



COUNCIL ASSESSMENT REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-267– [DA/2396/2023]
PROPOSAL	Alterations and additions to existing hotel, new bottle shop, 60 room motel, new car parking area and part demolition of existing structures.
ADDRESS	Lot 7 DP658304, Lot 15 DP1061216, Lots 2 and 3 DP 1016073, Lot 7A DP365458, Lot 4 DP1016073 [29-31, 41-45 Victoria Street, 16 and 20 Brougham Street, 27 and 27A Adelaide Street, East Gosford.
APPLICANT	Rachel Hulks
OWNER	Bonython Elanora Pty Ltd
DA LODGEMENT DATE	19 December 2023
APPLICATION TYPE	Local
REGIONALLY SIGNIFICANT CRITERIA	Clause 2 Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : General Development over \$30 million.
CIV	\$31,650,000 (excluding GST)
CLAUSE 4.6 REQUESTS	Not Applicable
KEY SEPP/LEP	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 s4.15. • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental planning Policy (Resilience and Hazards) 2021 • Central Coast Local Environmental Plan 2022 • Central Coast Development Control Plan 2022.

TOTAL & SUBMISSIONS ISSUES SUBMISSIONS	<p>Four (4) to original exhibition (1 submission in favour)</p> <p>Nil to amended plans.</p> <p>Issues:</p> <ul style="list-style-type: none"> • traffic and noise concerns • amenity impacts • environmental concerns <p>In favour due to great addition to the area and quality design.</p>
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Architectural Plans • Statement of Environmental Effects • Operational Management Plan • Updated Social Impact Assessment • Acoustic Assessment • Traffic Impact Assessment • Waste Management Plan • Arboricultural Impact Assessment • Detailed Site Investigation • BCA Report • Remedial Action Plan • CPTED Report • Acid Sulphate Soil Assessment • Ausgrid response • TfNSW response
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Yes-HPC (\$81,197.83)
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	18 February 2025
PLAN VERSION	Refer draft conditions.
PREPARED BY	Robert Eyre
DATE OF REPORT	15 January 2025

EXECUTIVE SUMMARY

The development application (DA/2396/2023) seeks consent for the demolition of part of the existing hotel and demolition of 3 existing shops, motel and carwash building, the construction

of alterations and additions to the hotel, a new 60 room three (3) storey motel and new bottle shop. 148 on-site car parking spaces are provided.

The subject site is known as the Elanora Hotel ('the site') and comprises a corner lot with three (3) road frontages including Victoria Street to the west, Adelaide Street to the north and Brougham Street to the east. The site is located on the southern end of the East Gosford shopping centre and occupies a regular shaped area of 7,775.4m². There are multiple vehicle access points to the site, including from Victoria, Adelaide and Brougham Streets.

The site is located in the E1-Local Centre zone of the Central Coast *Local Environmental Plan 2022* ('LEP 2022') where the proposed uses are permissible with consent.

The principle planning controls relevant to the proposal include *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, *State Environmental Planning Policy (Sustainable Buildings) 2022*, *Central Coast Local Environmental Plan 2022*, and *Central Coast Development Control Plan 2022 (DCP)*.

The proposal is generally consistent with various planning provisions of the planning controls including:

- Height and floor space ratio (FSR).
- Setbacks
- Urban design
- Car parking.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to Ausgrid and Jemena pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* were sent and raised no objections. NSW Police were also consulted with no comments received. The proposal will require a liquor licence.

The application was placed on public exhibition from 12 January 2024 to 5 February 2024, with four (4) submissions being received. One (1) submission supported the proposal due to the quality design and rejuvenation of the site.

The submissions objecting to the proposal raised issues relating to;

- Traffic and noise generation.
- Uses not suitable for the site.
- Excessive height and number of motel units.
- Inadequate car parking.

These issues are considered further in this report.

In response to the issues raised by the panel briefing on 31 January 2024, public submissions and Council, the applicant submitted amended plans and reports on 25 July 2024 and 31 July 2024.

The amended plans and supporting information were placed on public exhibition from 16 August 2024 to 6 September 2024. No additional public submissions were received.

A briefing was held with the Panel on 31 January 2024 where key issues were discussed, including changes to the hotel operation, how the site will function, car parking and traffic generation, social impact and changes to levels.

The key issues associated with the proposal include:

1. *Permissibility* - The proposal is permissible with consent.
2. *Urban Design* - The proposed built form does achieve a sympathetic response to the existing and desired future context, and the building facades contribute positively or provide visual interest to the existing streetscape character.
3. *Bulk and Scale* - The bulk and scale of the proposal is compatible with the existing prevailing character of the surrounding area. The proposal is less than the maximum height and FSR permitted.
4. *Traffic and Car Parking* – The additional traffic generated by the proposal can be catered for by the existing road system including during peak traffic times. Car parking is considered to be adequate for the development and the locality.
5. The proposal will contribute to the economic, social and tourism benefits of the locality.
6. There are no objections from TfNSW or service authorities and issues raised in public submissions are addressed by conditions of consent.,

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA/2396/2023 is recommended for approval subject to the reasons contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site



Figure 1- Locality Plan



Figure 2-Site Plan



Figure 3- Existing Uses



Figure 4- Existing View from intersection of Central Coast Highway and Adelaide Street



Figure 5- Existing Car Park and entry from Brougham Street

The existing hotel (including the drive through bottle shop) has a GFA of 1216.25m².

The existing 3 shops have a GFA of 449.3m².

The existing motel has a GFA of 498m².

Land to the north-east on the opposite side of Brougham Street and land to the south-east is generally residential. Land on the opposite side of the Central Coast Highway is also generally residential with a Chinese restaurant.

A Fire & Rescue station adjoins the southern boundary of the site in Brougham Street.

The intersection of Adelaide Street and Central Coast Highway is a signalised intersection and a classified state road.

A public car parking area is located a short distance away on 26-30 Brougham Street which serves the East Gosford shopping centre. The public car parking area contains 66 car spaces.

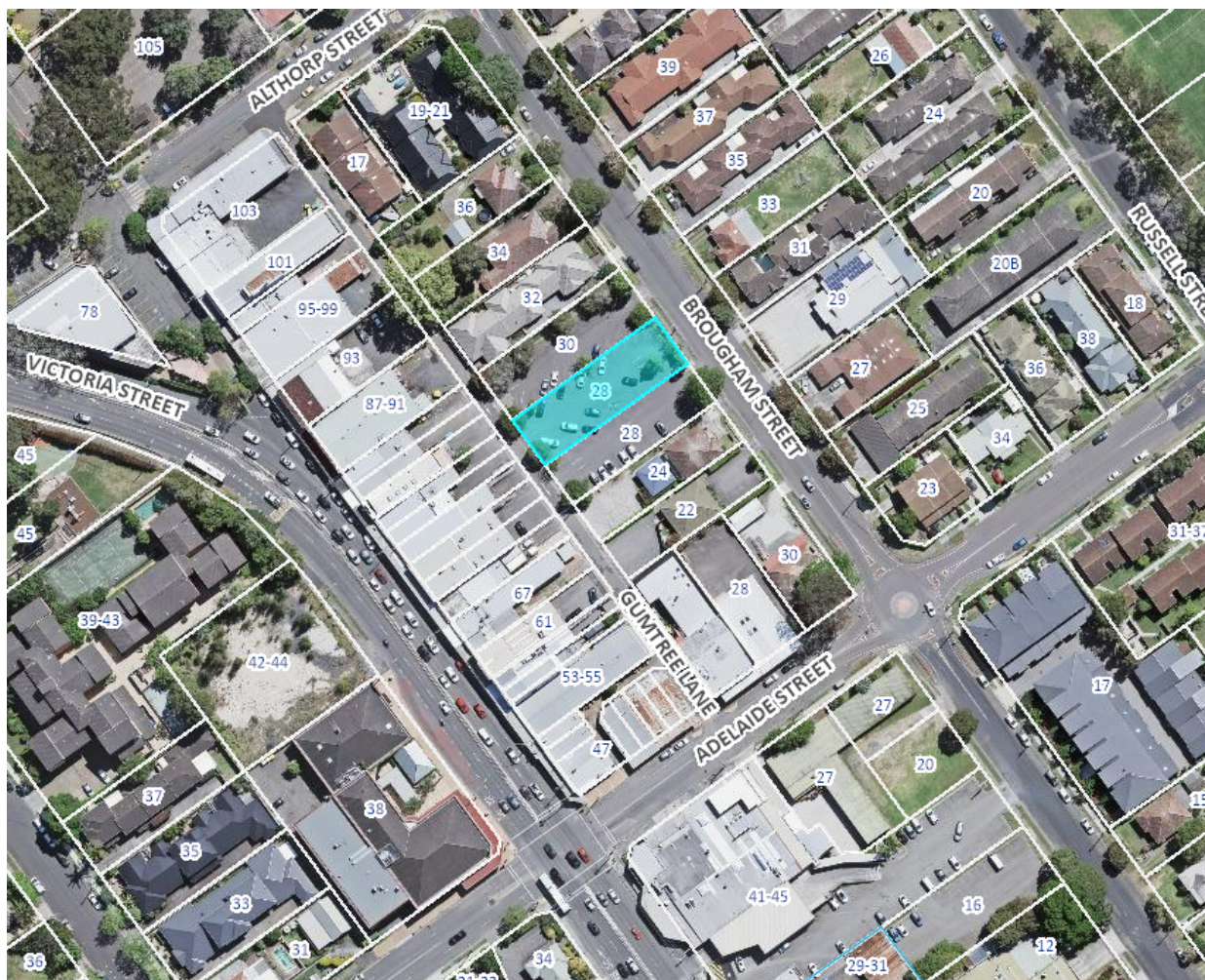


Figure 6-East Gosford Public Car Park Location.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal involves :-

- Demolition of the existing motel, bottle shop, commercial premises, car wash and car parking area other than the hotel.
- An extension to the hotel to the north-east. An increase in GFA from 1,144.25m² to 2,300.55m². (+1,156.3m²) Proposed height 6.92m to 8.35m.
- Refurbishment of the existing hotel.
- Relocation of the bottle shop. GFA of 99m² and 6.4m height.
- A new 3 storey 60 room motel along Brougham Street. GFA of 2,471.75m² and 11.16m height.
- A drive-through bottle shop facing Victoria Street.
- New car parking at the rear of the motel and hotel over 2 levels containing 148 car spaces.
- New access driveways. In/out to Victoria Street, in from Adelaide Street and out to Brougham Street.
- Landscaping.
- A total increase in GFA from 2302.55m² to 4,871.3m². That is an increase of 2,568.75m².
- Cut and fill within the site with 2375m³ of cut and 1505m³ of fill. Excess cut to be removed is 870³.

Table 1: Development Data

Control	Proposal
Site area	7,775.4m ²
GFA	4,871.3m ²
FSR	0.63:1
Clause 4.6 Requests	No variation to development standards.
No of apartments	Nil
Max Height	6.4m-11.16m
Landscaped area	
Car Parking spaces	148 spaces including 5 accessible spaces.
Setbacks	Nil -46.3m



Figure 7 – Ground Floor Plan



Figure 8- 3D view from intersection of Adelaide and Victoria Streets.

