

COUNCIL ASSESSMENT REPORT

Panel Reference	HCCRPP-52 2020		
DA Number	58884/2020		
LGA	Central Coast Council		
Proposed Development	Mixed use industrial including warehouses, restaurant, child care, gymnasium.		
Street Address	27 Sunny Bank Road, Lisarow		
Applicant/Owner	Palladium Property Services Pty Ltd/Trend Investments Pty Ltd		
Date of DA lodgement	Select Date		
Total number of Submissions	Three (3)		
Number of Unique Objections	One (1)		
Recommendation	Approval		
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Value exceeds \$30 million		
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 – s. 4.15 (EP&A Act)</i> • <i>Rural Fires Act 1997</i> • <i>Biodiversity Conservation Act 2016</i> • <i>Environment Protection and Biodiversity Conservation Act 1999</i> • <i>Protection of the Environment Operations Act</i> • <i>State Environmental Planning Policy No19-Urban Bushland</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>State Environmental Planning Policy 64 – Advertising and Signage</i> • <i>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> • <i>State Environmental Planning Policy (Koala Habitat Protection) 2019</i> • <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i> • <i>Gosford Development Control Plan 2013 (GDGP 2013)</i> • <i>Central Coast Regional Plan 2036 (CCRP 2036)</i> • <i>Central Coast Climate Change Policy</i> 		
List all documents submitted with this report for the Panel's consideration	Document	Prepared by	Date / Issue
	Architectural Plans	BHI Architects	April 2021
	Statement of Environmental Effects	City Plan	July 2020
	Bushfire Assessment	Peterson Bushfire	9 July 2020
	BCA Capability Report	Modern Building Certifiers	3 July 2020
	Landscape Plans	Xeriscapes	May 2021
	Geotechnical Investigation	JKGeotechnics	25 September 2019
	Aboriginal Heritage Report	Conacher Consulting	June 2019
	Traffic & Parking Assessment	Transport & Traffic Planning Assoc.	July 2020
	Water Sensitive Urban Design	Acor Consulting	18 June 2020

	Waste Management Plan	Wasteaudit	November 2020
	Threatened Biodiversity Assessment Report	Conacher Consulting	April 2021
	Acoustic Assessment	Acoustic Dynamics	9 July 2020
	Acoustic Addendum	Acoustic Dynamics	27 April 2021
	Access Report	Code Consulting Group	2 July 2020
	Aboriginal Impact Assessment	Advanced Treescape Consulting	6 April 2021
	Preliminary Site Investigation	JKEnvironments	9 September 2019
	Engineering Plan Set	Acor Consulting	26/02/2021
Clause 4.6 requests	Not applicable.		
Summary of key submissions	Employment generation Only industrial uses should be permitted		
Report prepared by	Robert Eyre		
Report date	24 May 2021		

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Not applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

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

JOINT REGIONAL PLANNING PANEL

(Hunter and Central Coast)

Council Assessment Report

Panel Reference	HCCRPP-52 2020
DA Number	58884/2020
Local Government Area	Central Coast Council
Proposed Development	Staged Integrated Mixed- Use Light Industrial Park.
Street Address	27 Sunny Bank Road Lisarow
Applicant	Palladium Property Services Pty Ltd
Owner	Trend Investments Pty Ltd
Number of Submissions	Three (3)
Recommendation	Approval, subject to conditions.
Regional Development Criteria - Schedule 7 of the State Environment Planning Policy (State and Regional Development) 2011	Value in excess of \$30 Million
List of all relevant 4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 – s. 4.15 (EP&A Act)</i> • <i>Rural Fires Act 1997</i> • <i>Biodiversity Conservation Act 2016</i> • <i>Environment Protection and Biodiversity Conservation Act 1999</i> • <i>Protection of the Environment Operations Act</i> • <i>State Environmental Planning Policy No19-Urban Bushland</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>State Environmental Planning Policy 64 – Advertising and Signage</i> • <i>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> • <i>State Environmental Planning Policy (Koala Habitat Protection) 2019</i>

	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i> • <i>Gosford Development Control Plan 2013 (GDGP 2013)</i> • <i>Central Coast Regional Plan 2036 (CCRP 2036)</i> • <i>Central Coast Climate Change Policy</i>
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	Architectural Plans	BHI Architects	April 2021
	Statement of Environmental Effects	City Plan	July 2020
	Bushfire Assessment	Peterson Bushfire	9 July 2020
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Preliminary Site Investigation	JKEnvironments	9 September 2019	
Engineering Plans	Acor Consulting	26 February 2021	

Report prepared by	Robert Eyre
Report date	3 May 2021

RECOMMENDATION

- A. That the Hunter and Central Coast Regional Planning Panel grant consent to Development Application DA 58884/2020 at Part Lot 1 DP880254 No 7 Sunny Bank Road, Lisarow, for the proposed Integrated Mixed Use Light Industrial Park having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.**
- B. The those who have made written submissions be notified of the Panel's decision.**
- C. The Public Authorities be notified of the Panel's decision.**

Precis:

Delegation Level	Regional Planning Panel
Reason for Delegation Level	Development over \$30 million
Property Lot & DP	Part Lot 1 DP 880254 (Proposed lot 11)
Property Address	27 Sunny Bank Road, Lisarow
Site Area	3.095ha
Zoning	IN1 General Industrial under Gosford Local Environmental Plan 2014 (GLEP2014)
Proposal	Integrated Mixed Use Light Industrial Park
Application Type	Development Application
Current Use	Vacant
Integrated Development	Yes-RFS
Application Lodged	30 July 2020
Applicant	Palladium property Services Pty Ltd
Estimated Cost of Works	\$35,066,012.00
Advertised and Notified	14 August 2020 to 4 September 2020
Submissions	Three (3)
Disclosure of Political Donations & Gifts	Nil
Site Inspection	16/09/2020
Recommendation	Approval, subject to conditions.

The Site and Surrounds

The site is located on the western side of Sunny Bank Road and opposite the intersection with Sylvania Way (**Refer Figure 1**). There is a previously approved 2 lot subdivision of Lot 1, creating two lots:

- Proposed Lot 10 - The northern part of Lot 1 contains a warehouse and car parking which are proposed to be contained within proposed lot 10 in the approved 2 lot subdivision of the site; and

- Proposed lot 11 (the subject of this application) - is the southern part of lot 1, having an area of 3.096ha, and is vacant.

The approved subdivision has, at the time of lodgement of this application, not been registered.

The site is rectangular in shape and has a frontage of 189m to Sunny Bank Road and a width of about 163m. There are scattered trees mainly along the western boundary. The site is serviced by electricity, telephone, water and sewer. Overhead power lines run along the frontage of Sunny Bank Road.

The site slopes to the south west with an average 6 degrees slope. The site levels range from about RL36.51m AHD at the northern end to about RL18.21m AHD at the southern end.

The surrounding development consists of;

- To the north, industrial warehouses including camper/trailer manufacturer, smash repairer.
- To the east, industrial units including McCain Foods and an Australia Post delivery centre,
- To the south, a warehouse/ modular housing manufacturer and the main Sydney to Newcastle railway line.
- To the west, a public reserve/park and residential houses in Perratt Close.



Figure 1-Locality Plan

Background

The following consents have been granted on the site:

- DA30805/2006 on 15 January 2007 for storage of relocatable homes.
- DA56751/2019 on 13 August 2019 and modified on 23 June 2020 for a two (2) lot subdivision of lot 1. The subdivision will create proposed lots 10 and 11. Proposed lot 10 will contain the existing buildings at the northern end of the site. Proposed lot 11 will be vacant and is the subject of the current application. The subdivision has not been registered and the conditions of consent require a 10m wide vegetation filter strip along the western boundary of proposed lot 11 and tree planting 18 trees) long the Sunny Bank Road frontage of the site.

Condition 2.14 requires registration of the subdivision under DA56751/2019 prior to the issue of any construction certificate. **(Refer figure 2).**

Two (2) Pre-DA meetings were held prior to the lodgement of the application.

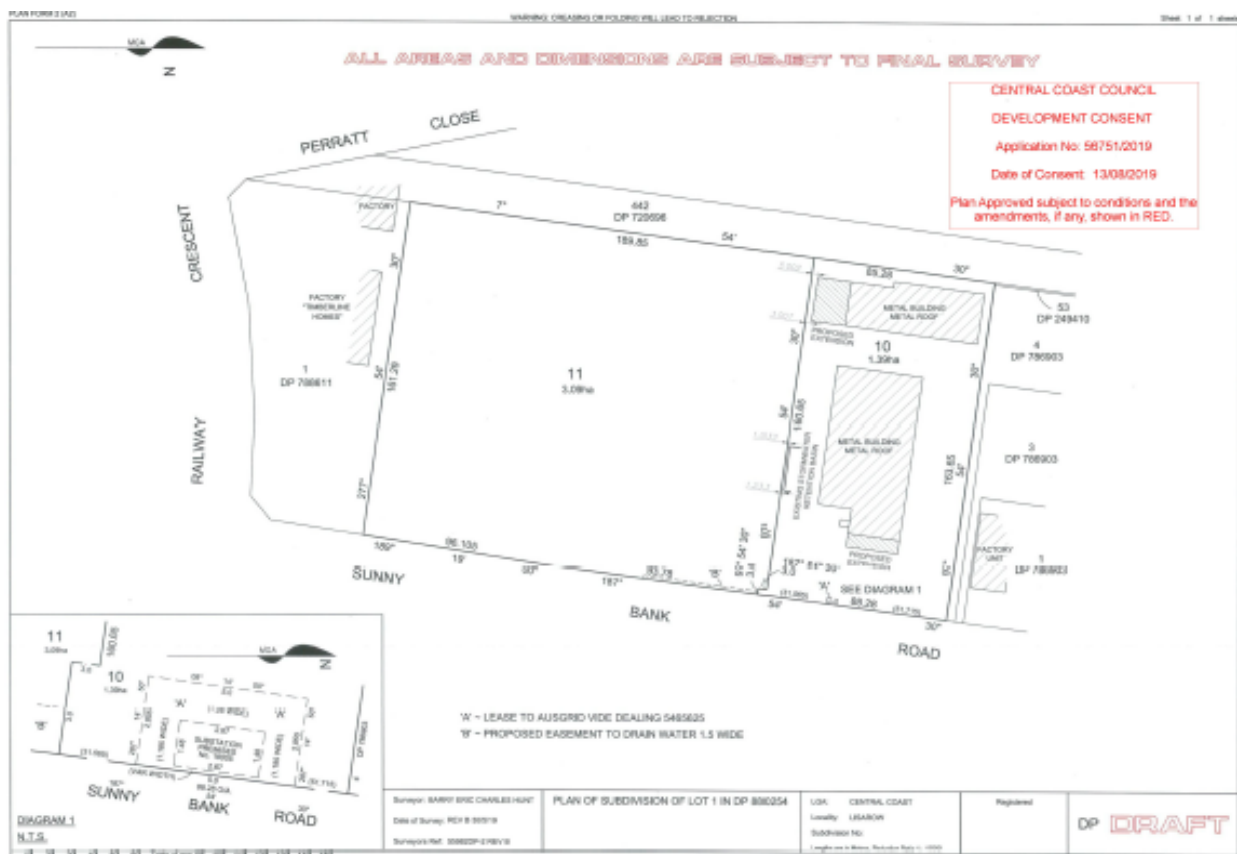


Figure 2-Approved Subdivision Plan

Previous Briefing of Regional Planning Panel

On Wednesday 18 November 2020 a briefing was held with the HCCRPP. (Refer Attachment 13). Following that meeting the applicant submitted amended plans and additional information on earthworks; tree removal/retention; landscaping; drainage; and acoustic impacts. This has been assessed by relevant Council officers who support the proposal subject to conditions.

