

JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

Council Assessment Report

Panel Reference	2016HCC017
DA Number	49534/2016
Local Government Area	Central Coast Council
Proposed Development	Residential Flat Building including 101 units and 3 levels of basement parking and the demolition of existing structures on site (Integrated Development)
Street Address	LOT: 1 DP: 436706, Lot: 26 SEC: 6 DP: 1591, Lot: B DP: 357731, No. 9 Bent Street GOSFORD, No. 7 Bent Street GOSFORD, No. 11 Bent Street GOSFORD
Applicant	Albany Investments Aust Pty Ltd
Owner	Albany Investments Aust Pty Ltd
Date of DA Lodgement	24/03/2016
Number of Submissions	Seven (7)
Recommendation	Deferred Commencement Approval - subject to conditions
Regional Development Criteria - Schedule 7 of the State Environment Planning Policy (State and Regional Development) 2011	Capital Investment Value > \$20M and lodged before 1 March 2018.
List of all relevant 4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979</i> (EP&A Act) • <i>Local Government Act 1993</i> (LG Act) • <i>Roads Act 1993</i> (Roads Act) • <i>Rural Fires Act 1997 & Planning for Bushfire Protection</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (SEPP State and Regional Development) • <i>State Environmental Planning Policy No 55 - Remediation of Land</i> (SEPP 55) • <i>State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development</i> (SEPP 65) • <i>State Environmental Planning Policy (Coastal Management) 2018</i> (SEPP Coastal Management)

	<ul style="list-style-type: none">• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)</i>• <i>Central Coast Regional Plan 2036</i>• <i>Draft Central Coast Local Environmental Plan 2018 (CCLEP)</i>• <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i>• <i>Gosford Development Control Plan 2013 (GDCP 2013)</i>• <i>Apartment Design Guide (ADG)</i>																																	
List all documents submitted with this report for the Panel's consideration	<p>Attachments:</p> <ol style="list-style-type: none">1. Proposed Conditions of Consent2. Architectural Plans prepared by ADG Architects, ECM Document No: 268478093. ADG Compliance Table4. GDCP 2013 Compliance Table5. Clause 4.6 (Exceptions to Development Standards) of GLEP 2014 Variation Request, ECM Document No: 265400526. Landscape Plans prepared by Xeriscapes, ECM Document No. 26540057 <p>Supporting Documents:</p> <table><tr><th>Document</th><th>Prepared by</th><th>Date / Issue</th></tr><tr><td>Apartment Design Guide Compliance Report and Verification Statement</td><td>Anthony Kelly (registered architect No.6999)</td><td>June 2019 Rev E</td></tr><tr><td>Noise Assessment</td><td>Spectrum Acoustics</td><td>February 2016</td></tr><tr><td>Proposed road, driveway & drainage DA plans Sheets 1 -19</td><td>Barker Ryan Stewart</td><td>02.04.19 Rev G</td></tr><tr><td>Traffic & Parking Impact Assessment</td><td>Barker Ryan Stewart</td><td>10.05.19 Rev 6</td></tr><tr><td>Stormwater Management Report</td><td>Barker Ryan Stewart</td><td>28.11.18 Rev 3</td></tr><tr><td>Waste Management Plan</td><td>Barker Ryan Stewart</td><td>08.05.19 Rev 1</td></tr><tr><td>BASIX Certificate number: 713208M_03</td><td>Gradwell Consulting</td><td>03.05.19</td></tr><tr><td>Assessor Certificate</td><td>Gradwell Consulting</td><td>03.05.19</td></tr><tr><td>Arboricultural Impact assessment</td><td>ADVANCED TREESCAPE CONSULTING</td><td>19.11.18</td></tr><tr><td>Flora and Fauna Impact Assessment REF: GCC 15-</td><td>Keystone Ecological</td><td>December 2015</td></tr></table>	Document	Prepared by	Date / Issue	Apartment Design Guide Compliance Report and Verification Statement	Anthony Kelly (registered architect No.6999)	June 2019 Rev E	Noise Assessment	Spectrum Acoustics	February 2016	Proposed road, driveway & drainage DA plans Sheets 1 -19	Barker Ryan Stewart	02.04.19 Rev G	Traffic & Parking Impact Assessment	Barker Ryan Stewart	10.05.19 Rev 6	Stormwater Management Report	Barker Ryan Stewart	28.11.18 Rev 3	Waste Management Plan	Barker Ryan Stewart	08.05.19 Rev 1	BASIX Certificate number: 713208M_03	Gradwell Consulting	03.05.19	Assessor Certificate	Gradwell Consulting	03.05.19	Arboricultural Impact assessment	ADVANCED TREESCAPE CONSULTING	19.11.18	Flora and Fauna Impact Assessment REF: GCC 15-	Keystone Ecological	December 2015
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	Survey Plan	Alan Bardsley	16.08.15
	Bushfire Assessment Report	Advanced Bushfire Performance Solutions	13.12.18 Rev 5
	DA Access Audit	Assistive Technology Australia	21.12.18 Rev 1
	Geotechnical Investigation	Asset Geotechnical	09.10.15
	Crime Prevention through Environmental Design Assessment	Barker Ryan Stewart	20.12.18 Rev 3
Report prepared by	E Murphy		
Report date	26 July 2019		

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)? **Yes**

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable comments to be considered as part of the assessment report. **Yes**

CENTRAL COAST COUNCIL DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number

DA49534/2016

Summary

An application has been received for a residential flat building including the demolition of existing structures at 7-11 Bent Street, Gosford.

The application was lodged on 24 March 2016. The application benefits from Clause 8.9 of the *Gosford Local Environmental Plan 2014* (GLEP 2014). This clause allows a 30% bonus on the prescribed height and FSR specified for the relevant sites within the Gosford Central Business District (CBD). This clause stated that development consent may be granted under this clause only if the development application was lodged before 3 April 2016 and not finally determined immediately before the commencement of the *Gosford Local Environmental Plan 2014 (Amendment No. 27)*. It is noted that the proposal seeks the 30% bonus to the Building Height Control, but does not seek to use the 30% bonus applicable to the Floor Space Ratio control.

The 'base' building height control applicable to the site is 30m. The application of the 30% bonus provision increases the maximum building height control to 39m. The application propose a variation to the Height of Building development standard applicable under *Gosford Local Environmental Plan 2014* (GLEP 2014), including the 30% bonus, with a proposed height of 46.28m.

The application also seeks a number of minor variations to *Gosford Development Control Plan 2013* (GDGP 2013) and Apartment Design Guide (AGD), the extent of which are supportable. The proposal will not detract from the character or scenic qualities of the area to an unacceptable extent, or have unreasonable impacts on the environment.

The application has been assessed using the heads of consideration specified under section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and relevant Council policies.

RECOMMENDATION

- A** *That the Hunter and Central Coast Regional Planning Panel as consent authority grant consent to Development Application DA49534/2016 at No. 7-11 Bent Street, Gosford for a Residential Flat Building subject to deferred commencement conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other relevant issues.*
- B** *That Council advise those who made written submissions of the Panel's decision.*

Precis

Delegation Level	Regional Planning Panel
Reason for Delegation Level	Development over \$20 million
Property Lot & DP	LOT: 1 DP: 436706, Lot: 26 SEC: 6 DP: 1591, Lot: B DP: 357731
Property Address	No. 7-11 Bent Street GOSFORD
Site Area	1,793.5m ²
Zoning	B4 Mixed Use
Proposal	Residential Flat Building including 101 units and 3 levels of basement parking and the demolition of existing structures on site (Integrated Development)
Application Type	Development Application – Integrated
Current Use	Residential use and vacant land
Integrated Development	Yes
Application Lodged	11/10/2016
Applicant	Albany Investments Aust Pty Ltd
Estimated Cost of Works	\$28,231,962
Advertised and Notified / Notified Only	Exhibition period 15 April 2016 to 6 May 2016, 22 June 2017 to 13 July 2017, 26 April 2018 to 17 May 2018 and 31 January 2019 to 21 February 2019.
Submissions	Seven (7)
Disclosure of Political Donations & Gifts	No
Site Inspection	24/01/2019 and 12/06/2019
Recommendation	Deferred Commencement Approval, subject to conditions

Variations to Policies

Policy	Clause/ Description	% Variance
GLEP 2014	Clause 4.3 Height of Buildings Including 30% bonus – 39m maximum height	Proposed height - 46.28m 19% / 7.28m variance
GDCP 2013	Building to street alignment and street setback – variable, maximum 50% variation, supported Street Frontage Height – 31% variation, largely due to topography, supported Building Depth & Bulk – minor, 16% variation, supported Setbacks – variable, maximum 53% variation, supported Site Cover – 20% variation supported Deep Soil zones – 2% variation, minor, supported Vehicle Access – 2% variation, minor, supported On-Site parking – complies with ADG and RMS guidelines, minor non-compliance with DCP, 10% variation for resident spaces and 30%	

	variation for visitor spaces, acceptable Housing Choice and Mix –16% variation to 1 bed maximum %, supported
State Environmental Planning Policy No. 65 (Apartment Design Guide).	Separation from boundaries – variable, maximum 53% variation, supported Solar Access – 11% variation, supported Natural Cross ventilation – 13% variation, supported Apartment Sizes – variable, maximum 7% variation, supported Habitable room depths – minor 9% variation, supported Balcony sizes – 12% variation, supported Maximum number of apartments off a circulation core – 25% variation, supported

The Site and Surrounds

The site is located on the southern side of Bent Street at the eastern end of the cul-de-sac street. The closest intersection is Watt Street to the west. The site has a total area of 1793.5sqm and is regular in shape with a 38.4m frontage to Bent Street and a depth of 45.2m.

There is no formed kerb and gutter on the southern side of Bent Street at the subject site. The site slopes from east to west, with a variation of approximately 8m. No. 7 Bent Street contains a single dwelling; No. 9 Bent Street contains a two-storey apartment building with ground level car parking; and No. 11 Bent Street is a vacant lot located to the rear of No. 9 Bent Street, accessed by a right of way adjacent to the site and Henry Parry Drive.

The site is generally cleared of significant vegetation, with one large tree and four small trees remaining on the site. The site is identified as "bushfire prone land" on Council's bushfire maps.



Figure 1 - Aerial photograph



Figure 2 - Site as viewed from Bent Street facing south east

The site is located within the Gosford City Centre and is within 500m walking distance to the Gosford train station, bus interchange and the central business district.

The immediate area is characterised by a mix of low and medium density residential development.

To the west is the vegetated road reserve for Gertrude Street, with Henry Parry Drive beyond. To the north and west are single storey dwelling housing and a two storey multi-unit residential development. To the south are 2-3 storey multi-unit residential developments on Faunce Street.



Figure 3 - Road reserve for Gertrude Street to the east of subject site



Figure 4 - 2-3 storey multi-unit residential developments on Faunce Street

Background

Original application and Regional Planning Panel Briefing

The original application was lodged on 24 March 2016. This application proposed a Mixed Use Development with 161 units and 20 serviced apartments.

The maximum building height on the site under the GLEP 2014 (including the 30% bonus provisions under Clause 8.9) is 39m and the maximum FSR (including the 30% bonus provisions under Clause 8.9) is 6.175:1. The original application proposed a height of 62.78m (61% variation) and an FSR of 7.13:1 (15% variation). The Joint Regional Planning Panel (JRPP) were briefed in May 2016 regarding the originally submitted proposal.

Following discussions with JRPP, Council requested amended plans to address the significant non-compliances and to address bushfire risk, as the NSW Rural Fire Service was not supportive of the proposal in its original form.

Amendments May 2017

Amended plans were provided in May 2017, however significant issues remained outstanding.

Amendments April 2018 and Regional Planning Panel Briefing

Amended plans were lodged on 18 April 2018 that significantly reduced the height and FSR. As part of these amended plans the applicant proposed use of the Council owned unformed Gertrude Street road reserve on the eastern side of the site to be used as an Asset Protection Zone (APZ) to address bushfire issues and also provided access and manoeuvring for vehicles visiting the site.

The Joint Regional Planning Panel were briefed in June 2018 regarding the amended proposal and the recommendation at that stage was that insufficient information had been provided to enable the matter to be determined. The applicant was provided a period of three months to address the potential use of the road reserve for bushfire APZ and access and address outstanding architectural and engineering issues.

Amendments December 2018

Amended documentation was received on 21 December 2018. This information addressed the majority of concerns with the use of the road reserve proposed for the APZ and access. However the plans did not adequately address some engineering and waste issues, particularly in terms of levels and access, with the architectural plans not aligning with the engineering plans.

Amendments May 2019

Further amended plans addressing these issues were provided on 10 May 2019 and are the subject of this assessment.

As compared to the original submission the final amended plans include a reduction in building height by 16.5m. The proposed building height is 46.28m which is a 19% variation to the 39m (including 30% bonus) building height control. The units have been reduced from 181 to 101 units with all serviced apartments being removed from the scheme. A reduction in floor space ratio from 7.13:1 to 4.20:1 is proposed, resulting in compliance with the 6.175:1 FSR control. The proposal also been revised to address bushfire protection including the use of the Gertrude Street Road reserve.

