

# Gosford Development Control Plan 2013

## Index

### **PART 1: PRELIMINARY**

Chapter 1.1: [Introduction](#)

### **PART 2: SCENIC QUALITY AND CHARACTER**

Chapter 2.1: [Character](#)  
[Character Statement Index](#)

Chapter 2.2: [Scenic Quality](#)

### **PART 3: SPECIFIC CONTROLS FOR DEVELOPMENT TYPE**

#### **Residential**

Chapter 3.1: [Dwelling Houses, Secondary Dwellings and Ancillary Structures](#)

Chapter 3.2: [Dual Occupancy Development](#)

Chapter 3.3: [Multi Dwelling Housing and Residential Flat Buildings](#)

Chapter 3.4: [\[Not in use\] Secondary Dwellings](#)

#### **Subdivision**

Chapter 3.5: [Residential Subdivision](#)

Chapter 3.6: [Subdivision of Rural and Non-Urban Land](#)

#### **Non Residential Development**

Chapter 3.7: [Advertising Signage](#)

Chapter 3.8: [Bed and Breakfast and Farm Stay Accommodation](#)

Chapter 3.9: [Child Care Centres](#)

Chapter 3.10: [Environmental Controls for Development in Zone E4](#)

Chapter 3.11: [Industrial Development](#)

Chapter 3.12: [Non Residential uses in the E3 / 7\(c2\) Zone](#)

Chapter 3.13: [Parenting Facilities](#)

Chapter 3.14: [Short Term Rental Accommodation of Dwellings](#)

Chapter 3.15: [Sex Services Premises](#)

Chapter 3.16: [Water Recreation Structures](#)

### **PART 4: CENTRES**

Chapter 4.1: [Gosford City Centre](#)

Chapter 4.2: [Peninsula Centres](#)

Chapter 4.3: [Terrigal Village Centre](#)

Chapter 4.4: [Gosford Waterfront](#)

### **PART 5: LOCATION SPECIFIC DEVELOPMENT CONTROLS**

Chapter 5.1: [Bensville](#)

Chapter 5.2: [Erina, 83-95 Karalta Road](#)

Chapter 5.3: [Kariong, Mount Penang Parklands](#)

Chapter 5.4: [Kincumber, Avoca Drive \(Manassah Frost House\)](#)

Chapter 5.5: [Kincumber, The Scenic Road \(Kincumber Fire Station\)](#)

Chapter 5.6: [Lisarow, Toomeys Road](#)

Chapter 5.7: [Mangrove Mountain, Berecry Road \(The Landmark\)](#)

Chapter 5.8: [Narara, Gosford Horticultural Institute](#)

Chapter 5.9:	Niagara Park, Siletta Road
Chapter 5.10:	Pearl Beach Residential Development
Chapter 5.11:	Terrigal, Corner Charles Kay Drive and Terrigal Drive
Chapter 5.12:	Terrigal, Parkside, Kings Ave
Chapter 5.13:	Terrigal, Scenic Highway (George's Fruit Barn)
Chapter 5.14:	Various Suburbs: Erina/Green Point/Terrigal, Kariong, Kincumber, Lisarow/Niagara Park, Narara, and Springfield
Chapter 5.15:	Water Supply Catchment Area Development
Chapter 5.16:	West Gosford, Temporary Use of Gosford Racecourse
Chapter 5.17:	Yattalunga
Chapter 5.18:	Forresters Beach
Chapter 5.19:	Erina - 18 Illya Avenue (Erina Leagues Club)
Chapter 5.20:	Marana Road, Springfield
Chapter 5.21:	Somersby - Wisemans Ferry Road/Peats Ridge Road (Somersby Fields site)
Chapter 5.22:	<u>East Somersby</u>

## **PART 6: ENVIRONMENTAL CONTROLS**

Chapter 6.1:	Acid Sulphate Soils
Chapter 6.2:	Coastal Frontage
Chapter 6.3:	Erosion Sedimentation Control
Chapter 6.4:	Geotechnical Requirements For Development Applications
Chapter 6.5:	On-Site Effluent and Greywater Disposal
Chapter 6.6:	Preservation of Trees or Vegetation
Chapter 6.7:	Water Cycle Management

## **PART 7: GENERAL CONTROLS**

Chapter 7.1:	Car Parking
Chapter 7.2:	Waste Management
Chapter 7.3:	Notification of Development Proposals
Chapter 7.4:	Complying Development Conditions
Appendix 1:	Definitions

## Part 1 Preliminary

### Chapter 1.1 Introduction

#### 1.1.1 Name of Plan

This plan is known as the Gosford Development Control Plan 2013 and supports the objectives identified by the Gosford Local Environmental Plan 2014, the Gosford Planning Scheme Ordinance or Interim Development Order No 122.

#### 1.1.2 Where this Plan Applies

This Development Control Plan (DCP) applies to all land zoned under the Gosford Local Environmental Plan (LEP) 2014, the Gosford Planning Scheme Ordinance or Interim Development Order No 122.

The plan applies to all categories of development, as defined within the *Environmental Planning and Assessment Act, 1979* addressed within the Chapters of this Plan.

#### 1.1.3 Relationships to other Plans

This DCP has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000*.

State Environmental Planning Policies and Regional Environmental Plans may apply to the land to which this DCP applies.

The DCP supplements the provisions of Gosford LEP 2014, the Gosford Planning Scheme Ordinance and Interim Development Order No 122. The provisions of the Gosford LEP 2014, the Gosford Planning Scheme Ordinance or Interim Development Order No 122 prevail over the DCP.

The DCP supersedes all previous development control plans applying to the Gosford Local Government Area and the following Council Policies relating to development control:

- Erosion Sedimentation Control
- Rainforest
- Water Supply Catchment Area Development

#### 1.1.4 Interpretation of Provisions

The provisions of this Development Control Plan which apply to land zoned E2 Environmental Conservation or E3 Environmental Management under Gosford LEP 2014 also apply to land zoned 7(a) Conservation and Scenic Protection (Conservation) or 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under Interim Development Order No. 122.

Specifically those provisions which apply to land zoned E2 Environmental Conservation also apply to land zoned 7(a) Conservation and Scenic Protection (Conservation) and those provisions which apply to E3 Environmental Management also apply to land zoned 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings).

#### 1.1.5 Purpose of Plan

The purpose of this plan is to provide Council's requirements for quality development and environmental outcomes within the City of Gosford.

Under section 79C of the Act, the consent authority is required to take into consideration the relevant provisions of this DCP in determining any application for development.

#### 1.1.6 Operation of Plan

This plan will come into effect upon gazettal of Gosford Local Environmental Plan 2014, being 11/2/14.

From time to time, the Development Control Plan will be amended. The following table outlines the amendments that

have taken place and their status at the time of printing.

It is the responsibility of those submitting development applications to ensure that the proposal is in accordance with the DCP.

### Schedule of Amendments

Effective Date	Chapter Amended	Reason
21 March 2014	Chapter 4.4 Gosford Waterfront	New Chapter – DCP approved by Director General of Planning & Infrastructure and incorporated into Gosford DCP 2013 as per Council Resolution 3/12/13.
21 March 2014	Chapter 3.14 Short Term Holiday Accommodation	Chapter renamed Chapter 3.14 Short Term Rental Accommodation of Dwellings due to adoption of GLEP 2014 Amendment 1 on 21 March 2014 relating in part to Short Term Rental Accommodation. LEP amends terminology and controls, chapter responds to LEP amendments and amends controls.
6 June 2014	Chapter 5.18 Forresters Beach	New Chapter to support GLEP 2014 Amendment which rezoned the E2 Environmental Conservation and R2 Low Density Residential.
25 July 2014	Chapter 5.19 Erina, Ilya Ave	New Chapter to support GLEP 2014 Amendment. Provides more detailed guidelines for use of the land for Mixed Use Development – Club and complimentary land uses.
29 October 2014	Chapter 4.3 Terrigal Village Centre	Chapter amended to cover lands commonly known as the "Rapedo Lands" (see map in chapter for details) as per Council resolution 28/8/12.
19 December 2014	Chapter 3.1 Dwelling Houses and Ancillary Structures Chapter 3.2 Dual Occupancy Chapter 3.4 Secondary Dwellings Chapter 3.11 Industrial Development Chapter 4.1 Gosford City Centre Chapter 6.6 Preservation of Trees or Vegetation Chapter 7.1 Carparking	Various amendments refer to Council Reports 22 July 2014 and 9 December 2014.
19 December 2014	Chapter 5.3 Kariong, Mount Penang Parklands	Chapter amended refer to Council Reports 17 December 2013 and 9 December 2014.
19 June 2015	Chapter 6.2 Coastal Frontage	Chapter amended refer to Council Report GOV.71 of 9 June 2015 Ordinary Meeting
15 January 2016	Chapter 5.20 Marana Road Springfield	New chapter to support GLEP 2014 amendment which included the additional permitted use of 5 lot subdivision
15 April 2016	Chapter 6.2 Coastal Frontage	The completion of the Gosford Beaches Coastal Zone Management Plan (GBCZMP) triggered the need to review and update the existing planning controls along coastal frontage areas. On 22 March 2016 Council adopted a revised Chapter 6.2 Coastal Frontage of Gosford's Development Control Plan (DCP) 2013. The new DCP Chapter came into effect on 15 April 2016.

Effective Date	Chapter Amended	Reason
19 August 2016	Chapter 5.21 Somersby - Wisemans Ferry Road/Peats Ridge Road (Somersby Fields Site)	New chapter to support GLEP2014 (Amendment No 17) which applies to Lot 41 DP 1046841 at Somersby
23 December 2016	Chapter 5.22 East Somersby	New chapter to support Gosford LEP 2014 (Amendment No 24) which applies to Lot 41 DP 771535, Lot 12 DP 263427 and Lot 4 DP 261507 at Somersby.
10 August 2017	Chapter 3.1 Dwelling Houses, Secondary Dwellings and Ancillary Development and Chapter 7.3 Notification of Development Proposals	DCP Chapter 3.1 and Chapter 7.3 revised. Chapter 3.4 Secondary Dwellings section retracted now combined with Chapter 3.1 Dwelling Houses, Secondary Dwellings and Ancillary Development.
29 June 2018	Chapter 2.1 Character and Chapter 5.14 Various Suburbs: Erina/Green Point/ Terrigal, Kincumber, Lisarow/Niagara Park, Narara and Springfield	The amended Lisarow Character Precinct Map and the Lisarow/Niagara Park Map support Gosford LEP 2014 (Amendment No 32) which applies to part of Lot 2 DP 740663, Taylor Road, Lisarow.

### 1.1.7 Application of the Plan

Where a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this plan into consideration in determining that application.

Compliance with the provisions of this plan does not necessarily imply that Council will consent to any application. Council must also take into consideration those matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended).

Development applications must demonstrate conformity with the objectives of this Plan.

- a. New development is to have regard to character of the area both built and natural.
  - i. The overall aims and objectives of this Plan, and
  - ii. Detailed objectives of each relevant section in this Plan
- b. Development applications must also demonstrate conformity or compatibility with controls of this Plan.
  - i. Conformity with any numerical provision of this Plan does not necessarily guarantee that a development proposal is consistent with objectives specified by this Plan, or that consent will be granted.
  - ii. Variation of any control in this Plan might be acceptable where an application demonstrates its conformity with the objectives that are specified by this Plan

Each application will be considered on the individual circumstances and merits of the case in terms of achievement of the objectives of the DCP and the objectives of any relevant chapters of the DCP. Any variation to the controls must be supported by a written statement demonstrating how the objectives of each relevant section of the DCP are fully satisfied. Where, in the opinion of Council, an application satisfies the objectives set out in this plan, Council may grant consent to the application notwithstanding that one or more of the controls are not complied with.

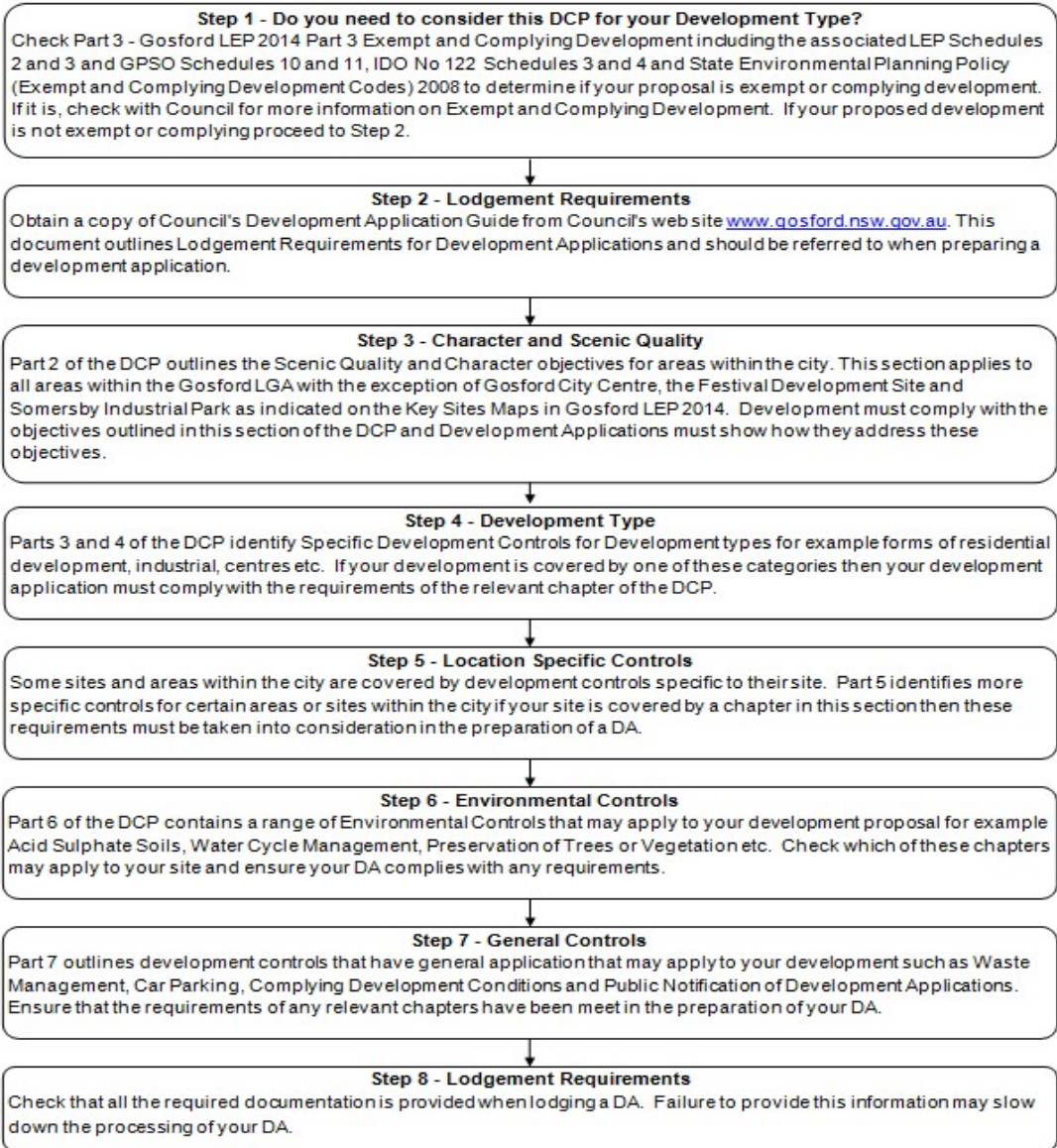
### 1.1.8 Aims and Objectives

The aims of this plan are:

- To identify Council's expectations and requirements for development within Gosford local government area and build upon the Gosford LEP 2014, the Gosford Planning Scheme Ordinance and Interim Development Order No 122 by providing detailed objectives and controls for development;
- To ensure that all development is consistent with the desired character of the surrounding neighbourhood;
- To identify approaches and techniques which promote quality urban design and architectural outcomes in Gosford local government area;
- To promote best practice and quality environmental outcomes

### 1.1.9 How to Use this Plan

The following steps provide a general guide to using this document.