It should be noted that the application no longer proposes staging or subdivision (as initially proposed). In amendments to the application (December 2020), the proposed staging and subdivision components were removed. See further commentary below.

The Proposed Development

This development application proposes a mixed-use light industrial park comprising the following key features to be staged as indicated below from the Statement of Environmental Effects submitted with the application:

- Site preparation works including vegetation removal and earthworks;
- Eight separate one, two and three storey buildings, as follows:
 - Building A comprising 26 car spaces and plant/service rooms at basement level; two trade units with mezzanine storage areas, a neighbourhood shop, café, restaurant and amenities at ground level; and a gymnasium at level 1;
 - Building B comprising 17 car spaces; two trade units with mezzanine storage areas and amenities at basement level; a veterinarian hospital, management office and plant/service rooms at ground level; and a 90-proposed place childcare centre with outdoor play areas at levels 1 and 2;
 - Building C comprising four small storage units at ground level with mezzanine areas;
 - Building D comprising seven small warehouse units and three larger warehouse units at ground level, all with mezzanine areas;
 - Building E comprising 15 small warehouse units at ground level with mezzanine areas;
 - Building F comprising six small warehouse units and three larger warehouse units at ground level, all with mezzanine areas;
 - Building G comprising two small warehouse units, eight storage units, and three larger warehouse units at ground level, all with mezzanine areas;
 - Building H comprising two medium to large warehouse units;
- Business identification signage in the form of two pylon signs 6m x 2m;
- Site landscaping including a 10m wide revegetated corridor along the western boundary;
- Vehicular access, parking and loading facilities;
- Associated infrastructure and utility works; and

Amendments to the Application

On 9 December 2020 the applicant amended the application by;

- Deletion of the community title and strata subdivision.
- Deletion of the staging of the development (the proposal was initially set out to be constructed across seven stages)
- Revised cut/fill and earthworks plan.
- Increase in child- care places from 90 to 94.
- Amended internal layout for the child- care centre and amended car parking bays.

Other Details of the Proposed Development

The integrated authority (NSWRFS) were advised of the amended application under Clause 55 of the EPA Regulations.

Hours of operation will be determined by future operators. The industrial, child- care and warehouse uses will likely operate 7.00am to 6.00pm daily. The gymnasium may operate 24 hours daily, and the restaurant until 10.00pm Friday and Saturday.

Two (2) entry/exit driveways are proposed to Sunny Bank Road, one at the southern end of the site and the other at the northern end of the site.

The external building materials include masonry, metal/timber and glazing. (Refer figure 4). A total of 143 car parking spaces (including 7 accessible space), 20 bicycle spaces, and 4 motorcycle spaces are provided in basement and ground level parking throughout the site.

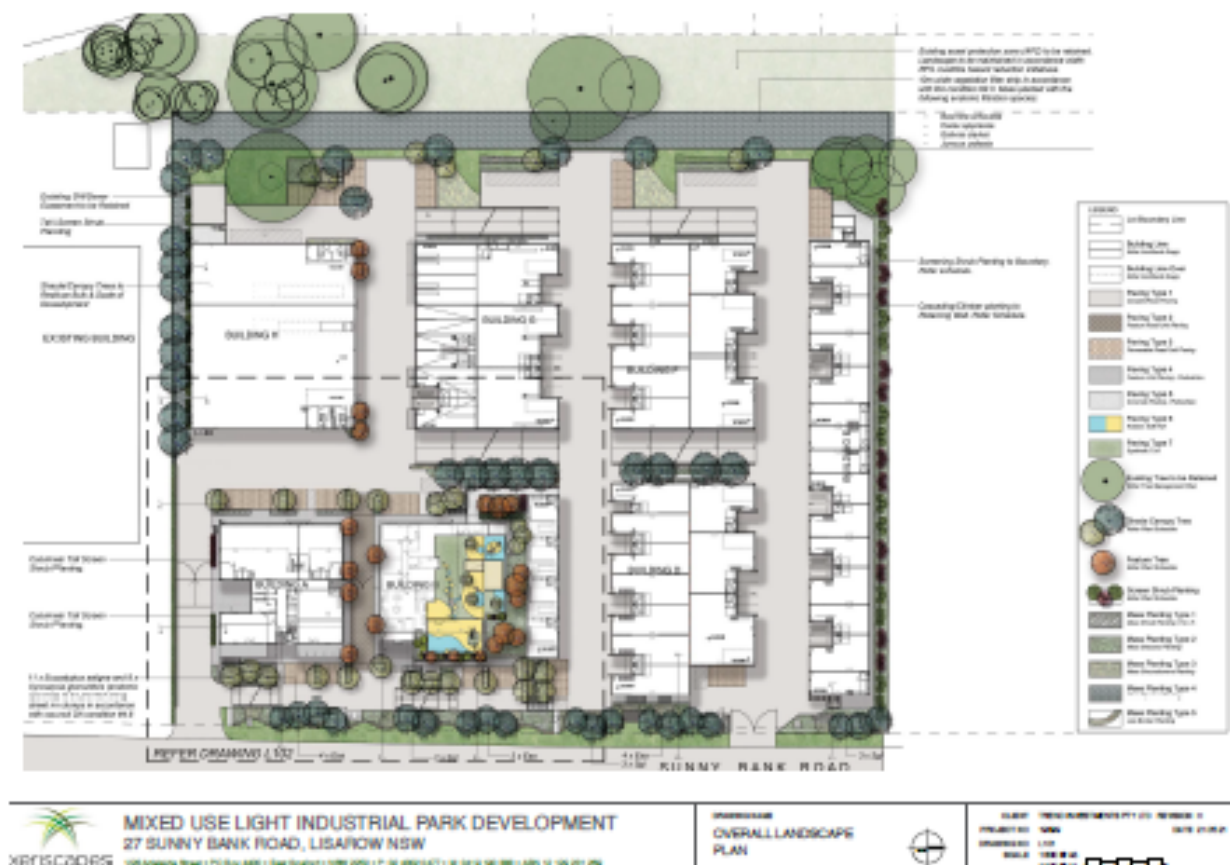


Figure 3-Site/Landscape Plan

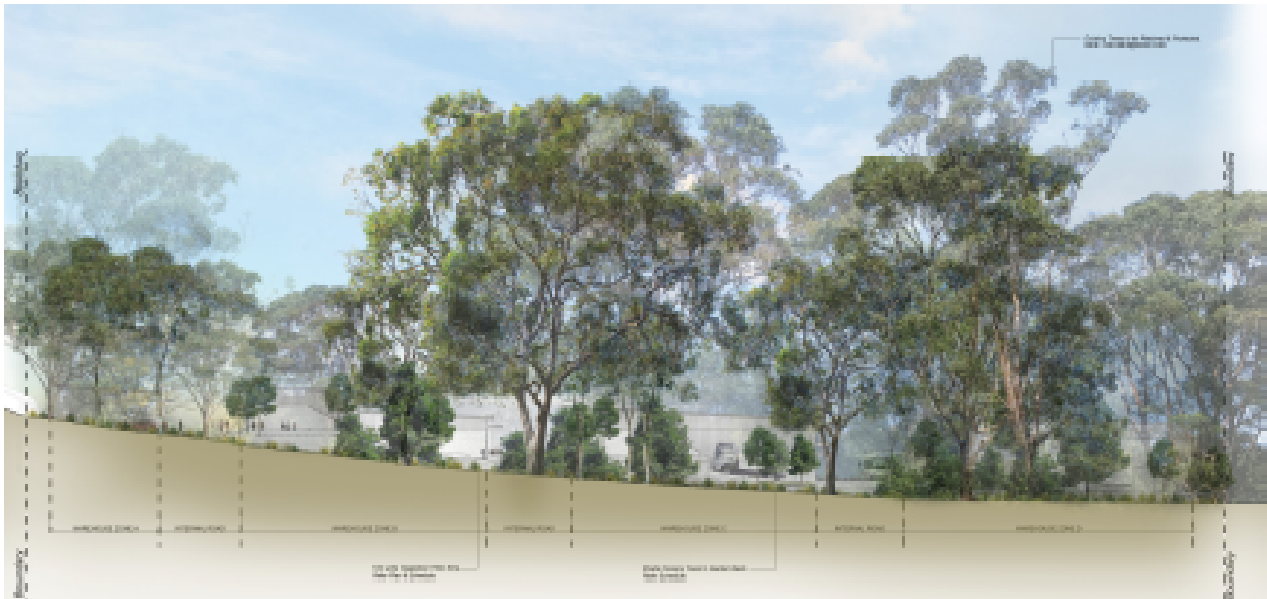


Figure 4-Landscape West Elevation



Figure 5- 3D view from southern driveway at Sunny Bank Road

ASSESSMENT

Applicable Planning Controls

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

- *Environmental Planning & Assessment Act 1979 – Section 4.15*
- *Local Government Act 1993 – Section 89*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Gosford Local Environmental Plan 2014*
- *Gosford Development Control Plan 2013*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1997*
- *Rural Fires Act 1997*
- *Water Management Act 2000*
- *State Environmental Planning Policy No19-Urban Bushland*
- *State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)*
- *State Environmental Planning Policy (SEPP) No 64 - Advertising and Signage*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (State and Regional Development) 2011*

Draft Environmental Planning Instruments

The following draft Environmental Instruments apply to this application:

- *Draft Central Coast Local Environmental Plan 2018.*

The draft plan retains its current IN1 General Industrial zoning under the provisions of the draft plan. The proposed development is permissible under the draft plan.

Permissibility of the Development

The subject site is zoned *IN1 General Industrial* under *Gosford Local Environmental Plan 2014*. The proposed development involves a number of uses, defined as:

- centre-based child care centre,
- light industry,
- neighbourhood shop,
- recreational facility (indoor),
- restaurant,
- signage,
- veterinary hospital, and
- warehouse or distribution centre,

These uses are permissible in the zone with development consent.

centre-based child care facility means

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,
- (ii) occasional child- care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note: An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

(c) a building or place used for home-based child care or school-based child care, or

(d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

Note - See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—
(a) an advertising structure,
(b) a building identification sign,
(c) a business identification sign,
but does not include a traffic sign or traffic control facilities.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

State Environmental Planning Policies (SEPP's)

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

The western side of the site adjoins land that contains bushland zoned *RE1 Public Recreation* under the provisions of the *Gosford Local Environmental Plan 2014*. The aim of the SEPP is to preserve and protect native bushland on land zoned or reserved for public open space.

Clause 9(2) of the SEPP states:

'The public authority shall not carry out that development or grant the approval or development consent unless it has taken into account:
(c) *the need to retain any bushland on the land,*
(d) *the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and*
(e) *any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.'*

The proposed development complies with the SEPP and will preserve and protect the adjoining bushland as follows:

- No trees within the adjoining RE1 zoned land are proposed to be removed.

- A 10m wide vegetation buffer will be provided along the western boundary of the site which will be planted with endemic native species. This effectively increases the width of the bushland and will increase amenity and visual separation to the residences to the west.
- The proposed stormwater design and management systems will mitigate potential impacts on the adjoining bushland.

The proposed development is considered to protect and preserve the adjoining bushland and complies with the aim of the SEPP.

State Environmental Planning Policy No 55-Remediation of Land

Under clause 7 of *SEPP No 55 – Remediation of Land* a consent authority must not grant consent to development unless it has considered whether the land is contaminated, and if contaminated whether the land has been remediated and made suitable for the proposed use.