The Proposed Development

The proposal comprises the construction of a 12-13 storey residential flat building with 3-4 levels of basement car parking comprising:

- 101 residential units:
 - 29 x 1 bedroom
 - 63 x 2 bedroom
 - 9 x 3 bedroom
- 16 adaptable units
- Car parking across 3-4 levels of basement and lower ground floor level, accessed from Bent Street:
 - 120 car parking spaces
 - 12 motorcycle spaces
 - 43 bike spaces
- Resident pool and gym in the basement and lower ground floor
- Landscaping and communal open space provided at lower ground, ground and level 11
- Discharge of stormwater from the site to Council's piped drainage system in Faunce Street via water retention, on-site detention, and nutrient control facilities within the site, and an interallotment drainage system over downstream properties. An

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- easement to drain water would need to be created over the affected downstream properties (and recommended as a deferred commencement condition)
- On-site detention tank located below ground at the south western corner of the site, including a retention component for reuse in the development for irrigation of landscaping and provide for capture of nutrients and pollutants to improve water quality
 - Roadworks including:
 - A turning head T located at the intersection of Bent Street and Gertrude Street reserve to provide manoeuvring area for vehicles, including waste and fire trucks
 - Upgrades to the road surface, kerb drainage and guttering on Bent Street
 - Extension of roadworks along Gertrude Street reserve for approximately 50% of the sites eastern boundary for access to the waste storage room
 - A general waste chute provided on each residential level with a temporary waste storage area located on each floor for recycling. Bins will be transferred to the waste collection point on the day of collection or the night prior. The waste collection vehicle will access the waste collection point via the newly created Gertrude Street.
 - Works to and management of the Gertrude Street road reserve to comply with the APZ bushfire requirements including:
 - partial construction of Gertrude Road along approximately 50% of the sites eastern boundary
 - layering of sandstone blocks within the Gertrude Road Reserve for the remaining extent of the sites eastern boundary frontage
 - removal of weeds and undergrowth
 - the removal of a number of trees
 - Demolition of existing structure on site
 - Removal of twenty seven (27) trees.

Figures 5 to 7 below include photomontages of the proposal and the site plan.



Figure 5 - Photomontage view from bottom of Bent Street facing south east



Figure 6 - Photomontage view from top of Bent Street facing south west

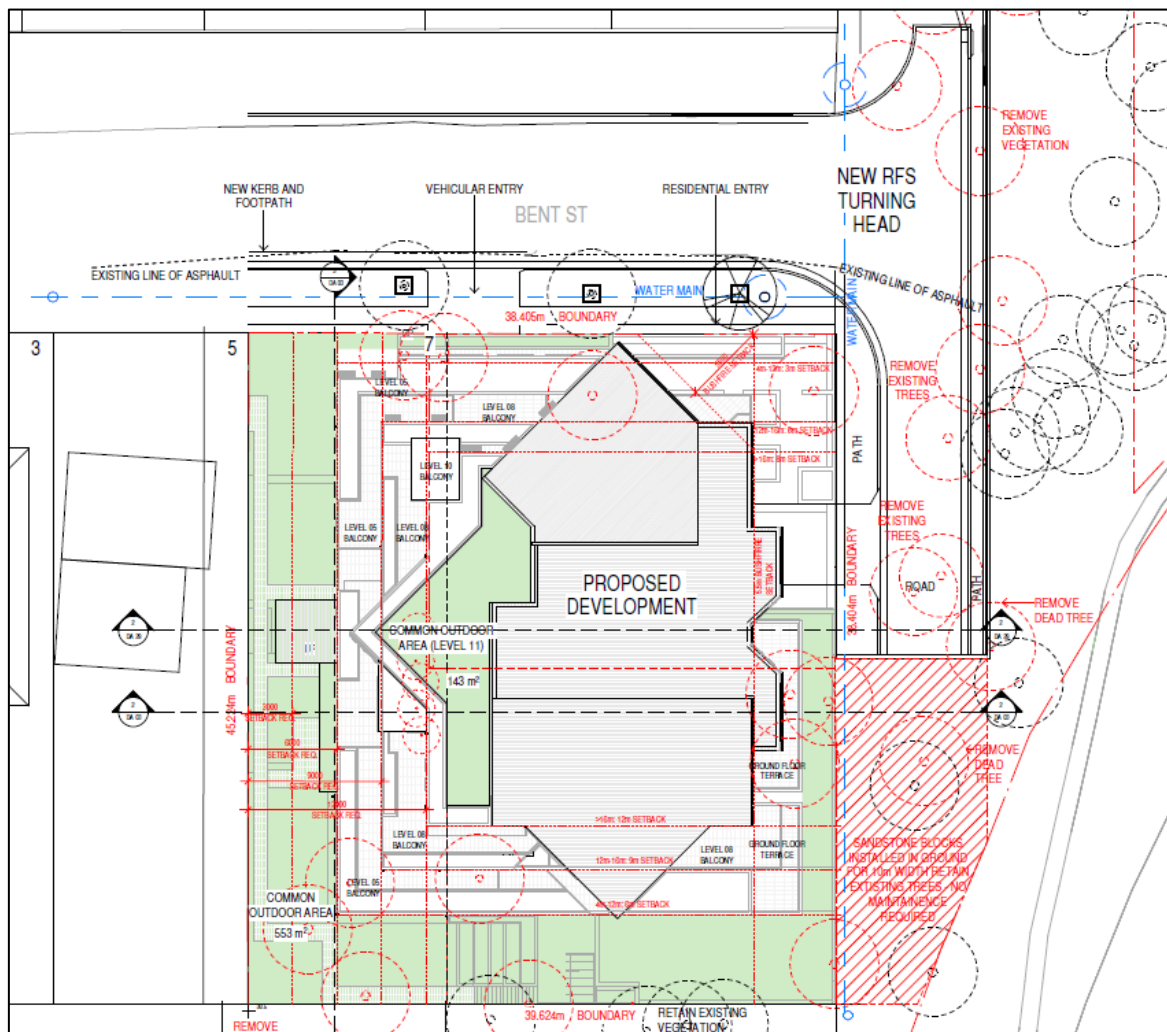


Figure 7 - Site Plan

History

Council's records show no prior relevant or recent applications have been lodged on this site.

s. 4.15 (1)(d) of the EP&A Act: Any Submission Made in Accordance with this Act or Regulations

Section 4.15 (1)(d) of the EP&A Act requires consideration of any submissions received during notification of the proposal.

Public Submissions

The application was notified and advertised in accordance with Chapter 7.3 of Gosford Development Control Plan 2013 (GDCP 2013) from 15 April 2016 to 6 May 2016. Amended plans were re-notified and advertised from 22 June 2017 to 13 July 2017 and again from 26 April 2018 to 17 May 2018 and 31 January 2019 to 21 February 2019.

Seven (7) public submissions were received in relation to the application.

The issues have been addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the *Environmental Planning and Assessment Act 1979* and as set out below.

- ***Overshadowing of No. 23 Watt Street***

Comment:

Overshadowing is discussed in more detail under the 4.6 Exceptions to Development Standards heading, under the GLEP 2014, below. It is noted that No. 23 Watt Street is not a residential property. No. 23 Watt Street will be overshadowed by the development in the morning hours only, with no overshadowing occurring at, or past, 12 midday at any time of the year. The overshadowing is not a result of the height above the maximum building height control and would be the same for a fully compliant scheme, and is therefore not unreasonable and will not result in any unreasonable amenity impacts.

- ***Trespassing on surrounding properties***

Comment:

This is not a planning consideration relevant to the subject application.

- ***Proposal to use surrounding properties to drain stormwater, consent will not be given (No. 23 Watt Street)***

Comment:

The proposed interallotment drainage does not include No. 23 Watt Street. An easement to drain water would need to be created over two affected downstream properties (No's 3-5 Bent Street and No. 140 Faunce Street). It is recommended that this matter be subject to a deferred commencement condition.

- ***Construction impacts, smell, vermin, traffic and parking***

Comment:

A Construction Traffic Management Plan and various conditions in relation to construction management are recommended to address construction impacts during the construction of the development.

- ***Removal of Trees***

Comment:

Twenty seven (27) trees are nominated for removal. Approximately sixteen (16) new trees, of range of sizes, are proposed. Council's Tree Officer and Ecologist have reviewed the proposal and the removal of trees within the site as well as the Gertrude Street Road reserve, to become the bushfire asset protection zone (APZ) is found to be acceptable.

- ***Traffic and parking impacts***

Comment:

Adequate on site car parking has been provided in accordance with the Roads and Maritime Services Guide to Traffic Generating Development. The development application is supported by a Traffic and Parking Impact Assessment, dated 10 May 2019, prepared by Barker Ryan Stewart which has been reviewed by Councils Engineer. It is concluded that the street network can cater for the additional traffic generated by the proposal.

- ***Excessive height and bulk , overdevelopment***

Comment:

The proposed height is discussed in more detail under the 4.6 Exceptions to Development Standards heading, under the GLEP 2014, below. While the proposal does exceed the building height control, this is, in part, due to the topography of the site. The applicable floor space ratio (FSR) control is 4.75:1, while there is a 30% bonus allowable under Clause 8.9 (Development Incentives) (allowing a FSR of up to 6.175:1), the proposed FSR is 4.2:1 and complies with the base FSR control and is a reasonably expected density for the site.

It is noted that the Gosford CBD is currently undergoing substantial growth and investment and the character of streets in the locality is changing. The introduction of higher density residential forms in close proximity to the CBD and public transport nodes is supported.

- ***Overshadowing of properties on Faunce Street***

Comment:

Overshadowing of the Faunce Street properties is discussed in more detail under the 4.6 Exceptions to Development Standards heading, under the GLEP 2014, later in this report. While overshadowing to the properties on Faunce Street occurs, given the existing topography and vegetation within the area, these properties have limited solar access to their northern and eastern elevations at present. Any redevelopment of the subject site would result in a similar level of overshadowing.

- ***Objection to clearing, use and construction on public land to access rubbish bins for private development***

Comment:

The use of the road reserve for a bushfire asset protection zone (APZ) will result in the subject site and existing development along the street benefiting from a better bush fire risk outcome than if the development did not proceed, with the latest RFS recommendations in regards to bushfire mitigation. The new road forms part of the APZ. The creation of the new road will be provided as part of the development, will be built by the developer, and will result in a safer, more convenient access for both Council waste vehicles and Rural Fire Service vehicles. The collection of waste from the newly created road, within an existing road

reserve, is a good outcome, allowing for waste collection to occur at grade and at a location well screened from any other residential properties in the street.

- ***Potential legal liability to Council due to access to rubbish bins off public land***

Comment:

Council's Waste Officer has assessed the proposal and the waste arrangements are satisfactory. Access from a public road is considered an acceptable arrangement for waste removal.

- ***Insufficient setbacks at boundary to provide large trees in unexcavated soil***

Comment:

The majority of landscaping is within the 5-6m wide deep soils zone which will allow for appropriate tree planting. Planting over the basement includes planters with a depth of 0.5m for shrubs and 1m for trees.

- ***Insufficient infrastructure***

Comment:

The site is within walking distance of both bus and train stations in addition to a range of retail, commercial and services available with the Gosford City Centre. Appropriate conditions are imposed in relation to servicing the development with utilities. The site is subject to developer contributions which will contribute to required infrastructure within the area.

Integrated Approval Referral Body

NSW Rural Fire Service (RFS)

- Supported, subject to General Terms of Approval

Submissions from Public Authorities

Roads and Maritime Services (RSM)

- Supported

RMS "has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network."

RMS also noted that "the traffic counts reveal that illegal right-hand turn manoeuvres are being made from Bent Street and Watt Street. Council should have consideration for appropriate sight line distances in accordance with the relevant Australian Standards (i.e. AS2890.1:2004) and should be satisfied that the existing intersection design

promotes safe vehicle movements for the traffic generated by the proposed development."

It is noted that the illegal right-hand turns are occurring in the existing situation, independent of this application. The issue is a separate matter for consideration by Council's Traffic Engineers in the Roads Transport Drainage and Waste Directorate.

RMS also noted *"the potential for road traffic noise to impact on development on the site, in particular, noise generated by Henry Parry Drive, a classified State road (HW10). In this regard, the developer, not Roads and Maritime is responsible for providing noise attenuation measures in accordance with the NSW Road Noise Policy 2011, prepared by the department previously known as the Department of Environment, Climate and Water.*

If external noise criteria cannot feasibly or reasonably be met, Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia."

The Noise Assessment provided addresses the noise from Henry Parry Drive and includes recommendation to achieve compliance with relevant noise criteria. The recommendations of this report are to be implemented at the required stages of construction, see Condition 2.14.

Internal Consultation

Engineering

- The proposal has been assessed by Council's Senior Development Assessment Engineer who makes the following comments on the proposal:

Road Works to Gertrude Street

The development proposes to formally construct part of the road reserve (Gertrude Street) on the eastern side of the development together with a turning head at the end of Bent Street to facilitate the manoeuvrability for the access for the waste services vehicle and Rural Fire Service vehicle. These works would also need to be constructed by the developer as part of the development. It is noted that a roughly formed vehicular track currently exists in this area to provide informal access to Lot B DP 357731 (No 11 Bent Street) associated with this development site and which is presently a vacant lot. On this basis it is considered that the formalisation of part of this area to some degree is acceptable. As the extent of cut formation of the works within the Gertrude Street road reserve would be in the order of up to approximately 6.1m it is also recommended that safety fence (e.g. chain wire barriers) be provided at the top of the required retaining wall supporting the cut formation (eastern side of road formation). "No parking" signs would be required within the Gertrude Street access works and around the turning head to ensure this area remains unobstructed. The "No Parking" regulatory signage would need to be endorsed by the Council Traffic Committee.

In regards to the suitability of utilising the Gertrude Street road reserve as an APZ for bushfire purposes, consideration must be given to the maintenance of this area. If it is to be maintained by the body corporate then the planner should consider whether this be required by some form of legal agreement.

Planner comment: The applicant is required to comply with the General Terms of Approval from the NSW RFS which requires maintenance of the APZ. In addition to this a condition is recommended to require a detailed Maintenance Plan of the APZ prior to any works and a condition requiring the developer to establish a positive covenant on the Certificate of Title detailing the areas to be maintained as an Asset Protection Zone in accordance with the Bush Fire Report, Maintenance Plan and Landscape Plans.