## Chapter 2.1 Character

### 2.1.1 Where this Chapter Applies

This Chapter applies to all development in Gosford City that requires consent, with the exception of Somersby Industry Estate, Mount Penang Festival Development Site and Gosford City Centre as shown on Key Sites Maps of the Gosford LEP 2014. These areas have been subject to detailed study, and investigation by the Department of Planning in conjunction with Council and other government departments and are subject to additional detailed controls contained within specific chapters of this DCP.

### 2.1.2 Aims of this Chapter

- a. Establish matters for consideration to support character provisions of the Gosford LEP 2014, the Gosford Planning Scheme Ordinance and Interim Development Order No 122.
- b. Provide detailed statements of desired character that are consistent with those matters for consideration in order to guide future development.
- c. Apply character statements prepared by the Urban Design Framework after consultation with the City's communities.

### 2.1.3 Objectives of this Chapter

- a. Protect and enhance environmental character that distinguishes Gosford City's identity, and
- b. Enhance the City's identity by development that displays improved standards of scenic, urban and civic design quality.

### 2.1.4 Matters for consideration

- a. Gosford City Council must consider all development applications relative to:
  - i. Merit provisions in Section 79c of the Environmental Planning and Assessment Act 1979, and
  - ii. Bushfire protection provisions of the Rural Fires and Environmental Assessment Legislation Amendment Act 2002, and
  - iii. Provisions of all applicable State, regional and local environmental planning instruments, and
  - iv. Matters for consideration that are specified by this Plan, and
  - v. Any adopted policies or strategies that might be applicable.
- b. In the event of an inconsistency between this chapter of the DCP and any other chapter, provisions of this chapter will prevail.
- c. All development applications must consider the following character issues:
  - i. Preferred land use + development density: conformity with the preferred use and compatibility with the amenity typically associated with that use, and
  - ii. Scenic prominence + distinctiveness: protection and enhancement, and
  - iii. Existing natural features: conservation and enhancement; and
  - iv. Siting of buildings + surrounding gardens: consistency with predominant patterns across the surrounding neighbourhood, and
  - v. Height, size + scale of buildings: compatibility with predominant patterns across the surrounding neighbourhood, and
  - vi. Architectural form, construction + detail: appropriateness to existing scenic quality and streetscape character, and
  - vii. Garden design, including outdoor structures: compatibility with scenic quality and streetscape character; and
  - viii. Street verges: conservation of visually-prominent landscape features plus effective integration with urban services.
- d. All development applications must demonstrate their consistency or compatibility with applicable statements

of “desired character”:

- i. Listed in the Schedule 1 – Character Statements attached to this chapter of the DCP, and
- ii. Applied to both the subject site and its surroundings.

### **2.1.5 What is the purpose of these guidelines?**

- a. These illustrated notes demonstrate the background to this chapter.
- b. Also, these notes explain the sequence of development objectives that are listed in Section 2.1.3 and 2.1.4 of this chapter.

### **2.1.6 What is character?**

- a. “Character” has two components:
  - i. “Existing character” relates to current patterns of natural and urban geography, that can be observed on each development site and surroundings;
  - ii. “Desired character” provides objectives for future development that emphasise important existing qualities or features that should be protected or enhanced.
  - iii. Note that desired character also includes best practice approaches to scenic planning, urban design and environmental amenity, that are particularly important for locations where previous development practices have been unsatisfactory.

### **2.1.7 Why is character important?**

- a. There are two reasons why character is important for Gosford City:
  - i. For the wider community, “character” provides a straightforward yardstick to determine whether new development is appropriate to the environmental qualities of places where they live and work, and
  - ii. “Character” provides for a “place-based” approach to strategic planning and development assessment that responds to policy commitments made by Gosford City Council.

### **2.1.8 How have descriptions of character been prepared?**

- a. This chapter incorporates “Character Statements” that are based upon extensive community consultation, strategic research and comprehensive fieldwork.
- b. The “Character Statements” contained in this Chapter reflect three significant desires that have been expressed by a cross-section of local stakeholders:
  - i. Protect and enhance Gosford City’s existing scenic qualities, and
  - ii. Improve standards of planning, design and development assessment, in order to protect and enhance existing scenic qualities, and /or to incorporate best-practice urban design and high standards of amenity, and
  - iii. Provide appropriate levels of community infrastructure designed and constructed to compliment the local environment.
- c. A consensus of community opinion has highlighted two themes that define Gosford City’s scenic quality:
  - i. Natural features,
  - ii. Neighbourhoods that reflect important stages in the City’s development: mostly early-to-mid Twentieth Century cottages and bungalows.
- d. Reflecting these desires, suburbs across Gosford City have been divided into a number of separate “character places”:
  - i. Each with a current appearance that is locally-unique or distinctive;
  - ii. Where patterns of development and landscapes generally reflect current land use zones;
  - iii. Often, highlighting particular areas where recent development pressures have substantially changed the original appearance;
  - iv. Consequently, discrete areas where specific approaches are necessary to ensure appropriate planning and design for future development, or suitable management of public assets.



## 2.1.9 How should Character Statements be used?

- a. This chapter applies to all suburbs within the Gosford LGA with the exception of the following areas; Somersby Industry Park Mount Penang Festival Development Site and Gosford City Centre as shown on the Key Sites Maps in Gosford LEP 2014. If your property is not located in one of the three excluded areas:
  - i. Refer to the character statements that appear in the Schedule 1 Character Statements attached to this chapter of the DCP;
  - ii. Locate your property on the relevant suburb base map;
  - iii. Identify the “Character Place” that applies to your property;
  - iv. Consult the relevant character statements to identify significant existing characteristics plus development objectives that would achieve the desired character for your property;
  - v. Incorporate development objectives from the applicable character statement when planning and designing development to conform with the objectives and provisions of this Plan;
  - vi. Development applications must demonstrate how a proposed development complies, or is compatible, with the statement(s) of desired character that apply to the subject site and its surroundings.

## 2.1.10 What should be included with each Development Application?

- a. All development applications must be supported by sufficient information to demonstrate consistency or compatibility with the applicable statement of Desired Character in the Schedule attached to this Chapter.
- b. If development applications do not provide sufficient information, processing might be delayed:
  - i. If council does not receive sufficient supporting information to undertake proper assessment of an application, Clause 54 of the Environmental Planning and Assessment Regulation 2000 allows for council to write to an applicant requesting additional information;
  - ii. Processing of that application will not proceed until the requested information has been received.
- c. If a development proposal incorporates features that are not consistent or compatible with the applicable statement of Desired Character:
  - i. The development application must demonstrate how the proposal satisfies strategic objectives in Section 2.1.3 of this chapter, and
  - ii. The application must also demonstrate how the proposal addresses the matters for consideration specified by Section 2.1.4 of this chapter.
- d. A variety of supporting information might assist development applications to demonstrate consistency or compatibility with provisions of this Plan, including:
  - i. A statement of environmental effects:  
*Providing written and/or diagrammatic responses to the provisions of this Chapter.*
  - ii. Aerial photographs:  
*Showing the site and surroundings, confirming predominant patterns of buildings, vegetation and gardens.*
  - iii. Ground level photographs:  
*Confirming scenic prominence of each site and the surrounding locality relative to available public vantage points.*
  - iv. Measured surveys:  
*Including the site and neighbouring properties, describing topography and natural features, locating structures and services.*
  - v. Locality plans, elevations and cross sections:  
*Illustrating the neighbourhood context for each proposal and demonstrating how they relate to natural features*
  - vi. Specialist reports:  
*Demonstrating suitable protection and enhancement for important natural features, existing garden plants and structures that might be visually-prominent or scenically-distinctive:*

*An arborist's report;  
A landscape concept plan and report;  
Geotechnical and/or sediment management reports;  
An architectural concept report.*

## **2.1.11 Illustrated Guidelines**

### **2.1.11.1 How does this Section describe character?**

- a. These guidelines outline a list of questions that should be considered when planning and designing development proposals that are compatible or consistent with the statements of Desired Character.
- b. Illustrations provided as part of these guidelines highlight environmental settings and development issues that are significant for Gosford City.
- c. These illustrations do not describe every place or issue that might occur in Gosford City.
- d. For a full description of relevant development objectives, refer to the statement of Desired Character that is applicable to your property or development site.

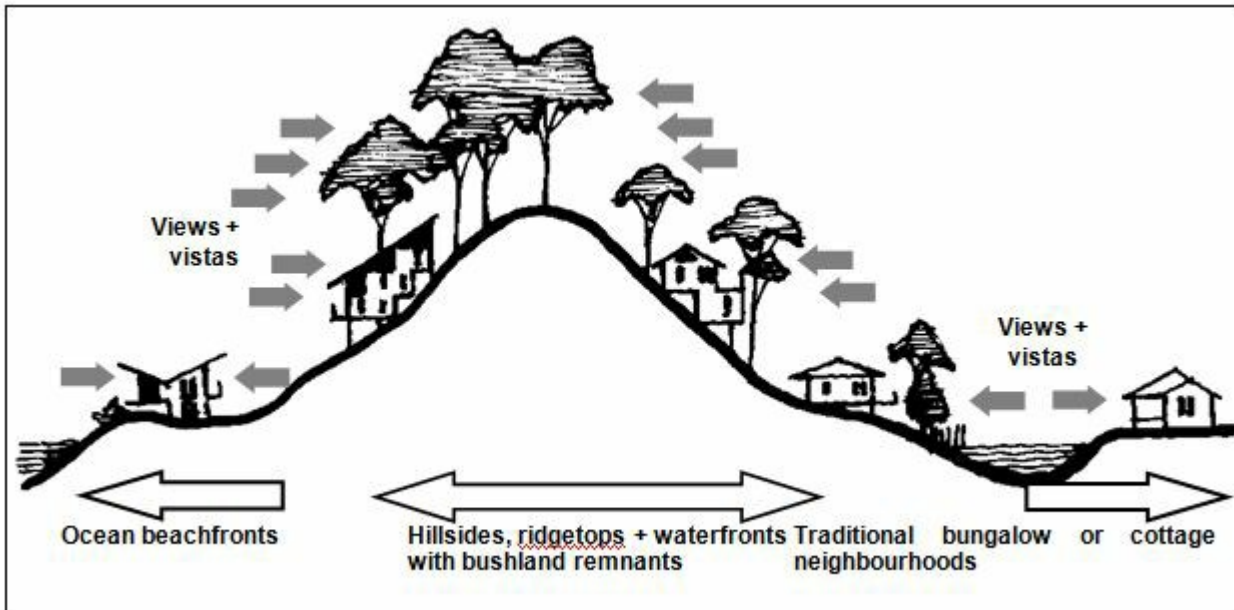
### **2.1.11.2 Preferred land use + density**

- a. The appearance, amenity and character of any place are influenced fundamentally by the predominant land use and density.
- b. Is your development proposal consistent with the predominant desired land use and the preferred density?
  - Is your proposal consistent with uses that are permitted by Gosford LEP 2014, the Gosford Planning Scheme Ordinance and Interim Development Order No 122 (whichever is relevant)?
  - Is your proposal consistent with any density provisions of the Gosford LEP 2014, the Gosford Planning Scheme Ordinance and Interim Development Order No 122 (whichever is relevant)?
- c. If your proposal is not consistent with the predominant desired land use and/or density:
  - Would activities accommodated by your development proposal be compatible with the level of amenity typically associated with the predominant desired land use?
  - Would your proposal significantly affect the amenity of any neighbouring property, or
  - the amenity of the surrounding locality?