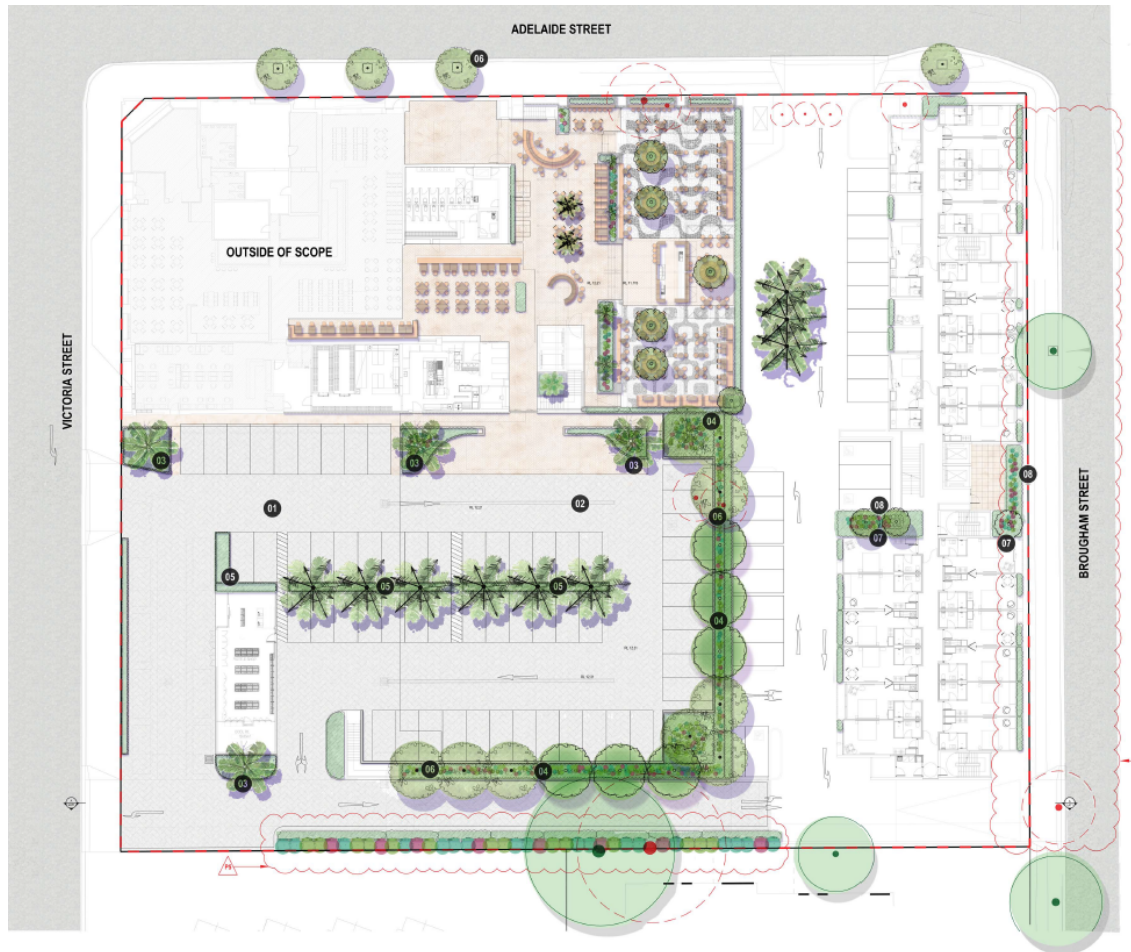


Figure 9 – Ground Floor Landscape Plan

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 17 December 2021 where various issues were discussed. The proposal discussed at the pre-da meeting included;

- Development of Woolworths Metro & speciality retail stores with carparking.
- Accommodation adjoining The Elanora Hotel.
- Redesign of current Bottle Shop at the Elanora Hotel.

The current application is more extensive than that covered in the previous pre-da meeting. It should also be noted that since the pre-da meeting the current CCLEP and CCDCP 2022 came into effect on 1 August 2022.

A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Zoning and permissible uses.
- Height of 11.5m and FSR of 1:1
- Relevant planning instruments and DCPs.
- CPTED
- Social impact assessment
- Traffic, carparking and engineering matters.
- Water and sewer
- Waste management
- Acoustic impacts
- Development contributions
- Relevant SEPPs

The development application was lodged on **19 December 2023**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
19 December 2023	DA lodged
12 January 2024	Exhibition of the application to 5 February 2024
21 December 2023	DA referred to external agencies
8 January 2024	Request for Information from Council to applicant
20 February 2024	Request for Information from Council to applicant
26 February 2024	Request for Information from Council to applicant
31 January 2024	Panel briefing. See comments below.
23 July 2024	Amended plans/additional information lodged. <ul style="list-style-type: none"> • Updated architectural plans- landscape strip along south-east side boundary, changes to external façade and additional detail on waste storage and collection. • Updated landscape plans- details of internal planting and along Adelaide St and south-east boundary.

	<ul style="list-style-type: none"> • Updated acoustic report. • Updated traffic assessment. • Updated waste management plan.
31 July 2024	Updated Social Impact Assessment and Plan of Management submitted.
16 August 2024 – 6 September 2024	Exhibition of the amended application/information. No additional submissions received.
5 September 2024	Request for Information from Council to applicant.
28 October 2024	Request for engineering Information from Council to applicant.
8 November 2024	Amended plans and additional information received from applicant. The assessment report is based on these plans and documents.

Panel Comments 31 January 2024.

- One of the key issues will be car parking and traffic generation and the assessment needs to consider the adequacy of the justification for the DCP variation being proposed and assumptions such as reliance on on-street parking.
- The Panel will want to understand that the site can functionally operate for the various uses including deliveries and waste management etc as well as the inter-relationship of the uses on the site in relation to the proposed car parking arrangements.
- The Panel want clarification on the degree of change from the existing hotel so that impacts can be properly assessed (no. of patrons, no. of gaming machines, seats, operating hours etc).
- The Panel expect that a development of this nature with dual uses will need a comprehensive plan of management, and this should form part of the DA documentation.
- A Social Impact Assessment needs to be prepared by a suitably qualified consultant and must meet the relevant guidelines and consider factors such as alcohol consumption, gambling, any existing hotel infringements and the relationship between the hotel and the motel.
- The Panel expect the assessment to consider hours of operation and acoustic impacts.
- Clear plans and cross sections are required to demonstrate any vegetation removals (including why vegetation on boundaries would warrant removal), change in levels across the site and relationship to boundaries.

With regard to the above 7 points the following comments are provided:

1. The proposal generates an increase of 50 traffic movements in the PM peak period which is an increase of 1.4% in peak hour traffic. This is not significant, and the road system can cater for the additional traffic generated.

The proposal does not rely on street parking or public parking which is available nearby including 66 spaces in the East Gosford shopping centre car park.

The discounting of the car parking proposed for multiple uses on the site is reasonable given the dual use of facilities and different peak parking times for the proposed uses.

2. Separate waste storage areas have been provided for the different uses. Servicing of deliveries and waste pick-up will be done by private contractors from wholly within the site.
3. The hotel hours remain the same as existing and are not proposed to change. The hotel currently has 26 gaming machines, and this number is not proposed to change. The seating capacity will increase due to the additions to the hotel.
4. A Plan of Management has been submitted.
5. An updated Social Impact Assessment has been submitted.
6. The acoustic report has been carried out based on the hours of operation.
7. The cross sections submitted with the architectural plans show the extent of works. The development does not alter the levels at the boundaries of the site.

2.3 Site History

Past applications include: -

- Approval for alterations to drive-through bottle shop 7/1/2004.
- External courtyard 18/11/2005.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates,*
- (c) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (d) *the suitability of the site for the development,*
- (e) *any submissions made in accordance with this Act or the regulations,*
- (f) *the public interest.*

These matters are further considered below.

It is noted that the proposal is **not** considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence (s4.13)
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations.

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application.

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Central Coast Local Environmental Plan 2022.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	N/A	Y

BASIX SEPP	N/A	Y
State Environmental Planning Policy (Housing) 2021	N/A	Y
State Environmental Planning Policy (Industry and Employment) 2021	<ul style="list-style-type: none"> N/A 	Y
SEPP 65	<ul style="list-style-type: none"> N/A 	Y
State Environmental Planning Policy (Planning Systems) 2021	<ul style="list-style-type: none"> The HCCRPP is the consent authority. 	Y
State Environmental Planning Policy (Precincts—Central River City) 2021 or State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 or State Environmental Planning Policy (Precincts—Regional) 2021 or State Environmental Planning Policy (Precincts—Western Parkland City) 2021	N/A	Y
State Environmental Planning Policy (Primary Production) 2021	N/A	N/A
SEPP (Resilience & Hazards)	<p>Chapter 2: Coastal Management</p> <ul style="list-style-type: none"> Section 2.7(4) – certain development in coastal wetlands or littoral rainforest on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> Section 2.8(1) - Development on land in proximity to coastal wetlands or littoral rainforest Section 2.10(1) & (2) - Development on land within the coastal environment area Section 2.11(1) - Development on land within the coastal use area Section 2.12 - Development in coastal zone generally — development not to increase risk of coastal hazards. Section 2.13 - Development in coastal zone generally - coastal management programs to be considered. 	Y

	Chapter 4: Remediation of Land <ul style="list-style-type: none"> Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. 	
State Environmental Planning Policy (Resources and Energy) 2021	<ul style="list-style-type: none"> N/A 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. Section 2.118(2) - Development with frontage to classified road Section 2.119(2) Impact of road noise or vibration on non-road development Section 2.121(4) - Traffic-generating development 	Y
Proposed Instruments	No compliance issues identified.	Y
CCLEP 2022	<ul style="list-style-type: none"> Clause 2.3 – Permissibility and zone objectives Clause 4.3 Maximum Height Clause 4.4 Maximum FSR 	Y
CCDCP 2022	<ul style="list-style-type: none"> Chapter 2.5 Commercial Development 2.13 Transport and Parking Chapter 2.14 Waste Management Chapter 2.17 Character and Scenic Quality Chapter 3.5 Tree and Vegetation Management Contributions 	Y

Consideration of the relevant SEPPs are outlined below.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 2 of Schedule 6 of the Planning Systems SEPP as the proposal is development for over \$30 million. Accordingly, the Hunter and Central Coast Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

- **Chapter 2 – Coastal Management**

The site is located within the Coastal Environment Area and is therefore subject to the provisions of subsections 2.10 – Coastal Management of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('SEPP RH'). The development is not likely to have an adverse impact on the matters referred in in either ss2.10. The development is not considered likely to cause increased risk of coastal hazards on the site or other land and the site is not subject to the coastal management program for the purposes of Division.5. A summary of considerations is included below.

The site is **not** within the mapped Coastal Use area or within proximity tp coastal wetlands or littoral rainforest.

Section 2.10 - Development on land within the coastal environment area

Consent must not be granted unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

Section 2.10 SEPP RH considerations

Matters for Consideration	Compliance
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment</i>	The proposal is not likely to cause adverse impacts on the biophysical, hydrological, or ecological environment.
<i>(b) coastal environmental values and natural coastal processes</i>	The proposal will not impact on the geological and geomorphological coastal processes.
<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014, in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1</i>	The proposal will not result in an adverse impact on the water quality of the marine estate and does not drain to a sensitive lake contained in Schedule 1.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms</i>	The proposal will not result in an adverse impact on native vegetation or fauna, undeveloped headlands, and rock platforms.
<i>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	The site does not have frontage to any foreshore, beach, headland or waterways.
<i>(f) Aboriginal cultural heritage, practices and places</i>	There are no identified aboriginal cultural heritage items on the site.
<i>(g) the use of the surf zone.</i>	Not Applicable. No frontage to any beach/surf zone.

There have been no adverse impacts identified in the consideration of ss2.10(1) that would engage the further considerations under ss2.10(2).

- Chapter 4 – Remediation of Land

The provisions of SEPP RH - Chapter 4 (Remediation of Land) have been considered in the assessment of the development application.

Section 4.6 of SEPP RH requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A review of the land use history, aerial photographs and an inspection of the site has not revealed any evidence of potentially contaminating land uses being carried out on the site.