Interallotment Drainage

An easement to drain water would need to be created as a deferred commencement condition over the affected downstream properties (i.e. Lot 27 Sec 6 DP 1591, Lot 28 Sec 6 DP 1591, & Lot B DP 338871 - No's 3-5 Bent Street & No 140 Faunce Street)...Although, no formal permission as such from all affected downstream owners has been submitted to date, it is recommended that this be pursued as a private matter to be resolved with the required easement to drain water over these properties created prior to the issuing of an operative development consent.

Overall the proposal is supported, subject to conditions.

Trees

- The proposal has been assessed by Council's Tree Assessment Officer, who notes that Twenty seven (27) trees are nominated for removal. Trees within the property mostly consist of planted ornamentals, whereas the majority of large native trees require removal from public land for the proposed access and turning head. The removal of these trees is supported, subject to conditions.

Ecology

- The proposal has been assessed by Council's Ecologist, who is supportive of the proposal, subject to conditions. Council's Ecologist has recommended a condition to limit the ecological impacts of the clearing of the road reserve for the APZ. This recommended condition includes the requirement of a meeting to be held on site between the bushfire consultant and project ecologist to determine the locations and quantities of native vegetation islands within the APZ. The maximum retention of vegetation as allowed under bushfire requirements will minimise the ecological impact. To maintain ecological connectivity, islands of native vegetation are to be retained within the APZ where possible.

Waste

- The proposal has been assessed by Council's Waste Management Assessment Officer and is supported, subject to conditions.

Architect

- The proposal has been assessed by Council's Architect and is generally supported.

Council's Architects notes *"that the application now generally complies with ADG setback controls. While there remains some non-compliance with two floors on the west (levels 3 and 4), this is partly due to the topography and is not considered to have a significant detrimental impact on adjoining sites."*

There is some non-compliance with the projecting section on the 8th to 10th levels but these are minor triangular sections that do not have detrimental impacts on adjoining sites and break up the visual bulk and add visual interest to the building.

There remains significant non-compliance on the east though it is accepted that this elevation faces the road reserve, is screened by vegetation and does not result in detrimental impacts on adjoining sites or public spaces.

The top floor exceeds the height control on the west but is setback and does not result in detrimental impacts on adjoining sites.

The parking area on the western boundary is now restricted to the lowest 2 basement levels. This allows for an outdoor area to be approximately level with the natural ground level and reduces impacts on the adjoining site.

Amenity of units is generally acceptable with only 13 or less than 13% of units with no solar access.

Most units have some cross ventilation though more detailed information is required on these as the ventilation shafts work as they appear to stop at the 8th floor."

It is noted that a condition is recommended that a detailed report is provided by a suitably qualified ventilation specialist to confirm the details of the ventilation system.

Council's Architects notes that *"the aesthetics are acceptable with articulation and some variation in materials...The use of vertical louvres on the north and south elevations may add visual variety but appears to reduce solar access and outlook."*

It is noted that the vertical louvers to the south serve bedrooms, however the louvers to the north primarily serve the main living spaces. A condition is recommended to require a detailed plan of the proposed louvres, by the project architect ADG, to confirm the size, spacing, function and ability to adjust these louvers and confirmation that the design maximises outlook and solar access to these units. See condition 2.13.

It is noted that Council's Architect is not supportive of the clearing of the existing mature vegetation with the adjacent Road Reserve, stating that *"the use of Council's road reserve on the east as a parking area for garbage collection is not supported. It will necessitate a 5 metre deep cut with a high retaining wall within the road reserve and the removal of a number of significant mature trees. These provide an important vegetated visual buffer to the main road of Henry Parry Drive and should be preserved."*

These concerns are noted however, on balance, it is considered that the benefits of using the road reserve as the APZ to allow for the redevelopment of the site are warranted. Councils Tree Officer and Ecologist are satisfied with the tree removal, subject to conditions.

Building

- The proposal has been assessed by Councils Building Surveyor, and is supported, subject to conditions.

Ecologically Sustainable Principles

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

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

Climate Change

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

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

Assessment

This application has been assessed using the heads of consideration specified under section 4.15 of the EP&A Act, and relevant Council policies. The assessment has identified the following key issues, which are elaborated upon for the Panel's information.

s. 4.15 (1)(a)(i) of the EP&A Act: Provisions of any environmental planning instruments/Plans/Policies

The relevant Environmental Planning Instruments are addressed below:

Draft Environmental Planning Instruments

Draft Central Coast Local Environmental Plan 2018

The Draft Central Coast Local Environment Plan applies to the wider Local Government Area, however does not apply to this land as it is covered by State Environmental Planning Policy (Gosford City Centre) 2018.

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy (Gosford City Centre) 2018

This SEPP applies to land within the Gosford City Centre including the subject site. However this application was lodged in 2016, before the commencement of this Policy on 12 October 2018. In accordance with the savings provisions under Clause 1.8A, the application must be determined as if this Policy had not commenced.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

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

State Environmental Planning Policy (Coastal Management) 2018

The provisions of State Environmental Planning Policy (Coastal Management) 2018 require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Area. The Coastal Management Area 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 55-Remediation of Land

Clause 7 of SEPP 55 requires Council to consider whether the land is contaminated when determining a Development Application.

The site has previously been used for residential purposes and Council has no information to indicate that the site may have any contamination. Therefore a contamination report is not required.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The proposal is subject to the requirements of SEPP 65. The application is supported by a Design Verification Statement prepared by Anthony Kelly of ADG Architects, NSW Reg. Architect No.6999 and an assessment of compliance against the Apartment Design Guide (ADG) design criteria.

Council has assessed the proposal against the design quality principles which apply under SEPP 65 and conclude that the proposal meets the principles to a satisfactory degree.

The proposal is considered acceptable having regard to the requirements of the ADG. For further consideration, refer to the ADG Compliance Table contained within **Attachment 3**.

State Environmental Planning Policy (State and Regional Development) 2011

The aims of *State Environmental Planning Policy (State and Regional Development) 2011* (the SEPP) are to identify development that is State significant development, State significant infrastructure and critical State significant infrastructure or regionally significant development and to confer functions on the relevant state or regional planning panels to determine development applications.

Amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) came into force on 1 March 2018 and resulted in amendments to the SEPP. The categories of regionally significant development are identified in schedule 7 of the SEPP. The threshold for general development has changed; development that has a capital investment value (CIV) of more than \$30 million is now considered regionally significant development.

The application was lodged prior to the amendment of the EP&A Act. Transitional provisions apply in this instance. Any development applications lodged but not determined before 1 March 2018 that met the former CIV threshold of more than \$20 million will remain with the Regional Planning Panel for determination. The proposed development has a capital investment value of \$28,231,962 and is identified as regional development for the purposes of the SEPP. The Hunter and Central Coast Regional Planning Panel is therefore the determining authority for this application.

Regional Strategies

Central Coast Regional Plan 2036

The Central Coast Regional Plan 2036 provides a 20 year framework and guiding strategic planning document aimed at facilitating effective growth and services for the people of the region. It outlines a vision for the Central Coast to 2036; the challenges faced, and the goals and directions to follow to address these challenges and achieve the vision. It aims to build a strong economy capable of generating jobs, providing greater housing choice, essential infrastructure, lively centres for shopping, entertainment and dining, and protecting the natural environment.

The Central Coast Regional Plan 2036 identifies that population growth in the region will require the need for approximately 41,500 new homes by 2038. The proposal has been assessed having regards to the relevant goals and directions set out within the Central Coast Regional Plan 2036 and are considered to be consistent with this Plan.

Local Environmental Plans

Gosford Local Environmental Plan 2014 (GLEP 2014)

Zoning and Permissibility

The subject site is zoned B4 Mixed Use under GLEP 2014. The proposed development is defined as a residential flat building which is permissible in the zone with consent of Council

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The subject site is zoned B4 Mixed Use under GLEP 2014.

The objectives for the B4 Mixed Use zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreation facilities, social, education and health services and higher density residential development.*
- *To allow development in Point Frederick to take advantage of and retain view corridors while avoiding a continuous built edge along the waterfront.*
- *To create opportunities to improve the public domain and pedestrian links of Gosford City Centre.*
- *To enliven the Gosford waterfront by allowing a wide range of commercial, retail and residential activities immediately adjacent to it and increase opportunities for more interaction between public and private domains.*
- *To protect and enhance the scenic qualities and character of Gosford City Centre.*

The development is located in an accessible location relative to public transport, shopping and services. The proposal provides a wholly residential development on the outskirts of the City Centre which will provide additional residential accommodation to meet the 10,000 population target to revitalise the city centre. The development provides for a mix of apartment sizes and will increase the dwelling mix in the locality. The proposed development meets the objectives of the zone.

Principal Development Standards

The table below summarises the compliance of the proposal with the relevant development standards of GLEP 2014.

Development Standard	Required	Proposed	Compliance with Controls	Variation	Compliance with Objectives
Clause 4.3 Height of Buildings	Base 30m Bonus 39m*	46.28m	No - see comments below	18.7%	Yes - see comments below
Clause 4.4 Floor	Base 4.75:1	4.2:1	Yes	-	Yes

Space Ratio	Bonus 6.175:1				
Clause 8.4 Minimum Building street frontage	24m	38.4m	Yes	-	Yes

* Includes 30% bonus permitted under Clause 8.9 of GLEP 2014

Clause 4.3 Height of Buildings

The provisions of cl. 4.3 (Height of Buildings) within GLEP 2014 establish a maximum height limit for buildings. The applicable height control indicated on the GLEP Height of Buildings map is 30m.

To promote development within Gosford and surrounds, GLEP 2014 was amended in April 2015 via Amendment 12 to extend the 30% bonus height and floor space provisions under Clause 8.9 (Development Incentives). In relation to building height, Clause 8.9(3)(a) (30% bonus) establishes a maximum height of 39m for the subject site.

The proposed development has a maximum height of 46.28m. This represents a variance of 18.7% to the maximum building height control.

A variation request having regard to Clause 4.6 (Exceptions to Development Standards) of GLEP 2014 has been provided and is contained within **Attachment 5**.

Clause 4.4 Floor Space Ratio

The provisions of Clause 4.4 (Floor Space Ratio) within GLEP 2014 establish a maximum floor space ratio (FSR) for buildings. The applicable FSR control is 4.75:1. With the 30% bonus allowable under Clause 8.9 (Development Incentives) the subject site has a maximum FSR of 6.175:1. The proposed FSR is 4.2:1 and complies with the base FSR control.

4.6 Exceptions to Development Standards

As discussed above, in April 2015 the GLEP 2014 was amended to promote development within Gosford and surrounds, via Amendment 12. This amendment sought to extend the 30% bonus height and floor space provisions under Clause 8.9 (Development Incentives). The subject development application seeks to invoke these provisions as they relate to the maximum building height.

A Clause 4.6 (Exceptions to Development Standards) variation for the non-compliance associated with building height (Clause 8.9 (3)(a) of GLEP 2014) was provided and is provided at **Attachment 5**.

In accordance with Clause 4.6(4), development consent must not be granted for a development that contravenes a development standard unless:

- The consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3).

Subclause 3 provides:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The Clause 4.6 request submitted by the applicant (refer to **Attachment 5**) states how strict compliance with the development standards is unreasonable or unnecessary and how there are sufficient environmental planning grounds to justify the contravention, is summarised below:

- *The strict compliance is unnecessary and unreasonable in this instance as the site is within the city centre and within close proximity to higher height zones and only marginally exceeds the permissible building height.*
- *The site is heavily constrained by the topography (8m fall) of the land were the site a flat parcel of land the proposal would be a complying development.*
- *Due to the orientation and design, the development will not create any unreasonable overshadowing or privacy issue.*
- *Compliance is unreasonable and unnecessary in this instance as the proposed development is in character and is of a similar height to other residential buildings on Watt Street and in the city centre.*
- *The building is not significantly higher than buildings within the Gosford city centre.*
- *The building is well designed and will be an asset to the area providing residents to enliven the area and the commercial centre;*
- *The development will not result in significant overshadowing, view loss or privacy issues due to the proposed height variation; and*
- *The development complies with both zone and city centre objectives.*

The height exceedance in relation to the topography of the site is shown in Figure 8 below. Council is satisfied that the matters required to be demonstrated in subclause (3) have been adequately addressed for the variation to the building height development standards.



Figure 8 - Height Plane Diagram

- The consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

In order to demonstrate if the proposal has merit, consideration of the proposed building height non-compliance has been provided with regard to the objectives of the control contained within Clause 4.3(1) of GLEP 2014:

a) to establish maximum height limits for buildings

The maximum height limit for buildings has been identified for this property.

b) to permit building heights that encourage high quality urban form

In this instance, it is considered that the additional building height proposed does not detract from the attainment of providing quality urban form in accordance with the character of the zone. The design incorporates various design elements, which activate the design as viewed from the public domain.

c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight

Shadow diagrams for midwinter and the equinox have been submitted which illustrate the overshadowing generated by the proposal.

Potential overshadowing from the development is minimised due to the sites location on the southern side of Bent Street and the land to the east and south-east being occupied by road reserve.

Properties located to the south of the subject site, being Nos 140, 142 and 144 Faunce Street are the most affected. These properties contain 2-3 storey multi-unit residential developments with a setback of approximately 5m to the common boundary with the subject site. These properties receive limited northern and eastern solar access given their orientation, running north south, and the topography of the land rising up to the east, and the existing vegetation between sites and along Henry Parry Drive. Each of the development gain their main outlook and solar access to the west. The southern and main western facing elevations of these three properties are shown in Figure 4. The rear/northern elevations of these properties are shown in Figures 9-11 below.



Figure 9 – Eastern and rear / northern elevation of No. 140 Faunce Street



Figure 10 – Eastern and rear / northern elevation of No. 142 Faunce Street



Figure 11 – Western and rear / northern elevation of No. 144 Faunce Street

As a consequence of the height of the proposed development, the topography of the land and the orientation of these properties, the proposed development will cast shadow to these properties. There are limited solar access impacts at the equinoxes. The impact mid-winter, 21 June, is shown in Figure 12 below.