***Is your proposal compatible with the desired land use?***

***Is your proposal consistent with levels of neighbourhood or private amenity that are typically associated with the desired use?***

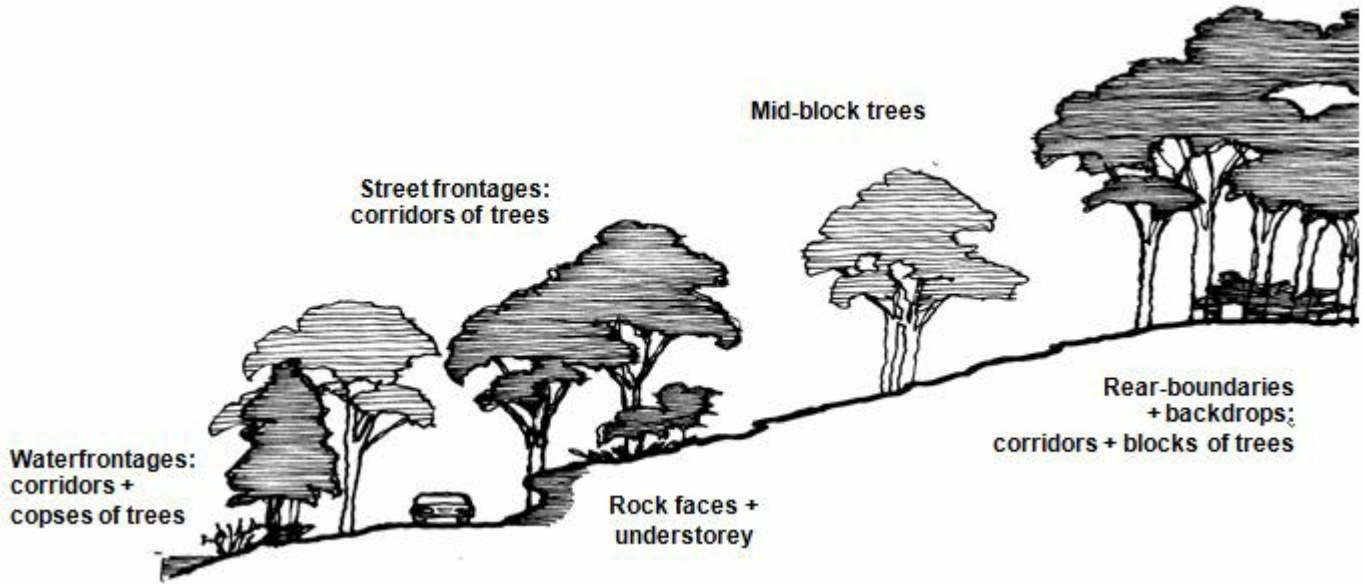
### **2.1.11.3 Scenic prominence + distinctiveness**



- a. In neighbourhoods that are scenically prominent and / or distinctive, desired character requires special care in the planning and design of new developments.
- b. Is your development site in a scenically-prominent neighbourhood?
- c. Can it be seen from surrounding suburbs, main roads, major reserves, and/or town or village centres?
  - Is it located adjacent to an ocean beach frontage or facing a sheltered coastal waterway?
  - Does it have more than one frontage that can be seen from a public street, a park or a reserve, or a waterway?
- d. Is your development site in a scenically distinctive locality?
  - Is it located on a ridgetop, a hillside or a waterfrontage that has remnant bushland?
- e. Is your development site surrounded by traditional housing development that reflects significant stages in the development history of Gosford City?
  - Are there cottages from the early Twentieth Century on neighbouring properties, or facing the surrounding streets?
  - Are there bungalows from the mid Twentieth Century on neighbouring properties, or facing the surrounding streets?

***How does your development proposal protect and enhance the desired scenic character of the surrounding locality?***

#### 2.1.11.4 Natural features

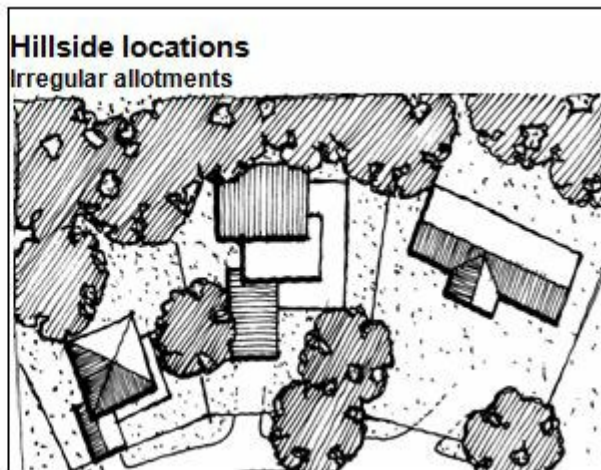
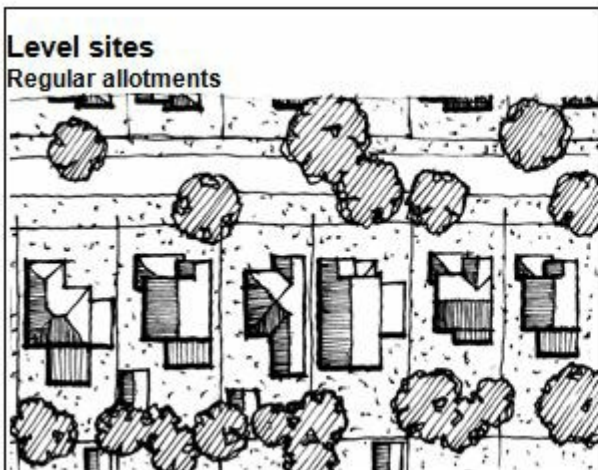


- a. Natural features are the most important component of Gosford City's scenic quality.
- b. On your development site, or on any neighbouring property, are there natural features that contribute to the scenic character of the surrounding locality?
- Is there remnant bushland, including:
    - Prominent corridors or copses of trees?
    - Undisturbed understorey?
    - Waterfront sedges or reed-beds?
    - Mangroves or saltmarsh?
  - Are there prominent rock faces or outcrops?
  - Is the location prominent, for example:
    - A ridgeline or an elevated hillside?
    - An ocean foreshore or dune?
    - A foreshore to a sheltered coastal waterway, lagoon or creek?

***How does your development proposal protect and enhance existing natural features that contribute to the desired scenic quality of your site and its surroundings?***

***Does your proposal affect or remove any natural features? If so, what is the likely effect of your proposal with regard to desired scenic quality?***

**2.1.11.5 Patterns of buildings + surrounding gardens**



- a. Desired scenic quality and neighbourhood character are substantially influenced by established patterns of

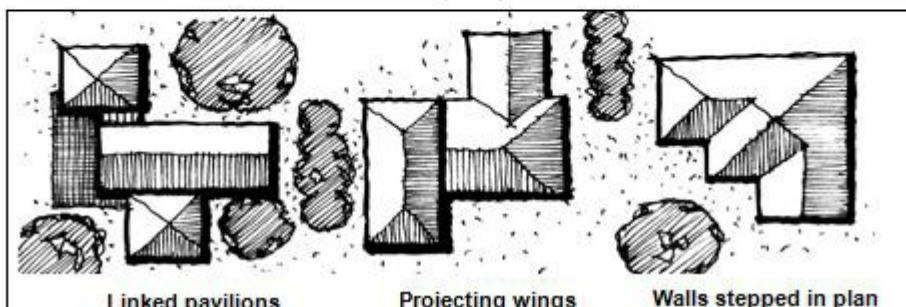
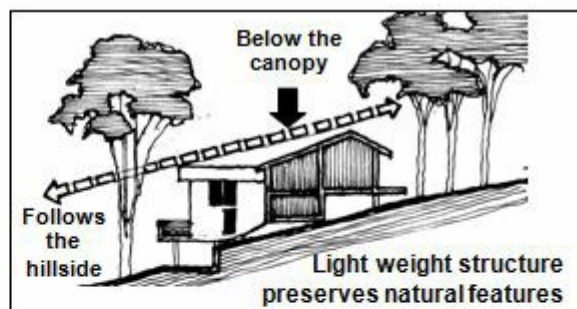
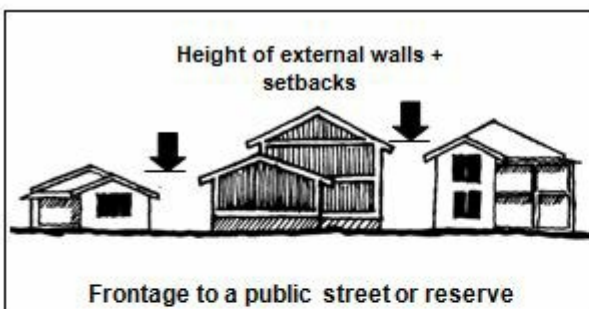
buildings and surrounding gardens.

- b. These patterns can be seen in aerial photographs, and they tend to vary according to topography.
- c. Is your development site located on level or gently sloping land?
  - Do allotments have a regular shape and size?
  - Are the siting, size and shape of surrounding buildings consistent? (both principal and secondary structures)
  - Are setbacks consistent? (street front, plus rear and side boundaries)
  - Do gardens in the surrounding locality support a consistent pattern of trees:
    - Along back fences, forming a backdrop to buildings?
    - Through side yards and / or front gardens, framing and / or screening buildings?
    - Lining the street?
- d. Is your development site located on a hillside?
  - Do allotments have an irregular shape and size?
  - Do the siting, size and shape of surrounding buildings vary? (both principal and secondary structures)
  - Do gardens and street verges in the surrounding locality support a continuous canopy of scenically distinctive trees, in particular bushland remnants:
    - Along rear boundaries, forming a backdrop to buildings?
      - Across front or side gardens, screening and / or framing buildings?
      - Lining the street?
  - Alternatively, do gardens support scattered trees and natural features that are visually-prominent streetscape features?
- e. Do local patterns influence the privacy and general amenity enjoyed by existing neighbouring dwellings?
  - The relative siting and elevation or height of neighbouring buildings?
  - The width of gardens, plus natural screens of existing trees and / or rock outcrops?

***How do the footprint and siting of your development proposal protect or enhance the desired scenic quality or neighbourhood character?***

***Does your development proposal affect the level of amenity currently enjoyed by any neighbouring property?***

### 2.1.11.6 Height, scale + construction of buildings



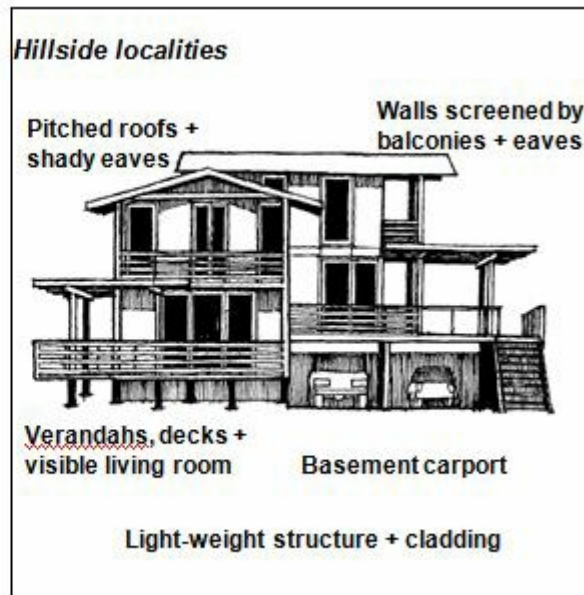
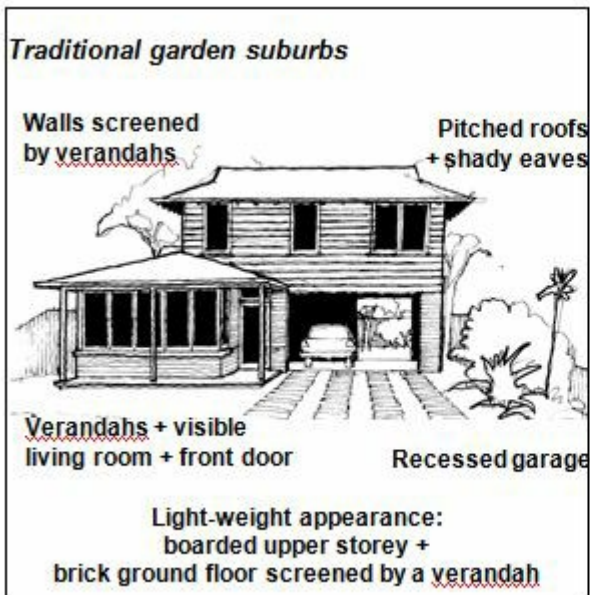
- a. Neighbourhood character and scenic quality are substantially influenced by the height and scale of buildings viewed from both public vantage points and from neighbouring properties, and by the construction techniques

that are used on scenically-distinctive sites.

- b. Is your proposed development compatible with the height, size and relative scale of surrounding buildings?
- Do your external walls have a finished height that is taller than neighbours?
  - Have you employed appropriate design techniques to minimise any apparent contrasts in height:
    - Pitched roofs with shady eaves?
    - Increased side setbacks, landscaped to frame and screen the taller walls?
  - Is your floorplan larger, and broader or deeper than surrounding buildings?
  - Have you employed appropriate design techniques to minimise any apparent contrasts in size:
    - Building mass distributed into pavilions that are separated by landscaped courtyards?
    - Building bulk disguised by wings that project from the central building?
    - facades visible from public places are articulated by walls that step in plan and / or cross-section?
- c. If your development site is located on a hillside, does your proposal use design and construction techniques that protect or enhance natural features?
- Do buildings avoid disturbing hillsides but also sit close to ground level:
    - Is cut-and-fill minimised?
    - Are floor levels stepped?
  - Are visually-significant trees preserved:
    - Is there adequate distance separation between buildings and trees?
    - Are elevated floor systems used?
  - Are proposed buildings compatible with scenic quality:
    - Do roof-lines generally follow the line of hillside topography?
    - Does the surrounding tree canopy maintain a visible backdrop to buildings?
    - Do rooflines generally sit beneath the canopy of surrounding trees?