The site has been used as a hotel, motel and shops and the past use is unlikely to have resulted in contamination of the site. The proposed development is to essentially expand and redevelop the existing uses.

The application is supported by;

- Detailed Site Investigation prepared by Foundation Earth Sciences.
- Additional Hazardous Ground Gas Monitoring prepared by Foundation Earth Sciences.
- A remedial action plan.

The development application and above reports has been reviewed by Council's Environmental Health Officer who advises;

"Considering the age of the existing Motel asbestos and other hazardous materials such as lead paint and synthetic fibres may be present. Conditions are applied for asbestos removal to be carried out by a licensed contractor, and a Hazardous Materials Survey is to be prepared prior to demolition, as well as providing an Asbestos Clearance Certificate.

The Detailed Site Investigation, Remediation Action Plan and Hazardous Gas Assessment has been reviewed. The Detailed Site Investigation detected asbestos in some surface samples and remediation works are required in those areas. There is a low risk of groundwater contamination based on elevated heavy metals (nickel and zinc) and the potential for hazardous ground gases from the adjacent landfill site at Hylton Moore Oval. The Hazardous Gas Assessment details the results of gas monitoring between April and June 2023. Results indicate that no gas protection measures are required at the site. The Remediation Action Plan details that the site can be made suitable for the proposed land use subject to the works described in the RAP and the preparation of a Site Validation Report post remediation. The most preferred remedial strategy is removal of the contaminated material to a licenced landfill, which is supported. Considering the extent of cut and fill earthworks, groundwater is not expected to be encountered. Additional sampling will be completed post demolition beneath the existing buildings. A Site Management Plan has been prepared for the demolition, earthworks and construction phase and an Unexpected Finds Protocol has also been prepared. These are included in the RAP. All reports have been prepared in accordance with the relevant guidelines and have satisfied clause 4.6 of SEPP (Resilience and Hazards) 2021.

The development and the land is not otherwise mentioned in ss4.6(4) and accordingly the provisions of ss4.6(2) are not engaged by the proposal and consent may be granted. The proposal is considered consistent with the provisions of Chapter 4 of the SEPP.”

State Environmental Planning Policy (Transport and Infrastructure) 2021

The site is located in or adjacent to a state classified road being Victoria Street (Central Coast Highway). The application was referred to Transport for NSW (TfNSW) under this SEPP as it generates 50 or more vehicles per hour in the PM peak period. TfNSW have no objections to the proposal subject to conditions. The TfNSW are included in the engineering assessment in the report. A copy of TfNSW response is included in Attachment Q.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3- Non-Residential Buildings.

The application is supported by a certified NABERS Embodied Emissions Materials Form which identifies the proposal complies with the SEPP and provides the following general sustainability measures.

- Minimisation of waste from demolition and construction by recycling. A waste management plan has been submitted.
- Retention and reuse of roof water. Provided for in the water cycle management plan.
- Reduction in electricity use through energy efficient fittings and solar panels on the motel.
- A reduction in reliance on artificial lighting by provision of a retractable roof above the terrace area.

Central Coast Local Environmental Plan 2022

Aims of the LEP

The relevant local environmental plan applying to the site is the Central Coast *Local Environmental Plan 2022* ('the LEP'). The aims of the LEP include:-

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to foster economic, environmental and social well-being so that the Central Coast continues to develop as a sustainable and prosperous place to live, work and visit,
- (b) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of the Central Coast,
- (c) to promote the efficient and equitable provision of public services, infrastructure and amenities,
- (d) to provide for a range of local and regional community facilities for recreation, culture, health and education purposes,
- (e) to conserve, protect and enhance the natural environment of the Central Coast, incorporating ecologically sustainable development,

- (f) to conserve, protect and enhance the environmental and cultural heritage of the Central Coast,
- (g) to minimise risk to the community in areas subject to environmental hazards, including flooding, climate change and bush fires,
- (h) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,
- (i) to promote design principles in all development to improve the safety, accessibility, health and well-being of residents and visitors,
- (j) to concentrate intensive land uses and trip-generating activities in locations that are most accessible to transport and centres,
- (k) to encourage the development of sustainable tourism that is compatible with the surrounding environment.

The proposal is considered to be consistent with these aims as the proposal will:

- foster economic, environmental and social well-being of residents.
- promote the efficient and equitable provision of public services, infrastructure and amenities.
- promote a high standard of urban design that responds appropriately to the existing or desired future character of areas.
- promote design principles in all development to improve the safety, accessibility, health and well-being of residents and visitors.
- concentrate intensive land uses and trip-generating activities in locations that are most accessible to transport and centres.
- encourage the development of sustainable tourism that is compatible with the surrounding environment.

Zoning and Permissibility

The site is located within the E1 Local Centre Zone pursuant to Clause 2.2 of the LEP.

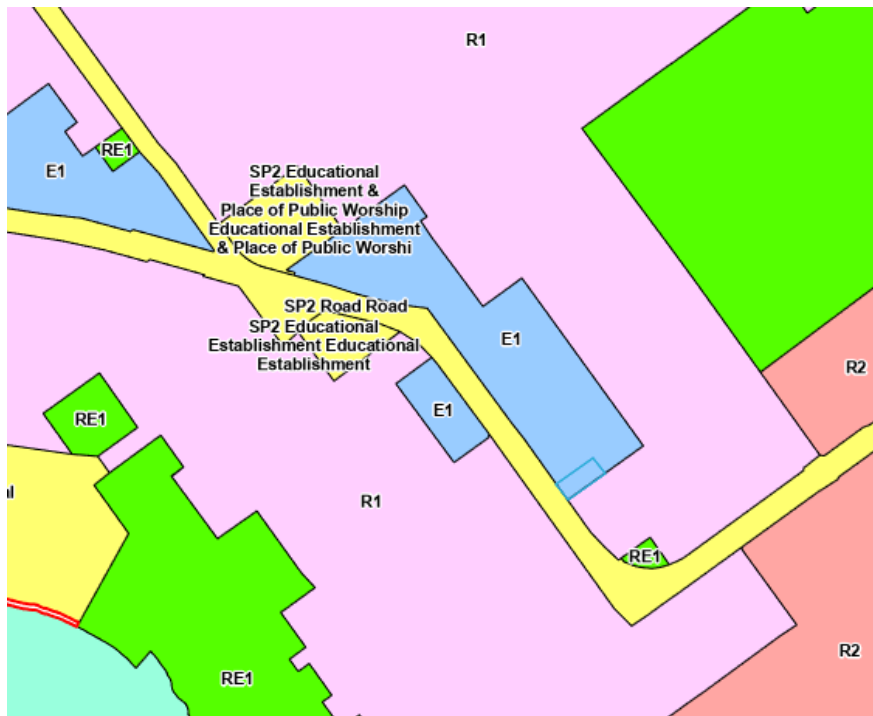


Figure 7- Zoning Map

According to the definitions (contained in the Dictionary), the proposal satisfies the definition of hotel or motel accommodation, pub and shop which are permissible uses with consent in the Land Use Table in Clause 2.3.

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note—

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

pub means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note—

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note—

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To encourage an increased residential population through stand alone development or as part of mixed-use development in centres and other local areas where land is not otherwise required to serve local needs.
- To permit residential uses while maintaining active retail, business and other non-residential uses at street level to contribute to the vitality of the area.

The proposal is consistent with these zone objectives for the following reasons:

- The proposal provides a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- The proposal generates investment in local commercial development that generates employment opportunities and economic growth.
- The proposal generates employment opportunities in accessible locations.
- The proposal is located on a major transport route which encourages use of public transport.
- The redevelopment of the site contributes to the economic vitality of the East Gosford business district.
- The proposal does not significantly impact the amenity of adjoining land uses and residents.

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
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Minimum subdivision Lot size (CI 4.1)	N/A		Yes
Height of buildings (CI 4.3(2))	11.5metres	6.4m-11.16 metres	Yes
FSR (CI 4.4(2))	1:1	0.63:1	Yes
Land acquisition (CI 5.1/5.1A)	N/A		Yes
Heritage (CI 5.10)	N/A		Yes
Acid sulphate soils (CI 7.1)	Class 5		Yes
Essential Services (CI 7.6)	Development consent must not be granted to development unless the consent authority is satisfied that all of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, suitable vehicular access, the collection and management of waste.	All services are available.	Yes
Flood planning (CI 5.21)	N/A		Yes

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the EP&A Act and are relevant to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Central Coast Development Control Plan 2022* ('the DCP').

Chapter 2.5 Commercial Development

Clause		Required	Proposed	Compliance
2.5.2.1 Context Analysis		Site analysis plan to show site, services and surrounding development.	Provided as part of architectural plans.	Yes
2.5.2.2 Site Analysis				
2.5.2.3 SEE		Statement of Environmental Effects required.	SEE provided	Yes
2.5.3.1 Building Height		Maximum 11.5m under CCLEP 2022.	6.4m – 11.16m	Yes
2.5.3.1 Ceiling Heights		4m ground floor 2.7m motel	Commercial >4m Motel 2.9m	Yes
2.5.4.1 Street Setbacks		Zero setback permitted with 1.5m x 1.5m splay on corner. For larger sites street setbacks permitted for landscaping.	Hotel: Nil- 900mm to Adelaide/Victoria Streets. Motel: 320mm to Brougham St and 260mm-2.2m to Adelaide St. Bottle shop: 10m to Victoria St.	Yes. The setbacks provide for building articulation or landscaping/street tree planting which improves the urban design of the development and street appearance.
2.5.4.2 Side and rear setbacks.		New commercial development must have side or rear setbacks that ensure the development does not significantly impact the existing or future amenity of adjoining residential development.	Residential development is located on the opposite side of Brougham St and on the southern side boundary. The motel is setback 7.1m from the side boundary with a driveway and 2m wide landscape strip proposed along the side boundary. Given the separation between the proposed	Yes

		development and the adjoining building, it is considered the proposal does not significantly impact adjoining residential amenity by overshadowing, loss of privacy or view impacts.	
2.5.5.2 Active Frontages	Active street frontages along footpaths for at least 75% of the façade.	All street elevations have good building articulation with varying setbacks and landscaping.	Yes
2.5.5.3 Facades	High quality facades to define building entries and different uses.	The proposal provides improved and good facades to all street frontages. The different uses are clearly defined with varying type and colour of external materials.	Yes
2.5.5.4 Awnings	To be provided on building frontage and integrated into building design.	The existing hotel awning in Victoria St/main road frontage is maintained. Awnings are not required.	Yes
2.5.5.5 Roof Elements		A new gable roof will be provided to the hotel extension which is operable over the terrace area. This will provide additional light and space within the hotel. The roof over the bottle shop includes an awning overhang on the Victoria St frontage. The roof of the motel is flat to minimise building height and bulk facing Brougham St. Roof top solar panels are proposed.	Yes
2.5.6.1 Public Domain	To provide a safe walkable environment around	The proposal provides a reasonable interface	Yes

	commercial development with visual interest.	with all street frontages and creates a new internal hotel entry within the site with direct access from the drop off area and car parking.	
2.5.6.2 Shadow Diagrams	Shadow diagrams for 9am, 12 noon and 3pm in the winter time.	Shadow diagrams have been provided. Having regard to the height and setbacks the proposal does not have any unreasonable shadow impacts on adjoining sites.	Yes
2.5.6.3 Lighting	External lighting to provide a safe public domain at night.	Additional internal security lighting is to be provided in accordance with CPTED recommendations. This includes around building access, car parking and the bottle shop. The lighting will be screened from adjoining development and low level along Brougham St frontage to preserve amenity and not cause a nuisance to nearby properties.	Yes
2.5.7 Services	Waste collection and delivery services should be located so as not to be visible from streets and impact adjoining development. Services to be designed to be integrated within building design.	All services are available to and within the site including electricity, gas, drainage, waste collection. Waste storage and storage for the hotel have been grouped at the rear of the hotel with collection/servicing carried out internally on the site.	Yes

2.5.8 Design for safety and security.	To be designed in accordance with CPTED principles.	A CPTED report has been submitted which concludes the proposal complies with the CPTED principles. (Refer condition XX).	Yes
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Chapter 2.13 Transport and Parking

Chapter 2.13 provides car parking requirements for mixed type developments in accordance with clause 2.13.3.2 Car Parking Requirements as follows:

Development Type	Required	Proposed	Compliance with Control	Compliance with Objective
Pub/hotel	1 space/10m ² 1368.8m ² = 137 spaces			
Motel	1 space/room plus 1 space for every 2 employees (4 employees) = 62 spaces			
Total	199 spaces	148 spaces	No - see comments below	Yes - see comments below

The applicant has submitted a Traffic Impact Assessment which contents that the 148 car parking spaces is adequate for the proposed development for the following reasons;

- The peak operating times of the hotel are 6.30pm to 8.30pm on Friday and Saturday nights and 12.00pm to 2.00pm on Sundays.
- There will be dual use by patrons of the hotel and motel.
- The peak period for the motel will mainly be evening and night-time.
- A shuttle bus will be provided 2 hours before and 1 hour after peak times of the hotel.
- The dual use of the motel/hotel and shuttle bus permits a car parking discount of 24 spaces and 29 spaces respectively or a total of 53 spaces. This would then require a total of 146 on site car parking spaces. The proposal provides 148 spaces. **(Refer conditions 9.12 and 9.13)**

The discounting of the car parking due to dual use and the provision of a shuttle bus are supported by Council.

