Submissions

The development has been notified in accordance with the provisions of Gosford Development Control Plan 2013 from 28 March 2019 until 18 April 2019. Thirty-eight (38) public submissions were received in relation to the application, all objections.

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

It is noted that the amended plans have included some of the concerns and considerations associated with key issues received from public submissions. As previously discussed, after review and discussions with Council Architect, the amended plans were not re-notified given the architectural plans incorporated minor changes to HOB and FSR, and the overall

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reduction and improvement to development control assessment issues including but limited to unit / floor plan re-arrangements, setbacks, streetscape and fence treatment, landscaping, private and communal space, solar access landscaping etc. which although greatly improved many aspects maintained the proposal to be substantially the same development.

A summary of the submissions is detailed below.

1. Traffic Impacts - the application increasing from 13 dwellings to 22, this number of dwellings will have a huge impact on already overcrowded streets with more cars and increased traffic and noise. The traffic report was obtained in school holidays. The area changes dramatically in school periods whereby there is increased traffic in the morning and the afternoon, it can take up to half hour to leave Adelaide Street.

Comment: The Traffic Assessment prepared by Barker Ryan Stewart has been reviewed by Council’s Engineers provides the following information and assessment:

- Traffic Peaks in the morning between 8:15 to 9:15am and in the afternoon between 4:30 and 5:30pm;
- According to the RMS’s ‘Guide to Traffic Generating Developments’, Section 3 – Land Use Traffic Generation the existing estimated traffic volumes generated by the existing development are:

Use	Peak hour vehicle trips rates	Peak hour vehicle trips
Dwelling houses (2 dwellings)	0.85 per dwelling	1.7 ≈ 2
Total		2

Figure 28 – Traffic Generation – Existing Use at 32 - 36 Melbourne Street

- From the RMS’s ‘Guide to Traffic Generating Developments’, Section 3 – Land Use Traffic Generation the proposed estimated traffic volumes generated by the proposed multi dwelling residential units will be:

Use	Peak hour vehicle trips rates	Peak hour vehicle trips
Medium density residential flat building Up to 2 bedrooms (19 units)	0.5 per dwelling	9.5
3 bedrooms or more (3 units)	0.65 per dwelling	1.95
Total		11.45 (12)

Figure 29 – Traffic Generation – Proposed Use at 32 - 36 Melbourne Street

- It is noted that the anticipated traffic generation increase on the site is 10 vehicles during the peak hour periods. This equates to an extra vehicle every 6 minutes on average, or approximately 3-4 signal cycles at Central Coast Highway/Adelaide Street. Assuming 90% of the traffic from the site is exiting via the signals in the morning period, it is expected that the additional vehicles will clear every cycle, and not pose any further detrimental impact on the operation or safety of Adelaide Street at Central Coast Highway, or Melbourne Street.

The application is supported by Council's Traffic Engineer on transport engineering grounds and concurs that a net traffic generation increase on the site is 10 vehicles during the peak hour periods. This equates to an extra vehicle every 6 minutes on average, or approximately 3-4 signal cycles at Central Coast Highway/Adelaide Street. The traffic from the site is existing via the signals in the morning period and expected that the additional vehicles will clear every cycle, and not pose any further detrimental impact on the operation, noise or safety of Adelaide Street at Central Coast Highway, or Melbourne Street.

As such, the transport network is considered to have adequate capacity to cater for the proposed development with minimal adverse traffic impacts. The site location has close access and easy walking conditions to local schools, East Gosford town centre and extensive bus services along Central Coast Highway.

It is also noted that the proposal is located approximately 126m from side entrance to the nearest school entry in Melbourne Street. Whilst street parking will be limited during peak drop off and collection times for schools, car parking is available for the remainder of the day. Furthermore, the development has proposed 38 car spaces which exceeds the GDCP 2013 parking requirements and as such it is expected that on-street parking impacts of the proposed development will be minimal. Any unauthorized parking over driveways will be a matter for the police and/or Council Rangers to enforce compliance with relevant rules and is not a matter for consideration in the assessment of this application.

2. *Scale of development is massive and waste facilities appear inadequate to service all units. The proposed development exceeds 18 units, however seeks approval for on street waste servicing.*

Comment: The proposal seeks a variation to Part 7.2.5.4 of the GDCP 2013 waste management standards, to allow kerbside collection for the development which contains 22 units. Considering that larger and shared waste bins are proposed, the use of a mechanical bin transport carrier, appropriate positioned waste storage areas, safe travel paths and sufficient street frontage capacity on Adelaide Street to allow on-street waste collection using conservative bin spacing requirements of 1m per bin within a spacing of bins to avoid impacts on proposed street tree planting that an alternative waste collection solution reflecting the sites characteristics and constraints has been completed under a merit based assessment. It is noted Section 3.42 of *the Environmental Planning & Assessment Act 1979* provides that the purpose of a DCP is to provide guidance, and section 4.15(3A)(b) of the Act provides that DCP standards are to be flexibly applied and non-compliance can be addressed through alternative solutions or addressing how a proposal otherwise achieves the objectives of the standard.

- The utilization of 9 x 360L Mixed Waste MGB's; 7 x 360L / 1 x 240L Recyclables MGB's and 2 x 240L Green Waste MGB's to be stored in two (2) centrally located waste areas in the basement car parking level;

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- The provision of a Movexx T2500 Battery bin carrier, with an attachment for MGBs, to be used for the transport of shared bins to and from the street for collection;
- To provide delineated safe travel paths for residents and access to the proposed waste rooms; and
- Two (2) convex safety mirrors strategically positioned for each waste room for entering/turning vehicles

3. Increased sewage and excessive water will affect the area, also it will contribute to the destruction of historically significant water wells on both properties.

Comment: Councils water and sewer section have raised no objections to the proposal, subject to conditions of consent and have advised as follows:

'Water and sewer are available to the land. The developer shall obtain a Section 307 Certificate for the development and significant contributions may apply. Development impacting Council water and sewer mains is required to comply with Council's Building over or near Council Water and Sewer Main Guidelines (BOS).

Council 100mm CI/CL water reticulation mains are located within the Melbourne and Adelaide Street road reserves adjacent to the development site. Dependent upon required works within the road reserve and the driveway access crossing Council's water mains may be impacted. Council's BOS may apply.

A Council 375 mm VC sewer gravity main crosses the development site in the south-eastern corner and the site is entered by 150mm sewer mains along the northern and western boundaries. The 375mm VC sewer gravity mains are a larger main subject to significant sewage flows. The mains will be impacted by the proposed development and Council's BOS applies. Concrete encasement of the 375mm VC main may be applicable.'

The sewage system is of enough capacity to accommodate the development.

It is noted the property is not identified as containing any listed heritage items (general or archaeological). The applicant has on previous occasions indicated that:

'In relation to existing wells on the property, advice will be obtained by a suitably qualified engineer to ensure that the wells are adequately sealed prior to development.'

As such this will form part of the conditions of consent. If any backfill of the well is undertaken, fill material must only comprise of Virgin Extracted Natural Material (VENM).

4. Impacts during Construction concerning Residents Safety and amenity

Comment: It is expected that surrounding residents will experience some inconvenience during the construction phase of the development should the development proceed. A condition of consent has been imposed requiring the preparation of a Construction Traffic Management Plan (CTMP) including a Vehicle Movement Plan and Traffic Control Plan. The

CTMC shall be prepared with the intention of causing minimal impact on the operation of the road network during construction of the development. The CTMP shall be prepared and approved by the Principal Certifying Authority and include but not limited to:

- Delivery and storage of materials;
- Workers Parking and amenities;
- Hours of Construction;
- Noise and dust mitigation;
- Process of handling complaints;
- Crane permits (crane location plan)

It is noted that the proposed development is supported by Council's Development Engineer subject to conditions of consent.

5. There are visually prominent trees on the site and the removal of these will diminish the 'scenic qualities of the locality'. Public street trees on Melbourne Street will also affect the amenity and aesthetics of the neighbourhood environment.

Comment: The proposal is accompanied by an arborist Report and Landscape plans which indicate all trees to be removed and replaced, refer to the tree management section of the report which outlines the large number of trees and vegetation that forms part of the landscaping. Additionally, a series of tall hedges, medium and level height shrubs will provide a structured layered horizontal and vertical visual landscape design orientated to enjoy various angles whilst preserving and enhancing the level of amenity and safety for the new dwellings and positive scenic backdrops for the neighbouring residents. Overall the proposal provides extensive and quality native trees, hedges and layered landscaping will be provided along the road reserve and within the site to maintain the leafy appearance and scenic quality of the neighbourhood. The landscape provision is considered acceptable for a medium density development having regard to the context of the site and desired future character objectives and compatibility of the immediate locality.

Councils tree Officer has assessed the proposed development and is supportive subject to conditions.

The Public Interest (s79C(1)(e)):

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

- The proposal will generate social and economic benefits for the community by providing a variety of housing choice and densities residential dwellings near public transport;

3.3 DA 56190/2019 - Proposed Multi Dwelling Housing Development, 32-36 Melbourne Street EAST GOSFORD (cont.)

- The proposal is consistent with the relevant objectives of the applicable environmental planning framework, including the GLEP 2014 and GDCP 2018; and
- The proposal does not result in any unreasonable environmental impacts and will not unreasonably impact the amenity of neighbouring properties.

Conclusion:

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

Accordingly, it is recommended that development consent be granted to DA 56190/2019.

Reasons for the Decision:

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

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

Attachments

1	Draft Conditions of Consent 32-36 Melbourne Street EAST GOSFORD		D14272633
2	Amended Architectural Plans DA56190 - 32 Melbourne Street, EAST GOSFORD	Provided Under Separate Cover	D14293716
3	REDACTED Amended Architectural Plans DA56190 - 32 Melbourne Street, EAST GOSFORD		D14304867
4	GDCP 1 Table 32-36 Melbourne Street EAST GOSFORD		D14280715

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by White + Dickson Architects

Drawing	Description	Sheets	Issue	Date
DA000	Cover sheet	1	E	29/09/2020
DA100	Site Plan / Site Analysis	1	C	12/08/2020
DA101	Site Plan Setbacks + Areas	1	C	12/08/2020
DA102	8.5m Height Plane	1	C	12/08/2020
DA103	Driveway View Angles	1	C	12/08/2020
DA200	Basement Floor Plan	1	C	12/08/2020
DA201	Ground Floor Plan	1	C	12/08/2020
DA202	First Floor Plan	1	C	12/08/2020
DA203	Roof Plan	1	C	12/08/2020
DA300	Sections	1	E	29/09/2020
DA301	Sections	1	E	29/09/2020
DA302	Sections	1	E	29/09/2020
DA400	Elevations	1	E	29/09/2020
DA401	Elevations	1	E	29/09/2020

Engineering Plans by ACOR Consultants (CC) Pty Ltd

Drawing	Description	Sheets	Issue	Date
DA – C1	Cover Sheet and Notes	1/8	C	01/07/2020
DA – C2	Stormwater Management Plan-Basement	2/8	C	01/07/2020
DA – C3	Stormwater Management Plan-Ground Floor	3/8	C	01/07/2020
DA – C4	Stormwater Management Plan-Ground Floor	4/8	C	01/07/2020
DA – C5	Stormwater Management Plan-Roadworks	5/8	C	01/07/2020
DA – C6	Stormwater Management Plan-Details	6/8	C	01/07/2020
DA – C7	Stormwater Management Plan-Details	7/8	C	01/07/2020
DA – C8	Stormwater Management Plan-Details	8/8	C	01/07/2020

Supporting Documentation

Title	Document No.	Prepared by	Date
Environmental Impact Statement	ECMD24821230	Michael Leavey Consulting	March 2019
Basix Certificate Number 938407M_03	ECMD13970704	SLR Consulting Australia Pty Ltd	13 March 2020
NatHers Certificate Number 0004650940	ECMD13970678	SLR Consulting Australia Pty Ltd	05 March 2020
Stormwater Quality & Quantity Management Rev B	ECMD14258082	ACOR Consultants (CC) Pty Ltd	01 July 2020
Waste Management Plan Rev C	ECMD14258043	Michael Leavey Consulting	30 September 2020
Arborist Report	ECMD24818720	Landscape Matrix Pty Ltd	23 October 2018
Landscape Plan	ECMD14260623	Michael Cooke	18 June 2020
3D Images/Materials	ECMD14258036	White + Dickson Architects	12 May 2020

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with all commitments listed in the Basix Certificate for the development as required under clause 97A of the Environmental Planning and Assessment Regulation 2000.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979, pay to Council a total contribution amount of **\$30,469.00**, that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 43A & 43B - East Gosford.

Open Space - Embellishment	A	(Key No 742)	9,491.00
Roadworks - Capital	B	(Key No 741)	8,324.00
Footpaths - Capital	B	(Key No 743)	12,654.00
TOTAL AMOUNT			\$30,469.00

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

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

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

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

[Development Contributions - former Gosford LGA](#)

- 2.3 Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979, pay to Council a total contribution amount of **\$64,320.00**, that may require adjustment at the time of payment, in accordance with the relevant Contribution Plan No. 164 - Gosford Regional Centre.

Recreation Facilities - Embellishment	A	(Key No 851)	17,637.00
Roadworks - Capital	A	(Key No 850)	24,849.00
Community Facilities - Capital	A	(Key No 852)	14,490.00
Environmental Protection	A	(Key No 853)	7,344.00
TOTAL AMOUNT			\$64,320.00

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

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

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

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

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

[Development Contributions - former Gosford LGA](#)

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

- a. Site investigation for the preparation of the construction, and / or
 - b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent.
 - c. Demolition
- 2.5 Submit an application to Council under section 305 of the Water Management Act 2000 to obtain a section 307 Certificate of Compliance. The *Application for a 307 Certificate under section 305 Water Management Act 2000* form can be found on Council's website www.centralcoast.nsw.gov. Early application is recommended.

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

- 2.6 Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent To Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.
- 2.7 Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's Civil Works Specifications.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

- a. Construction of the road verge/footway formation graded at +2% from the top of existing kerb to the property boundary, across the full frontage of the site in Melbourne Street & Adelaide Street. Construction to include transitions to existing formation either side of the site.
- b. Construction of a residential vehicle access crossing that has a width of 5.5m at the road gutter crossing and 5.5m at the property boundary including construction of a gutter crossing and road pavement adjacent to the gutter crossing.
- c. Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.
- d. Removal and replacement of all damaged kerb and gutter with new kerb and channel.

- e. Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary. Concrete path to be constructed if required.
- f. Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- g. Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve.
- h. The extension of the piped stormwater system in Adelaide Street to the proposed Development.

The section 138 Roads Act Works Approval must be issued by Council and all conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

- 2.8 Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.9 Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
- a. Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b. Construction of a stormwater detention system. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan 2013 and Council's Civil Works Specifications. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths.
 - c. Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
 - d. Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan

2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
- e. Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the approved connection with Council's drainage system located in Adelaide Street.
 - f. Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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

- 2.10 Retain the land where any excavation is required below the adjoining land level and preserve and protect from damage any improvements or buildings upon that land including public roads and utilities.

If necessary, the improvements or buildings must be designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared to comply with this condition are to include geotechnical investigations, any excavation that impacts on public infrastructure, and are to be submitted for the approval of the Accredited Certifier.

- 2.11 Submit details from a suitably qualified engineer to certify that the existing wells located on the property shall be adequately sealed prior to development. If any fill material is required, it must only comprise Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or excavated Natural Material (ENM) that has been issued with an exemption under Excavated Natural Material Exemption 2012.
- 2.12 Submit to the Accredited Certifier structural plans prepared by a suitably qualified Registered Structural Engineer for the following building elements:
- ground slabs
 - footings
 - retaining structures in excess of 0.6 metres in height
- 2.13 Submit to the Accredited Certifier, responsible for issuing a construction certificate for works within the development properties, detailed design drawings approved by a suitably qualified consultant for fences located on or in proximity to the road frontage of the site which ensure pedestrian and vehicle sight distance is maintained in accordance with of Australian Standard AS/NZS 2890: Parking Facilities, Parts 1, 2 and 6.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

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

- 3.7 Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 3.8 Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - could cause damage to adjoining lands by falling objects, or
 - involve the enclosure of a public place or part of a public place

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

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

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

Each toilet must:

- Be a standard flushing toilet connected to a public sewer, or
 - Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - Be a temporary chemical closet approved under the *Local Government Act 1993*.
- 3.10 Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

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

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

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

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

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

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

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

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

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

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

- 3.12 Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 *Erosion Sedimentation and Control*.