A Preliminary Site Investigation was submitted with the application which concludes that the site is suitable for the proposed use. This is supported by Council's Environmental Health Officer.

State Environmental Planning Policy No 64-Advertising and Signage

The provisions of this *State Environmental Planning Policy No 64 – Advertising and Signage* (SEPP 64) apply to the application.

In accordance with the *State Environmental Planning Policy 64 (SEPP 64) Clause 18*, the consent authority must not grant development consent without the concurrence of Roads and Maritime, to the display of advertising signs greater than 20 square metres and within 250 metres of, and visible from, a classified road.

Two (2) business identification pylon signs are proposed at each access driveway. The signs are proposed to be 2m wide, 6m height, and 0.3m depth, positioned on a 0.4m high concrete plinth.

Railway Crescent is a classified road. As such, the matter was referred to Roads and Maritime Services for concurrence.

The SEPP defines signage as all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:

- (a) *Building identification signs;*
- (b) *Business identification signs; and*
- (c) *Advertisements to which Part 3 applies, but does not include traffic signs or traffic control facilities.*

The proposed signage is considered to constitute "*business identification signage*". The provisions of Part 3 therefore do not apply in this instance, as "*business identification signs*" are exempt from the provisions.

The signs are therefore assessed against the objectives of the plan and the criteria contained within Schedule 1 of the SEPP, below.

The policy aims:

- (a) *To ensure that signage (including advertising):-*
 - (i) *Is compatible with the desired amenity and visual character of the area;*
 - (ii) *Provides effective communication in suitable locations; and*
 - (iii) *Is of high quality design and finish*
- (b) *To regulate signage (but not content) under Part 4 of The Act; and*
- (c) *To provide time-limited consents for the display of certain advertisements.*
- (d) *To regulate the display of advertisements in transport corridors, and*
- (e) *To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposed signage is considered to satisfy the objectives of the policy in this instance in accordance with Clause 13(2) of the SEPP.

Additional consideration has been provided below with regard to Schedule 1 Assessment criteria within *State Environmental Planning Policy No 64 — Advertising and Signage*:

Clause	Comment	Compliance
1. Character of area	The materials, colour and style are consistent with the existing and future character of the area.	Yes
2. Special areas	The sign is not located near any environmentally sensitive area and is not visible from the residential area to the west.	Yes
3. Views and vistas	The signage will not protrude above building height and does not interfere with other signage in the area.	Yes
4. Streetscape, setting or landscape.	The proposed signage has been reduced to the minimum and will combine future identification signage for future individual uses within the site.	Yes
5. Site and building	The proposed signage is in proportion to the size of the proposed development and buildings and compatible with industrial development.	Yes
6 Associated devices, logos, advertisements and advertising structures	Not proposed	Yes
7 Illumination	Not proposed	Yes
8 Safety	The signage is setback from the street boundary and integrated into the driveway/landscape design layout.	Yes

State Environmental Planning Policy (Infrastructure) 2007

The application was referred to Transport for NSW (TfNSW) under *Clause 104-Traffic Generating Development* of the SEPP. TfNSW have no objections to the proposed development. **(Refer Attachment 6).**

The application was referred to Ausgrid under Clause 45 of the SEPP as the proposal involves work within 5m of an exposed overhead power line. Ausgrid have provided conditions of consent. **(Refer Attachment 5 and condition 1.3)**

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Part 3 of the SEPP outlines the relevant provisions for child care facilities, of which the following is a summary:

Subclause	Comment	Compliance
22- Concurrence of Regulatory Authority required.	Proposal complies with indoor and outdoor space. Concurrence not required.	Yes
23-Matters for Consideration	Designed in accordance with Child Care Planning Guidelines. Refer comments below and conditions 5.19, 5.20 and 6.12.	Yes
24-Child Care Facility in Zone IN1 zone.	The proposal is compatible with and supports the proposed industrial and other uses on the site.	Yes
25-Non discretionary standards	Complies with development standards.	Yes
26- DCPs	Refer GDCP 2013.	Yes

The provisions of *SEPP Education* require Council to consider any applicable provisions of the *Child Care Planning Guideline*, in relation to the proposed development.

Council has considered the proposed childcare facility and it is concluded the proposal is consistent with the provisions of *SEPP Education*, and the principles and considerations of the *Child Care Planning Guideline*.

Additional consideration has been provided below with regard to the Design Quality Principles within the *Child Care Planning Guideline*:

- Principle 1 - Context

The proposed childcare centre responds to the qualities and identity of the area and enhances the industrial development including a well designed and located centre, capable of adapting to future needs of the area.

- Principle 2 - Built form

The childcare centre is to be housed entirely within a purpose built child care centre within the industrial site and will not impact the character of the area.

- Principle 3 - Adaptive learning spaces

High quality learning spaces are proposed that achieve a high level of amenity for children and staff, with fit-for-purpose, outdoor play areas designed to offer a variety of settings and multiple opportunities for interaction. This includes an art room and a music room. Numerous smaller indoor rooms are proposed that will cater for individual age groups, enabling appropriate teaching to be tailored for the groups. A total of 305.5m² indoor play area is required and 332m² is proposed.

- Principle 4- Sustainability

The child care centre is located within building B on the 2nd and 3rd level. The centre will benefit from adequate cross ventilation, sunlight and passive thermal design. Outdoor play areas and adequate shading allow for year round comfort that requires minimal artificial heating and cooling.

- Principle 5 – Landscape

The outdoor play areas of the proposed centre are in excess of that required and located on the 2nd and 3rd levels on the northern side with landscaping along the northern and eastern sides. The outdoor spaces within the centre are well designed and include diversity in function and use, age-appropriateness and amenity. Having outdoor areas on 2 levels increases the usability of the spaces in different weather. The total outdoor area required is 658m² and 718m² is proposed.

- Principle 6 – Amenity

Appropriate indoor and outdoor learning spaces with good access to sunlight and natural ventilation are proposed. All learning rooms have outlook, visual and acoustic privacy and adequate storage, and the inclusion of a lift to access the 2nd and 3rd floors offers ease of access for all age groups and degrees of mobility.

- Principle 7 - Safety

The childcare centre has been designed and located in a manner that ensures the safety of students, parents and staff through well located access ways, numerous opportunities for surveillance of the outdoor areas from all rooms of the centre. This results in a child care centre that monitors access to and from the areas that children are cared for and allows for the principles of CPTED to be achieved.

The proposed child care centre is considered to be compatible with the surrounding low-intensity industrial land uses, as well as the proposed gym, vet and restaurant. The centre is located away from the loading and waste collection areas. The acoustic assessment indicates that the centre will not be impacted by noise from traffic and industrial activity.

The proposed child care centre is considered to display compliance with the principles of the *Child Care Planning Guideline*.

State Environmental Planning Policy (Koala Habitat Protection)

The SEPP aims to encourage the conservation and management of Koala habitat. The site is identified on the Koala Development Application Map and has an area greater than 1ha. The site is not subject to an approved Koala plan of management.

In considering the application, the Council must take into account any information provided by a qualified person demonstrating that the land does not include any feed tree species listed in the SEPP.

The Threatened Biodiversity Assessment report submitted with the application confirms that the site is not core koala habitat. This is supported by Council's ecologist.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP aims to protect the biodiversity and amenity values of vegetation in non-rural areas. The proposed clearing within the site does not require a separate permit under the SEPP if it is approved under the development consent.

Local Environmental Plan

Gosford Local Environmental Plan 2014 – Objectives of the Zone

The land is zoned *IN1 – General Industrial* under the provisions of the *Gosford Local Environmental Plan 2014*.

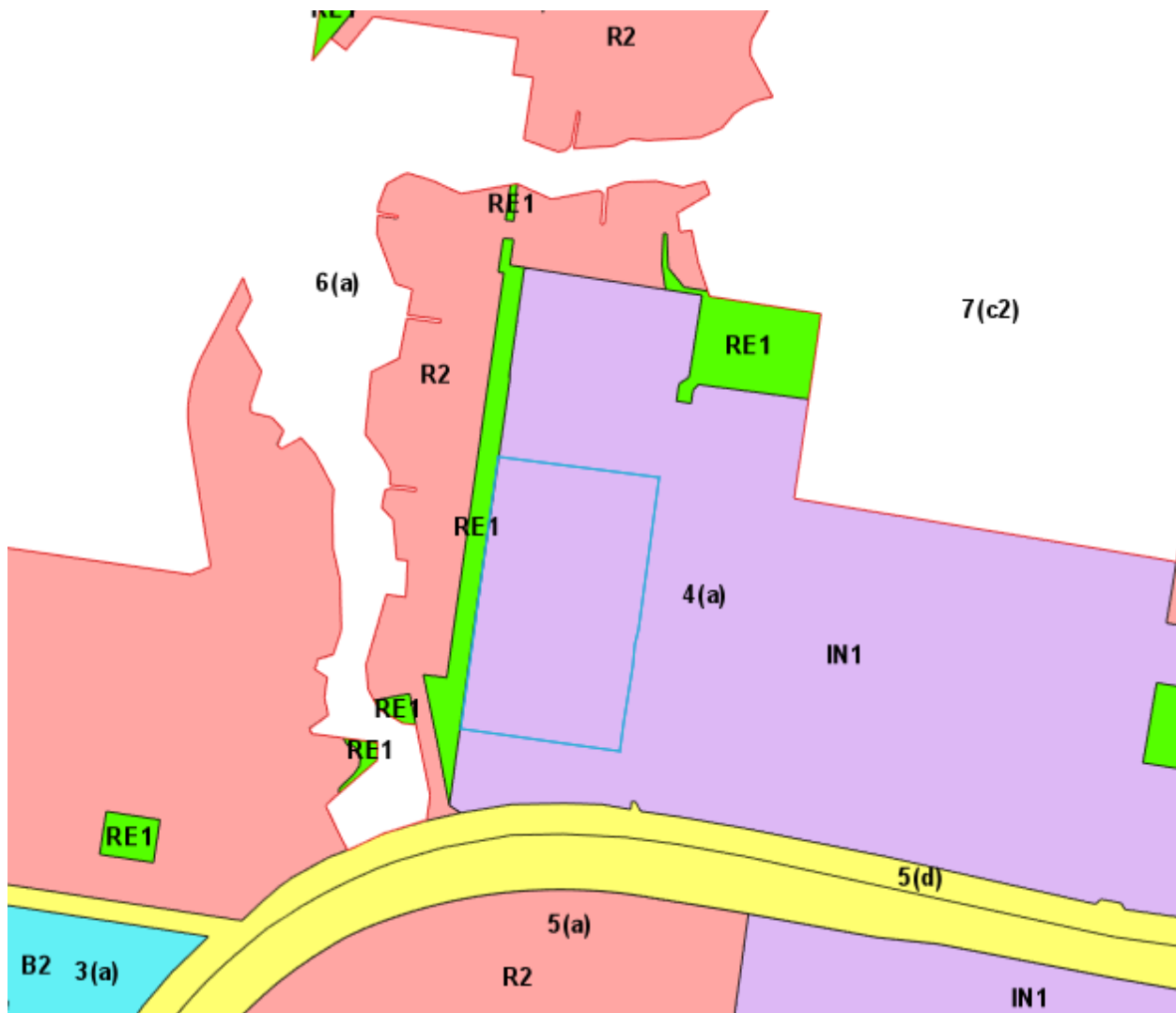


Figure 6-Zoning Plan

The objectives for the *IN1 General Industrial* are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To promote ecologically, socially and economically sustainable development.*
- *To ensure that retail, commercial or service land uses in industrial areas are of an ancillary nature.*
- *To ensure that development is compatible with the desired future character of the zone.*

The proposed development meets the objectives of the zone as it;

- Provides a wide range of industrial, warehouse and other permissible uses.
- The range of uses and scale of the proposed development will create employment opportunities.
- Will not adversely impact other nearby land uses.
- The range of uses will support other surrounding industrial uses which will promote sustainable development in the locality.
- Provides support services such as child- care, gym, and food premises.
- Is compatible with and improves the existing and future character of the zone and locality.

