

Hunter and Central Coast Regional Planning Panel (HCCRPP)

Council Assessment Report

Panel Reference	2018HCC012.
DA Number	54098/2018
Local Government Area	Central Coast Council
Proposed Development	Staged Development - Stage 1: Construction of New Club Stage 2: Demolition of Existing Club & Formation of Car Parking
Street Address	LOT: 22 DP: 1201808, No.'s 2-20 Yallambee Avenue WEST GOSFORD
Applicant	Gosford RSL Club Ltd
Owner	Gosford RSL Club Ltd
Date of DA Lodgement	03/04/2018. Note; RMS concurrence received 13 May 2019 and amended plans/information received 27 May 2019.
Number of Submissions	One (1)
Recommendation	Approval - subject to conditions
Regional Development Criteria - Schedule 7 of the State Environment Planning Policy (State and Regional Development) 2011	Development with a capital investment value over \$30m
List of all relevant 4.15(1)(a) matters	• <i>Environmental Planning & Assessment Act 1979 – Section 4.15</i> • <i>Local Government Act 1993 – Section 89</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>Gosford Local Environmental Plan 2014</i> • <i>Gosford Development Control Plan 2013</i> • <i>Protection of the Environment Operations Act 1997</i> • <i>Roads Act 1997</i> • <i>State Environmental Planning Policy (SEPP) No 55 -</i>

	<i>Remediation of Land</i> • <i>State Environmental Planning Policy (SEPP) No 64 - Advertising and Signage</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>Draft Central Coast Local Environmental Plan 2018</i>
List all documents submitted with this report for the Panel's consideration	Attachments: 1. Architectural and Landscape Plans. 2. Draft Conditions of Consent. 3. Applicant's submission-Clause 4.6 Exception to Development Standards-Height of Building. Supporting Documents: • Statement of Environmental Effects DN 26880080 • Waste Management Plan, DN 25704241 • Geotechnical and Acid Sulphate Soil Assessment Report DN 25704232 • Landscape Plan DN 26880083 • Traffic Impact Assessment DN 26880081 • BCA Report DN 25704244 • Noise Impact Assessment DN 25704192 • Preliminary Site Investigation for Contamination DN 25704182 • Crime Risk Assessment Report DN 25914769 • Water Cycle Management Plan DN 26880078 • Civil Stormwater Plans DN 26880079 • Clause 4.6 submission DN 25704193
Report prepared by	R A Eyre
Report date	19 June 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)?

Not Applicable

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

DA54098/2018

Summary

The application proposes to construct a new (larger) Gosford Returned and Service Leagues Club (Gosford RSL Club) on the northern side of the existing club and construction of car parking providing a total of 350 car parking spaces and landscaping at No.'s 2 – 20 Yallambee Avenue, West Gosford. Upon completion of the proposed new Club, the existing club will be demolished. Two (2) building identification (flush walls) signs are proposed on the western and southern facades of the building of a size in proportion to the height and scale of the proposed development.

Gosford RSL Club has a current consent (DA 49069/2015) granted on 5 December 2016 for alterations and additions to the existing club. A recommended condition of consent will require DA49069/2015 to be surrendered if this application is approved.

There have been lengthy discussions between the Applicant and the RMS with regards to potential road widening. A final response was received from the RMS on 28 May 2019. The new building is set back to permit future widening of the Central Coast Highway to provide a left turn lane from the Highway into Yallambee Avenue, if required.

The Roads and Maritime Services, Licencing Police, and Office of Liquor and Gaming, have no objection to the proposal.

The proposal is supported by Council's assessment officers.

There was one (1) objection to the proposal submitted through the consultation process. The objection raises issues with height, set back to the Central Coast Highway, and traffic impact. These matters have been considered and do not justify refusal of the proposal.

The proposal significantly exceeds the height limit of 8.5m under the *Gosford Local Environmental Plan 2014* (GLEP 2014), having a height of 18.65m. The applicant has submitted a variation under clause 4.6 of the GLEP 2014 which is considered well founded due to the height of other buildings in the locality and compliance with the objectives of the zone.

Approval of the proposal will generate employment during construction and at least 35 additional jobs when completed.

Recommendation

A *The Hunter and Central Coast Regional Planning Panel assume the concurrence of the Director of Planning for the use of Clause 4.6 to vary the height development standard*

of clause 4.3 of the Gosford Local Environmental Plan 2014 to permit the proposed development.

- B The Hunter and Central Coast Regional Planning Panel as consent authority grant consent to Development Application No 54098/2018 for JRPP Staged Development - Stage 1: Construction of New Club Stage 2: Demolition of Existing Club & Formation of Car Parking on LOT: 22 DP: 1201808, 2-20 Yallambee Avenue WEST GOSFORD subject to the conditions attached.**
- C In accordance with section 4.53(1) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.**
- D The objectors be notified of the Hunter and Central Coast Regional Planning Panel decision.**
- E The External Authorities be notified of the Hunter and Central Coast Regional Planning Panel decision.**

Precis

Delegation Level	Regional Planning Panel
Reason for Delegation Level	Development over \$30 Million
Property Lot & DP	LOT: 22 DP: 1201808
Property Address	2-20 Yallambee Avenue WEST GOSFORD
Site Area	2.1313 ha
Zoning	B5 Business Development

Proposal	Staged Development - Stage 1: Construction of New Club Stage 2: Demolition of Existing Club & Formation of Car Parking
Application Type	Development Application – Local
Application Lodged	03/04/2018
Applicant	Gosford RSL Club Ltd
Estimated Cost of Works	\$31,807,000.00

Advertised and Notified / Notified Only	Exhibition period closed on 04/05/2018
Submissions	One (1)
Disclosure of Political Donations & Gifts	No
Site Inspection	09/04/2018, 17/05/2019

Recommendation	Approval, subject to conditions
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Assessment

This application has been assessed using the heads of consideration specified under section 4.15 of the *Environmental Planning & Assessment Act 1979*, Council policies and adopted Management Plans.

Summary of Non Compliance/Variations

Policy	Clause / Description	% Variance
GLEP 2014	Clause 4.3 Height of Buildings	10.15m or 119.4%

The Site

The site is known as Lot: 1 DP: 1092645, LOT: 22 and DP: 1201808, No.'s 2-20 Yallambee Avenue, West Gosford, and is currently occupied by Gosford RSL Club. The subject site is an irregular shaped lot and has a total site area of 21,313m². The site has a street frontage to Yallambee Avenue of 243.86 metres, a northern (side) boundary to Central Coast Highway of 76.04 metres, an irregular eastern boundary to the Narara Creek of 157.14 metres, irregular western and eastern boundaries to the Evergreen Life Care aged care facility of 206.965 metres and a southern (side) boundary of 49.95 metres.

The site contains the existing Gosford RSL Club, Galaxy Motel and associated parking for the RSL club and motel. The Gosford RSL Club has been operating at the site since 1973. The existing Gosford RSL Club has a floor area of 4,690 m² in a single level with 258 car parking spaces located both to the north and south of the existing club. The Gosford RSL Club operating hours are 9.00am to 3.30am, seven (7) days a week, all year.

The 'Galaxy Motel' is a 52 room motel located in the north-eastern corner of the site and is operated by the Gosford RSL Club.

The topography has minimal fall across the site from the southern boundary towards the northern boundary of approximately 800mm.

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



Figure 1-Locality Plan

Surrounding Development

Adjoining development comprises a diverse mix of bulky goods, retail, fast food outlets, motel accommodation and an aged care facility.

Bulky goods and hardware and building supplies (Bunnings, Anaconda, Officeworks, and Spotlight) are located to the west on the opposite side of Yallambie Avenue, and mixed-use commercial/retail/office development (Riverside) is situated to the north on the opposite side of the Central Coast Highway.

The Proposal

The proposed development comprises alterations and additions including:

- The extension of the existing club by 2,110m² to a total of 6,800m² floor area and 46 car parking spaces underneath the building.
- The floor space of the extension will comprise a mix of function, dining, lounge, gaming and bar facilities supported by 'back of house' space including kitchens, food and beverage dispensaries, storage and loading facilities, amenities and administration;
- The demolition of the existing club building and motel reception;
- The construction of a ground level carpark (resulting in a total of 350 car spaces on site)
- Associated landscaped areas within the footprint of the existing club building to be demolished;
- Facia signage on south and west elevations;
- Ancillary landscaped areas; and

- Ancillary plant and equipment including, but not limited to, roof top air conditioning condensers, exhaust fans and refrigeration plant).

The construction of the development is proposed to be undertaken in 2 stages incorporating:

Stage 1: Construction of the new Club building including car parking underneath.

Stage 2: Demolition of the existing Club building and construction of a new at grade car park within 6 months of the occupation of the new club building under Stage 1.