***How do the proposed building envelope and construction techniques protect or enhance the desired scenic quality and neighbourhood character?***

### 2.1.11.7 Architectural form + details



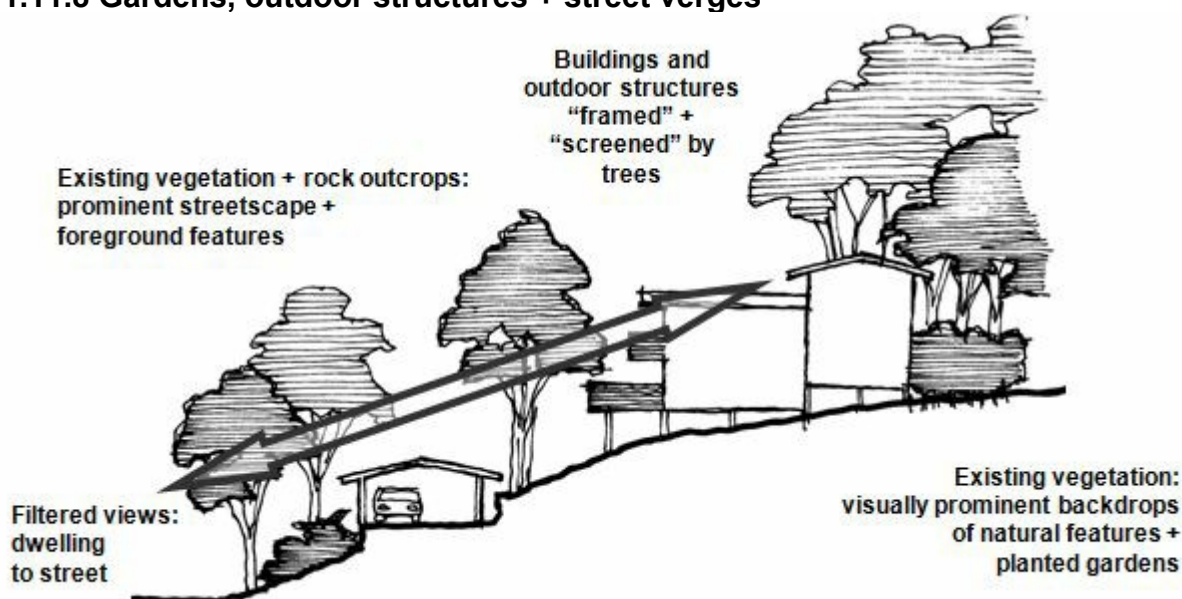
- a. Desired character that highlights the importance of local architectural traditions primarily addresses the shape and orientation of buildings, and secondly, the architectural detailing of facades.
- b. Is your development site located in an area where surrounding dwellings are predominantly traditional housing types from the early-to-mid Twentieth Century?
- c. Does your development reflect design features that are typical of Gosford City's traditional neighbourhoods?
- Do facades that can be seen from public places minimise their scale and bulk:
    - Are long or tall walls stepped and divided into smaller sections, or are they screened behind

- verandahs and balconies?
  - Do walls incorporate generous windows that are screened by shady eaves, verandahs, or exterior sunscreens?
  - Are walls capped by pitched roofs with wide shady eaves?
  - Do walls incorporate an overall variety of materials and finishes, and include some painted surfaces rather than presenting extensive areas of plain masonry?
  - Do facades that can be seen from public places maximise visible activity:
    - Is visible activity supported by verandahs or balconies, shop-fronts or living rooms, major entrances or front doors?
    - Do wide garages or blank walls dominate facades and conceal indoor activity?
- d. Could the siting, orientation or form of your proposal substantially affect the amenity currently enjoyed by any neighbour or within any public place?
- Do buildings primarily face public streets and reserves rather than neighbours?
  - Do proposed building forms affect any outlook, view or vista?
  - Would building forms affect existing solar access or daylighting?
  - Would privacy be affected by the location of proposed windows and entrances, considered in conjunction with the proposed activities to be accommodated?

***How do the architectural form and detailing of your proposal protect or enhance desired scenic quality and neighbourhood character?***

***Would the amenity of any property or public place be affected substantially by the orientation and form of your proposal?***

### 2.1.11.8 Gardens, outdoor structures + street verges



- a. Scenic quality and neighbourhood character are substantially influenced by the size of gardens and landscape design including plants and structures, plus any landscape features along the street verges.
- b. Do the size of gardens and proposed landscaping provide a leafy setting for buildings?
- Do gardens conserve natural features?
  - Are proposed garden plants appropriate to protect existing vegetation that is scenically significant or visually-distinctive:
    - Mature vegetation upon the site?
    - Remnant bushland on neighbouring properties and public reserves?
  - Do gardens promote high levels of residential amenity?
  - Do gardens provide attractive frontages to roads and public reserves?
- c. Do gardens that face public streets or reserves have an appropriate civic quality?

- Are natural features protected or enhanced by suitable plant species?
  - Are significant natural features or mature trees along street verges protected and enhanced?
  - Do shrubs and trees frame or screen buildings, screening the appearance of a continuous street-wall of buildings?
  - Do shrubs and trees screen or frame outdoor structures such as driveways, retaining walls and garages?
  - Are there filtered views between the street and each dwelling?
  - Are there glimpses from the street towards any scenic backdrops?
- d. Are gardens or courtyards that face rear or side boundaries designed appropriately?
- Are natural features protected and enhanced?
  - Are prominent trees that can be seen from the street preserved?
  - Do gardens and courtyards promote private recreation?
  - Do gardens and courtyards provide for service activities, including sheds, and garages, as well as screening those activities from any neighbouring property?

**How do proposed gardens or courtyards protect or enhance the desired scenic quality or neighbourhood character?**

### **Schedule: The Character Statements**

*Council has adopted sets of Character Statement for all areas within Gosford LGA with the exception of the areas identified in section 2.1.1 of this chapter and on the Key Sites Map in Gosford LEP 2014.*

*Refer to the map for that suburb in order to identify the “Character Place” that applies to your development site and its surroundings.*

*Character Maps and Character Statements appear in the Schedule 1 attached to this chapter, for each suburb listed in alphabetical order.*



# Character Statement Index

Avoca	Marlow
Bar Point	Matcham
Bensville	Mooney Mooney
Blackwall	Mooney Mooney Creek
Booker Bay	Mount Elliot
Calga	Mount White
Central Mangrove	Narara
Cheero Point	Niagara Park
Cogra Bay	North Avoca
Copacabana	North Gosford
Daleys Point	Patonga
Davistown	Pearl Beach
East Gosford	Peats Ridge
Empire Bay	Phegans Bay
Erina	Picketts Valley
Erina Heights	Point Clare
Ettalong Beach	Point Frederick
Forresters Beach	Pretty Beach
Glenworth Valley	Saratoga
Gosford	Somersby
Green Point	Spencer
Greengrove	Springfield
Gunderman	St Huberts Island
Hardys Bay	South Kincumber
Holgate	Tascott
Horsfield Bay	Ten Mile Hollow
Kariong	Terrigal
Killcare	Umina
Killcare Heights	Upper Mangrove
Kincumber	Wagstaffe
Koolewong	Wamberal
Kulnura	Wendoree Park
Lisarow	West Gosford
Little Wobby	Wondabyne
Lower Mangrove	Woy Woy Bay
MacMasters Beach	Woy Woy
Mangrove Creek	Wyoming
Mangrove Mountain	Yattalunga

## Chapter 2.2 Scenic Quality

This chapter will have application, along with Council's planning instrument, in providing Council's policy relating to the management of the scenic character of Gosford. The chapter will have particular use in rezoning and development applications which will have an impact upon the scenic character of the area.

The key contents are outlined below:

a. **Protection of vegetated ridgelines and upper slopes**

The most common landscape characteristic in Gosford is enclosure. This characteristic is in evidence wherever surrounding topography is of a scale which limits the available views. Enclosure in Gosford is generally created by the many vegetated ridgelines. The enclosure of landscapes within Gosford is contrasted with the landscapes of the Wyong Shire where topographical variations are not as great and therefore enclosure and the creation of district areas is not as evident.

This chapter sees that protection of these vegetated ridgelines and associated upper slopes as being vital in providing the visual backdrop to the area. It is acknowledged that this desire is also reflected in the aims of the Coastal Open Space System (COSS), the COSS though does not cover all visually significant ridgelines and upper slopes, with further visually significant lands to remain in private ownership. Some broad controls relating to these privately owned ridgelines and upper slopes are contained within Council's planning instruments. It is the chapter's role to provide further detail as to the basis for these controls as they relate to particular local areas to assist in the implementation of the planning instrument as well as providing additional guidelines where appropriate.

b. **New development to have regard to character of area both built and natural**

The large scale nature of the landscape characteristics of Gosford has been important in ensuring development in most areas of Gosford does not dominate the natural characteristics and a high level of visual integration is achieved. The height of the ridgelines, the extent of inland waterways, the scale of the ria coasts and the height of remnant vegetation in most cases dominate the existing development to such an extent that these natural components visually contain the urban development.

The chapter identifies that pressures are evident for increasing the density of development either by rezoning or redevelopment of existing buildings in areas which are currently landscape dominant or the land occupies highly visible locations. The chapter provides that rezonings increasing development density or increasing the extent of urban areas only occur within existing urban areas and only where landscape character matters are not of concern. The erection of new dwellings is an area that, in most instances, cannot be controlled through a DCP in Gosford. This chapter does, however, recommend in some areas that certain development themes would be preferable in those areas where redevelopment of existing dwellings is an issue in the scenic character of an area.

c. **Retention of non-urban breaks between urban areas**

As well as a diversity of natural characteristics, Gosford contains a diversity of land use characteristics. Residential development, which is the most common form of development in the area, varies from high density residential flat buildings to rural/residential, with suburban style detached housing being the most common.

Within most landscape units there is a variety of land uses which in association with natural elements create a high level of visual interest in the area. Environmental/Conservation and Scenic Protection zoned areas containing rural/residential development usually provide the most visually pleasing of development types and are generally found on the edges of existing urban development. The location of these rural/residential areas has meant that the urban areas are separated by non-urban, rural/residential areas which prevent the creation of further urban sprawl within Gosford. The resultant development characteristic is one where distinct 'urban villages' are created. The expansion of suburban style development is the most significant threat to these non-urban breaks. These breaks are also experiencing development of a commercial/retail nature, usually 'home

occupations' or development permitted in the zones such as educational establishments which is having a negative impact upon the visual quality of these non-urban breaks.

This chapter of the DCP provides that retention of the full diversity of development types, particularly rural-residential development, is important to the landscape character and importantly providing a barrier to the creation of further urban sprawl. Further, the chapter provides that commercial/retail land uses and associated signage permitted in Environmental/Conservation and Scenic Protection zoned areas be designed to be in keeping with the rural environment.

d. **Ensuring built environment does not dominate landscape features in non-urban areas**

Environmental/Conservation zoned areas within Gosford, as well as being one of the key components in the creation of the urban village character of Gosford, are an important landscape feature of the area in their own right. Areas such as Matcham, Holgate and Erina Valley are examples of scenically attractive landscapes which, through the combination of natural vegetation, cleared open grassed areas and low density residential development, create a regionally unique landscape character. Pressure for further subdivision of these areas below existing standards will occur as remaining subdivision potential declines.

The 2 hectare minimum subdivision standard is to be retained in E3 - Environmental Management/7(c2) Conservation and Scenic Protection zoned areas so as to preserve the balance between development and the landscape features of these areas.

e. **Highlighting quality of particular areas**

The consultants studies supporting this chapter of the DCP have ranked the importance of the various landscape units within Gosford. This ranking assists in highlighting areas that require special attention in the assessment of visually significant development proposals. Three categories of rankings have been developed, these are State Significance, Regional Significance and Local Significance. A number of areas have been ranked as being of state significance, that is, they are high scenic quality landscapes which should be protected as a matter of priority because their significance extends beyond the Gosford region. These areas are the Hawkesbury River between Wisemans Ferry and Broken Bay, Patonga, Pearl Beach, Bouddi Peninsula between Half Tide Rocks and Mourawaring Point (south of MacMasters Beach) and MacMasters Beach and Copacabana.

The identification of areas having significance beyond the Gosford Local Government area places a greater responsibility upon Council in the assessment of development proposals which impact upon the scenic character of areas. The ranking of an area as of local significance though does not mean that assessment of the impact of a development proposal on landscape character is not needed as residents of these areas usually have a high regard for the landscape character of their area and would generally wish to have this character considered.

This chapter provides a greater level of detail as to management of the scenic character of Gosford than that provided through existing planning controls. The chapter will be of primary use as a policy document for scenic management in the various landscape units used in the chapter. The chapter will have significant use in the setting of policy for scenic quality management in Gosford, in the determination of rezoning applications and those development applications which impact upon the visual character of areas contained in the chapter.

As indicated above the chapter will be based on geographic areas known as landscape units. A landscape unit is a physical area within a land system which has extensive homogeneity of geology, human settlement, landform and natural ecosystems. Landscape units in the chapter generally correspond with localities as defined by the Geographical Names Board.

The studies undertaken for the chapter indicate that scenic quality and significance varies between landscape units. The studies have identified that the level of importance of these landscape units varies from state to regional to local significance. A brief outline of these descriptions is contained below:

### State Significance

Are high scenic quality landscapes which should be protected as a matter of priority because their significance extends beyond the Gosford region.

### Regional Significance

Are landscapes which are significant within the full range of landscapes present in the Gosford region but not beyond that level. Special inclusion criteria were added to the judgement of regional significance to acknowledge the importance of how people, especially regional residents, experience the landscape. For example, regional landscape features, even though they may be of modest scenic quality, may be of high visual sensitivity because they are familiar and frequently seen by regional residents and travellers, their significance is therefore greater.

The special inclusion criteria are:

- i. Regionally characteristic landscapes of high visibility
- ii. Landscapes of high sensitivity
- iii. Landscapes of low visual absorption capacity
- iv. Landscapes representative of the region
- v. Landscapes regionally rare
- vi. Landscapes which are vulnerable or isolated

### Local Significance

Are landscapes which are only significant within a locality but not beyond that level.

The chapter highlights the significant visual components of each landscape unit, the visual significance of the unit, detracting elements within the unit and the recommended visual structure of the unit.