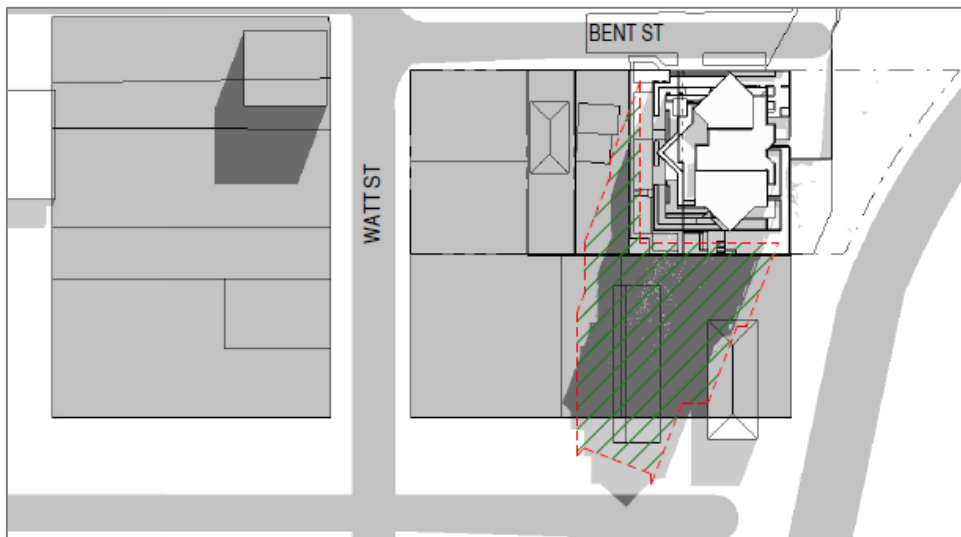
While the shadow impact is significant to these properties, it is a reasonable outcome given the topography of the land and the layout of the affected properties. It is noted that the non-compliance with the building height control does not result in any additional overshadowing to residential properties as compared to a fully compliant scheme.



Shadow 21
June 9am



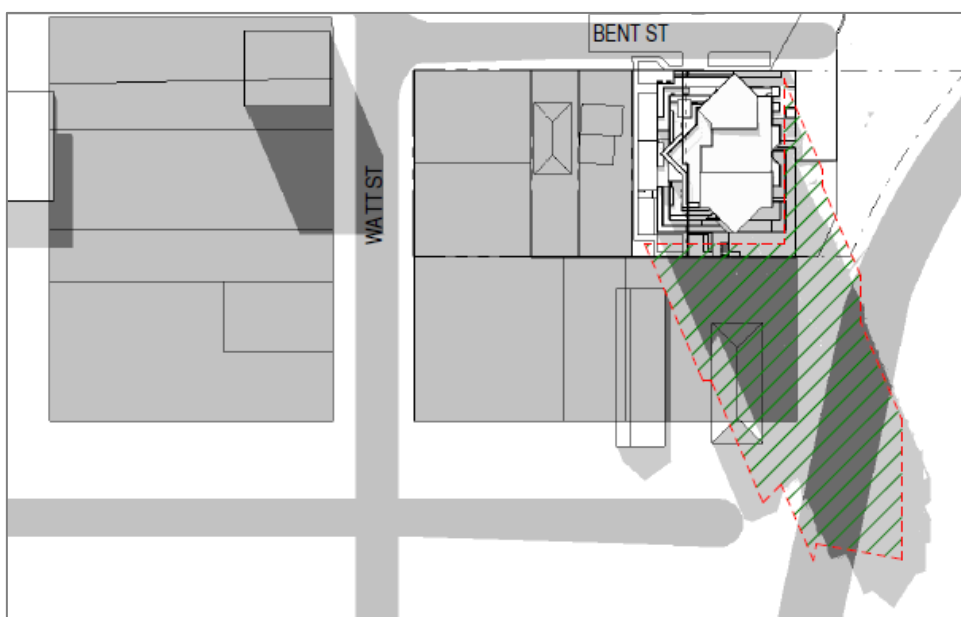
Extent of
shadow from
a fully
compliant
proposal



Shadow 21
June 12 noon



Extent of
shadow from
a fully
compliant
proposal



Shadow 21
June 3pm



Extent of
shadow from
a fully
compliant
proposal

Figure 12 - Shadow Diagrams 21 June

In view of the above considerations, no objection has been made with regard to the additional shadows cast by height non-complying elements. .

- d) *to nominate heights that will provide an appropriate transition in built form and land use intensity*

The desired height transition from higher buildings in the city core, to lower buildings at the periphery of the incentive area, will be maintained as a result of the proposed development. The proposal is shown within the context of the wider Gosford Town Centre and how it sits within the wider topography is demonstrated in Figure 13 below.

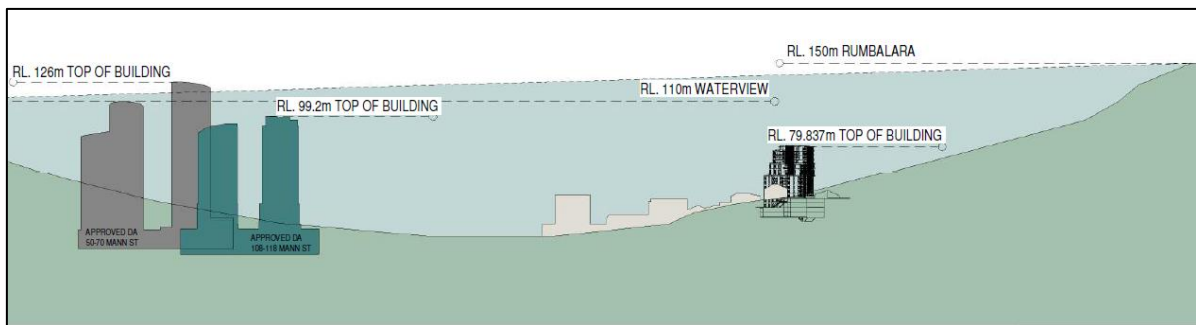


Figure 13 - Height Section through Gosford, proposed development to the right

- e) *to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area*

The subject site has not been identified as being located within a protected view corridor.

- f) *to protect public open space from excessive overshadowing and to allow views to identify natural topographical features*

The proposal does not cause overshadowing to public open space areas.

It is also relevant to consider the proposed height variation against the objectives of Clause 8.1 of the GLEP 2014 as follows: -

- a) *to promote the economic and social revitalisation of Gosford City Centre*

The proposed development does not hinder the attainment of the objective to promote the economic and social revitalisation of Gosford City Centre. The proposed scale of the development continues to contribute to the economic revitalisation of Gosford. The provision of additional dwellings proximate to the city centre contributes positively to the vibrancy and commercial vitality of the centre.

- b) *to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments*

An appropriate unit mix is proposed to cater for a variety of residents. Further, the additional population adds to the activity and vitality of the centre. The design addresses the public domain and contributes positively to the design of Gosford city centre.

c) to protect and enhance the vitality, identity and diversity of Gosford City Centre

This site and the surrounding area in general has aged considerably and as not taken advantage of the areas location in terms of the train station and city core. The proposed development will not only revitalise this site but it will have a flow on effect through increased activity to the area in general. The proposal is consistent with the objective to revitalise the city centre.

d) to promote employment, residential, recreational and tourism opportunities in Gosford City Centre

The construction of a development of this scale will have employment benefits and these will continue through the ongoing management and maintenance of the building. The additional population will increase demand for local goods and services and will support local business.

e) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes

The intensity and associated height of the development will contribute to employment generation in the city centre and residential accommodation within walking distance to Gosford Train Station. In addition to this, all units have been designed in accordance with SEPP 65, the objectives of which include "providing sustainable housing in social and environmental terms", and to "minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions".

f) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations

The subject site is not located within an environmentally sensitive area.

g) to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike

The site is located within an area characterised by older style buildings. The improvement of properties along this street encourage walkability, activation and patronage of business within the city core and open spaces along the waterfront. Again, the increased local population will also support local business and services.

h) to enhance the Gosford waterfront

The additional height of the proposed development will not have any adverse overshadowing effects on Gosford waterfront. Additionally, it will not impact on views gained from or to this point given the orientation of the site.

- i) *to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront*

The development of the site and similar developments occurring within the area will create a more attractive and active street and one which encourages pedestrian activity within the locality.

The Clause 4.6 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the applicant has demonstrated consistency with these objectives such that the proposal is in the public interest.

- *The concurrence of the Secretary has been obtained.*

Planning Circular PS 18-003 issued 21 February 2018 states the concurrence of the Director-General may be assumed when Joint Regional Planning Panels consider exceptions to development standards under Clause 4.6 of GLEP (Exceptions to Development Standards) 2014 for regionally significant development.

This assessment has been carried out having regard to the relevant principles identified in the following case law:

- *Wehbe v Pittwater Council [2007] NSWLEC 827*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248*

The Clause 4.6 (Exceptions to Development Standards) of GLEP 2014 request submitted by the applicant appropriately addresses the relevant principles and exhibits consistency with the relevant objectives under GLEP 2014.

This assessment concludes that the Clause 4.6 (Exceptions to Development Standards) of GLEP 2014 variation provided having regard to Clause 8.9(3)(a) of GLEP 2014 is well founded and is worthy of support.

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 5 Acid Sulfate Soils. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

PART 8 – Additional Local Provisions – Gosford City Centre

8.1 Objectives.

The objectives of Part 8 for the Gosford City Centre are:

- b. to promote the economic and social revitalisation of Gosford City Centre,*
- c. to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,*
- d. to protect and enhance the vitality, identity and diversity of Gosford City Centre,*
- e. to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,*
- f. to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes,*
- g. to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,*
- h. to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,*
- i. to enhance the Gosford waterfront,*
- j. to provide direct, convenient and safe*

The proposal complies with the above objectives. The development will provide increased population, near a major public transport route, to support the economic and social revitalisation of the Gosford city centre. The design generally meets the criteria for design excellence and SEPP 65 requirements. The proposal adds to housing choice in the locality, and is within walking distance of a range of shops, services and public transport.

8.4 Minimum building street frontage

This clause requires developments to have a minimum street frontage of 24m. The subject site has a 38.4m total frontage and complies.

8.5 Design Excellence

The requirements for design excellence in Clause 8.5 of GLEP 2014 have been considered in the assessment of the application. Assessment of the proposal against the matters attributed to design excellence under Clause 8.5(3) concludes that Council is satisfied that the proposal exhibits design excellence.

In particular, the proposal offers a high standard of architectural design, which is appropriate for the intended development of the area, and employs design features and articulation that enhance the appearance of the development and the amenity of units, and minimise impacts on any surrounding properties. The design is supported by a design verification statement which has been assessed and outlines a number of reasons which confirm that the design incorporates appropriate features and methods which demonstrate excellence.

The development provides for a mix of 1, 2 and 3 bedroom apartments which will add to housing mix in the locality. The units have been assessed against the ADG and are considered

appropriate. The design is complimented by a BASIX certificate which confirms that the development is able to achieve environmental sustainability criteria. The development is considered likely to establish a high standard of design to be built upon by future developments in the locality as Gosford continues to grow and develop.

Clause 8.9 Development incentives

This clause applies to land identified as being within Gosford City Centre on the Development Incentives Map. Figure 12 shows the site is within the Gosford City Centre. At the time that this development Application was lodged with Council, Clause 8.9 was applicable and allowed for a 30% bonus provision for both building height and FSR.

s. 4.15(1)(a)(iii) of the EP&A Act: Provisions of any development control plan

Gosford Development Control Plan 2013 (GDCP 2013)

GDCP 2013 provides objectives, design criteria and design guidance on how development proposals can achieve good design and planning practice. The proposal is considered acceptable having regard to the requirements of GDCP 2013. For a detailed consideration, refer to the GDCP 2013 Compliance Table contained within **Attachment 4**.

s. 4.15(1)(b) of the EP&A Act: Likely Impacts of the Development

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The likely impacts of the development are addressed below:

a) Built Environment

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

b) Access and Transport

The impact of the proposal on pedestrian access, parking and the road network has been considered by Council's engineer who supports the application subject to conditions. The site is within walking distance of public transport, and a range of commercial, service and retail opportunities. The car parking provided exceed the minimum requirements of the Roads and Maritime Services Guide to Traffic Generating Development as required by the Apartment Design Guide.

c) Context and Setting

The site is located within the B4 Mixed Use zone of the GLEP 2014, which is currently in transition to include higher density forms of development. The impacts of the proposal have been considered in the assessment of the application. The residential development is considered to be in line with the desired future character of the area.

d) Natural Environment

The site is within the established urban area and is currently developed for housing. It is not considered that the development will result in unacceptable impacts on the natural environment.

e) Economic Impacts

The proposed scale of the development continues to contribute to the economic revitalisation of Gosford. The provision of additional dwellings proximate to the city centre contributes positively to the vibrancy and commercial vitality of the centre.

f) Social Impacts

This site and the surrounding area in general, has aged considerably and as not taken advantage of the areas location in terms of its proximity to the train station and city core. The proposed development will not only revitalise this site but it will have a flow on effect through increased activity to the area in general.

The improvement of properties along this street will encourage walkability, activation and patronage of business within the city core and open spaces along the waterfront. Again, the increased local population will also support local business and services

s. 4.15 (1)(c) of the EP&A Act: Suitability of the Site for the Development

The site is zoned B4 Mixed Use which permits a range of uses. The development is considered to be in accordance with the desired future character of the area as envisaged by the GDCP 2013. The site is not impacted by constraints such as flooding, or flora and fauna constraints. As such the site is considered suitable for this type of development.

s. 4.15 (1)(d) of the EP&A Act: Any Submission Made In Accordance With This Act Or Regulations

Submissions received in relation to the proposal have been considered within this report.

s. 4.15 (1)(e) of the EP&A Act: The Public Interest

The approval of the application is considered to be in the public interest. The development will provide additional housing choice, including a range of apartment sizes in a locality which is highly accessible to Gosford city centre and related employment services and transport options.