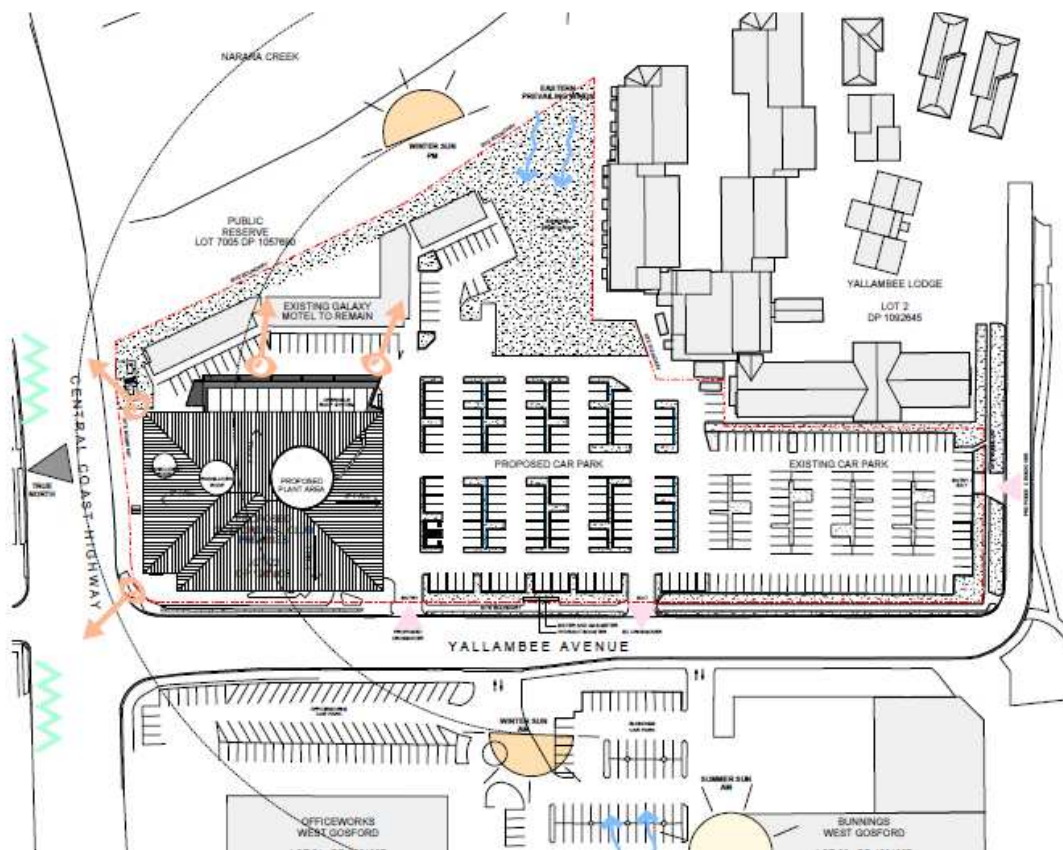


Figure 2-Proposed Site Plan



Figure 3- North-West Perspective view from Central Coast Highway.



Figure 4- North-East Perspective view from Central Coast Highway

History

DA 49069/2015 granted consent on 5 December 2016 for alterations and additions to the existing club. This consent increased the floor area by 1,340m² to a total of 6030m², with a reduction from 258 to 252 car parking spaces.

This consent has not commenced and is valid unto 5 December 2021. A condition of consent requires this consent to be surrendered if the current application is approved (refer Condition 2.21).

Current Development Application

There have been lengthy discussions between the Applicant and the RMS with regards to potential road widening. A response was received from the RMS on 28 May 2019 and the proposal was amended to allow for a future left turn lane on Central Coast Highway required by the RMS.

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 in accordance with Chapter 7.3 of Gosford Development Control Plan 2013 (GDCP 2013) from 12 April 2018 to 4 May 2018. One (1) public submission was received.

The issues raised in the submission are detailed below:

1. The traffic impact assessment does not survey or consider the impact of the increase in traffic movements during the lunch time period, which is the peak period for some of the nearby uses. Further surveys and modelling should be carried out.

Comment – The application was referred to the RMS and Council's Traffic Engineer who support the proposal subject to conditions.

2. While the GDCP 2013 is silent on building setbacks, the minimal street setback appears to be inconsistent with established setbacks within the visual catchment. The setback proposed is not appropriate given the variation to height. It is considered the building set back should be increased to align with adjoining properties.

Comment – The building is set back 3.59m to 7.235m from the Central Coast Highway boundary, and 2.275m from the boundary with Yallambee Avenue. There are no minimum setbacks required in the GDCP 2013 for commercial development on B5 zoned land. While the building is set closer to the street boundaries than other developments along the Central Coast Highway, this is supported as the other developments generally have car parking within the setback area. This proposal provides car parking underneath the building or at the rear of the site so as not to dominate the streetscape.

It should also be noted that the building façade facing the Highway is not a solid structure but has a "roofed open area" with landscaping which reduces the bulk and scale that a solid wall would have (refer figures 3 and 4).

3. The proposal exceeds the building height of 8.5m and will have a height of 18.1m. While a clause 4.6 variation was submitted, the general rule of thumb is a maximum of 10% variation. The proposal has a variation of over 200%. The height may be appropriate if the building was set back further from each street frontage.

Comment – There is no numerical limit to exceptions to development standards under Clause 4.6 of the *Gosford Local Environmental Plan 2014* (GLEP 2014). While the height exceeds the

mapped height limit, the development is located on a major Highway and gateway to Gosford, and a number of other buildings in this same zone exceed the height limit, including Bunnings and within the Riverside complex.

The proposed building design and landscaping do not dominate the streetscape and the proposal is considered to be in character with existing and likely future development.

The applicant has submitted a submission under Clause 4.6 of the GLEP 2014 which justifies that adherence to the height development standard is unreasonable and unnecessary in this case.

4. The application lacks a Social Impact Statement, a Crime Prevention through Environmental Design report, and a Plan of Management.

Comment – The proposal is a redevelopment of an existing club. The applicant has submitted a social impact assessment and a Crime Prevention through Environmental Design (CPTED) report. The club provides economic and social benefits by employment generation and community events. It should be noted the Licencing Police and Office of Liquor and Gaming have no objection to the proposal.

It should also be noted that this application is to replace the approval granted under Consent 49069/2015, albeit this application proposes 770m² additional floor area.

A construction management plan is required as a condition of consent (refer condition 3.9).

5. The previous DAs for the site should be surrendered if this application is approved.

Comment – This is required as a condition of consent (refer condition 2.21).

6. The transitional arrangements for the club operations during construction and subsequent impacts on traffic and car parking should be clarified.

Comment- A Construction Management Plan (CMP) is required prior to the issue of a Construction Certificate to address the cumulative impacts during the construction phase while the existing club continues to operate (refer condition 3.9).

A time limit is included in the conditions of consent to require demolition of the existing club once the new club is operational (refer conditions 1.3 and 5.1).

Internal Referrals

Internal Referral Body	Comments
Architect	Supported subject to conditions-see comments below
Development Engineer	Supported subject to conditions-see comments below
Traffic and Transport Engineer	Supported subject to conditions-see comments

	below
Environmental Health	Supported subject to conditions
Food Officer	Supported, subject to conditions
Water and Sewer	Supported, subject to conditions. Water and sewer are available to the land. The developer shall obtain a S307 certificate of compliance.
Waste Management	Supported, subject to conditions
Liquid Trade Waste	Supported, subject to conditions
Building Surveyor	Supported, subject to conditions
Tree Assessment Officer	Supported, subject to conditions. Planting of Tuckeroo trees along Yallambee Avenue is a good choice considering overhead power wires. Species selection within the car park is satisfactory considering the limited planting areas, using Red Cottonwood and Weeping Lillpilly capable of heights of 8 to 15m high.

Architect

Council's architect advises;

This is an amended application for the replacement of the existing Gosford RSL club and carpark located on the corner of Central Coast Highway and Yallambee Avenue, Gosford.

The application has been amended to allow for a future left turn land on Central Coast Highway required by the RMS.

The proposed changes are minor and the amended application is consistent with the original and is supported.

It is acknowledged that the proposal significantly exceeds current height controls for the site however this is considered acceptable as the surrounding buildings similar in height and it provides a building of greater architectural quality to emphasise this prominent corner and will significantly improve the urban design in an area of poorly designed retail outlets and barren asphalt car parks.

The amended application retains mounding and landscaping on the Central Coast Highway frontage to screen the car park.

Further trees have been added to Yallambee Avenue and to the existing and proposed carpark as requested by Council. This disguises the visual scale of the non-complying height, provides pleasant shaded pedestrian access and shades and screens the expanse of asphalt carpark.

Planning Comment

The amended landscape plans provide for improved landscaping along the Central Coast Highway and Yallambee Road frontages of the site, as well as evergreen tree species throughout the car parking area. The height of landscaping is restricted to maximum height of 500mm height on the 90 degree bend in Yallambee Road to provide adequate sight distance for vehicles travelling south in Yallambee Avenue and the entry/exit driveway at the southern end of the car parking area.

Traffic and Transport Engineer

Council's Traffic Engineer advises;

Parking

The Gosford RSL Club currently provides 258 spaces within its off-street parking area. Bunnings provides around 400 spaces and the Anaconda / Officeworks / Spotlight complex provides 190 spaces.

Council has previously approved an application by Gosford RSL Club for a development proposal to increase the club to 6,030m² GFA and required 252 parking spaces, inclusive of the Motel operations on site.

The current application is seeking approval for an additional 770m² over this prior approval to a total of 6,800 m². This is above the 5000m² threshold and therefore the 1:20 ratio would apply to the additional GFA. On this basis an additional 39 spaces are required to serve the additional GFA. This means a total of 291 spaces are required to serve the development as a whole.

Traffic Impact

The key intersection that could be impacted upon by the proposed development is the signal-controlled intersection of the Central Coast Highway and Yallambee Avenue. This intersection has been upgraded in the last two years and as part of the upgrade of the Central Coast Highway and has also taken into account the traffic movements generated by the Bunnings store opposite the subject site.

Major upgrade works along the Central Coast Highway were completed in 2015 including the Manns Road / Brisbane Water Drive intersection and extending east to Yallambee Avenue.

The Seca analysis shows that the Yallambee Avenue intersection with Central Coast Highway is currently operating at LoS D but has sufficient spare capacity to cater for the additional 100 peak hour trips that will be generated by the proposed development.

Having a one-way entry driveway and one-way exit driveway to Yallambee Avenue (west frontage) should reduce the current development traffic conflicts and congestion in Yallambee Avenue itself. This arrangement is supported as Exit traffic should be able to readily join traffic queues that form on the traffic signals approach.

Access

For Yallambee Avenue a new entry driveway will be provided 10 metres south of the existing northern entry / exit driveway. The existing southern driveway is proposed to be retained.

