

## JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

JRPP No	2015 HCC 002 - Reconsideration				
DA Number	47046/2015				
Local Government Area	Gosford City Council				
Proposed Development	Mixed Use Development including Commercial, Residential (Shop Top Housing), Cinema, Hotel and Tavern				
Street Address	50-70 Mann Street and 114 Georgiana Terrace GOSFORD				
Applicant Name	New Hong Kong Macau Australian Pty Ltd				
Owner Name	New Hong Kong Macau Australian Pty Ltd				
No Submissions	27 (13 in support and 14 objections)				
Regional Development Criteria (Schedule 4A of the Act)	Value greater than \$20 million (\$234.3 million)				
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"><li>• Environmental Planning &amp; Assessment Act 1979 - Section 79C</li><li>• Local Government Act 1993 - Section 89</li><li>• Gosford Local Environmental Plan 2014</li><li>• Gosford Development Control Plan 2013</li><li>• SEPP 65 Design Quality of Residential Flat Buildings</li><li>• SEPP (BASIX)</li><li>• SEPP (Infrastructure) 2007</li></ul>				
List all documents submitted with this report for the panel's consideration	<b>Architectural Plans by CKDS Architecture</b>				
	<b>Drawing</b>	<b>Description</b>	<b>Sheets</b>	<b>Issue</b>	<b>Date</b>
	A-001	Cover Sheet	1	-	30/10/2015
	A-002	Project Outline	1	G	30/10/2015
	A-003	Planning Strategy	1	G	30/10/2015
	A-011	Site Plan	1	G	30/10/2015
	A-101	Car Park Level 09/10	1	H	30/10/2015
	A-102	Car Park Level 07/08	1	H	30/10/2015
	A-103	Baker St Car Park Level 05/06	1	I	30/10/2015
	A-110	Car Park 03/04	1	H	30/10/2015
	A-111	Mann St Car Park 02	1	H	30/10/2015
	A-112	Commercial Car Park 01	1	H	30/10/2015
	A-113	Hotel/Commercial 05	1	H	30/10/2015
	A-114	Typical Tower Low Rise	1	H	30/10/2015
	A-115	Typical Tower Mid Rise	1	H	30/10/2015
	A-116	Typical Tower High Rise	1	H	30/10/2015
	A-121	Apartment Plans - Mann	1	E	30/10/2015

		Street Tower - 8 Unit			
	A-122	Apartment Plans - Mann Street Tower - 6 Unit	1	H	30/10/2015
	A-123	Apartment Plans - Mann Street Tower - Penthouses	1	E	30/10/2015
	A-124	Apartment Plans - Baker Street Tower - 8 Unit	1	C	30/10/2015
	A-125	Apartment Plans - Baker Street Tower - 6 Units	1	C	30/10/2015
	A-126	Apartment Plans - Baker Street Tower - Penthouses	1	C	30/10/2015
	A-127	Apartment Plans - Georgiana Terrace Tower	1	H	30/10/2015
	A-128	Apartment Plans - Georgiana Terrace Tower - Penthouses	1	D	30/10/2015
	A-131	Roof Plan	1	E	30/10/2015
	A-201	North Elevation	1	G	30/10/2015
	A-202	East Elevation (Mann St)	1	G	30/10/2015
	A-203	South Elevation (Georgiana Tce)	1	G	30/10/2015
	A-204	West Elevation (Baker St)	1	G	30/10/2015
	A-301	Section A	1	G	30/10/2015
	A-302	Section B	1	G	30/10/2015
	A-303	Section C	1	G	30/10/2015
	A-304	Section D	1	-	30/10/2015
	A-305	Section E	1	E	30/10/2015
	A-401	Apartment Schedule/FSR	1	G	30/10/2015
	A-402	SEPP 65 Compliance June 21	1	G	30/10/2015
	A-403	SEPP 65 Compliance Equinox	1	G	30/10/2015
	A-404	External Finishes Schedule	1	E	30/10/2015
	A-421	View Study Locations	1	D	30/10/2015
	A-422	View Study	1	D	30/10/2015
	A-423	View Study	1	D	30/10/2015
	A-424	View Study	1	D	30/10/2015
	A-425	View Study	1	D	30/10/2015
	A-426	View Study	1	D	30/10/2015
	A-427	View Study	1	-	30/10/2015
	A-428	View Study	1	-	30/10/2015
	A-431A	Shadow Analysis March EDST	1	E	30/10/2015
	A-431B	Shadow Analysis March EDST	1	E	30/10/2015
	A-432A	Shadow Analysis June AEST	1	E	30/10/2015
	A-432B	Shadow Analysis June AEST	1	E	30/10/2015
	A-432C	Shadow Analysis June AEST	1	E	30/10/2015
	A-432D	Shadow Analysis June AEST	1	E	30/10/2015
	A-433	Shadow Analysis Sept AEST	1	D	30/10/2015
	A-433A	Shadow Analysis December EDST	1	E	30/10/2015
	A-433B	Shadow Analysis December EDST	1	E	30/10/2015

