



Supplementary Information

To: Central Coast Local Planning Panel
From: Karen Hanratty
Ailsa Prendergast, Section Manager
Andrew Roach, Unit Manger
Subject: Additional Information – Agenda item 4.2
Date: 7 April 2021

The following additional information is provided to the Panel in relation to Agenda Item 4.2 for DA59637/2020 - 68 Railway Street Woy Woy - Stratum Torrens Subdivision.

The following additional documents are provided as attachments and are referenced where appropriate in the table below in response to the Panel questions.

DA48230/2015 relevant documents:

- Consent Part 2 - ECMD22230619
- Assessment Report Part 2 - ECMD21572739
- Assessment Report Part 1 - ECMD21010756
- Approved Plans Part 1 - ECMD19925344
- Statement of Heritage Impact Part 1 - ECMD19925346
- ICS Fee Proposal and Conservation Methodology DA48230/2015 L12 DP1009830 H68 Railway St Woy Woy - ECMD25519764
- Council's Reply Proposed Conservation Works - DA48230 - 68 Railway Street, Woy Woy - D13810511
- Heritage Conservation - DA48230 - 68 Railway Street, Woy Woy Painted Sign Bushells - D14432615
 - o Attachment 1 – Advice from Rachael Jackson GML Heritage
 - o Attachment 2 – Conservation Treatment Report
 - o Attachment 3 – Work Completion Certificate 17132C

DA59637/2020 additional documents:

- Clause 4.6 to FSR – Refer Attachment 4 to the planning report and Attachment A of the Statement of Environmental Effects – pages 266 - 269
- Additional Information – Applicant's response to Council RFI regarding for stratum subdivision - D14430624

Supplementary Information

<p>Pls provide a copy of the DA approval (plans and consent) + assessment report. Need to clarify whether DA48230/2015 approved 2 residential units OR dual occupancy, as some differing references (pg 204, 207), scope of heritage works and relevant conditions</p>	<p>The consent refers to 2 residential units, but Report at page 3 says <i>"The proposal is defined as two uses, the new buildings are attached dual occupancy dwellings as defined under the LEP, as each dwelling is attached to the other and are located on one lot of land and is permissible within the zone."</i> The proposal was assessed against the dual occupancy requirements, with a supported clause 4.6 variation to the minimum lot size provisions of clause 4.1B of Gosford LEP 2014.</p> <p>The following documents are provided:</p> <ul style="list-style-type: none"> - Consent Part 2 - ECMD22230619 - Assessment Report Part 2 - ECMD21572739 - Assessment Report Part 1 - ECMD21010756 - Approved Plans Part 1 - ECMD19925344 - Statement of Heritage Impact Part 1 - ECMD19925346
<p>Did the DA approval include heritage restoration and were the heritage provisions of GLEP2014 clause 5.10 (10) used for the dual occupancy approval?</p>	<p>Yes, heritage restoration was required, and no, the clause 5.10(10) provisions were not used for the dual occupancy</p>
<p>Provide a copy of any cl 4.6 related to FSR</p>	<p>Already provided with planning report – Refer Attachment 4 to the planning report - within the Statement of Environmental Effects - and Attachment A – pages 266 - 269</p>
<p>The report (page 204) refers to clause 4.1(3) as being the relevant clause of GLEP 2014 that requires variation. Isn't the relevant clause Clause 4.1B as this specifically refers to minimum lot size for dual occupancy?. Require clarification as report suggest clause 4.1(3) however argument for variation refers to dual occupancy provisions of DCCLEP 2027 and references to Wyong LEP 2013 which do not</p>	<p>This clause applies to a minimum lot size required for a DA that proposes particular development purposes (dual occupancy, multi dwelling housing etc), and is not relevant for the subject application which is for subdivision only, and does not propose any of the development purposes in the clause, which are already approved</p>

Supplementary Information

<p>apply to the site? Is the Council assessment and applicants clause 4.6 accurate</p>	<p>The reference to dual occupancy provisions relates to general consistency with Council's intended planning approach to allow subdivision of dual occupancy development below the minimum lot size. The clause 4.6 variation makes clear this application has different circumstances, and the draft LEP clause is not relied upon, however the planning outcome is the same, being Torrens subdivision of a dual occupancy below the minimum lot size, based on a known development form that has been the subject of a Council assessment process and is currently under construction.</p>
<p>Subdivision of the dual occupancy below the minimum lot size would be generally consistent with Council's intended planning directions under the draft Central Coast LEP 2018, and in particular clause 4.1D which permits the Torrens subdivision of dual occupancy development below the minimum lot size where an application for both dual occupancy and subdivision is submitted – but this is a separate DA, not linked application and is this a concern related to precedent?</p>	<p>The clause 4.6 variation makes clear this application has different circumstances, and the draft LEP clause is not relied upon, however the planning outcome is the same, being Torrens subdivision of a dual occupancy below the minimum lot size, based on a known development form that has been the subject of a Council assessment process and is currently under construction.</p> <p>The location of the site and the nature of the approved development is unique, and would be unlikely to create a precedent for smaller minimum lot sizes in other circumstances. The site is located immediately adjacent to the Woy Woy Town Centre, being bound by the town centre and commercial zoning on two sides, and also contains a heritage item which is commercial in its former and future use. Subdivision of the heritage item is reasonable, due to its different use to the approved residential development, and LEP heritage controls would continue to apply to both the lot and the building notwithstanding any subdivision.</p>
<p>Is there a heritage management document for the heritage item – if so please provide?</p>	<p>Yes (also, Council has confirmed the requirements of condition 3.4 have been met, and also that the conservation works have been completed, a</p>

Supplementary Information

	<p>conservation treatment report prepared and a work completion certificate has been issued – emails from Rebecca Cardy)</p> <p>The following documents are provided:</p> <ul style="list-style-type: none"> - ICS Fee Proposal and Conservation Methodology DA48230/2015 L12 DP1009830 H68 Railway St Woy Woy - ECMD25519764 - Council’s Reply Proposed Conservation Works - DA48230 - 68 Railway Street, Woy Woy -D13810511 - Heritage Conservation - DA48230 - 68 Railway Street, Woy Woy Painted Sign Bushells - D14432615 <ul style="list-style-type: none"> o Attachment 1 – Advice from Rachael Jackson GML Heritage o Attachment 2 – Conservation Treatment Report o Attachment 3 – Work Completion Certificate 17132C
<p>What heritage works are required to be undertaken by Condition 2.2?</p>	<p>Various – refer to comments and documents above including the Assessment Report DA48230/2015 Part 1 – Heritage Assessment comments and specific conditions.</p>
<p>Confirm that Council (not a certifier) must issue the Subdivision Certificate given land subdivision. Is a DA needed for Strata subdivision or could this be a CDC?</p>	<ul style="list-style-type: none"> - Council is the authority for issue of torrens subdivision certificates whereas strata subdivision certificates can be issued by a private certifier or Council. - A DA is required for strata subdivision of a dual occupancy. The proposal does not meet the provisions for Strata Subdivision in State Environmental Planning Policy (Exempt ad Complying Development Codes) 2008 Part 6 Subdivisions Code
<p>Why is a strata subdivision of the site not satisfactory in this case and therefore avoid a precedent given the size of variations?</p>	<p>Strata subdivision is not proposed, on a number of grounds, including:</p> <ul style="list-style-type: none"> - the site contains a mixed use development comprising both commercial and residential uses, and with part also being a heritage item undergoing restoration and conservation works. There are different operational and

Supplementary Information

	<p>maintenance requirements between the approved commercial and residential uses on the site, including heritage maintenance obligations, and the use of Torrens subdivision will ensure that the different operational and maintenance responsibilities between the commercial and residential uses remain clear and independent of each other rather than being part of a single strata scheme/ body.</p> <ul style="list-style-type: none"> - The use of Torrens subdivision will enable a better identification of responsibilities for the future heritage management of the site, with responsibility for the ongoing conservation and maintenance of the heritage item more appropriately resting with the owner of that building, as a single point of contact, rather than with a strata body covering both heritage and non-heritage buildings. - Torrens subdivision will assist Council to better identify the mapped heritage listing applying to part of the site, which could not be achieved through a strata subdivision - the net impacts of the proposal will be no different to that of a strata subdivision, noting the unique circumstances of the site and the development, and having regard to the separate responses re precedent and general consistency with Council's intended planning direction
<p>Is there another mechanism to delay any subdivision until all works are completed (eg deferred commencement subject to satisfactory completion of all works?)</p>	<p>The proposed condition ensures that a SC cannot be issued until the DA works are completed, which is a hard barrier, and will allow for preliminary subdivision matters to be addressed while the development is being completed.</p>



12 January 2017

Bruce Kerr Pty Ltd
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APPLICATION NUMBER: 48230/ 2015 Part 2
PROPOSAL: Amendment under Section 96 (1) of the Environmental Planning and Assessment Act to the Approved Demolition, Restoration & Conservation of Existing Heritage Building For Retail & Commercial Use & Construction of Two Residential Units & Verandah
PROPERTY: Section 96 - Delete Condition 3.5
LOT: 12 DP: 1009830 No. 68 Railway Street WOY WOY

Dear Sir/Madam

I refer to your application dated 11 August 2016 for modification of the above consent 48230/2015.

Having regard to the provisions of Section 96(1) of the Environmental Planning and Assessment Act, 1979, the Council is of the opinion that the amended proposal is a minor modification and is substantially the same development consented to by the Council.

The consent dated 18 May 2016 is hereby modified in the following manner: -

i Delete Condition 3.5

Please note that the approved amendment does not extend the term of the original consent. Attached to this approval is the reproduced consent as amended, Issue No 2.

Subject to provisions of Section 96AB of the Environmental Planning and Assessment Act the applicant may make an application seeking a review of this determination providing it is lodged within twenty-eight (28) days of notification.

Your attention is drawn to your right to appeal against the conditions to the Land and Environment Court of NSW.



Yours faithfully

Rob Noble
Chief Executive Officer

Per: *Ailsa Prendergast*

Date: 12 January 2017

Development & Compliance
DA 48230/2015

AMENDED CONDITIONS OF CONSENT PART 2

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: Eeles Trelease Architects

Drawing	Description	Sheets	Issue	Date
DA00	Cover Page	1	A	12/08/15
DA01	Site Plan	1	A	12/08/15
DA02	Ground Floor Plan	1	A	12/08/15
DA03	First Floor Plan	1	A	12/08/15
DA04	Roof Plan	1	A	12/08/15
DA05	North Elevation – Railway Street	1	A	12/08/15
DA06	East Elevation – Charlton Street	1	A	12/08/15
DA07	West Elevation	1	A	12/08/15
DA08	South Elevation	1	A	12/08/15
DA09	Section AA	1	A	12/08/15
DA10	Section BB	1	A	12/08/15
DA11	Shadow Diagrams	1	A	12/08/15
DA12	Swept Path A	1	A	12/08/15
DA13	Swept Path B	1	A	12/08/15
DA14	Swept Path C	1	A	12/08/15
DA15	Swept Path D	1	A	12/08/15

Supporting Documentation

Document	Title	Date
	Landscape Master Plan Ref: #RS0715	July 2015
	Stormwater Management and Sedimentation Control Layout and Details Ref: 3389C-1A	06/07/2015
	Waste Management Plan	18/08/2015
	BASIX Certificate No. 651231M	11/08/2015

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

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

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

- 2.1. 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 etc that are required by this consent.
- 2.2. Submit an application to Council under Section 138 of the *Roads Act, 1993*, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Heavy-duty vehicle crossing that has a width of 6m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- b. All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.
- c. All redundant vehicular crossings are to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location.
- d. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.3. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.

- 2.4. Pay a security deposit of \$3600 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.5. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.

- 2.6. Submit design details of the following engineering works within private property:
 - a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.
 - b. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
 - c. Piping of all stormwater from impervious areas within the site via nutrient control structure to Council's drainage system.
 - d. The minimum floor level of all habitable rooms in the development must be RL 2.45m AHD.
 - e. All building materials used or located below RL 2.45m AHD must be of a type that is able to withstand the effects of immersion.

These design details and any associated reports must be included in the construction certificate.

- 2.7. All vehicles must enter and leave the site in a forward moving direction.
- 2.8. Vehicular access to / from the subject site shall be restricted to left in / left out only.
- 2.9. The driveway shall have an appropriate splay from the kerb line, in accordance with the RMS's Guide to Traffic Generating Developments 2002.
- 2.10. All works associated with the subject development shall be undertaken at full cost to the developer and no cost to RMS or Council.
- 2.11. The development shall be designed such that the road traffic noise from Railway Street and Charlton Street, and rail noise from the railway corridor is mitigated by durable materials, in accordance with EPA criteria for new residential developments (*The Environmental Criteria for*

Road Traffic Noise, May 1999). The Roads and Maritime Service (RMS) *Environmental Noise Management Manual* provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not feasibly or reasonably be met, the internal noise objectives for all habitable rooms under ventilated conditions shall comply with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45dB(A)_{Leq(15hr)} and 40dB(A)_{Leq(9hr)}, and
- Sleeping rooms: 35 dB(A)_{Leq(9hr)}.

2.12. Pay to Council a total contribution amount of **\$28,216.00** that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.

Roadwork - Capital	B	(Key No 789)	\$1,656.00
Open Space - Land	C	(Key No 791)	\$4,900.00
Open Space - Embellishment	C	(Key No 790)	\$12,592.00
Community Facilities - Land	D	(Key No 793)	\$286.00
Community Facilities - Capital	D	(Key No 792)	\$4,238.00
Drainage - Land	A	(Key No 787)	\$976.00
Drainage - Capital	A	(Key No 788)	\$3,568.00
TOTAL AMOUNT			\$28,216.00

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 Duty Planner for an up-to-date contribution payment amount on 4325 8222.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority 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 Gosford City Council, 49 Mann Street Gosford or on Council's website:

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

2.13. Additional landscaping must be provided in the area immediately adjacent to the garbage bins fronting Charlton Street to the satisfaction of Council, in order to improve the Charlton Street elevation.

- 2.14. All window and door openings of the heritage building which are being restored must be constructed in timber and matching the style of the existing fixtures of the heritage building.
- 2.15. A Construction Management Plan (CMP) must be prepared which identifies all methodology of the demolition/construction works, and includes correspondence with/input from adjoining land owners, including DEXUS Property Group in relation to potential conflicts with the loading operations of the adjoining shopping centre.

3. PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

- 3.1. 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* 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 Gosford City Council's website www.gosford.nsw.gov.au
- 3.2. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans.
- 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 shall indicate:
- a. The name, address and telephone number of the principal certifying authority for the work; and
 - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited.

Remove the sign when the work has been completed.

- 3.4. A Heritage Assessment is to be prepared and submitted to Council for approval relating to the painted "Bushells" sign on the western side of the building. The Heritage Assessment is to assess the heritage significance of the sign prior to any development taking place. Appropriate conservation measures need to be emplaced following on from the significance assessment.

~~3.5. An Aboriginal and Non-Aboriginal Archaeological Due Diligence Report must be prepared and submitted to Council for approval prior to the commencement of work, in accordance with the Heritage Act 1977 and the NP&W Act 1974.~~

3.5. **DELETED**

4. DURING WORKS

All conditions under this section must be met during works.

4.1. Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i. Minor renovation or refurbishments to single dwelling construction.
- ii. Owner occupied renovations or refurbishments to single dwelling construction.
- iii. Owner builder construction of single dwelling construction; and / or
- iv. Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.

4.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.

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 Certifying Authority or an officer of Council.

4.4. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.

4.5. Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.

- 4.6. Locate all electrical fixtures and/or gas outlets associated with the proposed works at a minimum height of RL 2.45m AHD.
- 4.7. Undertake all excavation works under the supervision of a qualified geotechnical engineer as Council's records indicate that the site may contain potential acid sulphate soils. If acid sulphate soils are identified, recommendations and details of the proposed mitigation and treatment measures must be submitted to, and approved by, Council.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

- 5.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.2. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.3. Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.4. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 5.5. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.6. Amend the Deposited Plan (DP) to:
 - Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the 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.
 - a. Create a 'Restriction as to User' 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.

And,

- Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).

- 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 owners cost.
 - (iv) Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

- 5.7. An easement is to be created in relation to all structures which overhang or are constructed on the public road. The easement is to be created and registered at the cost of the Applicant and is to be on terms reasonably acceptable to Council, including a term addressing indemnity between the parties.

6. ONGOING

- 6.1. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.2. The content of the approved signage panels has not been approved as part of this consent. The applicant is required to submit the intended signage content to Council for consideration by Council's Heritage Officer prior to its erection.
- 6.3. All loading vehicles must reverse into the site, and exit the site in a forward motion.

7. PENALTIES

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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. REVIEW OF DETERMINATION

Subject to provisions of Section 82A of the Act, the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

9. RIGHT OF APPEAL

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.

To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.



12 January 2017

Bruce Kerr Pty Ltd
Matthew Wales & Associates
2 Blackwall Rd
WOY WOY NSW 2256

sales@brucekerr.com.au

APPLICATION NUMBER: 48230/ 2015 Part 2
PROPOSAL: Amendment under Section 96 (1) of the Environmental Planning and Assessment Act to the Approved Demolition, Restoration & Conservation of Existing Heritage Building For Retail & Commercial Use & Construction of Two Residential Units & Verandah
PROPERTY: Section 96 - Delete Condition 3.5
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Dear Sir/Madam

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Yours faithfully

Rob Noble
Chief Executive Officer

Per: *Ailsa Prendergast*

Date: 12 January 2017

Development & Compliance
DA 48230/2015

AMENDED CONDITIONS OF CONSENT PART 2

1. PARAMETERS OF THIS CONSENT

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Supporting Documentation

Document	Title	Date
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	Stormwater Management and Sedimentation Control Layout and Details Ref: 3389C-1A	06/07/2015
	Waste Management Plan	18/08/2015
	BASIX Certificate No. 651231M	11/08/2015

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

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

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 - 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.
- 2.2. Submit an application to Council under Section 138 of the *Roads Act, 1993*, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Heavy-duty vehicle crossing that has a width of 6m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- b. All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.
- c. All redundant vehicular crossings are to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location.
- d. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.3. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.

- 2.4. Pay a security deposit of \$3600 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.5. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.

- 2.6. Submit design details of the following engineering works within private property:
 - a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.
 - b. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
 - c. Piping of all stormwater from impervious areas within the site via nutrient control structure to Council's drainage system.
 - d. The minimum floor level of all habitable rooms in the development must be RL 2.45m AHD.
 - e. All building materials used or located below RL 2.45m AHD must be of a type that is able to withstand the effects of immersion.

These design details and any associated reports must be included in the construction certificate.

- 2.7. All vehicles must enter and leave the site in a forward moving direction.
- 2.8. Vehicular access to / from the subject site shall be restricted to left in / left out only.
- 2.9. The driveway shall have an appropriate splay from the kerb line, in accordance with the RMS's Guide to Traffic Generating Developments 2002.
- 2.10. All works associated with the subject development shall be undertaken at full cost to the developer and no cost to RMS or Council.
- 2.11. The development shall be designed such that the road traffic noise from Railway Street and Charlton Street, and rail noise from the railway corridor is mitigated by durable materials, in accordance with EPA criteria for new residential developments (*The Environmental Criteria for*

Road Traffic Noise, May 1999). The Roads and Maritime Service (RMS) *Environmental Noise Management Manual* provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not feasibly or reasonably be met, the internal noise objectives for all habitable rooms under ventilated conditions shall comply with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45dB(A)_{Leq(15hr)} and 40dB(A)_{Leq(9hr)}, and
- Sleeping rooms: 35 dB(A)_{Leq(9hr)}.

2.12. Pay to Council a total contribution amount of **\$28,216.00** that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.

Roadwork - Capital	B	(Key No 789)	\$1,656.00
Open Space - Land	C	(Key No 791)	\$4,900.00
Open Space - Embellishment	C	(Key No 790)	\$12,592.00
Community Facilities - Land	D	(Key No 793)	\$286.00
Community Facilities - Capital	D	(Key No 792)	\$4,238.00
Drainage - Land	A	(Key No 787)	\$976.00
Drainage - Capital	A	(Key No 788)	\$3,568.00
TOTAL AMOUNT			\$28,216.00

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 Duty Planner for an up-to-date contribution payment amount on 4325 8222.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority 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 Gosford City Council, 49 Mann Street Gosford or on Council's website:

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

2.13. Additional landscaping must be provided in the area immediately adjacent to the garbage bins fronting Charlton Street to the satisfaction of Council, in order to improve the Charlton Street elevation.

- 2.14. All window and door openings of the heritage building which are being restored must be constructed in timber and matching the style of the existing fixtures of the heritage building.
- 2.15. A Construction Management Plan (CMP) must be prepared which identifies all methodology of the demolition/construction works, and includes correspondence with/input from adjoining land owners, including DEXUS Property Group in relation to potential conflicts with the loading operations of the adjoining shopping centre.

3. PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

- 3.1. 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* 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 Gosford City Council's website www.gosford.nsw.gov.au
- 3.2. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans.
- 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 shall indicate:
- a. The name, address and telephone number of the principal certifying authority for the work; and
 - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited.

Remove the sign when the work has been completed.

- 3.4. A Heritage Assessment is to be prepared and submitted to Council for approval relating to the painted "Bushells" sign on the western side of the building. The Heritage Assessment is to assess the heritage significance of the sign prior to any development taking place. Appropriate conservation measures need to be emplaced following on from the significance assessment.