The proposal is considered to be consistent with the objectives of Chapter 2.13 of CCDCP 2022.

Chapter 2.14 Site Waste Management

A Waste Management Plan has been submitted with the proposal.

Waste storage and collection will be carried out within the site by a private commercial contractor.

The proposal has demonstrated compliance with this chapter of the CCDCP 2022 and associated Waste Control Guidelines. Appropriate conditions are included in the development consent. **(Refer conditions 5.2-5.4, 9.14 and 9.15)**

Chapter 3.5 Tree and Vegetation Management

The proposal requires the removal of some minor trees on the site as well as a street tree in Brougham Street which will be impacted by the proposed driveway. A landscape plan has been submitted which includes 6 additional street trees in Brougham and Adelaide Streets. **(Refer conditions 2.14 and 6.22).**

The proposal has adequately addressed this chapter of the CCDCP 2022.

Chapter 2.17 Character and Scenic Quality.

The site is located within the East Gosford 9: Mainstreet Centre character area.

Desired Character

This should remain a mixed-use centre that provides a range of services to the surrounding district as well as some accommodation, where the civic-and-urban design quality of a prominent backdrop to a major arterial road in Gosford City are enhanced by new development that encourages high levels of street activity.

Protect and enhance existing levels of "main-street" activity by building forms that maintain the pedestrian-friendly scale of existing one and two storey shop-front developments, and also the current level of midday sunlight that is available along footpaths. Promote high levels of on-street activity by maximising the number of retailers or businesses and the continuity of shop-windows along all street and laneway frontages. Avoid indoor arcades that would draw people away from the street. Incorporate awnings, colonnades or balconies in all buildings to provide sheltered pedestrian settings that encourage pavement dining. Contribute to high levels of visible activity along all streets by surrounding upper storeys with balconies that encourage restaurant dining or residents' outdoor recreation.

Ensure that new developments (including alterations to existing buildings) do not dominate their low-scale residential surroundings or disrupt the established main-street development patterns of this traditional strip-shopping village. Along all public streets and laneways, shop-front facades should have a zero setback and a maximum height of two storeys, with taller storeys set back behind terraces to maintain a pedestrian-friendly scale as well as midday sunlight along all footpaths. Vary the overall height of buildings to prevent the appearance of a continuous wall of building, and ensure that siting and form preserve levels of privacy, sunlight and visual amenity that are enjoyed by existing dwellings and their private open spaces.

Reflect the form of development that is typical of traditional mainstreet centres where a wide variety of retailers are accommodated by separate buildings upon narrow-fronted allotments. Along any street or laneway, avoid the appearance of uniform building heights. Vary the shape and height of all visible facades. Top-most storeys should be setback behind wide roof terraces, and roofs plus parapet heights should step from one building to the next. Street corners should be emphasised by taller forms. Ensure that side and rear facades match the design quality of the street frontage.

Disguise the scale and bulk of new buildings. All visible facades should employ extensive windows that are shaded by lightly-framed balconies, verandahs or exterior sunshades, plus painted finishes and some board or sheet cladding rather than expanses of plain masonry. Roofs should be gently-pitched to minimise the height of ridges, flanked by wide eaves that shade terraces and also disguise the scale of exterior walls.

Conceal off-street parking behind shops or apartments, and provide unobtrusive vehicle entrances from laneways or secondary streets that minimise disruption to shopfronts and their associated pedestrian activity. Contribute to co-ordinated street improvements that include dedicated pedestrian crossings, footpath paving, landscaping and lighting to provide safe and secure settings for informal social interaction. Building colour schemes and commercial signs should be co-ordinated and limited in size and number to promote this centre's identity, rather than emphasising corporate sponsorship.

The proposal is considered to be consistent with the desired character and scenic quality for the following reasons;

- The mixed use will complement and improve the range of services and facilities on the site.
- It is consistent with the past and current uses.
- There is no change to the dominant presentation of the development to the corner of Victoria and Adelaide Streets.
- The extension along Adelaide Street has been designed to be compatible with the existing hotel and reduce acoustic impacts on surrounding properties.
- Along Victoria Street the proposal will remove the run-down shops and provide a new bottle shop with increased setbacks.
- Along Brougham Street the motel provides a design and use compatible with the adjoining residential use by good building articulation, building setbacks, landscaping and screening of the car parking area.

- The proposal does not dominant the adjoining residential development.
- Car parking is screened mostly by buildings and additional landscaping.

Contribution Plans.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Central Coast Regional S7.12 Development Contributions Plan*

This Contributions Plan has been considered and included the recommended draft consent conditions. A 1% contribution applies to the cost of the development. **(Refer condition 2.15).**

Housing and Productivity Contribution (HPC)

Section 7.24(1) of the EPA Act makes provision for regional infrastructure that supports and promotes housing and economic activity in a region by enabling a contribution (a ***housing and productivity contribution***) to be required.

The Housing and Productivity Contribution (HPC) came into effect on 1 October 2023 and applies to development applications in council areas in the Greater Sydney, Illawarra-Shoalhaven, Lower Hunter and Central Coast regions. The [Ministerial Order](#) sets out how the contribution will operate.

The contribution applies to residential development that intensifies land-use where new dwellings are created, such as houses, apartments, terraces, and dual occupancies and will be required to be paid prior to issue of a construction certificate/CDC/Subdivision Certificate, depending on the proposed works. Transitional discounts linked to the timing of payment are in place for the first two years of operation to support phase-in of the contributions.

The proposed development is subject to the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, where Residential Subdivision developments are subject to the Housing and Productivity Contribution. Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, commenced on 1 October 2023, all application lodged after 1 October 2023 are subject to the development contributions. Lodgement of a Development Application is made once an application has been submitted to the NSW Planning Portal and fees have been paid.

In this instance, the development application was lodged on 19 December 2023 and as such is subject to the Housing and Productivity Contribution.
(Refer Condition 2.8)

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- If demolition of a building proposed - provisions of AS 2601;

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions. **(Refer condition 1.2)**

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

Traffic Impact

The site is located on the Victoria Street (Central Coast Highway) and Adelaide Street.

The Central Coast Highway is a state road and carries about 50,000 vehicles per day (vpd). This includes about 3,500 vpd in the afternoon peak period of 3pm-4pm. The intersection is controlled by traffic signals.

Adelaide and Brougham Streets are local roads.
All roads are fully constructed.

There is public bus transport which serves the area and connects to other suburbs and Gosford rail station.

The Traffic Impact Assessment prepared by Barker Ryan Stewart dated 21 May 2024 indicated that the current development generates 30 PM trips, and the proposed development will generate 80 PM peak trips. That is, an increase of 50 trips in the PM peak period.

The report concludes that the additional peak hour trips will have no impact on the safety or efficiency of the road network for the following reasons:-

- The calculation is a conservative estimate as it does not take into account the reduction in trips by private vehicles due to the operation of a shuttle bus.
- The peak operating period of the hotel does not coincide with the peak period of the surrounding road network.

Based on the above, the traffic increase during PM peak period would be about 1.4% which is minor.

Council's Traffic engineer and TfNSW agree the proposal will not impact the local road network.

Car Parking

Council's DCP requires the provision of 200 car spaces. The proposal provides 148 spaces on site. This is a shortfall of 52 spaces or a variation of 26%.

The Traffic Impact Assessment prepared by Barker Ryan Stewart dated 21 May 2024 has assessed the parking required for the development as 147 spaces based on discounts due to the dual use of the pub and motel units and the proposed operation of a shuttle bus service to transport patrons to and from the pub.

The peak hotel times are from 6.30pm to 8.30pm on Fridays and Saturday nights, and 12pm to 2pm on Sundays. The shuttle bus will operate 2 hours before and 1 hour after the peak hotel time. The bus will hold 12 passengers.

In addition, parking surveys conducted during peak hotel times has indicated that there is an abundance of street parking in the surrounding streets as well as the Council car park in Brougham Street at the back of the East Gosford shops which is within walking distance of the site.

It is considered that the peak parking demand for the motel will be mainly night time and for the pub/bottle shop will be mainly daytime and early evening.

Council agrees that the provision of 148 car spaces on site is adequate for the development. The provision of a shuttle bus is required as a condition of consent. **(Refer conditions 9.12 and 9.13)**

Acoustic Impact

A DA Acoustic Assessment has been submitted prepared by Renzo Tonin & Associates dated 26 July 2024.

The report states that the main aspects of noise emission will be outdoor patrons and music (if provided) from the new terraces/beer garden.

The assessment concludes that provided the treatment and management controls nominated in the report are applied, the site can comply with the nominated noise emission goals.

Compliance with the treatments and management controls are included in the conditions of consent. **(Refer conditions 9.3 and 9.6).**

Social Impact.

The applicant has submitted an Updated Social Impact Assessment prepared by Barker Ryan Stewart dated 31 July 2024.

The Assessment concludes that the proposal will:

- Significantly improve the amenity of the site by renovating or replacing the existing aged development on the site with a new improved contemporary development that will complement the neighbourhood.
- Increase on-site car parking and pedestrian accessibility.

- Not impact local housing supply while providing a motel/tourist accommodation.
- Maintain commercial, entertainment and tourism facilities in the area.
- Contribute to revitalising the East Gosford commercial centre.
- Generate economic benefits through increased employment opportunities during construction and operation.

Overall, it is considered the proposal will have positive social impacts.

Natural and built environments.

- Context and setting – The proposal is considered to be generally consistent with the context of the site, in that the proposed development is appropriate as a result of Central Coast regional and local context. The proposal is a redevelopment of the existing hotel, bottle shop and motel which complies generally with planning controls. The site is part of the East Gosford shopping centre. The development will add to the economic viability of the overall commercial centre with improved streetscape.
- Access and traffic – The site is located on a major transport road network with public transport (bus) on the Central Coast Highway (Victoria Street). Adequate car parking is provided on the site and in the East Gosford shopping centre area. The road system can cater for the additional traffic generated.
- Utilities – all utilities are available to the site and there are no objections from services authorities.
- Heritage – the site does not contain any heritage items and is not located in the vicinity of any heritage items.
- Flora and fauna impacts – there are no impacts on threatened species or biodiversity
- Noise and vibration – construction and operational impacts will be mitigated by conditions of consent restricting hours of construction and operation.
- Natural hazards – the site is not affected by any natural hazards such as flooding, bushfire, or subsidence.
- Safety, security and crime prevention – CPTED Principles have been applied.
- Cumulative impacts – the proposal does not result in any adverse cumulative impacts. It is generally consistent with the planning controls and any impacts have been mitigated as conditions of consent.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

Stormwater and Water Quality Impacts.