	A-434	Shadow Diagrams	1	G	30/10/2015
	A-435	Shadow Diagrams Compliant Height	1	G	30/10/2015
	Layout 01	Podium Façade Detail	1	A	30/10/2015
	Layout 02	Podium Façade Detail	1	A	30/10/2015
	<b>Landscape Plan by Xeriscapes</b>				
	<b>Drawing</b>	<b>Description</b>	<b>Sheets</b>	<b>Issue</b>	<b>Date</b>
	104	Landscape Plan Mann Street	1	C	22/08/2015
	<b>Supporting Documentation</b>				
	<b>Author</b>		<b>Title</b>		<b>Date</b>
	ADW Johnson Pty Ltd		Statement of Environmental Effects		July 2015
	Barker Ryan Stewart		Traffic & Parking Impact Assessment Report		July 2015
	Richard Lamb & Associates		Visual Impact Assessment		17/7/2015
Windtech		Pedestrian Wind Environment Study		24/7/2015	
Douglas Partners		Stage 1 Environmental Site Assessment		March 2004	
Douglas Partners		Stage 2 Environmental Site Assessment		September 2004	
Cardno		Concept Watercycle Management Report		29/1/2015	
Chapman Environmental Services Pty Ltd		Basic Certificate 603836M		28/1/2015	
CKDS Architecture		SEPP 65 Compliance Statement (updated version received 30/10/15)		-	
Philip Chun		BCA and Disability Assessment		29/1/2015	
James Marshall & Co		Community Benefits Report		-	
Barker Ryan Stewart		Waste Management Plan		August 2015	
Barker Ryan Stewart		Waste & Loading Dock Management Plan		August 2015	
Barker Ryan Stewart		Heritage Impact Assessment		August 2015	
Recommendation	Approval				
Reports by	RE Eyre/ M Leavey				

## Assessment Report and Recommendation Cover Sheet

## REPORT TO HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

**TITLE**            **DEVELOPMENT APPLICATION NO. 47046/2015**  
**APPLICANT: NEW HONG KONG MACAU AUSTRALIAN PTY LTD**  
**PROPOSED: MIXED USE DEVELOPMENT INCLUDING COMMERCIAL,**  
**RESIDENTIAL, CINEMA, HOTEL AND TAVERN ON LOT: 1 DP: 433839, LOT:**  
**1 DP: 511513, LOT: 1 DP: 219637, LOT: 3 DP: 219637, 50 MANN STREET**  
**GOSFORD, 70 MANN STREET GOSFORD, 114 GEORGIANA TERRACE**  
**GOSFORD**  
  
Directorate:       Governance and Planning  
Business Unit:    Development and Compliance

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*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 Joint Regional Planning Panel (JRPP):** Value greater than \$20 million (\$234.3 million)

**Assessing Officer:** M Leavey

**Reviewing By:** Manager Development and Compliance  
CEO

**Application Received:** 29/01/2015    **Date of Amended Plans:** 17/7/2015, 24/7/2015, 14/8/2015, 22/8/2015 26/8/2015, 30/10/2015 & 02/11/2015

### BACKGROUND

This application was considered by the JRPP at its meeting on 17 September 2015 and determination was deferred pending the progression of the planning proposal referred to in the assessment report to a point where it is able to become a relevant matter for consideration under Section 79C of the *Environmental Planning & Assessment Act, 1979*. The Panel also requested consideration of changes to the design and public domain in relation to parking levels 03/04 and requested further information on:

- SEPP 65 updated report
- Public domain plan
- Reflectivity report
- Accessibility report
- Details of screen treatment to above ground parking levels

A copy of the Panel's decision of 17 September 2015 is included as **Attachment A**, and the previous assessment report considered by the Panel is **Attachment B**.

### REPORT

This report addresses the status of the planning proposal for Gosford City Centre, and the additional information requested by the Panel, and the application is recommended for **approval**.

### Status of Gosford City Centre Planning Proposal

The planning proposal for Gosford City Centre referred to in the original assessment report has progressed, and now has a 'Gateway Determination' from the Department of Planning & Environment, and is on public exhibition.

The planning proposal was issued with the Gateway Determination on 22 October 2015, which confirms the planning proposal should proceed, and a copy of the Determination is included as **Attachment C**.

The issue of a Gateway Determination confirms the proposal has strategic merit, and confirms the details in the plan and the consultation that is required.

Section 79C of the Act sets out a number of matters a consent authority is to consider in the assessment of a development application, including:

*“any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)”*

As the Gosford City Centre planning proposal now has a Gateway Determination, and has commenced public consultation as required under Section 79C, it is considered the plan has sufficiently advanced for the panel to give it considerable weight in the assessment and determination of this application, and having regard to the provisions available under Clause 4.6 of the Gosford LEP.

### Public domain changes to parking levels 03/04

The applicant has made design changes to parking level 03/04 (Dwg A-110) which removes some car parking on the podium ground level, facing the internal courtyard, replacing it with commercial space. This will improve the appearance of the Baker Street podium, both internally and as viewed from the Baker Street entry. Council's Architect supports the design changes.

A copy of the amended plans is included as **Attachment D**.

The changes to parking levels 03/04 will result in the loss of 11 car spaces, and a relatively minor increase in commercial floor space (583m<sup>2</sup>). The revised floor space figures are:

Commercial	9,713.5m <sup>2</sup>
Retail	208m <sup>2</sup>
Residential - Tower 1	23,919m <sup>2</sup>
Residential - Tower 2	18,331m <sup>2</sup>
Residential - Tower 3	14,124m <sup>2</sup>
<b>Total</b>	<b>66,295.5m<sup>2</sup></b>

The additional commercial space and internal alterations will be within the existing building envelope, and is supported. Access to the commercial space will be via the internal courtyard area which will provide for a more active interface with the internal public domain. Council's architect supports the changes as proposed.

The previous assessment report identified that 628 parking spaces were required under the LEP/ DCP, and 638 spaces were proposed. The design changes will result in an adjusted LEP/ DCP parking requirement of 636 car spaces (ie 8 additional), and 627 spaces are proposed which is a minor shortfall of 9 spaces.

The Traffic and Parking Report submitted with the application suggests there will be a crossover of parking demand internally within the development, which could lead to a reduction of commercial/ retail spaces resulting from resident and hotel guests likely to be using the retail, supermarket and cinema. The report suggests this could result in a 20% reduction in commercial/ retail space demand. The proposed shortfall of 9 spaces is a minor departure of 2.6% from the full LEP/ DCP requirements, which would assume the parking for all use components occurs completely separately. There is merit in the argument of some cross over of parking demand, and this would reasonably offset the minor shortfall proposed, and this is recommended for support.