The new driveway driveway is located on a straight section of Yallambee Avenue and allow for good visibility in both directions. Drivers exiting the site are able to observe the operation of the traffic signals on the Central Coast Highway and to the southern end of Yallambee Avenue. For the posted speed limit of 50 km/h the sight distance requirements for the driveway are 75 metres desirable and 65 metres minimum. This distance is exceeded for both of the driveways on the western boundary

For the entry/exit access on the southern boundary, the sight distance to the right for exiting drivers is reduced due to the 90 degree bend, but this bend reduces vehicle speeds to less than 30 km/h. However for a 50Kph zone the available driver visibility is considered un-acceptable. Using Council's Geocortex the available sight distance for exiting on Yallambee Avenue is 31.5 metres. Using Australian/ New Zealand AS/NZS2890.1:20014 Parking Facilities Part 1:Offstreet parking the desirable (5s gap) sight distance required is 69 metres and minimum SSD is 45 metres. The driveway should be relocated to the east (preferably greater distances) to achieve at least a 45 metres sight distance as measured in the standards.

The requirement to relocate southern access in an easterly direction away from the 90 bend has the following benefits;

- Improves available sight lines along Yallambee Avenue for patrons exiting the site,
- More directly aligns (removes an unnecessary 'dog-leg' movement for parkers) with the main North-South parking aisle of the proposed new carpark area,
- Driveway location is easier see for drivers trying to exit the development.

Safety

Over the last two years the Central Coast Highway and Yallambee Avenue in this location has been upgraded and constructed in accordance with RMS design requirements and as such, will comply with current design standards. It provides a high standard of road design that will minimise the safety concerns in this area and have a positive impact upon crash rates in this location. With key intersections controlled by traffic signals, accidents will be reduced and pedestrians can safely cross at these traffic signals.

Public Transport

There is an existing bus service adjacent to the site along the Central Coast Highway, providing access to bus routes 32, 33 and 34. These provide a direct connection to the centre of Gosford and on-going connection to other bus services in the Gosford area as well as the train station.

The RSL club also provides transport connections to the local area via a shuttle service, allowing for community transport to and from the RSL club.

The nearest railway station is located in the centre of Gosford, approximately 2.5 kms from the subject site, which is connected to the site via a regular bus route. Gosford station is serviced by the Central Coast Newcastle lines and provides a high frequency of train services that connect through to Sydney to the south and Newcastle to the north

Recommendation

From a Transport perspective the Proponent's revised development proposal is supported provided;

- Southern frontage driveway is relocated to the east (preferably greater distances) to achieve at least a 45 metres driver sight distance along Yallambee Avenue (refer conditions 2.11 and 6.2).

Development Engineer

Council's Development Engineer advises;

Flooding

The site is affected by flooding as identified in Council's adopted flood studies associated with Narara Creek and Brisbane Water, in particular the "Review of the Narara Creek Flood Study" and associated Appendices (Golder & Associates 2013), the "Lower Narara Creek Floodplain Management Plan" (1991), the "Brisbane Water Foreshore Flood Study", and "Brisbane Water Foreshore Floodplain Risk Management Plan" (Cardno 2015). Development on the site would need to comply with the requirements of those adopted studies and Chapter 6.7 of Council's GDCP2013.

In accordance with the Brisbane Water Foreshore Flood Study:

- The 1%AEP is RL 1.85m AHD;
- Assuming a design life of 60yrs the Flood Planning Level would be 2.75m AHD (1.85m + 0.5m freeboard + 0.4m sea level rise).
- The PMF is RL 2.4m AHD.

In accordance with the Narara Creek Flood Study:

- The 1%AEP is RL 1.90m AHD;
- The Flood Planning Level would be RL 2.6m AHD (1.9m + 0.5m freeboard + 0.2m sea level rise). Note: The flood planning level for Brisbane Water prevails.
- The PMF is RL 3.90m AHD. The impact of this level would only need to be considered.

The higher levels associated with the Brisbane Water & Narara Creek would be applicable.

Therefore, the relevant levels for this site would be as follows:

- The 1%AEP is RL 1.90m AHD (Narara Creek Flood Study);
- The Flood Planning Level would be 2.75m AHD (1.85m + 0.5m freeboard + 0.4m sea level rise), assuming a design life of 60yr. (Brisbane Water Foreshore Flood Study);
- The PMF is RL 2.4m AHD (Brisbane Water Flood Study).

The floor levels proposed for the development are as follows:

- Ground Floor Plan:
 - RL 1.90m AHD. Foyer. This is at the 1%AEP Flood Level (Narara Creek Flood Study)
 - RL 2.75m AHD. Staff Offices & Amenities, SB Offices, Back of House (except loading and waste areas). This is the flood planning level for Brisbane Water for 60yr design life with 0.4m SLR and 0.5 freeboard.
 - RL 1.75m AHD. Waste storage & loading area. This is 0.15m below the 1%AEP flood level for Narara Creek.

- RL 1.60m AHD – RL 1.7m AHD. Covered car parking area (as per revised Lyndsay Dynan plans, ref Project No 11955 Drawing DA-0005 Rev D dated 14.05.19). This is 0.3m-0.2m below the 1%AEP flood level for Narara Creek.
- First Floor: RL 7.00m AHD.
- Second Floor: RL 12.00m AHD.

In relation to the proposed levels for the ground floor, the foyer area is below the required flood planning level but at the 1%AEP flood level (i.e. RL 1.9m AHD). This has been proposed at this lower level to facilitate disabled access into the foyer area from the main entry for the club and car park areas. The foyer area contains the reception, museum, foyer, and lift & stairs to the first floor and also access to the higher areas on the ground floor associated with the staff offices and back of house. The lower foyer area would be deemed acceptable on the basis that it facilitates suitable access into the club, is a small area for the entry into the club, and that this area can be appropriately conditioned for all building materials below the flood planning level to be of a type that is flood compatible and the level of any electrical installations on the ground floor to be a minimum level of the flood planning level (RL 2.75m AHD).

The area of the existing car park between the existing club building and Central Coast Highway and associated motel is presently affected by flooding. This area is also associated with a breakout flow path from Narara Creek through the site to Yallambee Avenue. Part of this area is proposed to be retained as a ground level car park underneath the northern part of the new club building with vehicular access around the eastern and southern sides of the new club building to Yallambee Avenue. With due reference to "Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia" (Handbook 7) and the associated "Flood Hazard" (Guideline 7-3), both published by the 'Australian Institute for Disaster Resilience', Figure 6 & Table 1 of section 4 of Guideline 7-3 clarifies flood hazard categories. In relation to these documents with reference to the subject site, the car park area under the proposed club building and vehicular access back to Yallambee Avenue would be presently be defined as hazard categories up to 'H2' & 'H3'. 'H2' is defined as unsafe for small vehicles, and 'H3' is defined as unsafe for vehicles, children and the elderly. Details associated with the revised Lyndsay Dynan plans, ref Project No 11955 Drawing DA-0005 Rev D dated 14.05.19) indicate that it is proposed to raise the car park and vehicular access areas to RL 1.6m AHD which would result in a depth of 0.3m in the 1%AEP flood associated with Narara Creek and reduce the hazard category to 'H1'. This is deemed to be acceptable in this instance.

The plans indicate that an electrical substation is to be relocated within the Central Coast Hwy frontage of the site. It is recommended that this be constructed to a minimum level of the flood planning level i.e. RL 2.75m AHD which corresponds to the flood planning level for Brisbane Water (related to 60yr design life).

The development would be classified under the Brisbane Water Foreshore Floodplain Risk Management Plan (BWFFRMP) as "High Intensity Uses". Section 8 (including the associated Table 1) of the 'Water Cycle Management Plan Strategy' prepared by Lindsay Dynan (Project No 00011955 Rev C dated 14 May 2019) addressed matters related to the PMF (Probable Maximum Flood) requirements associated with the Development Control Matrix - Appendix H of the BWFFRMP.

Drainage

The site generally grades towards Narara Creek and Yallambee Avenue. The development proposes to utilise the existing stormwater connections to Narara Creek and to Council's drainage system in Yallambee Avenue. Stormwater flows that cannot enter the internal drainage system will utilise existing flow paths within the site to discharge to Narara Creek & Yallambee Avenue for events up to the 1%AEP storm event.

The majority of the site proposed to be developed is already impervious, being developed by existing uses on the site associated with the RSL Club building and associated access and parking areas. The application indicates that impervious areas within the site will be slightly reduced once the development is completed.

A revised 'Water Cycle Management Plan Strategy' prepared by Lindsay Dynan (Project No 00011955 Rev C dated 14 May 2019) was submitted throughout the assessment of the application. This report addresses the matters contained within Chapter 6.7 of Council's GDCP 2013 as follows:

- Water Conservation: A rainwater tank is proposed for collection of roof water for reuse within the development for flushing toilets and watering landscaping areas. The size of this tank is indicated as a 30,000 litre tank on the legend associated with the stormwater drainage plan (Drawing No DA-0005 Rev D). The application however and other notation on that stormwater plan, indicates that the size of the tank will be sized to match the irrigation and water use demands for the development. Water saving devices are also proposed to reduce demand on Council's water supply system.
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- Stormwater detention: On-site stormwater is not proposed for the development on the basis that the development will result in a reduction of impervious areas on the site once completed, and there are the proposed the introduction of raingardens within the car parking areas to promote further infiltration. Furthermore, it is not recommended that on-site detention be provided with the development as the site is at the lower section of the Narara Creek and holding back flows in this location could worsen the flooding in the area.
- Stormwater quality: Stormwater quality is proposed to be improved through the use of first flush devices, and bio-retention raingardens to treat stormwater from the car parks.
- Overlands flows: Overland flow paths within the site will be provided to cater for the 1%AEP storm event and to address blockage of the minor stormwater drainage network. These flow paths are to be designed to designed to mimic the existing conditions via discharging the 100 year storm events into the same catchment locations as currently identified. They will also be designed to accommodate the higher flows encountered during the greater storm events up to the 1%AEP storm event whilst maintaining adequate freeboard distances to habitable and non-habitable floor areas.