A concept water cycle management plan has been submitted which is supported by Council's Development Engineer. (Refer Engineering Assessment comments).

The proposal includes water conservation measures such as on-site detention and rain water harvesting for irrigation of landscaping and toilet flushing. These measures reduce potable water demand by 40%.

Economic Impacts

The proposal is likely to result in increased employment during construction and future operation. As it results in an expansion of the existing hotel and construction of a new motel it is likely to result in increased tourism and spending in the area. It is considered the proposal will have a positive economic impact.

Tree Impacts

The application is supported by an arboricultural Impact assessment prepared by Advanced Treescape Consulting.

The proposal requires the removal of one street tree and 7 trees within the site on Adelaide Street. Trees within the site are located close to or within the proposed building footprint. A landscape plan has been submitted which proposes additional street tree planting in Brougham Street to compensate for the street tree to be removed. **(Refer conditions 1.1 and 6.6)**

Crime and Safety Impacts.

A CPTED assessment has been submitted which identifies that the development can be managed to minimise potential risk of crime. The recommendations include;

- Surveillance- lighting, natural surveillance, landscaping design, CCTV and security.
- Access Control- controlled access, security, landscaping design, security and internal communal areas.
- Territorial Reinforcement- signage, alarm system/CCTV.
- Space/environmental management- keep site and surrounding area clean, repair any damage, remove graffiti and implement maintenance plan. **(Refer conditions 6.4, 6.5, 9.2, 9.7, 9.8, 9.9, 9.11)**

Privacy and View Impacts

The proposal is unlikely to result in adverse privacy impacts on adjoining sites or within the site. The hotel extension minimises external windows and openings to reduce noise impacts. The proposed motel is separated about 27m from the residential units on the opposite side of Brougham Street. A 2.2m acoustic fence is to be erected along the southern side boundary with adjoining residential development.

It is considered the proposal has no significant increase in privacy or view impacts on adjoining or surrounding sites.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposal is considered to be suitable for the site.

The proposed development has a height and FSR less than the maximum permitted. The development is well setback from the southern side boundary with adjoining residential development with landscaping.

All services are available, and the site is not subject to any natural hazards. The increase in traffic generation can be catered for by the existing road system.

Adequate car parking can be provided on site. There is also public parking nearby in the rear of the East Gosford shopping centre which is available outside peak shopping times.

No objections have been received from other government authorities.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposal is considered to be in the public interest for the following reasons;

- The generation in employment during construction and future operation.
- The provision of quality tourist accommodation.
- The improvement to the visual impact of the site.
- The proposal does not unreasonably impact adjoining or surrounding development by overshadowing, privacy, view loss or noise impacts.
- The proposal is consistent with the planning controls and ESD principles.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment,	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	N/A	N/A

Energy & Science Group within DPIE)			
Rail authority for the rail corridor	Section 2.98(3) - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	N/A	N/A
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land	N/A	N/A
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Ausgrid has advised of requirements. (Refer condition 5.21)	Y
Rail authority	Section 2.97 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development land that is in or adjacent to a rail corridor.	N/A	N/A
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	TfNSW have provided comments.	Y
Design Review Panel	CI 28(2)(a) – SEPP 65 Advice of the Design Review Panel ('DRP')	N/A	N/A
Gas authority		Jemena has provided comments. (Refer condition 5.21)	Y
NSW Police	Liquor Licence	Referred but no comments received.	Y
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land	N/A	N/A

	for special fire protection purposes		
Natural Resources Access Regulator	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	N/A	N/A

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted information and considers that there were no objections subject to conditions. Refer engineering assessment below. (Refer conditions 2.9-2.14, 4.5, 4.6, 6.13-6.20)	Y
Traffic	Council's Traffic Engineer reviewed the proposal and raised no concerns in relation to traffic generation and car parking. Refer engineering assessment below.	Y
Architect	Council's architect reviewed the submitted information and considered that there were no objections subject to extending landscaping on the southern boundary a further 6m towards Victoria Street to provide outlook and screening to the adjoining townhouse. This is not supported by Council's engineers due to the potential impact on existing easement and services. Refer architectural assessment below.	Y
Health	Council's Environmental Health Officer reviewed the submitted information and considered that there were no objections subject to conditions. (Refer conditions 2.3, 2.4, 2.6, 5.3-5.15, 6.3, 9.1-9.6)	Y
Environmental Health-Food	Supported subject to conditions. (Refer conditions 2.5, 6.7-6.11)	Y
Waste	Council's Waste Services Officer reviewed the submitted information and considered that there were no objections subject to conditions. (Refer conditions 5.2-5.4, 9.14,9.15)	Y
Social Planner	Council's Engineering Officer reviewed the submitted information and considered that there were no objections subject to conditions. (Refer conditions 6.4, 6.5, 9.7-9.11)	Y
Tree Assessment	Council's Tree Assessment Officer reviewed the submitted information and considered that there were no objections subject to conditions. The applicant has amended the	Y

	landscape plan as requested, providing smaller street tree species suitable for planting under power wires for Adelaide Street such as <i>Callistemon viminalis</i> and <i>Dwarf Apple</i> . (Refer conditions 1.1, 6.6, 6.22)	
Water & Sewer	Council's Water & Sewer Officer reviewed the submitted information and considered that there were no objections subject to conditions. (Refer conditions 2.2, 6.2)	Y

Engineering Assessment.

Council's development engineer advises :-

This assessment has been undertaken in relation to the development engineering matters associated with alterations and additions to the Elanora Hotel and a new 60 room motel within the site. The proposal involves demolition of the existing motel and structures other than the hotel, an extension of the hotel to the north-east, some refurbishment of the existing hotel, relocation of the bottle shop, a new motel along Brougham Street, and associated car parking and vehicular access.

The site is currently developed and occupied by the Elanora Hotel, a bottle shop, carpark, four small retail shops fronting Victoria Street, single storey motel accommodation along the Adelaide Street frontage, and a hand carwash facility within the hotel carpark.

The site consists of six existing lots these being: Lot 7 DP 658304 (No 29-31 Victoria St), Lot 15 DP 1061216 (No 41-45 Victoria St), Lot 2 DP 1016073 (No 27 Adelaide St), Lot 3 DP 1016073 (No 27A Adelaide St), Lot 7a DP 365458 No 16 Brougham St), and Lot 4 DP 1016073 No 20 Brougham St).

The site was inspected on 22 January 2024.

Existing Infrastructure

The site has a frontage to three public roads, these being Victoria Street, Adelaide Street, & Brougham Street.

In Victoria Street there is/are:

- Kerb & gutter across the full frontage of the site.
- Full width concrete footpath across the full frontage of the site.
- A bitumen vehicular access crossing within the eastern boundary of the site that provides access to the car wash and detailing and other businesses on the site.
- A concrete layback and vehicular access crossing that provides access to the hotel car parking area.
- A concrete layback and vehicular access crossing that provides access to the drive through bottle shop on the site.
- A bus stop.
- Regulatory signage including 'no stopping' & 'bus zone' signage.
- Various services including associated pits and power poles.
- A drainage pit within the layback of the bitumen vehicle access crossing.

In Adelaide Street there is/are:

- Kerb & gutter across the full frontage of the site.
- Full width concrete footpath across the part frontage of the site associated with the hotel, and a 1.2m wide footpath across the remaining frontage of the site.
- A concrete layback and vehicular access crossing that provides access to a loading zone for the hotel associated with beer keg deliveries.
- A concrete layback and vehicular access crossing that provides access to the motel and associated car park.
- Various services & associated pits and power poles.
- An electricity substation in the footway.
- Regulatory signage associated with a 'no stopping' zone, a time dependant 'taxi zone' and 'loading zone', and a 1hr parking zone.

In Brougham Street there is/are:

- Kerb & gutter across the full frontage of the site.
- 1.2m wide footpath across the frontage of the site. This footpath is elevated above the kerb as the footway is not fully formed at +2% from the kerb to the boundary.
- A concrete layback and vehicular access crossing that provides access to the hotel car parking area.
- A concrete layback and vehicular access crossing that provides access to an informal car parking area adjacent to the motel.
- Various services & associated pits and power poles.
- Generally unrestricted parking across the site frontage except near the intersection of Brougham Street & Adelaide Street.
- Street trees.
- There is a drainage pit located in the sag low point within the frontage of the neighbouring property. Stormwater from the subject site crosses the footway on an angle to connect to this pit.

Intersections

- The intersection of Victoria Street and Adelaide Streets is controlled by traffic signals. There are pedestrian crossing provisions on all 4 legs of this intersection with associated pram ramps.
- The intersection of Adelaide Street and Brougham Street is controlled by a roundabout. There are traffic islands with pedestrian refuge provisions on all 4 legs of this intersection with associated pram ramps, and regulatory 'No Stopping' zones.

Road works

Road works are not required for this development.

Existing access

Existing access to the site is as follows:

- Victoria Street: There are three existing vehicular access crossings in Victoria Street associated with access to the hotel bottle shop, access to the internal car park (through to Brougham Street), and access to the parking for the shops and hand car wash businesses.

- Adelaide Street: There are two existing vehicle access crossings in Adelaide Street associated with access to a loading dock (keg access) for the hotel, and access to the car park for the motel.
- Brougham Street: There are two existing vehicle access crossings in Brougham Street associated with access to the internal car park and access to an informal parking area adjacent to the existing motel.

Proposed access arrangements:

Access and parking arrangements for the proposed development are as follows:

- A new vehicular access crossing in Victoria Street for an entry only. This provides access to the (new) bottle shop and the upper car parking level for the hotel.
- A new vehicular access crossing in Victoria Street for an exit only. This provides egress from the (new) bottle shop and the upper car parking level for the hotel.
- A new vehicular access crossing in Adelaide Street for an entry only. This provides access to the motel parking, the lower level of hotel parking, and access for service vehicles.
- A new vehicular access crossing in Brougham Street for an exit only. This provides egress for cars and service vehicles.
- All existing vehicle access crossings are proposed to be removed.
- A driveway / driveway ramp within the site that connects Victoria Street and Brougham Street. Parts of this access are one way to either street.
- A circulation driveway within the site that connects Adelaide Street to other areas in the site. Parts of this driveway is one-way and other parts two-way.
- Car parking for the development is proposed on two levels catering for a total of 148 vehicles of which 90 parking spaces are on the lower level, and 58 parking spaces on the upper level. Other short-term parking is provided in the bottle shop drive-through area. Five disabled spaces are provided, and an internal drop off area for the hotel is proposed adjacent to the new main entrance on the upper level.
- A shuttle bus is also proposed to operate with the hotel component of the development. Peak operating times of the hotel have been identified as 6.30pm to 8.30pm on Friday and Saturday nights and 12.00pm to 2.00pm on Sundays. A shuttle bus seating up to 12 passengers is proposed to operate from 2 hours prior to the start of the peak times to 1 hour after the peak times.
- An internal loading and service area is proposed on the lower level, separate to the main driveway, with a one-way entry access from Adelaide Street and a one-way exit to Brougham Street. The loading and access area will provide access for waste and delivery vehicles for both the hotel and motel uses, and will remove the current keg and waste services access directly from Adelaide Street.