It is proposed to amend condition 5.6 to reflect the new total number of car spaces and condition 5.9 relating to retail/ commercial parking numbers, which reflects the parking numbers as proposed in the amended plans.

### **Updated SEPP 65 report**

The applicant has submitted an updated SEPP 65 Compliance Statement (**Attachment E**), with additional information highlighted in red. The updated details include reference to consistency with Council's plans to revitalise the CBD, surveillance of public open spaces, mix of units, street setbacks, side/ rear setbacks and FSR.

### **Public domain plan**

The public domain plan refers to improvements to the public domain at the courtyard level. As detailed above, changes have been made to provide commercial/ retail/ restaurant uses along the eastern side of commercial car park 03, in place of the previously proposed car parking, and these uses continue around the corner entry to Baker Street. The proposed changes result in an improved and more active interface between the internal courtyard and development fronting the courtyard, and Council's architect supports the proposed changes.

The internal courtyard will be now be fronted by commercial/ retail/ restaurant uses as far as is possible. There is a small area of wall to commercial car park 04, however this area adjoins a pedestrian access ramp, and due to the changes in level and the location of the ramp, it would be difficult to provide other uses in this location.

### **Reflectivity report**

The project architect has submitted that the production of a reflectivity report could not be undertaken at this stage as the Façade treatment and detailing requires substantial further development, and specific façade engineering. Final glass selection, window framing details, orientation of the panels will all have a bearing on reflectivity and glare.

The architects acknowledge that the reflectivity of the façade, and the impact on the adjacent precinct from the towers, is an important consideration, and have requested that an appropriate reflectivity value be conditioned in the Development Approval.

Council's DCP Chapter 4.1.5.4 Reflectivity requires that:

- a. New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.*
- b. Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.*
- c. Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.*

The performance measures in the DCP Chapter (ie part a and b) are important considerations, however in light of the complexity of the façade engineering, it is considered reasonable that the provision of a reflectivity report could be conditioned to be prepared prior to the issue of a construction certificate.

### **Accessibility report**

The application was supported by an Accessibility Report as referenced in the supporting documents, and a copy is attached for the Panel's information (**Attachment F**). The report concludes that the proposed development is capable of providing access for people with disabilities and meeting all the required standards.

### **Details of screen treatment to above ground parking levels**

The applicant has provided details of the screen treatment to the above ground parking levels, which is included as **Attachment G**. The project architects advise it is proposed to use overlapped opaque glass panels, to achieve a similar aesthetic as the commercial tenancies, whilst obscuring direct vision of the cars.

The proposed screen treatment is considered to be appropriate for the design and appearance of the building, and is consistent with the previously recommended condition 2.8(e). Council's architect raises no objections to the proposed screen treatment.

### **Summary of changes to previous recommended conditions**

- Condition 1.1 updated with current plan versions, proposed screen treatment details, and reference to updated SEPP 65 report;
- Condition 2.19 added requiring reflectivity report prior to issue of a construction certificate;
- Condition 5.6 updated with revised total car parking figure: and
- Condition 5.9 updated with revised commercial/ retail car space figure

### **CONCLUSION**

In conclusion, it is considered the Gosford City Centre planning proposal, with a gateway determination and being on public exhibition, has sufficiently progressed for it to be a relevant consideration in the determination of this development application. Changes have also been made to parking levels 03/04 to increase active frontages, as was identified by the Panel. This results in a minor shortfall in car parking numbers which is considered to be reasonable given the amount of parking provided on site and the potential for cross over parking demand.

The applicant has provided an updated SEPP 65 assessment report and details of the screen treatment to above ground parking levels, which are recommended for support. A condition is recommended for a reflectivity report to be prepared prior to the issue of a construction certificate, together with criteria from the DCP to achieve, and this is considered reasonable as the façade treatment and detailing requires substantial further development, including glass selection, window framing details and orientation of the panels, all of which will all have a bearing on reflectivity and glare.

Having regard to the progress of Council's planning proposal, the additional information as requested by the panel and the benefits this project will bring to the Gosford Regional City, the application is recommended for approval by the panel.

- Attachments:**
- |   |   |
|---|---|
| A | JRPP Minutes 17 September 2015 (IR 21727132)                                  |
| B | Previous Assessment Report considered by the Panel (IR 21727162)              |
| C | Gateway Determination for Gosford City Centre Planning Proposal (IR 21727267) |
| D | Amended Plans (IR 21730571 & IR 21730572)                                     |

- E Updated SEPP 65 Compliance Statement (IR 21727272)
- F Accessibility Report (IR 21727377)
- G Screen treatment details (IR 21727408)

**Tabled Items:** Nil

## RECOMMENDATION

- A The Joint Regional Planning Panel 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 8.9 to permit the proposed development.
- B The Joint Regional Planning Panel as consent authority grant consent to Development Application No 47046/2015 for the proposed Mixed Use Development including Commercial, Residential (Shop Top Housing), Cinema, Hotel and Tavern on Lot 1 DP 433839, Lot 1 DP 511513, Lot 1 DP 219637, Lot 3 DP 219637 No 50-70 Mann Street and No 114 Georgiana Terrace GOSFORD, subject to the conditions attached.
- C The applicant be advised of the Joint Regional Planning Panel's decision and of their right to appeal in the Land and Environmental Court under Section 97 of the Environmental Planning and Assessment Act 1979 six (6) months after the date on which the applicant receives notice in respect to the Panel's decision.
- D The submission makers be notified of the Joint Regional Planning Panel's decision.
- E The External Authorities be notified of the Joint Regional Planning Panel's decision.
- F The consent be limited to two (2) years.
- G Council's Section 94 Officer be advised that the amount to be reimbursed to CP94A is \$4,687,292.00

## CONDITIONS

### 1. PARAMETERS OF THIS CONSENT

#### 1.1. Approved Plans and Supporting Documents

The development shall be implemented 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 CKDS Architecture