Other Matters for Consideration

Development Contribution Plan

The *Gosford City Centre Special Infrastructure Contribution Determination* came into effect on Friday 12 October 2018. A Special Infrastructure Contribution levy of two per cent on the cost of development is required for new development within the Gosford City Centre. This applies

to development located on residential and business zoned land that has a cost of development of \$1 million and over. See **Condition 2.3**.

Section 7.12 A contributions for the Gosford City Centre remains in place however the contribution levy has been reduced from 4% to 1%. **Condition 2.4** is recommended requiring the development contribution to be paid prior to the issue of any Construction Certificate.

Rural Fires Act 1997 & Planning for Bushfire Protection

The subject site is located within a designated bushfire prone area and is classified as Integrated Development. General terms of approval were sought from the NSW Rural Fire Service for the subject Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'

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

Planning Agreements

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

Political Donations

During assessment of the application there were no political donations were declared by the Applicant, Applicant's consultant, owner, objectors and/or residents.

Conclusion

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

Accordingly, the application is recommended for deferred commencement approval pursuant to section 4.16 of the *Environmental Planning and Assessment Act*.

Attachments

1. Proposed Conditions of Consent
2. Architectural Plans prepared by ADG Architects
3. ADG Compliance Table
4. GDCP 2013 Compliance Table
5. Clause 4.6 (Exceptions to Development Standards) of GLEP 2014 Variation Request

ATTACHMENT 1

Proposed Conditions of Consent

DEFERRED COMMENCEMENT

This consent does not operate until the following have been satisfied:

- 1) The submission of the following to allow the applicant to gain permission to undertake inter-allotment drainage works:
 - a) An inter-allotment drainage system (IAD) is required to drain stormwater from the site as shown on Barker Ryan Stewart conceptual engineering plans (File Reference CC150124E1, Sheets 9-16, & 19 Rev G2/04/19). Detailed design of the IAD system is to be carried out in accordance with Council's Civil Works Specification. The system is to pipe all stormwater from impervious areas within the site via stormwater detention to Council's drainage system located in Faunce Street. The IAD system is to be contained within an easement, to drain water, 1 metre wide burdening Lot 27 Sec 6 DP 1591 (5 Bent Street), Lot 28 Sec 6 DP 1591 (3 Bent Street) and Lot B DP 338871 (140 Faunce Street).
 - b) Written permission to enter the site and construct the IAD system is to be obtained from the owners of each of the burdened properties listed above.

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

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

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 prepared by ADG Architects: (ECM Document No. 26847809)

Drawing	Description	Issue	Date
DA00	Cover sheet	11	30.04.19
DA01	Site analysis	11	30.04.19
DA02	Site plan	12	30.04.19
DA03	Demolition plan and bulk excavation sections	11	30.04.19
DA04	Basement 3 plan	8	30.04.19
DA05	Basement 2 plan	12	30.04.19
DA06	Basement 1 plan	12	30.04.19
DA07	Lower ground plan	12	30.04.19
DA08	Ground floor plan	13	30.04.19
DA09	Level 1 plan	12	30.04.19
DA10	Level 2 plan	12	30.04.19
DA11	Level 3 plan	12	30.04.19
DA12	Level 4 plan	11	30.04.19
DA13	Level 5 plan	12	30.04.19
DA14	Level 6 plan	12	30.04.19
DA15	Level 7 plan	12	30.04.19
DA16	Level 8 plan	12	30.04.19
DA17	Level 9 plan	12	30.04.19
DA18	Level 10 plan	12	30.04.19
DA19	Level 11 plan	11	30.04.19
DA20	Roof plan	6	11.10.18
DA21	North & south elevation	10	11.10.18
DA22	East & west elevation	11	30.04.19
DA23	Section through Gosford	11	30.04.19
DA24	Section	11	30.04.19
DA25	Driveway & pedestrian path section	10	30.04.19
DA26	Vehicle turning templates for RFS trucks	10	11.10.18
DA27	Schedule of areas	14	30.04.19
DA28	Solar access study	11	30.04.19
DA29	Cross ventilation study	11	30.04.19
DA30	Shadow diagram	10	30.04.19
DA31	Street montage	10	30.04.19
DA33	Adaptable units - sheet 1	2	30.04.19
DA34	Adaptable units – sheet 2	2	30.04.19

DA35	Adaptable units - sheet 3	2	30.04.19
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Supporting Documentation

Document	Prepared by	Date / Issue	ECM Document No:
Apartment Design Guide Compliance Report and Verification Statement	Anthony Kelly (registered architect No.6999)	June 2019 Rev E	26911317
Noise Assessment	Spectrum Acoustics	February 2016	26870218
Proposed road, driveway & drainage DA plans Sheets 1 -19	Barker Ryan Stewart	02.04.19 Rev G	26832126
Traffic & Parking Impact Assessment	Barker Ryan Stewart	10.05.19 Rev 6	26832125
Stormwater Management Report	Barker Ryan Stewart	28.11.18 Rev 3	26832124
Waste Management Plan	Barker Ryan Stewart	08.05.19 Rev 1	26829853
BASIX Certificate number: 713208M_03	Gradwell Consulting	03.05.2019	26829845
Assessor Certificate	Gradwell Consulting	03.05.19	26829844
Arboricultural Impact assessment	ADVANCED TREESCAPE CONSULTING	19.11.18	26540054
Flora and Fauna Impact Assessment REF: GCC 15-778	Keystone Ecological	December 2015	26540053
Clause 4.6 Exceptions to Development Standards	Barker Ryan Stewart	19.12.18 Rev 3	26540052
Survey Plan	Alan Bardsley	16.08.15	26540066
Bushfire Assessment Report	Advanced Bushfire Performance Solutions	13.12.18 Rev 5	26540065
DA Access Audit	Assistive Technology Australia	21.12.18 Rev 1	26540064
Geotechnical Investigation	Asset Geotechnical	09.10.15	26540062
Crime Prevention through Environmental Design Assessment	Barker Ryan Stewart	20.12.18 Rev 3	26540059
Landscape Plans (Sheets 1 -9)	Xeriscapes	28.11.18 Rev A	26540057

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

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- 1.3. Comply with the General Terms of Approval from the NSW Rural Fire Service, letter reference D19/668 DA19030417614 LR, dated 24 July 2019, as reproduced below:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- 1. At the commencement of building works, or the issue of a subdivision certificate (whichever comes first) and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.*
- 2. Prior to the issue of occupancy certificate the proposed landscaped area adjacent to Henry Parks drive shall be completed in accordance with the "Ground Flood Landscape Plan 1 of 2" prepared by Xeriscapes dated 28.11.18, Drawing No.L101. and be managed in accordance with the same plan.*

Water and Utilities

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

- 3. Water, electricity and gas are to comply with the requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.*

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- 4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.*

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- 5. The property access road shall comply with section 4.1.3 (2) of Planning for Bush Fire Protection 2006.*

Design and Construction

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

6. The Northern and Eastern elevations including all balcony's and roof structures shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

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

Landscaping

8. Landscaping to the site is to comply with the principles of Appendix 5 of "Planning for Bush Fire Protection 2006".

- 1.4. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environmental Planning and Assessment Regulation 2000*.

2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition approved by this consent.
- 2.3. **Special Infrastructure Contribution – Gosford City Centre** - Obtain a determination by the Planning Secretary as to whether a special infrastructure contribution is required to be made under the Environmental Planning and Assessment (Special Infrastructure Contribution - Gosford City Centre) Determination 2018 (2018 Determination). The developer must do so before the time by which a special infrastructure contribution, if made as a monetary contribution, would have to be paid under the 2018 Determination.

To assist the Planning Secretary in making that determination, the developer is to provide the Planning Secretary with an up-to-date estimate of the proposed cost of carrying out the development, as referred to in the 2018 Determination.

If the Planning Secretary determines that a special infrastructure contribution is required to be made under the 2018 Determination, a contribution must be made in accordance with that Determination (as in force when this consent takes effect).

A person may not apply for a construction certificate in relation to development the subject of this development consent unless the person provides, in connection with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

In this condition:

developer means the person having the benefit of this development consent, and
Planning Secretary means the Secretary of the Department of Planning and Environment.

More information - Please contact the Department of Planning and Environment by email to: SIContributions@planning.nsw.gov.au

- 2.4. Pay to Council a contribution amount of **\$282,320** that may require adjustment at time of payment, in accordance with the Section 94A Development Contribution Plan - Gosford City Centre.

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

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

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

A copy of the Contributions Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on Council's website: [Development Contributions - former Gosford LGA](#)

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

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

- 2.6. 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 Works Specification and Chapter 6.3 - Erosion Sedimentation Control of the Gosford Development Control Plan 2013. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a) Half width road works including kerb and guttering, subsoil drainage, footpath formation, drainage and a minimum 6m wide road pavement across the full frontage of the site in Bent Street.
- b) Footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Bent Street.
- c) Road works in Gertrude Street including kerb and guttering (both sides), subsoil drainage, 1m wide footway formation graded at 2% on the eastern side, 3m wide footway formation graded at 2% on the western side, drainage, and a minimum 6m wide road pavement across the frontage of the site in Gertrude Street associated with the service road.
- d) Intersection of Bent Street & Gertrude Street to provide a turning head for the waste services vehicle and the NSW RFS emergency vehicle to enter and exit Bent Street in a forward direction. The intersection shall be designed to accommodate the manoeuvrability for the AS2890.2:2002 12.5m Heavy Rigid Vehicle (HRV), and facilitate the AS2890.2:2002 12.5m HRV to reverse into the service road within the Gertrude Street frontage of the site. The footway formation on the northern side of the intersection works shall be provided to accommodate a guard rail in a location that will not conflict with the overhang of the AS2890.2:2002 12.5m HRV.
- e) 1.5m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location across the full frontage of the site in Bent Street.
- f) 3m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath on the western side of the road pavement works in Gertrude Street associated with the service road.]
- g) 1m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath on the eastern side of the road pavement works Gertrude Street associated with the service road and the eastern side of the pavement works associated with the intersection of Bent Street and Gertrude Street.

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- h) Heavy-duty vehicle crossing in Gertrude Street associated with access to the bin holding area that has a width of 5.5m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
 - i) Retaining walls around the southern and eastern sides of the proposed works within the Gertrude Street road reserve (including the service road and intersection works). Retaining walls must be designed by a practising Civil / Structural engineer in conjunction with the recommendations from a practising Geotechnical engineer. Retaining walls must not conflict with services.
 - j) A concrete catch drain on the high (eastern) side of the retaining walls within the Gertrude Street road reserve (including the service road and intersection works), with a minimum depth of 300mm and to connect to the proposed drainage pit within the northern end of the turning head in Gertrude Street.
 - k) A safety fence (chain wire) with a minimum height of 1.8m on the high side of the retaining walls around the southern and eastern sides of the proposed works within the Gertrude Street road reserve (including the service road and intersection works).
 - l) All redundant vehicular crossings are to be removed and footway formation reinstated.
 - m) Connection of stormwater from the turning head at the intersection of Bent Street and Gertrude Street, and the service road and associated catch drain in Gertrude to the existing watercourse within the Gertrude Street road reserve on the northern side of the proposed turning head works.
 - n) The piping of stormwater from within the site to Council's piped drainage system located on the southern side of Faunce Street.
 - o) A drainage pipe (minimum 375mm RCP) across Faunce Street and two kerb inlet pits (one either side of the road) shall be constructed to connect the stormwater to the existing pipeline on the southern side of Faunce Street.
 - p) Roadside furniture and safety devices as required eg. fencing, signage, guide posts, chevrons, and/or guard rail in accordance with RMS and relevant Australian Standards.
 - q) "No Parking" signage within the service road within the Gertrude Street frontage of the site, the turning head at the intersection of Bent Street and Gertrude Street, and within the eastern end of Bent Street to ensure that the swept turning paths of the AS2890.2:2002 12.5m HRV are unobstructed at all times. The signage and line marking plan must be approved by Council's Traffic Committee.
 - r) Erosion and sedimentation control plan.

The design of the required works shall be generally in accordance with the plans prepared by Barker Ryan Stewart, Reference CC150124E2-G, Sheets 1-8, & 17-19, all Rev G dated 2/04/2019.

The Roads Act application must be approved by Council prior to commencing works in the road reserve.

2.7. 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 Australian Standard AS 2890: Parking Facilities for the geometric designs, and industry Standards for pavement designs.
- b) A stormwater detention system must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013 and Council's *Civil Works Specification*. The stormwater detention system must limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths. On-site detention is to be designed generally in accordance with the Stormwater Management Report prepared by Barker Ryan Stewart Project No CC150124 Rev 3 dated 28/11/18) and the plans prepared by Barker Ryan Stewart (Plan Ref CC150124E2-G, Rev G dated 2/4/2019).
- c) Nutrient/pollution control measures must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient / pollution control report including an operation and maintenance plan must accompany the design. Nutrient/pollution controls are to be designed generally in accordance with the Stormwater Management Report prepared by Barker Ryan Stewart Project No CC150124 Rev 3 dated 28/11/18) and the plans prepared by Barker Ryan Stewart (Plan Ref CC150124E2-G, Rev G dated 2/4/2019).
- d) On-site stormwater retention measures must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design. On-site retention measures are to be designed generally in accordance with the Stormwater Management Report prepared by Barker Ryan Stewart Project No CC150124 Rev 3 dated 28/11/18) and the plans prepared by Barker Ryan Stewart (Plan Ref CC150124E2-G, Rev G dated 2/4/2019).
- e) interallotment drainage within Lot 27 Sec 6 DP 1591, Lot 28 Sec 6 DP 1591, & Lot B DP 338871 to connect stormwater from the development to Council's drainage system in Faunce Street. The interallotment drainage system must be designed in

accordance with Council's *Civil Works Specification* and have a minimum capacity to accommodate the stormwater flows associated with the site in the 1%AEP storm event. The interallotment drainage system shall be generally in accordance with the plan prepared by Barker Ryan Stewart, Plan No CC150124E1.19 Rev G dated 2/04/2019.