- 3.13 Disconnect and cap the property's sewer at the inspection shaft.

4. DURING WORKS

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

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

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

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

- 4.4 Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.
- 4.6 Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the Plumbing and Drainage Act 2011.

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

- 4.7 Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 4.8 Submit a report prepared by a registered Surveyor to the Principal Certifier at each floor level of construction of the building (prior to the pouring of concrete) indicating that the

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

- 4.9 Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by L. Fitzpatrick, undated.
- 4.10 Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 4.11 Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.12 Cease work immediately in that area if any relics are uncovered during excavation on-site. Contact the Heritage Office in accordance with section 146 of the *NSW Heritage Act 1977*.

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

- 4.13 Reuse, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by Michael Leavey Consulting, dated 30 September 2020.
- 4.14 No soils to be imported to the subject site except for Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*.
- 4.15 Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- 4.16 Classify all excavated material removed from the site in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept onsite.
- 4.17 Undertake the removal of any tree located on Council managed land due to works approved by a Development Application at the full cost and responsibility of the developer / owner using a Prequalified Tree Contractor. Contact

Central Coast Council on 02 4325 8222 for the current list of relevant contractors.

- 4.18 Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1 All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2 Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the Plumbing and Drainage Act 2011.
- 5.3 Prior to the occupation or use of the building, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.4 Do not occupy the premises until the Occupation Certificate has been issued.
- 5.5 Complete the landscaping works.
- 5.6 Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- 5.7 Revegetate and stabilise all areas disturbed by construction activities associated with the development so as to prevent erosion and dust nuisance occurring.
- 5.8 Provide a minimum of two spaces for the sole use of visitors to the building.
- 5.9 Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
- a. provide adequate lighting to common areas as required under Australian Standard AS 1158: Lighting for roads and *public spaces*;
 - b. paint the ceiling of the car park white;
 - c. design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity;
 - d. design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises;

- e. provide signage within the development to identify all facilities, entry / exit points and direct movement within the development; and
 - f. install a system of Closed Circuit Television of a type and in locations on the site that will record high quality images of all public areas within the site.
- 5.10 Erect a 1.8 metre high fence along the length of the side and rear boundaries behind the building line.
- 5.11 Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.12 Provide fold-away clothes lines for clothes drying purposes that must not extend above courtyard fencing.
- 5.13 Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.14 Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.15 The consolidation of Lot 2 Section 12 DP 939740 and Lot A DP 366607 into one lot by registered subdivision. Documentary evidence of the lodgement of the Consolidation Plan with NSW Land and Property Information can be accepted by the Principal Certifier as satisfying this requirement.
- 5.16 Plant street trees on the road reserve generally as per approved Landscape Plan. Provide advanced specimens (minimum 45 litre pot size) that are to be adequately staked / protected to prevent vandalism. Do not locate trees within an authority's underground service easement nor be closer than 12m from an intersection, 3m from a driveway, access way or power pole.
- 5.17 Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the *Roads Act Works Approval* do not adequately address transition works.
- 5.18 Complete construction of all works within the road reserve in accordance with the *Roads Act Works Approval*. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.
- 5.19 Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.

- 5.20 Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.21 Amend the Deposited Plan (DP) to:
- Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
 - a. Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

And,

- Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
 - a. To ensure on any lot containing on-site stormwater detention system and/or a nutrient/pollution facility that:
 - i. the facility will remain in place and fully operational;
 - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner;
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost; and
 - iv. Council is indemnified against all claims of compensation caused by the facility.

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

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

- 5.22 Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.23 The consolidation of Lot A DP 366607 and Lot 2 Section 12 DP 939740 into one lot by registered subdivision. Documentary evidence of the lodgement of the Consolidation Plan with NSW Land and Property Information can be accepted by the Principal Certifier as satisfying this requirement.

6. ONGOING OPERATION

- 6.1 Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas.
- 6.2 Maintain all front/ and perimeter fencing for the life of the development in the approved location.
- 6.3 Maintain the site landscaping for the life of the development.
- 6.4 Erect and maintain screen fencing with a minimum height of 2.5 metres around all storage areas. Goods must not be stored or stacked so as to exceed the height of the fence.
- 6.5 Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.6 Maintain internal pavement and pavement marking.
- 6.7 Do not store materials, waste matter or products outside the building or the approved storage area at any time.
- 6.8 Maintain the external finishes of the building(s), structures, walls and fences for the life of the development and remove any graffiti within seven (7) days.
- 6.9 Insulate and / or isolate the motor, filter, pump and all sound producing equipment or fitting associated with or forming part of the pool filtering system so as not to create an offensive noise to the occupants of the adjoining premises as defined in the Protection of the *Environment Operations Act 1997*.
- 6.10 Do not give to offensive noise as defined in the Protection of the *Environment Operations Act 1997*.
- 6.11 Undertake the operation and management of the site in accordance with the Water Quality Management Plan report prepared by ACOR Consultants, dated 1 July 2020.
- 6.12 Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.13 Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.14 Place the mobile garbage / recycling / green waste containers at a suitable location at the kerbside no earlier than the evening prior to the collection day and return to a

screened area as soon as possible after service, no later than the evening on collection day. The caretaker is responsible for the placement and return of the mobile waste containers.

- 6.15 No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.16 Comply with all commitments as detailed in the Waste Management Plan signed by Michael Leavey Consulting, dated 30 September 2020.
- 6.17 Locate the approved waste storage enclosure / area as indicated on Project / Drawing Number D200, Revision C, dated 12/08/2020, prepared by White + Dickson Architects.
- 6.18 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.19 Do not change the location of the Vehicle Access Crossing without prior written approval from Council.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

8. ADVISORY NOTES

- 8.1. Discharge of sediment from a site may be determined to be a pollution event under provisions of the Protection of the Environment Operations Act 1997. Enforcement action may commence where sediment movement produces a pollution event.

- 8.2 Consult with public authorities who may have separate requirements in the following aspects:
- a. *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - b. *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
 - c. *Ausgrid* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - d. *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
 - e. *Central Coast Council* in respect to the location of water, sewerage and drainage services.

- 8.3 Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.

8.4 Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

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

- 8.5 Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: www.centralcoast.nsw.gov.au

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

Rev	Description	Date
DA	Development Application Issue	04.03.2019
DAa	Revised Development Application Issue	28.09.2019
DAb	Revised Development Application Issue	18.04.2020
DAc	Revised Development Application Issue	12.08.2020
DAd	Revised Development Application Issue	22.08.2020
DAe	Revised Development Application Issue	29.09.2020

Melbourne St Village

22 Dwellings + Basement Car Parking

For: Melb St Pty Ltd

32-36 Melbourne St East Gosford NSW 2250
Lot 2, Sec 12 of DP 939740 & Lot A, DP 366607

Sheet Index

ID	Sheet Name	Drawing Scales
D000	Cover Sheet	
D100	Site Plan / Site Analysis Plan	1:200
D101	Site Plan Setbacks + Areas	1:200
D102	8.5m Height Plane	
D103	Driveway View Angles	1:50
D200	Basement Floor plan	1:200
D201	Ground Floor plan	1:200
D202	First Floor plan	1:200
D203	Roof plan	1:200
D300	Sections	1:200
D301	Sections	1:200
D302	Sections	1:200
D400	Elevations	1:200
D401	Elevations	1:200
D900	Shadow Diagrams Mar/Sept 21	
D901	Shadow Diagrams June 22	
D902	Shadow Diagrams June 22	



Internal South Courtyard looking East to Lift/Carpark

Floor Area Calculations

Site Area = 3034.3m²

Dwelling Areas	Ground	First	Court
32.01 (2.5 Bed)	54.60	26.18	40.70
32.02 (1 Bed)	54.77		40.70
32.03 (1 Bed)	54.77		40.70
32.04 (2.5 Bed enhanced)	64.78	30.36	48.10
32.05 (2.5 Bed)	54.60	26.18	40.70
32.06 (2.5 Bed)	54.60	26.18	35.25
32.07 (1.5 Bed)	34.41	26.18	23.11
32.08 (1.5 Bed)	34.41	26.18	25.90
32.09 (3 Bed)	70.04	39.19	51.80
32.10 (3 Bed)	70.04	39.19	51.80
32.11 (2.5 Bed)	54.60	26.18	40.70
32.12 (2.5 Bed)	54.60	26.18	40.70
32.13 (2.5 Bed)	54.60	26.18	40.70
32.14 (2.5 Bed)	54.60	26.18	40.70
32.15 (2.5 Bed)	54.60	26.18	40.70
32.16 (2.5 Bed enhanced)	64.78	30.36	48.10
32.17 (3 Bed)	70.04	39.19	51.80
32.18 (2.5 Bed enhanced)	64.78	30.36	48.10
32.19 (1.5 Bed)	34.41	26.18	25.90
32.20 (1.5 Bed)	34.41	30.36	25.90
32.21 (2.5 Bed enhanced)	64.78	30.36	48.10
32.22 (1 Bed)	54.77		30.77

Totals 1209.07 552.21 880.93

Gross Floor Area = 1761.28m²
Private Courtyard Area (total) = 880.93m²
Common Courtyard Area = 661.97m²
Basement Area = 609.54 + 380.85 = 990.39m²
FSR = 1761.28 / 3034.3 = 0.58:1

NB. 17.1% under permitted FSR of 0.7:1

Schedule of Materials

refer to image on this page

1. silver grey textured panels to courtyard walls and ground level external walls
2. mid grey/brown paint finish to cladding and batten detailing
3. dark painted upper level infill wall panels
4. dark bronze powdercoat to aluminium framed windows and doors
5. folded dark metal awnings, flashings/ fascias and rainwater goods
6. zincalume roof in Klip-lok profile
7. off white painted pergola structures

Basix Building Fabric Requirements (610:18213: Melbourne & Adelaide St, East Gosford)

Element	Material Type	Detail
External walls	Hebel + R2.0 Insulation + PB	Medium colour
	Light weight cladding + R2.0 Insulation + PB	
Internal walls	Plasterboard on studs	Intra-tenancy walls
	Hebel + plasterboard	Inter-tenancy walls
Windows	A Aluminium B SG Low Solar Gain Low-E	NFRC Glazing System values: ⇒ U ≤ 5.60 and SHGC = 0.41 (± 5%)
	Aluminium B SG High Solar Gain Low-E	NFRC Glazing System values: ⇒ U ≤ 5.40 and SHGC = 0.58 (± 5%)
	Modifying units: 32.08, 32.11, 32.12, 32.13, 32.14	
	DG Air Fill Low Solar Gain low-E -Clear	NFRC Glazing System values: ⇒ U ≤ 4.90 and SHGC = 0.33 (± 5%)
	Modifying units: 32.01, 32.02, 32.06, 32.09, 32.10, 32.15-32.21	
Skylights	Single glazed clear	
Floor	Concrete slab (G Floor)	Tile (wet areas and kitchen)
	Timber (F Floor)	Carpet (bedrooms and living)
	Concrete slab + R1.0 Insulation (to car park)	
Ceiling	Plasterboard + R3.5 Insulation	
Roof	Metal	Medium colour

Certificate no: 0004650940
Assessor Name: Hamidul Islam
Accreditation no: 100982
Certificate date: 05 Mar 2020
Dwelling Address: 32-36 Melbourne Street East Gosford, NSW 2250
www.nathers.gov.au

ABSA
Accreditation No: 0194/2020-31/03/2021
Assessor Name: Hamidul Islam
Assessor Number: 100982

DA/e Issue
MGA - Map Grid NSW (by survey)
TN - True (Solar) North

White + Dickson Architects
PO Box 1371 East Gosford NSW 2250
Tel: +61 2 4354 3033
NCC Registered Architect, Planning Designer, Interior Architect (NSW Registration No: 8613)

Melbourne St Residences
proposed garden apartments
32-36 Melbourne Street, East Gosford
Lot A in DP 366607 & Lot 2 Sec 12 in DP 939740

Cover Sheet
Scale @ A2: 1:0.31, 1:1.18
Project: 1530
Oct 2019
Issue: DAe
29.09.2020
D000



Rev Description Date

DA	Development Application Issue	04.03.2019
DA6	Revised Development Application Issue	28.09.2019
DA5	Revised Development Application Issue	18.04.2020
DA6	Revised Development Application Issue	12.08.2020

- waste collected separately recycled

Certificate no.: 0004650940
 Assessor Name: Hamdul Islam
 Accreditation no.: 100982
 Certificate date: 05 Mar 2020
 Dwelling Address: 32-36 Melbourne Street, East Gosford, NSW 2250
www.nathers.gov.au



DA/c Issue
 MGA - Map Grid NSW (by survey)
 TN - True (Solar) North



P6-88-4871 East Gosford NSW 2250
 Tel: +61 2 4324 2033
 Non-Residential Architects - Australia Design Alliance (NSW Registration No. 7613)

Melbourne St Residences

proposed garden apartments
 32-36 Melbourne Street, East Gosford
 Lot A in DP 366607 &
 Lot 2 Sec 12 in DP 939740

Site Plan / Site Analysis Plan

Scale @ A2	Oct 2019	Issue: DA/c
1:200		
Project: 1530	Plot Date: 12.08.2020	D100

if the plans, drawings, reports, specifications, or other documents are to be used for any purpose other than that for which they were prepared, the user must obtain the necessary permissions from the relevant authority.

Rev	Description	Date
DA	Development Application Issue	04.03.2019
DA1	Revised Development Application Issue	28.09.2019
DA2	Revised Development Application Issue	08.04.2020
DA3	Revised Development Application Issue	12.08.2020

- waste collected separately recycled



DA/c Issue
MGA - Map Grid NSW (by survey)
TN - True (Solar) North

White + Dickson
Architects
PO Box 4371 East Gosford NSW 2250
Tel: +61 2 4354 2633
Nominated Architect, Australia Design Award (Architect Registration No. 7611)

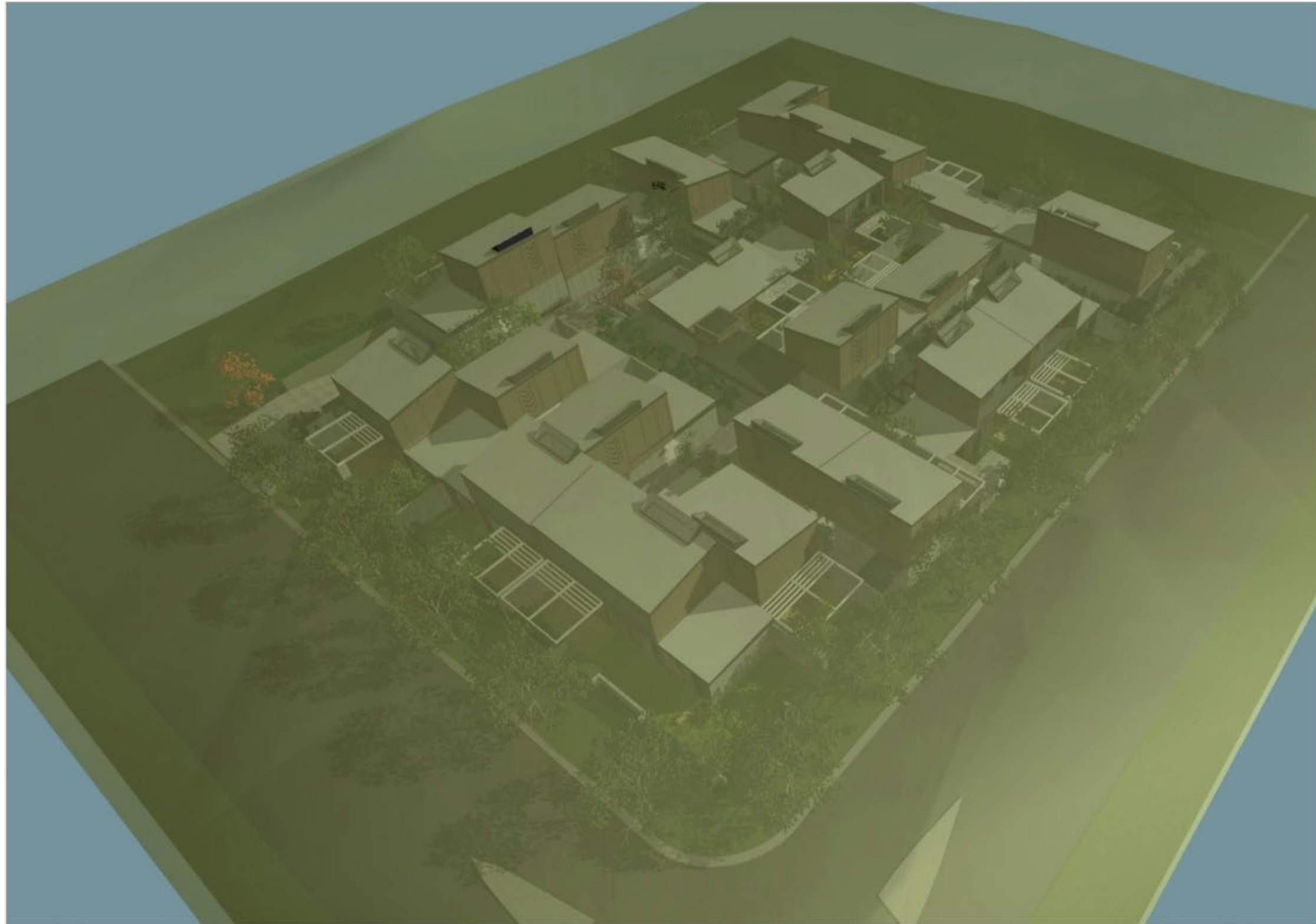
Melbourne St Residences
proposed garden apartments
32-36 Melbourne Street, East Gosford
Lot A in DP 366607 &
lot 2 Sec 12 in DP 939740

Site Plan Setbacks + Areas		
Scale @ A2	Oct 2019	Issue: DA/c
1:200		
Project: 1530	Plot Date: 12.08.2020	D101

If this drawing is to be used for construction, it must be approved by the relevant authority. The designer is not responsible for any errors or omissions in this drawing. The user of this drawing is advised to check the accuracy of the information provided.