~~3.5. An Aboriginal and Non-Aboriginal Archaeological Due Diligence Report must be prepared and submitted to Council for approval prior to the commencement of work, in accordance with the Heritage Act 1977 and the NP&W Act 1974.~~

3.5. **DELETED**

4. DURING WORKS

All conditions under this section must be met during works.

4.1. Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i. Minor renovation or refurbishments to single dwelling construction.
- ii. Owner occupied renovations or refurbishments to single dwelling construction.
- iii. Owner builder construction of single dwelling construction; and / or
- iv. Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.

4.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.

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 Certifying Authority or an officer of Council.

4.4. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.

4.5. Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.

- 4.6. Locate all electrical fixtures and/or gas outlets associated with the proposed works at a minimum height of RL 2.45m AHD.
- 4.7. Undertake all excavation works under the supervision of a qualified geotechnical engineer as Council's records indicate that the site may contain potential acid sulphate soils. If acid sulphate soils are identified, recommendations and details of the proposed mitigation and treatment measures must be submitted to, and approved by, Council.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

- 5.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.2. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.3. Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.4. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 5.5. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.6. Amend the Deposited Plan (DP) to:
 - Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the 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.
 - a. Create a 'Restriction as to User' 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.

And,

- Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).

- 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 owners cost.
 - (iv) Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

- 5.7. An easement is to be created in relation to all structures which overhang or are constructed on the public road. The easement is to be created and registered at the cost of the Applicant and is to be on terms reasonably acceptable to Council, including a term addressing indemnity between the parties.

6. ONGOING

- 6.1. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.2. The content of the approved signage panels has not been approved as part of this consent. The applicant is required to submit the intended signage content to Council for consideration by Council's Heritage Officer prior to its erection.
- 6.3. All loading vehicles must reverse into the site, and exit the site in a forward motion.

7. PENALTIES

GEN500

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. REVIEW OF DETERMINATION

Subject to provisions of Section 82A of the Act, the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

9. RIGHT OF APPEAL

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.

To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.



Title: Development Application No. 48230/2015 Part 2,
Proposed Delete Condition 3.5 on LOT: 12 DP: 1009830,
68 Railway Street WOY WOY

Department: Governance and Planning

Report Purpose:

To enable the determination of a development application.

Applicant	Bruce Kerr Pty Ltd
Owner	J D Matthews
Application Number	48230/2015 Part 2
Description of Land	LOT: 12 DP: 1009830, 68 Railway Street WOY WOY
Proposed Development	Delete Condition 3.5
Zoning	R1 GENERAL RESIDENTIAL
Site Area	472.8m ²
Existing Use	Abandoned
Value of Works	\$0.00

Summary:

On 18 May 2016 Council issued development consent to DA48230/2015 Part 1, which included at Condition 3.5 a requirement to prepare an Aboriginal and Non-Aboriginal Archaeological Due Diligence Report prior to the commencement of work. Following discussions with Environmental Officer and Heritage Officer, it was confirmed that this condition was included in error and can be removed from the conditions of consent for DA48230/2015 Part 1. A Section 96(1) application has been submitted to facilitate this modification.

Application Type	Development Application
Application Lodged	11/08/2016
Delegation level Reason for delegation level	Manager Development Assessment Original DA determined by Manager of Development Assessment

Recommendation:

A Council as consent authority approve the Section 96(1) Part 2 application to modify Development Consent No 48230/2015 Part 1 to the approved demolition, restoration & conservation of existing heritage building for retail and commercial use and construction of two residential units and verandah on LOT: 12 DP: 1009830, 68 Railway Street WOY WOY. The Development Consent No 48230/2015 be modified as follows;

- i Deletion of Condition 3.5.

The original development consent is therefore replicated incorporating amendment/s and/or deletion/s.

- C The applicant be advised that the approved amendment does not extend the terms of the original consent.

Assessment:

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans.

Background:

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

DA48230/2015 Part 1 for demolition, restoration & conservation of existing heritage building for retail and commercial use and construction of two residential units and verandah, approved on 18 May 2016.

Site & Surrounds:

The site is known as LOT: 12 DP: 1009830 68 Railway Street WOY WOY, located on the southern corner of Railway Street and Charlton Street, Woy Woy. The property shares a common boundary with residential development to the southwest and commercial development to the southeast. The topography is generally flat in the vicinity of the site.

The site currently contains an existing two storey building which has been abandoned for many years and is a heritage item. Apart from this building the site is vacant.

The site is not identified as being "bushfire prone land" on Council's bushfire maps.

The Proposal:

The applicant is seeking to modify the consent for Development Application 48230/2015 under section 96(1) of the EP&A Act by:

- Deleting Condition 3.5

Condition 3.5 of DA48230/2015 related to the preparation of a due diligence report, as follows:

- 3.5. *An Aboriginal and Non-Aboriginal Archaeological Due Diligence Report must be prepared and submitted to Council for approval prior to the commencement of work, in accordance with the Heritage Act 1977 and the NP&W Act 1974.*

The condition was originally included as an interpretation of the comments provided by Council's Heritage Officer, in particular the following:

- *Recommendations for alterations or conditions of consent:*
 - ...
 - *Due diligence with regard to Aboriginal and non- aboriginal archaeological finds must be adhered to. This is in accordance with the Heritage Act 1977 and the NP&W Act 1974.*

Following discussion with Council's Environmental Officer and Heritage Officer, it was confirmed that this condition was included in error and can be removed from the conditions of consent.

Applicable Planning Controls:

The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

- Environmental Planning & Assessment Act 1979 - Section 79C
- Local Government Act 1993 - Section 89
- State Environmental Planning Policy (SEPP) No 64 - Advertising and Signage
- State Environmental Planning Policy (SEPP) No 71 - Coastal Protection
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Gosford Local Environmental Plan 2014
- Gosford Development Control Plan 2013

Draft Environmental Planning Instruments:

No draft Environmental Planning Instruments apply to this application.

Permissibility:

The subject site is zoned R1 GENERAL RESIDENTIAL under Gosford Local Environmental Plan 2014. The proposed development is defined as two (2) land uses, including attached dual occupancy and commercial as defined in Gosford LEP 2014. Development for the purpose of an attached dual occupancy is permissible in the R1 zone with consent of Council, however development for the purpose of a commercial premises is prohibited in the R1 zone.

Notwithstanding, pursuant to Clause 5.10(10) of the LEP any use may be granted consent where the building is a heritage item. Council's assessment under DA 48230/2015 Part 1 concluded that the proposal meets the five relevant points of consideration under Clause 5.10(10) and therefore the proposed use of the heritage building for a commercial and retail use is permissible with consent.

State Environmental Planning Policies:

State Environmental Planning Policy No 64 – Advertising and Signage

SEPP 64 applied to DA 48230/2015 Part 1 however the proposed modification will not result in any change to the proposed signage. Therefore further assessment under SEPP 64 is not required.

State Environmental Planning Policy No 71 – Coastal Protection

The provisions of State Environmental Planning Policy (SEPP) No 71 - Coastal Protection require Council consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

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 (Building Sustainability Index: BASIX) 2004

The original application was 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. The proposed modification will have no impact upon the design of the dwellings or the calculations of the BASIX certificate.

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

State Environmental Planning Policy (Infrastructure) 2007

The original DA was subject to consideration under Clause 101 of the Infrastructure SEPP, relating to development on land with frontage to a classified road. The proposed modification to delete Condition 3.5 will not result in any change to the development having regard to the considerations under Clause 101, and the requirements of Condition 2.11 (relating to acoustic performance) will continue to apply.

Gosford Local Environmental Plan 2014:

Development Standard	Required	Proposed	Compliance with Controls	Variation	Compliance with Objectives
Cl. 4.1B Min Lot Size	500m ²	472.8m ² (No change)	No	14%	Yes
Cl. 4.3 Height	11m	9.18m (No change)	Yes	0%	Yes
Cl. 4.4 FSR	0.75:1	0.89:1 (No change)	No	18.6%	Yes

Zone R1 GENERAL RESIDENTIAL

The objectives for the R1 GENERAL RESIDENTIAL are:

- *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 meets the objectives of the 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 contains Class 2 Acid Sulfate Soils. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

5.10 Heritage Conservation

Council may grant consent for the use of a heritage building for any purpose provided the five (5) relevant points of consideration are satisfied. The assessment carried out under DA 48230/2015 Part 1 concluded that these matters of consideration were satisfied. The proposed modification does not alter the assessment carried out under DA 48230/2015 Part 1 and therefore the proposed use of the heritage building for a commercial and retail use remains permissible.

Gosford Development Control Plan 2013:

The proposed modification to delete Condition 3.5 will not result in any change to the assessment of the proposed development against the relevant provisions of Gosford DCP 2013 carried out under DA 48230/2015 Part 1.

Planning Agreements:

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

Development Contribution Plan:

The development approved under DA 48230/2015 Part 1 was subject to a development contribution of \$28,216 as set out under Condition 2.12. The contribution will not change as a result of the proposed modification, as Condition 2.12 is not proposed to be deleted.

Referrals:

Internal Referral Body	Comments
Heritage	Council's Heritage Program and Projects Coordinator has reviewed the proposed modification and has raised no objections.

Political Donations:

No political donations were declared by the applicant.

Public Submissions:

The proposed development did not require notification in accordance with the provisions of Gosford Development Control Plan 2013.

Financial Impact:

The recommendation does not impact on Council's financial position.

Conclusion:

The proposed development has been considered under sections 96 and 79C of the Environmental Planning and Assessment Act 1979. The proposal involves modifications to the approved demolition, restoration & conservation of existing heritage building for retail and commercial use and construction of two residential units and verandah at 68 Railway Street WOY WOY. The proposed modifications will not result in adverse amenity impacts on the adjoining properties and the streetscape. The proposed development is substantially the same as the development that was originally granted consent.

As such, in accordance with Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, the Section 96(1) for modification is recommended for APPROVAL.

Recommendation:	Approval, subject to conditions
Assessing Officer	S A Earp
Recommendation Reviewed by:	A Prendergast

Plans for Stamping

No Electronic Stamping

Supporting Documents for Binding with consent

Nil

Attachments:

Nil

Proposed Conditions of Consent Part 2:

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: Eeles Trelease Architects

Drawing	Description	Sheets	Issue	Date
DA00	Cover Page	1	A	12/08/15
DA01	Site Plan	1	A	12/08/15
DA02	Ground Floor Plan	1	A	12/08/15
DA03	First Floor Plan	1	A	12/08/15
DA04	Roof Plan	1	A	12/08/15
DA05	North Elevation – Railway Street	1	A	12/08/15
DA06	East Elevation – Charlton Street	1	A	12/08/15
DA07	West Elevation	1	A	12/08/15
DA08	South Elevation	1	A	12/08/15
DA09	Section AA	1	A	12/08/15
DA10	Section BB	1	A	12/08/15
DA11	Shadow Diagrams	1	A	12/08/15
DA12	Swept Path A	1	A	12/08/15
DA13	Swept Path B	1	A	12/08/15
DA14	Swept Path C	1	A	12/08/15
DA15	Swept Path D	1	A	12/08/15

Supporting Documentation

Document	Title	Date
	Landscape Master Plan Ref: #RS0715	July 2015
	Stormwater Management and Sedimentation Control Layout and Details Ref: 3389C-1A	06/07/2015
	Waste Management Plan	18/08/2015
	BASIX Certificate No. 651231M	11/08/2015

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

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

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

2.1. 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 etc that are required by this consent.

- 2.2. Submit an application to Council under Section 138 of the *Roads Act, 1993*, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Heavy-duty vehicle crossing that has a width of 6m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- b. All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.
- c. All redundant vehicular crossings are to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location.
- d. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.3. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.4. Pay a security deposit of \$3600 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.5. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.

- 2.6. Submit design details of the following engineering works within private property:
 - a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.

- b. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
- c. Piping of all stormwater from impervious areas within the site via nutrient control structure to Council's drainage system.
- d. The minimum floor level of all habitable rooms in the development must be RL 2.45m AHD.
- e. All building materials used or located below RL 2.45m AHD must be of a type that is able to withstand the effects of immersion.

These design details and any associated reports must be included in the construction certificate.

- 2.7. All vehicles must enter and leave the site in a forward moving direction.
- 2.8. Vehicular access to / from the subject site shall be restricted to left in / left out only.
- 2.9. The driveway shall have an appropriate splay from the kerb line, in accordance with the RMS's Guide to Traffic Generating Developments 2002.
- 2.10. All works associated with the subject development shall be undertaken at full cost to the developer and no cost to RMS or Council.
- 2.11. The development shall be designed such that the road traffic noise from Railway Street and Charlton Street, and rail noise from the railway corridor is mitigated by durable materials, in accordance with EPA criteria for new residential developments (*The Environmental Criteria for Road Traffic Noise*, May 1999). The Roads and Maritime Service (RMS) *Environmental Noise Management Manual* provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not feasibly or reasonably be met, the internal noise objectives for all habitable rooms under ventilated conditions shall comply with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45dB(A)_{Leq(15hr)} and 40dB(A)_{Leq(9hr)}, and
- Sleeping rooms: 35 dB(A)_{Leq(9hr)}.

- 2.12. Pay to Council a total contribution amount of **\$28,216.00** that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.

Roadwork - Capital	B	(Key No 789)	\$1,656.00
Open Space - Land	C	(Key No 791)	\$4,900.00
Open Space - Embellishment	C	(Key No 790)	\$12,592.00
Community Facilities - Land	D	(Key No 793)	\$286.00
Community Facilities - Capital	D	(Key No 792)	\$4,238.00
Drainage - Land	A	(Key No 787)	\$976.00
Drainage - Capital	A	(Key No 788)	\$3,568.00
TOTAL AMOUNT			\$28,216.00

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 Duty Planner for an up-to-date contribution payment amount on 4325 8222.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority 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 Gosford City Council, 49 Mann Street Gosford or on Council's website:

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

- 2.13. Additional landscaping must be provided in the area immediately adjacent to the garbage bins fronting Charlton Street to the satisfaction of Council, in order to improve the Charlton Street elevation.
- 2.14. All window and door openings of the heritage building which are being restored must be constructed in timber and matching the style of the existing fixtures of the heritage building.
- 2.15. A Construction Management Plan (CMP) must be prepared which identifies all methodology of the demolition/construction works, and includes correspondence with/input from adjoining land owners, including DEXUS Property Group in relation to potential conflicts with the loading operations of the adjoining shopping centre.

3. PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

- 3.1. 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* 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 Gosford City Council's website www.gosford.nsw.gov.au
- 3.2. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans.
- 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 shall indicate:
 - a. The name, address and telephone number of the principal certifying authority for the work; and

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- b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited.

Remove the sign when the work has been completed.

- 3.4. A Heritage Assessment is to be prepared and submitted to Council for approval relating to the painted "Bushells" sign on the western side of the building. The Heritage Assessment is to assess the heritage significance of the sign prior to any development taking place. Appropriate conservation measures need to be emplaced following on from the significance assessment.
- ~~3.5. An Aboriginal and Non-Aboriginal Archaeological Due Diligence Report must be prepared and submitted to Council for approval prior to the commencement of work, in accordance with the Heritage Act 1977 and the NP&W Act 1974.~~

4. DURING WORKS

All conditions under this section must be met during works.

- 4.1. Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i Minor renovation or refurbishments to single dwelling construction.
- ii Owner occupied renovations or refurbishments to single dwelling construction.
- iii Owner builder construction of single dwelling construction; and / or
- iv Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.

- 4.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 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 Certifying Authority or an officer of Council.
- 4.4. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.

-
- 4.5. Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.
 - 4.6. Locate all electrical fixtures and/or gas outlets associated with the proposed works at a minimum height of RL 2.45m AHD.
 - 4.7. Undertake all excavation works under the supervision of a qualified geotechnical engineer as Council's records indicate that the site may contain potential acid sulphate soils. If acid sulphate soils are identified, recommendations and details of the proposed mitigation and treatment measures must be submitted to, and approved by, Council.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

- 5.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
 - 5.2. Do not occupy the premises until the Occupation Certificate has been issued.
 - 5.3. Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
 - 5.4. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
 - 5.5. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
 - 5.6. Amend the Deposited Plan (DP) to:
 - Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the 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.
 - a. Create a 'Restriction as to User' 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.
- And,
- Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
 - 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 owners cost.
 - (iv) Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

- 5.7. An easement is to be created in relation to all structures which overhang or are constructed on the public road. The easement is to be created and registered at the cost of the Applicant and is to be on terms reasonably acceptable to Council, including a term addressing indemnity between the parties.

6. ONGOING

- 6.1. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.2. The content of the approved signage panels has not been approved as part of this consent. The applicant is required to submit the intended signage content to Council for consideration by Council's Heritage Officer prior to its erection.
- 6.3. All loading vehicles must reverse into the site, and exit the site in a forward motion.

7. PENALTIES

GEN500

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. REVIEW OF DETERMINATION

Subject to provisions of Section 82A of the Act, the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

9. RIGHT OF APPEAL

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.

To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

ADVISORY NOTES

- 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. *Gosford City Council* in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with WorkCover 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.
- Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.
- The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.



TITLE **DEVELOPMENT APPLICATION NO. 48230/2015**
APPLICANT: BRUCE KERR PTY LTD
PROPOSED: DEMOLITION, RESTORATION & CONSERVATION OF
EXISTING HERITAGE BUILDING FOR RETAIL & COMMERCIAL USE &
CONSTRUCTION OF TWO RESIDENTIAL UNITS & VERANDAHON LOT: 12
DP: 1009830, 68 RAILWAY STREET WOY WOY
Directorate: Governance and Planning
Business Unit: Development and Compliance

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979.

EXECUTIVE SUMMARY

Reason for Referral to Manager of Development: FSR Variation of 18.6% and Lot Size Variation of 14%

Assessing Officer: S A Earp

Application Received: 24/08/2015

Synopsis: An application has been received for a Demolition, Restoration & Conservation of Existing Heritage Building For Retail & Commercial Use & Construction of Two Residential Units & Verandah. The application has been assessed against the matters for consideration detailed in 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979.

The development proposes two (2) variations to development standards under Gosford LEP 2014, being Minimum Lot Size (Clause 4.1B) and Floor Space Ratio Clause 4.4). The nature of each variation has been assessed and is considered acceptable given the circumstances of each variation. The applicant has provided a Clause 4.6 variation for each of the proposed variations, each of which are considered well founded.

The proposal will not detract from the character or scenic qualities of the area or have unreasonable impacts on the environment. The proposal has been considered against the relevant planning controls and standards, including heritage controls and it has been concluded that the proposal will have positive impacts on the locality by reinstating a heritage item and by providing two new dwellings which are well designed and do not detract from heritage significance.

All relevant matters under Section 79C of the Environmental Planning and Assessment Act 1979, section 89 of the Local Government Act 1993, the objectives of the zone and the principles of ecologically sustainable development have been considered and the proposal is recommended for **approval** subject to conditions.

Zone: R1 General Residential

Area: 472.8m²

Topography: Gradual slope down from the Railway Street boundary to the rear of the site of about 1 metre.

Public Submissions: Two

Employment Generating: Yes **Value of Work:** \$650,000.00

Political Donations

None declared.

Relevant Statutory Provisions

1. Environmental Planning & Assessment Act 1979 - Section 79C
2. Local Government Act 1993 - Section 89
3. Gosford Local Environmental Plan 2014
4. Gosford Development Control Plan 2013
5. State Environmental Planning Policy (SEPP) No 71 - Coastal Protection
6. State Environmental Planning Policy (SEPP) No 64 – Advertising and Signage
7. State Environmental Planning Policy (SEPP) Infrastructure 2007

Key Issues

1. Gosford Local Environmental Plan 2014
2. FSR compliance
3. Heritage
4. SEPP 64 – Signage
5. DCP compliance
6. Flooding
7. Section 94 Contributions
8. External Referrals
9. Internal Referrals
10. Public Submissions

Recommendation

Approval, subject to conditions

REPORT**The Site**

The site is located on the southern corner of Railway Street and Charlton Street, Woy Woy. The site is adjacent to Woy Woy town centre and is on the opposite side of Charlton Street to Deepwater Plaza.

The site has an area of 472.8m² and has the following dimensions:

- Railway Street frontage (North western boundary) 18.6 metres;
- Corner Splay (Northern boundary) 1.91 metres
- Charlton Street frontage (North eastern boundary) 23.79 metres;
- Rear boundary (South eastern boundary) 19.91 metres; and
- Side boundary (South western boundary) 22.42 metres.

The site currently contains an existing two storey building which has been abandoned for many years and is a heritage item. Apart from this building the site is vacant.

Proposal

The proposal is for demolition, restoration & conservation of an existing heritage building for retail & commercial use & construction of two residential units & verandah.

Demolition to the heritage building will involve removal of the existing non-original concrete block garage and single storey brick addition which are located on the Charlton Street frontage. Restoration and conservation of the heritage building will include works required to allow a commercial and retail use, new above awning signage and construction of a balcony over the footpath (in accordance with the original design).

The two new dual occupancy dwellings are to be attached to each other and attached to the heritage building. Each are two storeys in height. Other works include, parking at the rear of the site, stormwater drainage and landscaping.

Assessment

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans. The assessment supports approval of the application and has identified the following key issues which are elaborated upon for Council's information.

Gosford Local Environmental Plan 2014

The land is zoned R1 General Residential under Gosford Local Environmental Plan 2014.