To assist in the operation of the chapter landscape units have been combined into geographic units. The geographic units are identified below:

Geographic Unit		Landscape Unit
1	Broken Bay	Pearl Beach, Patonga, Juno Point to Green Point
2	Peninsula	Woy Woy/Umina, Woy Woy Bays
3	Bouddi	Half Tide Rocks to Marawaring Point, Wagstaffe/Daleys Point, Killcare Heights
4	East Brisbane Water	Green Point/Saratoga, Kincumber, Cockle Broadwater
5	Gosford Central	East Gosford, Point Clare/Koolewong
6	Narara Valley	Narara Creek, Cut Rock Creek, Ourimbah Creek
7	Coastal Valleys	Matcham/Holgate, Erina Valley/Erina
8	North Coastal	Forresters Beach, Wamberal, Terrigal
9	South Coastal	Picketts Valley, North Avoca/Avoca, Copacabana/MacMasters Beach
10	Plateau	Kulnura – Somersby
11	Upper Hawkesbury	Wisemans Ferry to Spencer, Mangrove Creek, Popran Creek, Dharug
12	Lower Hawkesbury	Spencer to Berowra Creek, Brooklyn Estuary, Mooney Creek, Mullet Creek



# GOSFORD CITY COUNCIL



## *SCENIC QUALITY* **GEOGRAPHIC UNITS**

The aim of this chapter is to provide more detail with regard to the interpretation of management of the scenic quality of Gosford.

The objectives of the chapter are:

- i. to provide a detailed assessment of Gosford's landscape character which highlights the diversity between and within landscape units;
- ii. to detail the components of that landscape character;
- iii. to provide a comparative ranking of the landscapes; and
- iv. to develop appropriate guidelines for the management of the landscape character.

A number of technical terms are used in the chapter refer to the dictionary for definitions.

#### **Landscape Units Covered :**

Pearl Beach, Patonga, Juno Point to Green Point

#### **Level of Significance:**

Pearl Beach - State  
Patong - State  
Juno Point to Green Point - State

#### **Landscape Character**

The Juno Point to Green Point Landscape Unit is a largely natural drowned valley environment forming part of the north shore of the entrance to Broken Bay.

The Patonga Landscape Unit is an isolated traditional river settlement contained within a natural backdrop of coastal lagoon and surrounded by National Park landscapes of steep wooded hills on the foreshore of Broken Bay. Urban form is largely of traditional beachcomber and modest bungalows at low density in an informal setting. The area has a great variety of scenic landscape types in a very small area and is distinctively different from nearby Pearl Beach.

The Pearl Beach Landscape Unit is an isolated beach-side residential and recreational settlement contained within a natural heavily vegetated backdrop and surrounded by National Park landscapes of steep wooded hills on the foreshore of Broken Bay. Urban form is largely of traditional beachcomber, bungalows and more recent residential development, mostly of similar scale, with an almost tropical setting. The area is distinctively different from nearby Patonga, more closely settled, smaller in extent and heavily vegetated.

#### **Scenic Conservation Issues**

For the Juno Point to Green Point Landscape Unit the maintenance of the natural character and small scale of settlement when seen from the waterway. For the Patonga Landscape Unit area, the need to conserve the consistency of small scale residential development and low density which is sensitive to the vernacular form and compact scale of the village. For the Pearl Beach Landscape Unit area, the need to conserve the consistency of small scale residential development, informal street alignments and paths, low speed traffic environment, vernacular form and compact scale of village.

#### **Absorption Capacity**

For Juno Point to Green Point – Low. For Patonga and Pearl Beach – Moderate for developments of similar scale and density to the existing urban fabric but low for developments of high density and bulk.

#### **Visual Sensitivity**

For Juno Point to Green Point – High because of extensive recreational and tourist use of the area and waterway. For Patonga and Pearl Beach – High on waterfront areas and moderate elsewhere.

#### **Detracting Elements**

For Juno Point to Green Point – Nil. For Patonga - Overscale, bulky development which is unsympathetic to the character and development style of the area. For Pearl Beach – Overscale and bulky modern beach side buildings.

### **Statement of Significance**

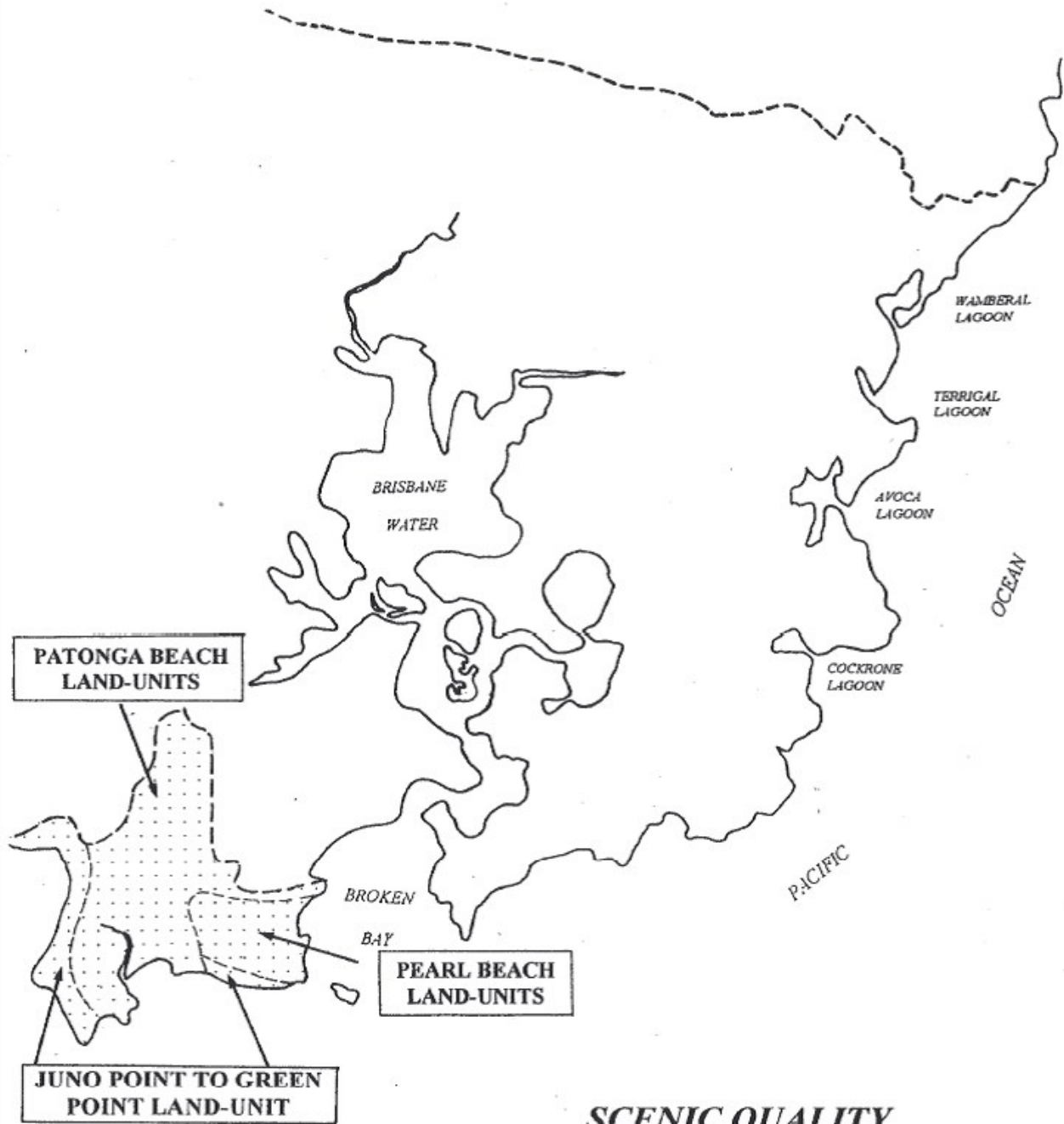
For Juno Point to Green Point the area is of State significance as evidenced by the National Trust and Heritage Commission listing of the Broken Bay entrance. For Patonga the area is of State significance forming part of the Broken Bay landscape and is a unique example of a traditional river settlement with a long history of importance to trade and recreation on the river. For Pearl Beach the area is of State significance being of outstanding beauty forming part of the Broken Bay landscapes which are of recognised heritage value.

### **Development Objectives**

1. Retain and enforce existing provisions contained within instruments and policies relating to the low density nature of development.
2. Encourage the maintenance of distinctive vernacular character of development in the Pearl Beach and Patonga landscape units.
3. Encourage new buildings in all landscape units to blend into existing unique fabric and environment.
4. Retain in Pearl Beach informal street alignment and paths plus vegetated nature reserves which help to create the scenic character of the area.
5. Rezoning proposals in all landscape units should aim to preserve the existing scenic character and prevent the creation of further detracting elements.
6. Restrict zoning density of development to current levels on high visible slopes in Pearl Beach, particularly on steep land.
7. Recognise importance of privately-owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for National Parks.



# GOSFORD CITY COUNCIL



*SCENIC QUALITY*

**GEOGRAPHIC UNIT - BROKEN BAY**

Landscape Units Covered:



Woy Woy, Umina  
Woy Woy Bays

**Level of Significance:**

Woy Woy Bays - Regional  
Woy Woy, Umina - Local

**Landscape Character**

The Woy Woy Bays Landscape Unit consists of mangrove-fringed inlets with naturally vegetated steep hills and cliffs on the Brisbane Water Escarpment as the western backdrop, the railway embankment to the east. Isolated groups of huts and more modern dwellings at the slope foot and lower parts.

The Woy Woy/Umina Landscape Unit is an extensively urbanised area of essentially flat land on sand sheets and sand dunes at the southern entrance to Brisbane Water. Strict road grid pattern with many older style dwellings, beach huts, beachcomber style shacks plus extensive more recent infill redevelopment. Pleasant beach and bay side outlook from locations at the fringes with some enclosure provided from surrounding vegetated escarpment.

**Scenic Conservation Issues**

For the Woy Woy Bays redevelopment of waterfront land has the potential to have negative impacts on the scenic quality as well as loss of vegetation cover from redevelopment on higher slopes. For Woy Woy/Umina redevelopment of waterfront areas has the potential to restrict visual access to the waterways from extensive areas because of the flatness of the landscape.

**Absorption Capacity**

For Woy Woy Bays – Low. For Woy Woy/Umina – High.

**Visual Sensitivity**

For Woy Woy Bays – High. For Woy Woy/Umina – Generally low but higher on waterfront.

**Detracting Elements**

For Woy Woy Bays – Increasing bulk and height of waterfront buildings. Woy Woy/Umina - Overscale and bulky residential buildings, particularly on the Umina Escarpment, increasing bulk and height of waterfront buildings restricting visual access to Brisbane Water.

**Statement of Significance**

The Woy Woy Bays Landscape Unit is of regional scenic value because of the mixture of natural and cultural elements, the visibility of the area to tourists and commuters and the importance of the area to the history of railway development. The Woy Woy/Umina Landscape Unit is of local scenic value only. It is an example of low cost early suburban and beach retreat development on Brisbane Water. The Brisbane Water Escarpment provides a significant backdrop to Woy Woy/Umina.

**Development Objectives**

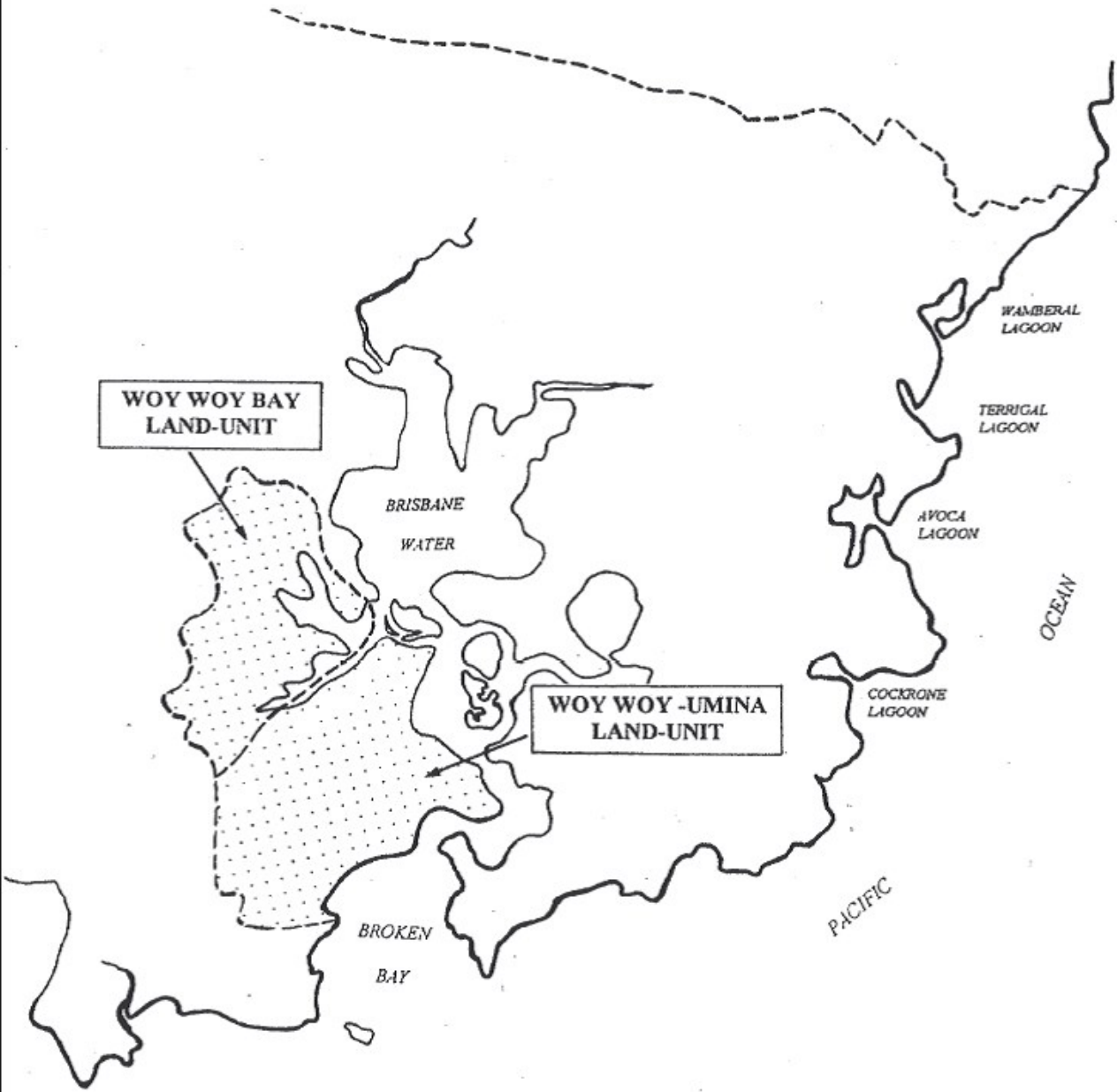
1. Recognise importance of Brisbane Water Escarpment with its visual integrity and naturalness being valuable assets which need to be protected from development involving rezonings which increase densities and/or increase the range of uses permissible.
2. Retain and enforce existing provisions contained within instruments and policies relating to the low density nature of development in Woy Woy Bays and the parts of the Woy Woy/Umina waterfront areas which are not already zoned for medium density development.
3. On a visual quality basis, higher density development can be supported in more central areas of the Woy Woy/Umina landscape unit subject to other physical constraints being adequately addressed.
4. Prevent extension of residential areas by way of rezoning within Woy Woy Bays landscape unit that are viewed from waterways, railway line and main roads.
5. Retain in Woy Woy Bays landscape unit informal street alignment and paths plus vegetated nature reserves

which help to create the scenic character of the area.