Rev	Description	Date
DA	Development Application Issue	04.03.2019
DA1	Revised Development Application Issue	28.05.2019
DA2	Revised Development Application Issue	18.04.2020
DA3	Revised Development Application Issue	12.08.2020

- waste collected separately recycled



DA/c Issue
 MGA - Map Grid NSW (by survey)
 TN - True (Solar) North

White + Dickson
 Architects

PO Box 4371 East Gosford NSW 2250
 Tel: +61 2 4324 3633
 Not a Registered Architect

Melbourne St Residences
 proposed garden apartments
 32-38 Melbourne Street, East Gosford
 Lot A in DP 366607 &
 Lot 2 Sec 12 in DP 939740
 8.5m Height Plane

Scale @ A2 1:200 T:133:33 Project: 1530	Oct 2019 Plot Date: 12.08.2020	Issue: DA/c D102
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3.2.4 Sight distance at access driveway exits

Access driveways need to be located and constructed so that there is adequate entering sight distance to traffic on the frontage road and sight distance to pedestrians on the frontage road footpath for traffic entering the frontage road, as follows:

(b) *Sight distance to pedestrians* Clear sight lines as shown in Figure 3.3 shall be provided at the property line to ensure adequate visibility between vehicles leaving the car park or domestic driveway and pedestrians on the frontage road footpath.

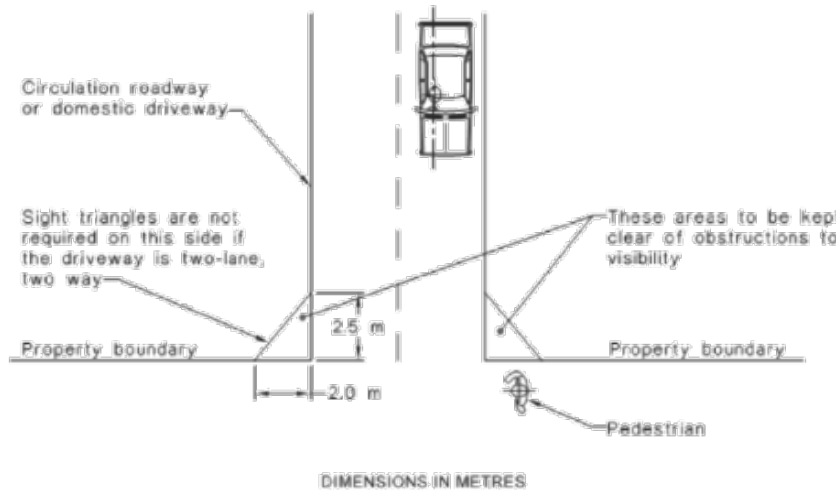
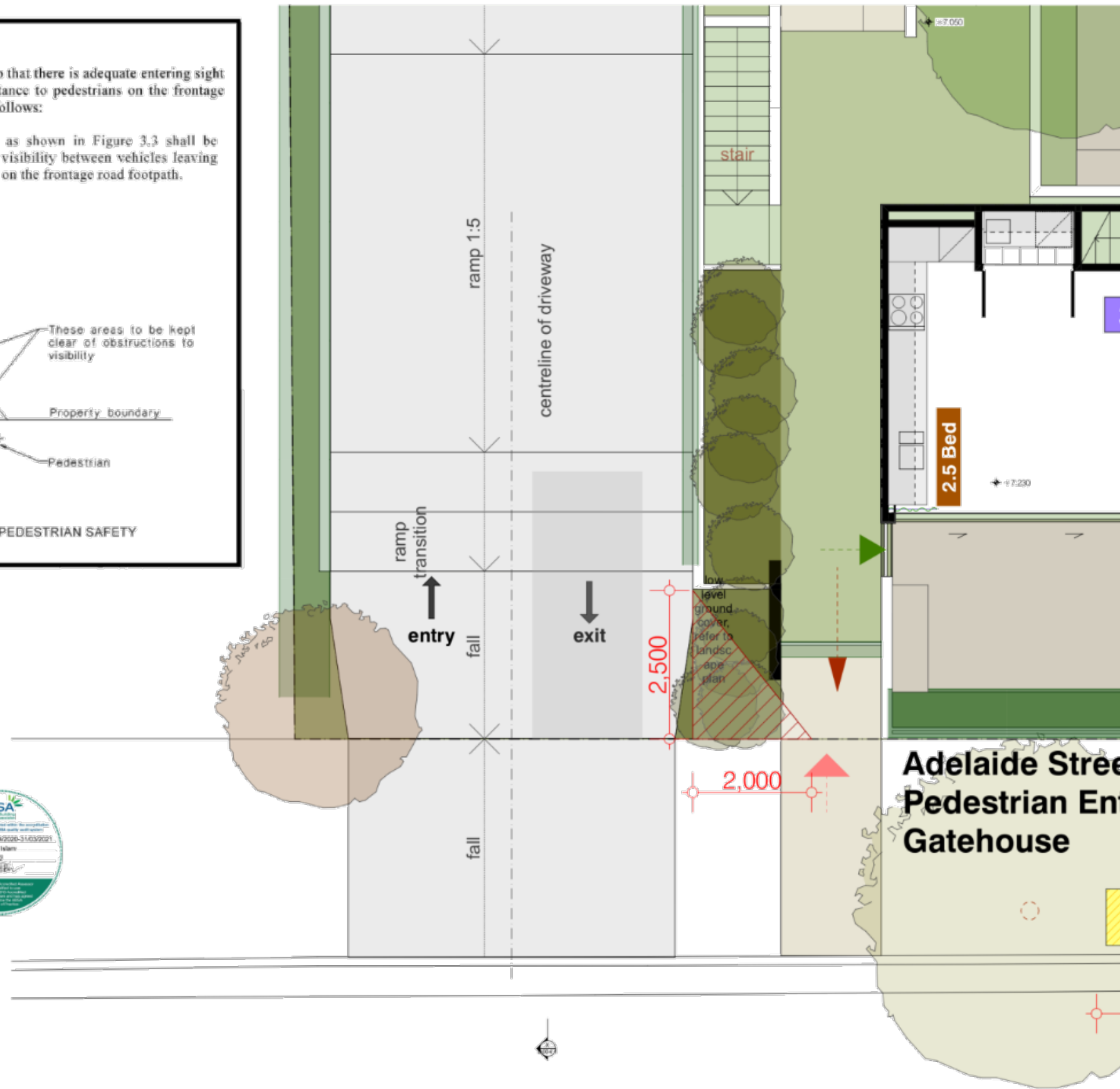


FIGURE 3.3 MINIMUM SIGHT LINES FOR PEDESTRIAN SAFETY



Rev Description Date

DA	Development Application Issue	04.03.2019
DA1	Revised Development Application Issue	28.09.2019
DA2	Revised Development Application Issue	08.04.2020
DA3	Revised Development Application Issue	12.08.2020

- waste collected separately recycled

Certificate no.: 0004650940
 Assessor Name: Hamidul Islam
 Accreditation no.: 100982
 Certificate date: 05 Mar 2020
 Dwelling Address: 32-36 Melbourne Street, East Gosford, NSW 2250
 www.nathers.gov.au

ABSA
 Australian Building Sustainability Association
 Accreditation No: 01/04/2020-31/03/2021
 Assessor Name: Hamidul Islam
 Assessor Number: 100982

DA/c Issue
 MGA - Map Grid NSW (by survey)
 TN - True (Solar) North

White + Dickson
 Architects

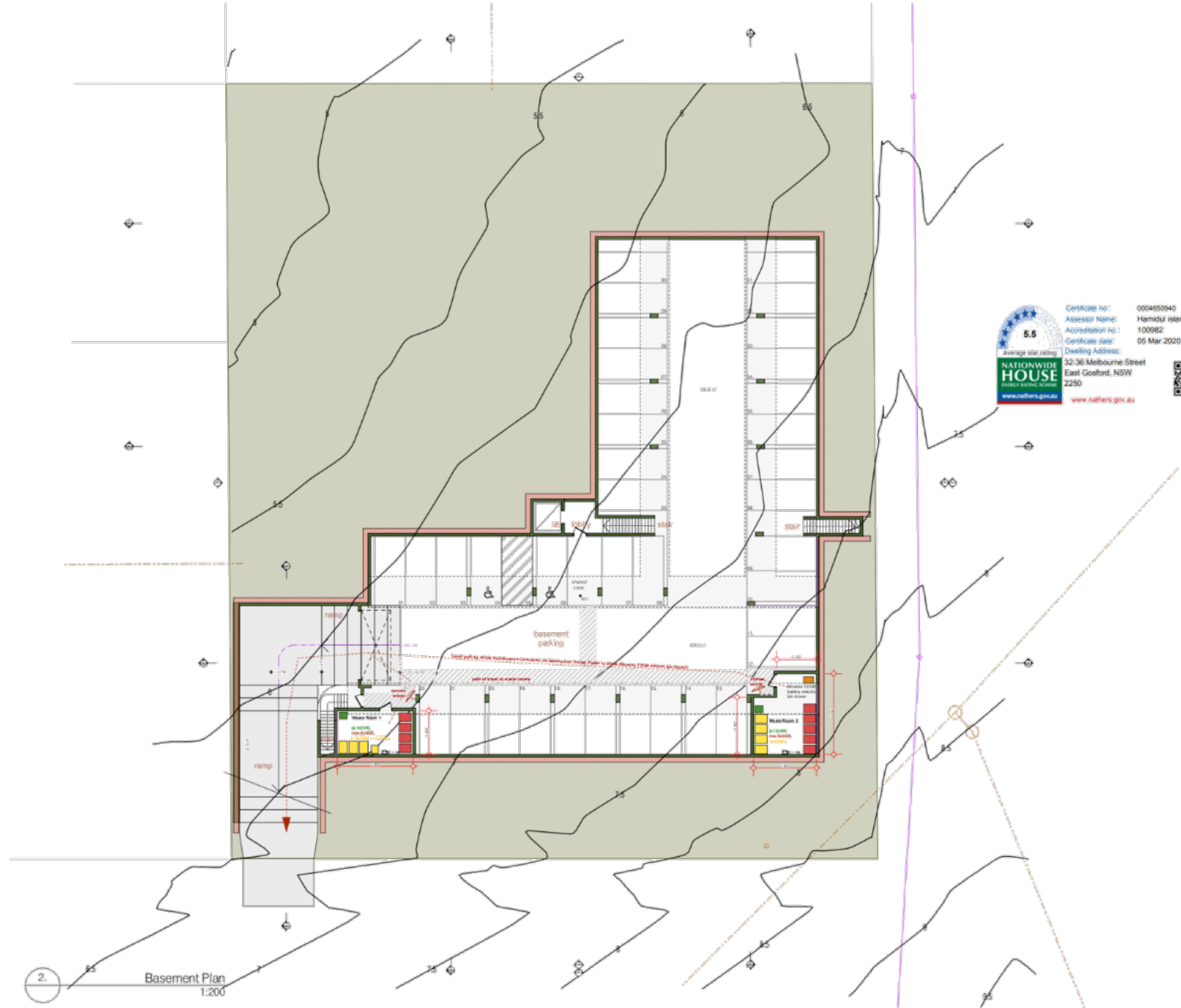
PO Box 4371 East Gosford NSW 2250
 Tel: +61 2 4324 2033
 Notified Architects, Australia Design Alliance (NSW Registration No. 761)

Melbourne St Residences
 proposed garden apartments
 32-36 Melbourne Street, East Gosford
 Lot A in DP 366607 & Lot 2 Sec 12 in DP 939740

Driveway View Angles

Scale @ A2	Oct 2019	Issue: DA/c
1:50		
Project: 1530	Plot Date: 12.08.2020	D103

A d e l a i d e S t r e e t



Development Application (DA) Information

Rev	Description	Date
DA	Development Application Issue	04.03.2019
DAa	Revised Development Application Issue	28.09.2019
DAb	Revised Development Application Issue	18.04.2020
DAc	Revised Development Application Issue - waste collector arrangements revised	12.08.2020

NATIONWIDE HOUSE
 Average star rating: 5.5
 Certificate no: 0004650940
 Assessor Name: Hamdul Islam
 Accreditation No.: 100982
 Certificate date: 05 Mar 2020
 Dwelling Address: 32-36 Melbourne Street, East Gosford, NSW 2250
 www.nathens.gov.au



2. Basement Plan
 1:200

DA/c Issue
 MGA - Map Grid NSW (by survey)
 TN - True (Solar) North

White + Dickson Architects.

PO Box 4371 East Gosford NSW 2250
 Tel: +61 2 4354 3033
 Not a Registered Architect, Australia Council of Architects (ACA) (ACA Reg No: 7613)

Melbourne St Residences
 proposed garden apartments
 32-36 Melbourne Street, East Gosford
 Lot A in DP 366607 & lot 2 Sec 12 in DP 939740
 Basement Floor plan

Scale @ A2 1:200	Oct 2019	Issue: DA/c
Project: 1539	Plot Date: 12.08.2020	D200



Development Application Log

DA#	Description	Date
DA#	Development Application Issue	04.03.2019
DA#	Revised Development Application Issue	28.03.2019
DA#	Revised Development Application Issue	18.04.2019
DA#	Revised Development Application Issue - waste collection arrangements revised	12.08.2020

5.5
Average star rating
NATIONWIDE HOUSE
Energy Rating Scheme
www.nathers.gov.au

Certificate no.: 0004650940
Assessor Name: Hamidul Islam
Accreditation no.: 100982
Certificate date: 05 Mar 2020
Dwelling Address:
32-36 Melbourne Street
East Gosford, NSW
2250
www.nathers.gov.au

ABSA
Accredited Assessor

Accreditation Period: 01/04/2020-31/03/2021
Assessor Name: Hamidul Islam
Assessor Number: 100982

5. Roof Plan
1:200

DA/c Issue
MGA - Map Grid NSW (by survey)
TN - True (Solar) North

White + Dickson
Architects.