External Referrals

External Referral Body	Comments
Roads and Maritime Services (RMS)	No objections- see comments below.
NSW Police Service	No objections.
NSW Office of Liquor and Gaming	No objections- transfer of liquor licence

	required.
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Roads & Maritime Services (RMS)

The application was referred to the RMS under SEPP (Infrastructure) 2007 who advise;

Further to previous correspondence to Council dated 30 July 2018, Roads and Maritime have undertaken an analysis of the Central Coast Highway between Racecourse Road and Manns Road, and determined that the left turn lane from the Central Coast Highway into Yallambee Avenue will be required in the future.

Roads and Maritime have reviewed the submitted amended plan 17047 DA100 Issue B dated 9 April 2019, which appears to provide the building setback adequate to accommodate the future left turn lane on the Highway.

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- *Council should be satisfied at the 3.5m width footpath proposed with the future widening.*

Assessment Comment

Amended plans were submitted which address the RMS requirements. The proposed plan indicates the minimum 3.5m footway would be achievable particularly at the corner of the building at the intersection of Central Coast Hwy and Yallambee Avenue. The relocated electricity substation may need to be moved slightly to allow a clear 3.5m footway in the future when the additional west bound lane in Central coast Hwy is constructed.

- *Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.*

Assessment Comment.

Condition 3.9 requires the preparation of a Traffic and Pedestrian Management Plan construction plan.

- *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 location of the proposed driveway promotes safe vehicle movements.*

Assessment Comment

This has been considered in the engineering assessment.

- *Discharged stormwater from the development shall not exceed the capacity of the Central Coast Highway stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.*

Assessment Comment

The development does not drain to Central Coast Hwy, but to Narara Creek and Yallambee Avenue (southwards) via existing pipe networks and pipe outlets.

- *Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by the Central Coast Highway. 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 Change and Water.*

Assessment Comment

The applicant is aware of the potential for road traffic noise.

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.

Provisions of any environmental planning instruments/Plans/Policies

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

Draft Environmental Planning Instruments

- *Draft Central Coast Local Environmental Plan 2018*

The draft plan proposes to retain the B5 Business Development zone, a height of 8.5m, and a FSR of 1:1.

State Environmental Planning Policies

State Environmental Planning Policy (Coastal Management) 2018

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

A small portion of the southern end of the site is mapped as Wetlands. This is a mapping anomaly as this part of the site is currently the clubs car parking area. In any event no filling, clearing, or draining is proposed on this part of the site.

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

State Environmental Planning Policy No 55-Remediation of Land.

A contamination evaluation was undertaken by Douglas Partners dated March 2018. The evaluation concluded that the potential sources of contamination present a low to negligible risk and the site is likely to be suitable for the proposed development in accordance with Clause 7 of SEPP 55 and no further investigation is required to determine the application.

Council's Environmental Health Officer advises;

'The Preliminary Site Investigation for Contamination was generally prepared in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (Office of Environment & Heritage, 2000).

The Report concludes:

"Based on the findings of this PSI, it is considered that the site is suitable, from an environmental perspective, for the proposed RSL Club redevelopment, subject to the following:

- Further investigation of hazardous ground gases. These gases have the potential to be formed from the decomposition of organic material identified in the in situ filling and natural soils. Hazardous ground gases may impact the design and construction of the proposed development. Investigations of hazardous ground gases should be undertaken during the detailed design phase in accordance with the Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases (EPA, 2012). If required, mitigation measures / gas protection measures should be incorporated into the final design. Gas protection measures may include passive measures to prevent or restrict gas migration or accumulation, active control measures and management / monitoring.*
- Any soils to be removed off-site will be completed in accordance with the preliminary waste classification outlined in this report and will be removed off-site to a licensed waste disposal facility. Subject to the successful segregation of the filling materials from the asphalt and any acid sulfate soils, an ex situ excavated natural material (ENM) assessment could be completed to potential facilitate the materials beneficial reuse at an off-site location;*
- Any disturbed acid sulfate soils are managed with reference to the ASSMP included in the Geotechnical Investigation Report; and*
- Implementation of an Unexpected Finds Protocol (UFP) during the construction phase that would provide advice on protocols to follow if an unexpected find is encountered."*

These recommendations have been added as conditions of consent.

State Environmental Planning Policy (Infrastructure) 2007.

The proposal constitutes traffic generating development as it comprises more than 200 car parking spaces and is located on the intersection with the Central Coast Highway. As such it was referred to the Roads and Maritime Services (RMS). The RMS identified that future widening may be required for a left turn lane from the Central Coast Highway into Yallambee Avenue. The proposed development is set back to permit the future road widening when required.

State Environmental Planning Policy (SEPP) No 64 - Advertising and Signage

State Environmental Planning Policy No 64 - Advertising and Signage aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. Transport Corridor Outdoor Advertising and Signage Guidelines (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

Clause 18 states that the consent authority must not grant development consent without the concurrence of Roads and Maritime Services, to the display of advertising signs greater than 20m² and within 250 metres of, and visible from, a classified road. *State Environmental Planning Policy No 64 - Advertising and Signage* The proposal does not contain any signage greater than 20m² and within 250 metres of, and visible from, the Central Coast Highway frontage.

State Environmental Planning Policy No 19- Bushland in Urban Areas.

The aim of the Plan is to protect and preserve bushland within urban areas. Where land adjoins bushland zoned or reserved for public open space purposes, Clause 9(2) of the SEPP states;

The public authority shall not grant development consent unless it has taken into account:

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

The eastern boundary of the site adjoins land zoned open space which contains Narara Creek. The proposed redevelopment of the RSL Club does not directly adjoin the bushland along Narara Creek and is separated between the Creek and the proposed development by the existing motel which is to remain.

The proposed development utilises the existing drainage system to Narara Creek and the street drainage system in Yallambee Avenue. No adjoining bushland is proposed to be removed and the

reduction in impervious areas and improvement nutrient/sediment controls within the site will not have any additional effects on the adjoining bushland.

Gosford Local Environmental Plan 2014 (GLEP 2014)

Zoning & Permissibility

The subject site is zoned B5 Business Development under *Gosford Local Environmental Plan 2014* (GLEP 2014). The proposed development is defined as a Registered Club which is permissible in the zone with consent.

Registered club means a club that holds a club licence under the Liquor Act 2007.

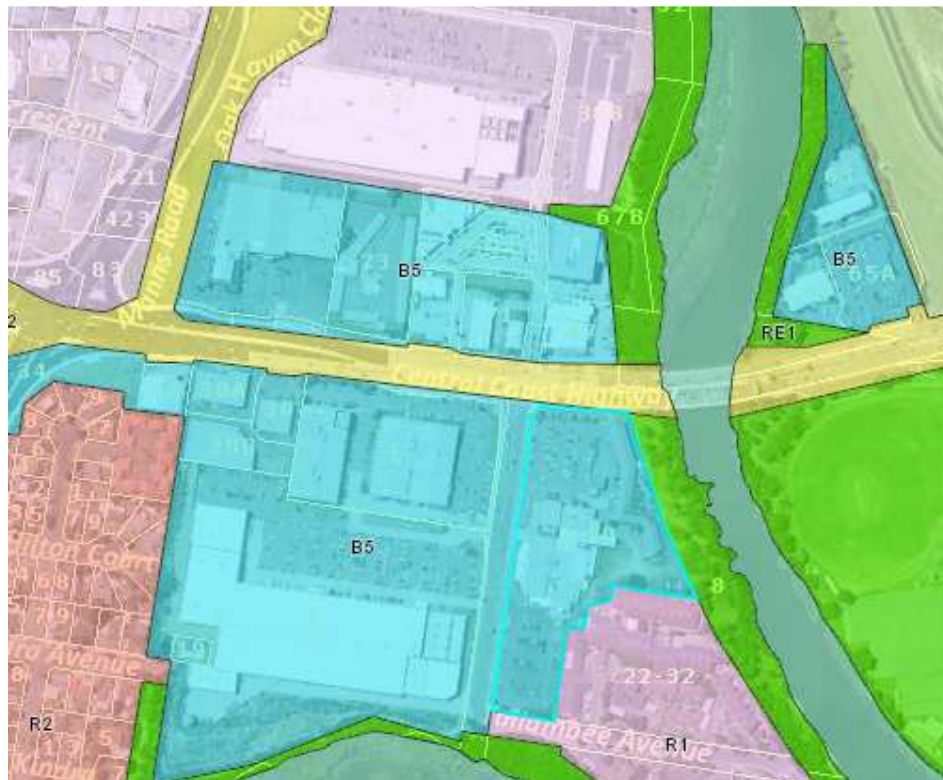


Figure 5-Zoning Map

Gosford Local Environmental Plan 2014

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
Clause 4.3 Height of buildings	8.5m	18.65m	No - see comments below	10.15m or 119.4%	Yes - see comments below
Clause 4.4 Floor space ratio	1:1	0.32:1	Yes	Nil	Yes

Clause 4.3: Height of Buildings

Clause 4.3(2) of Gosford Local Environmental Plan 2014 provides that the height of a building on any land will not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown on the relevant map is 8.5m. The Gosford Local Environmental Plan 2014 defines this as the height above existing ground level.

The proposed building height is 18.65m. This is a 10.15m or 119.4% variation to the development standard of Clause 4.3 of the GLEP 2014.

4.6 Exception to Development Standards

Clause 4.6 of GLEP 2014 provides Council the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking variation to the maximum height development standard of 8.5m contained within clause 4.3(2) Height of Buildings of Gosford Local Environmental Plan 2014. A copy of the clause 4.6 variation is included as **Attachment 3**.