The objectives of the zone are:

- *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 proposal is defined as two uses, the new buildings are attached dual occupancy dwellings as defined under the LEP, as each dwelling is attached to the other and are located on one lot of land and is permissible within the zone.

In this instance, it is considered that the proposed use for a dual occupancy is consistent with the stated objectives for the following reasons:

- The proposal increases housing opportunities;
- The proposal Increases housing diversity by providing medium density housing;
- The commercial and retail element (discussed below) is a land use which will service the day to day needs of residents
- The housing style is consistent with the desired future character of the zone
- Design is high quality and incorporates articulation and detailing
- The commercial and retail element is adjacent to the existing Woy Woy town centre and as such will 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 as any overflow demand for services (such as parking) are accommodated for in the existing town centre.

The other use on the site is a commercial building, with ground floor retail and first floor commercial uses. The applicant has confirmed that it is not proposed to use the existing structure as a separate domicile. This is not permitted in the zone, however, pursuant to Clause 5.10(10) of the LEP any use may be granted consent where the building is a heritage item. Council must be satisfied the proposal meets the five relevant points of consideration, these are:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

Comment: The heritage item will be conserved and adaptively reused by granting consent.

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

Comment: A Heritage impact statement has been prepared by the applicant. As a condition of consent, prior to obtaining a construction certificate a heritage management document must be provided.

(c) The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

Comment: A heritage management document has not been prepared for the heritage item. Therefore no conservation works are necessary under this provision.

(d) The proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

Comment: The heritage impact statement addresses this. Council is satisfied that the proposal will not adversely affect the heritage significance and will have a positive impact on the item when compared to its current form.

(e) The proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Comment: The report concludes that the proposal is in character with the immediate locality and will not have any significant adverse or unavoidable amenity impacts on the surrounding area.

Council therefore finds the proposed use of the heritage building as a commercial and retail use permissible.

The proposal is also consistent with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.

Principal Development Standards

Following is a summary of the relevant standards under Gosford LEP 2014 and how the proposal responds to those standards:

Gosford LEP 2014			
Development Standard	Required	Proposed	Compliance
Cl. 4.1B Minimum Lot Size	550m ²	472.8m ²	No
Cl. 4.3 Height	11m	9.18m	Yes
Cl. 4.4 FSR	0.75:1*	0.89:1	No
Cl. 5.10 Heritage Conservation	The existing building can be used as a commercial building through this clause	Commercial use of the building is permissible under this clause	Yes (see discussion above)
7.1 Acid Sulfate Soils	The site is Class 2	Minimal excavation work proposed. Works to be subject to condition of consent (Condition 4.7)	Yes

* Site is mapped as 0.8:1, however reduces to 0.75:1 under Cl. 4.4(2A)(e) of GLEP 2014 as the primary use of the is not for a residential purpose site.

Minimum Lot Size Variation

The proposed development seeks to vary the minimum lot size standard. The minimum lot size standard for a dual occupancy development within the R1 General Residential zone is 550m². The proposal has a lot size of 472.8m², this represents a variation of 77.2m² or 14%.

The objective of this clause is to achieve planned residential density in certain zones.

The applicant has submitted a written request seeking to justify the proposed minimum lot size variation under Clause 4.6 of Gosford LEP 2014 (copy provided at **Attachment 1**), and has identified how compliance with this development standard is unreasonable or unnecessary.

The submission states:

“The variation to the Minimum Lot Size requirement will not hinder the proper management and development of the Woy Woy residential catchment. The proposal will in fact improve the social and economic welfare of the local community and create a better environment by substantially improving the livability and amenity of the locality through the provision of improved high quality residential development and the restoration of the existing heritage listed building.

Further, the variation to the Minimum Lot Size requirement will not hinder the promotion and co-ordination of the orderly and economic use and the development of the land.

In fact, the proposal ensures the highest and best use of the subject site by formalizing the trend to higher density housing utilising the natural features of the land and ensuring the viability of the development such that the heritage listed building can be conserved and restored.

Accordingly, the development standard set out in Clause 4.3 in respect of the Minimum Lot Size development standard is unnecessary and unreasonable in the circumstances of this development application.

In relation to the question as to whether compliance with the development standard is unreasonable or unnecessary in the circumstances, it is the applicants view that strict compliance with the Minimum Lot Size development standard is considered to be unreasonable in this particular case as the proposed variation simply seeks to maximise the site outcomes so as to ensure that the overall project is viable such that the existing heritage listed building can be conserved and restored as part of the development package. Further, the variation will ensure that the development improves the residential standard of the precinct whilst only justifiably varying the minimum lot size standard. It will ensure a more viable development and higher standard of residential yield compared to that which would otherwise be provided should strict adherence to the standard be applied. The proposal is an efficient use of the land which delivers historical, social, economic and environmental benefits to the local community.

The variation will not adversely affect the amenity of the immediate locality or compromise the objectives of Clause 4.3 of the Gosford Local Environmental Plan 2013 (GLEP 2013) or Section 5(a)(i)(ii) of the EP&A Act.

It is considered that the objection to the Minimum Lot Size standard is well founded and that based on the details provided above, strict adherence to the development standard would appear to be unreasonable and unnecessary in the circumstances of this development application.”

Having regard to the above submission, the nature of the development (meeting heritage conservation objectives), the relatively minor departure from the minimum lot size development standard, and the lack of identified adverse environmental impacts, it is considered to be fair and reasonable that Council exercises its delegated authority and accept the variation to this development standard.

Floor Space Ratio Variation

The proposed development also seeks to vary the FSR standard. The maximum FSR for the site is 0.75:1, which is a gross floor area (GFA) of 345.6m². The FSR is derived from Clause 4.4(2A)(e) of the LEP which states:

“(2A) Despite subclause (2), the maximum floor space ratio for a building on land in Zone R1 General Residential for which the maximum floor space ratio on the Floor Space Ratio Map is 0.7:1 or 0.85:1 is to be:

(e) if the building is used for any other purpose (excluding a dwelling house)—0.6:1 or 0.75:1, respectively.”

The site is mapped as having a FSR of 0.85:1, as such the second FSR in subclause (e) applies to the site, which is 0.75:1. An alternate FSR also applies to dual occupancy developments, however Council holds the view that as the primary use of the site is the commercial use of the heritage building (being a use for a purpose other than a residential use), the 0.75:1 FSR applies to the whole of the site, not to portions of the site used for different uses.

The proposal has a total GFA of 420m², which is an FSR of 0.89:1 representing a breach of 65.4m² or 18.6%.

The applicant has submitted a written request seeking to justify the proposed FSR variation under Clause 4.6 of Gosford LEP 2014 (copy provided at **Attachment 2**), and has identified how compliance with this development standard is unreasonable or unnecessary.

The submission states:

“The variation to the Floor Space Ratio requirement will not hinder the proper management and development of the Woy Woy residential catchment. The proposal will in fact improve the social and economic welfare of the local community and create a better environment by restoring and conserving the existing heritage building (ie: the “primary” use) whilst adding additional residential floor space that substantially improves the affordability, livability and amenity of the locality through the provision of improved high quality residential development. The variation to the standard will also allow the additional units which will critically offset the considerable costs associated with the restoration of the heritage item.

Further, the variation to the Floor Space Ratio requirement will not hinder the promotion and co-ordination of the orderly and economic use and the development of the land. In fact, the proposal ensures the highest and best use of the subject site by:

(i) restoring and conserving the existing heritage building as the “primary” use and returning it to its former uses;

(ii) formalizing the trend to higher density housing through the provision of the additional residential units that complement the existing heritage item; and (iii) activating both the Railway Street and Charlton Street frontages

Accordingly, the development standard set out in Clause 4.4 in respect of the Floor Space Ratio development standard is unnecessary and unreasonable in the circumstances of this development application.

In relation to the question as to whether compliance with the development standard unreasonable or unnecessary in the circumstances, it is the applicants view that strict compliance with the Floor Space Ratio development standard is considered to be unreasonable in this particular case as the proposed variation seeks to financially underpin the restoration and conservation of the existing heritage item which is considered to be the "primary" use, improve the viability of the proposed development and maximise the site outcomes. It seeks also to improve the residential standard of the precinct whilst justifiably increasing the overall floor space ratio (ie: a variation of 18.6%). It will ensure that the development is commercially viable and of a higher standard of residential yield compared to that which would otherwise be provided should strict adherence to the standard be applied. The proposal is an efficient use of the land which delivers social, economic and environmental benefits to the local community.

The variation will not adversely affect the amenity of the immediate locality or compromise the objectives of Clause 4.4 of the Gosford Local Environmental Plan 2013 (GLEP 2013) or Section 5(a)(i)(ii) of the EP&A Act.

It is considered that the variation to the Floor Space Ratio standard is well founded and that based on the details provided above, strict adherence to the development standard would appear to be unreasonable and unnecessary in the circumstances of this development application."

The primary impacts which may result from a variation to the FSR development standard on a site such as this would be upon the adjoining properties, including overshadowing and privacy impacts. In this regard, Clause 4.4(1)(c) sets out the following objective relating to impacts upon adjoining properties:

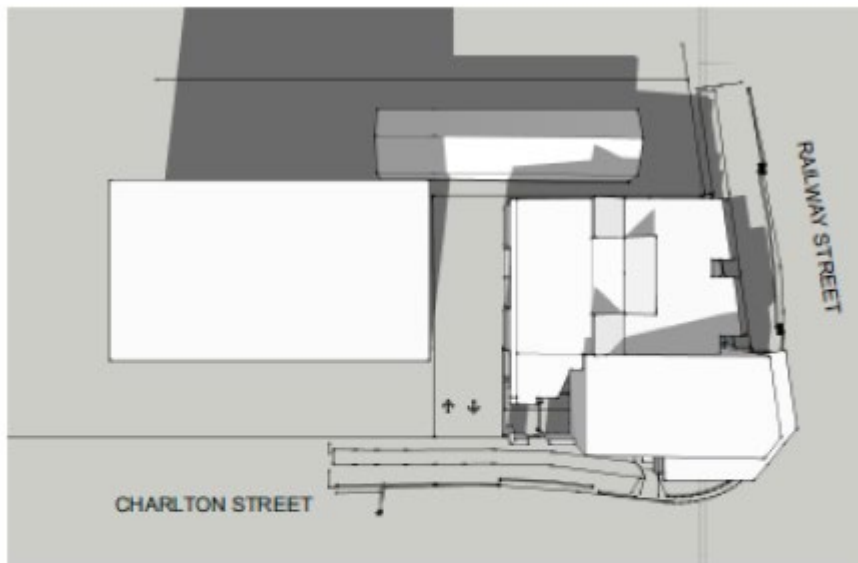
(1) The objectives of this clause are as follows:

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

The Clause 4.6 variation submitted by the applicant sets out the following justification in response to Clause 4.4(1)(c):

"Does not adversely impact on the use or enjoyment of adjoining properties and the public domain. The proposed development has been designed to address the Railway Street frontage with the rear portion of the property required for vehicle access to the two residential units and the heritage building. It is noted that the adjoining commercial/industrial building to the south east forms a dominant structure that has a significant shadowing impact on the rear yard of the existing single storey dwelling to the south west (ie: #70 Railway Street) particularly at the March Equinox and Winter Solstice as shown on the shadow diagrams appended to the development application (see Figure 3). By comparison, the proposed development will not have any incremental effect or significant shadowing impact on the adjoining property and will not adversely impact on the rear yard area. Some shadowing occurs to the front yard of #70 Railway Street during the March Equinox and Winter Solstice. However, it should be noted that similar shadowing already occurs from the existing trees within the subject site. There is some shadowing of the public footpath in Railway Street during the March Equinox but is largely unaffected for the remainder of the year. It is considered that the proposed development will neither significantly affect the enjoyment of the adjoining property nor the Railway

Street public domain. The proposal will enhance the streetscape and improve the urban built form through high quality design;”



21.MARCH / 21.SEPTEMBER - 9AM
EQUINOX



21.JUNE - 9AM
WINTER SOLSTICE

Figure 3 **Shadow Diagrams**

Although the shadow diagrams shown in Figure 3 of the Clause 4.6 variation submission do not provide a cumulative analysis of shadows on the adjoining property at 72 Railway Street, the assessment carried out in the written submission raises valid concerns about existing shadows

cast by the fence and trees on the common boundary between the two properties. Further to this, due to the orientation of the site and location to the property to the immediate north of the dwelling at 72 Railway Street, it is not possible to develop the site within the development controls without resulting in some degree of shadowing upon the adjoining dwelling.

Therefore an analysis must be carried out in regard to the design of the proposal and how it responds to overshadowing impacts of the adjoin dwelling. A more detailed assessment of overshadowing is carried out in this report, where it is concluded that given the circumstances of the proposal and approach to minimise shadowing impacts, the development is considered acceptable on solar access grounds.

Having regard to the above assessment, the nature of the development (meeting heritage conservation objectives), the extent of the departure from the minimum lot size development standard, and the lack of identified adverse environmental impacts including excessive bulk and scale or overshadowing, it is considered to be fair and reasonable that Council exercises its delegated authority and accept the variation to this development standard.

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. Condition of consent included to address potential risks once works commence.

(Refer Condition 4.7)

Flooding

This land has been classified as being under a “flood planning level” and subject to the imposition of a minimum floor level, the development is considered satisfactory in respect to Clause 7.2 of Gosford Local Environmental Plan 2014.

SEPP 64 – Signage

Under awning signs are proposed surrounding the heritage building, suspended from the outer edge of the proposed balcony, mirroring the original signage of the building.

The proposed signage has been considered against SEPP 64 – Advertising and Signage and the assessment criteria of Schedule 1 of the SEPP and are considered satisfactory.

Details of the signage content are yet to be provided. A condition of consent is to be put in place which requires the signage to be considered by Councils heritage officer prior to its erection.

(Refer Condition 6.2)

SEPP Infrastructure 2007

Clause 101 of SEPP Infrastructure 2007 sets out provisions relating to development with frontage to a classified road. The subject site has frontage to a classified road, being Charlton Street up to Railway Street) and therefore the provisions of Clause 101 must be addressed.

Clause 101(2) sets out the following provisions:

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

In regard to Clause 101(2)(a), no change to the existing vehicular access from Charlton Street is proposed.

In regard to Clause 101(2)(b), the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development, given the minor nature of the proposal including and attached dual occupancy and the ongoing commercial operation of the heritage listed building. The resulting development will not have a volume or frequency of vehicles using the classified road which would impact upon the efficiency of that road.

In regard to Clause 101(2)(c), the development includes an attached dual occupancy, which may be considered as sensitive to traffic noise or vehicle emissions, however these dwellings front onto Railway Street and so are partially removed from the potential traffic impacts. Notwithstanding, a condition of consent has been included which will ensure that the residential dwellings meet relevant acoustic performance criteria prior to the issue of a Construction Certificate.

(Refer Condition 2.11)

Climate Change and Sea Level Rise

Climate change and sea level rise have been considered in the assessment of this application.

Climate change and sea level rise will be felt through:

- increases in intensity and frequency of storms, storm surges and coastal flooding;
- increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
- increased coastal erosion;
- inundation of low-lying coastal communities and critical infrastructure;
- loss of important mangroves and other wetlands (the exact response will depend on the balance between sedimentation and sea level change); and
- impacts on marine ecosystems.

Internationally there is a lack of knowledge on the specifics of climate change and the likely impact it will have on the subject development. Government action may mitigate the impact of climate change and the question of sea-level rise may be able to be addressed through the construction of containment works or through Council's policies that may be developed over time.

In the absence of any detailed information at the present however, refusal of this application is not warranted.

Coastal Zone

The provisions of Clause 5.5 Gosford Local Environmental Plan 2014 and State Environmental Planning Policy (SEPP) No 71 - Coastal Protection require Council to consider matters in relation to the Coastal Zone. These matters have been considered in the assessment of this application and are considered consistent with the stated aims and objectives.

Section 94 Contributions

The land zoned R1 General Residential is subject to contribution plan CP 31C Peninsula Open Space, Community Facilities and Drainage. As the heritage building will not be used as a

separate domicile and as existing use rights for any residential use of this building have been established, the development is not eligible for a credit. The proposal will involve the construction of two (2) large units, and is therefore subject to a development contribution of \$28,216.

(Refer Condition 2.12)

Gosford Development Control Plan 2013

Chapter 2 Scenic Quality and Character

The site is located in the Woy Woy Sandplain Medium Density character area and the proposed is consistent with the desired character of the area. The proposed development is to comprise attached dual occupancy dwellings which are in the typology of a multi-dwelling housing development.

The proposal provides minimal landscaping along the front setback and does not provide room for new tree plantings. This is however acceptable as the setbacks of the new buildings seek to provide a transition between the existing building which has a 0m front setback and the neighbouring cottage.

The proposal seeks to match the form and scale of the heritage item and as such is not consistent with the form and scale of the adjoining residential cottage to the south west. This cottage is however older housing stock and it is considered appropriate that the proposal is consistent with the character of the heritage building and surrounding medium density residential typologies.

The driveway is located off Charlton Street and car parking is located at the rear and will be well screened from public view. The private open spaces of the new dwellings are located along the front façade to Railway Street which is not generally consistent with residential development in the locality. However this is acceptable in the circumstances as it provides an improved street presence, takes advantage of solar access and does not result in privacy impacts.

The proposed dwellings are generally consistent with the existing and desired character of the area while also remaining sensitive to the heritage item to which they adjoin.

Chapter 3.2 Dual Occupancy Developments

The proposal is for the construction of an attached dual occupancy development and is assessed against the major provisions of GDCP Chapter 3.2 Dual Occupancy Developments as follows:

Clause	Required	Proposed	Compliance
3.2.3.1 - Character	<ul style="list-style-type: none"> Scenic settings and existing natural features shall be protected and enhanced. Siting of buildings & gardens and Height, size and scale of new buildings shall be consistent with predominant patterns of the locality Street verges shall conserve visually-prominent landscape features. 	<ul style="list-style-type: none"> There are no scenic or natural features on the site that should be protected The height, size and scale of the new buildings are consistent with the heritage building. The limited street landscaping is also consistent with the heritage building which has a 0m front setback There are no visually prominent landscape features along Railway Street. 	<ul style="list-style-type: none"> N/A Consistent N/A
3.2.3.1.2 - Height	<ul style="list-style-type: none"> Max height = 3 storeys 	<ul style="list-style-type: none"> Proposal is 2 storeys 	<ul style="list-style-type: none"> Consistent
3.2.3.1.3 – Building Envelope	<ul style="list-style-type: none"> 3.5m height, at 45°. 	<ul style="list-style-type: none"> Breach at western elevation by a height and width of 4m when viewed from the front and rear. 	<ul style="list-style-type: none"> Inconsistent