Traffic

A Traffic Impact Assessment Report (TIA) prepared by Barker Ryan Stewart (Ref: Project No. 220582 Rev 2 dated 21/09/2023) was submitted with the application at lodgement that indicated the following:

- The proposed access & parking arrangements comply with AS2890, in particular AS2890.1, AS2890.2, & AS2890.6.
- The access will be designed as Category 2 driveways as per AS/NZS 2890.1:2004, with entry and exit widths being a minimum of 3m wide.
- The development will provide 148 car parking spaces, including 5 accessible spaces.

- Swept turning paths are satisfactory at accesses and internal intersections for compliance with AS2890.1. Vehicular swept turning paths are provided within Appendix B of the TIA.
- The waste services vehicle can enter the site in a forward direction from Adelaide Street, service the bins from a loading layby area within the site, and then exit the site in a forward direction to Brougham Street. Deliveries (including kegs) will utilise the same laybay area.
- There is a shortfall of 52 parking spaces proposed compared to that required under Council's DCP.
- The development will generate up to an additional 50 vehicle trips in the peak hour compared to existing uses on the site, which would be spread between Victoria Street and Brougham Street.
- The TIA concludes that the subject site is suitable for the proposed development in relation to traffic impact, car parking provision, vehicle and pedestrian access and safety considerations.

That TIA indicated that the *"proposed driveway locations will also comply with Figure 3.3 – Minimum Sight Distance for Pedestrian Safety AS/NZS 2890.1"*... The original assessment of the application noted that *the driveway exits to Victoria Street and Brougham Street are within 2m of the side boundary within the required 2m x 2.5m sight distance to pedestrian splays and on the basis that these are one-way exits only, do not provide the required sight distance to pedestrian splays on both sides of the driveway required under Section 3.2.4 & Fig. 3.3 of AS/NZS2890.1:2004*. Additional information and amendments were requested to provide the required 2m x 2.5m sight distance splays to pedestrians on both sides of the driveways within the boundary for compliance with Section 3.2.4 & Fig. 3.3 of AS/NZS 2890.1:2004, and ensure that these splay areas cannot be encroached by vehicles, nor obstructed by any structures, fencing, and/or landscaping.

A revised Traffic Impact Assessment Report (rTIA) prepared by Barker Ryan Stewart (Ref: Project No. 220582 Rev 4 dated 21/05/2024) was since submitted that indicates the following:

- The proposed access & parking arrangements comply with AS2890, in particular AS2890.1, AS2890.2, & AS2890.6.
- The access will be designed as Category 2 driveways as per AS/NZS 2890.1:2004, with entry and exit widths being a minimum of 3m wide.
- The development will provide 148 car parking spaces, including 5 accessible spaces.
- Swept turning paths are satisfactory at accesses and internal intersections for compliance with AS2890.1. Vehicular swept turning paths are provided within Appendix B of the rTIA.
- The waste services vehicle can enter the site in a forward direction from Adelaide Street, service the bins from a loading layby area within the site, and then exit the site in a forward direction to Brougham Street. Deliveries (including kegs) will utilise the same laybay area.
- There is a shortfall of 52 parking spaces proposed compared to that required under Council's DCP.
- The development will generate up to an additional 50 vehicle trips in the peak hour compared to existing uses on the site, which would be spread between Victoria Street and Brougham Street.
- *The proposed driveway locations will also comply with Figure 3.3 – Minimum Sight Distance for Pedestrian Safety AS/NZS 2890.1 While the proposed driveways will be*

located adjacent to the southern boundary of the site there are no impediments to restrict the sight lines to pedestrians from vehicles exiting the site.

- The rTIA concludes that the subject site is suitable for the proposed development in relation to traffic impact, car parking provision, vehicle and pedestrian access and safety considerations.

Traffic & Transport Engineer

The application (as originally lodged) was referred to Council's Traffic & Transportation Engineer who in his comments dated 25 January 2024 (D16043121) advised of no objections to the proposed development and as per TfNSW advice dated 16 January 2024 (D16028658) recommended that *No Stopping signage be installed on Victoria Street between the access and egress to maintain sight lines at the egress.*

Transport for NSW (TfNSW)

The application as lodged was referred to TfNSW, who in their response dated 16 January 2024 (D16028658) indicated a number of comments to assist Council in the assessment of the application.

The revised application was referred to TfNSW who in their response dated 21 August 2024 repeated a number of their previous comments which are detailed as follows as relevant to the engineering assessment of this application.

TfNSW response

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with the Future Transport Strategy.

Central Coast Highway (HW30) is a classified State road and Adelaide Street and Brougham Street are local roads. Council is the roads authority for these roads and all other public roads in the area, in accordance with Section 7 of the Roads Act 1993.

Development Engineers' Assessment Comment

Noted. Central Coast Highway is also referred to as State Road A49 and incorporates the Victoria Street frontage of the site, and the Victoria Street / Adelaide Street intersection.

TfNSW response

TfNSW has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

1. *TfNSW recommends that No Stopping signage be installed on Victoria Street between the access and egress to maintain sight lines at the egress.*
2. *Driveways to be constructed to Council standards.*
3. *Kerb work to be constructed in accordance with TfNSW QA Specification R15 Kerbs and Channels (Gutters) (profiles should match existing).*

4. *Pavement restoration to be deeplift AC14 HD C450 in accordance with TfNSW QA Specification R116 Heavy Duty Dense Graded Asphalt.*

Development Engineers' Assessment Comment

These matters can be appropriately conditioned. No stopping signs will also require the endorsement of the Local Traffic Committee. **(Refer conditions 2.9-2.11)**

TfNSW response

Advice to the Consent Authority

- *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.*

Development Engineers' Assessment Comment

This matter can be appropriately conditioned. **(Refer condition 4.5)**

TfNSW response

- *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 TfNSW of any adjustments to the existing system that are required prior to final approval of the development.*

Development Engineers' Assessment Comment

This is not applicable to this development as stormwater is proposed to connect to Council's drainage system in Brougham Street, and stormwater from the development would not discharge into drainage associated with the State road network.

TfNSW response

- *TfNSW highlights that in determining the application under Part 4 of the Environmental Planning & Assessment Act, 1979 it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development.*

Development Engineers' Assessment Comment

Noted.

TfNSW response

- *All matters relating to internal arrangements on-site such as traffic / pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to consider.*

Development Engineers' Assessment Comment

Noted.

It is noted that TfNSW have not advised that the site is affected by any road widening scheme.

Flooding

Council's records do not indicate that the site is affected by flooding or flood planning controls in the 1%AEP recurrence interval, nor affected by flooding in the PMF event.

Drainage

The site generally grades from the Victoria Street (Central Coast Highway) frontage of the site to the Brougham Street frontage of the site.

A 'Concept Water Cycle Management Plan' (WCMP) prepared by Northrop (Job No: NL230692 Rev A dated 25/08/23) was submitted with the application. This WCMP indicates the following provisions for compliance with Chapter 3.1 of Council's DCP2022:

- Water conservation: It is proposed that the redevelopment will incorporate the following water saving measures: Use AAA+ efficient taps, hoses and fittings and undertaking regular maintenance of these fixtures; Use 4.5/3 dual flush toilet cisterns; Landscaping with plant species that require minimal watering and irrigation with appropriate systems to minimise water loss and evaporation. This includes native plant species, using mulch around garden beds, avoiding watering when it's windy, watering during the coolest parts of the day and using drip irrigation; Harvested rainwater from the roofs of the redevelopment is proposed to be collected and reused for irrigation of landscaping areas and toilet flushing.
- Stormwater harvesting: A 20,000 litre rainwater tank is proposed for reuse within the site for toilet flushing and watering landscaped areas.
- Stormwater Quality: A 'MUSIC' model was utilised to assess the performance of treatment devices to provide nutrient & pollution controls. The treatment devices include: first flush devices to treat stormwater runoff from roofs & meshed filters on downpipes; a below ground rainwater tank to allow settling of sediments; proprietary pit filters; an on-site detention tank that further allows settling of sediments; and the use of proprietary water quality treatment device (Ocean Protect PSORB StormFilter). The results of the MUSIC modelling indicates that the proposed measures would reduce pollutant loads to the reductions targets specified in Council's DCP.
- Onsite detention: On-site detention (OSD) is proposed to attenuate additional stormwater flows potentially generated by the proposed development. A runoff routing method ('DRAINS') was utilised for the design and analysis of the proposed OSD system. In summary the results indicate an OSD tank with a volume of 80m³ and an orifice of 315mm would limit post development flows back to predevelopment flows for all storms up to and including the 1%AEP recurrence interval.
- Local overland drainage: Local overland drainage from the upstream areas will be conveyed along Adelaide Street towards Brougham Street. Ground level flows will flow through the carpark to the access ramp on the south-eastern boundary to Brougham Street. Overflows from the OSD basin will also flow along the vehicle access to Brougham Street.
- Flooding: Councils online flood mapping system does not indicate that the site is impacted by flooding for the 1% AEP.

Concept Engineering Drawings also prepared by Northrop (Ref NL230692, Drawing No's C1.1 Rev B dated 06.11.24, C3.1 Rev B dated 06.11.24, C3.2 Rev C dated 06.11.24, C10.1 Rev A dated 25.08.23, & C10.2 Rev A dated 06.11.24) indicate stormwater details to reflect the stormwater measures indicated in the WCMP.

Easements to drain water

- Lot 7 DP 658304 (part of subject development site):
 - There is an easement to drain water 1.83m wide located within the eastern boundary of Lot 7 DP 658304 (No 29-31 Victoria St). Council's records indicate there is a 375mm diameter stormwater pipeline located within this easement.
- Lot 7A DP 365458 (part of subject development site).
 - Council's property messages for Lot 7A DP 365458 No 16 Brougham St) indicate that Council has a proposed easement to drain water to be created over this lot. It is unknown to what extent this proposed easement would affect this lot - refer to comment below from Council's Drainage Assets Section.
- Neighbouring properties:
 - SP 64387: The DP for Lot 501 DP 630522 & Lot 502 DP 630522 located on the south-eastern side of Lot 7A DP 365458 and Lot 7B DP 365458 (respectively) indicates there is an existing easement to drain water 2m wide located within the north-eastern boundary of Lot 502. This easement to drain water and any associated drainage system appear to enter part of the easement to drain water within Lot 7 DP 658304. DP 630522 has since become SP 64387 associated with a residential unit development on No 25 Victoria Street. (Note: A copy of SP 64387 could not be found on Council's records (Geocortex) as part of this engineering assessment.)
 - Lot 501 DP630522 (No 12 Brougham Street) contains an easement to drain water that benefits Council and an associated 375mm diameter pipeline.

It is noted that the Civil CID report submitted with the application (as lodged) indicates the existing stormwater drainage easement and stormwater pipe be investigated to determine its exact location as it may impact on the design and construction of the development.