A-001	Cover Sheet	1	-	30/10/2015
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A-128	Apartment Plans - Georgiana Terrace Tower - Penthouses	1	D	30/10/2015
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A-424	View Study	1	D	30/10/2015
A-425	View Study	1	D	30/10/2015
A-426	View Study	1	D	30/10/2015
A-427	View Study	1	-	30/10/2015
A-428	View Study	1	-	30/10/2015
A-431A	Shadow Analysis March EDST	1	E	30/10/2015
A-431B	Shadow Analysis March EDST	1	E	30/10/2015
A-432A	Shadow Analysis June AEST	1	E	30/10/2015
A-432B	Shadow Analysis June AEST	1	E	30/10/2015
A-432C	Shadow Analysis June AEST	1	E	30/10/2015
A-432D	Shadow Analysis June AEST	1	E	30/10/2015
A-433	Shadow Analysis Sept AEST	1	D	30/10/2015

### Landscape Plan by Xeriscapes

Drawing	Description	Sheets	Issue	Date
104	Landscape Plan Mann Street	1	C	22/08/2015

### Supporting Documentation

Author	Title	Date
ADW Johnson Pty Ltd	Statement of Environmental Effects	July 2015
Barker Ryan Stewart	Traffic & Parking Impact Assessment Report	July 2015
Richard Lamb & Associates	Visual Impact Assessment	17/7/2015
Windtech	Pedestrian Wind Environment Study	24/7/2015
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Barker Ryan Stewart	Waste & Loading Dock Management Plan	August 2015
Barker Ryan Stewart	Heritage Impact Assessment	August 2015

### 1.2. Building Code of Australia

All building works must be carried out in accordance with the Building Code of Australia.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. No activity is to be carried out on site until any Construction Certificate has been issued. Other than:
  - a) Site investigation for the preparation of the construction, and/or
  - b) Implementation of environmental protection measures, such as erosion control etc that are required by this consent.
- 2.2. A dilapidation report is to be prepared by a practising structural engineer at no cost to Council or adjoining property owners, detailing the structural adequacy of adjoining properties, including Council's property, and their ability to withstand the proposed excavation. This report must include any measures required to be incorporated to ensure that no damage will occur during the course of works. The report must be submitted to Council and relevant adjoining property owners prior to the issue of any construction certificate.
- 2.3. All plumbing work to be carried out by a licenced plumber who has a current licence registered with NSW Office of Fair Trading. The work must be inspected by Council's plumbing inspector and the inspection fee to be paid to Council's Customer Service Section before an inspection can be carried out.

Also the licence plumber must submit a notice of work for plumbing and drainage application 2 days prior to Council before an inspection can be carried out. This falls under the Plumbing Code of Australia from 1 January 2013

- 2.4. This development must comply with Council's backflow Prevention Policy WS.04.
- 2.5. In regard to street tree and vegetation planting within the site, the project's Landscape Architect is to verify &/or amend Landscape Plans to ensure requirements of the 'Pedestrian Wind Environment Study 24/7/15', and Gosford City Centre - Streetscape Design Guidelines Sept 2011, have been addressed prior to issue of Construction Certificate.
- 2.6. The fitout of the food premises is to comply with the Food Act 2003, Food Regulation 2010, Food Standards Code and the Australian Standard AS4674 for the Design, Construction and Fitout of Food Premises. Details of compliance are to be included in the plans and specifications for the Construction Certificate to the satisfaction of the certifying authority.
- 2.7. The payment to Council of a Contribution \$4,687,292.00 in accordance with the Gosford City Council Section 94A Development Contribution Plan - Gosford City Centre.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Gosford City Council Section 94A Development Contribution Plan – Gosford City Council. The basis of the calculation and the total amount is to be indexed quarterly in accordance with the Consumer Price Index (All Groups index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

The contribution is to be paid prior to the issue of any Construction Certificate.

A Construction Certificate is not to be issued by a certifying authority until the developer has provided the certifying authority with a copy of a receipt issued by Council that verifies that the Section 94 contributions have been paid in accordance with the wording of this condition. A copy of this receipt is to accompany the documents required to be submitted by the certifying authority to Council under Clause 104 of the Environmental Planning and Assessment Regulation 2000.

A copy of the Contributions Plan may be inspected at the office of Gosford City Council, 49 Mann Street or on Council's website.

[www.gosford.nsw.gov.au/customer/document\\_gallery/contribution\\_plans](http://www.gosford.nsw.gov.au/customer/document_gallery/contribution_plans)

- 2.8. Modification of details of the development (s80A(1)(g) of the Act)

The *approved plans* must be amended. Any *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to Clause 139 of the *Regulation*, must detail:

- a) The preparation and approval by the Principal Certifying Authority of an amended landscape plan to provide tree planting/street tree/ deep soil planting.
- b) A minimum of 50 studio/one bedroom units.
- c) The amendment of landscape & development plans to provide;
  - i. The inclusion of densely foliating trees along ground level footpaths on Mann Street, Georgiana Terrace and Baker Street frontages of the site. The densely foliating trees are to be capable of growing at least 3m tall with a 2m wide canopy.