		<ul style="list-style-type: none"> The heritage building is built to the boundary. 	
3.2.3.1.4 - Min ceiling heights	<ul style="list-style-type: none"> 2.4-2.7m 	<ul style="list-style-type: none"> The proposal has ceiling heights of 3m+ 	<ul style="list-style-type: none"> Consistent
3.2.3.2.1 - Setbacks	<ul style="list-style-type: none"> Side boundary – 1m Front boundary – 6m (all of which should be deep soil) Rear – 3m (all of which should be deep soil) Secondary front – 3m 	<ul style="list-style-type: none"> Side boundary – 900mm Front boundary – 2m Rear – 6m Secondary front – 0m 	<ul style="list-style-type: none"> Inconsistent Inconsistent Consistent Inconsistent
3.2.3.3.4 Garages	<ul style="list-style-type: none"> Max combined width 6m Can be located within any front or rear facade provided that they are setback 1m behind the walls of the building, and do not encroach upon side setbacks 	<ul style="list-style-type: none"> 6m total for two (2) garages. The garages are located along the rear façade, they are not setback 1 metre behind the building walls, however the new first floor does cantilever over the garages. 	<ul style="list-style-type: none"> Consistent Consistent
3.2.3.3.7 – Driveways	<ul style="list-style-type: none"> Width should be minimised so deep soil can be provided and some above ground pavements should be permeable Vehicles must enter and exit in a forward direction Driveways should be single width Driveways must allow a three point turn at each space Driveways should be flanked by landscaping at least 1m wide 	<ul style="list-style-type: none"> The driveway comprises the entire rear setback, permeable pavements are not proposed Vehicles will be able to enter and exit in a forward direction The driveway is 5.5m wide All car spaces allow for a three point turn The driveway is not flanked by landscaping 	<ul style="list-style-type: none"> Inconsistent Consistent Consistent Consistent Inconsistent
3.2.3.4.2 Private Open Space	<ul style="list-style-type: none"> Ground Level POS = 75m², including 1 area 6 x 6m for recreation and 1 area 4 x 4m for clothes drying. For duplex dwellings located above-ground, POS may be balconies with a combined area of at least 16m² and min width of 2m. POS should be located next to living rooms and create a continuation of indoor living rooms Have a minimum dimension of 3m Located within a street setback where 2m wide landscaping is provided adjacent Should be screened 	<ul style="list-style-type: none"> Western dwelling has 2 balconies with a total floor area of 13.7m². Ground balcony is 3.8m in length and has widths between 1.5m – 2m. The upper balcony is 4.2m length and has widths of 1.25-1.85m Eastern dwelling has 2 balconies with a total floor area of 14.1m². Ground balcony is 3.8m in length and has widths between 1.5m – 2m. The upper balcony is 4m length and has widths of 1.45-2m. POS are located adjacent to living rooms Minimum dimensions are 1.25m 300mm wide landscaping is provided adjacent Some ground floor screening is provided 	<ul style="list-style-type: none"> Inconsistent Inconsistent Consistent Inconsistent Inconsistent Consistent
2.3.3.4.3 Sunlight Access	<ul style="list-style-type: none"> 3 hours a day to living rooms and outdoor rec areas At least 3 hours of sunlight is to be maintained to the living room and POS of neighbouring sites 	<ul style="list-style-type: none"> Living rooms and POS are north facing and will receive 3 hours+ of sunlight Detailed analysis carried out below. 	<ul style="list-style-type: none"> Consistent Refer below
3.2.3.4.4 Privacy	<ul style="list-style-type: none"> 9 metres should be provided between each building If reduced separation is proposed screening should be provided. Rooms within 60m of the railway should meet relevant acoustic criteria 	<ul style="list-style-type: none"> 2.2 metres is provided between the proposal and the neighbouring dwelling All windows facing the neighbouring site are obscure Condition of consent to be included addressing acoustic 	<ul style="list-style-type: none"> Inconsistent Consistent Consistent

		performance.	
3.2.3.5.2 Residential Address	<ul style="list-style-type: none"> Sight lines should be available from regularly used rooms to streets and public spaces Garages do not dominate facades From facing fences may be solid up to 1.2m and have 1/3 transparent for any fence part above. 	<ul style="list-style-type: none"> Sight lines are available from the dwellings to Station Street and the railway on the opposite side of the road. The garage is located at the rear setback A front fence is not proposed 	<ul style="list-style-type: none"> Consistent Consistent Consistent
3.2.3.6.2 Articulation	<ul style="list-style-type: none"> Unarticulated wall length should not exceed 8m 	<ul style="list-style-type: none"> Western façade is 14m however is articulated with glass block windows. 	<ul style="list-style-type: none"> Consistent
3.2.3.6.3 – Roof	<ul style="list-style-type: none"> Avoid steep pitches and complex roof forms Roofs should be skillions, hips, gables, or rolled forms with exposed eaves 	<ul style="list-style-type: none"> The roof is complementary to the heritage building. 	<ul style="list-style-type: none"> Consistent
3.2.3.6.4 Finishes	<ul style="list-style-type: none"> Should be light weight Panel or board cladding, plain masonry walls, balconies with slender posts. 	<ul style="list-style-type: none"> The façade uses finishes which are to complement the existing heritage building. 	<ul style="list-style-type: none"> Consistent
3.2.3.7.3 Landscaping	<ul style="list-style-type: none"> Should be surrounded by canopy trees (5-8m in height) Front setbacks should accommodate a variety of trees and hedges (at least 1 canopy tree) Side and rear setbacks should have screen planting Side setbacks should have 1 canopy tree, rear setback should have 2 	<ul style="list-style-type: none"> The site does not contain any canopy trees. Minor landscaping is proposed. 	<ul style="list-style-type: none"> Generally consistent
3.2.3.8.2 Stormwater	<ul style="list-style-type: none"> 25% of the site should be deep soil Provision of rainwater tanks will reduce required onsite detention 	<ul style="list-style-type: none"> 17.35m² (3.7%) is provided as landscaped area, however given constraints of the site and nature of the development this is acceptable. Rainwater tanks are proposed below the balconies of each terrace 	<ul style="list-style-type: none"> Consistent Consistent
3.2.3.8.3 Garbage bins	<ul style="list-style-type: none"> Bins should be stored in garages, behind screens in carports, or in private service courtyards. 	<ul style="list-style-type: none"> Garbage bins are to be located at the rear setback and will be screened. 	<ul style="list-style-type: none"> Consistent
3.2.3.8.5 Storage	<ul style="list-style-type: none"> 10m³ storage is to be provided for each 	<ul style="list-style-type: none"> More than 10m³ is provided 	<ul style="list-style-type: none"> Consistent

Variations

Of the inconsistencies identified in the above assessment, the majority are a result of the unique conditions of this development. The development is classified as an attached dual occupancy, however the building typology is most similar to that of multi dwelling housing (i.e. unit development). The proposal does not represent the standard built form, lot size, lot layout, setbacks, landscaping or other characteristics of an attached dual occupancy development as it is seeking to meet heritage conservation objectives for the existing commercial building.

In response to the proposed attached dual occupancy dwellings Councils heritage officer has stated the following:

“The additional buildings are of an appropriate scale, do not dominate the heritage building, and are of a sympathetic architectural style. The roof form is appropriate, the front setbacks maintain the heritage building as the dominant form on the street corner, and the use of materials and colours sympathetic.”

Taking this into consideration, the assessment against the DCP must allow for a number of inconsistencies so long as they do not result in adverse built form outcomes. The following provides an assessment of the inconsistencies of the dual occupancy dwellings with the DCP controls.

Building Envelope (3.2.3.1.3):

The proposal breaches the building envelope control. This control however does not relate to development which would otherwise be considered multi dwelling housing. The proposed variation to the building envelope control is justified given the nature of the development and resultant medium-density typology of the residential development.

Setbacks (3.2.3.2.1):

The proposed side setbacks are 900mm where 1 metre is required. This inconsistency is minor and is satisfactory.

The front setback is 2 metres where 6 metres is required. This provides a setback which provides a transition between the 0 metre front setback of the heritage building and the residential dwelling to the west. This inconsistency is satisfactory given the circumstances of the proposal.

The breach to the secondary street setback is a result of the heritage building being built to the boundary and the proposed buildings maintaining this transition to adjoining development. This variation is considered satisfactory having regard to the circumstances of the proposal and comments provided by Council’s Heritage officer.

Driveways (3.2.3.3.4):

The driveway area at the rear does not provide any room for landscaping. The width of the driveway however is required for adequate turning spaces. In addition, as the driveway accommodates car parking area for the heritage building the additional width of the driveway will better facilitate two-way vehicle movements and therefore is reasonable.

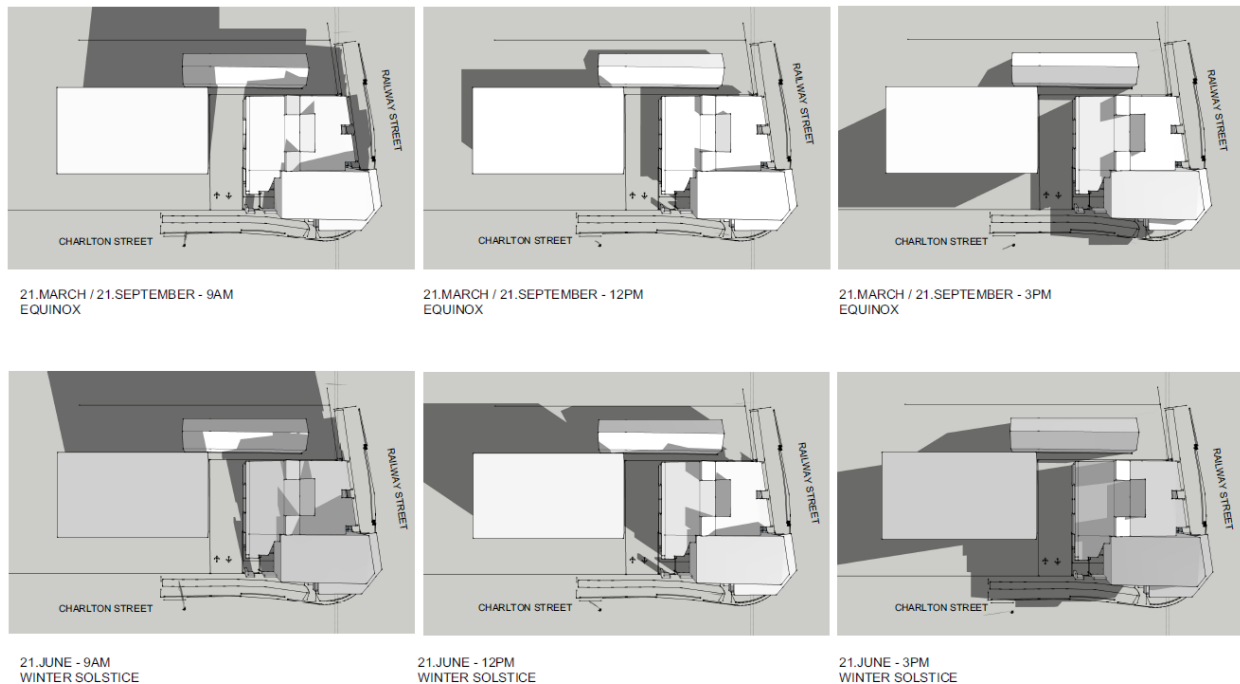
Private Open Space (3.2.3.4.2):

The proposal provides private open spaces which is more consistent with that of a multi dwelling housing development or residential flat building. For this reason the proposal does not provide the required open space areas of a dual occupancy development.

A private open space area of 16m² is required for a 3 bedroom residential flat building unit. Although each unit does not this requirement, the private open spaces are well designed, attached to a living room and are north facing. They will have a reasonable level of amenity and will have a good level of utility for each residential unit. In addition, the site is within 450 metres walking distance to Woy Woy Oval providing future residents with good access to public open space. For these reasons, the inconsistencies with the private open space balconies are satisfactory.

Solar Access (3.2.3.4.3):

The following solar access diagrams have been submitted in support of the application, detailing the extent of overshadowing upon the adjoining dwelling at 17 Railway Street:



The proposal will impact the solar access of the dwelling at 72 Railway Street. Due to the orientation of the site, the narrow width of the lot and the existing large Toyota warehouse to the south of the site, 72 Railway Street is already the subject of reduced solar access to natural sunlight.

The existing warehouse currently blocks sunlight to the rear private open space of 72 Railway Street in the morning to early afternoon. The proposal will have minimal additional impact on solar access to the rear open space of the adjoining property.

The proposal will however impact solar access to three windows on the northern elevation of 72 Railway Street. Due to the orientation of the site, location of the heritage item (which the proposal must be designed around) and orientation of the adjoining dwelling, it is not possible to develop the site within development controls without resulting in some degree of shadowing upon these windows.

The proposal is two storeys in height and has been designed with a low-pitch roof design which reduces the extent of overshadowing on the norther-facing windows of the dwelling between 9am-12pm at the winter solstice. The design of the proposal has been assessed by Council's Heritage Officer who has supported the design. Further it is considered that the irregular lot layout and design of the adjoining building equally forms part of the overshadowing constraint which is the subject of this assessment.

Taking into account the above, it is considered that overshadowing impacts resulting from development on the subject site are unavoidable and therefore measures must be taken to reduce any impacts where possible. Given the circumstances of the proposal and approach to minimise shadowing impacts, the development is considered acceptable on solar access grounds.

It is noted that no submission was made by the owner of the adjoining property.

Privacy (3.2.3.4.4):

The required 9 metres separation is not provided due to the constraints of the site and typology of the development (more consistent with a multi dwelling housing form). The windows provided

on the western elevation are all obscure and as such will not provide any opportunity for overlooking. This inconsistency is considered acceptable.

Chapter 3.7 Advertising Signage

The proposal includes signage suspended below the awning of the new balcony that is to be located over the footpath and attached to the heritage building. This section of the DCP relates to signage in Gosford LGA.

Clause	Required	Proposed	Compliance
3.7.7.3 Under awning sign	<ul style="list-style-type: none"> not more than 2.5 m in length; not more than 0.4 m in width; not more than 0.5 m in height; not project beyond the edge of the awning; be erected horizontal to the ground and at no point be less than 2.6 m from the ground and or footpath; and not be closer than 3m to any other under awning sign. 	<ul style="list-style-type: none"> Max length is 3.6m Max width is 0.1m Max height is 0.7m The signs will not project beyond the awning Signs are horizontal to the ground Signs are at least 3 metres above the footpath Signs are between 550mm and 1.3m apart. 	<ul style="list-style-type: none"> Inconsistent Consistent Inconsistent Consistent Consistent Consistent Inconsistent
3.7.10.3 Max amount of signs	<ul style="list-style-type: none"> Under awning signs will be considered providing they complement the architectural style of the building and are in keeping with the signage in the locality of any proposed sign. 	<ul style="list-style-type: none"> The proposed signs are consistent with the heritage nature of the building and, pending what the signs are for, have the potential to enhance the heritage qualities of the building. 	<ul style="list-style-type: none"> Consistent

The proposed signage does not strictly comply with the signage controls for under awning signs in the DCP. This is because the proposed signage is not typical under awning signage (being a mirroring of the original signage of the heritage building) and as a result does not comply with the size and separation distances. It is considered that these non-compliances are satisfactory as the signage has the potential to enhance the heritage qualities of the building and are generally supported by Council's Heritage Officer.

Details of the signage content are yet to be provided. A condition of consent is to be put in place which requires the signage to be considered by Councils heritage officer prior to its erection. **(Refer Condition 6.2)**

Chapter 7.1 Car Parking

The following table provides an assessment of the proposed car parking against Council DCP controls

Clause	Required	Proposed	Compliance
7.1.2.7 Disabled parking	<ul style="list-style-type: none"> Where parking is in excess of 5 spaces at least 1 space per 5 spaces should be provided for people with a disability 	<ul style="list-style-type: none"> 6 spaces are provided. No disabled spaces are provided. However in accordance with heritage conservation incentives disabled access is not required to the site. 	<ul style="list-style-type: none"> Justified inconsistency
7.1.3.2 Number of spaces	<ul style="list-style-type: none"> Dual Occupancy = 2 spaces per dwelling Office premises = 1 per 40m² GFA Shops = 1 per 30m² GFA 	<ul style="list-style-type: none"> 2 spaces per dwelling are provided Assuming the first floor is for offices, 2.1 spaces are required Assuming the ground floor is for shops, 2.8 spaces are required 2 spaces are provided, which leaves a 3 space shortfall. 	<ul style="list-style-type: none"> Consistent Inconsistent
7.1.4.2 Dimensions	<ul style="list-style-type: none"> Covered spaces are to be 3m x 6m clear of obstructions for single garages 	<ul style="list-style-type: none"> Spaces are 3m by 6m 	<ul style="list-style-type: none"> Consistent

7.1.4.3 Loading	<ul style="list-style-type: none"> Loading facilities shall be provided for all commercial buildings 	<ul style="list-style-type: none"> No loading has been provided 	<ul style="list-style-type: none"> Inconsistent
7.1.4.4 Landscaping	<ul style="list-style-type: none"> At least 2.5m² of landscaped area is required per space 	<ul style="list-style-type: none"> 3.1m² of landscaping is provided around the car parking area 	<ul style="list-style-type: none"> Inconsistent

The residential parking requirements have generally been met, however parking for the commercial/heritage component comprises a shortfall of three (3) spaces. The proposed non-compliance with car parking is considered justified for the following reasons:

- The site is opposite Woy Woy train station and has good access to rail and bus public transport;
- The site is adjacent to the Woy Woy town centre, which provides parking and promotes commercial activity within the town centre;
- The street corner/0m setback siting of the heritage building will promote local community pedestrian traffic rather than attracting a high demand for vehicular parking (similar to a general store or gift store);
- The site is constrained and additional parking is unable to be provided;
- The proposal reduces the existing floor area of the heritage building by demolishing the ground floor extensions, further reduction in the floor area of the heritage building would not be reasonable.

No loading areas have been provided. A condition of consent is to be imposed that requires all loading vehicles to reverse into the site and exit in a forward motion.

(Refer Condition 6.3)

The required landscaping is not provided, however due to the site constraints and as assessed above, this is considered satisfactory subject to conditions of consent.

Chapter 7.2 Waste Management

The matters of the Waste Management section of the DCP have been considered and the proposal is considered to have satisfactory waste management provisions.

External Referrals

Roads and Maritime Services

The application was referred to the RMS due to proximity of the works to a classified road. In a letter dated 25 September 2015, RMS raised no objections to the proposal subject to relevant conditions being included in the conditions of consent.

(Refer Conditions 2.7, 2.8, 2.9, 2.10)

Internal Referrals

Architectural

Council's Architect has assessed the application and in a memo dated 18 September 2015 raises no objections to the proposal on architectural or heritage grounds, as follows:

ARCHITECTURAL ASSESSMENT

The proposed townhouses are supported. They provide a simple well designed two storey residences with on ground parking accessed through the rear of the site. The use of 3 metre ceilings in the living areas, clerestory windows and upper level voids to provide additional north and south lighting contributes to the spaciousness of the dwellings and is particularly commended.

HERITAGE ASSESSMENT

This application has been assessed in accordance with 'Statements of Heritage Impact' published by the NSW Heritage Office. It lists the following items for consideration:

How is the impact of the new development on the heritage significance of the item or area to be minimised?

The new work is located directly adjoining the heritage building on Railways Street. The visual impact on the heritage item is minimised by setting back the new work from the street alignment, having a lower overall height and a lower eaves height thereby ensuring the heritage item retains its visual prominence.

The scale of the new work is sympathetic to the existing with the use of blade walls creating similar vertical proportions and rhythm.

The new work is also simpler in its finishes and detailing to provide a neutral background to the more richly detailed heritage item.

The use of similar face brick for the front fences of the new townhouses provides a visual connection between the new and existing without resorting to inappropriate copying.

Why is the new development required to be adjacent to a heritage item?

The new work can only be located on the applicant's site.

How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

The heritage item is built to the streetfront on both Railway Street and Charlton Street and both these streets form the most important part of the curtilage to the item. Any new work should be setback from the street alignment to ensure it does not encroach on the curtilage and is visually subservient to the item.

How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

The new work is set back from the street alignment to retain the most prominent views of the item. It is also lower overall height and a lower eaves height thereby ensuring the heritage item retains its visual prominence.

It will block some views of the item from the side and rear, however these are predominantly blank walls and of less significance than the shopfront, parapet and veranda on the streetfront.

Is the development sited on any known or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

There are no known archaeological deposits on the site.

Will the public and users of the item, still be able to view and appreciate its significance?

The most significant view is from both street frontages. The proposed work will have no impact on views to or from the item from these locations.

CONCLUSION

The application will result in the shop being conserved and occupied thereby promoting its long term conservation. The reinstatement of the original veranda in particular makes an important contribution to the significance of the building and the streetscape and is strongly supported.

The application is supported on both architectural and heritage grounds.

Heritage

Council's Heritage Officer has assessed the application and in a memo dated 23 September 2015 raises no objections to the proposal subject to a number of recommendations, as follows:

The proposed development is supported on heritage grounds, because:

- *The proposed restoration works and reuse of the existing building is appropriate and will be of benefit to the site, the heritage significance of the site and to the streetscape.*
- *The proposed works retain the heritage item as the predominant form within the site and highlights its significance and contribution to the streetscape. This is emphasised by the reinstatement of the balcony feature.*
- *The proposed additional two townhouses do not detract from the prominence of the heritage item, and provide a suitable transition between the predominantly commercial areas of Woy Woy to the more residential.*
- *Recommendations for alterations or conditions of consent:*
 - *In my opinion the Charlton Street elevation could be improved by additional landscaping immediately to the rear of the existing building and adjacent to the boundary (ie. in the immediate vicinity of the bin storage). Landscaping should take the form of a tree (possibly a Jacaranda) which would be in keeping with the existing character of the site, and screen some of the view to the rear of the property and car parking etc.*
 - *Part of the significance of the building is the painted “Bushells” sign on the western side of the building. This sign needs to be assessed for its heritage significance prior to any development taking place. Appropriate conservation measures need to be emplaced following on from the significance assessment. These measures may include retention, archival record and interpretative signage.*
 - *Part of the restoration works involves the reinstatement of window and door openings within the heritage listed building. The frames for these windows and doors must be constructed in timber and match the style of the existing. For example, the timber framed double hung windows with central mullion (and rendered sills) must be reinstated.*
 - *Due diligence with regard to Aboriginal and non- aboriginal archaeological finds must be adhered to. This is in accordance with the Heritage Act 1977 and the NP&W Act 1974.*

Each of the recommended alterations/conditions set out by Council’s Heritage Officer are addressed in turn below:

- The vehicular entry to the site is to be controlled with a stacker gate, with minor edge landscaping in front. Behind the gate is a walkway entry from the parking area into the ground floor of the commercial building, which includes a garbage bin enclosure. A condition of consent will be included which require minor additional landscaping in the area adjacent to the garbage bins to the satisfaction of Council, in order to improve the Charlton Street elevation.
(Refer Condition 2.12)
- A condition of consent is included that requires the heritage assessment of the painted “Bushells” sign on the western side of the building, with appropriate conservation measures being emplaced following from the assessment of significance.
(Refer Condition 3.4)
- A condition of consent is included which requires all window and door openings being restored to be constructed in timber and matching the style of the existing fixtures.
(Refer Condition 2.14)
- A condition of consent is included which requires an Aboriginal and Non-Aboriginal Archaeological Due Diligence Report to be prepared prior to the commencement of work.
(Refer Condition 3.5)

Engineering

Council's Engineer has assessed the application and in a memo dated 23 October 2015 raises no objections to the proposal subject to relevant conditions being included in the conditions of consent.

(Refer Conditions 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 4.4, 4.5, 4.6, 5.3, 5.4, 5.5, 5.6, 5.7)

Property

Council's property officer has assessed the application and in a memo dated 21 October 2015 notes that the "*veranda over road reserve air space will require a road lease*".