Advice received from Council's Drainage Assets Team indicated that the applicant was required to demonstrate compliance with the following matters:

- *Accurately locating, confirming dimensions including depth, and plot to scale Council's stormwater pipelines and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor. (Evidence of methodology used for locating stormwater system should be provided).*
- *All structures are to be located clear of any Council stormwater drainage infrastructure and / or easement.*
- *Footings of any building located adjacent to an easement or constructed public drainage system are to be outside the zone of influence as outlined in the Civil Works Spec and DCP. A minimum horizontal clearance of 1.5m between the footings and the constructed drainage system is also required.*
- *Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance with Council's specifications are to be submitted including a zone of influence assessment.*
- *An overland flow assessment to ensure no adverse impacts.*

In this regard, a request for information was sent to the applicant (via the Planner) requiring the applicant submit additional information as follows:

- *Submit additional details of the existing Council stormwater drainage system within both Lot 7 DP 658304 and Lot 7A DP 365458:*
 - *Accurately locating, confirming dimensions including depth, and plot to scale Council's stormwater pipelines and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor. Evidence of methodology used for locating stormwater system should be provided. Details to also include the stormwater connection from SP 64387 into the Council drainage system in Lot 7 DP 658304, and details of the potential stormwater connection from lot 7A DP 365458 into the Council drainage system in Lot 501 DP 630522.*
 - *Verification that all structures are to be located clear of any Council stormwater drainage infrastructure and / or easement.*
 - *Verification footings of any building located adjacent to an easement or constructed public drainage system are to be outside the zone of influence as outlined in the Civil Works Spec and DCP. A minimum horizontal clearance of 1.5m between the footings and the constructed drainage system is also required.*
 - *Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance with Council's specifications are to be submitted including a zone of influence assessment.*

In response the applicant submitted the following documents:

- D16320142 Covering Response to RFI Elanora Hotel
- D16320139 Stormwater Letter Elanora Hotel
- D16320140 Updated Landscape Plans Elanora Hotel
- D16320144 Updated Architectural Plans Elanora Hotel

These documents were referred to Council's Drainage Assets Team who advised in their email (D16484155) that further additional information is to be submitted addressing the following:

- *The applicant needs to confirm the full extent and alignment of the stormwater drainage infrastructure through the subject site, once Council has cleaned the pipeline to facilitate the inspection.*
- *No trees are to be planted within the easement or in close proximity to Council's pipeline along the south eastern boundary of the site and also on Brougham St. (Plan LA01, 02, 03).*
- *There is proposed filling within the easement and over Council's stormwater drainage pipeline. Any such works must be in accordance with our CWS / DCP. (Dwg. DA-005)*
- *Constructed planter beds and retaining walls are shown within the easement. No structures are to be located within the easement or over Council's pipeline. On grade gardens with low shrubs will be permitted but not trees. (Dwg. DA-102, 302)*
- *Need to maintain a suitable overland flowpath align this alignment.*

In view of those latest comments from Council's Drainage Assets Team the following was included in a further request for information to the applicant:

- *The additional information provided does not satisfy Council's previous request related to the Council stormwater drainage system within both Lot 7 DP 658304 and Lot 7A DP 365458. The full extent and alignment of the stormwater drainage infrastructure through the subject site is to be confirmed by the applicant, once Council has cleaned the pipeline to facilitate the inspection.*

- *No trees are to be planted within the easement to drain water or in close proximity to the associated Council pipeline along the south eastern boundary of the site and also on Brougham St. The landscape plans prepared by Taylor Trimmer (Sheets LA01, LA02, LA03, LA07, LA08, LA09, & LA11) are to be amended accordingly.*
- *Drawing No DA-005 of the revised architectural plans indicates that there is proposed filling within the easement to drain water and over Council's stormwater drainage pipeline. Any such works must be in accordance with Council's Civil Works Specification and Council's DCP2022.*
- *The proposed planter beds and retaining walls within the easement to drain water are not supported. No structures are to be located within the easement to drain water or over Council's pipeline. On grade gardens with low shrubs will be permitted but not trees. Revised plans are to be submitted that do not indicate the construction of planter beds and retaining walls within the easement to drain water.*
- *A suitable overland flow path over the alignment of the drainage easement is to also be maintained in the proposal.*

It was also noted that proposed 2m wide landscaping strip along the south-east side boundary to address potential visual and acoustic impacts does not comply the issues raised by Council's Drainage Assets Team.

The following documents were submitted as part of a further response by the applicant:

- D16506854 Response to Engineering RFI dated 8 November 2024.
- D16506845 Email from Northrop Engineers to Council's Drainage Assets Team
- D16506848 Revised Landscape Plans
- D16506844 Revised Architectural Plans Elanora Hotel
- D16506834 Updated Civil Works Plans

In summary, the following amendments and information was provided:

- *The architectural and landscape plans have been updated to remove the raised planter beds and retaining in the easement, replacing these with at-ground landscaping.*
- *The civil plans have been updated to show relocated retaining, and to reflect removal of the planter beds.*
- *The landscape plans have been updated (Attachment C) to remove trees from the easement, and these have been replaced with mixed planting of tropical and coastal shrubs and ground covers.*
- *The filling within the easement will comply with Council's DCP and drainage requirements, and this is confirmed with an additional notation added to the architectural plans.*
- *Northrop has reviewed the flow paths derived from Victoria St, and advise that if the pit in Victoria Street surcharges, it simply flows down the road to Adelaide Street, and an overland flow path isn't required. Notwithstanding, the application addresses the flow of all stormwater on the site, and a channel is available for flow within the proposed driveway to Brougham Street.*
- *The acoustic fencing is still proposed, to protect the amenity of adjoining residential zoned land, and this will effectively be attached to existing retaining/ fencing already located on the boundary, and in our submission, achieves a reasonable balance between drainage and residential amenity considerations.*

This additional/revised information was referred to Council's Drainage Assets Team who have now advised:

There is proposed filling over Council's pipeline (requiring retaining) and also a proposed 2.2m high acoustic fence along the south eastern boundary of the site. All structures are to be outside the zone of influence. In this regard, the following condition is proposed to ensure this is achieved:

Certification of Structures Located Adjacent to Council Stormwater Infrastructure or Easement

- *The Applicant shall submit a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent, Central Coast Council's DCP, and the approved Construction Certificate plans. The certificate demonstrating compliance is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.*

Reason: Protection of Council's Infrastructure

This can be appropriately conditioned. **(Refer condition 6.19)**

Trees

Discussions with Council's Tree Assessment Officer indicated they did not have any objections with the potential impact of the new pipeline connection within the footway in Brougham Street on the existing street tree/s.

Lot Consolidation

The existing 6 lots will need to be consolidated into 1 parcel of land prior to the issue of an Occupation Certificate. **(Refer condition 6.21)**

Awnings

The application indicates that the *proposal maintains the existing hotel awning in Victoria Street...*. This is noted.

Ausgrid

The proposed access arrangements in Adelaide Street conflict with the existing electrical substation located in Council's footway of this road reserve. This development proposes to relocate this existing electricity substation in Adelaide Street, however, it is unclear where this substation will be relocated to.

It is noted that the applicant advised of the following in their covering letter correspondence for additional information dated 23 July 2024:

In response to Council's email of 20/2/24 the applicant sought confirmation from the project electrical engineers, Power Solutions, who have spoken with Marcus Holmes from Ausgrid. Ausgrid is aware the existing substation is to be moved, and the advice from Ausgrid was largely generic based on the existing infrastructure in the area. Ausgrid may require more conduits to be added at the contestable design stage, but they will advise in their Design Information once the design project starts, which is post the issue of a development consent.

This information is noted, and the relocation of the substation in Adelaide Street is a matter for the developer and Ausgrid to determine.

Waste

It is noted that Council's Waste Officer has raised the following matters:

- *That the Development Engineer check the swept travel plans to make sure that a HRV can access the site and exit in the path that has been proposed,*
- *there is some potential overhead clearance issues regarding the HRV driving into the collection point and leaving the collection point, just need to confirm that there is enough clearance between the building and the proposed garden bed and the truck won't be obstructed.*

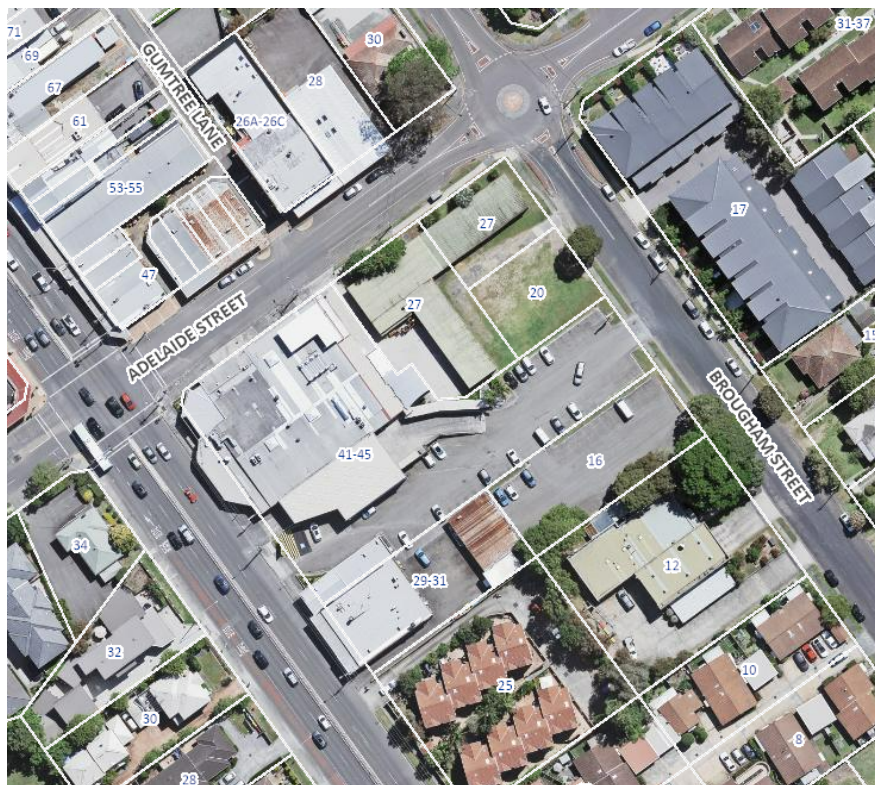
In relation to the vehicular manoeuvrability, swept turning paths of the 12.5m HRV provided appear to be satisfactory. In relation to overhead clearances, the applicant has now advised "As shown on the architectural plans, no part of the waste truck travel path is roofed or enclosed, which would require a 4m overhead clearance to be demonstrated". This is noted.

Architectural Assessment/Comments.

Council's architect advises:-

This assessment refers to amended drawings prepared by Loop Creative Revision 02. Dated 19.07.24. It proposes redevelopment of the Elanora Hotel site, including:

Amalgamation with the existing shop (29-31 Victoria Street) and demolition of the shop, former motel and other structures on the site (existing bottle shop, commercial premises, car wash and car park).



The site faces Adelaide Street on the north, Brougham Street on the east, Victoria Street on the west and Strata titled residential development and NSW Fire and Rescue on the south.

ARCHITECTURAL AND URBAN DESIGN COMMENTS.

2.5.4.2 Side and Rear Setbacks

Side and rear setbacks are important as they provide for amenity between neighbouring properties. Side and rear setbacks allow for solar access and privacy, both visual and acoustic. For sites with rear lane access, rear setbacks can provide space for parking, loading and services.

OBJECTIVES

- To ensure new development does not detrimentally affect the amenity of adjoining residential development.
- To manage a transition between sites or areas with different development controls such as height and land use.
- To ensure that those parts of new development fronting a rear lane have a bulk and scale secondary to those parts fronting the main street, and that is appropriate to the width of the lane.

REQUIREMENTS

- a For sites with side boundaries adjoining land in a business zone, a zero metre building setback is permitted for new development that is non-residential.
 - b New commercial development must have side and rear setbacks that will ensure the development does not significantly impact upon the existing or future amenity of any adjoining land upon which residential development is permitted, with respect to overshadowing, privacy or visual impact.
 - c For sites with rear boundaries adjoining land in a residential zone, new development must be setback a minimum of 6 metres from the rear boundary, and a landscaped buffer must be provided.
 - d All new development fronting a rear lane must have a bulk and scale secondary to the development on the site fronting the main street.
1. The applicant has amended the application and added some area of landscaped buffer as requested by Council. This must be extended a further 6m towards Victoria Avenue to provide screening and outlook for the adjoining townhouse.