- ii. The inclusion of densely foliating trees within the through site link between the Mann Street and Baker Street. The densely foliating trees are to be capable of growing to at least 3m tall with a 2m wide canopy.
  - iii. The inclusion of a 3m high awning spanning across the Mann Street pedestrian footpath and wrapping around the south-eastern corner of the Mann Street commercial building.
  - iv. The inclusion of densely foliating shrubs capable of growing to a height of 1.5m along the Mann Street cafe seating areas.
  - v. The inclusion of densely foliating trees around the south-western area of the through site link to ameliorate strong southerly winds. The densely foliating trees, capable of growing to at least 3m tall with a 2m wide canopy.
  - vi. The inclusion of a 1.8m high impermeable screen along the south-western edge of the lower podium along Baker Street to reduce south-westerly winds side streaming across the through site link.
  - vii. The inclusion of densely foliating trees and hedge planning within and around the hotel courtyard. The densely foliating trees, capable of growing to at least 3m tall with a 2m wide canopy and/or densely foliating hedges capable of growing to at least 2m tall.
  - viii. The inclusion of 1.85m high impermeable screen along the eastern and western edges of the hotel courtyard to reduce strong winds funnelling through the towers.
  - ix. The inclusion of a pergola over the hotel courtyard to reduce undesirable wind effects if the area is intended to be used to longer duration activities.
  - x. If the rooftop area on Mann Street podium is to be trafficable by pedestrians, then landscaping and 1.8m high impermeable screens around the edges of the podium are to be installed. The landscaping may be in the form of a densely foliating trees or hedges, capable of growing to 3m high.
  - xi. The inclusion of an impermeable balustrade for western facing balconies on the Mann Street tower.
  - xii. Landscaping to have sufficient depth and volume to support 15% deep soil planting.
- d) A reduction in the height of the solid blank wall on Mann Street to a maximum height of 1.5m and over no more than 20% of the Mann Street frontage, unless the height above 1.5m is of glazed and/or transparent material.
  - e) The external finishes and materials on Baker Street must be sufficiently opaque to disguise the three (3) levels of above ground car parking.

2.9. Prepare an Acid Sulfate Soil Management Plan prior to the issue of any Construction Certificate and approved by the Principal Certifying Authority.

2.10. Details of any proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the Building Code of Australia (BCA) and Australian Standards AS1668 Parts 1 & 2 (including exhaust air quantities and discharge location points are to be submitted to and approved by the PCA prior to a Construction Certificate being issued for the subject works.

A certificate being submitted at the completion of the installation from a practicing Mechanical Engineer certifying that the construction, installation and operation of the exhaust hood ventilation system meets the requirements as AS1668.1 and/or AS1668.2.

2.11. All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's "Civil

Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and "Policy 'D6.46 Erosion Sedimentation Control".

The required works to be designed are as follows:

- a) Full width upgrade of the footway across the full frontages of the site in Mann Street, Georgiana Terrace & Baker Street in accordance with the Gosford City Centre "Streetscape Design Guidelines" prepared by Oculus dated September 2011.
- b) Kerb and gutter across the full frontage of the site in Baker Street (with the exception of the vehicle crossing locations).
- c) Reconstruction of the kerb and gutter across the full frontage of the site in Georgiana Terrace (with the exception of the vehicle crossing location).
- d) Construction of the kerb return and reconstruction of the pram ramp at the intersection of Baker Street and Georgiana Terrace.
- e) Tapered heavy-duty vehicle crossing in Baker Street that has a width of 13m behind the heavy-duty gutter crossing and 12m at the property boundary, constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- f) Splayed heavy-duty vehicle crossings to the drop off / taxi zone, which have a width of 8m behind the heavy-duty gutter crossings and 5m at the boundary, constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom. The northern crossing shall be splayed to the north and the southern crossing splayed to the south.
- g) Heavy-duty vehicle crossing in Georgiana Terrace that has a width of 6m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- h) Heavy-duty gutter crossings to suit the widths of the heavy-duty vehicle crossings, constructed with a minimum of 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom. NB the heavy-duty gutter crossing associated with the Baker Street car park entrance shall be constructed as an extension of the heavy-duty gutter crossing associated with the neighbouring northern property.
- i) All redundant dish crossings and/or damaged kerb and gutter are to be removed and replaced with new kerb and gutter.
- j) All redundant vehicular crossings to be removed.
- k) Construction of a pedestrian crossing in Georgiana Terrace in the general location of the redundant children's crossing associated with the former Gosford Public School site.
- l) The piping of stormwater from within the site to Council's drainage system located in Baker Street / Georgiana Terrace.
- m) Bus stop and shelter on Baker Street located between the two vehicle crossings associated with the drop off / taxi zone.
- n) Signage and line marking. The signage and line marking plan shall be approved by the Council Traffic Committee.

The engineering plans must be approved by Council prior to the issuing of any Construction Certificate required under this consent.

- 2.12. A dilapidation report must be submitted to Council prior to issue of any Construction Certificate and/or approval of engineering plans under the Roads Act. 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.
- 2.13. A security deposit of \$100,000 must be paid into Council's trust fund prior to the issue of any Construction Certificate. 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.

- 2.14. Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000, must be obtained from the Water Authority (Council) prior to the issue of any Construction Certificate. Contributions may be applicable to the Section 307 Certificate.
- 2.15. Submit engineering details prepared and certified by a practising structural engineer to the Council (Water Authority) for development constructed near or over the sewer main and / or adjacent to Council's water mains. The engineering details must comply with Council's guidelines for "Building Over or Near Council Sewer and Water Mains" and must be approved by Council. A fee for engineering plan assessment must be paid when submitting the engineering details.

Additional fees for the submission of contractor's documentation and sewer inspection fees apply for the adjustment or encasement of Council's sewer main. Subject to approval of the engineering plans, and payment of the prescribed fees, the developer must contact Council's Water and Sewer Quality Inspector on mobile phone 0419 412 725 a minimum of one week prior to commencement of any work involving building over and / or adjacent to sewer mains.

- 2.16. Design of the following engineering works within private property:

- a) Driveways/ramps and car parking areas must be designed according to the requirements of the current Australian Standard AS2890 for the geometric designs, and industry Standards for pavement designs.
- b) Pedestrian crossing linking the bus stop in Baker Street with the drop off / taxi zone.
- c) On-site stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan shall accompany the design.
- d) Nutrient/pollution control measures must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design.
- e) Piping of all stormwater from impervious areas within the site to Council's drainage system located in Baker Street / Georgiana Terrace.
- f) The minimum floor level of all habitable rooms in the development must be RL 2.45m AHD.
- g) 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.
- h) Waterproofing of the structure below RL 2.45m AHD.
- i) Drop off / taxi zone. The driveway pavement for the drop off / taxi zone shall be contained completely within the development site, and shall not encroach into the Baker Street road reserve.

