



## Supplementary Information

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To: Central Coast Local Planning Panel

From: Rebecca Samways, Development Planner  
Emily Goodworth, Section Manager

Subject: Additional Information – Agenda Item 3.2 - DA/1849/2005/B - Residential Flat Building and Demolition of Existing Structures (Amended Application) - 2-6 Fairport Avenue & 46-48 Ocean Parade, The Entrance

Date: 23 September 2021

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This memo is to provide further information to the Local Planning Panel in response to questions asked, and issues raised, during the virtual site inspections on 21 September 2021, regarding the use of the communal open space. Under the *Strata Schemes Management Act 1996*, each strata scheme must have a set of bylaws. It is noted that most strata schemes relating to residential premises will have a by-law relating to noise that is like the model by-law provision. The model by-law provision regarding noise provides that:

*An owner or occupier of a lot must not create any noise on a lot or the common property likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.*

Notwithstanding the above, additional ongoing conditions are recommended as part of the modified consent to ensure reasonable acoustic amenity to the occupants of the residential flat building and adjoining neighbours, given the modified development has changed the use of the roof top terrace area from private open space associated with the top floor dwellings, to communal open space that can be enjoyed by all residents. The following ongoing conditions are proposed:

- 1.1. Implement a Plan of Management for the residential flat building. The plan must provide for:
  - a) Noise control and hours of use of the rooftop and ground level communal open space. The use of all communal open space areas is to ensure minimal noise impact on adjacent residential uses (both within the development and adjoining), and the area is not to be used between the hours of 10pm and 8am.

The Owner's Corporation may vary the above to allow for additional use outside of the above hours for special events (for example New Year's Eve) or similar, providing the variation does not cause offensive noise.



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- b) The communal open space areas must only be used by residents and their visitors.
- 1.2. The communal open space areas shall not give rise to offensive noise as defined under the *Protection of the Environment Operations Act 1997*.