Legal advice was subsequently sought in regard to whether a road lease was required, if so what process must be followed, and what the preferred length/period of the lease should be.

A response from Council's General Counsel was provided on 12 February 2016 where it was confirmed that a lease presents a number of difficulties, however an easement is likely the best alternative because it would tie into the land and bind successors in title, can be required by condition of consent, does not require further/ongoing documentation to be prepared and can include terms of indemnity to protect Council.

Therefore a condition of consent has been included which require an easement to be created, as drafted by Council's General Counsel.

(Refer Condition 5.7)

Public Submissions

Two (2) public submissions were received in relation to the application. The 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 79C of the Environmental Planning and Assessment Act 1979.

The first submission was received from DEXUS Property Group who own/manage Deepwater Plaza located on the opposite side of Charlton Street. Concern was raised regarding the construction of the development.

A condition of consent will be imposed that requires a Construction Management Plan is to be prepared prior to the issue of a construction certificate and that at no point shall the development construction or operation restrict access to the Deepwater Plaza loading dock located on Charlton Street.

(Refer Condition 2.15)

The second submission is from an unnamed objector. A summary of the submission is detailed hereunder.

1. Non-compliance with FSR

Comment – The non-compliance with the FSR has been considered and does not result in a development exhibiting excessive bulk or scale (with the streetscape or in relation to the heritage building) or resulting in unacceptable overshadowing impacts on adjoining properties. The proposal is bounded by B2 Local Centre land to the east and south where an FSR of 1:1 would apply. Due to the sites location adjoining higher density development the proposed FSR breach it is not out of context. A request for a variation under Clause 4.6 of Gosford LEP 2014 has been submitted and reviewed, and is considered well founded.

2. Deep soil provisions and setbacks

Comment – The proposal has a minor non-compliance with the side setback controls (100mm) and the non-compliance with the front setback is justified as it provides a transition between the 0 metre setback of the heritage building and the 6 metre setback of the dwelling at 72 Railway Street. Due to site constraints the proposal cannot provide the required amount of deep soil.

3. Retention of existing trees and landscaping

Comment – The proposal does remove two jacaranda trees. Council's tree officer did not raise any issue with this. Council's heritage officer has recommended that a new Jacaranda tree be planted in the location of the bin storage area to provide additional softening of the built form. This is to be imposed as a condition of consent.

(Refer Condition 2.13)

4. Solar Access

Comment – The proposal does reduce sunlight access to 72 Railway Street, however following assessment it is considered that an overshadowing outcome from the subject site is unavoidable and the proposal does not result in an impact which is considered unacceptable under the circumstances.

5. Heritage Conservation

Comment – Council's heritage officer has assessed the proposal and has concluded that the proposed dual occupancy dwellings are appropriate and do not detract from the dominance of the heritage item and provide an appropriate transition between the predominantly commercial areas of Woy Woy to the residential.

Conclusion

The proposed development seeks consent for the construction of an attached dual occupancy adjacent to a heritage listed commercial building, and associated restoration and use of the heritage building itself.

The development is unique in nature as it proposes a dual occupancy development which has a building typology consistent with that of a multi dwelling housing development, and which seeks to attain heritage conservation objectives while minimising adverse impacts on surrounding development. Given the transitional character of the site between commercial and residential development, the proposal is considered appropriate under the circumstances.

The proposal includes two (2) variations to development standards under Gosford LEP 2014, including the minimum lot size and FSR development standards. Both variations are addressed in a written request to vary each development standard, which have been reviewed and assessed and are considered well founded. The extent of the variations proposed is acceptable given the circumstances of the development proposal.

All relevant matters under Section 79C of the Environment Planning and Assessment Act, Section 89 of the Local Government Act, the objectives of the zone and the principles of ecologically sustainable development have been considered and no objection is raised to the proposal subject to compliance with the conditions contained within the recommendation.

Attachments: Nil

Tabled Items: Nil

Plans for Stamping: Original Lodged Plans ECM Doc No. 21329323

Supporting Documents for Binding with consent: Nil

RECOMMENDATION

- A Council assume the concurrence of the Director - General of the Department of Planning under clause 4.6 of Gosford Local Environmental Plan 2014 for the variation to the development standards of Clause 4.1B and Clause 4.4 to permit the proposed development.
- B Council as consent authority grant consent to Development Application No 48230/2015 for Demolition, Restoration & Conservation of Existing Heritage Building For Retail & Commercial Use & Construction of Two Residential Units & Verandah on LOT: 12 DP: 1009830, 68 Railway Street WOY WOY subject to the conditions attached.
- C In accordance with Section 95(1) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.
- D The objectors are notified of Council's decision.
- E The External Authorities be notified of the Council's decision.

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: Eeles Trelease Architects

Drawing	Description	Sheets	Issue	Date
DA00	Cover Page	1	A	12/08/15
DA01	Site Plan	1	A	12/08/15
DA02	Ground Floor Plan	1	A	12/08/15
DA03	First Floor Plan	1	A	12/08/15
DA04	Roof Plan	1	A	12/08/15
DA05	North Elevation – Railway Street	1	A	12/08/15
DA06	East Elevation – Charlton Street	1	A	12/08/15
DA07	West Elevation	1	A	12/08/15
DA08	South Elevation	1	A	12/08/15

DA09	Section AA	1	A	12/08/15
DA10	Section BB	1	A	12/08/15
DA11	Shadow Diagrams	1	A	12/08/15
DA12	Swept Path A	1	A	12/08/15
DA13	Swept Path B	1	A	12/08/15
DA14	Swept Path C	1	A	12/08/15
DA15	Swept Path D	1	A	12/08/15

Supporting Documentation

Document	Title	Date
	Landscape Master Plan Ref: #RS0715	July 2015
	Stormwater Management and Sedimentation Control Layout and Details Ref: 3389C-1A	06/07/2015
	Waste Management Plan	18/08/2015
	BASIX Certificate No. 651231M	11/08/2015

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

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

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

- 2.1. No activity is to be carried out on site until the Construction Certificate has been issued, other than:
- Site investigation for the preparation of the construction, and / or
 - Implementation of environmental protection measures, such as erosion control etc that are required by this consent.
- 2.2. Submit an application to Council under Section 138 of the *Roads Act, 1993*, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- Heavy-duty vehicle crossing that has a width of 6m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.

- c. All redundant vehicular crossings are to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location.
- d. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.3. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.4. Pay a security deposit of \$3600 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.5. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.

- 2.6. Submit design details of the following engineering works within private property:
 - a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.
 - b. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
 - c. Piping of all stormwater from impervious areas within the site via nutrient control structure to Council's drainage system.
 - d. The minimum floor level of all habitable rooms in the development must be RL 2.45m AHD.
 - e. All building materials used or located below RL 2.45m AHD must be of a type that is able to withstand the effects of immersion.

These design details and any associated reports must be included in the construction certificate.

- 2.7. All vehicles must enter and leave the site in a forward moving direction.

- 2.8. Vehicular access to / from the subject site shall be restricted to left in / left out only.
- 2.9. The driveway shall have an appropriate splay from the kerb line, in accordance with the RMS's Guide to Traffic Generating Developments 2002.
- 2.10. All works associated with the subject development shall be undertaken at full cost to the developer and no cost to RMS or Council.
- 2.11. The development shall be designed such that the road traffic noise from Railway Street and Charlton Street, and rail noise from the railway corridor is mitigated by durable materials, in accordance with EPA criteria for new residential developments (*The Environmental Criteria for Road Traffic Noise*, May 1999). The Roads and Maritime Service (RMS) *Environmental Noise Management Manual* provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not feasibly or reasonably be met, the internal noise objectives for all habitable rooms under ventilated conditions shall comply with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45dB(A)_{Leq(15hr)} and 40dB(A)_{Leq(9hr)}, and
- Sleeping rooms: 35 dB(A)_{Leq(9hr)}.

- 2.12. Pay to Council a total contribution amount of **\$28,216.00** that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.

Roadwork - Capital	B	(Key No 789)	\$1,656.00
Open Space - Land	C	(Key No 791)	\$4,900.00
Open Space - Embellishment	C	(Key No 790)	\$12,592.00
Community Facilities - Land	D	(Key No 793)	\$286.00
Community Facilities - Capital	D	(Key No 792)	\$4,238.00
Drainage - Land	A	(Key No 787)	\$976.00
Drainage - Capital	A	(Key No 788)	\$3,568.00
TOTAL AMOUNT			\$28,216.00

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 Duty Planner for an up-to-date contribution payment amount on 4325 8222.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority 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 Gosford City Council, 49 Mann Street Gosford or on Council's website:

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

- 2.13. Additional landscaping must be provided in the area immediately adjacent to the garbage bins fronting Charlton Street to the satisfaction of Council, in order to improve the Charlton Street elevation.
- 2.14. All window and door openings of the heritage building which are being restored must be constructed in timber and matching the style of the existing fixtures of the heritage building.
- 2.15. A Construction Management Plan (CMP) must be prepared which identifies all methodology of the demolition/construction works, and includes correspondence with/input from adjoining land owners, including DEXUS Property Group in relation to potential conflicts with the loading operations of the adjoining shopping centre.

3. PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

- 3.1. 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* 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 Gosford City Council's website www.gosford.nsw.gov.au
- 3.2. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans.
- 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 shall indicate:
 - a. The name, address and telephone number of the principal certifying authority for the work; and
 - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited.

Remove the sign when the work has been completed.
- 3.4. A Heritage Assessment is to be prepared and submitted to Council for approval relating to the painted "Bushells" sign on the western side of the building. The Heritage Assessment is to assess the heritage significance of the sign prior to any development taking place. Appropriate conservation measures need to be emplaced following on from the significance assessment.

- 3.5. An Aboriginal and Non-Aboriginal Archaeological Due Diligence Report must be prepared and submitted to Council for approval prior to the commencement of work, in accordance with the Heritage Act 1977 and the NP&W Act 1974.

4. DURING WORKS

All conditions under this section must be met during works.

- 4.1. Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i Minor renovation or refurbishments to single dwelling construction.
 - ii Owner occupied renovations or refurbishments to single dwelling construction.
 - iii Owner builder construction of single dwelling construction; and / or
 - iv Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.
- 4.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 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 Certifying Authority or an officer of Council.
- 4.4. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.
- 4.5. Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.
- 4.6. Locate all electrical fixtures and/or gas outlets associated with the proposed works at a minimum height of RL 2.45m AHD.
- 4.7. Undertake all excavation works under the supervision of a qualified geotechnical engineer as Council's records indicate that the site may contain potential acid sulphate soils. If acid sulphate soils are identified, recommendations and details of the proposed mitigation and treatment measures must be submitted to, and approved by, Council.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

- 5.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.2. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.3. Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.4. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 5.5. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.6. Amend the Deposited Plan (DP) to:
 - Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the 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.
 - a. Create a 'Restriction as to User' 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.

And,

- Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
 - 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 owners cost.
 - (iv) Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

- 5.7. An easement is to be created in relation to all structures which overhang or are constructed on the public road. The easement is to be created and registered at the cost of the Applicant and is to be on terms reasonably acceptable to Council, including a term addressing indemnity between the parties.

6. ONGOING

- 6.1. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.2. The content of the approved signage panels has not been approved as part of this consent. The applicant is required to submit the intended signage content to Council for consideration by Council's Heritage Officer prior to its erection.
- 6.3. All loading vehicles must reverse into the site, and exit the site in a forward motion.

7. PENALTIES

GEN500

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. REVIEW OF DETERMINATION

Subject to provisions of Section 82A of the Act, the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

9. RIGHT OF APPEAL

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.

To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

ADVISORY NOTES

- 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. *Gosford City Council* in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with WorkCover 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.
- Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.
- The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.

DEVELOPMENT APPLICATION HERITAGE & RESIDENTIAL 68 RAILWAY STREET WOY WOY

DRAWING LIST

ARCHITECTURAL DRAWINGS

- DA00 COVER PAGE
- DA01 SITE PLAN
- DA02 GROUND FLOOR PLAN
- DA03 FIRST FLOOR PLAN
- DA04 ROOF PLAN
- DA05 NORTH ELEVATION - RAILWAY STREET
- DA06 EAST ELEVATION - CHARLTON STREET
- DA07 WEST ELEVATION
- DA08 SOUTH ELEVATION
- DA09 SECTION AA
- DA10 SECTION BB
- DA11 SHADOW DIAGRAMS
- DA12 SWEPT PATH A
- DA13 SWEPT PATH B
- DA14 SWEPT PATH C
- DA15 SWEPT PATH D

CONSULTANTS DRAWINGS

- SURVEY
- LANDSCAPE MASTER PLAN
- LANDSCAPE MASTER PLAN- DETAILS
- STORMWATER MANAGEMENT

GOSFORD CITY COUNCIL
DEVELOPMENT CONSENT
Application No: 48230/2015
Date of Consent: 18/05/2016
Plan Approved subject to conditions and the
amendments, if any, shown in RED.

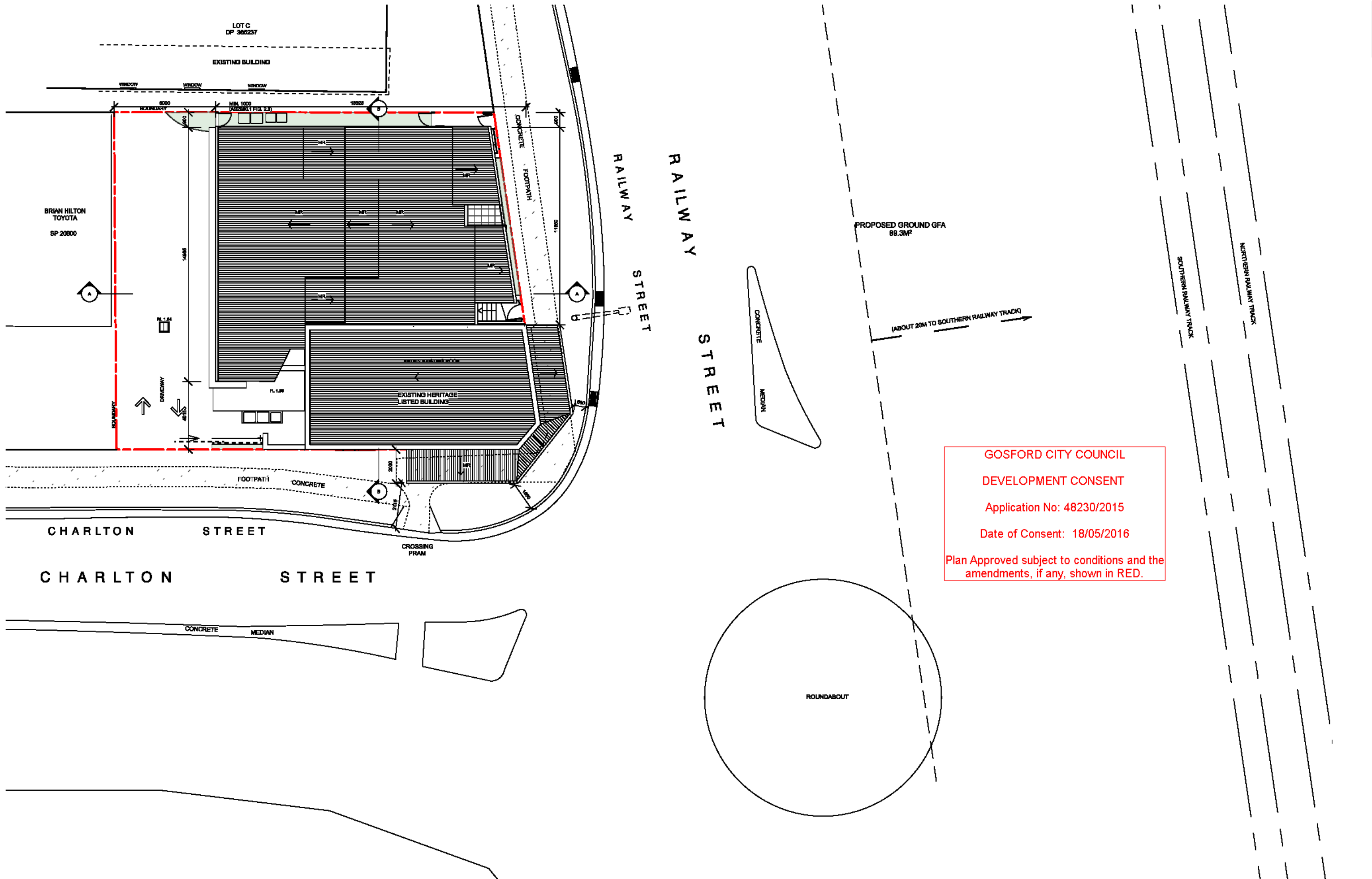
LEGEND

B	BEDROOM
BALC	BALCONY
BTH	BATHROOM
E/S	ENSUITE
FFL	FINISHED FLOOR LEVEL
GL	GLASS
GLB	GLASS BLOCK
K	KITCHEN
L	LIVING ROOM
MFL	MINIMUM FLOOR LEVEL
MR	METAL ROOF (WOODLAND GREY)
LND	LAUNDRY
TH1	TOWN HOUSE 1
TH2	TOWN HOUSE 2
TIM	TIMBER
WC	TOILET

SITE STATISTICS

SITE AREA:	472.8 SQ.M
FLOOR AREA - HERITAGE BUILDING:	171 SQ.M
FLOOR AREA - UNITS	249 SQ.M
TOTAL FLOOR AREA:	420 SQ.M
EXISTING FSR:	0.36:1
PROPOSED FSR:	0.89:1
PERMISSIBLE FSR:	0.85:1

<small>Particulars</small> No. Date ISSUES By	Eeles Trelease pty ltd architects <small>level 1 17-20 federation road newtown new 2042 ph 01 2 8652 1844 fax 01 2 8650 5044 e.tre@eelestrelease.com</small>	HERITAGE AND RESIDENTIAL 68 RAILWAY STREET WOY WOY BRUCE KERR PTY LTD COVER PAGE SCALE 1:100 @ A3 1:50 @ A1	Project No. 1504 Drawing No. Issue # DA00 A		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">A</td> <td style="width: 50%;">12/8/15 ISSUE TO COUNCIL</td> <td style="width: 10%; text-align: center;">RC</td> <td style="width: 20%;"></td> </tr> </table>	A	12/8/15 ISSUE TO COUNCIL	RC	
A	12/8/15 ISSUE TO COUNCIL	RC			



GOSFORD CITY COUNCIL
 DEVELOPMENT CONSENT
 Application No: 48230/2015
 Date of Consent: 18/05/2016
 Plan Approved subject to conditions and the
 amendments, if any, shown in RED.

NOTE:
 BASE SURVEY PROVIDED BY BISSETT & WRIGHT
 (REGISTERED SURVEYORS)
 DATED 13/05/15

No.	Date	ISSUES	By
A	12/8/15	ISSUE TO COUNCIL	BC

Eeles Release pty ltd architects
 level 1
 17-20 federaton road
 newtown, new 2042
 ph 01 2 8562 1844
 fax 01 2 8560 5044
 eeels@eeelrelease.com

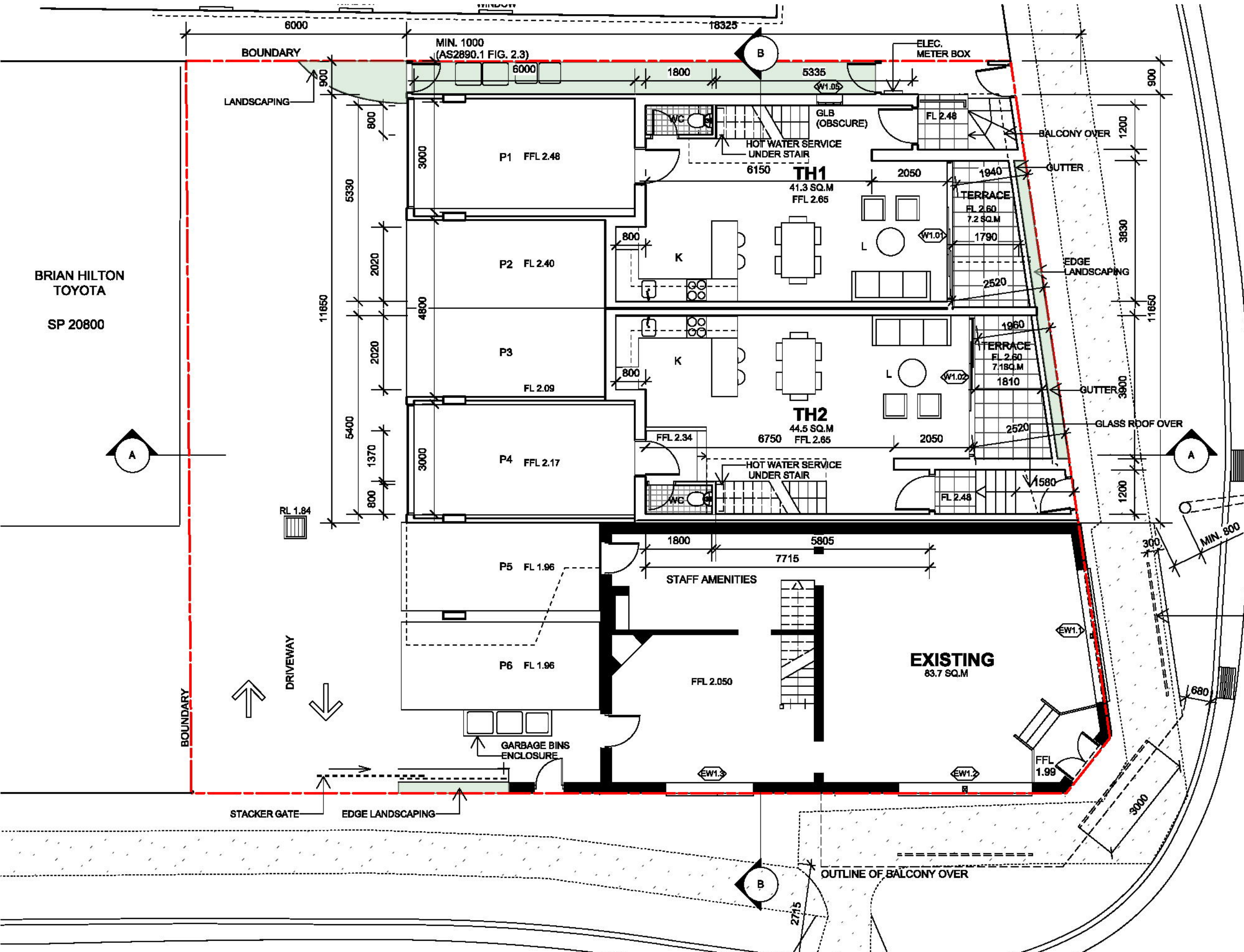
BRUCE KERR APB 2005
 ARN 8100874175

HERITAGE AND RESIDENTIAL
 88 RAILWAY STREET
 WOY WOY
 BRUCE KERR PTY LTD
 SITE PLAN

Project No.
1504
 Drawing No. Issue #
DA01 A

SCALE 1:200 @ A3
 1:100 @ A1

Plan Approved subject to conditions and the amendments, if any, shown in RED.