A clause 4.6 variation to the development standard has been submitted. The elevations demonstrate the height of the proposed development in relation to existing development on the site is compatible in scale. Despite the variation to the development standard the proposal is not out of character with the existing development on the site. The Applicant's objection is considered to be well founded as the proposal is considered to achieve the objectives of the standard and the development is recommended for support.

In summary, the submission contends that adherence to the development standard is unnecessary or unreasonable for the following reasons;

1. Compliance is unreasonable or unnecessary.
The objectives of the standard are achieved notwithstanding non-compliance with the standard, as the proposal;
 - Provides a gateway site to the Gosford City Centre.
 - Does not result in the loss of sunlight to adjoining sites, particularly the public reserve to the south.
 - The large site provides scope to construct taller buildings.
 - The site is not situated in a view corridor.
 - It is not contrary to the zone objectives.
 - It responds to the desired character of the area.
 - The proposal reinforces the role of servicing the West Gosford as employment generating lands.

2. There are sufficient environmental reasons to justify contravening the development standard which include;
 - The variation does not adversely impact the amenity of adjoining land.
 - The variation does not diminish the development potential of adjoining land.
 - The variation is partly due to flood planning levels.
 - The proposal integrates with the streetscape.
 - All other development standards are complied with.
 - The scale of the proposal is compatible with other developments along the Central Coast Highway.
 - Landscape areas and deep soil planting mitigate the impact of the height of the building.
 - There are no public benefits of maintaining the height development standard.

Council's Assessment – Building Height

The objectives of the Height of Buildings development standard under Clause 4.3 of the GLEP 2014 are:

4.3 Height of buildings

- (1) *The objectives of this clause are as follows:*
 - (a) *to establish maximum height limits for buildings,*
 - (b) *to permit building heights that encourage high quality urban form,*
 - (c) *to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,*
 - (d) *to nominate heights that will provide an appropriate transition in built form and land use intensity,*
 - (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,*
 - (f) *to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.*

Exception to Development Standards

Clause 4.6 of GLEP 2014 provides the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking variation to the maximum Building Height. Clause 4.6(3) requires Council to consider a written request from the applicant. A written request has been received and has been considered.

Clause 4.6(4) requires Council to be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) and that the proposed development will be in the public interest. This assessment concludes that the development is in

the public interest because it is consistent with the objectives of the building height and FSR standards and the objectives of the B5 Business Development zone.

Clause 4.6(3) requires Council to consider a written request from the applicant to adequately demonstrate compliance with the relevant matters. This assessment concludes that the Clause 4.6 variation submitted by the applicant is well founded as it has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

In response to Clause 4.6(4)(a)(ii), the proposed development has been assessed as being in the public interest as it is consistent with the objectives of the building height and FSR standards, and is consistent with the objectives of the B5 Business Development zone.

In considering the variation to the development standard, the consent authority must take into account whether the standard has been abandoned and is still relevant. In this locality, developments on both sides of the Central Coast Highway have buildings in the B5 zone which exceed the 8.5m height limit.

In particular, the Bunnings hardware building has a height of 11.8m, Officeworks building 10m, and a commercial building within Riverside a height of about 17.5m. These buildings are also located on the same zoned land as the Gosford RSL Cub being B5 Business Development.



Figure 6- Height Comparison of surrounding buildings

Clause 4.6 Conclusion

The Clause 4.6 submission by the applicant provides assessment of the proposal against the relevant development standard and the zone objectives and relevant principles identified in *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90,

Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7, and *Initial Action Pty Ltd v Woolahra Municipal Council* [2018] NSWLEC 118.

The assessment within this report concludes that the proposal achieves an acceptable design outcome and reasonably reduces amenity impacts where possible. Further the proposed variations to height do not in themselves contribute to unacceptable design outcomes or amenity impacts.

The Clause 4.6 variation submitted by the applicant is considered well founded and Council is satisfied that it adequately addresses relevant matters under Clause 4.6(3) and (4). The above assessment concludes that the proposed variations to building height can be supported when considered on merit, and the applicant has demonstrated that compliance with the height development standard is unreasonable and unnecessary in the circumstances of this case.

The elevations demonstrate the height of the proposed development in relation to existing development on the site is compatible in scale. Despite the variation to the development standard the proposal is not out of character with the existing development on the site. The Applicant's objection is considered to be well founded as the proposal is considered to achieve the objectives of the standard and the development is recommended for support.

The concurrence of the Secretary has been obtained.

Comment:

Planning Circular PS 18-003 issued 21 February 2018 states that the Regional Planning Panel may assume the concurrence of the Secretary of the NSW Department of Planning and Environment when considering exceptions to development standards under clause 4.6. The Regional Planning Panel is therefore empowered to determine the application.

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 90

The clause 4.6 request submitted by the Applicant appropriately addresses the relevant principles and exhibits consistency with the relevant state and local planning objectives.

This assessment concludes that the clause 4.6 variations are well founded and are worthy of support.

Zone B5 Business Development

The objectives for the B5 Business Development are:

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To ensure that development is compatible with the desired future character of the zone.
- To provide and protect land for employment-generating activities.

- To encourage the location of business and other premises requiring large floor plates in appropriate locations to ensure they do not sterilise commercial or residential areas.
- To recognise the importance of business lands at Erina and locations supporting Gosford City Centre at West Gosford and Wyoming.
- To recognise small isolated business and commercial areas located throughout Gosford.
- To recognise the range of service activities located in business areas that support business development.
- To ensure that business areas are not sterilised by residential development.

The proposed development meets the objectives of the zone.

7.1 Acid sulphate soils

This land has been identified as being affected by the Acid Sulphate Soils Map and the matters contained in clause 7.1 of *Gosford Local Environmental Plan 2014* (GLEP 2014) have been considered. The site contains Class 2 Acid Sulphate Soils. In this instance, an Acid Sulphate Soil Management Plan has been submitted with the application (refer condition 1.1).

7.2 Flood planning

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

Gosford Development Control Plan 2013

The proposal generally demonstrates compliance with the Gosford Development Control Plan 2013. However detailed comments with regard to specific issues not addressed elsewhere in this report are provided below.

Chapter 2.1 Character

The site is located within the West Gosford Main Road Employment precinct. The proposal is consistent with the desired future character of the area by;

- Providing a high quality building design which addresses both street frontages.
- Landscaped street frontages.
- Providing a variety of external materials and finishes.
- Incorporating substantial elevated out door areas with landscaping.
- Providing a clear and defined building entry.
- Providing community and recreational services to the surrounding and wider residential community.

Chapter 2.2 Scenic Quality

The site is located within the Gosford Central Geographic Unit and includes the landscape units of Narara Creek, Ourimbah Creek, and Cut Rock Creek. The site is located near Narara Creek.

The principle aim of the Scenic Quality Development Control Plan is to provide guidelines for the interpretation and management of the Scenic Quality of Gosford and provides for the following objectives:

- i to provide a detailed assessment of Gosford's landscape character which highlights the diversity between and within landscape units;*

- ii to detail the components of that landscape character;
- iii to provide a comparative ranking of the landscapes; and
- iv to develop appropriate guidelines for the management of the landscape character.

The proposal complies with the objectives of the geographic unit as it is located within the business zoned part of West Gosford and results in replacement of the existing Club with a high quality building design on the main entry to the Gosford City Centre. Therefore consistent with the stated objectives of Gosford Development Control Plan 2013 Chapter 2.2 - Scenic Quality

Chapter 3.7 Advertising Signage

The proposal includes two (2) building identification (flush wall) signs on the western and southern facades of the building.

Building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

The sign on the western façade is a total of 2m high x 5.7m length (11.4m²) and contains the words 'Gosford RSL' with the future club logo.

The sign on the southern façade is 3.79m high x 11.5m length (43.5m²) and contains the words 'Gosford RSL' with the future club logo.

Under clause 3.7.7.1 of the GDCP 2013, the maximum advertising area is 6m².

However, clause 3.7.9.3 of the GDCP 2013 also states;

Council, in certain circumstances, may consider a variation to the maximum permissible height and advertising area criteria of 6m and 6m² respectively. Such variation will only be considered where, in the Councils opinion, such variation is in keeping with the purpose and objectives of this plan and providing that such a variation is proportional to the height and scale of the building, whilst at the same time complimenting the streetscape of the immediate locality.

The objectives of this chapter are as follows:

1. Establish appropriate procedures in respect of the control and regulation of advertisements and advertising structures, consistent with sound planning and urban design principles.
2. Maintain uniformity and orderly standards for advertisements and advertising structures, as well as controlling the number and types of advertisements.
3. Ensure that the placement and design of advertisements and advertising structures are consistent with the architectural theme and design of a building and that such advertisements are not placed on prominent architectural features of a building including gables or the like.
4. Ensure that advertisements and advertising structures do not detract from the streetscape and waterscape of the locality, nor lead to visual clutter through the proliferation of such advertisements.

5. Ensure that advertisements and advertising structures do not constitute a traffic hazard to motorists and pedestrians.
6. Ensure that advertisements and advertising structures do not interfere with the operation of traffic control signs and signals, nor with harbour navigation devices.
7. Ensure equal viewing rights where practical, for all advertisements and advertising structures, and to ensure that such advertisements are affixed and maintained in good structural condition at all times.
8. Reduce the proliferation of advertisements and advertising structures by requiring rationalisation of existing and proposed advertisements and the use of common directory boards in proposed and existing multi-occupancy developments.
9. Ensure that advertisements and advertising structures convey advertisers' messages and images while complementing and conforming to both the building and land use on which it is displayed and the character of the locality.
10. Ensure that proper consideration has been given in the assessment procedure of advertisements and advertising structures, consistent with the relevant "Heads of Consideration" specified under the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993.

The proposed building identification signs are considered to comply with the above objectives, are in proportion to the height and scale of the building, and complement the external appearance and streetscape.