Gosford Local Environmental Plan 2014 – Clause 4.1 Minimum subdivision lot size

No minimum lot size applies.

Gosford Local Environmental Plan 2014 – Clause 4.3 Height of buildings.

The site is not subject to a maximum height.

Gosford Local Environmental Plan 2014 – Clause 4.4 Floor space ratio.

The site is not subject to a maximum FRS.

Gosford Local Environmental Plan 2014 – Clause 5.4 Neighbourhood Shops.

The maximum floor area is 100m² for neighbourhood shops. The proposed floor area of the proposed neighbourhood shop component of the development is 86.88m².

Gosford Local Environmental Plan 2014 – Clause 7.1 Acid Sulfate Soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 5 Acid Sulfate Soils. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

Gosford Local Environmental Plan 2014 – Clause 7.2 Flood planning

The land has been classified as being under a “flood planning level” and subject to the imposition of a minimum floor level.

The development is considered satisfactory in respect to clause 7.2 of Gosford Local Environmental Plan 2014.

Gosford Local Environmental Plan 2014 – Clause 5.10 Heritage Conservation

The site does not contain or is located near any heritage items. The due diligence report submitted on aboriginal objects identifies that the site is unlikely to contain any aboriginal objects. **(Refer condition 4.3)**

Gosford Local Environmental Plan 2014 – Clause 6.1 Acid Sulphate Soils.

The site is mapped as containing acid sulphate soils class 5. No works are proposed below 5m AHD. It is considered acid sulphate soils are unlikely to be encountered and an acid sulphate soil management plan is not required.

Gosford Development Control Plan 2013

Gosford Development Control Plan 2013 - Chapter 2.1 Character

The site is located within ‘Lisarow 16: Scenic Buffer (Future Employment)’ character. The desired future character for this location, as set out in the DCP, is:

These properties should accommodate predominantly a variety of employment-related activities, where the existing scenic qualities of open wooded hillside that provide prominent backdrops to Gosford City’s arterial roads and the coastal railway are protected, and civic potential is enhanced by future development that achieves very high standards of urban design quality.

Maintain the informal scenic characters of hillside properties and road verges by retaining existing natural slopes and conserving trees that are visually-prominent, particularly bushland remnants located near property boundaries. Avoid high-intensity development that would require extensive driveways or large levelled footprints that would remove a substantial proportion of existing trees or that would not provide sufficient space for additional screen plantings.

Avoid disturbing natural slopes and trees by careful siting of new structures and using low-impact construction such as suspended floors and decks rather than extensive cut-and-fill.

Avoid tall retaining walls, elevated structures or extensive driveways that would visibly interrupt the natural character of existing hillsides. Complement the established tree canopy by planting shrubs and trees that are indigenous throughout gardens that surround each building. Do not plant noxious or environmental weeds, and control any existing infestations. Along all boundaries, maintain an open hillside character with hedges of

indigenous shrubs or low see-through fences.

Bushfire hazard must not be increased by new plantings or by inappropriate structures. Some thinning of the canopy to establish breaks between trees might be necessary as a compromise between desired scenic quality and bushfire protection. Residential buildings might require fire-resistant construction.

Avoid the appearance of a continuous wall of development or uniform building heights across the hillside. Divide floorspace into pavilion structures that are stepped to follow the natural slopes, separated by courtyard gardens providing view corridors, access to building entrances, plus interior daylight and a panoramic outlook.

Minimise the scale and bulk of buildings by varying the shape and height of all visible facades. Top-most storeys should be setback behind wide terraces, and incorporate extensive windows that are shaded by framed balconies, verandahs or exterior sunscreens. In general, facades should not incorporate expanses of plain masonry or metal cladding. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves that disguise the scale of exterior walls.

Lower storeys should not be dominated by garages, and should display elements of a traditional "street address" such as entrances that are directly accessible from the street, plus balconies and walls of windows that display indoor activity. Conceal off-street parking behind occupied floorspace, and provide unobtrusive vehicle entrances that minimise disruption to the desirable street address.

The proposed development is considered to be compatible with the desired character as:

- The development provides a diverse range of employment activities.
- The key buildings and landscaping address Sunny Bank Road.
- The built form and external facades contribute to a high quality design.
- The development has had regard to the slope of the site and retains a hillside character.
- The vegetation corridor along the western boundary is retained and enhanced.
- The bulk and scale is mitigated through the modulation of the built form, variation in building materials, and sloping roofs.
- There is minimal parking visible from the Sunny Bank Road frontage with basement car parking integrated into the design or at the rear of the site.

Gosford Development Control Plan 2013 -Chapter 2.2 Scenic Quality

Under the provisions of the DCP, the site is located within the Narara Creek Landscape Unit of the Narara Valley geographic unit.

Although visible from the adjoining industrial development and Railway Crescent, the site is located on a ridgeline or escarpment and has a relatively limited visual catchment. Some views are available from the residences to the west, however these views are screened by existing and proposed vegetation on the western side of the site.

The proposed development does not unreasonably impact scenic quality.

Gosford Development Control Plan 2013 – Other Controls

The following table includes an evaluation against other components of the DCP:

Consideration	Description	Proposed	Compliance with Control	Compliance with Objective
Chapter 3.9- Child Care Centres	3.9.3-Location	Childcare centre has been sited to minimise impact from and to surrounding developments. The site is by road and public transport.	Yes	Yes
	3.9.4-Site requirements.	Not a standalone development. The centre has been designed to respond to the sites topography and is located on the Sunny Bank Road side of the site away from the residential area.	Yes	Yes
	3.9.5-Traffic and Parking.	Road system can cater for traffic generated and adequate parking provided on site.	Yes	Yes
	3.9.6-Visual & Acoustic Privacy.	The facility is separated from the residential area to the west. No expected acoustic or visual privacy impacts.	Yes	Yes
	3.9.7-Outdoor play areas.	Area and siting designed to accommodate outdoor areas with a high level of amenity. 50% of outdoor areas shaded between 10.00am and 3.00pm.	Yes	Yes
	3.9.8-Accessibility	Access report confirms that proposal complies with access provisions.	Yes	Yes
	3.9.9-Landscaping	Landscape plan provided for site and child care centre.	Yes	Yes
	3.9.10-Building appearance.	The child care centre has been incorporated into the design of the overall development. There are no significant visual or streetscape impacts.	Yes	Yes
	3.9.11-BCA & Food Regulations.	BCA compliance report submitted and Council's Environmental Health Officer has provided conditions of consent.	Yes	Yes
3.11 Industrial Development	3.11.5.2-Building Setbacks. Front 10m, side and rear 5m.	Front 9.5-19m. Side & rear 5m -12.6m	No-minor variation to front building setback for Building E over 2.8m. Variation very minor and offset by landscaping and average setback in excess of 10m.	Yes
	3.11.5.3-Building Height	No maximum height. Proposed heights vary throughout site and have no significant overshadowing or scenic impacts on surrounding properties.	Yes	Yes
	3.11.6-Acillary uses.	All proposed uses permissible with consent.	Yes	Yes
	3.11.7-Parking & Loading	The proposal requires 136 car parking spaces and 143 have been provided. Provision has been made for internal loading bays and for delivery and service	Yes	Yes

		vehicles to be able to enter and exit the site in a forward direction.		
	3.11.8-Environment	Erosion & Sedimentation Control Plan submitted.	Yes	Yes
	3.11.8.3-Landscaping	Building setbacks have been landscaped. In particular the western side of the site has additional tree planting/landscaping to increase the vegetation buffer to the west. Landscaping is provided throughout the site/car parking spaces.	Yes	Yes
	3.11.9-Site Services	All services are available including road access, water, sewer, electricity, drainage, and waste collection.	Yes	Yes
Chapter 6 Environmental Controls	6.1 -Acid Sulphate Soils	Class 5 soils and no work below 5m AHD. No plan required.	Yes	Yes
	6.2- Coastal Frontage	N/A		
	6.3-Erosion Sedimentation Control.	Plan provided and addressed by conditions of consent.	Yes	Yes
	6.4-Geotechnical Requirements.	Geotechnical report submitted.	Yes	Yes
	6.6-Tree & Vegetation management.	Arborists report and landscape plan submitted	Yes	Yes
	6.7-Water Cycle Management.	Water cycle plan submitted and assess by Council's engineer.	Yes	Yes
Chapter 7- General Controls	7.1 Car Parking	143 spaces including 7 accessible spaces provided in excess of DCP requirement.	Yes	Yes
	7.2 Waste Management	Waste Management Plan submitted and assessed by Council's Waste Management Officer.	Yes	Yes

Internal Consultation

The following internal consultations have been undertaken with specialist officers of the Council. Detailed comments are included on the following pages:

Officer/Area of Responsibility	Comment/Outcome
Development Engineer	Supported subject to conditions. Refer Conditions 2.2-2.6, 2.14, 3.6-3.8, 5.3-5.11 , See comments below.
Water & Sewer	Supported subject to conditions. Refer Condition 2.13 .
Tree Assessment Officer	Supported subject to conditions. Refer Conditions 3.9, 3.10, 4.7, 6.1, 6.2 . See comments below.
Waste Services	Supported subject to conditions. Refer Conditions 4.8-4.13, 6.3-6.6 .
Traffic Engineer	Supported without conditions. See comments below.
Environmental Health	Supported subject to conditions. Refer Conditions 2.15, 4.22-4.29, 5.22, 6.9-6.11, 6.13-6.15 . Refer comments below.
Environmental Health (Food)	Supported subject to conditions. Refer conditions 2.7-2.9, 5.12-5.15, 6.7 .
Ecologist	Supported subject to conditions. Refer Conditions 2.10, 2.11, 3.11, 4.14-4.21, 5.16, 5.17, 6.8 . Refer comments below.

Development Engineer

Road Works

The site has a frontage to Sunny Bank Road which has a full road carriageway with kerb & gutter on both sides of the road. Road works in Sunny Bank Road are not required for this development.

Access & Parking

The development application indicates two vehicle access crossings in Sunny Bank Road to provide vehicular access to the proposed development. It is proposed to provide these two separate driveway crossings to Sunny Bank Road to cater for the distinctly different user groups and access requirements within the development. The northern driveway provides access to the upper industrial area for all vehicles and the southern driveway provides the main site entry and access to the basement parking (associated with Building A).

The Traffic & Parking Assessment prepared by TTPA (Ref 19089 Issue E dated July 2020) lodged with the application indicates the following in relation to vehicular movements within the site:

- The southern vehicle access crossing will be utilised for entry for vehicles up to the 19m Articulated Vehicle to gain access to the larger warehouse areas within the site. These vehicles will manoeuvre through the development to the relevant loading bays for the units and exit the site via the northern vehicle access crossing.
- The southern vehicle access crossing will also provide access for smaller vehicles to enter and exit the site, particularly those associated with general industries zone, including the basement car parking under Building A.
- The northern vehicle access crossing will also be used for entry and exit of small vehicles and entry exit of other servicing vehicles for other areas within the development.