6. Encourage new buildings in Woy Woy Bays landscape unit to blend into existing fabric and environment.
7. Restrict zoning density of development to current levels on higher visible slopes in all landscape units, particularly on steep land.
8. Recognise importance of privately-owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for National Parks.



# GOSFORD CITY COUNCIL



## *SCENIC QUALITY* **GEOGRAPHIC UNIT - PENINSULA**

**Landscape Units Covered:**

Half Tide Rocks to Mourawaring Point, Wagstaffe, Daleys Point, Killcare Heights

### Level of Significance:

Half Tide Rocks to Mourawaring Point	- State
Wagstaffe, Daleys Point	- Regional
Killcare Heights	- Regional

### Landscape Character

The Half Tide Rocks to Mourawaring Point Landscape Unit consists of spectacular sandstone cliffs and precipitous slopes of the northern entrance to Broken Bay on the seaward side of Bouddi Peninsula, clothes with coastal heaths, scrub and dense low woodland vegetation above crescent beaches and rock platforms. Largely natural in appearance, except for Killcare Heights, it is an area of outstanding natural beauty.

The Wagstaffe/Daleys Point Landscape Unit consists of, for the most part, secluded water-side settlements surrounded by and set among the lower slopes of steep wooded hills. Urban form in Wagstaffe-Hardys Bay area is largely vernacular and traditional of holiday retreats of low density and scale with many weatherboard structures, small wharves and boat houses, meandering original road patterns and extensive areas of remnant vegetation. By contrast, Daleys Point consists of predominantly large scale residential dwellings.

Killcare Heights Landscape Unit consists of a coastal suburb perched on the steep mid slopes of Bouddi Peninsula above Killcare Beach and surrounded by the spectacular natural landscapes of the Bouddi National Park. The development is haphazard partly on made road tracks, featuring suburban residences of various recent styles, forms and materials, mainly large, bulky and visually prominent.

### Scenic Conservation Issues

For the Half Tide Rocks to Mourawaring Point and Killcare Heights Landscape Units the main negative factor in the scenic quality is the present haphazard urban development in Killcare Heights. The Wagstaffe area has a distinctive foreshore character derived from the age, form and scale of buildings and the relationship of these, their boat houses and wharves to Brisbane Water. These aspects of the character should be encouraged to be preserved in any redevelopment of the area. For the Daleys Point area the main negative factor is the overscale and bulky residential dwellings in waterfront areas where a greater density of development should be discouraged.

### Absorption Capacity

For all landscape units low, the existing residential density and scale of areas could not absorb further development outside existing zoned areas without a further loss of scenic character.

### Visual Sensitivity

High for all landscape units.

### Detracting Elements

For all landscape units, overscale, bulky residential buildings.

### Statement of Significance

The Half Tide Rocks to Mourawaring Point Landscape Unit is of outstanding scenic beauty and is recognised to be of State wide significance. The Wagstaffe/Daleys Point Landscape Unit is of regional scenic significance because of its unique character. Its place in the history of the development of Gosford is also significant. The Killcare Heights Landscape Unit is of regional scenic significance because of the area's outstanding natural landscape.

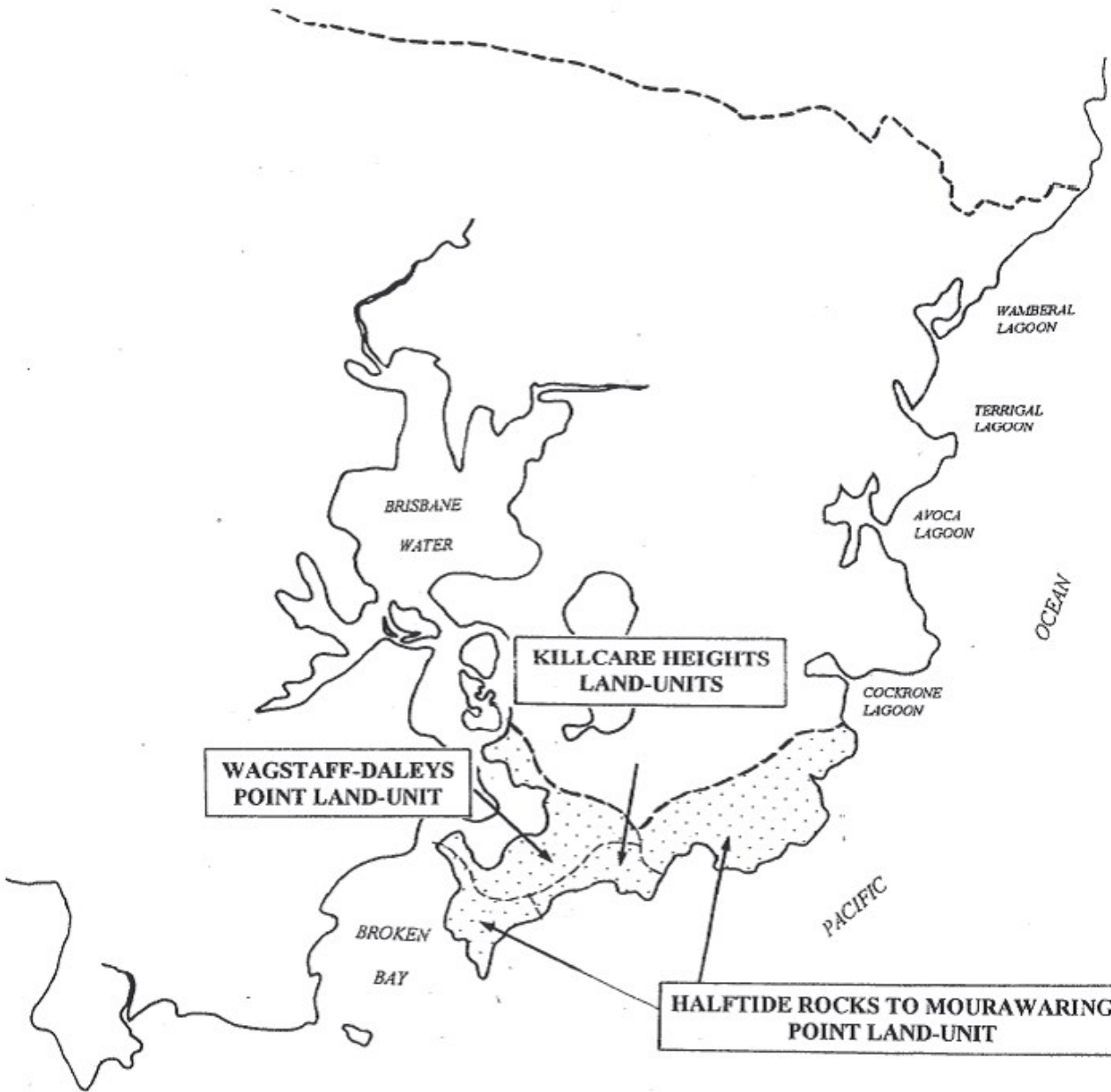
### Development Objectives

1. Retain and enforce existing provisions contained within instruments and policies relating to the low density nature of development in all landscape units.
2. Prevent extension of residential areas by way of rezoning within all landscape units on land are viewed from public areas beyond the immediate area.

3. Encourage building styles for foreshore and other properties in the Wagstaffe – Hardys Bay area which are generally in keeping with the character and scale of the original development of the area.
4. Restrict zoning density of development to current levels on higher visible slopes in urban areas, particularly on steep land, in particular on the Daleys Point Peninsula.
5. Continue to secure lands identified for inclusion in Coastal Open Space System as part of the visual landscape.
6. Retain in Wagstaffe – Hardys Bay area informal street alignment and paths plus vegetated nature reserves which help to create the scenic character of this area.
7. Recognise importance of privately-owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for COSS lands and National Parks.



# GOSFORD CITY COUNCIL



## SCENIC QUALITY GEOGRAPHIC UNIT - BOUDDI

Landscape Units Covered:

## Green Point/Saratoga, Kincumber, Cockle Broadwater

### Level of Significance:

Green Point/Saratoga	- Local
Kincumber	- Local
Cockle Broadwater	- Local

### Landscape Character

The Green Point/Saratoga Landscape Unit comprises residential land use development adjacent to Brisbane Water, rural residential land use and an extensive natural/open space area which is associated with the Kincumba Reserve. The open space and rural residential areas provide a visual backdrop to the unit as well as providing a natural visual separation between developed areas within the unit. The area fronts onto Brisbane Water and comprises part of a broad visual catchment. The existing development is generally confined to the foreshore areas, midslopes and some higher slopes with the ridges and waterways containing and visually dominating the development areas.

The Kincumber Landscape Unit is characterised by a mixed residential, commercial and rural landscape at the foothills of Kincumba Mountain and the alluvial flats of Brisbane Water. Kincumba Mountain is visually dominant and strongly enclosing. The development pattern in the Kincumber landscape unit is rather haphazard.

The Cockle Broadwater Landscape Unit consists of mangrove areas such as Bensville and Kincumber South among extensive stands of natural forests and cleared land. Davistown and Empire Bay are the only extensively developed areas on either side of the mouth of Cockle Channel. Davistown and Empire Bay have similarities to Woy Woy with a mixture of small scale older dwellings and strict road grids. Waterfronts are pleasant with boatsheds, jetties and informal soft edges.

### Scenic Conservation Issues

For the Green Point/Saratoga/Kincumber and Cockle Broadwater area maintenance of the diversity of landscapes within the area, particularly the rural-residential landscapes. Commercial uses in rural-residential areas are breaking down the character of these areas. Loss of substantial vegetation within urban areas particularly on higher slopes associated with new building development. Redevelopment of waterfront properties is removing visual access to Brisbane Water. For the Cockle Broadwater, these localities are characterised by the dominant Daleys Point ridge and western side of the MacMasters Ridge, together with foreshore wetland areas around Brisbane Water. The area is not as visually enclosed as Copacabana/MacMasters Beach and is characterised by more open spaces between urban areas. The relationship between the ridges, Brisbane Water and developed areas will need to be effectively balanced in the long term to ensure preservation of the scenic qualities of the landscape unit. For the Kincumber area the prominence of commercial buildings, dominance of signage in some locations and lack of coherent development pattern. This area is characterised by Kincumba Reserve/Conroys Mountain that clearly delineates the Erina Valley and Kincumber area. The majority of Environmental/Conservation lands in this geographic unit are complimentary to the public reserves and form an important background to the urbanised valley floors. To date, these areas have not been under the same pressure as the Matcham/Holgate/Lisarow areas, or areas more proximate to the Coast. In the long term, however, it would be expected that this area will come under increasing pressure for rezoning.

### Absorption Capacity

For Green Point/Saratoga & Kincumber – moderate to high for residential uses on areas of lower slope and visibility, lower on the upper slopes and low on natural ridges. Low for rural-residential areas. For Cockle Broadwater – high on most flatter slopes with screening from remnant vegetation. Low for rural-residential areas and environmental/conservation zoned areas.

### Visual Sensitivity

Generally low in all areas but higher on visible slopes, areas viewed from main roads and waterfront areas.

### Detracting Elements

For Green Point/Saratoga increasing bulk and height of waterfront buildings. New buildings of considerable bulk on higher slopes and development on saddle in Saratoga.

## Statement of Significance

All landscape units are of local significance.