PO Box 4371 East Gosford NSW 2250
Tel: +61 2 4324 2633
Notified Architect, Australia Design & Architecture Registration No. 7611

Melbourne St Residences
proposed garden apartments

32-36 Melbourne Street, East Gosford

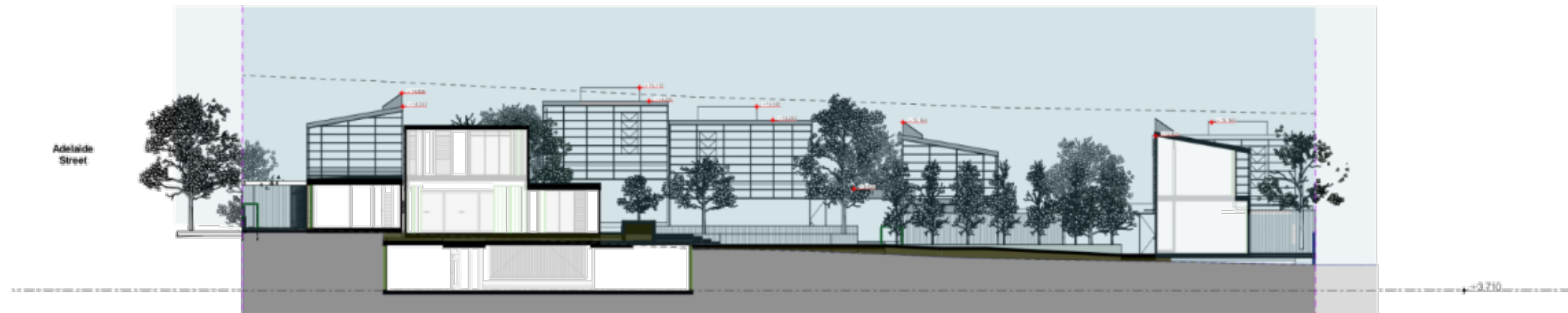
Lot A in DP 366607 &
lot 2 Sec 12 in DP 939740

Roof plan

Scale @ A2	Issue Date	Issue
1:200	Oct 2019	Issue DA/c
Project: 1530	Plot Date: 12.08.2020	D203

If this drawing is to be used for construction, it must be accompanied by a copy of the relevant Development Application (DA) and the relevant Council's Development Control Plan (DCP) and the relevant Council's Local Environmental Plan (LEP).

Rev	Description	Date
DA	Development Application Issue	04.03.2019
DA1	Revised Development Application Issue	28.03.2019
DA2	Revised Development Application Issue	18.04.2019
DA3	Revised Development Application Issue	12.08.2019
DA4	Revised Development Application Issue	22.08.2019
DA5	Revised Development Application Issue	29.08.2019



A Section AA
1:200


 Certificate no.: 0004850940
 Assessor Name: Hamdul Islam
 Accreditation no.: 100982
 Certificate date: 05 Mar 2020
 Dwelling Address:
 32-36 Melbourne Street
 East Gosford, NSW
 2250
www.nathers.gov.au



B Section BB
1:200

DA's Issue
MGA - Map Grid NSW (by survey)
TN - True (Solar) North


 PO Box 4371 East Gosford NSW 2250
 Tel: +61 2 434 2633
 Notified Architect, Australia Design: 1004 (10/11/2011)

Melbourne St Residences
proposed garden apartments
32-36 Melbourne Street, East Gosford
Lot A in DP 366607 &
lot 2 Sec 12 in DP 939740

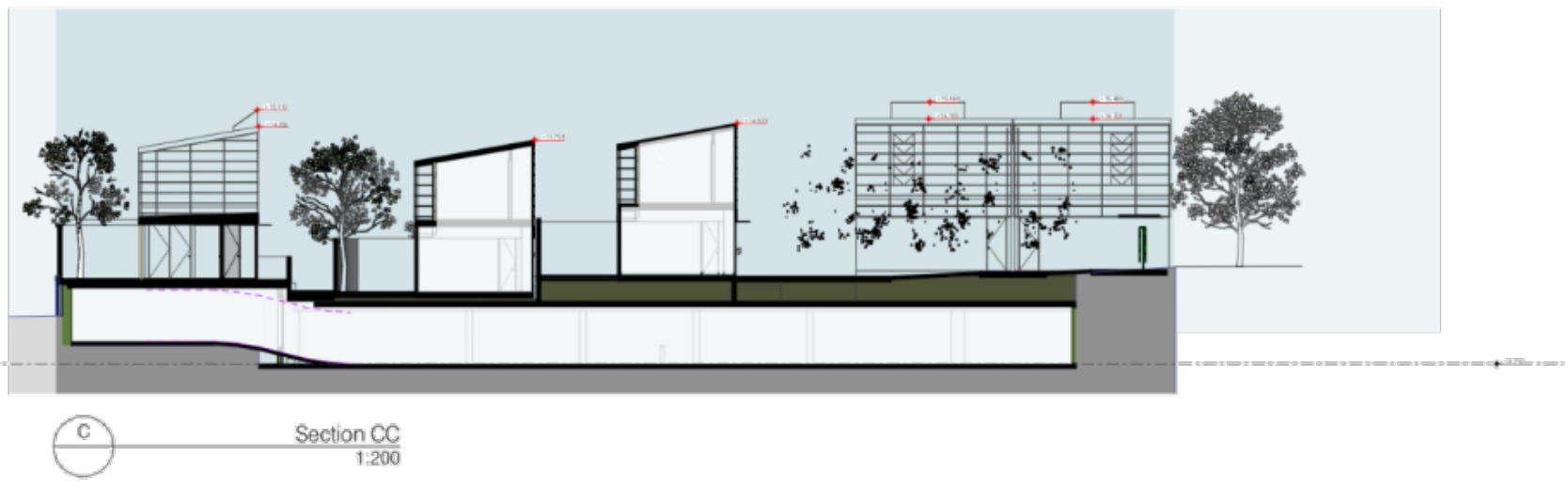
Sections		
Scale @ A2	Oct 2019	Issue: DAe
1:200		
Project: 1530	Plot Date:	D300
	29.09.2020	

If this drawing is to be used for construction, it must be accompanied by a copy of the Development Application (DA) and the relevant Council's decision on the DA. This drawing is not to be used for any other purpose without the written consent of the Architect.

Rev	Description	Date
DA	Development Application Issue	04.03.2019
DA1	Revised Development Application Issue	28.09.2019
DA2	Revised Development Application Issue	18.04.2020
DA3	Revised Development Application Issue	12.08.2020
DA4	Revised Development Application Issue	22.08.2020
DA5	Revised Development Application Issue	29.09.2020



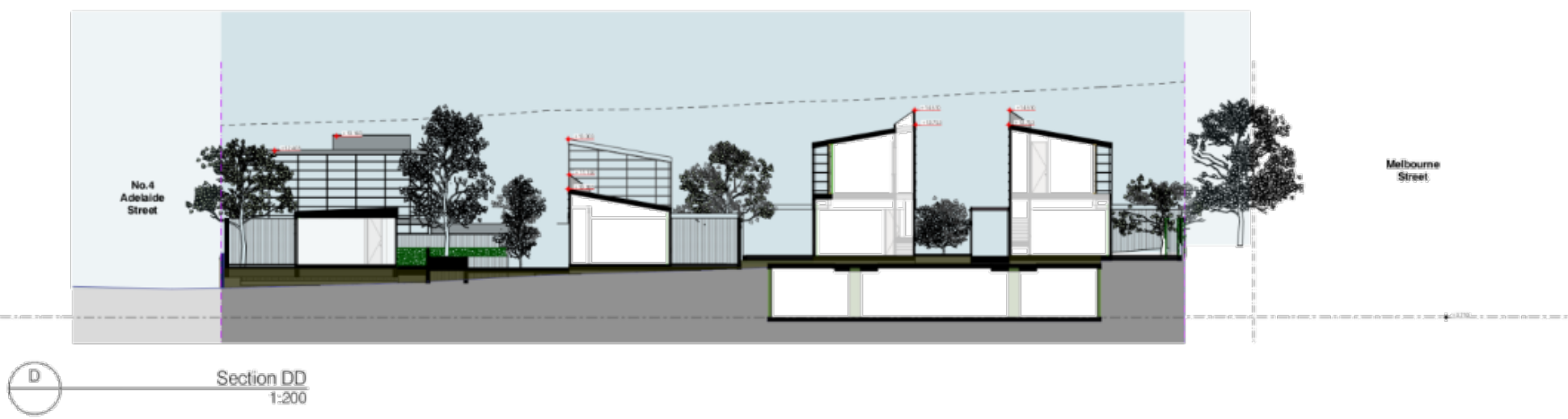
Section XX
1:200



Section CC
1:200


 Certificate no.: 0004650940
 Assessor Name: Hamdul Islam
 Accreditation no.: 100982
 Certificate date: 05 Mar 2020
 Daxling Address:
 32-36 Melbourne Street
 East Gosford, NSW
 2250
www.nathers.gov.au


 ABSA
 Australian Building Sustainability Association
 Accreditation no.: 31164/2018-31/03/2021
 Assessor Name: Hamdul Islam
 Assessor Number: 100982
 Accreditation expires: 05/03/2020



Section DD
1:200

DA/e Issue
MGA - Map Grid NSW (by survey)
TN - True (Solar) North

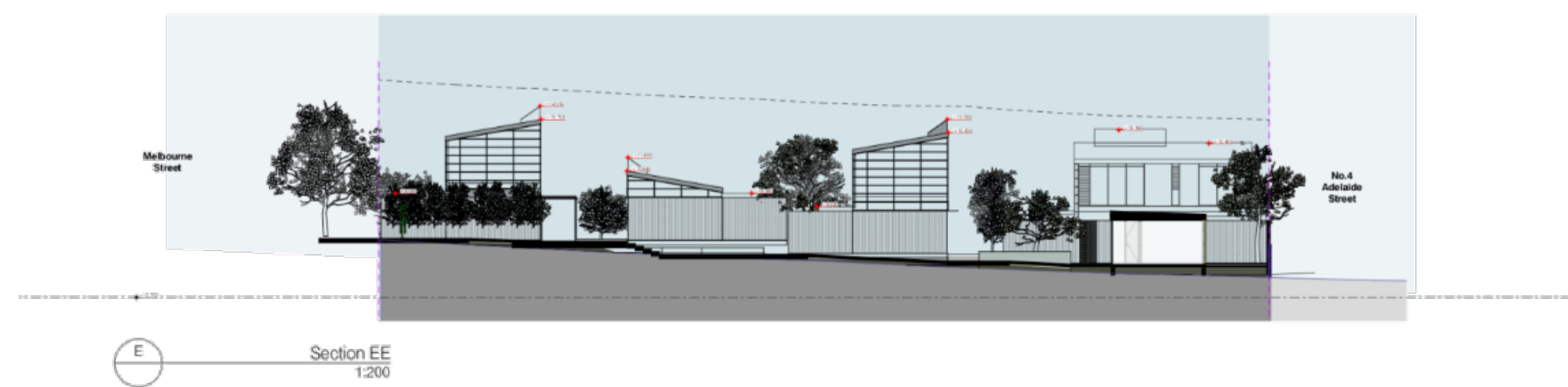
White + Dickson Architects
 PO Box 4371 East Gosford NSW 2250
 Tel: +61 2 4354 2673
 Notified Architect, Accredited Designer, AKA (Arch Registration No. 7611)

Melbourne St Residences
 proposed garden apartments
 32-36 Melbourne Street, East Gosford
 Lot A in DP 366607 &
 Lot 2 Sec 12 in DP 939740

Sections		
Scale @ A2	Oct 2019	Issue: DAe
1:200		
Project: 1530	Plot Date: 29.09.2020	D301

If this drawing is to be used for construction, it must be accompanied by a copy of the Development Application (DA) and the relevant Council's consent. This drawing is not to be used for any other purpose without the written consent of the Architect.

Rev	Description	Date
DA	Development Application Issue	04.03.2019
DAa	Revised Development Application Issue	28.09.2019
DAb	Revised Development Application Issue	18.04.2020
DAc	Revised Development Application Issue	12.08.2020
DAd	Revised Development Application Issue	22.08.2020
DAe	Revised Development Application Issue	29.09.2020




 Certificate no.: 0004650940
 Assessor Name: Hamidul Islam
 Accreditation no.: 100982
 Certificate date: 05 Mar 2020
 Dwelling Address:
 32-36 Melbourne Street
 East Gosford, NSW
 2250
www.nathers.gov.au


 Accreditation Number: 01/04/2020-31/03/2021
 Assessor Name: HAMIDUL ISLAM
 Assessor Number: 100982
 Assessor Signature:

DA/e Issue
 MGA - Map Grid NSW (by survey)
 TN - True (Solar) North

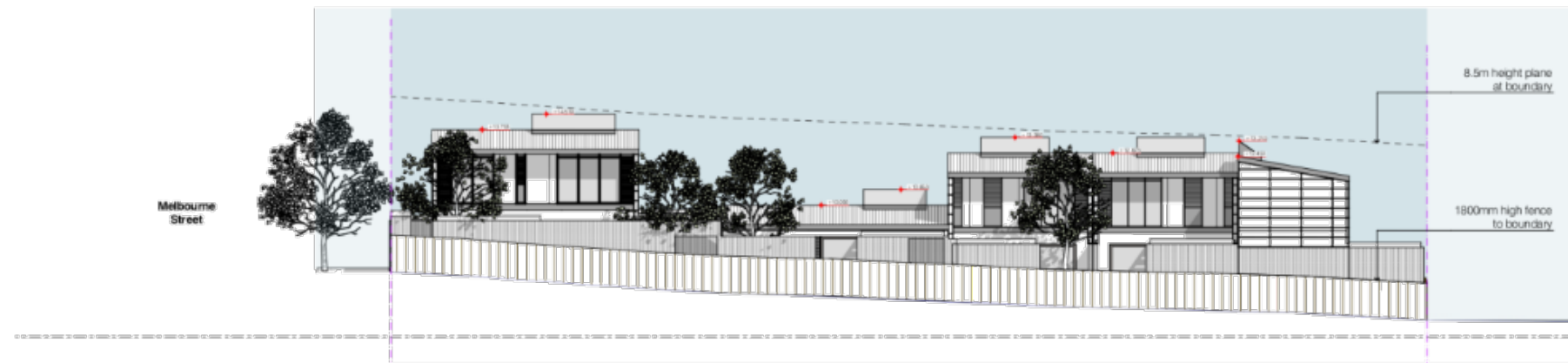
White + Dickson Architects.
 PO Box 4371 East Gosford NSW 2250
 Tel: +61 2 4324 2633
 Notified Architect, Australia Design Alliance (NSW Registration No. 7611)

Melbourne St Residences
 proposed garden apartments
 32-36 Melbourne Street, East Gosford
 Lot A in DP 366607 &
 Lot 2 Sec 12 in DP 939740

Sections		
Scale @ A2	Oct 2019	Issue: DAe
1:200		
Project: 1539	Plot Date: 29.09.2020	D302

If this drawing is to be used for construction, it must be accompanied by a copy of the Development Application (DA) and the relevant Council's decision on the DA. This drawing is not to be used for any other purpose without the written consent of the Architect.

Rev	Description	Date
DA	Development Application Issue	04.03.2019
DA1	Revised Development Application Issue	28.09.2019
DA2	Revised Development Application Issue	18.04.2020
DA3	Revised Development Application Issue	12.08.2020
DA4	Revised Development Application Issue	22.08.2020
DA5	Revised Development Application Issue	29.09.2020



N North Elevation
1:200


NATIONWIDE HOUSE ENERGY RATING SCHEME
 www.nathers.gov.au

Certificate no.: 0004650940
 Assessor Name: Hamdul Islam
 Accreditation no.: 100982
 Certificate date: 05 Mar 2020
 Dwelling Address: 32-36 Melbourne Street, East Gosford, NSW 2250
 www.nathers.gov.au


ABSA
 Australian Building Sustainability Association
 Accreditation No: 21/04/2020-31/03/2021
 Assessor Name: Hamdul Islam
 Assessor Number: 305942



E East Elevation - Melbourne Street
1:200

DA/Issue
MGA - Map Grid NSW (by survey)
TN - True (Solar) North

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Melbourne St Residences
 proposed garden apartments
 32-36 Melbourne Street, East Gosford
 Lot A in DP 366607 & Lot 2 Sec 12 in DP 939740

Elevations

Scale @ A2	Oct 2019	Issue/DA#
1:200		
Project: 1530	Plot Date: 29.09.2020	D400

If this drawing is to be used for construction, it must be accompanied by a copy of the Development Application (DA) and the relevant Council's decision on the DA. This drawing is not to be used for any other purpose without the written consent of the Architect.