RAILWAY STREET

BRIAN HILTON TOYOTA
SP 20800

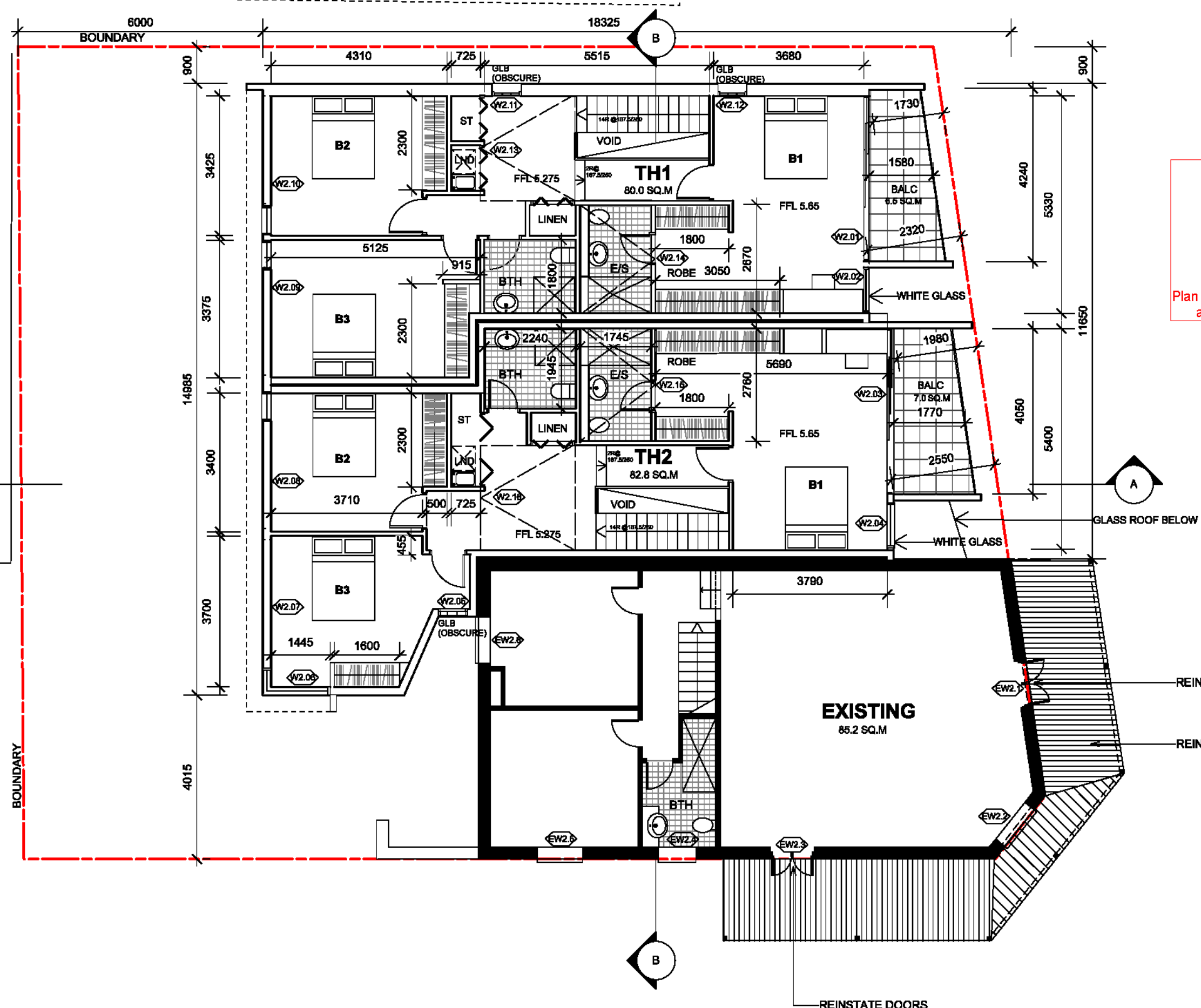
CHARLTON STREET

Eeles Release pty ltd architects
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HERITAGE AND RESIDENTIAL
88 RAILWAY STREET
WOY WOI
BRUCE KERR PTY LTD
GROUND FLOOR PLAN
SCALE 1:100 @ A3
1:50 @ A1

Project No.
1504
Drawing No. Issue #
DA02 A

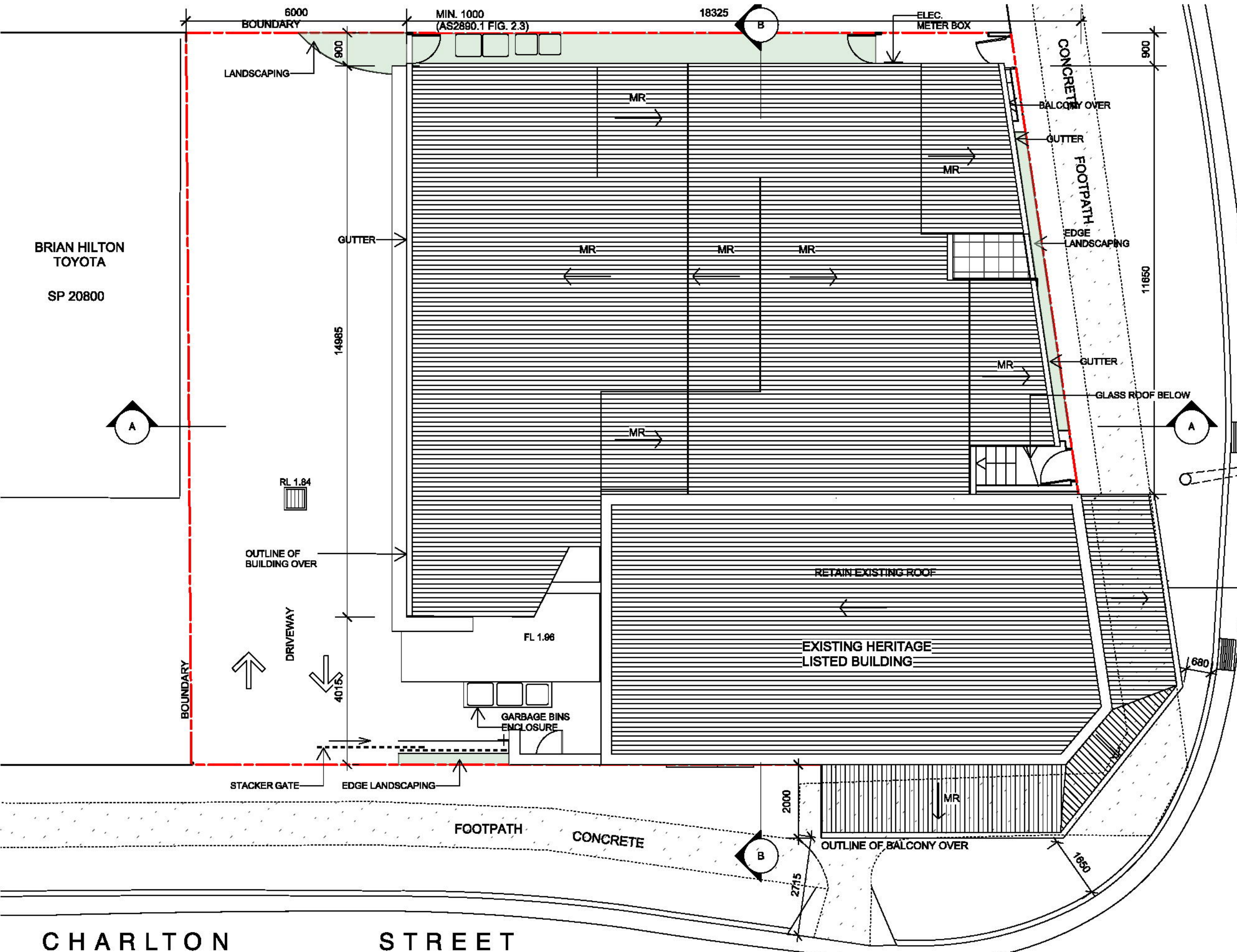
No.	Date	ISSUES	By
A	12/8/15	ISSUE TO COUNCIL	RC



GOSFORD CITY COUNCIL
 DEVELOPMENT CONSENT
 Application No: 48230/2015
 Date of Consent: 18/05/2016
 Plan Approved subject to conditions and the amendments, if any, shown in RED.

Eeles Release pty ltd architects level 1 17-20 federaton road newtown, new 2042 ph 01 2 8552 1844 fax 01 2 8550 5044 eeels@eeelrelease.com	HERITAGE AND RESIDENTIAL 88 RAILWAY STREET WOY WOY	Project No. 1504
	BRUCE KERR PTY LTD LEVEL 1 FLOOR PLAN	Drawing No. Issue # DA03 A
SCALE 1:100 @ A3 1:50 @ A1		

No.	Date	ISSUES	By
A	12/8/15	ISSUE TO COUNCIL	RC



RAILWAY STREET

BRIAN HILTON
TOYOTA
SP 20800

GOSFORD CITY COUNCIL
DEVELOPMENT CONSENT
Application No: 48230/2015
Date of Consent: 18/05/2016
Plan Approved subject to conditions and the amendments, if any, shown in RED.

CHARLTON STREET

Eeles Release pty ltd architects
level 1
17-20 federated rd
melburn vic 3042
ph 01 2 9552 1844
fax 01 2 9550 5044
eals@eelesrelease.com

BRUCE KERR PTY LTD
AS/N 8100374175

HERITAGE AND RESIDENTIAL
88 RAILWAY STREET
WOY WYO

BRUCE KERR PTY LTD
ROOF PLAN

SCALE 1:100 @ A3
1:50 @ A1

Project No. **1504**
Drawing No. Issue #
DA04 A

No.	Date	ISSUES	By
A	12/8/15	ISSUE TO COUNCIL	BC

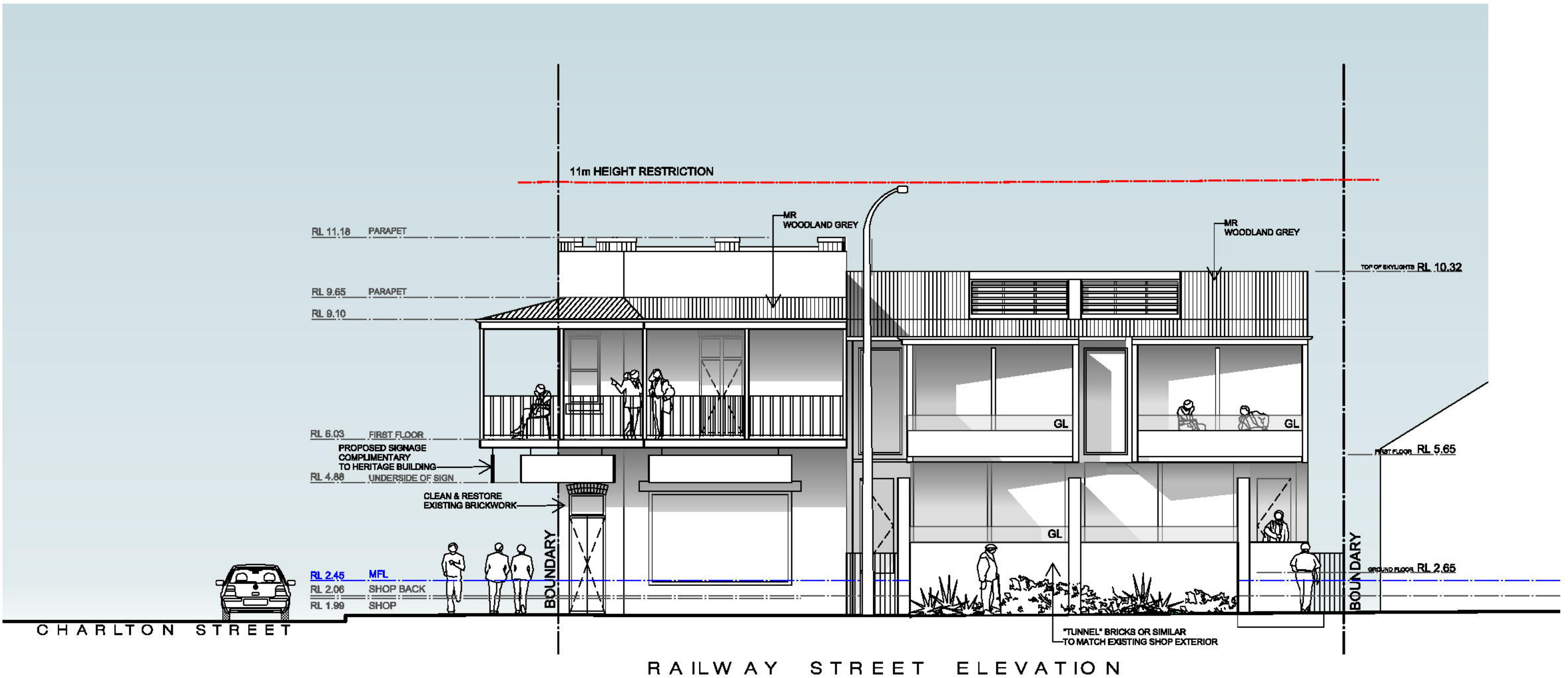
GOSFORD CITY COUNCIL

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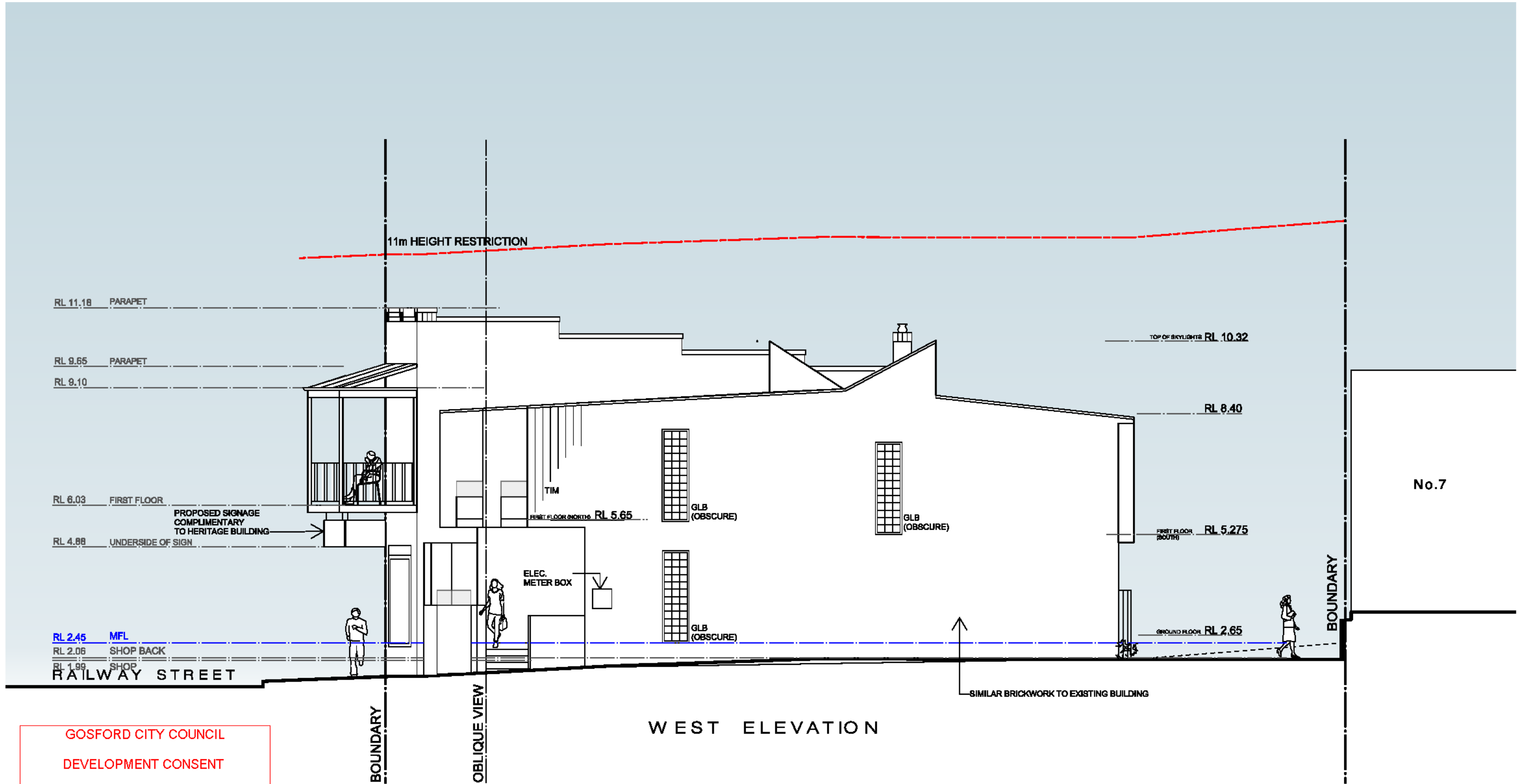
RAILWAY STREET ELEVATION

No.	Date	ISSUES	By	Eeles Release pty ltd architects level 1 17-20 federation road newtown new 2042 ph 01 2 8652 1844 fax 01 2 8650 5044 einfo@eelesrelease.com	HERITAGE AND RESIDENTIAL	Project No.
					88 RAILWAY STREET WOY WOY	1504
					BRUCE KERR PTY LTD	Drawing No. Issue #
					NORTH ELEVATION - RAILWAY STREET	DA05 A
					SCALE 1:100 @ A3 1:50 @ A1	
A 12/8/15 ISSUE TO COUNCIL				RC		

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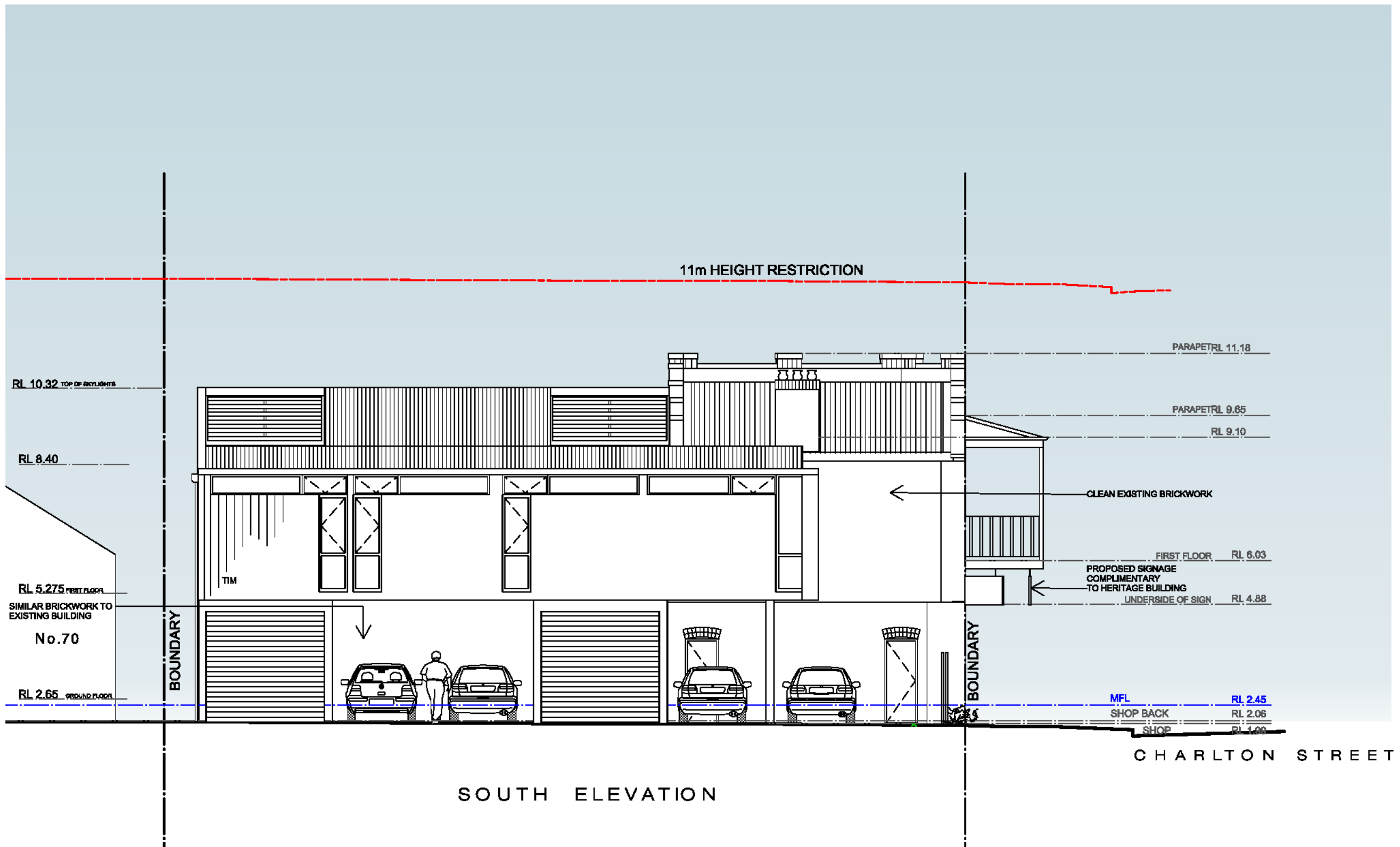