The design of these details and any associated reports shall be included in any construction certificate.

- 2.17. Structures constructed adjacent to a Council stormwater system and/or drainage easement and within the zone of influence must have footings designed in accordance with Council's "Guidelines for Building Adjacent to a Drainage Easement". Details prepared by a practising structural engineer shall form part of any Construction Certificate.

- 2.18. A vertical ceiling height of 4.0m must be provided in areas serviced by waste trucks.
- 2.19 Preparation and submission to Council of a Reflectivity Report, prepared by a suitably qualified consultant, that analyses potential solar glare from the proposed development on pedestrians or motorists. The report must demonstrate and certify the development will:
- (a) not result in glare that causes discomfort or threatens the safety of pedestrians or drivers; and
  - (b) visible light reflectivity from building materials used on the facades of new buildings does not exceed 20%.

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. Any construction certificate for the building work is to be issued and the person having the benefit of the development consent must appoint a Principal Certifying Authority prior to the commencement of any building works.

The Principal Certifying Authority (if not the 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 2 days before the building work commences.

- 3.2. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- 3.3. Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.
- 3.4. A sign is required to be erected in a prominent position on any work site on which building 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.

The sign is to be removed when the work has been completed.

- 3.5. Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.
- 3.6. Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures must be in accordance with the NSW WorkCover publication titled, '*Site Security and Public Access onto Housing Construction Sites*' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

- 3.7. A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place.

If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the *Roads Act 1993* will need to be lodged with Council together with the associated fee.

- 3.8. The Structural Engineer's details are to be certified that they have been prepared in accordance with the details and recommendations of the Review of Geotechnical Aspects Project No. 75928 dated 19 March 2015 prepared by Douglas Partners.
- 3.9. Submission of an application for approval to discharge liquid trade waste into Council's sewerage system. The application and details of the proposed method of treatment, together with the required fee is to be submitted to Council prior to the commencement of works.
- 3.10. A Construction Traffic Management Plan (CTMP) shall be prepared including a Vehicle Movement Plan and Traffic Control Plan. The CTMP shall be prepared with the intention of causing minimal impact to the operation of the road network during construction of development.
- 3.11. The submission to and approval by Council prior to the commencement of any works, of details for the disposal of any spoil gained from the site and /or details of the source of fill, heavy construction materials and proposed routes to and from the site. Details shall be provided prior to the commencement of works and at latter stages of construction if details change.
- 3.12. No demolition work involving the BWCC building can be carried out unless it immediately precedes restoration works. This is to eliminate the site remaining empty for an unreasonable period or the unnecessary demolition of the building.

#### 4. DURING WORKS

- 4.1. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall 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. Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Erosion Sedimentation Control Policy D6.46.
- 4.3. Building materials must not be stored nor construction work carried out on the road reserve unless associated with a separate approval under the *Roads Act 1993*.
- 4.4. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made is responsible to notify the neighbour and responsible for the protection and preservation of the adjoining allotment of land.
- 4.5. Buildings are to be demolished in a safe and systematic manner in accordance with the requirements of Australian Standard *AS 2601-2001 – Demolition of Structures*, and disposed of in an approved manner.
- 4.6. All recommendations of the geotechnical report must be implemented during works. This includes, but is not limited to, the carrying out of all inspections as required by the geotechnical engineering report with a view to the geotechnical engineer providing written certification to the Principal Certifying Authority's satisfaction that all works have been carried out on site in accordance with the recommendations contained within the geotechnical engineers report.
- 4.7. A report prepared by a registered Surveyor is to be submitted to the Principal Certifying Authority at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans.
- 4.8. Should any Aboriginal objects or artefacts be uncovered during works on the site, all works shall cease. The Office of Environment and Heritage shall be contacted immediately and any directions or requirements complied with.
- 4.9. To minimize the opportunity for crime, the development must incorporate the following:
  - a) Adequate lighting to AS1158 is to be provided to common areas.
  - b) The ceiling of the car park must be painted white.
  - c) Landscaping adjacent to mailboxes and footpaths must not provide for the concealment opportunities for criminal activity.
  - d) The development must be designed to avoid foot holes or natural ladders so as to minimize unlawful access to the premises.
  - e) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- 4.10. The refrigerated/cooling/freezing chamber, which is of sufficient size for a person to enter, must have-
  - a) a door which is capable of being opened by hand from the inside without a key; and
  - b) internal lighting controlled only by a switch is located adjacent to the entrance doorway inside the chamber; and
  - c) an indicator lamp positioned outside the chamber which is illuminated when the interior light is switched on; and
  - d) an alarm that is-
    - i. located outside but controlled only from within the chamber; and
    - ii. able to achieve a sound pressure level outside the chamber of 90db(A) when measured 3m from the sounding device.

The door required by (a) above must have a doorway with a clear width of not less than 600mm and a clear height of not less than 1.5m.