Depending on the different uses and buildings within the site, access and servicing will be undertaken by different vehicle types including AS2890.2:2018 Small Rigid Vehicles, 8.8m Medium Rigid Vehicles, 12.5m Heavy Rigid Vehicles, and 19m Articulated Vehicles.

The development proposes a total of 143 parking spaces in various areas throughout the site including 2 basement areas, within the proposed units, and external areas.

The proposed vehicle access crossings are located on the Sunny Bank Road frontage where compliant sight distance requirements are achievable. The design of the driveways will comply with the requirements of AS2890.1:2004 & AS2890.2:2018 and will accommodate all vehicles proposed to access the development.

The design of the internal circulation for vehicles system including grades, widths, bays and manoeuvring areas are to comply with the requirements of AS2890.1:2004, AS2890.2:2018, and AS2890.6:2009.

Car parking areas appear to generally comply with AS2890.1:2004 & AS2890.6:2009.

Traffic

A Traffic & Parking Assessment prepared by TTPA (Ref 19089 Issue E dated July 2020) was lodged with the application. This report:

- describes the site, its context and the proposed development scheme;
- describes the existing road network serving the site and the prevailing traffic conditions;
- describes the envisaged future road circumstances;
- assesses the adequacy of the proposed parking provision;
- assesses the potential traffic implications;
- assesses the proposed vehicle access, internal circulation, and servicing arrangements

The application including the Traffic & Parking Assessment was referred to Council's Traffic & Transport Engineer, who in summary advised in relation to the abovementioned Traffic & Parking Assessment prepared by TTPA, that based on the analysis presented, the Railway Crescent / Sunny Bank Road intersection appears to have sufficient traffic capacity to cater for the proposed development, and in general concluded no traffic objections are raised to the proposal.

Transport for NSW (TfNSW)

On the basis that the development is captured by the development types within SEPP (Infrastructure) 2007, the application was referred to Transport for NSW (TfNSW) who in their response dated 7 September 2020:

- Advised that they raise no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network; and,
- Detailed a number of 'advices' for Council's consideration as follows for which a development engineering comment is provided:

TfNSW Comment	Council Development Engineer Response
<i>TfNSW has no proposal that requires any part of the property.</i>	<i>Noted.</i>
<i>Council should consider undertaking an assessment of the intersection of Railway Crescent and Sunnybank Road to ascertain any upgrade to existing intersection is warranted as a result of traffic generated from proposed development.</i>	<i>The application was referred to Council's Traffic & Transport Engineer who advised that the Railway Crescent / Sunny Bank Road intersection appears to have sufficient traffic capacity to cater for the proposed development.</i>
<i>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.</i>	<i>This matter can be appropriately conditioned.</i>
<i>Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890.1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.</i>	<i>Sight distance lines appear to be satisfactory in accordance with AS2890.1:2004 & AS2890.2:2018.</i>
<i>Discharged stormwater from the development shall not exceed the capacity of the Railway Crescent stormwater</i>	<i>The development will be required to provide on-site detention to limit post development stormwater flows back to</i>

<i>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.</i>	<i>predevelopment stormwater flows for all storm events up to and including the 1%AEP recurrence interval.</i>
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Flooding

Council's records indicate that the site is affected by flooding and flood planning controls associated with the latest flood study for Narara Creek. The study indicates that the flows are within the road reserve up to 170mm deep near the south eastern area of the site. These would be contained within the road reserve if appropriate rollover transitions are provided within the property i.e. full formation of the footway is maintained to the boundary. The plans indicate that appropriate footway and access grades within the south-eastern corner of the site are being provided to prevent overland flood flows entering the site and negating the need for flood controls with the development.

Drainage

The site generally grades to the south and west, away from the Sunny Bank Road frontage.

A 'Water Sensitive Urban Design Strategy Report' prepared by ACOR Consultants Pty Ltd (Ref: Document No SY190329 Issue No: Rev 2 dated 18/06/2020) together with associated stormwater details contained within 'Civil Services' plans also prepared by ACOR Consultants Pty Ltd (Ref: Project SY190329) were submitted with the application. These details indicate the following proposed stormwater management within the site to address the requirements of Chapter 6.7 of Council's Gosford DCP 2013:

- Stormwater Quantity: On-site detention (OSD) was modelled utilising the 'DRAINS' program, to limit post development flows back to or less than pre-development flows for all storms from the 20%AEP recurrence interval to the 1%AEP recurrence interval. A below ground OSD tank with a volume of 700m³ is proposed in the vicinity of the south-western corner of the site.
- Stormwater Quality: The 'MUSIC' model was utilised to simulate the effectiveness of a treatment train approach for the nutrient/pollution controls to be implemented to improve the water quality to the reduction target required under the DCP. 25 x 'Psorb Stormfilter' cartridges (690mm) within the on-site detention tank are proposed to treat on stormwater pollutants prior to discharging from the site. 'Oceanguard' basket pit inserts are proposed in driveway pits.
- Water retention: Five separate inground on-site retention tanks are proposed primarily under driveway areas to capture rainwater for reuse within the development site.

Required off site drainage works

- There is a Council reserve comprising Lot 32 DP 713715 (No 2 Perratt Close) and Lot 442 DP 720696 (No 2A Perratt Close) located on the western side of the development site and known as Condula Park (R2127). This reserve is located between the development site and Perratt Close. There is a stormwater pipeline that crosses Perratt Close to discharge into a watercourse

/ gully on the western side of Perratt Close. These existing stormwater pipelines are approximately 375-450mm diameter (as per Council's Geocortex mapping system).

- Stormwater from the site is proposed to cross the Council reserve (R2127) and connect to the existing kerb inlet pit on the eastern side of Perratt Close via twin 600 diameter pipelines catering for pre-developed 1%AEP discharges from the OSD system within the development site. It is recommended that the existing stormwater pipelines across Perratt Close and to the outlet at the watercourse / gully be upgraded to the greater of either a minimum twin 600mm diameter pipelines, or the capacity to accommodate the 1%AEP discharges from the site.
- The proposed / required drainage through Condula Park, across Perratt Close, and to the headwall outlet within the reserve on the western side of Perratt Close will require approval under the 68 of the Local Government Act and Section 138 of the Roads Act.
- The proposed twin 600mm diameter stormwater pipelines through Condula Park area located under the existing playground area.
- Comments from Open Space and Recreation Section of Council's Parks & Reserves Unit Section has indicated that they support the proposed drainage works across Condula Park – refer to comments below in section on Council's Parks & Reserves Unit

Engineering Comments Related to DA56751/2019

The development is sited within the part of Lot 1 DP 880254 that is proposed to be created as Lot 11 under an approved development consent (DA 56751/2019) for a two lot Torrens title subdivision, being a vacant lot resulting from that two-lot subdivision. Under that subdivision, the existing development on the northern part of the site would be contained within Lot 10 and the proposed development associated with the subject DA (DA58884/2020) would be within Lot 11. At the time of this assessment the subdivision under DA 56751/2019 had not been finalised nor registered.

The Statement of Environmental Effects and plans initially submitted with the subject application (DA58884/2020) indicated an existing easement to drain water within the north-eastern corner of the site, however, Council has no record of the legal existence of this easement. In this regard the applicant was requested to provide the DP and S88B instruments for this existing easement to drain water. The applicant responded with additional information to advise that the easement has not been created to date, together with confirmation from their surveyor to indicate that the interallotment drainage line has been constructed within the proposed 2.5m wide easement to drain water. Furthermore, the easement has been amended to reflect a proposed easement of on the development plans.

DA56751/2019 requires rectification works for the existing OSD associated with the existing development within proposed lot 10. There is presently a Subdivision Works Construction Certificate for the required works under DA56751/2019 lodged with Council and under assessment, however it has not been approved to date. It is recommended that these rectification works and any other requirements under DA56751/2019 are completed and the subdivision certificate associated with DA56751/2019 be registered prior to an operative consent being issued for the subject DA (58884/2020). **(Refer Condition 2.14)**

Pylon Signs

Two pylon signs are proposed within the Sunny Bank Road frontage of the site. The inter-allotment drainage easement proposed is 2.5m wide as indicated in the draft DP plan for the subdivision under DA56751/2019 to contain the existing interallotment drainage pipeline. It is recommended that the northern pylon sign (including foundation plinth) be conditioned so that it is not located within this easement to drain water 2.5m wide.

Council's Parks & Reserves Unit

The application was referred to Council's Parks & Reserves Unit for passive reserve areas, on the basis of the proposed stormwater works through Condula Park (R2127). Comments received indicated:

- Open Space & Recreation (OSR) support the proposal to connect to the storm water through the park with the condition that they repair to current condition or better and do not impact on the playground use;
- That a bond is held to ensure restoration is to OSR standard.

These matters can be appropriately conditioned **(Refer condition 2.6 and 5.11)**

Tree Assessment/Landscaping

Council's Tree Assessment Officer advises:

The subject application has been considered from Arboricultural Impact Assessment 6/4/21, Tree Management Plan and Overall Landscape Plan 8/4/21. The property is generally a cleared grazing paddock typically containing several established trees mostly along its western boundary.

Major works are proposed over most of the site requiring removal of eighteen (18) trees located within building footprints or too close to works incurring unacceptable impacts to root zones. Trees to be removed are mostly Blue Gum to 30m high, Turpentine and Blueberry Ash. Six (6) trees located nearer the western boundary are to be retained, consisting of Blue Gum to 26m high.

Acceptable tree protection methods have been provided in the Arboricultural Impact Assessment, that have been linked to conditions of consent.

Landscape Plan most notably nominates plantings of nineteen (19) large canopy trees along the front boundary consisting of native species such as Blue Gum and Turpentine (same species removed). Another twelve (12) are to be planted in the middle of the site and rear south-west corner. Smaller native feature trees such as Blueberry Ash and Flowering Gum are to be planted closer to buildings.

Traffic Impact

Council's Traffic Engineer advises:

The projected distribution of the trips is as follows:

AM		PM	
IN	OUT	IN	OUT
50	40	42	54

The projected distribution on Railway Crescent is as follows, however more vehicles could depart northwards in the future with completion of the highway upgrade due to the improved travel circumstance to the south.

North	30%
South	70%

Thus, the projected additional movements at the Sunny Bank Road and Railway Crescent intersection during the AM and PM peak periods is as follows:

	AM	PM
RT IN	17	13
LT IN	33	25
RT OUT	26	37
LT OUT	14	17

A robust assessment has been undertaken by TTPA as they have not applied a discount for ELC parents working within the complex or at other sites in Sunny Bank Road. A 10 year growth of 1.5% p.a. has been applied to the through movements on Railway Crescent although completion of the upgrade works on the highway could result in a reduction of these movements.

A SIDRA assessment has been undertaken for the intersection with the projected additional movements shown in Figure 6. The results of that assessment indicating that the level of service will continue to be very satisfactory are provided in Appendix C and summarised in the following:

AM			PM		
LOS	DS	AVD	LOS	DS	AVD
A	0.297	1.3	A	0.226	1.4

Based on the above analysis the Railway Crescent / Sunny Bank Road intersection appears to have sufficient traffic capacity to cater for the proposed development.

Environmental Health

Council's Environmental Health Officer advises;

Air Quality

Dust is expected during the construction phase of the development. Methods for dust suppression have been included in the approved Soil and Water Management Plan.

Acid Sulfate Soil (ASS)

The land is mapped as Class 5, no known occurrence ASS, and is located approximately 900 metres from adjacent Class 4 ASS land. Therefore, there is no risk of disturbing ASS and an ASS Management Plan is not required.