No. Date A 12/8/15 ISSUE TO COUNCIL ISSUES By	Eeles Release pty ltd architects level 1 17-20 federation road newtown, new 2042 ph 01 2 8522 1844 fax 01 2 8560 5044 elee@eelesrelease.com	HERITAGE AND RESIDENTIAL 88 RAILWAY STREET WOYWOY	Project No. 1504
		BRUCE KERR PTY LTD EAST ELEVATION - CHARLTON STREET	Drawing No. Issue # DA06 A
SCALE 1:100 @ A3 1:50 @ A1			



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No. Date ISSUES By	Eeles Release pty ltd architects level 1 17-20 federation road newtown, new 2042 ph 01 2 8552 1844 fax 01 2 8550 5044 info@eelesrelease.com	HERITAGE AND RESIDENTIAL 88 RAILWAY STREET WOY WOY	Project No. 1504
		BRUCE KERR PTY LTD WEST ELEVATION	Drawing No. Issue # DA07 A
SCALE 1:100 @ A3 1:50 @ A1			



SOUTH ELEVATION

GOSFORD CITY COUNCIL
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A	12/8/15	ISSUE TO COUNCIL	RC

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BRUCE KEES APR 2005
 ARN 8100374175

HERITAGE AND RESIDENTIAL
 88 RAILWAY STREET
 WOY WOY
 BRUCE KERR PTY LTD
 SOUTH ELEVATION

Project No.
1504
 Drawing No. Issue #
DA08 A

SCALE 1:100 @ A3
 1:50 @ A1

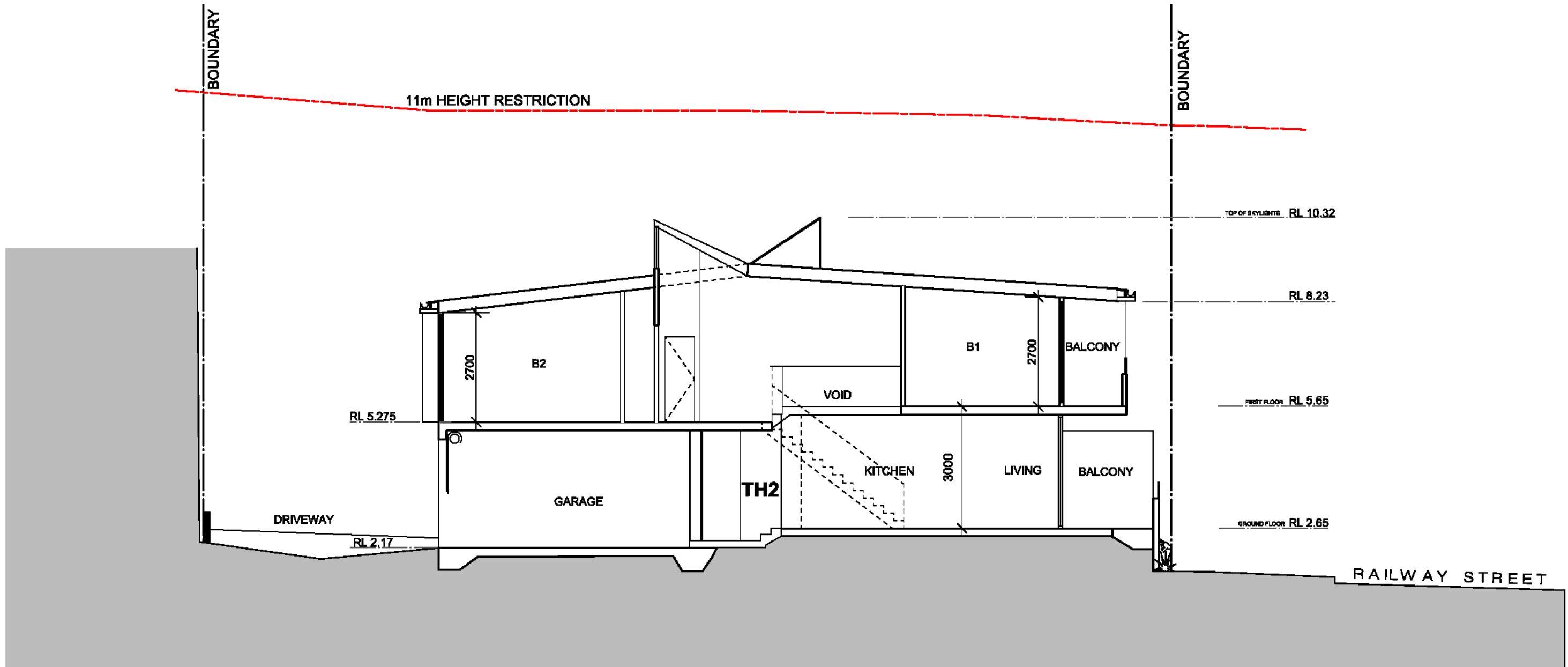
GOSFORD CITY COUNCIL

DEVELOPMENT CONSENT

Application No: 48230/2015

Date of Consent: 18/05/2016

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1 SECTION AA
SCALE 1:100

No.	Date	ISSUES	By	Eeles Release pty ltd architects level 1 17-20 federation road newtown, nsw 2042 ph 01 2 8552 1844 fax 01 2 8550 5044 eul@eelesrelease.com	HERITAGE AND RESIDENTIAL 88 RAILWAY STREET WOY WOY BRUCE KERR PTY LTD SECTION AA	Project No.
						1504
A 12/8/15 ISSUE TO COUNCIL RC					SCALE 1:100 @ A3 1:50 @ A1	Drawing No. Issue # DA09 A

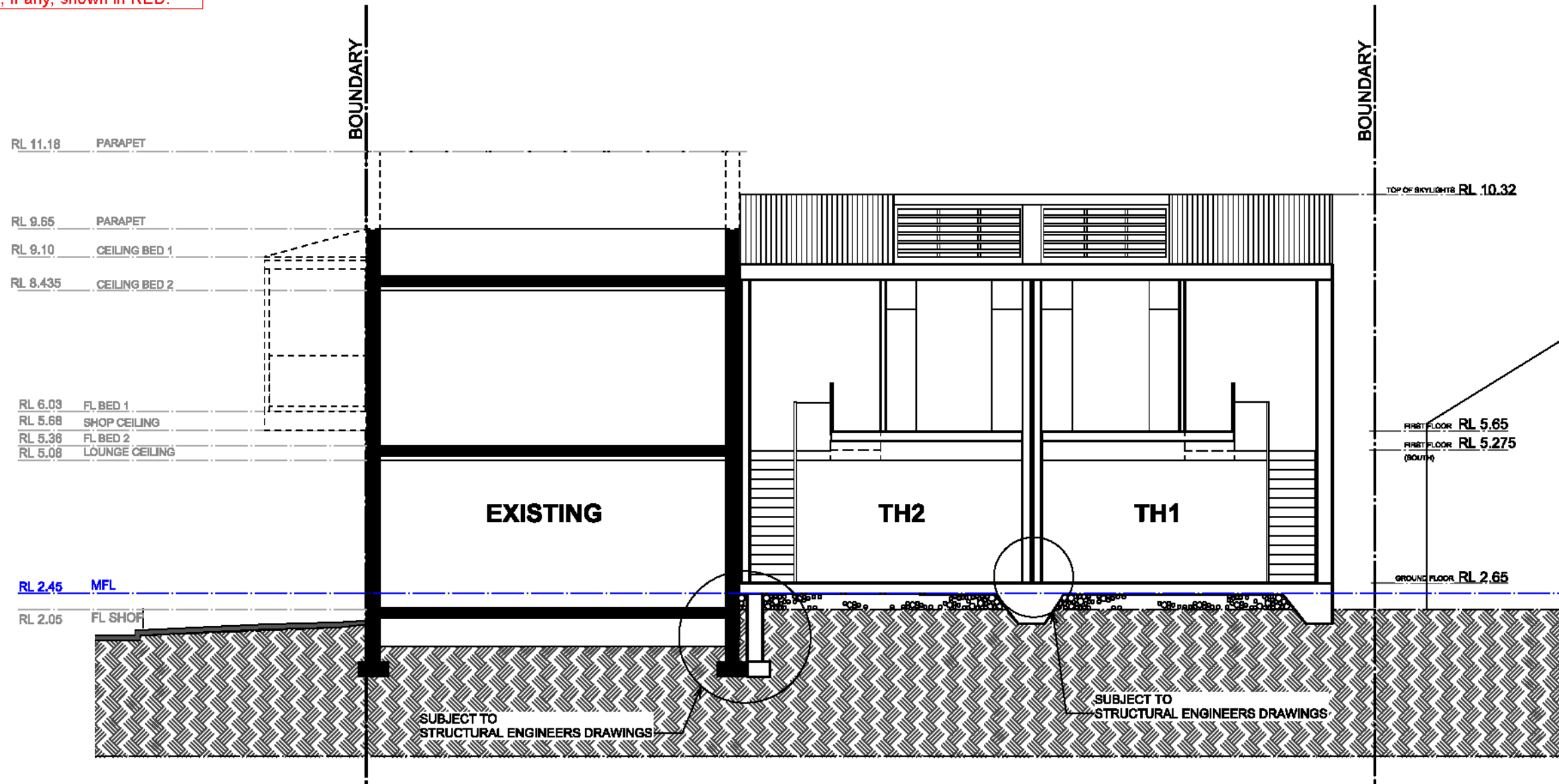
GOSFORD CITY COUNCIL

DEVELOPMENT CONSENT

Application No: 48230/2015

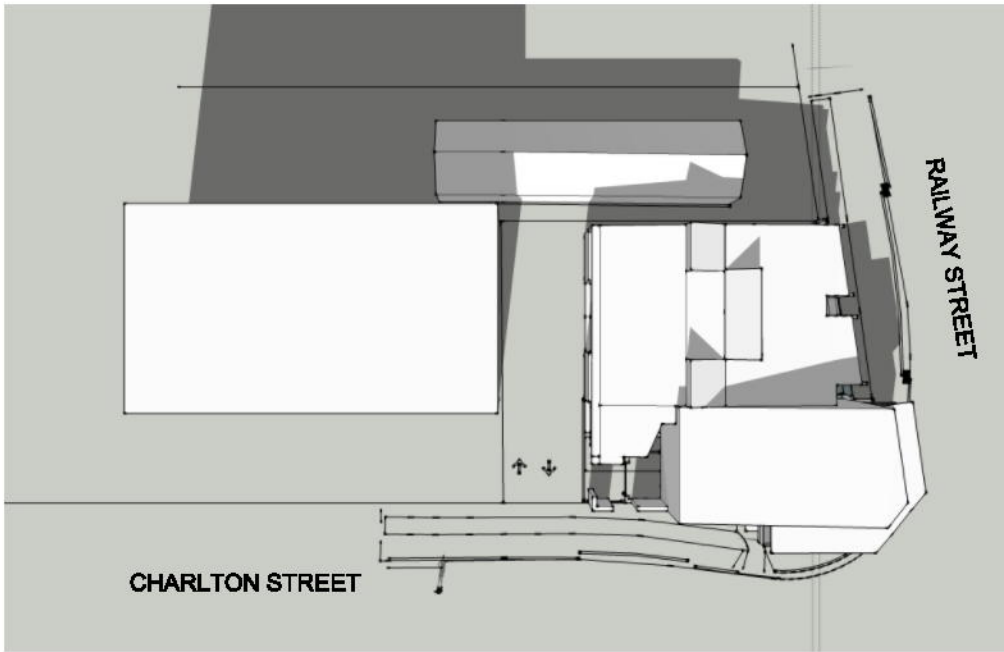
Date of Consent: 18/05/2016

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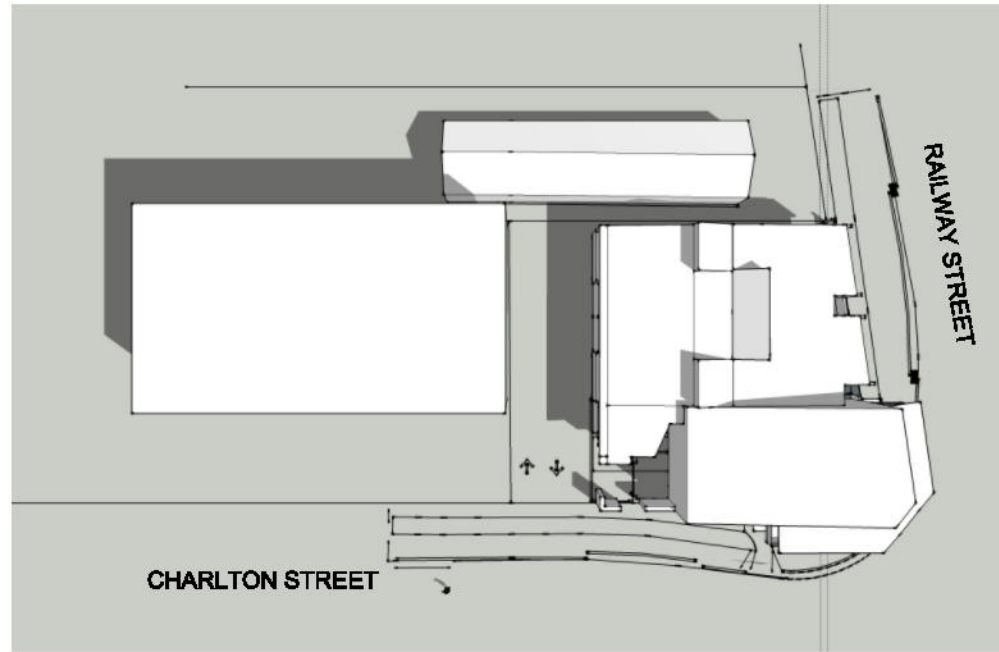


1 SECTION BB
SCALE 1:100

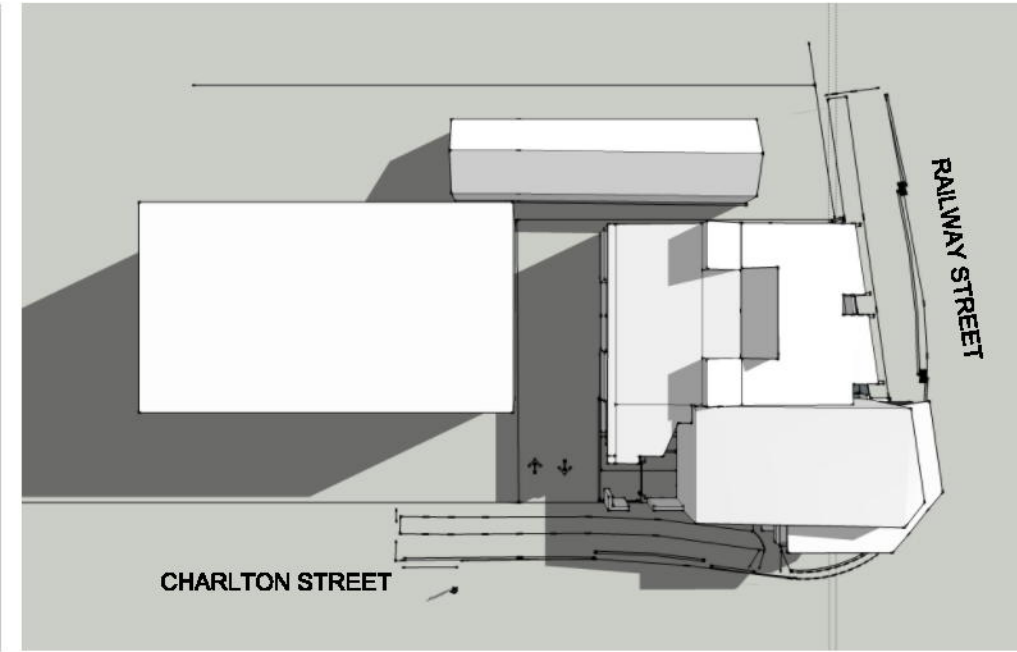
No.	Date	ISSUES	By	Eeles Release pty ltd architects level 1 17-20 federaton road newtown, new 2042 ph 01 2 8652 1844 fax 01 2 8660 5044 skid@eelesrelease.com	HERITAGE AND RESIDENTIAL	Project No.
					88 RAILWAY STREET WOY WOY	1504
					BRUCE KERR PTY LTD	Drawing No. Issue #
					SECTION BB	DA10 A
					SCALE 1:100 @ A3 1:50 @ A1	
A 12/8/15 ISSUE TO COUNCIL				BC		