- f) piping of all stormwater from impervious areas within the site to the required interallotment drainage system to then connect to Council's drainage system located in Faunce Street.

These design details and any associated reports must be included in the Construction Certificate.

- 2.8. Submit a pavement investigation and report prepared by a practising Geotechnical Engineer for the road works. This report must be submitted with the application for work under the Roads Act 1993.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Bent Street	2×10^6
Gertrude Street	2×10^6
Gertrude St / Bent St Turning Head & Intersection	2×10^6

- 2.9. Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent To Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.
- 2.10. Pay a security deposit of \$100,000 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.
- 2.11. Submit to Council's Environment Officer for approval, a Soil and Water Management Plan in accordance with Section 6.3 of the Gosford Development Control Plan 2013 and the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*). The plan shall be prepared by a suitably qualified environmental/civil consultant and shall be adaptive to address all stages of the construction.
- 2.12. Submit to Council, the Accredited Certifier and relevant adjoining property owners a dilapidation report, prepared by a practising structural engineer, detailing the structural characteristics of all buildings located on No. 5 Bent Street and No's 142 and 144 Faunce Street. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the

development site and to the road, kerb, footpath, driveways, water supply and sewer infrastructure, street trees and street signs or any other Council asset in the vicinity of the development.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, the applicant must demonstrate in writing that all steps were taken to obtain access to the adjoining property(s).

2.13. Submit amendments to the approved plans and reports to the accredited certifier pursuant to Clause 139 of the *Environmental Planning Regulation 2000: Applications for construction certificates* that must detail:

- a. A detailed plan of the proposed louvres to the northern elevation is to be produced by the project Architect, ADG, to confirm the size, spacing, function and ability to adjust these louvers and confirmation from the Architect that the design maximises outlook and solar access to these units.
- b. A detailed report provided by a suitably qualified ventilation specialist and mechanical engineer to confirm the details of the proposed ventilation shaft system, confirm that the ventilation achieved will be comparable to a naturally cross ventilated unit, and detail the long term operation and maintenance to ensure the amenity benefits are maintained long term.
- c. Mail boxes:
 - i. Provide mail boxes for each residential building in one accessible location adjacent to the main entrance to the development;
 - ii. They should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building;
 - iii. Mail boxes shall be secure and large enough to accommodate articles such as newspapers;
- d. Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures:
 - i. Away from the street frontage;
 - ii. Integrated into the roof-scape design and in a position where such facilities will not become a skyline feature at the top of any building;
 - iii. Adequately setback from the perimeter wall or roof edge of buildings;
- e. A master antenna must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas;
- f. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%;

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- g. Storage areas are to be provided in accordance with the following minimum rates:

- i. 6m³ for studio and one bedroom units;
- ii. 8m³ for two bedroom units;
- iii. 10m³ for three plus bedroom units; and

At least 50% of the required storage areas are to be provided within each dwelling.

- h. One hundred and four (104) residential car parking spaces, including nineteen (19) accessible car parking spaces must be provided onsite;
 - i. Fourteen (14) residential visitor car parking spaces must be provided on site, on the lower ground floor parking area;
 - j. A minimum of one (1) car wash bay must be provided within the development, at the lower ground floor level of parking, with a drain and water supply for the washing of vehicles. The drain is to be connected to the onsite nutrient control facility;
 - k. A minimum of one (1) loading /servicing bay is to be provided, in the space currently marked LG01 Visitor on the lower ground floor plan.
 - l. The external colour schedule of the development must be consistent with the photomontage referenced as supporting documentation in Condition 1.1 of this Consent.
 - m. Fifteen percent (15%) or 16 apartments must be capable of being modified to create adaptable units.
- 2.14. The recommendations of the Noise Assessment, prepared by Spectrum Acoustics, dated 1 February 2016, must be included in the Construction Certificate, including, but not limited to:
- a. all windows with a direct view of Henry Parry Drive should be upgraded to 6.5mm Vlam Hush laminated glazing or equivalent.

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifying Authority for the building work.
 - a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in

respect of the building work no later than two (2) days before the building work commences.

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

- 3.3. Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for food scraps and papers.
- 3.4. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - diverting uncontaminated run-off around cleared or disturbed areas, and
 - preventing the tracking of sediment by vehicles onto roads, and
 - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation and Control.

- 3.5. Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 3.6. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 3.7. Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 3.8. 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. The

dilapidation report may be updated with the approval of the Principal Certifying Authority prior to the commencement of works.

- 3.9. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the Principal Certifying Authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
- 3.10. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.gosford.nsw.gov.au.

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

- 3.11. Provide toilet facilities at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- a. Be a standard flushing toilet connected to a public sewer, or
 - b. Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c. Be a temporary closet approved under the *Local Government Act 1993*
- 3.12. Submit Prevent public access to the construction site as required by Clause 298 of the *Work Health and Safety Regulation 2011* when building work is not in progress or the site is unoccupied. Site fencing specifications are outlined under Australian Standard AS1725.1-2010 - *Chain-link fabric fencing - Security fencing and gates*. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

A separate application made under the *Roads Act 1993* will need to be lodged with Council If a hoarding or construction site fence must be erected on the road reserve or a public place.

- 3.13. Disconnect and cap the property's sewer at the inspection shaft.
- 3.14. Undertake demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- a. more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b. friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

- 3.15. Submit to the Principal Certifying Authority a Traffic and Pedestrian Management Plan prepared by a suitably qualified professional.

The Plan must be prepared in consultation with Council, and where required, the approval of Council's Traffic Committee obtained.

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

- ingress and egress of vehicles to the Subject Site
- loading and unloading, including construction zones
- predicted traffic volumes, types and routes
- pedestrian and traffic management methods, and
- other relevant matters

The Applicant must submit a copy of the final Plan to Council, prior to the commencement of work.

- 3.16. Identify proposed haulage routes to and from the site on plans accompanied by a dilapidation report for the road carriageway and kerbs from the site to the nearest State road. Amendments to the haulage routes are to be approved by Council.

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

- 3.18. Tree Protection is to be as per the recommendations of the Arboricultural Impact Assessment by R Kingdom 19/11/18.

- 3.19. A site meeting is to be held prior to works between the bushfire consultant and project ecologist to determine the locations and quantities of native vegetation islands within the APZ. The potential impacts will be mitigated by the maximum retention of vegetation as allowed under bushfire rules. To maintain ecological connectivity, islands of native vegetation are to be retained within the APZ. This is achieved by restricting the removal of native vegetation and by relocating native understorey species that are characteristic of Narrabeen Coastal Blackbutt Forest (e.g. *Themeda australis* Kangaroo grass) to replace weed species within those islands. The Arboriculture Report and Landscape Plan is to be amended and submitted to Council Ecologist for approval.

3.20. Tree Qualified ecologist to attend the site no more than 3 weeks prior clearing. The ecologist must:

- Mark trees for retention and removal
- Supervise the installation of fencing around any conservation areas
- Provide an environmental induction to civil contractors and subcontractors
- Provide a nest box replacement strategy (hollow bearing tree inspection, monitoring and management of fauna prior to clearing, replacement box locations).
- Provide a written report to be to Councils Ecologist with the focus of Wildlife/ habitat Management for the replacement hollow bearing trees.

3.21. A detailed Maintenance Plan of the APZ in accordance with RFS requirements and Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' in accordance with the Arboriculture Report and Landscape Plan as amended by Condition 3.19 above shall be submitted to the PCA prior to the issue of a Construction Certificate. The maintenance plan shall be prepared by a suitably qualified person and include details on regularly scheduled checks and maintenance, responses to weather and incidents as deemed appropriate as well as detailing responsible parties for the ongoing maintenance.

The PCA, if not Council, shall forward a copy of the approved plans and maintenance schedule to Council.

4.. DURING WORKS

4.1. All conditions under this section must be met during works.

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

- 7.00am and 5.00pm Monday to Saturday

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

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

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

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

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- 4.4. Implement and maintain all erosion and sediment control at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment. The controls must comply with Council's Code of Practice of Erosion and Sedimentation Control.
 - 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
 - 4.6. Demolish buildings in a safe and systematic manner in accordance with AS2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
 - 4.7. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

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

- 4.8. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 4.9. Action the following when an excavation extends below the level of the base of the footings of any building, structure or work on adjoining land:
 - a. notify the owner of the adjoining land, and
 - b. protect and support the building, structure or work from possible damage from the excavation, and
 - c. underpin the building, structure or work where necessary, to prevent any such damage.

These actions must be undertaken by the person having the benefit of the development consent at their own expense.

- 4.10. Comply with all Demolition and Construction commitments within the Waste Management Plan dated 8 May 2019 by Barker Ryan Stewart.

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- 4.11. The proposed turning head/waste vehicle servicing access road to be constructed out of reinforced concrete and be capable of withstanding a truck loading of 22.5 tonnes.
- 4.12. Undertake the removal of any tree located on Council managed land due to works approved by a Development Application at the full cost and responsibility of the developer / owner using a Pre-qualified Tree Contractor.

Contact Central Coast Council on 1300 463 954 for the current list of relevant contractors.

- 4.13. Undertake the removal of trees as listed in the Arboricultural Impact Assessment by R Kingdom 19/11/18, in a manner so as to prevent damage to those trees that are to be retained.
- 4.14. Remove trees and ground stumps in a manner so as to not damage trees to be retained.
- 4.15. Suppress dust with the use of a water cart.
- 4.16. Fill material must only comprise of Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).

Virgin Excavated Natural Material (VENM) is defined under Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997* as follows:

"*virgin excavated natural material*" means natural material (such as clay, gravel, sand, soil or rock fines):

- (a) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and
- (b) that does not contain any sulfidic ores or soils or any other waste,

Excavated Natural Material (ENM) that has been issued with an exemption under the *Protection of the Environment Operations (Waste) Regulation 2014* in accordance with the Excavated Natural Material Order and Exemption 2014.

The placement of any other type of fill material other than that defined under VENM or ENM is prohibited under this consent.

The applicant must provide Council with validation documents verifying and certifying that the material placed on the land complies with:

- the definition of VENM under Schedule 1 of the *POEO Act 1997*, or
- an exemption issued under the Excavated Natural Material Order and Exemption 2014.

Any exposed soil surface areas must be grassed / landscaped to minimise soil erosion.

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- 4.17. No fill other than as shown on the approved plans is permitted.
- 4.18. Submit a report prepared by a registered Surveyor 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.
- 4.19. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.20. Comply with all Demolition and Construction commitments within the Waste Management Plan dated 16 May 2017 by Barker Ryan Stewart.
- 4.21. The proposed turning head/waste vehicle servicing access road to be constructed out of reinforced concrete and be capable of withstanding a truck loading of 22.5 tonnes.
- 4.22. Incorporate the following Crime Prevention Through Environmental Design (CPTED) principles and strategies to minimize the opportunity for crime:
- a. Provide adequate lighting to common areas as required under *AS1158: Lighting for roads and public spaces*.
 - b. Paint the ceiling of the car park white.
 - c. Design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity.
 - d. Design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
 - e. Provide signage within the development to identify all facilities, entry/exit points and direct movement within the development.
- 4.23. Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulations 2018* and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:
- (i) "Young children should be actively supervised when using this swimming pool", and
 - (ii) "Pool gates must be kept closed at all times", and
 - (iii) "Keep articles, objects and structures clear of the pool fence at all times",

A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)

4.24. Do not fill the swimming pool with water until the common boundary fence forming part of the pool enclosure has been installed with a minimum height of 1.8 metres when measured inside the pool enclosure in accordance with the provisions of Australian Standard AS 1926.1 2012. The maintenance and effectiveness of the fence is the responsibility of the pool owner whilst ever the pool exists.

Alternatively, the pool must be fully enclosed by swimming pool safety fencing complying with the provisions of Australian Standard AS 1926.1-2012 in lieu of any boundary fencing.

4.25. Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifying Authority.

4.26. Do not fill the swimming pool with water until each window which is capable of giving access to the swimming pool enclosure has been protected with suitable security screens complying with the provisions of Clause 2.6 of Australian Standard AS 1926.1-2012. This applies to all windows where the height of the sill of the lowest openable portion of the window is less than 1.8 metres above the adjoining ground surface level.

4.27. Supervision by a suitably qualified Ecologist is required for all vegetation clearing and construction works. The Ecologist must:

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

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

5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

5.2. Provide certification from a geotechnical engineer to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.

5.3. Complete the landscaping works.

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- 5.4. Provide the Principal Certifying Authority with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent including condition 3.19.
- 5.5. Provide to the Principal Certifying Authority a design verification statement from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Part 2 of *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development*.
- 5.6. Consolidate LOT: 1 DP: 436706, Lot: 26 SEC: 6 DP: 1591 and Lot: B DP: 357731 into a single allotment under one Certificate of Title.

Documentary evidence of the lodgement of the Consolidation Plan with the NSW Land and Property Information can be accepted by the Principal Certifying Authority as satisfying this requirement.