Rev	Description	Date
DA	Development Application Issue	04.03.2019
DA1	Revised Development Application Issue	28.03.2019
DA2	Revised Development Application Issue	18.04.2019
DA3	Revised Development Application Issue	12.06.2019
DA4	Revised Development Application Issue	22.06.2019
DA5	Revised Development Application Issue	29.06.2019



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DA's Issue
 MGA - Map Grid NSW (by survey)
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Elevations		
Scale @ A2	Oct 2019	Issue: DAe
1:200		
Project: 1530	Plot Date: 29.09.2020	D401

DA55574/2018 - Multi Dwelling Housing (5 units) & Demolition of Existing Structures
 Description of Land - LOT: 2 SEC: 12 DP: 939740, 32-34 Melbourne Street, East Gosford
 LOT: A DP: 366607, 36 Melbourne Street, East Gosford

Gosford Development Control Plan 2013 (GDCP 2013)
Chapter 3.3 Multi Dwelling Housing & Residential Flat Buildings
Compliance Table

Development Control	Required	Proposed	Compliance
2.1 Character	The desired character of East Gosford 6: Medium Density Hillsides	<p>The subject site is within the East Gosford Character Statement No. 6 Medium Density Hillsides. The proposed development is consistent with the desired character of the East Gosford Medium Density Hillsides for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development is considered to provide a medium density-scale multi dwelling consistent with the permissible HOB and FSR and with the objective to maintain the character of the residential area situated in a mix of one and two detached residences as well as multi dwelling villas characteristic of the East Gosford residential neighbourhood. • Overall the proposed development will contribute to the provision of additional housing stock in a well serviced neighbourhood area. The site is in proximity and within walking distance to East Gosford commercial and shopping centres, school areas, local transport networks, galleries and parklands of regional importance as well as sits at the city fringe of Gosford CBD and Gosford Waterfront. However, it is noted that despite its prominent position the site is not located within a key public open space, view line or vista. • The provision of a total of ten (10) native species mature street trees contributes to the area in conserving visually prominent streetscapes. Additionally, the detailed and proliferant landscape plan that accompanies the proposal will serve as the provision multi layered backdrop to the new town houses. The privacy screening hedges to the street boundaries boundary, the double layered planter beds to the main street frontage and turfed areas will contribute to enhancement of the overall neighbourhood landscape. • The proposed development has strayed from using the typical "gun-barrel" building sitting and provides a variety of building forms and building heights which are strongly articulated to create an architectural interest reminiscent of an "urban village" style of development. It incorporates separate building clusters, with different orientations separated by the use of courtyards, landscaped communal spaces 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

		<p>pedestrian pathways and entries at ground level which are compatible and consistent with the visual interest of Adelaide and Melbourne Streets whilst maintaining filtered views, appropriate sunlight, privacy and amenity.</p> <ul style="list-style-type: none"> • The proposed front setbacks, fence heights and typology combined with the landscaping create a formal traditional residential scale and streetscapes which are consistent with the variable setbacks of the surrounding two and one storey buildings and in this regard the residential streetscape will be retained and complemented. • The elevation to Adelaide Street has a single on-grade vehicle entry to a basement car parking to minimise disruption to overall street tree planting, parking and pedestrian activity on both Adelaide and Melbourne Streets. 	<p>Yes</p> <p>Yes</p>
2.2 Scenic Quality	The subject site is located within the Gosford Central Geographic Unit and encompasses the East Gosford Landscape Unit	<p>The proposal is subject to the provisions of GDCP 2013 Chapter 2.2 – Scenic Quality.</p> <p>The development includes a density of multi dwelling housing which is envisaged for the area. It is considered the transition between neighbouring development and the proposed development is acceptable and appropriate for the urbanised area. The use of a single vehicle entry point into the site, extensive and appropriate street planting and landscaping will contribute and enhance the scenic quality and character of the area.</p> <p>Overall the development does not propose a bulk and scale that will adversely affect the scenic quality of the area. It is considered the physical constraints of the site have been adequately addressed.</p> <p>The proposal is consistent with the stated objectives of GDCP 2013 Chapter 2.2 - Scenic Quality.</p>	Yes
3.3.1 Multi Dwelling Housing & Residential Flat Buildings	<p>Types of Multi Unit Residential Development</p> <p>The proposal is multi dwelling housing that consists of three (3) single storey and nineteen (19) two (2) storey town house building units individually accessed from ground level.</p>	<p>The proposal is subject to the provisions of GDCP 2013 Chapter 3.3 – Multi Dwelling Housing.</p> <p>It is considered that the proposed development is generally consistent with the objectives for multi dwelling housing developments for the following reasons:</p> <ul style="list-style-type: none"> • Provides a variety of dwelling types proving improved housing choice and current local market demand. • Maintains and enhances the current landscape quality increasing the current residential amenity. • Complements the desired character of the neighbouring area and does not impact on the natural scenic qualities. 	Yes

3.3.2 Desired Character New Developments	To protect, enhance scenic settings and natural features	The proposal enhances and protects the natural and scenic features of the area by means of landscaping and tree planting, varied setbacks, low-scale and articulated building sitting with POS that encourage north orientation, privacy and adequate sunlight.	Yes
	To be consistent or compatible with development patterns	The proposal is consistent with the development patterns and housing types found within the surrounding neighbourhood by means of building height, and landscaping alignment on main street. The articulated "urban village" building setting to reduce continuous building façades and long row alignments. The combination of single and two storey building clusters separated by the use of courtyards, landscaped communal spaces pedestrian pathways contribute to a lightweight appearance building design and complements the height, scale and bulk of the neighbourhood and residential streetscape characters.	Yes
	Compatible height, scale and bulk		Yes
3.3.3.1 Height Controls	<p>Maximum Height Controls</p> <ul style="list-style-type: none"> • Max building height GLEP 2014 = 8.5m • Max 2 storeys • Max height exterior wall 7.5m • Max floor height lowest occupied storey 1m 	<ul style="list-style-type: none"> • Max Building Height < 8.0m (overall 7.6m) 	Yes
		<ul style="list-style-type: none"> • Max 2 storeys • Max height of exterior wall = 6.9m 	Yes Yes
		<ul style="list-style-type: none"> • Max floor height lowest occupied storey = 0.85m 	Yes
	<p>Clause 3.3.3.1.3 Development Controls</p> <ul style="list-style-type: none"> • Min 2.7m ceiling heights for 2 storey buildings 	<ul style="list-style-type: none"> • Ceiling height for upper level variable = 2.5m – 3.20m • Ceiling Height for ground floor level = 2.8m <p>Height variable of 0.2m or 7.4% variation with the development standard.</p> <p>It is noted that the site is flood affected in a portion of the site area and requires to comply with RL 5.6m which overall translates to achieving a floor level 0.5m above the natural ground level. The proposal accordingly varies the internal ceiling height, so the overall building low scale is maintained.</p>	Yes No, however variations supported
3.3.3.2 Setback Controls	<p>Clause 3.3.3.2a Deep soil along boundaries:</p> <ul style="list-style-type: none"> • Side boundary min width 2.0m 	<ul style="list-style-type: none"> • South-west boundary = 1.10m Variation 45% (for approximately 8% of the total length of the boundary) • North-east (Melbourne St) boundary = 0.26m Variation 87% (for approximately 8% of the total length of the boundary) 	No, however, variations supported
	<ul style="list-style-type: none"> • Front boundary min width 6.0m • Rear boundary min width 6.0m 	<ul style="list-style-type: none"> • South-east (Adelaide St) boundary = 3.70m Variation 38.33% (for approximately 32.98% of the total length of the boundary) • North-west Boundary = 1.10m - 3.70m Variation 81.66% (for approximately 8% of the total length of the boundary) - 38.33% (for approximately 27.46% of the total length of the boundary) 	No, however, variations supported
	<p>Clause 3.3.3.2b Setbacks to exterior walls:</p> <ul style="list-style-type: none"> • Side boundary average 4m 2 storey), min 3.5m 	<ul style="list-style-type: none"> • South-west boundary = 1.10m Variation 68.57% (for approximately 7% of the total length of the boundary) 	No, however, variations supported

	<ul style="list-style-type: none"> • Front Setback 6m • Rear Setback 6m 	<ul style="list-style-type: none"> • North-east (Melbourne St) boundary = 0.26m - 2.02m Variation 92.57% (for approximately 8% of the total length of the boundary) - 42.28% (for approximately 8% of the total length of the boundary) • South-east (Adelaide St) boundary = 4.60m Variation 23.33% (for approximately 55.45% of the total length of the boundary) • North-west boundary = 1.17m - 4.62m Variation of 81.66% (for approximately 8% of the total length of the boundary) - 23% (for approximately 55.45% of the total length of the boundary) 	No, however, variations supported
3.3.3.3 Car Parking	<p>Clause 3.3.3.3.2 Technical requirements to be in accordance with Chapter 7.1 Car Parking Appendix A.</p>	Refer Section 7.1 Car Parking for compliance with GDCP 2013. The proposed parking arrangements are consistent with the objectives.	Yes
	<p>Clause 3.3.3.3.2 Scenic Quality/Neighbourhood character of off-street parking</p> <ul style="list-style-type: none"> • Not located facing street/lane • Not located in front setback • Not create continuous row of enclosed garages 	<ul style="list-style-type: none"> • The proposed development has incorporated one (1) level basement parking in accordance with AS 2890.1 requirements. Landscaping design incorporates mitigation design as such the visual impact is not significant and is acceptable. 	Yes
3.3.3.4 Articulation	<p>Clause 3.3.3.4.2 Maximum dimensions of buildings</p> <ul style="list-style-type: none"> • Max width and depth of building - 25m 	<ul style="list-style-type: none"> • The proposals front building cluster elevation to Adelaide Street has an approximate width of 33.7m and 36.5m to the rear elevation on the ground floors respectively. Overall it is noted that the low scale and building design of "urban village" the proposals unit clustering provides adequate articulation of the building form and façades by means of distinct changes and contrasts in the use of floor plan typologies – pavilion style, exterior sheathing materials and fenestration, the use of balconies, private courtyards planted and communal landscaping spaces. 	No, however, variations supported
	<p>Clause 3.3.3.4.4 Articulation of building forms and facades</p> <ul style="list-style-type: none"> • The unarticulated length of any wall should not exceed 8.0m. 		
3.3.3.5.2 Sunlight and Overshadowing	<p>Clause 3.3.3.5.2 Solar access requirements for living rooms and communal open space:</p> <ul style="list-style-type: none"> • Min 3 hrs/day sunlight in living, dining, family rooms 	<ul style="list-style-type: none"> • At least 86% of units in the proposed development meet criteria for three hours solar access to the living 	Yes

	<p>and 50% of principal open space areas. Received by 70% of dwellings.</p> <ul style="list-style-type: none"> • Minimum 3 hours/day sunlight is retained to existing neighbours. 	<p>areas and private open space areas of the units. However, two (2) units facing Adelaide Street have limited solar access given their orientation and smaller front open spaces. The skillion roof that forms part of the building units have been used as a design feature to capture additional sunlight from the north.</p> <ul style="list-style-type: none"> • The minimum 3 hours/day sunlight is retained to existing neighbours. • Shadow diagrams have been submitted with the application which shows shadowing in mid-winter. 	<p>Yes</p>
3.3.3.5.3 Site Planning	<p>Clause 3.3.3.5.3 Controls</p> <ul style="list-style-type: none"> • Site planning to provide for reasonable privacy for existing & proposed dwellings. • For two storey buildings: provide 9m between adjacent dwellings, • If screening is provided these distances can be lessened. 	<ul style="list-style-type: none"> • The development proposes orientation to both front and side (Adelaide and Melbourne Street) boundaries which provide for adequate distance and landscaping privacy for both the existing and proposed dwellings. Additionally, the design, floor layouts and use of privacy screen and landscaping ensures reasonable line-of-sight between adjacent building units and neighbouring properties. 	<p>Yes</p>
3.3.3.5.4 Natural cross ventilation	<p>Clause 3.3.3.5.4 Controls</p> <ul style="list-style-type: none"> • Min 60% of dwellings must have suitable floor plans for cross ventilation. 	<ul style="list-style-type: none"> • The proposal complies with the controls and suitable ventilation is provided to all units. 	<p>Yes</p>
3.3.3.5.5 Private Open Space	<p>Clause 3.3.3.5.5 Controls</p> <ul style="list-style-type: none"> • Private open space (POS) all dwellings with a private entrance at ground level - min area 50m² • Min width 5m x 5m • Min dimension is 3.5m • 1 tree and landscaping per POS • All should have one sunny spot, be located adjacent to a living space and a space for clothes drying 	<ul style="list-style-type: none"> • The proposal complies with the controls and suitable private open space (POS) is provided to all units. 	<p>Yes</p>
3.3.3.5.6 Communal Open Space	<p>Only required for developments with more than 10 dwellings</p>	<ul style="list-style-type: none"> • The proposal has clear and well-established communal spaces that include accessible pathways, internal courtyards with small plaza areas that encompass sculptures, pergolas and sitting areas amongst a very leafy and multi-layered landscape. 	<p>Yes</p>

3.3.4.1 Housing Choice	<p>Clause 3.3.4.1.2.a:</p> <ul style="list-style-type: none"> • Provide a variety of dwelling types - No more than one third of the dwellings in any development should be the same type 	<ul style="list-style-type: none"> • The proposal comprises of 22 dwellings, therefore no more than 8 dwellings should be the same type. The proposal has four (4) plan typologies of which three (3) have 1 bedroom and single storey, four (4) have 1 bedroom plus study are two storey, twelve (12) have 2 bedrooms plus study and are part single and part two storey and three (3) have 3 bedrooms and are part single and part two storey with ground level entries. Notwithstanding, no more than any two (2) of the unit's floor plans are located nor orientated in the same manner, as such the proposal is consistent with the variety and range of dwelling types to reflect current diverse demographic structure. 	Yes
	<p>Clause 3.3.4.1.3:</p> <ul style="list-style-type: none"> • All development >3 dwellings – one third of dwellings should be adaptable. 	<ul style="list-style-type: none"> • The proposed development does not provide accessible units, notwithstanding more than 10% of the total units will have the capabilities to be 'adapted' to meet resident's future needs if so required. It is noted that all units are fully accessible from the street entries and basement car park to the front door of each unit. Notwithstanding the proposal will cater for 3 units to fully comply with relevant disability requirements. 	Yes
3.3.4.2 Residential Address	<p>Controls:</p> <ul style="list-style-type: none"> • Provide a traditional street address - Front doors, windows, patios etc facing street • Dwellings with private open space at ground level have private entrance • Garages are not located on street frontage • Solid fences to a height of 1.2m, and partially transparent screening above that for fences that face public/communal areas 	<ul style="list-style-type: none"> • Units 32.04-32.07, 32.09-32.11 and 32.14 all contribute as clusters to provide a traditional street address for the development – Entry porch and front POS and decks face both Adelaide and Melbourne Streets respectively. • All units have private entry porches and open space at ground level. • All parking garages areas are located in basement level. • The proposal will have a combination of a decorative solid slat infill panel and metal transparent fence setback from the street alignment which will be complemented by layered medium height landscaping that will permit filtered street views. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.3.4.3 Facades	<p>Controls</p> <ul style="list-style-type: none"> • Divide facade into a "panels" • Use gently-pitched roof elements • Roofs surrounded by wide eaves • Balconies used to disguise expanses of flat exterior walls • Light weight finishes incorporated 	<ul style="list-style-type: none"> • The proposal attempts to articulate the building setting by the use of a modern "urban village" architectural language to delineate façade clusters and alignments. Together with the use of a combination single and double storey floor combinations, skillion roof style and clerestories, fenestration, balconies, porches and deck structures produce overall a lightweight low scaled residential development characteristic of the surrounding neighbourhood. 	Yes