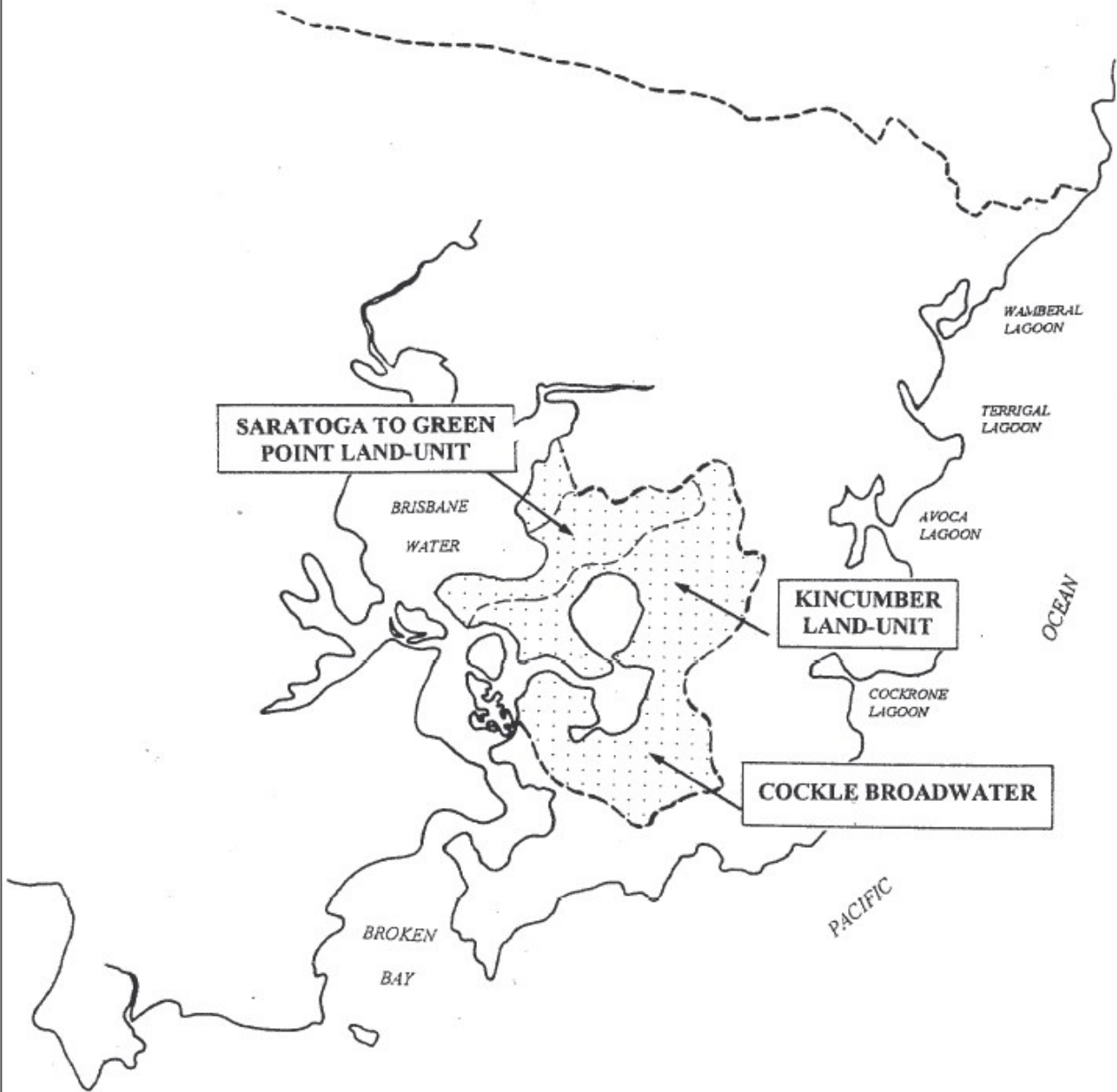
## Development Objectives

1. Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular Environmental/Conservation and Scenic Protection zoned areas.
2. Retain current subdivision standards in Environmental/Conservation and Scenic Protection zoned areas to ensure continuing dominance of landscape features over built environment.
3. Opportunities for increases in densities and scale are available in urban areas, not subject to visibility constraints or other physical constraints. Visually constrained land includes land viewed from main roads, waterfront areas and land on higher slopes.
4. Uses of a retail and commercial nature and associated signage permitted in scenic protection zoned areas to be, where achievable, of a style and scale which reflects the rural nature of the area in which it is located.
5. Restrict zoning density of development to current levels on higher visible slopes in urban areas, particularly in steep land zoned areas.
6. Continue to attempt to secure lands identified for inclusion in the Coastal Open Space System as part of the visual landscape.
7. Proposals for residential and retail/commercial rezonings be preferred where the result will be the consolidation of existing residential and retail/commercial areas rather than the extension of these areas as ribbon development or as incremental extensions into adjoining areas.
8. Recognise importance of privately owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for COSS lands.





# GOSFORD CITY COUNCIL



## SCENIC QUALITY

### GEOGRAPHIC UNIT - EAST BRISBANE WATER

Landscape Units Covered:

## East Gosford, Point Clare - Koolewong

### Level of Significance:

East Gosford	- Local
Point Clare - Koolewong	- Local

### Landscape Character

The East Gosford Landscape Unit which covers the localities of East Gosford, Point Frederick, West Gosford, Springfield and Gosford are older lake side areas of Gosford City with a suburban mixture of land uses and dwelling densities which are part of the Brisbane Water visual catchment. Few remnants of natural vegetation remain within these urban areas although Open Space areas such as Rumbulara Reserve, Presidents Hill and foreshore mangroves provide some degree of visual enclosure and along with Brisbane Water provide visual relief.

The Point Clare – Koolewong Landscape Unit consists of older residential suburbs occupying flat to sloping lands at the foot of the scenic Brisbane Water Escarpment which again are part of the Brisbane Water visual catchment. Landscape forms vary from the slopes of Point Clare and Koolewong to the flats of Tascott. Urban form and density varies according to slope constraints and age of developments. The Brisbane Water Escarpment provides the visual backdrop for the area and dominates the landscape unit.

### Scenic Conservation Issues

For East Gosford the full development of the area appears to generally secure the scenic character. Redevelopment of dwellings in foreshore areas and future higher density development in the Gosford CBD area are issues in this landscape unit. For Point Clare – Koolewong the escarpment areas and slope feet should be managed to conserve the existing scenic quality when seen from Brisbane Water, Brisbane Water Drive, Main Northern Railway and areas within the Brisbane Water Visual catchment.

### Absorption Capacity

For East Gosford – moderate but lower on waterfront. For Point Clare – Koolewong – moderate on lower slopes but lower on waterfront locations, depending on visibility from the waterway. Low on steeper slopes and escarpment locations.

### Visual Sensitivity

For East Gosford generally moderate but high on waterfront. For Point Clare – Koolewong moderate on lower slopes and lake side locations depending on visibility from waterway. High on upper slopes and escarpment.

### Detracting Elements

For East Gosford overscale and bulky residential buildings, increasing height and bulk of waterfront buildings restricting visual access to Brisbane Water. For Point Clare – Koolewong overscale and bulky buildings on waterfront areas and dwellings on higher slopes.

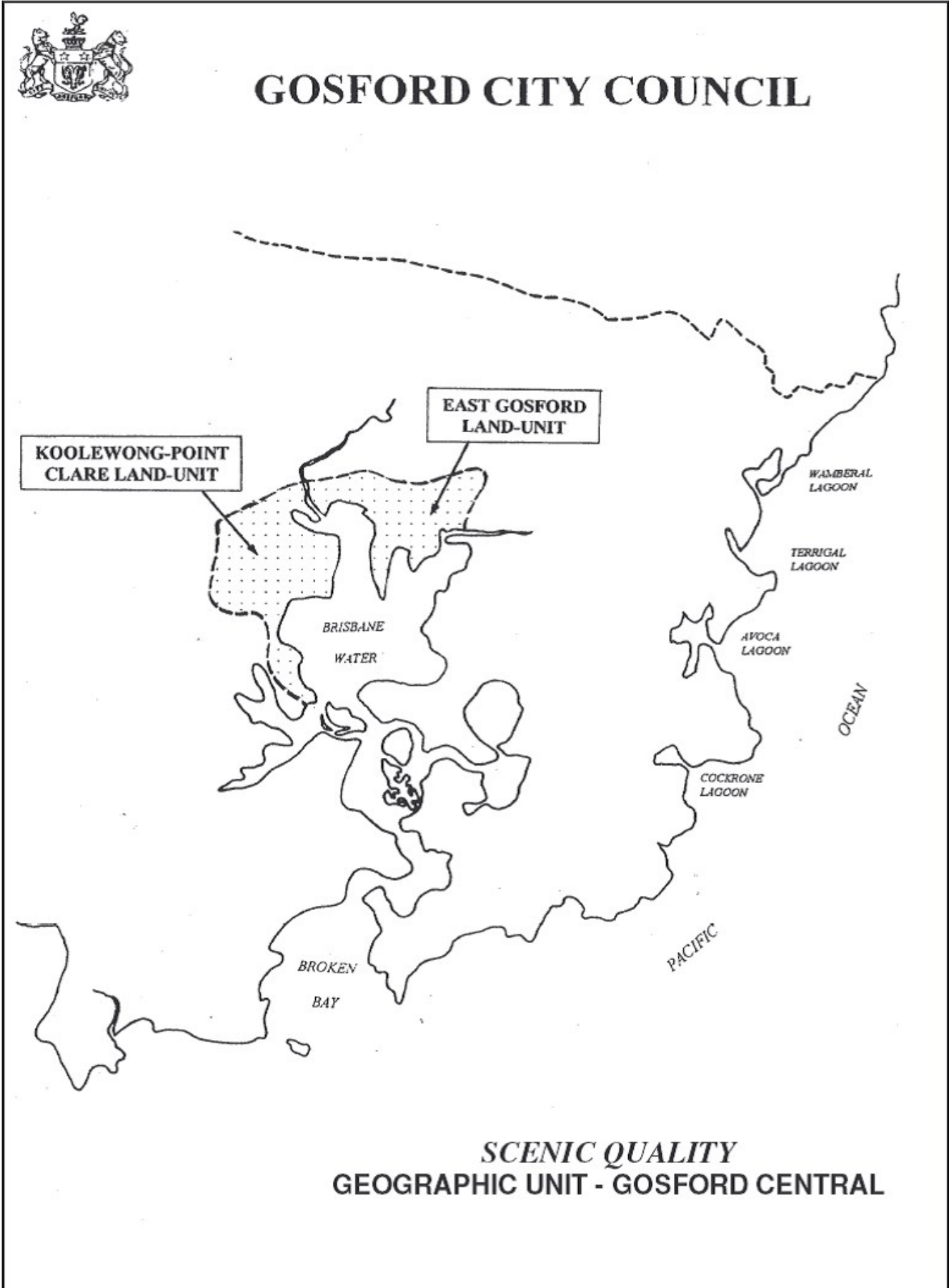
### Statement of Significance

Both areas are of local significance.

### Development Objectives

1. Restrict zoning density of development to current levels on higher slopes, particularly on steep land and waterfront areas not already zoned for medium density development.
2. Opportunities for increases in densities and scale are available in areas not subject to visibility constraints or other physical constraints. Visually constrained lands includes waterfront lands and lands on higher slopes.
3. Prevent extension of residential areas by way of rezoning within the Point Clare – Koolewong landscape units on land viewed from more than the immediate area.
4. Recognise importance of Brisbane Water Escarpment with its visual integrity and naturalness being valuable assets which need to be protected from development involving rezonings which increase densities and/or increase the range of uses permissible.

- 5. High rise development in and around the Gosford Town Centre should be of a scale that when viewed from Brisbane Water and waterfront areas is contained within the ridgelines provided by Rumbulara Reserve and Presidents Hill.



### **Landscape Units Covered:**

Narara Creek, Ourimbah Creek and Cut Rock Creek

### **Level of Significance:**

Narara Creek	- Local
Ourimbah Creek	- Local
Cut Rock Creek	- Local

### **Landscape Character**

The Narara Creek and Ourimbah Creek Landscape Units are an extensive complex of valleys and valley floors with extensive suburban development bounded by naturally vegetated slopes on the east by Berrys Head and Mt Elliot/Coast Open Space System lands and on the west by the northward extension of the Brisbane Water Escarpment. “Fingers” of green extending from the surrounding natural landscapes partly separate the urban areas.

The Cut Rock Creek Landscape Unit is the southern part of an extensive northern trending valley separated from Narara Creek by the Ridgeway Hills. Character includes urban areas of the valley floor, rural/residential lands and naturally vegetated slopes of the Ridgeway and Tumby ridges. The diversity of landscape types on a small area is marked. In all landscape units the scenic character derives from a blending of land uses with a natural backdrop with the breaking up of urban areas by natural creek lines and associated vegetation and vegetated open space areas.

### **Scenic Conservation Issues**

A lack of easy developable urban land in all landscape units is pushing development into steeper and more visually prominent areas. Development on escarpment lands is affecting the overall scenic quality of the area.

### **Absorption Capacity**

For all landscape units moderate to high for residential and rural-residential uses on lower slopes, and mid slopes, low for any development on prominent slopes ridges and the escarpment.

### **Visual Sensitivity**

For all landscape units generally low on flats and mid slopes to high on prominent slopes, ridges and the escarpment.

### **Detracting Elements**

For all landscape units prominently sited residential dwellings on steep visually prominent slopes. For Narara Creek landscape unit development on the escarpment areas.

### **Statement of Significance**

All landscape units are of local significance.