2.5.5.2 Active Frontages

OBJECTIVES

- To achieve a well-designed streetscape that engages and activates the commercial centre and contributes to its economic viability.
- To encourage active uses and pedestrian orientated development at ground level in commercial development.
- To optimise social interaction and economic development through a focus on urban environments which encourage pedestrian activity.
- To identify activities or building elements that would interrupt or compromise desired levels of pedestrian activity.

REQUIREMENTS

- a Active frontages are to be provided at street level along footpaths and public open space, in accordance with the following:
 - i New commercial development facing public open space must have active frontages for at least 75% of the length of the facade;
 - ii New commercial development facing significant streets within a commercial centre must have active frontages for at least 50% of the length of the facade; and
- 2. The application has been amended the Adelaide Street elevation and added an open cantilever terrace with planter boxes and landscaping at ground level. This creates a visual connection and provides some articulation to disguise the bulk and scale.

RECOMMENDATIONS.

The amended application is now supported subject to the following:

Extending the landscaping on the southern boundary a further 6 metres towards Victoria Street to provide outlook and screening to the adjoining townhouse.

Environmental Health

Council's environmental Health officer advises:-

Air Quality

The standard dust condition will be applied to manage dust emissions during the demolition, earthworks, and construction phases of the development.

Acid Sulfate Soils (ASS)

The land is mapped as class five (5) ASS, whereby works below the ground surface that is within 500 metres of adjacent Class 1, 2, 3 or 4 land, may encounter ASS. The land is approximately 100 metres from adjacent Class 2 ASS land. The *Acid Sulfate Soil Assessment* has been reviewed and meets the requirements of the Acid Sulfate Soil Manual. The Assessment concludes that the site is not impacted by acid sulphate soils within the borehole locations, and that an Acid Sulphate Soil Management Plan (ASSMP) is not required for the site. Clause 7.1 of the Central Coast LEP has been adequately addressed.

Asbestos/ Contamination/ SEPP (Resilience and Hazards) 2021

Considering the age of the existing Motel asbestos and other hazardous materials such as lead paint and synthetic fibres may be present. Conditions are applied for asbestos removal to be carried out by a licensed contractor, and a *Hazardous Materials Survey* is to be prepared prior to demolition, as well as providing an *Asbestos Clearance Certificate*.

The *Detailed Site Investigation, Remediation Action Plan* and *Hazardous Gas Assessment* has been reviewed. The *Detailed Site Investigation* detected asbestos in some surface samples and remediation works are required in those areas. There is a low risk of groundwater contamination based on elevated heavy metals (nickel and zinc) and the potential for hazardous ground gases from the adjacent landfill site at Hylton Moore Oval. The *Hazardous Gas Assessment* details the results of gas monitoring between April and June 2023. Results indicate that no gas protection measures are required at the site. The *Remediation Action Plan*

details that the site can be made suitable for the proposed land use subject to the works described in the RAP and the preparation of a *Site Validation Report* post remediation. The most preferred remedial strategy is removal of the contaminated material to a licenced landfill, which is supported. Considering the extent of cut and fill earthworks, groundwater is not expected to be encountered. Additional sampling will be completed post demolition beneath the existing buildings. A *Site Management Plan* has been prepared for the demolition, earthworks and construction phase and an *Unexpected Finds Protocol* has also been prepared. These are included in the RAP. All reports have been prepared in accordance with the relevant guidelines and have satisfied clause 4.6 of *SEPP (Resilience and Hazards)* 2021.

Noise

The proposed operating hours for the Hotel are:

- Monday to Saturday 10:00 AM to midnight
- Sunday 10:00 AM to 10:00 PM.

The proposed operating hours for the bottle shop are:

- Monday to Saturday 9:00 AM to 11:00 PM,
- Sunday 10:00 AM to 10:00 PM. (**Refer condition 9.1**)

The proposed operating hours for the motel are 24/7.

The *DA Acoustic Assessment, Elanora Hotel, East Gosford*, dated July 2024, prepared by Renzo Tonin and Associates has been reviewed. The existing noise environment has been determined at four locations and the project specific noise criteria has been set based on the intrusive noise level. Noise emission assessments have been completed for patron and amplified sound equipment (background music levels only) against the Liquor Gaming and Racing standard noise condition. Noise modelling has also been completed for noise from mechanical plant and equipment, car park and traffic movements, sleep disturbance, deliveries, and waste collection against the NSW EPAs *Noise Policy for Industry* 2017. To ensure compliance with the project specific noise criteria building treatments, fencing and management acoustic controls are required.

The *Acoustic Assessment* indicates that the noise modelling is based on the maximum capacity patronage shown on the *Architectural Plans*.

As the selection of the mechanical plant and equipment has not yet been determined an acoustic consultant will need to be engaged prior to CC to ensure that the selected equipment meets the project noise goals. (**Refer conditions 2.4, 2.6**)

Conditions are applied restricting the time for deliveries and waste collection to the daytime period only. (**Refer condition 9.4**)

The *Elanora Hotel Pty Ltd, Operational Management Plan, 41 to 45 Victoria St E Gosford*, July 2024, prepared by Barker Ryan Stewart has been reviewed and is considered to be satisfactory. The use of the two communal terrace areas located on the ground and second floors of the Motel facing Brougham Street are to be restricted to allow guest use between 7:00am to 10:00pm only to avoid acoustic impacts to adjacent residences. (**Refer condition 9.5**)

Soils and Construction

The *Soil and Water Management Plans* have been reviewed and they generally meet the requirements of the Landcom 'Blue Book'. RUSLE calculations indicate that a sediment basin is not required. The SWMPs will be conditioned with a modification, requiring the inclusion of 'material stockpiles' SD 4-1. (**Refer condition 5.14**)

Social Planner

Council's social planner advises:-

This development has been assessed by Council's Social Planner pursuant with the conditions stated in Part 5 of the EP&A Act and is supported, subject to conditions listed below.

A Social Impact Assessment (SIA) and Crime Prevention Through Environmental Planning (CPTED) report have been submitted as part of this application which addressed nuisance, security, social amenity, and security concerns inherent with this kind of development.

This development involves the intensification of development upon the site but does not propose an alteration to the site's current usage. Public feedback also appears to support the works as a means of rejuvenation of the locality.

Conditions applied by the Social Planner are chosen so as to reduce the potential for impact of light, sound, criminal activity, and other nuisance on nearby residential premises, as well as upon nearby business.

Subject to these conditions being met, Council's Social Planner supports this development. **(Refer conditions 6.4, 6.5, 9.7-9.11)**

Water and Sewer

Council's water and sewer directorate advise: -

Water and Sewer is available to the land. The existing sewer mains extending from SO01 to SO02 and from SO02 to SO03 required to be relocated/adjusted prior to the start of the construction due to the RL of the proposed lower ground parking. Any proposed adjustments to Council's sewerage assets will require a detailed design to be prepared by the applicant. The plans are to be submitted to Council for approval prior to the issue of the Construction Certificate. Any adjustment or protection of the sewer mains are to be fully funded by the developer.

The design and construction of any sewer main adjustments are to be in accordance with the WSAA Sewerage Code of Australia WSA-02 Sydney Water Edition with Central Coast Council Amendments. Council will undertake final connections to its live sewer system at the developer's full cost.

The applicant needs to get a section 307 certificate of compliance under the Water Management Act 2000. Water and sewer contribution fees applicable. **(Refer conditions 2.2, 6.2)**

4.3 Community Consultation

The proposal was notified in accordance with the CCDCP 2022 from 12 January 2024 until 5 February 2024. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (about 38 letters sent);
- Notification on the Council's website.

The Council received a total of four (4) unique submissions, comprising three (3) objections and one (1) submission in favour of the proposal. The issues raised in these submissions are considered in **Table 7**.

Amended plans were notified from 16 August 2024 until 6 September 2024. No additional submissions were received.

Table 7: Community Submissions

Issue	No of submissions	Council Comments
In favour	1	Supported due to quality design and a great addition to the area. Site in need of rejuvenation.
Traffic generation and noise impact	2	The site is located on a main road and within a local centre. The road system can cater for the additional traffic generated.
Motel not suitable for site and character of area. Pub, shops and residential units would be better.	1	The design of the proposal is supported by Council's architect. The proposal results in an improvement to the existing development on the site with additional parking and landscaping. Noise generation can be mitigated by conditions of consent and the plan of management.
Excessive height number of motel units and inadequate car parking.	1	Proposal complies with height limit. A motel is a permissible use. Car parking variation is supported by the traffic impact assessment and Council. The number of motel units is not excessive and a motel is needed to accommodate and encourage tourism.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Car Parking

The proposal does not provide the total number of car parking spaces required under CCDCP 2022 for all the separate uses. However the car parking generated by the proposed uses is reasonable to be discounted due to patrons attending more than one use on the site. For example, people staying at the motel will likely use the hotel for meals. The motel use will mainly be of a night time and the hotel day and evening use. It is considered the provision of 148 car spaces on site is adequate for the proposed development and is supported by Council.

Resolution: The issue has been resolved through recommended conditions of consent which require the 148 car spaces to be provided. **(Refer conditions 9.12, 9.13)**

5.2 Urban Design

The proposed building form presents a sympathetic response to the streetscape and is not of an excessive bulk and scale and positively contribute to the desired future character of the area. Council's Architect supports the proposal.

6.3. Acoustic Impact

The proposal has the potential to impact the amenity of nearby residential areas. The Noise impact report and operational plan of management provide mitigation measures to mitigate the impact such as restricted hours of operation, and the erection of a 2.2m acoustic fence on the southern side boundary. Council's Environmental Health Officer supports the proposal.

Resolution: The issue has been resolved through recommended conditions of consent. **(Refer conditions 2.4, 5.10, 5.13, 6.3, 9.1-9.6)**

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The proposal complies with the height, FSR and objectives of the B2 zone and is permissible with consent.

The road network can cater for the additional traffic generated. It is considered the on-site car parking provided is adequate for the development given the different uses, peak operating times, the provision of a shuttle bus, and street parking available if needed.

It is considered the proposed development will not impact the amenity of the area subject to conditions of consent controlling hours of operation, noise mitigation measures and compliance with the Plan of Management.

The site is suitable for the development and compatible with the locality. The development will provide additional employment and tourist accommodation.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA No 2396/2023 for Alterations and additions to existing hotel, new bottle shop, 60 room motel, new car parking area and part demolition of existing structures at Lot 7 DP658304, Lot 15 DP1061216, Lots 2 and 3 DP 1016073, Lot 7A DP365458, Lot 4 DP1016073 [29-31, 41-45 Victoria Street, 16 and 20 Brougham Street, 27 and 27A Adelaide Street, East Gosford, be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent. (D16601387)
- Attachment B: Architectural Plans (D16506844 and D16564151-Sheet DA-700 Rev 02)
- Attachment C: Landscape Plans (D16506848)
- Attachment D: Operational Management of Management (D16330406)
- Attachment E: Updated Social Impact Assessment (D16330404)
- Attachment F: Acoustic Assessment (D16330403)
- Attachment G: Traffic Impact Assessment (D16320146)
- Attachment H: Waste Management Plan (D16320137)
- Attachment I: Arboricultural Impact Assessment (D15998339)
- Attachment J: Statement of Environmental Effects (D15998299)
- Attachment K: Detailed Site Investigation (D15998266)
- Attachment L: BCA Report (D15998265)
- Attachment M: Remediation Action Plan (D15998254)
- Attachment N: CPTED Report (D15998253)
- Attachment O: Acid Sulphate Soil Assessment (D15998243)
- Attachment P: Ausgrid Response (D16368330)
- Attachment Q: TfNSW response (D16368306)
- Attachment R: Internal Civil Works (D16506834)
- Attachment S: Jemema Response