Asbestos Containing Material (ACM)/Contamination/ SEPP 55

The site is currently grassed, with some strands of trees, and is used for cattle grazing. The site has historically been used for agriculture purposes.

The Stage 1 Preliminary Contamination Assessment (**'assessment'**) identified fill material located at the surface, with a pre classification of general solid waste (non-putrescible), however natural material below the surface was identified as Virgin Excavated Natural Material (VENM). Conditions will be applied for offsite disposal of the surface material to a licensed waste facility.

The assessment meets the minimum standards required by the NSW EPAs Contaminated Sites Guidelines and the appropriate health and ecological investigation levels were used ('A- residential' due to the proposed use for child-care centre). Soil samples were taken and tested for all contaminants of concern. Results were below the site assessment criteria, indicating the site is suitable for the proposed use.

An isolated single piece of asbestos was removed from the site surface and it is recommended that an asbestos clearance certificate is provided from a licensed Asbestos Assessor following site clearing.

An unexpected finds policy will also be conditioned, which is outlined in Section 11.1 of the assessment.

Noise

The land is located on the western portion of an existing industrial estate, with residential properties located within 20 metres of the western boundary. The acoustic report has been prepared generally in accordance with the NSW EPAs *Noise Policy for Industry* 2017 and meets Clause 3.11.8.4 of the Gosford DCP. The author is a member of the Association of Australasian Acoustical Consultants and the external noise intrusion to the child care centre and noise impact of the child care centre of sensitive receivers has been addressed, along with the noise impacts from the gym, café, restaurant, vet, warehouse and storage units' patrons and associated vehicles movements and mechanical plant and equipment. An assessment of daytime, evening and night-time noise impacts (including sleep disturbance) has been completed for the residential properties adjoining the development, along with the most affected existing adjoining industrial development. Predicted noise emissions are expected to comply with the project specific noise criteria at all residential and industrial receivers. Recommendations include the use of broadband reversing alarms on all vehicles used at the site.

Surface Water and Groundwater

The land slopes south west and overland flows enter the roadside stormwater system which discharges into an unnamed tributary of Narara Creek. The soil and water management plans are satisfactory to reduce the risk of negative impacts on the watercourse.

Basement parking is proposed, however the soil testing for the Stage 1 contamination assessment did not identify groundwater seepage in any of the boreholes, therefore a dewatering management plan is not required.

Soils and Construction

The slope is steep and cut and fill earthworks are required. The north east corner of the site requires a maximum 6-metre-high cut, totalling 14,876 m³ and the south west corner of the site requires a maximum 3.5-metre-high fill, totalling 25,830m³, with a total of 10,953m³ of excess fill.

Conditions relating to the disposal of fill material are applied.

The area of soil disturbance is approximately 30,000m². The submitted soil and water management plans satisfy Clause 6.3 of the Gosford DCP.

Submissions from Public Authorities

Transport for NSW

The Roads and Maritime Services (now TfNSW) advise they have no objections to the proposed development. **(Refer attachment 6)**

NSW Rural Fire Service

The NSW Rural Fire Services have issued a Bushfire Safety Certificate under s100B of the Rural Fires Act 1997, subject to conditions. **(Refer attachment 7)**

Ausgrid

Ausgrid advises it consents to the proposed development subject to conditions. **(Refer attachment 5)**. The developer will need to consult with Ausgrid. **(Refer condition 1.3)**

Public Submissions and Community Consultation

The application was notified in accordance with *Gosford Development Control Plan 2013* from 14 August 2020 to 4 September 2020. Three (3) submissions were received during this period. Two submissions were in support and one (1) submission objected to the proposed development. The issues raised in the submissions are detailed below:

- The proposal will generate employment and provide a gym, café and child-care which are a welcome addition to the area.

Comment: The application identifies that the proposed development will generate 190 jobs when operating.

- The 5 Green Star Accreditation is a wonderful precedent for future development in the area.

Comment: Such features are supported.

- The land should be used only for industrial use and not other uses such as child care facilities, shop, vet and restaurants. These uses are prohibited.

Comment: The proposed uses are permissible with consent under the IN1 General industrial zone. Services such as child care and café can provide services for the people working on the site as well as surrounding residents and workers. The dominant uses are warehousing or industrial. A range of uses on such a large site is supported and will aid the economic viability of the site as well as a variety of building appearance and design.

- The proposal does not comply with the objectives of the IN1 zone as the uses include commercial premises which are prohibited and are not predominately industrial or warehousing.

Comment: All the uses proposed are permissible with consent. The proposal complies with the objectives of the zone which include to provide a wide range of industrial and warehouse land uses. Such a large development also requires other uses and services to support the industrial development on the site and surrounding area.

- The development will destroy the vegetation filter strip on the western side of the site.

Comment: The proposed development provides a 10m wide vegetation buffer along the western boundary which adds to, and protects, the vegetation on the adjoining reserve.

- The proposed development is high intensity with extensive driveways and large building footprints. It is not low impact.

Comment: The proposed development complies with or exceeds the building setbacks and landscaping required. Additional landscaping is provided internally within the site. There are no FSR or site coverage requirements for industrial development.

- Off-street parking is not located behind the buildings and there is inadequate manoeuvring for trucks to enter and leave the site in a forward direction.

Comment: Car parking has been provided on site behind the building line. It is not required to be behind the buildings. Two separate driveways have been provided which enable vehicles to enter and leave the site in a forward direction. The proposal has been assessed by Council's Traffic and Development engineers who support the proposal.

- The restaurant will operate to 10pm and the gym is a 24hour operation. The industrial and warehouse units face the western boundary. This will create noise impact on the adjoining residential area.

Comment: The buildings on the western side are setback about 34m from the western boundary and the units are orientated in a north-south direction and not towards the western boundary. The applicant has submitted an acoustic report which identifies that the development will not adversely impact residences to the west. This has been reviewed by Council's Environmental Health Officer. The restaurant and gym are located on the eastern side of the site.

- The subdivision of the development should not be permitted as this will result in prohibited uses on separate lots.

Comment: Subdivision is a permissible use and the uses are permissible with consent under the IN1 zoning of the land.

Likely Impacts of the Development

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

a) Built Environment

The subject site is zoned IN1 General Industrial under GLEP2014 and is located within an industrial zoned area with a vegetated buffer zone separating the site from the residential area to the west.

The proposed development is not considered to have adverse amenity impacts to adjoining development from overshadowing, privacy, noise generating activities and views.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the GLEP2014 and GDCP2013. The potential impacts are considered reasonable.

b) Natural Environment

The proposed development is not considered to have any adverse impacts on scenic quality or the streetscape of Sunny Bank Road.

The redevelopment of the site will result in a development consistent with development in this location in Lisarow. There is no significant tree removal and the proposed development does not impact the natural environment of the adjoining reserve.

The submitted SWMP, Water Cycle Management Plan and Landscape Design Report provides an overall concept which will stabilise and manage the entire site.

There will be no significant impact upon the natural environment as a result of the proposal.

c) Economic Impacts

The proposed development will have beneficial economic impacts. The proposal is considered to meet the aims of the *Central Coast Structure Plan 2036* and facilitates economic development that will lead to more local employment opportunities on the Central Coast and reduce the percentage of employed persons who travel outside the region each day for work.

d) Social Impacts

The proposed development will have beneficial social impacts as it will provide employment in construction and the provision of warehouse and other uses/services.

Suitability of the Site for the Development

The site is considered to be suitable for the proposed development as follows:

- The site is zoned IN1 General Industrial under GLEP2014. The proposed developments are permissible under the IN1 zone and the scale of the proposed development is consistent with the objectives of the zone.
- There are no environmental hazards which would prevent development of the site.
- Utility services are available to the site.
- The site is located on and near major transport routes.

The Public Interest

The approval of the application is considered to be in the public interest as follows:

- The proposal will generate social and economic benefits for the community by providing additional employment opportunities and services.
- The proposal is consistent with the relevant objectives of the applicable environmental planning framework, including the GLEP2014 and GDCP2013.
- The proposal does not result in any unreasonable environmental impacts and will not unreasonably impact the amenity of neighbouring properties.

Ecologically Sustainable Principles

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

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

Climate Change

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

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

Other Matters for Consideration

Central Coast Regional Plan 2036

The proposal complies with the objectives of the Plan. The proposal will generate employment opportunities, will support the regional economy, will create varying types of employment, and protect the local environment.

Planning Agreements

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

Development Contribution Plan

The subject site is located within Development Contribution Plan CP Central Coast Regional Section 7.12 where industrial developments are subject to section 7.12 contributions. The applicable contribution amount was calculated (1% or \$350,660.00) and imposed as a condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate.

Refer to Condition 2.12.

Conclusion

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

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

Reasons for the Decision

The reasons for the decision as recommended under the assessment of this application are as follows:

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. The proposal has been considered against the provisions of Gosford Local Environmental Plan 2014 and has been found to be satisfactory.
3. There are no significant issues or impacts identified with the proposal under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

Attachments

1. Draft Conditions of Consent
2. Architectural Plans D14588656.
3. Landscape Plans D14650018
4. Statement of Environmental Effects D14588911
5. Ausgrid Conditions D14394509
6. TfNSW letter D14187625
7. NSW Rural Fire Service GTAs D14186162
8. Aboricultural Impact assessment D14588923

9. Engineering Plans D14588770
10. Acoustic Report D1458895511. Acoustic Addendum D14608402
12. Threatened Species Biodiversity Assessment Report D14608405
13. HCCRPP Briefing Note D14428437.

1. Draft Conditions of Consent.

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by: BHI Architects

Landscape Plans by: Xeriscapes

Drawing	Description	Sheets	Issue	Date
A.0001	Cover Sheet	1	07	13/04/2021
A.0301	3D perspective Image A	1	05	24/06/2020
A.0302	3D Perspectives Image B	1	05	24/06/2020
A.0501	Mood Board	1	05	24/06/2020
A.0502	Shadow Analysis Diagrams	1	05	24/06/2020
A.1001	Site Analysis Plan (Site information)	1	05	24/06/2020
A.1002	Site Plan & Development Schedule	1	07	13/04/2021
A.1003	Car Parking Schedule	1	06	28/09/2020
A.2001	Floor Plans (General Industrial Zone)	1	06	28/09/2020
A.2002	Floor Plans (General Industrial Zone)	1	06	28/09/2020
A. 2003	Floor Plans (General Industrial Zone)	1	06	28/09/2020
A.2004	Floor Plans (Building C & D/Warehouse Zone)	1	05	24/06/2020
A.2005	Floor Plans (Building C & D/Warehouse Zone)	1	05	24/06/2020
A.2006	Floor Plans (Building C & D/Warehouse Zone)	1	05	24/06/2020
A.2007	Floor Plans (Building E/Warehouse Zone)	1	05	24/06/2020
A.2008	Floor Plans (Building E/Warehouse Zone)	1	05	24/06/2020
A.2009	Floor Plans (Building E/Warehouse Zone)	1	05	24/06/2020
A.2010	Floor Plans (Building F/Warehouse Zone)	1	05	24/06/2020
A.2011	Floor Plans (Building F/Warehouse Zone)	1	05	24/06/2020
A.2012	Floor Plans (Building G/Warehouse Zone)	1	05	24/06/2020
A.2013	Floor Plans (Building G/Warehouse Zone)	1	05	24/06/2020
A.2014	Floor Plans (Building H/Warehouse Zone)	1	05	24/06/2020