- 4.11. There shall be no obstructions to the wheel out of the waste bins including grills, speed humps, barrier kerbs etc.
- 4.12. Construction of the waste truck servicing grade at 3% or less for the following areas:
  - Within the enclosure
  - For bulk bin roll out pads
  - Within the 13m bulk bin and truck service area
- 4.13. Construct garbage chutes in accordance with Appendix F, Chapter 7.2 – Waste Management of Gosford DCP 2013 and BCA requirements.
- 4.14. The internal road strength used by the waste trucks must be sufficiently strong enough to withstand a truck loading of 22.5 tonnes.
- 4.15. Compliance with all commitments as detailed in the Waste Management Plan Ref: CC140157, Revision 4, dated 14 August 2015 signed by C. Manyweathers.
- 4.16. Waste storage enclosures to be constructed in accordance with Chapter 7.2 - Waste Management of Gosford DCP 2013 and the BCA.
- 4.17. The works within the road reserve that required approval under the Roads Act shall be constructed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.
- 4.18. The location of all electrical fixtures and/or gas outlets are to be at a minimum height of RL 2.45m AHD.
- 4.19. The Engineering works within private property that formed part of any construction certificate shall be constructed in accordance with the plans and details approved with any construction certificate.
- 4.20. Elements of the heritage building that must be retained and conserved are;
  - Sandstone facing and facade
  - Original timber framed glazing on the facade must be retained and conserved.
  - The granite foundation stone must be retained and conserved.
  - Mosaic tiled and terrazzo flooring and finishes to all areas such as the foyer, stair hall and showroom must be retained and conserved.
  - Retention and conservation of the main stair including its metal balustrade and Queensland Maple handrails.
  - Retention and conservation of the maple front doors.
  - Retention and conservation of the sandstone bas relief.
  - Retention and conservation of the clock tower
  - Retention and conservation of original landscape features on the Mann Street frontage of the site.

## 5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. Application for any Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.

- 5.2. The premises not being occupied until any occupation certificate has been issued.
- 5.3. Impervious surface areas including pathways and driveways are to be graded and drained to prevent water run-off affecting adjoining properties.
- 5.4. Prior to the issue of any Occupation Certificate a geotechnical engineer shall provide written certification to the Principal Certifying Authority's satisfaction that all works have been carried out on site in accordance with the submitted geotechnical report recommendations.
- 5.5. Lots 1 DP433839, 1 DP511513, 1 DP219637 and 3 DP219637 must be consolidated into a single allotment under one Certificate of Title prior to the issue of any Occupation Certificate.
- 5.6. The driveway, vehicle manoeuvring area and 627 car parking spaces as shown on the approved plan must be properly constructed, graded, drained, sealed and line marked including directional arrows with impervious paving material, in accordance with Australian Standard 2890.1-2004 Off Street Parking.
- 5.7. The street number is to be at least 100mm high and be clearly visible from the street frontage.
- 5.8. Mail receptacles shall be provided and appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.9. The 126 retail/commercial car parking spaces are to be marked as such and not strata titled or allocated to any residential unit.
- 5.10. Completion of all landscaping, street tree planning and paving in accordance with the approved landscape and development plans.
- 5.11. Council is to be notified upon completion of work and following the issue of the Occupational Certificate, prior to trading commencing to enable the premises to be inspected by Council's Environmental Health Officer and for the premises to be registered with the Council as a food premises.
- 5.12. Install vacant car parking space electronic indicators within each car parking level at the car parking entry to indicate the location of vacant parking spaces within the site.
- 5.13. Submit an indemnity to Council against claims for loss or damage to the pavement or other driving surface and against liabilities losses, damages and any other demands arising from an on-site collection service prior to the issue of any Occupational Certificate together with the creation of a S88B instrument under the Conveyancing Act to this effect at the applicant's cost.
- 5.14. Works within the road reserve that required approval under the Roads Act are to be completed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', and documentary evidence for the acceptance of such works obtained from the Roads Authority prior to the issue of any Occupation Certificate.

Note 1: A maintenance bond shall be paid on completion of the works in accordance with Section 1.07 Maintenance of the 'Civil Construction Specification'.

- 5.15. Any damage not shown in the dilapidation report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to release of any Occupation Certificate.
- 5.16. Prior to the issue of any occupation certificate, the internal engineering works within private property that formed part of any construction certificate shall be completed in accordance with the plans and details approved with any construction certificate.
- 5.17. Prior to the issue of any Occupation Certificate the Deposited Plan (DP) must be amended 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 shall be defined by bearings and distances shown on the plan.
    - a) To create a 'Restriction as to User' over all lots containing an on-site stormwater retention system and/or a nutrient/pollution facility} restricting any alteration to such 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 on-site stormwater retention system and/or a nutrient/pollution facility that:
    - (i) The facility will remain in place and fully operational.
    - (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
    - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
    - (iv) Council is indemnified against all claims of compensation caused by the facility.

Registered title documents showing the restrictive and positive covenants must be submitted to and approved by the Principal Certifying Authority prior to the issue of any occupation certificate.

- 5.18. Certification from a consulting engineer shall be submitted to Council stating that all slabs and/or footings within the zone of influence associated with the Council stormwater system and/or drainage easement have been constructed in accordance with any Construction Certificate.

## 6. ONGOING OPERATION

- 6.1. The floor of the vehicle carwashing area is to be graded and drained to a floor waste connected to silt arrestor pit or an oily water separator. The silt arrestor pit or oily separator is to be connected to the sewer in accordance with the requirements of Council's Trade Waste Section.
- 6.2. A dry basket arrestor is to be installed within the food preparation area.
- 6.3. Sink strainers are to be installed within the kitchen sink waste outlet.
- 6.4. A commercial grease arrestor is to be installed in association with the food premises.

- 6.5. To ensure the survival and establishment of the landscaping, all works associated with the approved Landscape Plans are to be maintained for a period of 12 months from the date of the issue of an Occupation Certificate.
- 6.6. At the completion of the landscaping maintenance period any areas of lawn and plantings, including adjoining road reserve areas that are in a state of decline, damage or missing are to be replaced or restored to a healthy and vigorous condition and compliant with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.7. No materials, waste matter or products shall be stored outside the building or the approved waste storage area, at any time.
- 6.8. All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.
- 6.9. All loading and unloading of goods are to be conducted wholly within the site. Loading facilities, internal docks or goods handling areas are to be maintained free of obstruction for the sole use of delivery vehicles.

Visitor car parking spaces are to be physically identified on site, and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.