Chapter 6.3 Erosion and Sedimentation Control.

Council's Environmental Health Team are generally satisfied with the Soil and Water Management Plan prepared by Lindsay Dynan dated 9 May 2018 and the Erosion and Sediment Control Plan provided.

Chapter 6.6 Preservation of Trees or Vegetation

There are no significant trees or native vegetation to be removed. The existing landscaping on the site is mainly low shrubs and small trees which will be replaced. Existing trees on the corner at the southern end of Yallambee Avenue will be replaced with low landscaping to provide adequate sight distance and safety for vehicle traffic.

The proposal includes significant landscaping of the street frontage and throughout the car parking area which will improve the visual appearance from the street and the amenity of patrons to the club.

Chapter 6.7 Water Cycle Management.

The site is relatively flat and stormwater flows into Brisbane waters. A concept stormwater plan and erosion and sedimentation control plan has been submitted and reviewed by Council's Development Engineer and Environmental Health Officer.

The Water Cycle Management Plan prepared by Lindsay Dynan dated 14 May 2019 states that roof water will be directed to rain water tanks via a first flush system for re-use onsite and rainwater

gardens will be placed within the car parking footprint to maximise capture of untreated car parking runoff.

Works are not proposed with 40m of a waterway and hence a Controlled Activity is not required.

The proposal is satisfactory in relation to water cycle management and no objections are raised by Council's assessment staff.

Chapter 7.1 Car Parking

Development Standard	Description	Required	Proposed	Compliance with Control	Compliance with Objective
Chapter 7.1 Car Parking	RSL: 1 space per 10m² GFA up to 5000m². 1 space per 20m² GFA over 5000m². Motel: 1 space per unit, plus 1 space per person employed at any time.	RSL: 590 spaces. Motel: 53 spaces. Total: 643 spaces.	350 spaces	No- see comments below	Yes- see comments below

The existing club has a GFA of 4,690m² and with the motel would require a total of 522 spaces under the current Development Control Plan. A total of 305 spaces are currently provided.

The previous approval under DA 49069/2015 approved an increase in GFA of the club to 6,030m² with a reduction in car parking to a total of 299 spaces. This resulted in a reduction of six (6) car spaces and an increase of 1,340m² GFA. While the parking proposed did not meet the Development Control Plan requirements, the Traffic and Parking report submitted with this application identified that the proposed parking was adequate due to club patrons usually staying at the motel, and parking surveys at peak times identifying vacant parking spaces. Parking surveys conducted in 2015 and in 2017 identified that on a Friday evening the existing parking area is operating at 80% capacity or less, resulting in up to 58 vacant spaces.

The current proposal, when compared to the existing development, would generate a requirement under the GDCP 2013 an 121 additional car parking spaces (total 379 spaces), or 39 additional spaces (total 291) to that approved under Consent DA 49069/2015.

Council's Traffic and Transport Engineer has reviewed the proposal and agrees that the development generates a requirement of 291 spaces (refer Condition 5.15). Therefore, the proposed 350 car spaces are considered adequate for the proposed development, and would permit additional floor space to be developed on the site in the future.

During construction of the new club, the existing car parking spaces on the northern side of the existing club will be not available for use. This will result in the loss of 71 car spaces. Parking

surveys conducted by the applicant's traffic engineer indicated that at peak times there were at least 58 vacant car parking spaces on site. Therefore at peak times, there may be a shortfall of 13 spaces during the construction period.

The car parking area to the south of the existing club and for the motel will remain for use while the existing club continues operating.

A total of 192 car parking spaces will be available on site for the continued use of the existing club until it is demolished and the total 350 spaces provided within six (6) months of the occupation of the new club.

The disruption and loss of some car parking spaces on site during construction is relatively minor and short term, and is not considered to have a significant impact on the locality.

Chapter 7.2-Waste Management

A waste management plan has been submitted for the demolition, construction, and operation of the development.

Other Matters for Consideration under Section 4.15 Evaluation

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

a) Built Environment

The subject site is zoned B5 Business Development under GLEP 2014 and is located within the West Gosford Employment precinct. Except for the adjoining retirement village, the surrounding area is dominated by large scale bulky goods, commercial and retail developments.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken. The potential impacts are considered reasonable, particularly as the Gosford RSL Club is redeveloping and upgrading its facility which will improve the building appearance and streetscape.

The proposal represents a departure from the existing built form along the southern side of the Central Coast Highway. The existing built form is pre-cast concrete structures occupied by bulky goods such as Officeworks and Spotlight, with ground level car parking between the buildings and the Central Coast Highway with minimal, if any, landscaping.

While the proposed building is located forward of the existing development and closer to the Central Coast Highway, car parking is placed underneath and behind the proposed building. The bulk and scale is mitigated by use of a variety of materials, extensive use of glazing, and open landscaped terraces above street level. This design seeks to maximise solar access, natural ventilation, and create a landmark building at a gateway location to the Gosford City Centre. Refer figures 7 and 8 below.



Figure 7 - Photomontage view from easterly direction



Figure 8 -Photomontage from westerly direction

Overshadowing

The shadow impacts in the winter time from the proposed development are mainly over the Gosford RSL Club's car parking area and partly over Yallambee Avenue in the early morning.

The relocation of the Gosford RSL Club in a northerly direction results in no shadow impact on the adjoining Yallambee Lodge retirement village in the winter time.



Noise

The closest sensitive receptors are approximately 80m away at No.'s 22-32 Yallambee Avenue, West Gosford and at the motel onsite at No.'s 2-20 Yallambee Avenue, West Gosford.

The SEE states that the proposed operational hours are 9:00am to 1:30am Sunday-Wednesday and 9:00am to 3:30am Thursday to Saturday. The SEE states that noise sources external to the Gosford RSL are expected to be the Club Courtesy bus, food and beverage deliveries, cleaners, general maintenance of equipment and waste collection.

The Noise Impact Assessment identified that the proposed use will be compliant with the Office of Liquor and Gaming standard condition and the air conditioner mechanical plant and loading area will not cause offensive noise as defined by the *Protection of the Environment Operations Act 1997*.

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.

c) Context and Setting

The site is located within the B5 Business Development of the GLEP 2014, and the proposal is for an expansion of the existing club which has been at the site since 1973. The impacts of the proposal

have been considered in the assessment of the application. The proposal is considered to be in line with the desired future character of the area.

d) Natural Environment

The proposed development does not result in the removal of any significant native vegetation. The improved landscaping along the street frontage in Yallambee Avenue and within the car parking area will result in significant improvement to the visual appearance and amenity of the site. The landscaping proposal is supported by Council's Architect and Tree Assessment Officer.

Council's ecologist advises the site is highly disturbed with club and car parking. There is no impact on flora or fauna. No threatened species, populations or communities have been identified on the site. Narara Creek is located to the east of the site and the development could potentially impact the creek through run-off, however a water cycle management plan and erosion and sedimentation control plan have been submitted.

e) Economic Impacts

Gosford RSL Club is a non-for-profit organisation that exists solely for the benefit of its members and the community. Information submitted by the Club indicates that;

- Gosford has a much lower density of club and hotel licences (about half) per head of population than NSW.
- Construction costs will boost the local economy by \$31 million.
- The large conference and events centre will attract additional tourism and support other service providers.
- Club employment will increase by at least 25% or 35 persons, adding \$1.6 million to local annual wages and local economy.

f) Social Impacts

Gosford RSL Club employs a range of people with age ranges from 18 to 68, a high proportion (60%) being female, of many ethnic origins, and with a range of mental and physical disabilities. The club works with local schools, service providers, job centres, and rehabilitation services.

The proposed development has incorporated the recommendations of the Crime Risk Assessment Report, including;

- Opportunities for passive surveillance of the surrounding area from the first and second floor dining and terrace areas.
- Provision of a dedicated drop off point within the site.
- Continued use of a courtesy bus.
- Direct secure access between the front entry, car parking areas and lifts within the building.
- Landscaping height to deter uninvited access.
- Improved lighting.

It is considered the Gosford RSL Club provides social and economic benefits for the community. The additional floor area and redevelopment will not have any additional significant impact on the area or surrounding development.

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

As discussed within this report, the subject proposal will not result in any unreasonable or adverse impacts upon any neighbouring properties in the vicinity. Furthermore, the proposal will generate an increase in employment opportunities and allow for the ongoing viability of the premises.

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

The proposed development will replace and upgrade the existing facilities on the site resulting in the provision of a club that better responds to the demands of the area and licensed premises market without causing any adverse impact to any neighbouring property. Accordingly, the proposal is considered to be in the public interest.

Other Matters for Consideration

Planning Agreements

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

Development Contribution Plan

The subject site is located within Development Contribution Plan Sec 94 CP 164 where commercial developments are subject to section 7.11 contributions. The applicable contribution amount was calculated and imposed as a condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate. The contribution is based on a credit for the existing floor area and totals \$68,901.00, which is subject to CPI increase after 1 August 2019 (refer to **Condition 2.22**).

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 **approval** pursuant to section 4.16 of the *Environmental Planning and Assessment Act*.