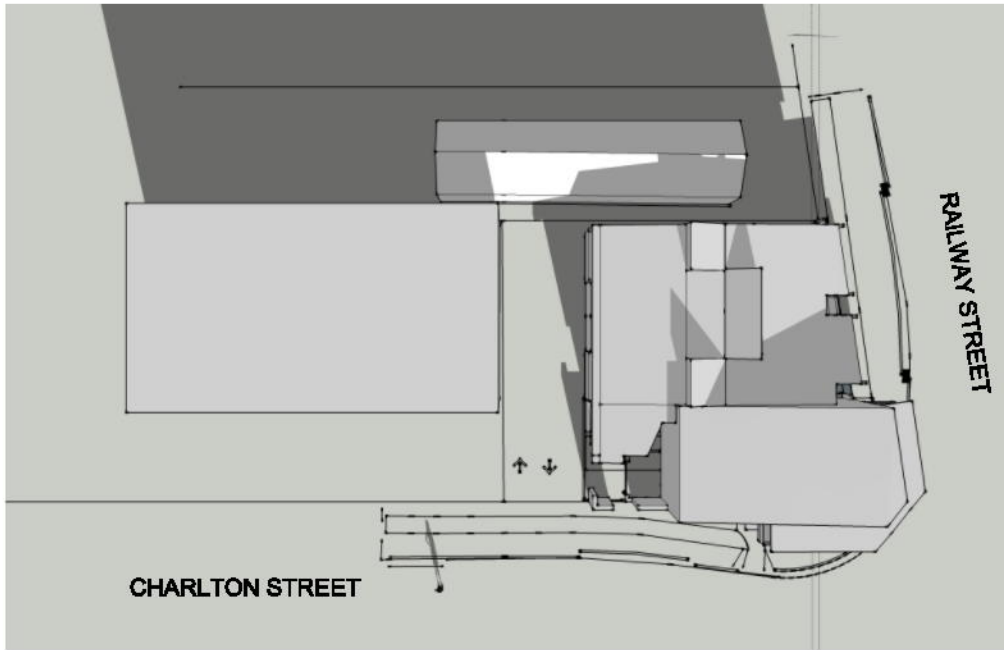
21.MARCH / 21.SEPTEMBER - 9AM
EQUINOX



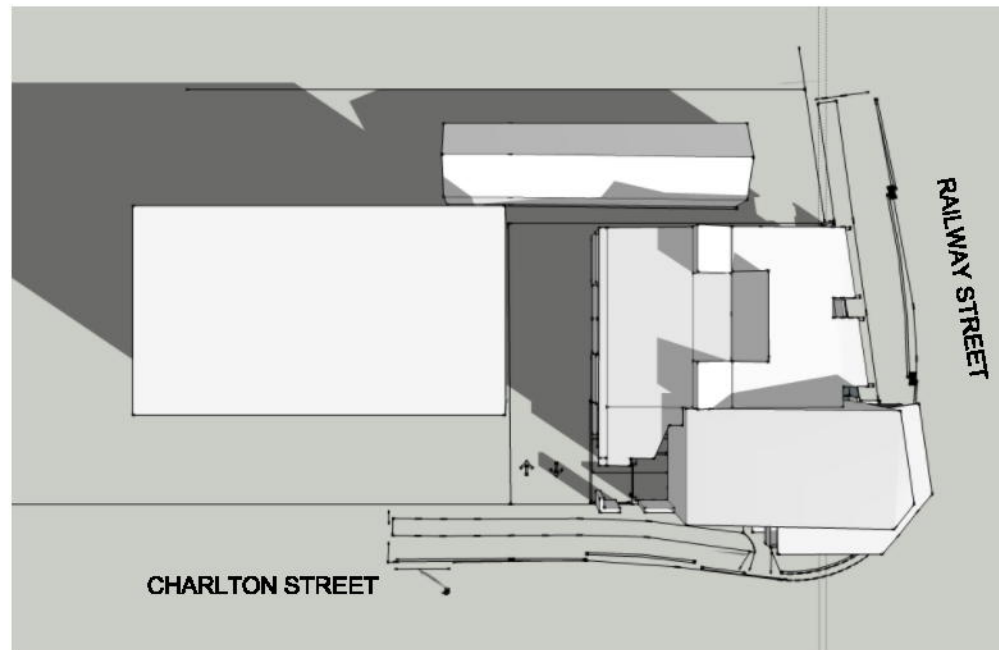
21.MARCH / 21.SEPTEMBER - 12PM
EQUINOX



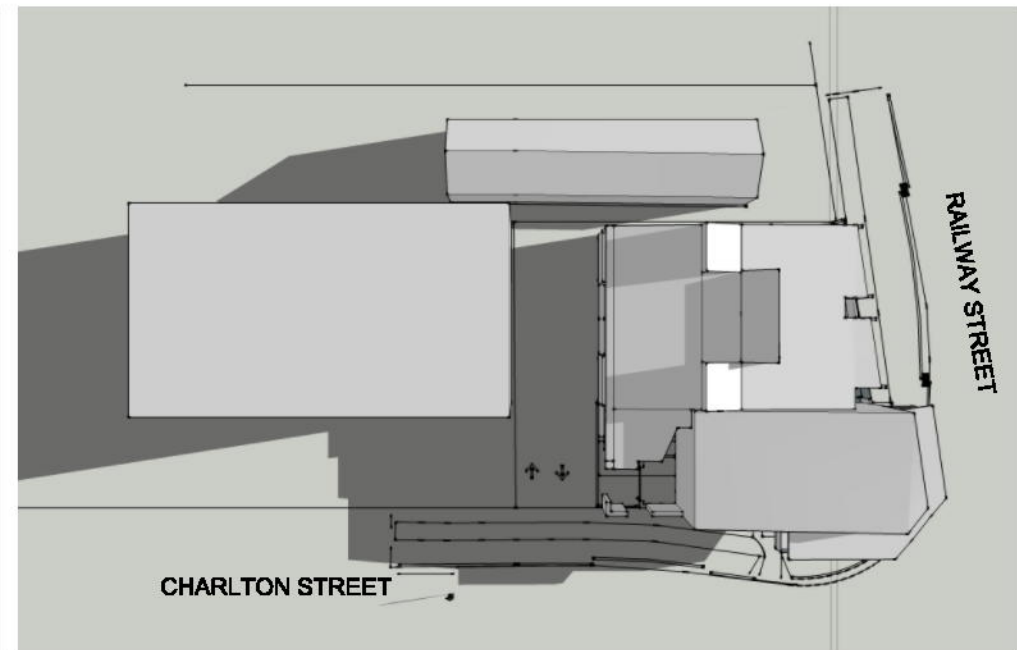
21.MARCH / 21.SEPTEMBER - 3PM
EQUINOX



21.JUNE - 9AM
WINTER SOLSTICE



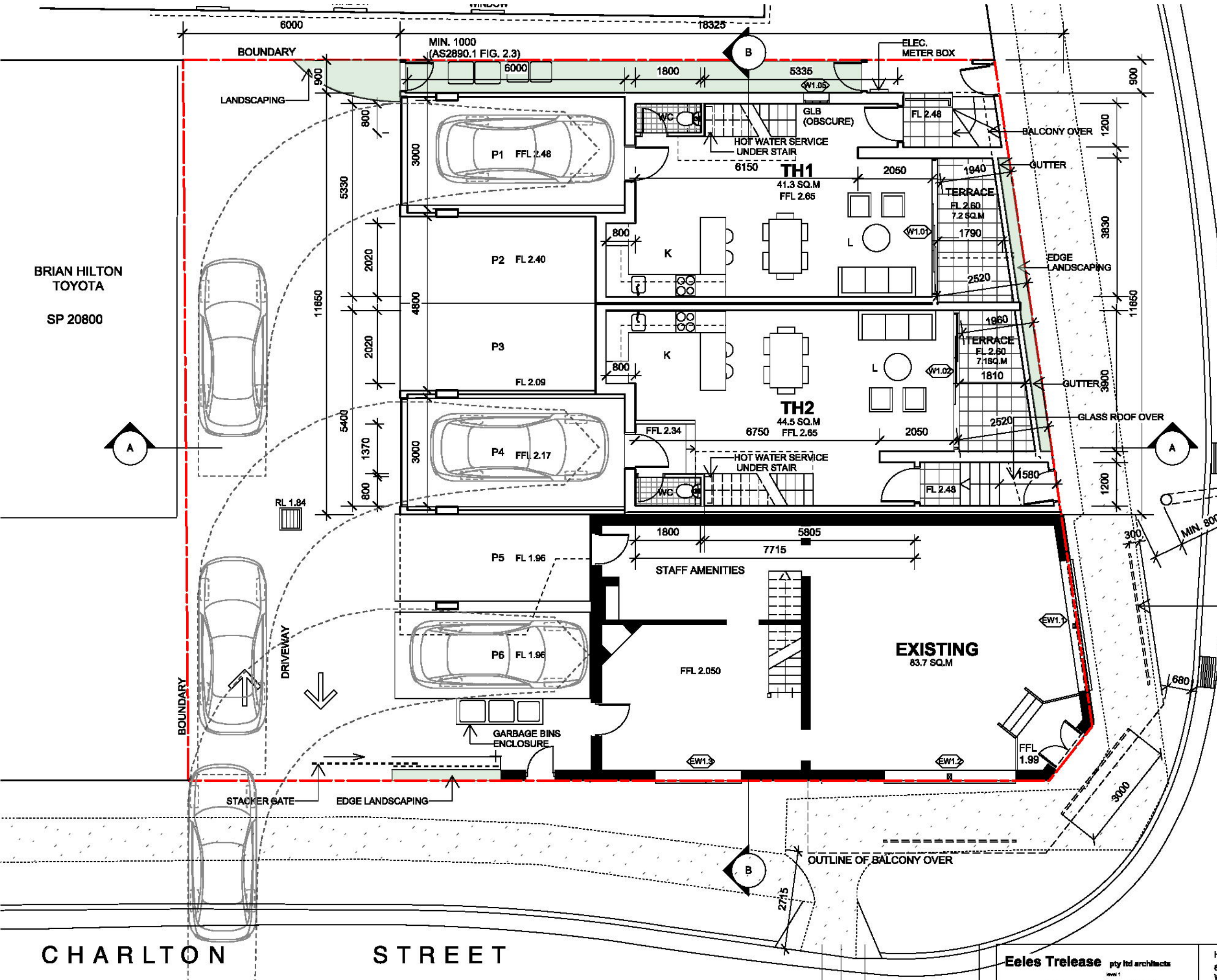
21.JUNE - 12PM
WINTER SOLSTICE



21.JUNE - 3PM
WINTER SOLSTICE

GOSFORD CITY COUNCIL
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No. Date A 12/5/16 ISSUE TO COUNCIL ISSUES	By SC	Eeles Release pty ltd architects level 1 17-20 federick road nelson man 2342 ph 01 2 3080 1844 fax 01 2 3080 8044 eeles@eelesrelease.com	HERITAGE AND RESIDENTIAL 88 RAILWAY STREET WOY WOY	Project No. 1504
			BRUCE KERR PTY LTD SHADOW DIAGRAMS	Drawing No. Issue # DA11 A
SCALE NOT TO SCALE			BRUCE KELES ARCH 2800 ABN 6100574175	



RAILWAY STREET

BRIAN HILTON
TOYOTA
SP 20800

CHARLTON STREET

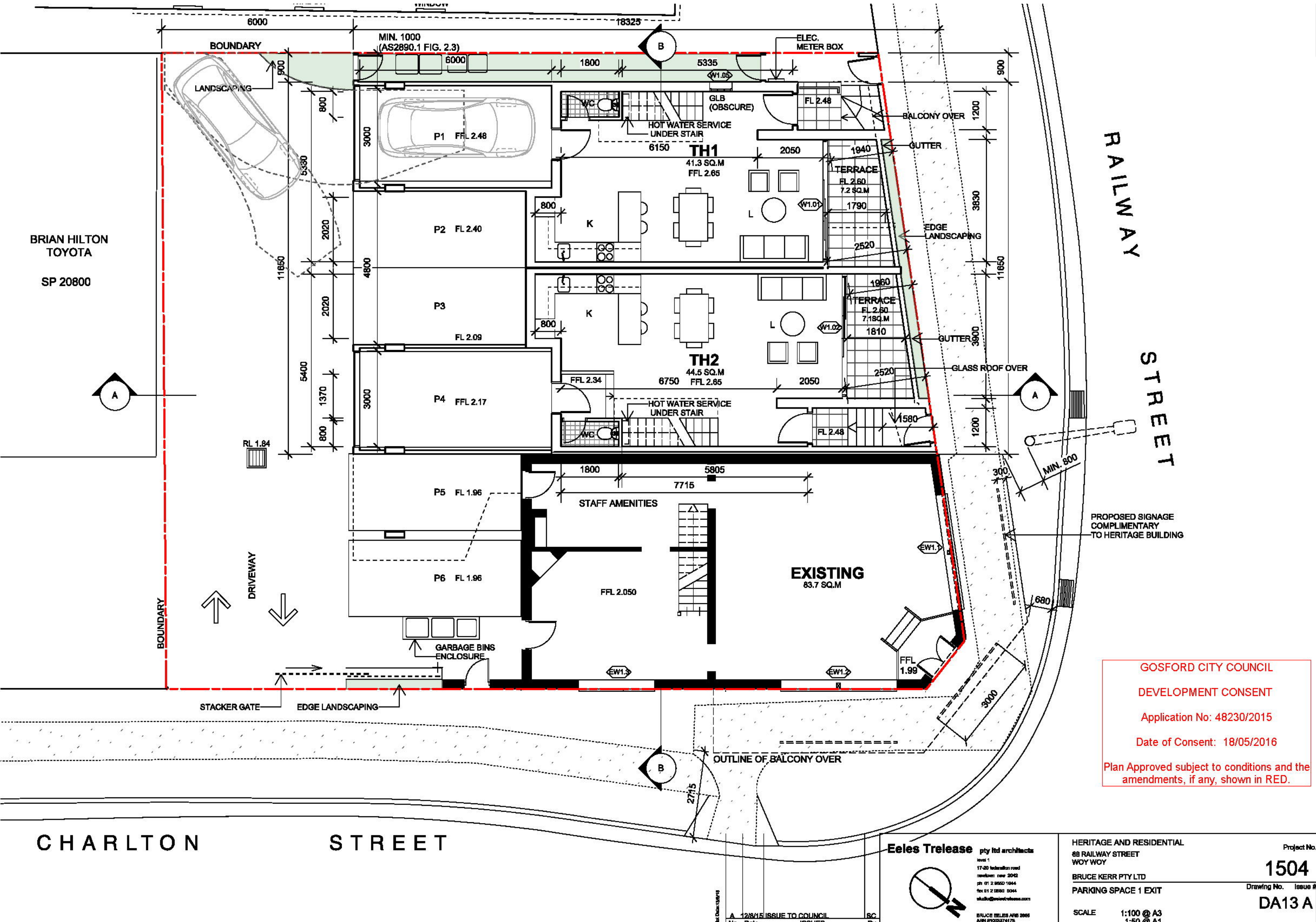
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eals@eelesrelease.com

HERITAGE AND RESIDENTIAL
88 RAILWAY STREET
WOY WOI
BRUCE KERR PTY LTD
PARKING ENTRY
SCALE 1:100 @ A3
1:50 @ A1

Project No.
1504
Drawing No. Issue #
DA12 A

Pls. Date/Time
A 12/8/15 ISSUE TO COUNCIL
No. Date ISSUES By



BRIAN HILTON
TOYOTA
SP 20800

RAILWAY STREET

CHARLTON STREET

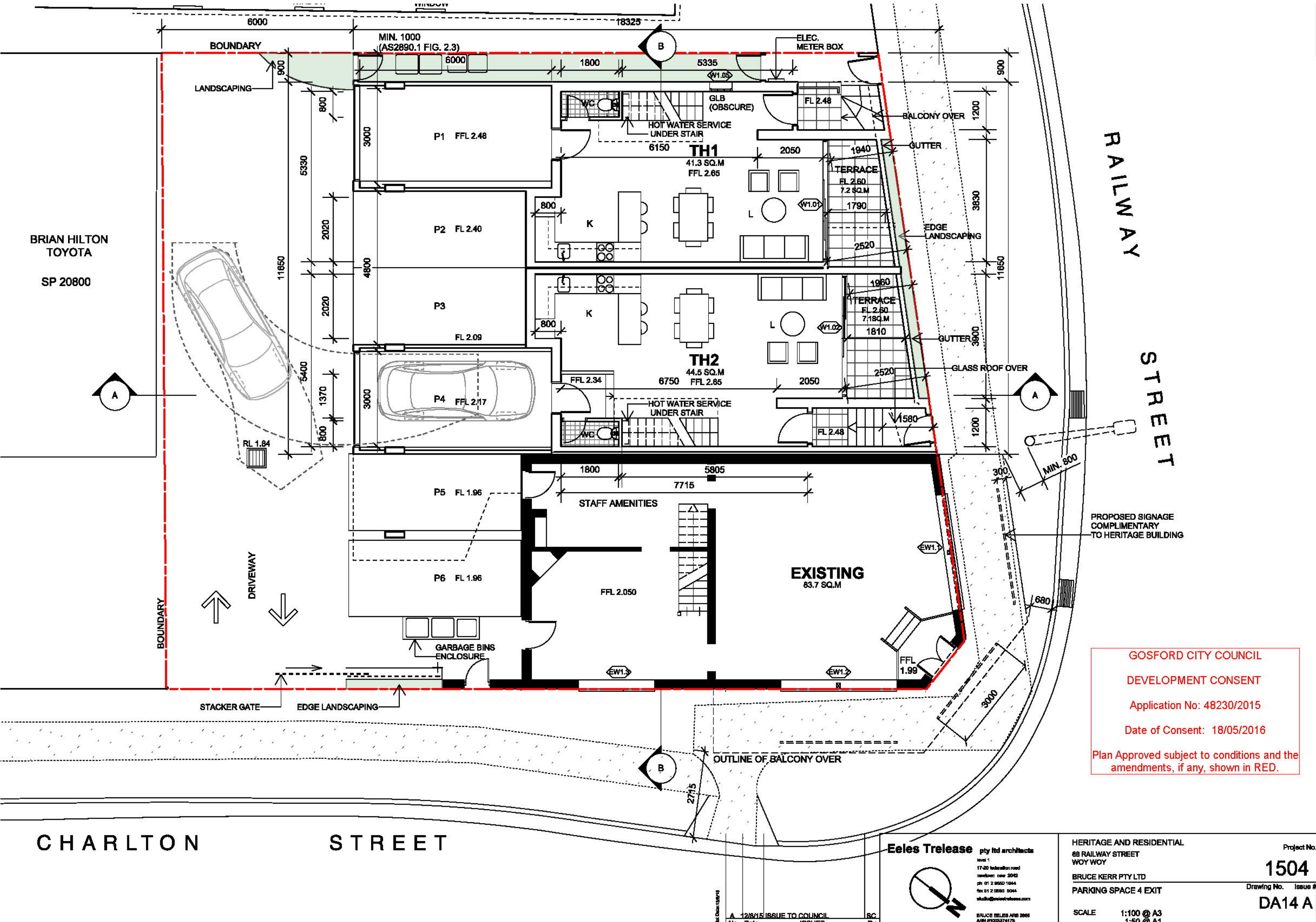
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newtown new 2042
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fax 01 2 8550 5044
eul@eelesrelease.com

HERITAGE AND RESIDENTIAL
88 RAILWAY STREET
WOY WOY
BRUCE KERR PTY LTD
PARKING SPACE 1 EXIT
SCALE 1:100 @ A3
1:50 @ A1

Project No.
1504
Drawing No. Issue #
DA13 A

Pls. Check 12/15
A 12/15 ISSUE TO COUNCIL
No. Date ISSUES By



BRIAN HILTON
TOYOTA
SP 20800

RAILWAY
STREET

CHARLTON
STREET

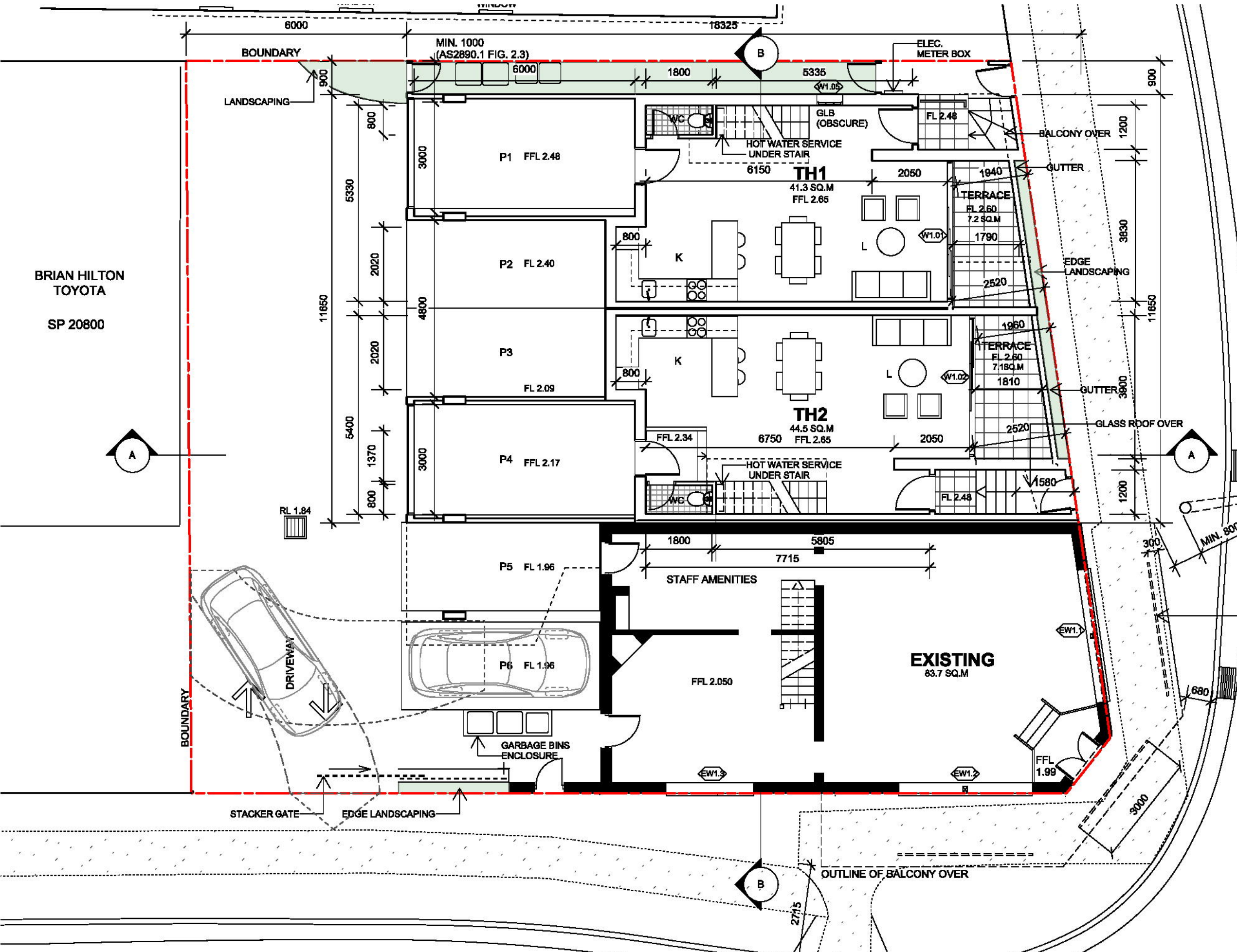
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eals@eelesrelease.com

HERITAGE AND RESIDENTIAL
88 RAILWAY STREET
WOY WOY
BRUCE KERR PTY LTD
PARKING SPACE 4 EXIT
SCALE 1:100 @ A3
1:50 @ A1

Project No.
1504
Drawing No. Issue #
DA14 A

A 12/8/15 ISSUE TO COUNCIL
No. Date ISSUES By



BRIAN HILTON
TOYOTA
SP 20800

RAILWAY
STREET

CHARLTON
STREET

GOSFORD CITY COUNCIL
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HERITAGE AND RESIDENTIAL
88 RAILWAY STREET
WOYWOY
BRUCE KERR PTY LTD
PARKING SPACE & EXIT
SCALE 1:100 @ A3
1:50 @ A1

Project No.
1504
Drawing No. Issue #
DA15 A

Pls. Check 12/15
A 12/15 ISSUE TO COUNCIL
No. Date ISSUES By