- 6.10. Prohibition of light weight furniture on high rise balconies/decks unless fixed to the building structure.
- 6.11. Maintenance of the nutrient/pollution control facilities in accordance with the operation & maintenance plan.
- 6.12. For licensed premises;
  - a) There is to be no live entertainment or amplified music after 12:00 midnight.
  - b) Whenever the licensed premises trade after 8:00pm Friday, Saturday or Sunday, uniformed security guards are to continually patrol the vicinity of the premises to ensure that patrons do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood. Such patrols are to continue until the last patron has left the premises and vicinity of the premises. Security guards are to be employed at a ratio of 1 per 100 patrons or part thereof.
  - c) The LA 10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence. The LA 10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.
  - d) The licensee shall maintain a CCTV system that meets the following minimum requirements:

A camera must be located at each entrance to the licensed premises, positioned to record any person entering or exiting through this entrance. In addition a camera must be located outside each door to record any person standing within five (5) metres of each door. The CCTV recordings of this camera must be sufficient to

enable the identity of an individual to be established beyond reasonable doubt when:

- (a) the person represents 100% of screen height, and
- (b) there is an unobstructed view of the persons face

Recording should be retained for a period of 30 days before being reused or destroyed.

Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, OLGR Inspectors or other regulatory officer upon request.

When the venues are trading, at least one person shall be at the venues who is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.

The CCTV system shall be able to reproduce a copy of the recordings on CD, DVD or USB memory stick and must be provided within 1 working day to NSW Police, OLGR Inspector or other regulatory officer upon request.

- e) The licensee must ensure that, immediately after the licensee or a staff member or agent becomes aware of an incident involving an act of violence causing an injury to a person on the licensed premises or in the immediate vicinity,
  - (a) All reasonable steps are taken to preserve and keep intact the area where the incident occurred, and that any implement or other thing associated with the act of violence is retained in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police Force; and
  - (b) The Brisbane Water Local Area Commander or his/her delegate, is advised by the licensee or a staff member or agent of the incident as soon as practicable; and
  - (c) The licensee or staff member complies with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

In this condition, "staff member" means any person employed by or acting on behalf of the licensee of the licensed premises and it includes any person who is employed to carry on the security activities on or about the premises.

- 6.13. Compliance with all Operational requirements as detailed within the Waste Management Plan Ref: CC140157, Revision 4, dated 14 August 2015 signed by C. Manyweathers.
- 6.14. Compliance with all Operational requirements as detailed within the Waste and Loading Dock Management Plan Ref: CC140157, dated 14 August 2015 by BarkerRyanStewart and revised Appendix A attachment - Waste Collection and Loading Bay Swept Path received by Council on 19 August 2015.
- 6.15. No recyclable waste to be disposed of via garbage chutes ie. mixed waste only permitted. Prominent signage to be installed adjacent to garbage chutes and interim recyclables storage locations to ensure appropriate sorting of residential waste into mixed and recyclable waste streams.
- 6.16. Commercial waste servicing and Commercial deliveries to be managed to provide adequate storage/servicing to support the conflicting commercial uses.
- 6.17. All waste transfer from Commercial/Retail tenancies to be managed wholly within the footprint of the development.
- 6.18. Commercial waste servicing and Commercial deliveries to the Loading Bay area to be undertaken at times that do not conflict with Residential waste servicing.

- 6.19. Parking restriction signage, permanent pavement cross-hatching to be provided in all waste vehicle manoeuvring areas to ensure access to the residential waste storage enclosure is available for waste servicing.
- 6.20. Waste storage to be as indicated on Dwg No. A-103, Issue H, dated 14 August 2015 by CKDS Architecture.

## 7. ADVICE

- 7.1. The public authorities may have separate requirements and should be consulted 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.

### 7.2. Dial Before You Dig

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

#### Telecommunications Act 1997 (Commonwealth)

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

- 7.3. It is the sole responsibility of the owner, builder and developer, to ensure that the proposed building or works complies with the requirements of the *Disability Discrimination Act*.

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

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to

premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. Whilst this development consent issued by Council is in accordance with the relevant provisions of the current *Building Code of Australia*, it does not indicate nor confirm that the application complies with the requirements of the DDA.

- 7.4. 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.
- 7.5. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 7.6. Developers should make early application for a Section 307 Certificate under the Water Management Act 2000 from the Water Authority (Council). For a copy of the application form 'Application for Certificate under Section 305' contact Customer Service on (02) 4325 8200 or visit Council's web site [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au) to download a form from the Water & Sewerage forms index.
- 7.7. There is potential for road traffic noise to impact on development on the site. In this regard, the applicant, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the Office of Environment and Heritage's criteria for new residential developments, The NSW Road Noise Policy (July 2011).

Where the Office of Environment and Heritage external noise criteria would not feasibly or reasonably be met Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms under ventilated conditions that comply with the Building Code of Australia.

## 8. PENALTIES

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

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

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

### Warnings as to Potential Maximum Penalties

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

## 9. REVIEW OF DETERMINATION

- 9.1. 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.



## 10. RIGHT OF APPEAL

- 10.1. 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.
- 10.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

## **ATTACHMENT A – PREVIOUS JRPP MINUTES**

(IR 21727132)

## **ATTACHMENT B - PREVIOUS ASSESSMENT REPORT CONSIDERED BY THE PANEL**

(IR 21727162)

## **ATTACHMENT C – GATEWAY DETERMINATION**

(IR 21727267)

## **ATTACHMENT D – AMENDED PLANS**

(IR 21730571 & IR 21730572)

## **ATTACHMENT E – UPDATED SEPP 65 REPORT**

(IR 21727272)

## **ATTACHMENT F – ACCESSIBILITY REPORT**

Provided with original application  
(IR 21727377)

## **ATTACHMENT G – SCREEN TREATMENT DETAILS**

(IR 21727408)

[\*\*<<Insert Attachment Link/s Here >>\*\*](#)