<p>3.3.4.4 Landscaped Areas</p>	<p>Controls</p> <ul style="list-style-type: none"> • Provide a landscape plan • Site surrounded by canopy trees • New trees to have mature heights of 8-10m (similar height to building) • Continuous screen plantings to side and rear boundaries • Front setback to include 2 canopy trees, side setback to include 1, rear setback to include 2 • Side and rear setbacks should include screen plantings • Driveway flanked by landscaping 	<ul style="list-style-type: none"> • The proposal is accompanied by an Arborist Report and landscape plan, refer to Attachment 1, supporting documentation. • Overall the development proposes to remove all existing street trees and is to provide 10 advanced specimens of a native species capable of achieving a suitable height of 8m to consider for overhead electrical wires. • The proposals deep soil areas are to be planted with a mix and layering of soft landscape, low shrubs (0.5-1.0m, large bushes (to be maintained to a minimum of 2m) and native species trees (10-15m mature height). • The access driveway is screened and flanked by landscaping. 	<p>Yes</p>
<p>3.3.4.5 Building Services</p>	<p>3.3.4.5.2 Design and Location of Stormwater Systems</p> <ul style="list-style-type: none"> • 25% of the development site shall be deep soil 	<ul style="list-style-type: none"> • Deep soil areas with a general depth of 3.7m are provided in private open space areas adjacent to all boundaries, and also for internal private open space areas not located above the proposed basement, and a variety of additional planter areas are provided in the communal open space area. 	<p>Yes</p>
	<p>3.3.4.5.3 Garbage bin enclosures</p> <ul style="list-style-type: none"> • Not compromise urban design quality 	<ul style="list-style-type: none"> • Building services will be provided behind the building line and will not be visible from the street. Bin storage will be screened behind boundary fences for dwellings with direct courtyard access to Melbourne and Adelaide Streets, and bins for other dwellings will be located at the basement level and will be screened from view. All service meters will be screened from external view. 	<p>Yes</p>
	<p>3.3.4.5.5 Storage</p> <ul style="list-style-type: none"> • 6m³ for 1-bedroom units • 8m³ for 2-bedroom units • 10m³ for 3-bedroom units 	<ul style="list-style-type: none"> • Storage is provided within each unit under stairs, in linen cupboards and achieves minimum storage required. 	<p>Yes</p>
<p>7.1.3 Car Parking Requirements</p>	<ul style="list-style-type: none"> • Requires 1.5 car spaces per dwelling • Visitor 0.2 spaces per dwelling <p>Total off-street parking required = (37.4) = 38 spaces</p>	<ul style="list-style-type: none"> • Provides 38 car spaces. 	<p>Yes</p>

Item No: 3.4
Title: DA59701/2020 - Change of Use to Community Facility - 124-134 Donnison Street, Gosford
Department: Environment and Planning

26 November 2020 Local Planning Panel Meeting

Reference: F2020/02502 - D14296653
Author: Robert Eyre, Principal Development Planner South
Manager: Ailsa Prendergast, Section Manager, Development Assessment South
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for change of use from a restaurant to a community facility. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is required to be reported to the Local Planning Panel for determination because the land is owned by the Central Coast Council and the applicant is the Central Coast Council.

Applicant	Central Coast Council
Owner	Central Coast Council
Application No	DA59701/2020
Description of Land	Lots 14 and 15, Section D, DP69497. No124-134 Donnison Street, Gosford.
Proposed Development	Community Facility
Site Area	1394m ²
Zoning	RE1 Public Recreation
Existing Use	Park and Restaurant
Employment Generation	No
Estimated Value	Nil

Recommendation

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

Key Issues

Nil significant

Precis:

Proposed Development	Community Facility
Permissibility and Zoning	RE1 Public Recreation. Permissible with consent.
Relevant Legislation	<i>Environmental Planning & Assessment Act 1979 - Section 4.15.</i> <i>Local Government Act 1993 - Section 89</i> <i>State Environmental Planning Policy (Coastal Management) 2018</i> <i>State Environmental planning Policy (Gosford City Centre) 2018</i> <i>Draft Central Coast Local Environmental Plan 2018</i> <i>Gosford City Centre Development Control Plan 2018</i> <i>State Environmental Planning Policy (Infrastructure) 2007</i> <i>Central Coast Climate Change Policy</i> <i>Kibble Park Plan of Management 1996</i>
Current Use	Restaurant
Integrated Development	No
Submissions	Nil

The Site

The existing building is located within Kibble Park on the southern side adjoining Donnison Street. **(Refer figure 2)**. The existing building has previously been used as a restaurant and contains toilets, kitchen, internal and external seating areas. **(Refer figures 3 and 4)**

Kibble Park is bounded by Donnison Street, Mortimer Lane, William Street and Henry Parry Drive. **(Refer figure 1)**

Kibble Park contains a number of service and recreational facilities including a public library, public toilets, shade shelters, car parking, seating, pathways and landscaping.



Figure 1- Locality Plan



Figure 2-Site Plan



Figure 3- View of building from within Kibble Park



Figure 4- view of building from Donnison Street.

Surrounding Development

The surrounding development consists of retail and offices of varying heights which form the Gosford CBD.

History

The following applications are relevant:

- DA12739/2001 granted consent for alterations to the existing café.
- DA44729/2013 granted consent for temporary use for special events.

The Proposed Development

It is proposed to use the existing building as a community facility. The community uses include but are not limited to;

- Pop up activities such as exhibitions, arts and craft workshops, information sessions, recreational programs such as exercise classes.
- Low level retail sales/markets.
- Pop up food services such as cooking classes.
- Wet weather space for activities in Kibble Park.
- Storage space for event and park equipment.

The proposed use as a community facility does not involve any building works or alteration to the existing building.

Assessment:

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

State Environmental Planning Policy (Coastal Management) 2018

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

The provisions of *State Environmental Planning Policy (Coastal Management) 2018* requires Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Area. The Coastal Management Area is an area defined on maps

issued by the NSW Department of Planning Industry & Environment and the subject property falls within this zone.

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

'13 Development on land within the coastal environment area

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

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

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

- a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

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

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

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

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

‘14 Development on land within the coastal use area

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

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

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(b) is satisfied that—

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

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

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

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

- The proposed development will not cause an adverse impact to access along the foreshore and public reserve;
- The proposed development will not cause overshadowing, wind funneling or loss of view from a public place;
- The proposal will not cause an adverse impact to and known Aboriginal cultural heritage or cultural and built environment heritage

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

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

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

And:

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

**3.4 DA59701/2020 - Change of Use to Community Facility - 124-134
Donnison Street, Gosford (contd)**

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

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

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

State Environmental Planning Policy (Gosford City Centre) 2018

Permissibility

The site is zoned RE1 Public Recreation. Community facilities are permissible with consent. **(Refer figure 5).**



Figure 5-Zoning Map

community facility means a building or place—
(a) owned or controlled by a public authority or non-profit community organisation, and

**3.4 DA59701/2020 - Change of Use to Community Facility - 124-134
Donnison Street, Gosford (contd)**

*(b) used for the physical, social, cultural or intellectual development or welfare of the community,
but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

Objectives of Zone

The objectives of the RE1 zone are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To identify areas suitable for development for recreation, leisure and cultural purposes.
- To ensure that development is compatible with the desired future character of the zone.

The proposed use complies with the objectives of the zone.

Gosford City Centre Development Control Plan 2018

The proposed change of use from restaurant to community facility is not considered to intensify the use or increase the demand for car parking. The community use will be an extension of the current use of Kibble Park. Adequate car parking is available in the locality.

Consistency with Plan of Management

The subject site is classified as '*Community Land*' under the provisions of the *Local Government Act 1993*. Section 36 of the *Local Government Act 1993* that requires *Plans of Management* are prepared for all '*Operational Land*' as defined within the Act.

The former Gosford City Council prepared the *Gosford City Council – Plan of Management for Kibble Park 1996*, which applies to the subject land.

The proposed development is consistent with the Plan of Management, noting that:

- Under '*Values and Function*' of '*Major Issues*' the Plan of Management notes that the site has been the long term setting of the '*Kibble Park Teamrooms*' which provide food and beverage service to the community at a small scale; that '*Council has clearly indicated its commitment to community facilities and service provision*'; and that future facilities should not '*detract from the present recreational values of the park*'.

3.4 DA59701/2020 - Change of Use to Community Facility - 124-134 Donnison Street, Gosford (contd)

- 'The Goals/Outcomes' at Section 2.3 of the Plan of Management include opportunities to '*accommodate informal small scale entertainment*' and to cater for a wide range of uses
- Under Use/Activities/Facilities the Plan of management includes: '*recreation facilities which promote or is ancillary to the use and enjoyment of Kibble Park as a public park, and for public recreation*'. Permissible activities include: *fetes, cultural/community activities, exhibitions/demonstrations, small concerts, celebrations/gatherings*.
- The proposed development does not involve any use which is identified as not permissible by the Plan of Management.

Likely Impacts of the Development

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The likely impacts of the development are addressed below:

a) Built Environment

The subject site is zoned RE1 Public Recreation under SEPP(GCC)2018 and is surrounded mainly by commercial and office developments.

The proposed use is not considered to have adverse amenity impacts to adjoining development from overshadowing, privacy, noise generating activities and views.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the SEPP(GCC)2018 and GCC DCP 2018 compliance. The potential impacts are considered reasonable.

b) Natural Environment

The proposed use is not considered to have any adverse impacts on scenic quality or the streetscape of the area.

There will be no significant impact upon the natural environment as a result of the proposal.

c) Economic Impacts

The proposed use will have beneficial economic impacts by the use of the building for community activities.

d) Social Impacts

The proposed development will have beneficial social impacts as it will provide additional community uses of the building and Kibble Park.

Suitability of the Site for the Development

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

- The site is zoned RE1 Public Recreation under SEPP(GCC)2018 and the proposed use is consistent with the objectives of the zone.
- There are no environmental hazards which would prevent development of the site.
- Utility services are available to the site.
- The site is located on and near public transport facilities as well as public recreation/community facilities.

The Public Interest

The approval of the application is considered to be in the public interest as follows:

- The proposal will generate social and economic benefits for the community by providing additional community uses in Kibble Park and Gosford.
- The proposal is consistent with the relevant objectives of the applicable environmental planning framework, including the SEPP(GCC)2018 and GCCDCP2018.
- The proposal does not result in any unreasonable environmental impacts and will not unreasonably impact the amenity of neighbouring properties.

Ecologically Sustainable Principles:

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

The proposed use is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

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

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm

**3.4 DA59701/2020 - Change of Use to Community Facility - 124-134
Donnison Street, Gosford (contd)**

events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change

Public Submissions and Community Consultation

The application was exhibited from 23 October 2020 to 4 November 2020 in accordance with the provisions of Gosford City Centre DCP 2018.

No submissions were received to the proposed development.

Submissions from Public Authorities

None required.

Internal Consultation

Waste	Supported subject to conditions. (Refer conditions 2.3-2.10)
Environmental Health	Supported subject to conditions. (Refer conditions 2.1 and 2.2)
Building Surveyor	Supported without conditions.

Other Matters for Consideration:

Section 7.12 Contributions

Contributions may be applicable to development which is subject to section 7.12 Contributions Plan - Gosford City Centre. Development contributions are only levied where the proposed cost of works exceeds \$250,000 and the gross floor area of the development is increased. In this instance, the proposal is not one that is subject to s7.12 contributions.

Kibble Park Plan of Management

The proposal complies with the Kibble Park Plan of Management. **(Refer attachment 3).**

Conclusion

This application has been assessed against the heads of consideration of Section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

**3.4 DA59701/2020 - Change of Use to Community Facility - 124-134
Donnison Street, Gosford (contd)**

Accordingly, the application is recommended for **approval** pursuant to Section 4.16 of the Environmental Planning and Assessment Act.

Reasons for the Decision

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

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. The proposal has been considered against the provisions of State Environmental Planning Policy (Gosford City Centre) 2018 and Gosford City Centre Development Control Plan 2018 and has been found to be satisfactory.
3. There are no significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Draft Conditions of Consent | D14297866 |
| 2 | PUBLIC Floor Plans 124-134 Donnison Street GOSFORD DA59701 Part 1 | D14226689 |
| 3 | Plan of Management 1996 124-134 Donnison Street GOSFORD
DA59701 Part 1 | D14226703 |

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Supporting Documentation

Document	Title	Date
DSA01	Detail Survey Plan Sheet 1 of 2. Rev A	22/04/2020
DSA02	Detail Survey Plan Sheet 2 of 2 Rev A	22/04/2020
SK1	Floor Plans	June 2001
Central Coast Council	Statement of Environmental Effects	September 2020
Central Coast Council	Waste Management Plan	18 September 2020

2. ONGOING OPERATION

- 2.1. The existing kitchen is to be maintained and operated in accordance with the Food Act 2003, Food Regulation 2010 and the Australian New Zealand Food Standards Code.
- 2.2. All temporary food event vendors are to notify Council of their intention to operate 14 days prior to an event.
- 2.3. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 2.4. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 2.5. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 2.6. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 2.7 Compliance generally with commitments for waste management detailed within the Statement of Environmental Effects dated September 2020 prepared by Central Coast Council.
- 2.8..Place any/all Council issued mixed and recyclables waste MGB's ie. 240 litre or 360 litre at the kerbside in Donnison St no earlier than the evening prior to the collection day and return to the approved, screened waste storage enclosure as shown on the Site Map : Indicating waste storage area etc. as soon as possible after service. The operator of the facility is responsible for the placement and return of the mobile waste containers.
- 2.9. Any additional waste bins required for an approved specific activity must be stored within the approved screened enclosure at all times. Should use of bulk bins be required for a specific event they must be stored within the approved screened waste enclosure and serviced from the

existing Loading Bay immediately adjacent within the existing carpark. No servicing of bulk waste bins on any public roadway is permitted

2.10.No waste generated by activities at the Community Facility to be placed in Litter bins within or adjacent to Kibble Park.

3. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

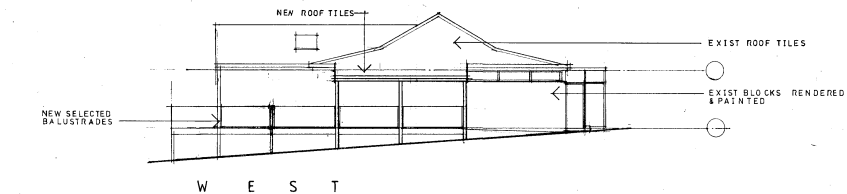
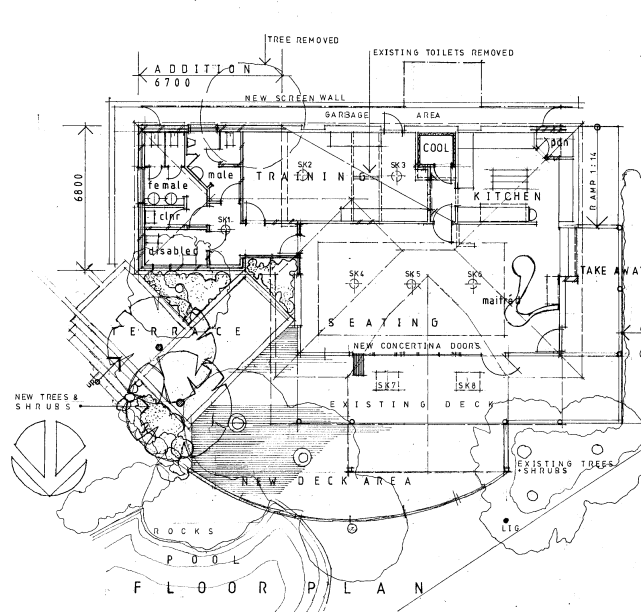
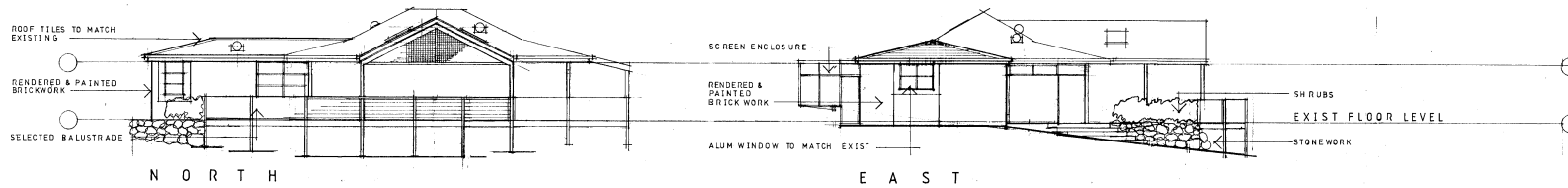
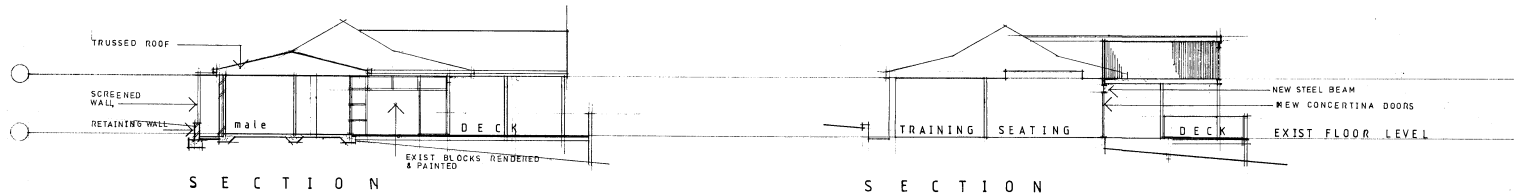
Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

ADVISORY NOTES

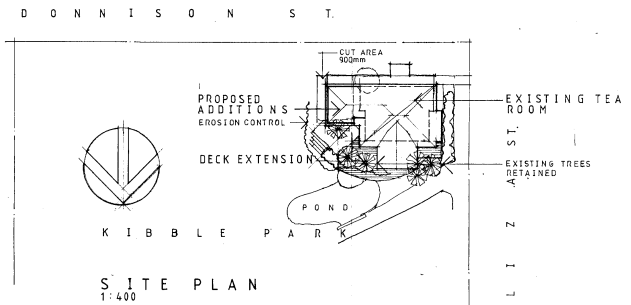
- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment Policy*. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au
Remove only if no installation/alteration of plumbing and/or drainage works proposed (excludes stormwater drainage)

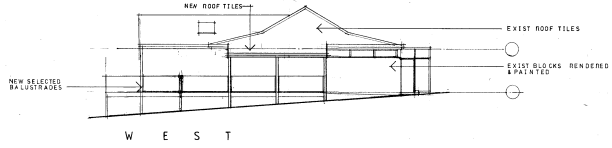
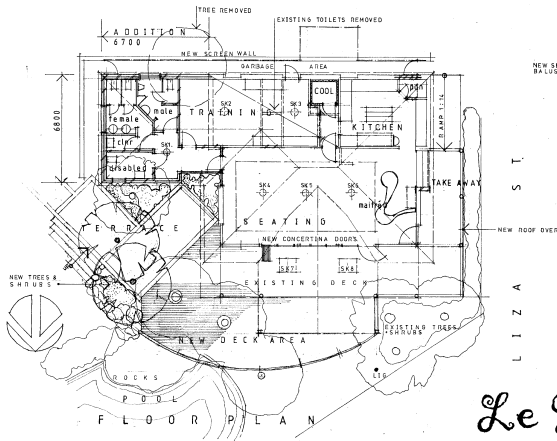
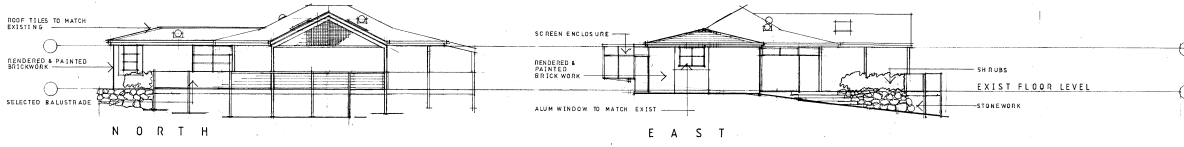
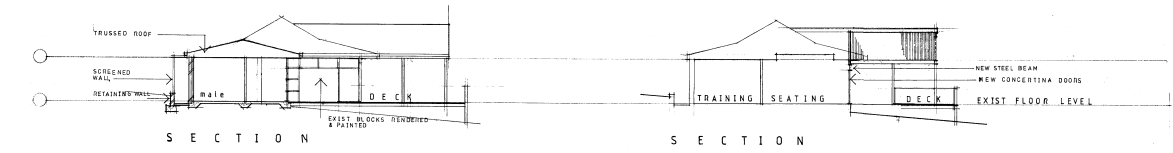


NOTES
STAGE 1
TOILET EXTENSION, INTERIOR UPGRADE,
TAKE AWAY AREA & ROOF OVER
EXTENSION RENDER FINISH & PAINT
STAGE 2
DECK EXTENSION, TERRACE, ROOF OVER
DECK NEW SCREEN WALL
FLOOR ADDITION 44m²

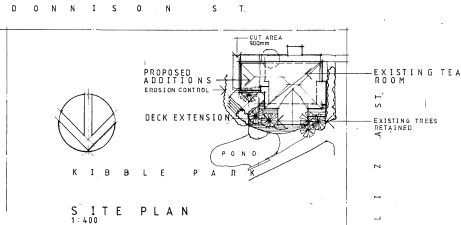


Le Parc

KIBBLE PARK TEA ROOMS
UPGRADE
ELIZABETH STREET GOSFORD
JUNE 2001 1:100 00-01-20-SK 1



NOTES
 STAGE 1
 TOILET EXTENSION, INTERIOR UPGRADE,
 TIRE REMOVAL & PAINT
 STAGE 2
 DECK EXTENSION, TERRACE, ROOF OVER
 DECK, NEW SCREEN WALL
 FLOOR ADDITION 44m²



Le Parc

KIBBLE PARK TEA ROOMS
 UPGRADE
 ELIZA STREET GOSFORD
 JUNE 2001 1:100 00-01-20-SK 1

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APPENDICES

A Plan of Management Action Plan

B Land included in Plan of Management

FIGURE 1 - Land Management Program



1. INTRODUCTION

1.1 Structure of the Document

POLICY & PLANNING

Section 1 Introduction: Explains what a plan of management is, outlines the aim of the plan, identifies Council's corporate goals relating to the Recreation Program, defines the land included in this plan.

Section 2 Management: Outlines the major issues and values which were identified by way of community consultation. These major values and issues provide a basis for the development of policies, and actions developed later in the plan.

Section 3 Direction: The major issues defined in Section 2, the objectives of this draft plan and Council's corporate objectives, policies and strategies of the Recreation Program, provides the basis for determining Council's direction with regard to Kibble Park.

IMPLEMENTATION AND PERFORMANCE

This section of the plan is the "working document" and is attached as Appendix A. It will be reviewed annually and defines actions, responsibilities, time frame for completion and how Council will monitor its performance in relation to achieving these actions.

SUPPORTING PAPERS

Appendices included in this Plan of Management are the working document (as above), as well as a listing of the land covered by this Plan of Management.

1.2 Background

From July 1993 the new Local Government Act requires that Council classify public land as either operational or community and prepare plans of management for all community land. According to the Local Government Act 1993, community land is land which should be retained for use by the general public and operational land refers to areas which need not be retained for use by the public (for example a Council works depot.)

Plans of management will regulate the use and management of the land. They do not replace existing legislation/systems relating to the approval of activities or development. For example, it will still be necessary to apply for use of a passive area for a special event. In instances where the land is leased or a licence has been granted, the lessee/licensee must abide by the plan of management as adopted by Council.

Figure 1 details the schedule for plans of management adopted by Council's Land Management Committee. Due to the large number of parks in the local government area, generic plans of management have been developed to cover these. These are known as the Community Parks Plan of Management, Foreshore Parks Plan of Management and the Formal Parks Plan of Management.

In certain instances, however, it is warranted to develop individual plans of management. Kibble Park is considered unique in both its location and use, therefore a specific plan of management will apply to the area. This plan will serve as the Plan of Management for Kibble Park.

1.3 Aim

- To develop a plan of management for Kibble Park which complies with the Local Government Act 1993 as part of Council's Land Management Program.
- To develop a plan which provides guidance for the control of usage, development and maintenance of Kibble Park.

1.4 Corporate Goal

Council's Recreation Program is responsible for the provision of local parks including cemeteries and memorial parks on community land. The overall objective of the Recreation Program is:

- To provide and maintain safe, enjoyable, physically attractive recreation and leisure facilities by upgrading existing facilities, planning and implementing new projects which meet the needs of residents.

1.5 Land Covered By The Plan

DP 69497 Lots 9-13 in Section C, and Lots 14-29 in Section D, Donnison Street Gosford. This Plan of Management applies only to these areas. The Community Uses Plan of Management covers the land the library is located on.

1.6 Category of Land

Only Council owned land has been classified as either Community or Operational. Kibble Park has been classified as Community land and is categorised as a "park" under the Local Government Act 1993.

1.7 Zoning

The land is zoned Central Business 3(c) under the Gosford Planning Scheme Ordinance. This zone affects that Central Business District of Gosford and sets out height and density standards for development within various precincts. The main aim of these standards is to prevent overshadowing of the public areas, minimise visual intrusion of buildings, and maintain views to Brisbane Water where appropriate. Kibble Park itself is not, however, within a precinct. Uses such as caravan parks, dwelling houses (other than those used in association with purposes permitted within the zone), extractive industries, junk yards and the like are not permitted uses within the zone. **Any other use is permitted, including community buildings and the like, only with development consent.** The provisions of this Plan of Management do not override the need to obtain development consent where necessary.

2. MANAGEMENT

2.1 Objectives of the Plan of Management

- To comply with the Act in relation to the preparation of plans of management.
- To form a component of Council's strategic land management plan and to be consistent with other plans of management.
- To create opportunities for members of the public and special interest groups to become involved in the process of preparing and implementing plans of management.
- To outline the principles and management issues which must be considered in order to ensure that the community continues to have access to and interest in Kibble Park.
- To plan for the co-ordinated provision and management of new facilities in addition to making improvements to existing facilities as funds permit.
- To maintain open space areas efficiently and to a level of service as funds permit.
- To identify community needs for recreation and open space facilities.

2.2 Values and Functions

Kibble Park was formerly a car park in the centre of the central business district. Kibble Park was developed in the early 1980's and has since proven to be an extremely popular outdoor area used for a variety of recreational activities. The Park provides a green oasis in the centre of town which acts as a gathering place for workers and shoppers.

Kibble Park is one of the most important urban spaces in the City of Gosford. There are few cities which can boast such a sizeable area of open space in the centre of the Central Business District. Because of its prime location the park fulfils a multitude of roles in relation to the overall functioning of the CBD.

The park provides greenery and a sense of space not usually associated with a business centre. It enables views from within the city to buildings and hills beyond - views that would not be available from a street that was developed on both sides. The scale of the Park in relation to the buildings surrounding it, is an important element in the visual form of the City.

The Park also provides a visual setting for the City Library and the Kibble Park Tea Rooms which are managed by a Community Services Organisation.

The supply and correct management of Kibble Park will enhance the quality of life for users and ensure recreational opportunities in the centre of the City for future generations.

2.3 Goals/Outcomes

Goals relating specifically to Kibble Park are:

- To provide an attractive green space within the centre of Gosford which is available and easily accessible to all members of the community.
- To provide the public with a passive outdoor area in which to relax and take time out from the “hustle and bustle” of the working/shopping environment.
- To improve the visual amenity of the City centre and its built environment.
- To accommodate informal small scale entertainment within the Park.
- To provide shade in the summer and allow sunlight in the winter by planting deciduous trees.
- To maintain the horticultural quality of the park.
- To encourage financial contributions from groups and associations, to promote the development and provision of Kibble Park.
- To cater for a wide range of community needs, ensuring public benefit and enjoyment.
- To enable the community to provide regular input into an asset management program regarding maintenance, upgrading of facilities etc.
- To achieve an informed and positive attitude within the community toward Kibble Park and its facilities.

2.4 Community Participation

Community consultation and participation is vital to the development of a plan of management which reflects community opinion and priorities. It provides Council with information on local issues and concerns from people who are most familiar with, and often affected by, these issues.

Community consultation can assist in developing support and understanding for Council's land management program, reduce misunderstandings, clarify issues and result in greater awareness of Council policies and activities.

Generally, the community is consulted in preparation of the draft plan of management through specific groups identified in the community. The draft plan is placed on public exhibition for a minimum of 28 days and a further 14 days are allowed to receive comments and submissions from the public. The public exhibition period for the Kibble Park Plan of Management was from 30 April - 11 June 1996, and was advertised in Council's section of the Sun on 18 and 25 April 1996.

All submissions on the draft plan are taken into consideration by Council prior to adoption of the final plan.

2.5 Major Issues

Several major issues are relevant to Kibble Park and have been identified through community consultation.

Quality of Maintenance: Maintenance of parks includes general tidiness, lawn mowing, maintenance of park furniture, painting of facilities and cleaning amenities. Council makes every effort to maintain the facilities to a basic standard. Kibble Park is part of a regular maintenance schedule for general tidiness and lawn mowing, and is classified as priority 1 under Council's maintenance schedule. Parks classified as priority 1 are maintained daily/weekly, priority 2 parks are maintained fortnightly and priority 3 parks are maintained every three to six weeks.

Type and Distribution of Facilities: Facilities provided at Kibble Park include statues, ponds, fountains, amenity facilities, lighting and park furniture i.e. tables and seats.

People visit Kibble Park for a variety of reasons including special events to peaceful, relaxing leisure time. Recognising the wide spectrum of recreational interests within the community, the type and distribution of facilities should ensure that the needs of the whole community are catered for. Kibble Park serves neighbourhood/local level needs as well as district level needs.

Function: In order to protect Kibble Park as a greenspace for relaxing, the type of use permitted in the Park must be restricted. Certain activities such as large concerts are not considered appropriate for Kibble Park for various reasons including the size of the Park and traffic congestion.

Impact on Local Residents: Parks which offer passive recreational opportunities can have both positive and negative impacts on local residents. Positive impacts include the planned development of a park with the community involved in the design and ongoing management of the area, and the provision of facilities for locals to pursue chosen activities. Potential negative impacts include increased people in the vicinity of the park leading to an increase in noise and rubbish, loss of privacy, and vandalism which maybe associated with parks.

Dogs: Dogs are not permitted to be walked off a leash unless they are in Council's designated dog exercise areas. There are currently 23 declared dog exercise areas within the City. 14 of these are located on parkland/reserves and 9 are located on beaches. For details regarding locations of these dog exercise areas please refer to Council's Dog Exercise Area Register. Kibble Park is not currently a designated dog exercise area.

Dog clubs which have Council's permission to conduct dog obedience and training activities on Council reserves are responsible for the removal of all dog excrement. Council will enforce the Dog Act; Section 9 in particular which states that the owner of a dog which is on a prohibited place is guilty of an offence. Generally, a "prohibited place" is:

- within 10 metres of a children's playing apparatus
- within 10 metres of cooking or eating facilities; or
- provided by Council for the playing of organised games, and in which Council has ordered dogs are prohibited, and which there are notices exhibited to that effect.

Use of Open Space Areas for Events: Kibble Park may host small scale special events that may attract an audience not exceeding 2000 people. It is necessary to apply to Council for permission to use Kibble Park for such events. Hire fees will be determined according to individual applications.

Noise: Events must comply with the provisions of the Noise Control Act. Noise levels of any public address system or music to be kept within the limits set by the Environment Protection Authority.

At no time is offensive noise to be caused. Offensive noise is noise that by reason of its level, nature, character, quality or time which it is made or any other circumstances is likely to be harmful to, to be offensive or to interfere unreasonably with the comfort or repose of a person/s.