- 5.7. Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.8. Create and execute a documentary Public Positive Covenant under the *Conveyancing Act 1919* to establish a positive covenant on the Certificate of Title detailing the areas to be maintained as an Asset Protection Zone in accordance with the Bush Fire Report prepared by Advanced Bushfire Performance Solutions dated 13 December 2018. The restriction must ensure the owner continually maintains the Asset Protection Zone, including land in the adjacent road reserve in accordance with the recommendation and findings detailed in the Bush Fire Report and the Arboriculture Report and Landscape Plan and modified by Condition 3.19 and Maintenance Plan as required by Condition 3.21. The restriction must be created at the applicants cost with Council having the sole authority to release or modify.
- 5.9. With regard to the requirements of condition 5.8, a bylaw shall be registered with any future strata scheme, requiring that ongoing maintenance of the Asset Protection Zone is carried out in accordance with the terms of the maintenance plan lodged with Council under condition 3.21. The terms of the bylaw, shall be satisfactory to Council, and Council must be named as the authority with the right to release, vary or modify the bylaw
- 5.10. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.11. Amend the deposited plan (DP) to include a Section 88B instrument under the *Conveyancing Act 1919* to indemnify 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 any on-site collection service, at the applicants cost.

- 5.12. Parking restriction signage to be permanently fixed and prominently displayed to restrict other vehicles parking or stopping within the constructed roadway/accessway on residential waste collection days.
 - 5.13. Provide any additional civil works within the road reserve required to ensure satisfactory transitions to existing work as a result of work conditioned for the development. Works are to be approved by Council as the Roads Authority.
 - 5.14. Construct the stormwater management system in accordance with the approved Stormwater Management Plan and Australian Standard AS 3500.3-2004: *Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifying Authority.
 - 5.15. Complete works within the road reserve in accordance with the approval under the *Roads Act 1993*. The works must be completed in accordance with Council's *Civil Works Specification* and Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013. Documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
 - 5.16. Rectify to the satisfaction of the Council 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 developer's expense.
 - 5.17. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
 - 5.18. Amend the Deposited Plan (DP) to:
 - include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan
 - a) create a Restriction as to use of land over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility
- And,
- include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s)
 - a) to ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - (i) the facility will remain in place and fully operational

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- (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.

- 5.19. Undertake works in accordance with the approved Soil and Water Management Plan and update the plan as required during all stages of the construction.
- 5.20. Verification that the ventilation shaft system has been installed and is operating in accordance with the report required by Condition 2.13(b)

6.. ONGOING OPERATION

- 6.1. Maintain the on-site detention and nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.2. Maintain and continue operation of the buildings ventilation shaft system as detailed by the report recommendations as required by Condition 2.13 (b).
- 6.3. Implement the required Asset Protection Zone to the perimeter of the asset. The Asset Protection Zone must be fuel managed so as to maintain fuel loadings as detailed within *Planning for Bush Fire Protection Guidelines 2006 (NSW)*.
- 6.4. Load and unload delivery vehicles wholly within the site. Delivery vehicles must enter and exit the site in a forward direction.
- 6.5. Do not obstruct loading bays when not in use.
- 6.6. Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas.
- 6.7. Maintain the site landscaping for the life of the development.
- 6.8. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs etc.
- 6.9. Waste vehicle manoeuvring is to be in accordance with Plan No. CC150124E1.08, Revision G dated 2 April 2019 by Barker Ryan Stewart.
- 6.10. Place the mobile green waste containers at a suitable location at the kerbside no earlier than the evening prior to the collection day and return to the approved waste storage

enclosure as soon as possible after service, no later than the evening on collection day. The residents, caretaker, owner, Owners Corporation are responsible for the placement and return of the mobile waste containers.

- 6.11. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.12. Comply with all commitments as detailed in the Waste Management Plan signed by Barker Ryan Stewart, dated 8 May 2019.
- 6.13. Locate the approved waste storage enclosure / area as indicated on Project Number 15026, Drawing No DA08, Issue 13, dated 30 April 2019.
- 6.14. Construct and manage the waste storage enclosure in accordance with the provisions of Gosford DCP 2013, Part 7: Chapter 7.2 - *Waste Management, Appendix D and Appendix G*, as applicable.
- 6.15. Construct and manage garbage chutes in accordance with the provisions of Gosford DCP 2013, Part 7: Chapter 7.2 - *Waste Management, Appendix F*.
- 6.16. A bin lifter to be provided within the waste storage enclosure to facilitate transfer of recyclables from interim recyclables storage room on individual floors into recyclables waste bulk bins.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.

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

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
 - Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
 - Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: www.centralcoast.nsw.gov.au

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

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

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

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

- The inspection fee for works associated with approvals under the *Roads Act 1993* is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- It is an offence under the *National Parks and Wildlife Act 1974* to knowingly disturb an Aboriginal artefact without consent.

ATTACHMENT 2

Architectural Plans prepared by ADG Architects

ECM Document No: 26847809

ATTACHMENT 3

ADG Compliance Table

Design Criteria	Required	Proposed	Compliance
3D-1 Communal Open Space	Minimum communal open space area 25% of the site	Communal open space has been provided at 573sqm or 31.9% of the site area.	Yes
	50% direct sunlight to principal usable part for min 2 hrs between 9am and 3pm mid-winter	The development will comply, with the required 50% of direct sunlight to the principle useable area, receiving a minimum of 2 hours direct sunlight on the 21 June between 9am and 3pm.	Yes
3E-1 Deep Soil Zone	Minimum 7% of the site, with minimum dimension 6m for a site greater than 1,500m ²	<p>The development provides the following deep soil zones:</p> <ul style="list-style-type: none"> Zone to the north western corner of 70sqm, with a consolidated area of 6m x 9.45m and smaller area of 4m x 2.8m Deep soil zone on the south eastern corner and southern boundary of 209sqm, with consolidated areas of 5.4m x 10.7, 5.4m x 17 5.4m x 13m and 1m x 3.6m <p>The total area of deep soil amounts to 279sqm or 15.6% of the site. Whilst not all areas meet the minimum dimension of 6m, if taking area with a minimum dimension of 5.4m, the total area amounts to 264sqm or 14.7%.</p> <p>These areas have been included as deep soil areas in that they meet objective 3E-1 of the ADG. Objective 3E-1 of the ADG, aims at <i>"providing areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality."</i></p> <p>In view of the above, whilst minimum dimensions of 6m is not provided for all deep soil zones proposed, no objection is made in that 14.7% of the site will be occupied by deep soil zones which is significantly above the 7% requirement.</p>	Yes
	On some sites, it may be possible to provide a greater area for deep soil	15.6% of the site is provided as deep soil zones.	Yes

Design Criteria	Required	Proposed	Compliance
	zones. Sites between greater than 1500m ² 15% should be achieved, if possible.		
3F-1 Visual Privacy	<p>Separation from boundaries (habitable rooms and balconies):</p> <p>6m (up to 12m / 4 storeys in height) 9m (up to 25m / 5-8 storeys in height) 12m (over 25m / 9+ in height)</p>	<p><u>Southern (rear) boundary:</u></p> <p>6m required</p> <ul style="list-style-type: none"> • LG – L2 – 6m <p>9m required</p> <ul style="list-style-type: none"> • L3 and L4 – 6m • L5: variable 5.7-9m (planter box provided for screening). • L6: 9m, apart from 2 balcony protrusions (5.7m) <p>12m required</p> <ul style="list-style-type: none"> • L7 - 9m, apart from 2 balcony protrusions (5.7m) • L8 – 9-10m, angled balcony protrusion to 6m – with screening • L9 – L11 – 9-12m, angled balcony /bedroom protrusion to 6m – but with screening <p><u>Western (side) boundary:</u></p> <p>6m required</p> <ul style="list-style-type: none"> • LG – L2 – 6m <p>9m required</p> <ul style="list-style-type: none"> • L3 and L4 – 6m • L5: variable 6 -7.4m (planter box provided for screening) • L6: 9m <p>12m required</p> <ul style="list-style-type: none"> • L7 - 9m • L8 – 9-10m, with planter box screening, angled building protrusion to 7m – with screening • L9 – L11 – 8.7-12m, angled building protrusion to 7m – but with screening <p><u>Eastern (side) boundary</u> – fronts road reserve so setback for privacy not required.</p> <p>Where compliance is not achieved the design deviates the apartments are facing a disparate angle to neighbouring properties and screening is also used to maintain privacy and enhance views.</p>	No, full compliance is not achieved however no objection.

Design Criteria	Required	Proposed	Compliance
3J-1 Bicycle and Car Parking	Minimum parking provided in accordance with the RMS Parking Guide for Metropolitan Sub-Regional Centres.	<ul style="list-style-type: none"> • 0.6 spaces per 1 bedroom unit (29 units) (17.4 spaces) • 0.9 spaces per 2 bedroom unit (63 units) (56.7 spaces) • 1.40 spaces per 3 bedroom unit (9 units) (12) • 1 space per 7 units (visitor parking) (14.4 spaces) <p>Vehicle parking is provided in excess of RMS requirements: -</p> <ul style="list-style-type: none"> • A minimum of 86 vehicle spaces are required for residential units, 106 are proposed. • A total of 14 visitor spaces are proposed, as required. 	Yes
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	43 bike parking spaces are provided in a relatively accessible and consolidated area in Basement Level 1. 12 motorcycle spaces are also provided throughout the parking levels.	Yes
	Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces	<p>Complies, however it is noted that a car wash bay has not been provided.</p> <p>The RMS Guidelines, the ADG and GDCP 2013 do not identify a requirement for car wash bays in residential flat developments. However, Objective 3J- 3 of the ADG states that a car wash bay is a supporting facility within a car park.</p> <p>It is acknowledged that commercial car washing is widely available in the area, however, failure to provide facilities results in on street car washing and pollution entering the stormwater. Therefore, the omission of this facility is not supported.</p> <p>In view of the above, it is considered appropriate that one (1) car wash bay be provided. Refer to Condition 2.13.</p> <p>It is also noted that the application proposes loading and delivery vehicles use the new service road and turning head in the road</p>	No, however considered acceptable via condition

Design Criteria	Required	Proposed	Compliance
		reserve, however no loading space has been provided within the site. RMS Guidelines identify 1 servicing space per 50 flats. In this instance it is considered appropriate that one (1) loading spaces is proved within the lower ground floor car parking area, closest to the lift lobby and lifts. Refer to Condition 2.13.	
4A-1 Solar and Daylight Access	Living rooms and private open space of at least 70% of apartments receive a minimum of 3hr sun between 9am and 3pm mid-winter	62.4% of apartments receive minimum 3 hours direct sunlight on the 21 June between 9am and 3pm when assessing the building form. It is noted that a further 24.75% of units receive more than 1 hour of solar access mid-winter resulting in an acceptable overall amenity outcome.	No, however no objection is made in this instance.
	Maximum of 15% of apartments receive no direct sun between 9am and 3pm mid-winter	12.9%.	Yes
4B-3 Natural Ventilation	Min 60% of apartments cross ventilated	52.1% of unit's achieve natural cross ventilation achieving cross ventilation. The remaining units have cross ventilation with the assistance of a ventilation vent system. Details of the ventilation system have not been provided. As such a condition is recommended that a detailed report is provided by a suitably qualified ventilation specialist to confirm the details of the system, confirm that the ventilation achieved will be comparable to a naturally cross ventilated unit, and detail the long term operation and maintenance to ensure the amenity benefits are maintained long terms, prior to the issue of any Construction Certificate. A condition will require the system to be installed and operational prior to the issue of any Occupation Certificate and require the ongoing operation and maintenance in accordance with the report recommendations.	No, however considered acceptable via condition
4C-1 Ceiling Heights	Minimum 2.7m	Complies.	Yes
4D-1 Apartment Size	1 bedroom: 50sqm 2 bedroom: 70sqm	Proposed: 1 bedroom: 50.2sqm 2 bedroom: 75sqm	No, however no objection is made in

Design Criteria	Required	Proposed	Compliance
	<p>3 bedroom: 90sqm</p> <p>(5sqm per additional bathroom)</p>	<p>3 bedroom: 94sqm</p> <p>All 29 x 1 bedroom units are compliant.</p> <p>49 / 63 of the 2 bed units have 2 bathrooms and are required to be 75sqm. 12 out of this 49 do not meet to 75sqm requirement, ranging from 70-74sqm.</p> <p>10 of the 14 units which have only one bathroom, some with additional W/C, are also under sized and range between 67.2sqm and 71.5sqm.</p> <p>Five (5) of the nine (9) 3 bedroom units are marginally under the 95sqm requirement for units with 2 bathrooms at 94sqm.</p> <p>32% of non-complying units are within 1sqm of being compliant and all are within 5sqm of being compliant. The applicant has advised that these non-compliances to meet market demands for bathrooms. The variations do not result in unreasonable internal amenity outcome and are acceptable</p>	this instance.
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All habitable rooms have a window within the external wall.	Yes
4D-2 Room depths	Habitable room depths and maximum 8m depth for open plan layouts.	16 of the 101 apartments (16%) exceed the 8m depth marginally, between 8.5 and 8.7m. The internal amenity of the affected apartments will not be unreasonably impacted in that adequate solar access is provided.	No, however no objection is made in this instance.
4D – 3 Layout	Bedroom and living room sizes – 9 & 10m ² bedrooms with min 3m width, 3.6m-4m width living rooms	Complies	Yes
4E-1 Balconies	<p>1 bedroom: 8m², min 2m depth</p> <p>2 bedroom: 10m²,</p>	20 (20%) of units balconies have minor, 1-2sqm non-compliances. The remaining balconies are compliant. Given the generous communal open	No, however no objection is made in