Plans for Stamping

Amended Plans ECM Doc No. 26880066

Supporting Documents for Binding with consent

Statement of Environmental Effects DN 26880080
Waste Management Plan, DN 25704241
Geotechnical and Acid Sulphate Soil Assessment Report DN 25704232
Landscape Plan DN 26880083
Traffic Impact Assessment DN 26880081
BCA Report DN 25704244
Noise Impact Assessment DN 25704192
Preliminary Site Investigation for Contamination DN 25704182
Crime Risk Assessment Report DN 25914769
Water Cycle Management Plan DN 26880078
Civil Stormwater Plans DN 26880079 (Sheet DA-0002 DN 25856269)
Clause 4.6 submission DN 25704193

Recommendation:	Approval, subject to conditions
Assessing Officer:	R A Eyre
Recommendation Reviewed by:	A Prendergast

Attachment 1- Architectural and Landscape Plans DN 26880066 and 26880083

Attachment 2 – Draft Conditions of Consent

Attachment 3-Applicant's Submission- Clause 4.6 Exception to Development Standards- Height of Building DN 25704193

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by: WMK Architects

Landscape Plans by: Sturt Noble

Civil DA Stormwater Plans by: Lindsay Dynan

Drawing	Description	Sheets	Issue	Date
DA000	Cover Sheet & Drawing List	1	B	24/05/2019
DA001	CGI Perspective 01 NE view from Central Coast Highway	1	B	24/05/2019
DA002	CGI Perspective NW view from	1	B	24/05/2019

	Central Coast Highway			
DA003	Existing Conditions	1	B	24/05/2019
DA004	Existing Site Plan	1	C	24/05/2019
DA005	Demolition Plan	1	B	24/05/2019
DA006	Site Plan	1	C	24/05/2019
DA007	Site Analysis	1	B	24/05/2019
DA100	Ground Floor Plan	1	C	24/05/2019
DA101	Level 01 Floor Plan	1	C	24/05/2019
DA102	Level 02 Floor Plan	1	C	24/05/2019
DA103	Roof Plan	1	B	24/05/2019
DA104	Overall Car Park Layout	1	C	24/05/2019
DA105	Car Park Layout 01	1	C	24/05/2019
DA106	Car Park Layout 02	1	C	24/05/2019
DA500	Building Elevations	1	B	24/05/2019
DA600	Building Elevations	1	B	24/05/2019
DA650	Building Signage Detail 01	1	B	24/05/2019
DA651	Building Signage Detail 02	1	A	24/05/2019
DA700	Shadow Diagrams-Existing	1	B	24/05/2019
DA701	Shadow Diagrams-Existing	1	B	24/05/2019
DA702	Shadow Diagrams-Proposed	1	B	24/05/2019
DA703	Shadow Diagrams-Proposed	1	B	24/05/2019
DA900	Surrounding Height Plane Streetscapes	1	B	24/05/2019
DA910	Photomontage Perspective 01	1	A	24/05/2019
DA911	Photomontage Perspective 02	1	A	24/05/2019
	Landscape Cover Sheet	1	G	17/05/2019
DA-1742-01	Landscape Masterplan	1	G	17/05/2019
DA-1742-02	Level 1 Terrace	1	G	17/05/2019
DA-1742-03	Ground Floor Landscape	1	G	17/05/2019
DA-1742-04	Ground Floor Sections	1	G	17/05/2019
DA-1742-05	Planting Schedule	1	G	17/05/2019
DA-1742-06	Car Park Masterplan	1	G	17/05/2019
DA-1742-07	Car Park Planting Schedule & Images	1	G	17/05/2019
	Civil DA Stormwater Plans			
DA-0001	Cover Sheet	1	A	26/03/2018
DA-0002	Erosion & Sedimentation Control Plan	1	B	09/05/2018
DA-0003	Erosion & Sedimentation Control Details	1	A	26/03/2018
DA-0004	Stormwater Drainage Plan-Sheet 1	1	D	14/05/2019
DA-0005	Stormwater Drainage Plan-Sheet 2	1	D	14/05/2019
DA-0006	Stormwater Drainage Plan-Sheet 3	1	E	14/05/2019
DA-0007	Stormwater Drainage Details	1	B	26/03/2019

Document	Title	Date
APP Corp P/L	Statement of Environmental Effects	27/05/2019
Lindsay Dynan	Water Cycle Management Plan Rev C Project No.00011955	14/05/2019
Seca Solution	Traffic Impact Assessment	May 2019
Douglas Partners	Geotechnical and Acid Sulphate Soil Assessment	March 2018
Douglas Partners	Preliminary Site Investigation for Contamination Project No.83326.00	March 2018
Spectrum Acoustics	Noise Impact Assessment Doc. No.171540-7699-R2	March 2018
APP Corp P/L	Clause 4.6 Variation-Building Height	28 March 2018
Pitt & Sherry	Waste Management Plan Rev 02	6 June 2018
NewCert	BCA 2016 Review Project 17-141	23 March 2018
Lindsay Dynan	Soil & Water Management Plan	9 May 2018
De Witt Consulting	Crime Risk Assessment Report	June 2018
Gosford RSL	Social Impact Assessment	21 June 2018

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. The development being carried out in two (2) stages being;
 - Stage 1-new club, and
 - Stage 2- Demolition of existing club and construction/completion of car parking area and landscaping within six (6) months of completion/occupation of stage1.

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. Submit to the Accredited Certifier structural plans prepared by a suitably qualified Registered Structural Engineer for the following building elements:
 - ground slabs
 - footings
 - retaining structures in excess of 0.6 metres in height
- 2.3. Retain the land where any excavation is required below the adjoining land level and preserve and protect from damage any improvements or buildings upon that land including public roads and utilities.

If necessary, the improvements or buildings must be designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared to comply with this condition are to include geotechnical investigations, any excavation that impacts on public infrastructure, and are to be submitted for the approval of the Accredited Certifier.

- 2.4. Submit to Council as the Roads Authority an application for a vehicle access crossing including payment of the application fee.
- 2.5. Submit to the Accredited Certifier an Acid Sulphate Soils Assessment Report and Management Plan prepared in accordance with *Acid Sulphate Soils Planning Guidelines (Acid Sulphate Soil Management Advisory Committee, August 1998)*, by a suitably qualified consultant.
- 2.6. 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.

- 2.7. 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) Heavy-duty vehicle crossing in the north-south section of Yallambee Avenue (i.e. western frontage of the site) that has a width of 7.5m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- b) The redundant vehicular crossings within the north-south section Yallambee Avenue (i.e. western frontage of the site) are to be removed and the footway formation reinstated with turf and a 2.5m wide shared path to match surrounding footway treatment. The redundant layback shall be replaced with 150mm kerb & gutter.
- c) Reconstruction of the existing exit vehicle crossing within in the north-south section of Yallambee Avenue (i.e. western frontage of the site) with a new heavy-duty vehicle access crossing that has a width of 7.5m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- d) Heavy-duty vehicle crossing in the east-west section of Yallambee Avenue (i.e. southern frontage of the site) that has a width of 7.5m at the kerb line and splayed towards the west at the kerb line, and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- e) The redundant vehicular crossing within the east-west section of Yallambee Avenue (i.e. southern frontage of the site) is to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced concrete footpath to match surrounding footway treatment. The redundant layback shall be replaced with roll kerb.

- f) The piping of stormwater from within the site to Council's drainage system located in Narara Creek and/or Yallambee Avenue.
- g) Adjustments to signage in Yallambee Avenue.
- h) Erosion and sedimentation control plan.

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

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Service Centre on 1300 463 954.

- 2.8. 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.
- 2.9. Submit design details of the following engineering works within private property:
 - a) Driveways, car parking areas, and servicing 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. The design shall be generally in accordance with the plans prepared by Lyndsay Dynan (Project No 11955 Drawing No's DA-0005 Rev D dated 14.05.19 and DA-0006 Rev E dated 14.05.19), and incorporate a minimum level of RL 1.60m AHD as indicated on these plans.
 - b) Provision of a "No entry" sign facing Yallambee Avenue, adjacent to the amended exit within the western frontage of site in Yallambee Avenue.
 - c) Nutrient/pollution control measures must be designed in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan. A nutrient / pollution control report including an operation and maintenance plan must accompany the design. The design shall be generally in accordance with the plans prepared by Lyndsay Dynan (Project No 11955 Drawing No's DA-0005 Rev D dated 14.05.19, DA-0006 Rev E dated 14.05.19, and DA-0007 Rev B dated 26.03.2018).
 - 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.
 - e) Secondary stormwater flow paths through the site generally in accordance with the plans prepared by Lyndsay Dynan (Project No 11955 Drawing No's DA-0005 Rev D dated 14.05.19, DA-0006 Rev E dated 14.05.19, and DA-0007 Rev B dated 26.03.2018).
 - f) Piping of all stormwater from impervious areas within the site via nutrient/pollution control devices to Council's drainage system in Narara Creek and/or Yallambee Avenue. The design shall be generally in accordance with the plans prepared by Lyndsay Dynan (Project No 11955 Drawing No's DA-0005 Rev D dated 14.05.19, DA-0006 Rev E dated 14.05.19, and DA-0007 Rev B dated 26.03.2018).
 - g) The ground floor of the development is to comply with the following minimum floor levels as related to Australian Height Datum (AHD):
 - Ground Floor Foyer: RL 1.90m AHD
 - Ground Floor Staff Foyer: RL 1.90m AHD

- SB Offices: RL 2.75m AHD
 - Staff Offices & Amenities RL 2.75m AHD
 - Back of house (BOH) RL 2.75m AHD
 - Loading and Waste Room RL 1.75m AHD
- h) The minimum level of the electrical substation shall be Reduced Level (RL) 2.75m Australian Height Datum (AHD)
- i) All building materials used or located below Reduced Level (RL) 2.75m Australian Height Datum (AHD) must be of a type that is able to withstand the effects of immersion.
- j) The location of the proposed electrical substation and associated structures (including the surrounding concrete slab and stairs) shall be sited such that it is clear of the provision of minimum 3.5m wide footway behind the future kerb line when an additional west bound lane is constructed in the future. Refer to conceptual road widening plan associated with the DA assessment.)