A.2015	Floor Plans (Building H/Warehouse Zone)	1	05	24/06/2020
A.3001	Elevations	1	05	24/06/2020
A.3002	Elevations	1	05	24/06/2020
A.3003	Elevations	1	05	24/06/2020
A.3004	Elevations		05	24/06/2020
A.3005	Elevations	1	05	24/06/2020
A.3006	Elevations	1	05	24/06/2020
A.3101	Site Sections	1	05	24/06/2020
A.3102	Sections	1	05	24/06/2020
A.3103	Sections	1	05	24/06/2020
L401	Landscape South Elevation	1	B	21/05/2021
L402	Landscape West Elevation	1	B	10/09/2020
L403	Landscape East Elevation	1	A	03/09/2020
L000	Cover Sheet	1	H	21/05/2021
L001	Tree Management Plan	1	F	08/04/2021
L101	Overall Landscape Plan	1	H	21/05/2021
L102	Lot 1 Landscape Plan	1	G	21/05/2021
L301	Indicative Plant Schedule	1	C	19/06/2020
L601	Landscape Section Southern Boundary	1	A	21/05/2021
L602	Landscape Section Eastern Boundary	1	A	21/05/2021

Supporting Documentation

Document	Title	Date
City Plan Strategy & Redevelopment Pty Ltd	Statement of Environmental Effects Project 19-009	July 2020
Peterson Bushfire	Bushfire Assessment Ref 19050	9 July 2020
Modern Building Certifiers	BCA Capability Report	3 July 2020
JKGeotechnics	Geotechnical Investigation E32481PErpt	25 September 2019
Conacher Consulting	Aboriginal Cultural Heritage Report Ref:9080	June 2019
Transport & Traffic Planning Associates	Traffic & Parking Assessment Ref:19089 Issue E	July 2020
Acor Consultants	Water Sensitive Urban Design Strategy Rev 01Doc No SY190329	18 June 2020
Wasteaudit	Operation & Construction Waste Management Plan	November 2020
Conacher Consulting	Threatened Biodiversity Assessment Report	Ref:21039 April 2021

Acoustic Dynamics	Acoustic Assessment	9 July 2020
Acoustic Dynamics	Acoustic Addendum Project 4835	27 April 2021
Code Consulting Group	Access Report No J-19-16 Rev 02	02/07/2020
Advanced Treescape Consulting	Aboricultural Impact Assessment	06/04/2021
JKEnvironments	Preliminary Site Investigation Ref E32481PHrpt-Rev1	09/09/2019
Engineering Plans	Acor Consultants	26/02/2021

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with the General Terms of Approval / requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
NSW Rural Fire Service	S100B Fire Safety Certificate	DA20200902003164-Original-1	07/09/2020
Ausgrid	Conditions	-	02/12/2020

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's *Civil Works Specifications*.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

- a) Construction of the road verge/footway formation graded at +2% from the top of existing kerb to the property boundary, across the full frontage of the site in Sunny Bank Road. Construction to include transitions to existing formation either side of the site.
- b) Construction of concrete footpath 1.5 metres wide for the full street frontage of the development in Sunny Bank Road.
- c) Construction of two industrial/commercial vehicle access crossing that have widths of 17.8 metres at the road gutter crossing and 12.8 metres at the property boundary including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- d) Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.
- e) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- f) Installation of roadside furniture and safety devices as required by design e.g. fencing, signage, guide- posts, chevrons, directional arrows, and/or safety barriers in accordance with Austroads Guides, NSW Transport Roads and Maritime Services Supplements and Australian Standards and manufacturers requirements.
- g) Upgrading of the stormwater drainage within the Perratt Close road reserve including both the stormwater drainage crossing the road pavement and within the footways, to connect the stormwater from the site via Lot 32 DP 713715 & Lot 442 DP 720696 (Condula Park – R2127) and Perratt Close, to the watercourse / gully within Lot 46 DP702597 (Perratt Close Bush Reserve – R0007) located on the western side of Perratt Close. The upgraded stormwater pipelines are to be the greater of either minimum twin 600mm diameter pipelines, or that required for the capacity to accommodate the 1%AEP discharges from the site.

The section 138 Roads Act Works Approval must be issued by Council and all conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

- 2.3. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.4. Obtain a Section 68 Local Government Act Works Approval for Stormwater Drainage works by submitting an application to Council for a 'Section 68 Local Government Act Works Approval – stormwater drainage' for storm water drainage works connecting to or within Council's storm water system using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's *Civil Works Specifications*.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works:

- a) Construction of stormwater drainage within Lot 32 DP 713715 and Lot 442 DP 720696 (Condula Park – R2127) to connect the stormwater from the site to the required upgraded stormwater system within Perratt Close. The upgraded stormwater pipelines are to be the greater of either minimum twin 600mm diameter pipelines, or that required for the capacity to accommodate the 1%AEP discharges from the site. The alignment of the pipelines within Condula Park (R2127) must not impact the use of the playground and/or impact any trees located within this reserve. The drainage shall also ensure that any existing drainage infrastructure within Condula Park (R2127) that connects to Council's drainage system in Perratt Close is not affected by the proposed works.
- b) Construction of stormwater within Lot 59 DP713715 (Perratt Close Reserve – R2217) and Lot 46 DP702597 (Perratt Close Bush Reserve – R0007) to connect stormwater from the required upgraded stormwater system across Perratt Close to the existing watercourse / gully within Lot 46 DP702597 on the western side of Perratt Close. The upgraded stormwater pipelines are to be the greater of either minimum twin 600mm diameter pipelines, or that required for the capacity to accommodate the 1%AEP discharges from the site.

The *Section 68 Local Government Act Works Approval – stormwater drainage* must be issued, and all conditions of that approval addressed prior to commencing any works that are the subject of the approval.

- 2.5. Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
 - a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b) Construction of a stormwater detention system. Design shall be generally in accordance with the 'Water Sensitive Urban Design Strategy Report' prepared by ACOR Consultants Pty Ltd (Ref: Document No SY190329 Issue No: Rev 2 dated 18/06/2020), and in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013 and Council's *Civil Works Specifications*. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within drainage easements.
 - c) Construction of nutrient and pollution control measures. Design shall be generally in accordance with the 'Water Sensitive Urban Design Strategy Report' prepared by ACOR Consultants Pty Ltd (Ref: Document No SY190329 Issue No: Rev 2 dated 18/06/2020), and in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
 - d) Construction of on-site stormwater retention measures. Design shall be generally in accordance with the 'Water Sensitive Urban Design Strategy Report' prepared by ACOR Consultants Pty Ltd (Ref: Document No SY190329 Issue No: Rev 2 dated 18/06/2020), and in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
 - e) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the required stormwater drainage upgrade within Lot 32 DP 713715 and Lot 442 DP 720696 (Condula Park – R2127). The design of the stormwater drainage from the on-site detention system to the

required stormwater drainage within Condula Park shall be that required for the capacity to accommodate the 1%AEP discharges from the site.

- f) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
- g) The location of the northern pylon sign shall not be located within the 2.5m wide interallotment drainage easement created under DA56751/2019.

Detailed design drawings and design reports acceptable to the Registered Certifier must be included in the Construction Certificate documentation.

- 2.6. Submit to Council a dilapidation report detailing the condition of all Council assets within Lot 32 DP 713715 and Lot 442 DP 720696 (Condula Park (R2127)) within the vicinity of the proposed drainage works. The report must document and provide photographs that clearly depict the condition of any playground areas, furniture, footpaths, signs, lights, drainage, and/or any other Council assets in the area. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 68 Local Government Act Works approval and/or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish the condition of existing assets within the reserve to ensure that any disturbance associated with the proposed works is restored to reflect as a minimum the existing condition of these assets within the reserve.

- 2.7. Prior to the issue of a Construction Certificate for a food premises submit to Council's Environmental Health Officer (Food) and have approved the detailed plans and specifications for the food handling areas. The fit-out of the food premises is to comply with the NSW Food Act 2003, NSW Food Regulation 2015, Australia New Zealand Food Standards Code, and Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises.

- 2.8. Prior to the issue of a Construction Certificate for a food premises submit to Council's Environmental Health Officer details of any proposed mechanical ventilation system. The design of the mechanical ventilation system is to comply with Australian Standard AS1668.2-2012: The use of Ventilation and Airconditioning in Buildings Part 2: Mechanical Ventilation in Buildings.

- 2.9. Prior to the issue of a Construction Certificate for a food premises submit to Council's Environmental Health Officer (Food) for approval the proposed method of construction of all walls bounding and within food handling, storage and liquor areas.

2.10. Identify 'No Go Area'

Identify trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas and vegetation filter strips must be clearly marked as "No Go Area" on all plans.

2.11. Nest-box Replacement Strategy

Submit a Tree Hollow Relocation/Replacement Strategy to Council's Environment Officer for

approval. The strategy must be approved by Council. Installation of salvaged hollows is to be prioritised over the use of pre-fabricated nest boxes. Nest boxes/salvaged hollows must be installed at a density that does not exceed the density of naturally occurring tree hollows. The strategy must include:

- Information on hollow bearing trees (location, number, size, aspect of hollow and height of hollow above natural ground).
- The number (3:1 replacement ratio), type, thermal insulation, thickness (minimum 19mm) and size of nest boxes including targeted species.
- Details of hollow reuse and relocation (method of removal, wildlife protection).
- A plan showing location of proposed nest boxes/hollows including the corresponding tree numbers and aspect / height above natural ground level.
- Details of the timing for nest box/hollow installation to facilitate uptake by fauna that will move independently and fauna that will be actively relocated during tree clearing works.
- Details on installation and maintenance techniques.
- Details of ongoing monitoring ie. camera observation, stag watching, duration.

- 2.12. Pay to Council a contribution amount of **\$350,660.00**, that may require adjustment at time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contribution Plan 2019.

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

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

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

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 49 Mann Street Gosford, or 2 Hely Street Wyong or on Council's website:

[Development Contributions - former Gosford LGA](#)

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

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

- 2.14. Registration of the plan of subdivision approved under DA56751/2019 prior to the issue of any Construction Certificate.

- 2.15 Engage an Association of Australian Acoustical Consultants member acoustic consultant to provide advice on the detailed design of the loading docks and waste control areas and any required noise management measures.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
 - 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
 - a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition approved by this consent.
 - 3.3. Appoint a Principal Certifying Authority for the building work:
 - a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b) Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website www.centralcoast.nsw.gov.au
 - 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
 - a) The name, address and telephone number of the principal certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
 - 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au.
- Contact Council prior to submitting these forms to confirm the relevant fees.
- 3.6. Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

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

- Ingress and egress of construction related vehicles to the development site.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

- 3.7. Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 3.8. Payment of a bond to Council's Open Space & Recreation Section prior to the commencement of drainage works within Condula Park (R2127).
- 3.9. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.10. Tree protection is to be as per the recommendations of the Arboricultural Impact Assessment, prepared by Advanced Treescape Consulting 06/04/2021.

3.11. Install temporary fencing

Install a temporary fence around Tree Protection Zones and Vegetation Filter Strip as identified on the corresponding Landscape Plan (Xeriscapes, 19/06/2020).

All fenced conservation areas are to be clearly marked as a "No Go Area" on the fencing itself. No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced conservation area.

4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

- 7:00am and 5:00pm Monday to Saturday

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

- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately in that area, and
 - b) The Office of Environment & Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.7. Undertake the removal of trees as per Arboricultural Impact Assessment 06/04/2021 in a manner so as to prevent damage to those trees that are to be retained.
- 4.8. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by WASTEAUDIT, dated November 2020.
- 4.9. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 4.10. Transport all waste generated on the premises to a facility which is licensed to receive that material.