Design Criteria	Required	Proposed	Compliance
	min 2m depth 3 bedroom: 12m ² , min 2.4m depth	space provisions, the non-compliances area acceptable in this instance.	this instance.
	Podium/ground level private open space minimum 15m ² , minimum depth 3m	No dwellings are proposed at ground level.	Yes
4F-1 Common Circulation	Maximum of 8 apartments off a circulation core (although design guidance allows up to 12 apartments)	The proposal is not complaint at levels 1 – 4 only with 10 apartments off the single core. 2 lift are provided. While the circulation space does not benefit from natural light or ventilation, being central to the building, it is compact and does not create any long corridors, providing short distances for residents to entry doors.	No, however no objection is made in this instance.
4G-1 Storage	1 bedroom: 6m ³ 2 bedroom: 8m ³ 3 bedroom: 10m ³ Note: Minimum 50% within unit	Storage areas are proposed in both the basement areas and individual dwellings. A condition of consent is recommended ensuring compliance with the stated storage areas. Refer to Condition 2.13.	Yes
4H Acoustic Privacy	Noise transfer is limited through the siting of the buildings and building layout	It is considered apartments have been orientated so as to minimise noise from living areas and outdoor terraces.	Yes
4J Noise and Pollution	The impact of external noise transfer and pollution are minimised through the siting and layout of the building.	Wet areas and utility rooms have been located adjoining stair cores and lift wells.	Yes
4K Apartment Mix	A range of apartment types are provided to cater for different household types, and distributed throughout the building.	1 Bedroom: 29% 2 Bedroom: 62 % 3 Bedroom: 9%	Yes
4L Ground Floor Apartments	Maximise street frontage activation and amenity.	Complies	Yes
4M Facades	Provide visual interest whilst respecting the character of the area.	Complies	Yes

Design Criteria	Required	Proposed	Compliance
4N Roof Design	Roof features are incorporated in the roof design, response to the street and provide sustainability features.	Roof heights vary to provide points of interest and roof spaces are utilised for private and common open space.	Yes
4O Landscape Design	Landscape design is viable, sustainable, contributes to the streetscape and amenity.	Complies	Yes
4P Planting on Structures	Appropriate soil depths are provided	Complies	Yes
4V Water	Water Management and Conservation is achieved.	Complies	Yes
4W Waste	Waste storage facilities are provided to minimise impacts on the streetscape, building entry an amenity of residents.	Complies	Yes

ATTACHMENT 4

GDCP 2013 Compliance Table

Development Control	Required	Proposed	Compliance
4.1.1.4 City Centre Character	Mixed Use Zone (City edge) complements the commercial core and allows for residential units thereby providing for a walkable city. The city centre's tallest buildings are located in the mixed use zone and continue the sensation of an amphitheatre formed by Presidents Hill, the city centre and Rumbalara. The height in this area provided opportunity for frequent views to encourage residential and commercial outcomes that promotes investment with benefits.	The proposal is reflective of the desired future character	Yes
4.1.2.2 Building to street alignment and street setback	2-2.5m range to Bent Street 5-6m landscape setback to eastern boundary /road reserve.	Variable 2.9m to building and 1m to outdoor area/balcony to Bent Street Variable 5.7 to building and 2.5m to balconies	Variable but overall complies
4.1.2.3 Street Frontage Height	The street frontage height of buildings must comply with the minimum and maximum heights, being 10.5m- 16 m	The street frontage height exceeds the 16m maximum, to a height of approximately 21m. However given the topography of the site, its location at the end of the street and the modulated building façade the exceedance does not result in an unreasonable amenity or urban design impacts.	No, however variances are considered acceptable.
4.1.2.4 Building Depth & Bulk	Maximum floor plate 750sqm above 16m Maximum building depth (excluding balconies) – 24m	All levels have a floor plates below 750sqm except for Levels 3 and 4 with a floorplates of 757sqm and 760sqm. This minor variation is acceptable. Levels ground to 4 have a maximum length of 36m and depth of 28m. Levels 5 to 11 have a maximum	No, but considered acceptable in this instance.

Development Control	Required	Proposed	Compliance
		<p>length of 32m and depth of 25m.</p> <p>No building elements, above 24m in height, have building dimensions in excess of 45m.</p> <p>The variation noted above are considered acceptable as those floors exceeding the depth and floor plate criteria provide appropriate side and rear setbacks, and adequate internal amenity.</p>	
4.1.2.5 Setbacks	<p>Front/street setbacks as per 4.1.2.2 above</p> <p>Separation from side and rear boundaries (habitable rooms and balconies):</p> <p>6m (up to 12m) 9m (up to 25m) 12m (over 25m)</p>	<p>Separation distances are as per the Apartment Design Guide and are detailed in the ADG Assessment Table at Attachment 3.</p> <p>Where compliance is not achieved the design deviates the apartments are facing a disparate angle to neighbouring properties and screening is also used to maintain privacy and enhance views.</p>	No, however variances are considered acceptable.
4.1.2.7 Site Cover	60%	<p>82%</p> <p>Given the site has an appropriate levels of landscaping and setbacks this exceedance is</p>	No, however variation is acceptable.
4.1.2.7 Deep Soil Zones	<p>15% min.</p> <p>Min. Dimension 6m</p>	The total area of deep soil amounts to 279sqm or 15.6% of the site. Whilst not all areas meet the minimum dimension of 6m, if taking area with a minimum dimension of 5.4m, the total area amounts to 264sqm or 14.7%.	No, however minor variation is acceptable.
4.1.2.8 Landscape Design	<p>Landscaped areas are to be irrigated with recycled water.</p> <p>A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone.</p>	<p>The on-site detention tank includes including a retention component for landscape irrigation.</p> <p>A landscape plan was submitted with the development application and is otherwise considered acceptable by Councils Tree Assessment Officer.</p>	Yes
4.1.2.9 Planting on Structures	Constraints on the location of car parking structures due to water table conditions may mean that open spaces and courtyards might need to be provided over parking	The majority of landscaping is within the deep soils zone. Planting over the basement includes planters with a depth of 0.5m for shrubs and 1m for trees. The stated areas are therefore considered	Yes

Development Control	Required	Proposed	Compliance
	structures.	appropriate to accommodate shrubs, small trees and medium trees (2m to 8m high) in accordance with this provision.	
4.1.2.10 View Corridors	Protect significant view corridors	The site is not located in any identified view corridor.	Yes
4.1.3.3 Street Address	Clear Street address	Units fronting Bent Street are provided with balconies overlooking the street. Primary access to the building is provided via the ground floor lobby on Bent Street.	Yes
	Direct front door access for ground floor units.	Given the topography the (upper) ground floor units are not accessible from the street.	Yes
	Residential buildings are to provide not less than 65% of the lot width as street address.	Given the topography of the land a direct street address is difficult to achieve along the length of the site, the driveway at the lower level takes up less than 35% of the sites frontage and is acceptable.	Yes
4.1.3.5 CPTED Principles	Address Safer by Design and CPTED principles	<p>Passive surveillance is provided by unit and balconies facing over Bent Street.</p> <p>Pedestrian access will be limited to a single point and access to the lift will be controlled via electronic swipe cards.</p> <p>Landscaping and paving features have been utilised to highlight the transition between public and private domain.</p> <p>Compliance with recognised CPTED principles will be confirmed via the imposition of Condition 4.22.</p>	Yes
4.1.3.7 Vehicle Access	<p>One access point only.</p> <p>Max. 2.7m width (or up to 5.4m wide for safety reasons)</p>	One vehicular crossings provided, 5.5m wide.	No, however minor variation is acceptable.
4.1.3.9 Building Exteriors	Various controls, similar to clause 8.5 of GLEP.	Details of materials and colours are provided in the plans within the development application documentation and are supported by Council staff.	Yes
4.1.4.2	Building Entry Points - Clearly	Considered acceptable.	Yes

Development Control	Required	Proposed	Compliance
Pedestrian Access and Mobility	visible from street	Appropriate conditions are recommended for imposition requiring compliance with the BCA.	
	Design for disabled persons		
	Barrier free access to not less than 20% of dwellings		
	At least 1 main pedestrian entrance with convenient barrier free access to ground floor		
	Continuous access paths of travel from all public roads		
	Access paths of durable materials (slip resistant materials, tactile surfaces and contrasting colours)		
4.1.4.3 Vehicle Footpath Crossings and Vehicular Driveways and Manoeuvring	Located 6m min. from the perpendicular of any intersection	The vehicle access crossing is acceptable. Appropriate conditions required by Councils Development Engineer are recommended for imposition.	Yes
	Minimum driveway setback 1.5m from side boundary		
	Enter and leave in forward direction		
	Compliance with Council's standard Vehicle Entrance Design & subject to Roads Act approval		
	Compliance with AS2890.1		
	Use semi-pervious materials for driveways open car spaces		
4.1.4.4 On-Site Parking	1 space/1-bed (29 units) = 29	<u>Total Required:</u> <ul style="list-style-type: none"> Residential spaces: 118 Visitor spaces: 20 Accessible: 10% - 14 Motorcycle parking: 7 Bicycle parking: 42 <u>Total Proposed:</u> <ul style="list-style-type: none"> Residential spaces: 106. (10% non-compliance) Visitor spaces: 14 (30% non-compliance) Accessible spaces: 19 (complies) Motorcycle parking: 12 (complies) Bicycle parking: 43 (complies) <p>Minimum parking has been provided in accordance with the RMS Parking Guide for</p>	No, however non-compliance with the amount of residential car spaces is considered acceptable given it exceed the RMS parking requirements applicable, meeting the ADG requirements .
	1.2 space/2-bed (63 units) = 75.6		
	1.5 space/ 3- bed (9 units)= 13.5		
	Visitor parking (0.2 per unit) =20.2		
	Disability accessible car parking, Not less than 10% of the required resident and visitor spaces: 13.8		
	Motorcycle parking 1 space/15 dwellings (or part thereof): 6.7		
	Bicycle parking:		

Development Control	Required	Proposed	Compliance
	1 resident's space per 3 dwellings + 1 visitor space/12 dwellings (or part thereof): 33.6 resident 8.4 visitor Total = 42	Metropolitan Sub-Regional Centres, which require 100 total spaces (120 provided). In this regard, no further objection is raised.	
	Provided car parking wholly underground unless unique site conditions prevent achievement.	Complies, with respect to the topography of the site.	Yes.
	Compliance with AS2890.1	Capable of complying via condition	Yes
	Uncovered parking areas are prohibited	Not applicable	Not applicable
	Bicycle parking secure and accessible with weather protection	Complies	Yes
4.1.4.5 Site Facilities	Mail boxes in one location, integrated into a wall, similar building materials and secure and of sufficient size	Capable of complying via condition. Refer to Condition 2.13.	Yes
	Locate ancillary structures (e.g. satellite dish and air conditioning units) away from street. Integrated into roof scape design. One master antenna per residential apartment buildings.		
	Size, location and handling procedures for all waste to satisfaction of Council's Waste & Emergency Staff	Considered acceptable. Appropriate conditions required by Waste Servicing are recommended for imposition.	Yes
	Waste storage not to impact on neighbours in terms of noise, and be screened from the public and neighbouring properties		
	Waste storage area well lit, easily accessible and on level grade, free of obstructions		
	Waste storage area behind main building setback and facade		
4.1.4.5 Fire & Emergency Vehicles	Compliance with Fire Brigades Code of Practice – Building Construction – NSWFB Vehicle Requirements	Considered acceptable.	Yes
4.1.5.2 Energy Efficiency and	Compliance with BASIX	Acceptable.	Yes

Development Control	Required	Proposed	Compliance
Conservation			
4.1.5.3 Water Conservation	Efficient best practice management of water resources	Water saving devices and recycling within the landscaped areas is proposed.	Yes
4.1.5.4 Reflectivity	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	It is considered glare will not pose a problem to surrounding road users. In any instance, in order to ensure compliance, Condition 2.13 is recommended for imposition.	Yes
4.1.5.5 Wind Mitigation	Wind Effects Report for buildings over 14m	The height of the proposed development and those surrounding negate the requirement to prepare a wind effects report.	No, not considered necessary.
4.1.5.6 Waste and Recycling	Length of storage area 0.65 x no of bins	Considered acceptable.	Yes
	Width of storage area 2.5m min.	Appropriate conditions required by Waste Servicing are recommended for imposition.	
	SEPP 65 & ADC		
4.1.5.7 Noise and Vibration	Effective management of noise and vibration in a city centre environment	<p>A Noise Assessment report accompanies the development application, as supporting information.</p> <p>The recommendations of this report are to be implemented at the required stages of construction. Refer to Condition 2.14.</p>	Yes
4.1.6.2 Housing Choice & Mix	1 bed units 10% min to max 25%	The proposed development generates the following unit mix: <ul style="list-style-type: none">• 1 bed: 29%• 2 bed: 62%• 3 bed: 9%	No, however minor variation is considered acceptable.
	2 Bed not more than 75%		
	15% of dwellings (for sites with slope less 20%) capable of adaption for disabled or elderly residents = 15 accessible dwellings	16 adaptable units.	Yes
	Where possible provide adaptable dwellings on the ground level	Given the topography of the land there are no true ground floor units.	Yes
	Application to be accompanied by an Access Consultant report	Complies.	Yes
	Car parking to adaptable dwelling to comply with AS	Complies.	Yes
4.1.6.3 Storage	7.5m ³ for 1 bed units 10m ³ for 2 bed units	Generally complies and will be ensured via condition.	Yes, subject to condition.

Development Control	Required	Proposed	Compliance
	12.5m ³ for 3 bed plus Min 50% of required storage areas within dwelling		
6.3 Erosion and Sediment Control	Plans required	Complies.	Yes
6.4 Geotechnical Requirement	Investigations	<p>The subject site is located in a high risk land slip area. A geotechnical investigation was and it is considered that site disturbance can be minimised through several conditions of development consent.</p> <p>These conditions would require the submission of dilapidation reports, and reports from appropriately qualified and practicing structural engineers, detailing the structural adequacy of adjoining properties, and certifying those properties ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur during the course of the works.</p>	Yes, via condition.
6.7 Water Cycle Management	Minimise the impact of the development on the natural predevelopment water cycle.	Council's Development Engineer has reviewed the development water cycle management report and raised no objection subject to the imposition of conditions.	Yes

ATTACHMENT 5**Clause 4.6 (Exceptions to Development Standards) of GLEP 2014 Variation Request**

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