

REQUESTED AMENDMENTS TO COUNCILS' RECOMMENDED CONDITIONS OF CONSENT
27 SUNNY BANK RD, LISAROW - DA58884 - PPSHCC-52

TABLE 1

Condition No.	Council proposed condition	Applicant proposed amendment (red)	Applicant comment
2.4	<p>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 stormwater drainage works connecting to or within Council's storm water system using an Application of Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works form</p> <p>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 <i>Civil Works Specifications</i>.</p> <p>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.</p> <p>Design drawings, reports and documentation will be required to address the following works:</p> <p>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.</p> <p>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 stormwater system across Perratt Close to the existing watercourse/gully within Lot 46 DP 702597 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 1% AEP discharges from the site.</p>	<p>Amendment 1:</p> <p>Relocate condition within consent from Section 2 (Prior to issue of any Construction Certificate) to Section 3 (Prior to commencement of any works)</p> <p>Amendment 2:</p> <p>Insert new text below requiring cost sharing.</p> <p>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 stormwater drainage works connecting to or within Council's storm water system using an Application of Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works form</p> <p>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 <i>Civil Works Specifications</i>.</p> <p>Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. 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The required work would impose a significant cost burden on the applicant and is unreasonable for the following reasons.</p> <ul style="list-style-type: none"> Perratt Close and the dwellings located within it currently result in approximately 600L/s of flow to the subject pipe crossing. The existing 450mm pipe is capable of taking 290L/s, far less than the existing resultant flows cause and as such Council's stormwater system is undersized. The proposed works will restrict flows to Council's stormwater system by almost half by providing OSD. The proposed works are providing a significant upgrade to Councils existing infrastructure <p>e, the developer would like to request that as the site and drainage upgrade are of significant value to Council, we would like to broach the topic of a 50% contribution for the upgrade of the line crossing Perratt Close.</p>

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		600mm diameter pipelines, or that required for the capacity to accommodate 1% AEP discharges from the site. A cost sharing arrangement is to be established between Council and the applicant in relation to the works required by b). Council is responsible for funding works required to accommodate existing flows within the system.	
2.7	Prior to the issue of a Construction Certificate for a food premises submit to Council's Environmental Health Officer 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, the NSW Food Regulation 2015, Australia New Zealand Food Standards Code, and Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises.	Prior to the issue of a Construction Certificate for the fitout of a food premises submit to Council's Environmental Health Officer (Food) and have approved the detailed plans and specifications for the food handling areas.	We are concerned that this condition could be interpreted as requiring details of the food premises fitouts to be provided as part of a construction certificate for the 'primary building'. The fitout requirements for the food premises will not be known until such time as tenants are secured.
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 AS 1668.2-2012: The use of Ventilation and Airconditioning in Buildings Part 2: Mechanical Ventilation in Buildings.	Prior to the issue of a Construction Certificate for the fitout of a food premises submit to Council's Environmental Health Officer details of any proposed mechanical ventilation system...	As per condition 2.7 (above).
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.	Prior to the issue of a Construction Certificate for the fitout of 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.	As per condition 2.7 (above).
2.12	<p>Pay to the Council a contribution of \$350,660.00, that may require adjustment at the time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contribution Plan 2019.</p> <p>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.</p> <p>Contact Council's Contributions Planner on 1300 463 954 for an up-to-date contribution payment amount.</p> <p>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.</p> <p>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</p>	<p>Pay to the Council a contribution of \$350,660.00, that may require adjustment at the time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contribution Plan 2019.</p> <p>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.</p> <p>Contact Council's Contributions Planner on 1300 463 954 for an up-to-date contribution payment amount.</p> <p>The contribution must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided below.</p> <p>If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.</p> <p>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</p>	<p><i>Environmental Planning and Assessment (Local Infrastructure Contributions- Timing of Payments) Direction 2020</i> specifies that a consent authority may not impose a condition that requires payment of a development contribution to be made anytime earlier than before the issue of an occupation certificate.</p> <p>The circumstances of this application do not preclude the Direction from applying as:</p> <ul style="list-style-type: none"> the cost of development is greater than \$10m the application does not propose subdivision there is no CDC which applies to the development. <p>The purpose of the Ministerial direction is to incentivise development to promote job creation and economic activity. In our case the ability to make payment at OC would significantly incentivise and enable its delivery.</p> <p>The proposed amendments to the conditions align with the sample conditions on the DPIE Local Infrastructure contributions policy webpage.</p>
2.14	Registration of the plan of subdivision approved under DA56751/2019 prior to the issue of any Construction Certificate.	Registration of the plan of subdivision approved under DA56751/2019 prior to the issue of any occupation certificate.	We are concerned that this condition will delay commencement of the project. Prior to registration of the plan of subdivision the following must occur:

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			<ul style="list-style-type: none"> obtain construction certificate for subdivision works complete subdivision works obtain certifications from service providers prepare works as executed plans prepare survey/registration requirement. <p>A Construction Certificate application was lodged with Council in October 2020 to commence the above process. Additional information was provided in January 2021, then resubmitted in May 2021 due to it being misplaced. Additional analysis is currently being undertaken in response to a second request for information that was recently made.</p> <p>The applicant acknowledges the need to commence and implement DA56751/2019 and the subject development has been specifically designed to facilitate and complement it. In particular, it includes the vegetation strip required by condition 2.3 and makes allowance for the stormwater management system required by condition 2.5.</p> <p>In our opinion the two developments can be implemented concurrently without risk to infrastructure or environmental outcomes.</p>
3.6	<p>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.</p> <p>The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.</p> <p>The CTPMP must address, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> 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. <p>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</p>	<p>Prepare Construction Traffic and Pedestrian Management Plans (CTPMP) for all activities related to works within the site. Multiple plans may be prepared that reflect the staging of the delivery of works, being:</p> <p>Stage 1: Early works and excavation; and</p> <p>Stage 2: Construction works.</p> <p>The plans must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.</p> <p>The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.</p> <p>The CTPMP must address, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> 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. 	<p>The applicant accepts the need to prepare a CTPMP but requests that the condition be amended to allow multiple plans to be prepared, that reflect the works being undertaken in the delivery stage.</p> <p>The proposed works are to be delivered in stage, those being:</p> <p>Stage 1: Early works and excavation; and</p> <p>Stage 2: Construction works.</p> <p>We believe the CTPMP for early works will be simpler and able to be prepared and approved more quickly. The more complex CPTMP for the construction works can be prepared and processed whilst early works are occurring.</p>

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	<p>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.</p> <p>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.</p> <p>The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.</p> <p>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.</p>	<p>▪ Temporary Road Closures.</p> <p>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.</p> <p>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.</p> <p>The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.</p> <p>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.</p>	

<p>Proposed new condition of consent</p> <p>5. Prior to issue of any Construction Certificate</p> <p>5.13 Parking Plan of Management</p> <p>A Parking Plan of Management must be prepared by a suitably qualified traffic and transport engineer prior to issue of an occupation certificate. The Plan of Management must:</p> <ul style="list-style-type: none"> ▪ designate 18 spaces for use by the child care centre with four allocated for drop off and pick up ▪ segment car parks for specific uses at designated times to match parking demand ▪ require signage to communicate when specific car parking spaces are designated to specific businesses ▪ set parking limits on spaces to increase parking supply during certain hours ▪ establish a reporting and compliance process to allow business owners to report malpractice.
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