Use of Kibble Park for Community Facilities: Council has clearly indicated its commitment to community facilities and service provision. The principal orientation has been the facilitation of provision of services and direct service provision in the areas of childcare, youth services, aged services and library services. In addition, Council owns and provides for community purposes in a range of other buildings and facilities. The Tea Rooms located at Kibble Park is an example of these facilities.

Any further development/improvement of Kibble Park for community facilities will be subject to Council approval and should not detract from the present recreational values of the park.

3. DIRECTION

Council's direction is determined by its corporate objectives, and more specifically, through the policies and strategies developed in each program. The major issues defined in liaison with community groups in Section 2, combined with the Plan of Management objectives have been used to determine Council's direction in the following areas.

3.1 Planning

- To balance the communities needs for passive recreation opportunities and the impact that the provision of these facilities may have on residences which adjoin Kibble Park.
- Council will continue to further its knowledge of community demand and visitor preferences in order that existing facilities and spaces are managed to reflect the wide range of community needs.

3.2 Management

- Council will exercise its powers under the Act to control the use of, and access to, public land.
- Council reserves the right to grant easements, road widenings as required.
- To encourage community involvement in the development and management of recreational facilities.

- To provide improved protection from the sun in open space areas used for passive recreation.
- To promote Kibble Park by providing information on open space facilities in order to raise awareness of the range of available recreational opportunities.
- Provision of a system to assist in dealing with enquiries and complaints from the public.
- Kibble Park to be retained as a green area in the Central Business District providing a variety of recreational opportunities.

3.3 Development and Improvement

- The provision of quality open spaces commensurate with use and function is central to Council's planning in the Recreation Section.
- Council approval is required prior to any development on open space or improvements to existing facilities.
- Variety in the facilities (e.g statues) will be sought in order to provide an interesting and unique Park.
- Council will actively pursue external funding opportunities such as State and Federal Government grants in making improvements, and will encourage community groups to do the same.
- **All improvements at Kibble Park will be in keeping with its function for recreation and community activities and will retain the passive value of the park.**
- Deciduous trees will be planted at Kibble Park to ensure shade in summer and sunlight in winter. Some evergreen trees will also be planted.
- Kibble Park will provide access for people with a disability.
- Any new facilities to be funded (solely or partially) by Council will be approved through inclusion in Council's Capital Works Program.
- **Nothing in this plan prevents Council from upgrading existing facilities and utilities.**

3.4 Distribution and Access

- To ensure accessibility of Kibble Park to all people of the community.
- To encourage all age groups to make use of the Park.
- Kibble Park is to be easily accessible by both traffic and pedestrian corridors.

3.5 Fees and Charges/Conditions of Hire

- Council will apply various fees and charges for use of Council facilities in order to :
 - Maximise opportunities for use of facilities
 - To allocate and regularise use**
 - To contribute to cost recovery
 - To improve fairness and equity
- Such fees will be reviewed annually in line with Council's review of fees and charges
- Facilities are approved for use based on the conditions of hire as determined by Council. Failure to comply with these conditions may result in forfeiting the opportunity for future use of Council facilities and loss of the security deposit.

3.6 Maintenance

- In order to maintain Kibble Park efficiently and within budget, maintenance standards and priorities will be reviewed on an ongoing basis.
- The Park will be available to the community in a safe and accessible condition.
- Regular maintenance and inspections will occur to ensure Kibble Park meets safety requirements.
- Maintenance cycles match the level and type of use of the Park. Wherever possible, users should be encouraged to help, for example keeping the park tidy by placing their rubbish in the bins provided.
- Garbage bins should be minimised to discourage the dumping of rubbish, particularly household rubbish. However, rubbish bins on the site should promote litter control, for example 'Do the Right Thing' stickers.
- The grass will be mown regularly to create a safe and tidy appearance, in accordance with the Recreation Program's maintenance schedule.
- The trees will be subject to regular inspections to maintain safety standards.
- Council will take steps to prevent undesirable use of the park. For example, lights are switched on at night time to discourage unwanted activities such as vandalism.
- Nothing in this plan prevents Council from maintaining existing drainage easements, pipelines and the like.

3.7 Use/Activities/Facilities

Facilities

Recreation facilities that would be considered to be suitable include, but are not restricted to:

- Recreation facilities which promote or is ancillary to the use and enjoyment of Kibble Park as a public park, and for public recreation
- Plaques, statues and fountains
- Ancillary facilities such as parking, pathways, formal gardens, fencing, bubblers, seating and shelter
- Amenity facilities

Signage:

i) permanent:

- Permissible signage includes signs which are erected by Council to regulate various activities under Section 632 of the Local Government Act, signs which indicate the name of reserve and/or facilities contained within it, directional signs and traffic signs. *Any other signage requires prior Council approval.*

ii) temporary:

- Temporary signs would include items such as banners used by community groups. Some temporary signs may still require Council approval.

Other Uses Considered Suitable:

- Miscellaneous and utility mains & plant, drainage and storage facilities.
- Right of entry and access for plant maintenance purposes.
- In some cases, future road widenings are required and may affect the land categorised as a park. Subject to a resolution of Council, this would be permissible.

Permissible Activities Requiring Council Approval

Activities which would be permissible subject to the relevant Council approval include but are not restricted to:

- fetes
- cultural/community activities
- exhibitions/demonstrations
- ceremonies
- celebrations/gatherings
- commercial photos/filming
- ceremonies
- busking
- small concerts (attracting maximum crowds of 2000)

Permissible Activities Generally Not Requiring Council Approval

- Walking, informal use of facilities, picnics, etc.
- If the park is to be reserved for a particular purpose such as wedding photos, a booking is recommended.

Activities Which Are Not Permissible

- Any activities which could be considered dangerous and/or which may unreasonably disrupt other users of the park and/or adjoining neighbours is not permissible. Activities which are not permissible include but are not restricted to organised sport, informal sport e.g kicking or throwing balls, trail bike riding, horse riding, camping, carnivals, circuses, animal shows/displays, helicopter landings, boat/car shows and other large scale events such as concerts.
- Commercial activities which are not ancillary to the recreational, historical, visual or natural value of the park.

Sale of Alcohol

- The sale and/or consumption of alcohol requires the approval of the NSW Police Department through the issue of a Functions Licence. The functions licence must be produced for Council in each instance when making application for the use of a passive recreation area if the sale of alcohol is intended.
- Applicants are required to comply with any requirements of the Licensing Board or Court of NSW.
- For further details concerning the sale and consumption of alcohol refer to Council's Policy R1.06.

3.8 Easements

Council will consider the granting of easements as required for access, utilities and the like.

3.9 Leases and Licences

Council will consider granting leases and licenses on community land subject to the following conditions:

- Restricted to a public purpose

Public open space should not be leased for the exclusive use of a single group. The open space (or facility) should be made available for general public use. Development should be for a purpose which promotes or is ancillary to the use and enjoyment of a park as a public park and for public recreation.

- Period will not exceed 21 years (including any period for which the lease or licence could be renewed by the exercise of an option).
- If the period is to exceed 5 years, additional requirements apply. Council will comply with Section 47 of the Act for the granting of leases and licences for a period of more than 5 years.

3.10 Park Users

- Users will be encouraged to visit and help maintain the parks. This may involve routine maintenance such as the correct disposal of rubbish, or the holding of special events and participation in the design and management of particular areas or networks or areas.
- Users will be encouraged to report any vandalism, delinquent behaviour or littering to Council or the Police Service of NSW.

4. ACTIONS, TARGETS AND ASSESSMENTS

In order for the plan of management to function as a true working document, an action plan which is relevant to the issues identified in the plan of management, must be developed and reviewed annually. The directions and issues will need to be reviewed less frequently, approximately every 5 years.

The plan of management action plan, Appendix A, will assist in assessment of Council's performance with respect to the plans objectives and performance targets.

REFERENCES

Gosford City Council, Plan of Management - Grahame Park, February 1995.

Gosford City Council, Plan of Management - Sportsgrounds, July 1995.

Local Government Act 1993.

Manidis Roberts Consultants, Gosford City-wide Open Space and Recreation Strategy Plan, Final Report, August 1993.

Department of Conservation and Land Management, Manidis Roberts Consultants, Land Management Local Government Act 1993 Manual, October, 1993.

Gosford City Council, Gosford Planning Scheme Ordinance, May 1968.

Gosford City Council, Recreation Program Policies.

Gosford City Council, Kibble Park Design, Development and Management Policy.

APPENDIX A

**KIBBLE PARK
PLAN OF MANAGEMENT ACTION PLAN**

ISSUE	ACTION	RESPONSIBILITY	COMPLETED BY	PERFORMANCE MEASURES
Development & Improvement	Include provision of open space facilities on Council's Capital Works Program	Recreation	Ongoing	Open space facilities listed for budget consideration
	Identify & prioritise works required for upgrading eg; the pavement surrounding the Park.	Recreation	1997	Upgraded facilities
	Improve the aesthetic appeal of the park e.g. rejuvenate existing gardens	Recreation	1997/98	Increased level of user satisfaction
	Investigate the feasibility of providing recycling facilities at Kibble Park	Health	1997	Feasibility study undertaken
	Investigate the feasibility of providing a permanent stage at Kibble Park	Community Development	1997	Feasibility study undertaken
Maintenance	Undertake maintenance on a regular roster system and emergency repairs as required	Recreation	Ongoing	Increased level of user satisfaction Maintenance undertaken within budget estimates

ISSUE	ACTION	RESPONSIBILITY	COMPLETED BY	PERFORMANCE MEASURES
Maintenance	Maintenance of open space facilities to reflect community priorities while adhering to budget constraints	Recreation	Ongoing	Annual review of maintenance priorities and standards
Impact of Development	Council to consider impact on local residents when considering open space facility improvements	Recreation/ Development/ Building	As required	Development Applications lodged for improvement works
	Council to consult community to ensure residents are involved in the process of development of open space facilities	Recreation	As required	Peak community groups to be consulted during development of Kibble Park
Use of Open Space Areas for Events	All events to be approved by Council	Recreation/ Development/ Building (if DA approval is required)	As required	Council is aware of and has given approval for all events at Kibble Park

ISSUE	ACTION	RESPONSIBILITY	COMPLETED BY	PERFORMANCE MEASURES
Fees & Charges/ Conditions of Hire	Fees & Charges and Conditions of Hire to be reviewed on a regular basis	Recreation	Annually	Fees & Charges to be reviewed annually by Recreation and considered by Council in the annual review of fees & charges
Information on Kibble Park	Prepare a brochure which outlines features of Kibble Park	Recreation	1998	Brochure developed & distributed through Council facilities & Tourist Information Centres
Plan of Management Evaluation	Review Plan of Management Issues & Direction	Recreation/ Land Management Committee	2000	Assessment of the relevance of adopted plan conducted and amendments made as necessary
Plan of Management Action Plan	Review Plan of Management Action Plan	Recreation	Annually	Plan of Management to be reviewed by Gosford City Council's Recreation Section and amendments to be considered by Council Report on evaluation of performance in meeting plan objectives to be considered Council
Plan of Management Land Register	Documentation of land schedules and amendments	Property	Ongoing	Reports to Council Up to date property register

PLAN OF MANAGEMENT LAND SCHEDULE

APPENDIX B

Lot	Sec	DP	Common Name	Street Address	Suburb	Owner	Classif.	Map No
10	C	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
11	C	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
12	C	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
13	C	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
9	C	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
14	D	69497	KIBBLE PARK \ TEA ROOMS	124 DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
15	D	69497	KIBBLE PARK \ TEA ROOMS	124 DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
16	D	69497	KIBBLE PARK	136 DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
17	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
18	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
19	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
20	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
21	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B

PLAN OF MANAGEMENT LAND SCHEDULE

APPENDIX B

Lot	Sec	DP	Common Name	Street Address	Suburb	Owner	Classif.	Map No
22	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
23	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
24	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
25	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
26	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
27	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
28	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B
29	D	69497	KIBBLE PARK	DONNISON ST	GOSFORD	GCC	COMMUNITY	243B

END REPORT ; PM_POM.RSL

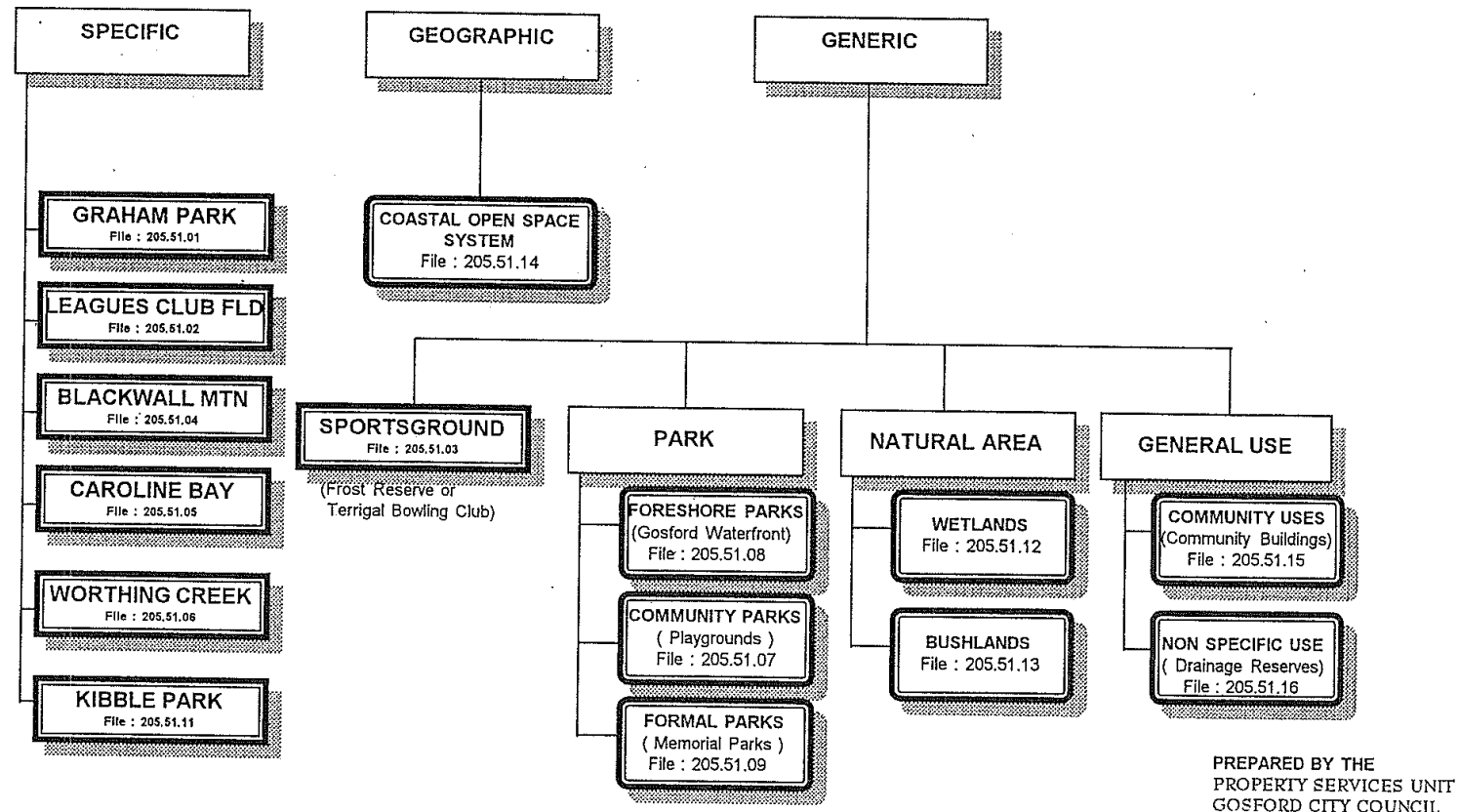
Thursday, 13 June, 1996



FIGURE ONE

Gosford City Council - Land Management Program Plans of Management

- Adopted by Land Management Committee 7 December 1994
- Amended 15 February 1995
- Amended 29 April 1996



PREPARED BY THE
PROPERTY SERVICES UNIT
GOSFORD CITY COUNCIL