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

- 2.10. Pay a security deposit of \$50,000 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. The landscaping plan must ensure that plants within a 32m x 32m splay within the south-western corner of the site have a maximum height of 500mm.
- 2.12. Submit to Council's Environmental Health Officer for approval an Unexpected Finds Protocol detailing how unexpected contamination encountered within the site during future development works will be managed. The Unexpected Finds Protocol must be prepared by a suitably qualified environmental consultant and make reference to the *Preliminary Site Investigation for Contamination* prepared by Douglas Partners dated March 2018 (Project 83326.00).
- 2.13. Submit details to the Principal Certifying Authority of the design of the fit out of the food premises. The design of the fit out of the food premises is to comply with the *Food Act 2003*, *Food Regulation 2010*, *Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the Building Code of Australia. Details of compliance are to be included in the plans and specifications for the Construction Certificate.
- 2.14. Submit details to the Principal Certifying Authority of any proposed mechanical ventilation systems. The design of the mechanical ventilation is to comply with the relevant requirements of Clause F4.12 of the Building Code of Australia, Australian Standard AS 1668.1:2015 *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings and Australian Standard 1668.2:2012 The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings* (including exhaust air quantities and discharge location points). These details are to be included in the Construction Certificate.

- 2.15. Submit to Council to Council and have approved by Council's Environmental Health Officer an Investigation of Hazardous Ground Gases for the site prepared in accordance with the *Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases (NSW EPA, 2012)*.

The investigation must be prepared by a suitably qualified contaminated land professional and must make reference to the *Preliminary Site Investigation for Contamination* prepared by Douglas Partners dated 28 March 2018 (Project 83326). The report should include mitigation and gas protection measures if required.

- 2.16. Submit to Council's Environmental Health Team for approval a Noise Management Plan for construction works prepared in accordance with *Interim Construction Noise Guidelines (Department of Environment and Climate Change NSW, 2009)*.

- 2.21. The surrender of Development Consent 49069/2015 to Council prior to the issue of any Construction Certificate.

- 2.22. Pay to Council a total contribution amount of **\$68,901.00** that may require adjustment at the time of payment, in accordance with the relevant Contribution Plan No. 164 - Gosford Regional Centre.

Recreation Facilities - Embellishment	A	(Key No 851)	\$18,893.00
Roadworks - Capital	A	(Key No 850)	\$26,625.00
Community Facilities - Capital	A	(Key No 852)	\$15,526.00
Environmental Protection	A	(Key No 853)	\$7,857.00
TOTAL AMOUNT			\$68,901.00

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

Contact council's Contributions Planner on Tel 4325 8222 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 section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on [Council's website](#).

- 2.23. Submit a Trade Waste application for approval to Council as the Water and Sewer Authority in order to discharge liquid trade waste into the sewerage system. This form can be found on Council's website: www.centralcoast.nsw.gov.au.

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. 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.
- 3.3. 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.centralcoast.nsw.gov.au
- 3.4. 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.
- 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au.

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

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

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
 - b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- 3.9. 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.

- 3.10. Implement all erosion and sediment control measures and undertake works in accordance with the approved erosion and sedimentation control plan.

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 & Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.7. Demolish all buildings and/or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.8. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.9. Submit to Council a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that the site has been made free of asbestos material prior to demolition works.

If asbestos is identified onsite provide to Council's Environmental Health Officer for approval, an Asbestos Removal Control Plan prepared in accordance with the NSW WorkCover Authority Guidelines: *How to Safely Remove Asbestos, Code of Practice, Safe Work Australia, December 2011*. Removal of asbestos and other hazardous materials from the site is to occur prior to commencement of bulk demolition works and in accordance with the approved Asbestos Removal Plan.

- 4.10. Implement the approved Unexpected Finds Protocol if an unexpected find is encountered during works.

- 4.11. Implement all recommendations from the Investigation of Hazardous Ground Gases Report approved by Council including mitigation and gas protection measures.
- 4.12. No soils to be imported to the subject site except for Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and Excavated Natural Material (ENM) that meets the resource recovery exemptions under Part 9, Clause 91 and 92 of the *Protection of the Environment Operations Act 1997*.
- 4.13. Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- 4.14. Classify all excavated material removed from the site in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.

Please refer to the *Preliminary Site Contamination Report* prepared Douglas Partners dated March 2018 (Project 83326.00) for the preliminary waste classification of soils onsite.

- 4.15. Implement all soil and water management control measures and undertake works in accordance with the approved Soil and Water Management Plan prepared by Lindsay Dynan dated 9 May 2018 and the Erosion and Sediment Control Plan provided as DWG 11955 – DA-0002 and 11955 – DA-0003 prepared by Lindsay Dynan dated 9 May 2018. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).
- 4.16. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by Pitt & Pherry, dated June 2018 Rev. 02.
- 4.17. Undertake works in accordance with the Acid Sulphate Soil Management Plan in the *Geotechnical and Acid Sulphate Soil Assessment* prepared by Douglas Partners dated March 2018 (Project 83326).
- 4.18. Undertake works in accordance with the approved Noise Management Plan for Construction Work.
- 4.19. 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.
- 4.20. Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section that are relevant to Stage 1 must be met prior to the issue of any Occupation Certificate, subject to all remaining conditions relevant to Stage 2, as well as the Stage 2 works, being completed within six (6) months of issue of an interim occupation certificate or commencement of use for stage 1.
- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.3. 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.
- 5.4. 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.
- 5.5. 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.
- 5.6. 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.
- 5.7. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.8. 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 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 a nutrient / pollution facility that:
 - (i) the facility will remain in place and fully operational

- (ii) the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
- (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost
- (iv) Council is indemnified against all claims of compensation caused by the facility

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

- 5.9. Provide certification to the Principal Certifying Authority to confirm the final fit-out of the premises complies with the *Food Act 2003*, *Food Regulation 2010*, *Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the Building Code of Australia.
- 5.10. No food handling, as defined by the NSW *Food Act 2003*, is permitted in the food premises prior to the issue of the Occupation Certificate.
- 5.11. Provide certification from a mechanical engineer to the Principal Certifying Authority that the construction, installation and operation of the exhaust hood ventilation system meet the requirements of:
- Australian Standard AS 1668 Part 1-2015: *The use of ventilation and air-conditioning in buildings - Fire and smoke control in buildings*
 - Australian Standard AS 1668 Part 2-2012: *The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings*
- 5.12. Submit a Food Premises registration form to Council. The form can be found on Council's website: www.centralcoast.nsw.gov.au
- 5.13. For café/restaurant;
- Install in-sink strainers within the commercial kitchen sink waste outlets.
 - Install floor waste bucket traps in commercial kitchen food preparation and handling areas.
 - Install approved commercial grease arrestor/s (minimum capacity 1000 litres), sized in accordance with relevant liquid trade waste discharge flow rates.
 - Devices designed to digest, dehydrate, compost or macerate food waste are not authorized to connect to Council's sewerage system.
 - Use of enzyme or biological additives in grease arrestors to enhance the performance of Liquid Trade Waste pre-treatment equipment is not permitted unless specifically approved by Council and concurred by Department of Industry (Water).
- 5.14. Garbage Bin Wash Areas;
- Install floor waste screens or basket arrestors in garbage bin wash areas.
 - Connect garbage bin wash waste water to sewer in accordance with Australian Standards AS/NZ 3500.2:2003 Plumbing and Drainage-Sanitary plumbing and drainage.
 - Garbage bin wash waste water shall discharge to sewer via a grease arrestor where practical.

5.15. Completion of landscaping works and construction of a minimum 291 car parking spaces.

6. ONGOING OPERATION

- 6.1. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.2. Landscaping within a 32m x 32m splay within the south-western corner of the site must be maintained at a maximum height of 500mm.
- 6.3. Construct, operate and manage the site in accordance with the Noise Impact Assessment prepared by Spectrum Acoustics dated March 2018.
- 6.4. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.5. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.6. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.7. Comply with all commitments as detailed in the Waste Management Plan signed by Pitt & Sherry, dated 6 June 2018 Rev. 02.
- 6.8. Locate the approved waste storage enclosure / area as indicated on Project No. 17047 Dwg No DA100, Issue C dated 24 May 2019, prepared by WMK Architecture.
- 6.9. Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: *Chapter 7.2 - Waste Management*, Appendix G, as applicable.
- 6.10. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.11. All noise generated by the proposed development shall not exceed the background noise level by more than 5dB(A) at the property boundary of adjacent residential zoned premises at any time. The modifying factors in Table C1 of the *Noise Policy for Industry* (NSWEPA, 2017) should be incorporated into any measurements taken.
- 6.12. An acoustic assessment including a review of operational noise emissions from the premises shall be undertaken by an accredited Acoustic Consultant one (1) month after occupation in order to compare operational noise levels to the predicted noise levels (i.e. during peak usage periods and the night time period) and identify any areas where further noise mitigation measures **will be required**. A copy of the Report shall be submitted to the

satisfaction of Council's Environmental Health Team within fourteen (14) days of the review being undertaken.

- 6.13. Waste to be serviced at a determined frequency to ensure waste storage capability at all times.
- 6.14. Lodge a new Trade Waste application when there is a change of ownership/occupancy or change to the activities licensed under this approval. As a part of this process, Council will re-assess the Liquid Trade Waste requirements for the site and update the Liquid Trade Waste approval document as appropriate. This form can be found on Council's website: www.centralcoast.nsw.gov.au.
- 6.15. Settled solids and sludge generated during the Micro Brewing processes shall be removed for off-site disposal and not discharged into the sewerage system.
- 6.16. Operate and maintain all external lights in accordance with the *AS4282-1997: Control of the obtrusive effects of outdoor lighting*.
- 6.17. Line-mark and maintain the line-marking of all car parking areas and spaces required by this consent. Such spaces must be made available to all users of the site at all times during trading hours.
- 6.18. Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.19. Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.20. Dispose of organic and/or treated organic waste to sewer not permitted. Contact Trade Waste Officer for further information.
- 6.21. Waste vehicle manoeuvring to be in accordance with Project No DH198, Dwg No HD02, Rev 2 dated 9 March 2018 by Seca Solutions.

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.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

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