- 4.11. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 4.12. Comply with all commitments as detailed in the Waste Management Plan signed by WASTEAUDIT, dated November 2020.
- 4.13. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.

4.14. Maintain temporary fence

Maintain the temporary fence around the conservation area. The fence must be maintained for the duration of construction works.

4.15. Undertake clearing in accordance with survey plan

Undertake clearing in accordance with the approved survey plan. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

4.16. Implement fauna welfare measures

Implement the following fauna welfare measures during clearing:

- **Supervision by Ecologist**
Removal of hollow bearing trees and log habitat on the ground must be undertaken under the supervision and guidance of a suitably qualified Ecologist or licensed wildlife handler.
- **Pre Clearing Inspection**
The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use.
- **Staged Clearing**
Staged removal is to include clearing of understorey vegetation and non-hollow-bearing trees in Phase 1 and removal of hollow-bearing trees in Phase 2. There is to be a minimum of 24 to 48 hours between Phase 1 and Phase 2.
- **Fauna Welfare**
Prior to the felling of hollow bearing trees, hollows are to be visually inspected. Should a threatened species be positively identified, all clearing works are to cease and the advice of Council or the Office of Department of Planning, Industry and Environment must be sought. When fauna are present, the animals are to be removed and suitably relocated by the Ecologist prior to felling, or the hollows are to be blocked with rags or similar material and the hollows sectionally dismantled and lowered carefully to the ground. The Ecologist is to work in conjunction with the machinery operator to identify the most benign method of dislodging fauna and for felling trees. Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the Ecologist. Any fauna rescued during vegetation clearance is to be assessed for injuries and, if unharmed, subsequently released into suitable nearby habitat. Captured fauna may be held until dusk prior to release in accordance with relevant animal ethics licensing and standards. If any fauna are injured during vegetation clearing they are to be taken promptly for treatment to a nearby veterinarian or wildlife carer.
- **Nest Boxes**

A salvaged hollow or nesting box will replace any hollows that will be destroyed at a ratio of 3:1. Prior to commencing tree removal, the salvaged hollow/nesting boxes must be installed in trees as close as possible to those trees that will be removed. The final number of nest boxes to be installed will need to be calculated once the number of salvaged hollows is determined. Hollows/boxes must be installed across a sufficient area so as not to exceed natural hollow densities for target species.

- **Reporting**
Following the removal of hollow bearing trees, the Ecologist must notify Council's Ecologist/Environment Officer in writing of compliance with this condition within fourteen (14) days. Information provided must include fauna observations, number, size and location of nest boxes installed.

4.17. Landscape using local plant stock

Supply any plant stock used in landscaping of the 10m vegetation filter strip along the northern boundary and replacement canopy plantings fronting Sunnybank Road from provenance specific seed/material collected from locally endemic species to maintain genetic diversity.

4.18. Felled native trees to be used in landscaping

Utilise timber from felled native trees by:

- Re-instating logs as ground habitat in areas of retained vegetation, and/or
- Wood chip or tub grind into mulch for landscaping, soil stabilisation or bush regeneration, and/or
- Using for firewood (but not piled burned on-site); and/or
- Recycling for use in construction materials, furniture or fencing.

4.19. Implement Nest Box Replacement Strategy

Implement the approved Nest Box Replacement Strategy and provide documentary evidence of compliance to Council and Principal Certifying Authority for its records.

4.20. Stockpiling

Stockpiling will be undertaken within the approved works foot- print.

Stockpiling will not be undertaken in locations that impact on adjacent areas of retained native, estuarine or aquatic vegetation or within a tidal zone or that has the potential to cause water pollution.

Stockpiles are to be managed to suppress dust, prevent erosion and reduce the impact of sediment and other contaminants on the environment. This may require compaction and the installation of adequate sediment and erosion control measures around the stockpiles in accordance with the Blue Book and Best Practice Erosion and Sediment Control (IECA) guidelines.

No contaminated material is permitted to be stockpiled onsite.

4.21. Weeds and pathogens

Vehicles and other equipment to be used on site must be free of soil, seeds and plant material before entering/leaving the site to prevent the spread of exotic plant species and pathogens. Standard hygiene protocols will be used to clean tools and other equipment. All vehicles and machinery must be inspected prior to site entry and those failing inspection are to be sent away for cleaning. Appropriate records of inspections shall be maintained.

4.22. Submit to Council a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that the site has been made free of asbestos material following completion of site clearing works. Refer to recommendations of the Stage 1 *Preliminary Site Investigation*, 9 September 2019, JK Environments, report reference, E32481PHrpt-Rev 1.

4.23 Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the Protection of the Environment Operations Act 1997.

4.24 Undertake works in accordance with the approved Unexpected Finds Protocol recommended in the Stage 1 *Preliminary Site Investigation*, 9 September 2019, JK Environments, report reference, E32481PHrpt-Rev 1.

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

- 7.00am and 5.00pm Monday to Saturday

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

4.26 Classify all excavated material removed from the site in accordance with NSW EPA (November 2014) *Waste Classification Guidelines* and/or the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

4.27. Ensure all excavated material removed from the site is transported to a site that is a lawful waste facility and/or a site that meets the requirements of the Resource recovery Exemptions under Part 9, Clause 91 and 92 *Protection of the Environment Operations (Waste) Regulation 2014*.

4.28. Implement all soil and water management control measures and undertake works in accordance with the approved Soil and Water Management Plan *Soil erosion and sediment control plan* Drawing number c5.01, Issue B and *Cover sheet and legends*, Drawing number c1.01 Issue C and *Details Sheet 7*, Drawing number C1.10, Issue B prepared by ACOR Consultants Pty Ltd dated May 2020. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction*, Landcom, 2004).

4.29. Implement any recommended noise control measures to the satisfaction of an Association of Australian Acoustical Consultants member acoustic consultant and the recommendations of the *Acoustic Addendum Letter 01*, Acoustic Dynamics, 27 April 2021.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.3. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 5.4. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.5. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.
- 5.6. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.

- 5.7. Complete construction of all works approved in the Local Government Act Section 68 Stormwater Drainage Works Approval. Completion include the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's adopted fees and charges.
- 5.8. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.9. Amend the Deposited Plan (DP) to:
- 1) Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - 2) Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
 - a) To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - i. the facility will remain in place and fully operational.
 - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
 - iv. Council is indemnified against all claims of compensation caused by the facility.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

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

- 5.10. Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.11. Any disturbance within Lot 32 DP 713715 and Lot 442 DP 720696 (Condula Park (R2127)) must be restored to original condition or better, to the satisfaction of Council's Open space and Recreation Section.

5.12. No food handling, as defined by the NSW Food Act 2003, is permitted within a food premises prior to the issue of the Occupation Certificate.

5.13. Prior to the issue of an Occupation Certificate for a food premises the fit-out of the food premises is to comply with the NSW Food Act 2003, NSW Food Regulation 2015, Australia New Zealand Food Standards Code and Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises for all food handling and storage areas, including liquor areas.

5.14. Prior to the issue of an Occupation Certificate for a food premises submit to Council's Environmental Health Officer certification from a mechanical engineer that the construction, installation and operation of the mechanical ventilation system meets the requirements of the Standard. The mechanical ventilation system is to comply with Australian Standard AS1668.2-2012: The use of Ventilation and Airconditioning in Buildings Part 2: Mechanical Ventilation in Buildings.

5.15. Prior to the issue of an Occupation Certificate for a food premises submit to Council the Food Premises Registration Form. The Form is available on Council's website <https://www.centralcoast.nsw.gov.au/council/forms/registration-food-premises-online-form>

5.16. Delineate edge of IPA and OPA

Permanently delineate the edge of the Inner Protection Area and Outer Protection Area using fencing, posts, bollards or similar in order to prevent future encroachment into areas of retained native vegetation. Felled logs may be used to delineate the edge as per condition 4.18. Evidence of compliance to this condition is to be provided to Council.

5.17. Replacement trees

Plant a minimum of sixteen (16) replacement tree(s) (advanced specimens min 25lt pot size). Replacement trees must be native species representative of those removed, as per the corresponding Arboricultural Impact Assessment (Advanced Treescape Consulting, 30/06/2020). New trees should be replaced within the 10m vegetation filter strip to be implemented along the western boundary of the subject property. Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.

5.18. Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:

- a) provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*
- b) paint the ceiling of the car park white
- c) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
- d) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises
- e) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development

- 5.19. Provide certification to the accredited certifier prior to the occupation of the child care centre is constructed in accordance with the requirements of the Child Care Planning Guideline of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and Education and Care Services National Regulations.
- 5.20. Comply with the licensing/approval requirements of the NSW Regulatory Authority for early childhood education.
- 5.21. Complete the landscaping works.
- 5.22. Engage an Association of Australian Acoustical Consultants member acoustic consultant to confirm that any recommended noise management measures specified by the acoustic consultant have been implemented.

6. ONGOING OPERATION

- 6.1. Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.2. Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.3. All mixed, recyclables and clinical waste bin presentation locations and waste truck servicing area/s to be constructed at a maximum 3 % gradient to facilitate roll out of bins to the waste vehicle for servicing.
- 6.4. Height clearances must be maintained in waste vehicle manoeuvring areas consistent with the commercial waste contractor vehicles servicing the development.
- 6.5. Waste storage areas and servicing locations to be strictly in accordance with details within the Waste Management Plan dated November 2020 by WASTEAUDIT.
- 6.6. All mixed, recyclables and clinical waste bins to be serviced onsite.
- 6.7. Food Premises must Comply with the requirements of the NSW Food Act 2003, NSW Food Regulation 2015 and Australia New Zealand Food Standards Code.
- 6.8. **Minimise external lighting**

Use external lighting that minimises overspill into retained vegetated areas and adjoining properties and road way.
- 6.9. Ensure that all vehicles used at the site only use broadband reversing alarms.
- 6.10. Hours of operation are restricted to:

Monday to Sunday: 7:00am to 6:00pm;

Excluding the following:

Warehouse/ Storage facility: Hours of operation are 24 hours/7 days.

Vet Hospital/ Convenience Store/ Restaurant/ Childcare centre:

Hours of operation are restricted to:

Monday to Sunday: 7:00am to 10:00pm.

Gymnasium: Hours of operation are 24 hours/7 days.

6.11. Submit to Council an acoustic assessment undertaken by an acoustic consultant, three (3) months after operative consent of DA58884 Part 1. The acoustic consultant must have a current membership to the Association of Australasian Acoustical Consultants. The acoustic assessment must compare operational noise levels to the predicted noise levels, during peak usage periods, loading, delivery and dispatch, and identify any areas where further noise mitigation measures **will be required**. A copy of the Report shall be submitted to Council's Environment and Public Health team. All recommendations must be implemented within 60 days.

6.12. Restrict the maximum number of children attending the child-care facility to ninety-four (94). Any increase in the number of children will require separate application.

6.13. Restrict waste collection to between the following times only:

Monday to Friday: 7:00am and 6:00 pm.

6.14. Restrict deliveries, heavy vehicle movements and forklift use to between the following times only:

Monday to Saturday: 7:00am to 6:00pm,

Sunday (and public holidays): 8:00am to 6:00pm.

6.15 Operate in accordance with the *Acoustic Addendum Letter 01*, Acoustic Dynamics, 27 April 2021 and the *Proposed Mixed Use Light Industrial Park Acoustic Assessment*, 27 Sunnybank Road Lisarow NSW, Acoustic Dynamics, 9 July 2020.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment* Policy. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au