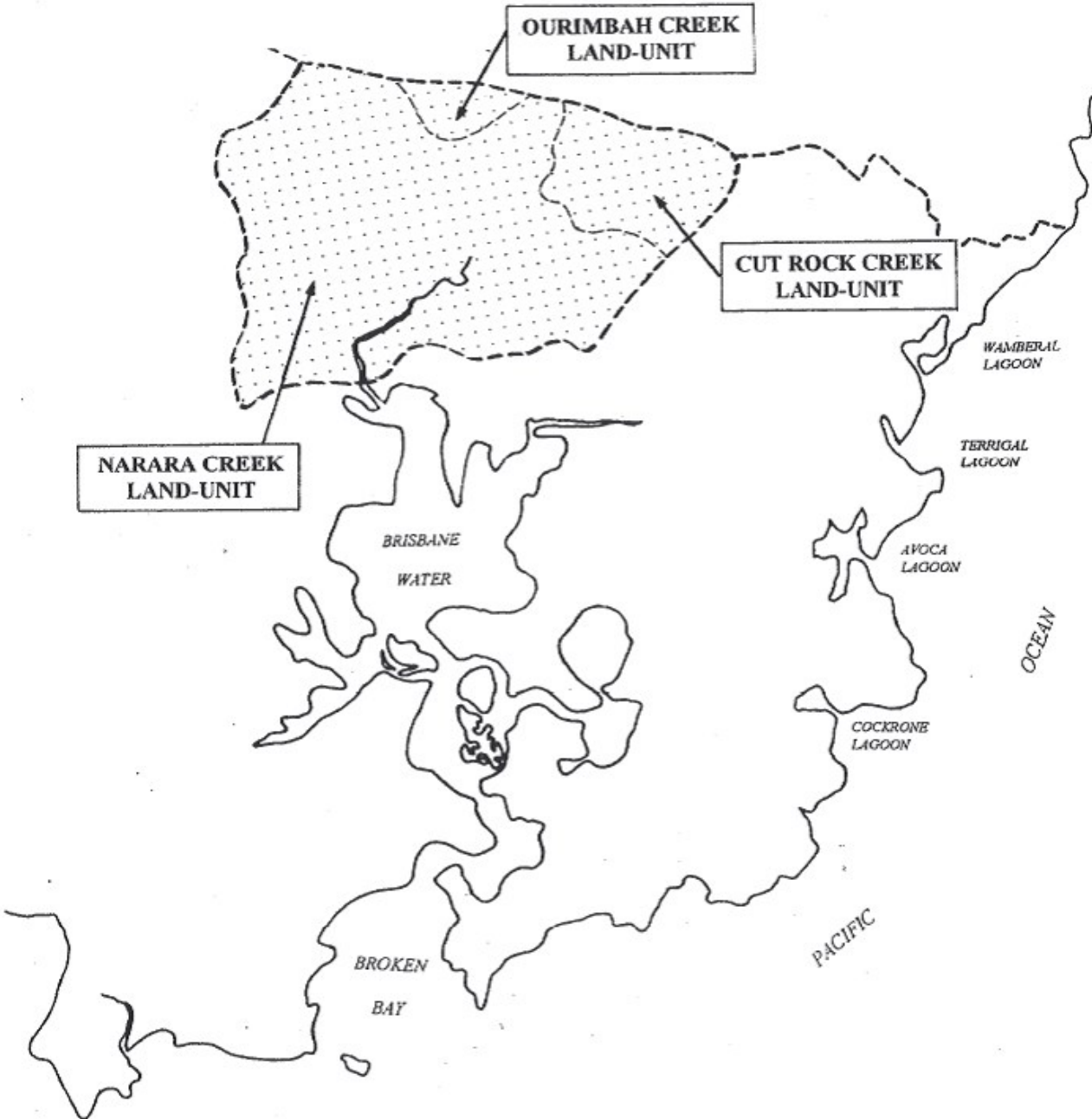
### **Development Objectives**

1. Restrict zoning density of development to current levels on higher slopes, particularly on steep land.
2. Opportunities for increases in densities and scale are available in areas not subject to visibility constraints or other physical constraints. Visually constrained land includes lands on higher slopes.
3. Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular Environmental/Conservation and Scenic Protection zoned areas.
4. Recognise importance of Brisbane Water Escarpment with its visual integrity and naturalness being valuable assets which need to be protected from development involving rezonings which increase development densities and/or increase the range of uses permissible.
5. Continue to attempt to secure lands identified for inclusion in the Coastal Open Space System as part of the visual landscape.
6. Retain current subdivision standards in Environmental/Conservation and Scenic Protection zoned areas to ensure continuing dominance of landscape features over built environment.

- 
7. Recognise importance of privately owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for COSS lands.



# GOSFORD CITY COUNCIL



*SCENIC QUALITY*

**GEOGRAPHIC UNIT - NARARA VALLEY**

Landscape Units Covered:

Matcham – Holgate, Erina Valley/Erina

**Level of Significance:**

Matcham - Holgate - Regional  
Erina Valley/Erina - Local

**Landscape Character**

The Matcham – Holgate Landscape Units have a very pleasing visual character that is based on topographic features and the rural vegetation patterns of the valley. The visual features of the valleys include significant topographic enclosure created by major ridge lines, within this framework minor ridges and spans further break up the viewsheds. The valley floors generally retain a pleasant vegetation pattern resulting from cleared fields surrounded by treed edges, treed creek lines as well as forested steep slopes or ridgetop areas. Rural residential development is generally in sympathy with the landscape. It is well integrated due to the topographic and vegetative features of the valleys. This generally gives the valleys a high visual absorption capacity for subdivision down to one (1) hectare lots. The valley roadways are generally of a very attractive character due to their scale, varied vertical and horizontal alignment as well as the vegetation characteristic of the road verge.

The Erina Valley/Erina Landscape Unit consists of a broad valley bounded on the south by Kincumba Mountain, the north by Mt Elliott and the east by the Erina Heights ridge, falling gently to the west to Brisbane Water. The unit contains a wide diversity of land uses and landscape character. The strongest development characteristic is the Erina shopping centre, while contrasts are provided by the undeveloped ridgelines and rural-residential development also contained in the landscape unit. Within the urban areas of this unit the vegetated hills of the Coastal Open Space System and remnant vegetation contained within public reserves and adjacent to creek lines provides visual relief and some enclosure which enhances the urban character. The rural environmental/conservation areas have landscape character within this unit approaching that of Matcham-Holgate but not of the same quality. The Entrance Road, Avoca Drive and Terrigal Drive are the main roads through the unit and provide travellers and locals with their primary impression of the unit. These roads are of mixed scenic quality although important rural views are achieved at various points along these roads and in particular on The Entrance Road at Erina Heights and on Terrigal Drive near Serpentine Road.

**Scenic Conservation Issues**

The Matcham – Holgate Landscape Unit serves as a significant regional visual resource. The valleys are frequently used for pleasure driving and horse riding and to a lesser extent walking and cycling. The scenic character depends on maintenance of the development pattern and existing density of settlement for both local residents and travellers. Declining stocks of subdividable land in this unit are creating pressure for a higher density of development than what presently occurs. The significant concentration of Environmental/Conservation land in the Matcham and Holgate area is reflective of the distinctive system of ridgeways that are heavily vegetated with steep, generally vegetated side slopes and cleared valley floors. Land within the floors is typically zoned Environmental Management/7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings) and the ridges and side slopes zoned Environmental Conservation/7(a) Conservation and Scenic Protection (Conservation). The Environmental Conservation/7(a) land extends beyond the extent of the COSS and its role as a buffer to these more elevated areas is apparent. The land that is under pressure in this area to be rezoned is generally located on the side slopes, where transitional landscape features (slopes, vegetation, etc) may create speculation as to development potential. The landscape character of Erina Valley/Erina Landscape Unit derives from a mixture of built elements within a natural backdrop. Changing development patterns associated with a major release area is altering the landscape character of the unit. Major roads through the unit which pass through scenic protection zoned areas are increasingly attracting quasi retail uses in the form of 'home occupations' and the like which are lowering the scenic quality of the road and the views into adjoining rural residential areas. The unit, because of the intensity of existing urban activity within it, is subject to pressure for incremental urban expansion into adjacent rural-residential areas. Another major concentration of Environmental Conservation/7(a) land is found adjoining the Mount Elliott/ Katandra/Rumbulara ridges. The Environmental Conservation/7(a) zoned lands within this area act as a buffer to, or forms part of, the Coastal Open Space System. This ridgeline is a predominant land form and segregates the Narara Valley catchment from Erina/Matcham/Holgate Valleys. The landform contributes to the visual containment of urban areas and provides scale against the built environment so that the natural environment dominates. The major threat to this area would

appear to be either incremental rezoning on the fringes of the landform and also enabling clauses to allow site specific uses.

### **Absorption Capacity**

For Matcham – Holgate – low, the area depends for its character on the maintenance of the existing density and separation between developments. For Erina Valley/Erina – moderate to high for existing urban areas, low on main roads adjoining rural-residential areas and in rural-residential areas.

### **Visual Sensitivity**

For Matcham – Holgate – moderate to high, the area receives extensive tourist use and a high visual expectation of local residents. For Erina Valley/Erina – low in urban areas, moderate to high in rural-residential areas and high on main roads adjoining rural-residential areas.

### **Detracting Elements**

For Matcham – Holgate areas where development features dominate landscape features of area, ie Manor Hill Close subdivision. For Erina Valley/Erina – quasi-retail uses on main roads in Environmental Management/7(c2) areas and expanding urban uses.

### **Statement of Significance**

The Matcham – Holgate Landscape Unit is of regional scenic significance as an outstanding example of rural cultural landscape of great charm. The Erina Valley/Erina Landscape Unit is of local significance although main roads through the unit provide important tourist routes.

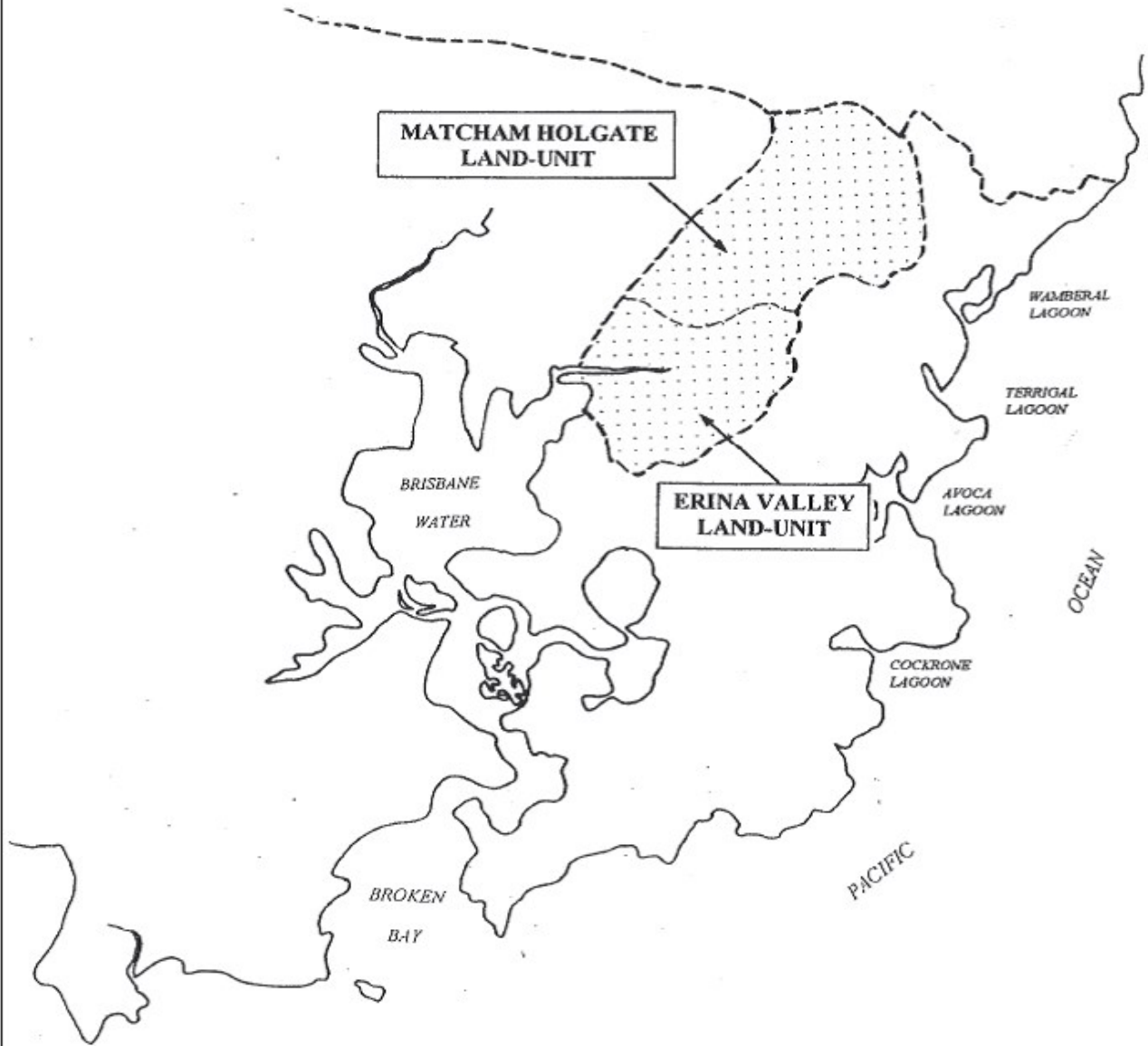
### **Development Objectives**

1. Continue to attempt to secure lands identified for inclusion in the Coastal Open Space System as part of the visual landscape.
2. Opportunities for increases in densities and scale are available in areas not subject to visibility constraints or other physical constraints. Visually constrained land includes land on main roads within Environmental Management/7(c2) zoned areas and Environmental Conservation/7(a) zoned areas.
3. Proposals for residential and retail/commercial rezonings be preferred where the result will be the consolidation of existing residential and retail/commercial zoned areas rather than the extension of these zones as either ribbon development or as incremental extensions into adjoining areas.
4. Retain current subdivision standards in Environmental/Conservation zoned areas to ensure continuing dominance of landscape features over built environment.
5. Uses of a retail and commercial nature and associated signage permitted in scenic protection zoned areas to be, where achievable, of a style and scale which reflects the rural nature of the area in which it is located.
6. Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular Environmental/Conservation zoned areas.
7. Recognise importance of privately owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for COSS lands.





# GOSFORD CITY COUNCIL



## *SCENIC QUALITY*

### **GEOGRAPHIC UNIT - COASTAL VALLEYS**

Landscape Units Covered:

## Forresters Beach – Wamberal, Terrigal

### Level of Significance:

Forresters Beach –	- Regional
Wamberal	
Terrigal	- Regional

### Landscape Character

The Forresters Beach – Wamberal Landscape Unit contains a mix of landscape types. The most northerly section of the unit forming the Forresters Beach landscape has characteristics more typical of the Tuggerah landscapes of the Wyong Shire. Forresters Beach occupies a rocky ridge, formerly an offshore island, which is tied back to the land by alluvial sand bodies which drain south into Wamberal Lagoon and north to Tuggerah Lake. Residential development through the elevated areas and adjacent to The Entrance Road is visually dominant. The flat rear dune hinterland, including the Tumby Road area, comprises a mixture of residential, rural-residential and recreational land uses. The flat landform, low vegetation and stunted characteristics result in a generally low visual quality. The forested ridgeline and sideslopes of Tumby Ridge, which form part of the Coastal Open Space System, provide a strong western boundary to the unit.

The Wamberal landscape Unit is more reflective of the Gosford area and consists of a diversity of characteristics. Urban development in Wamberal is not intrusive as it is contained within the forested ridge formed by COSS lands, Environmental/Conservation zoned areas and Wamberal Lagoon. The shopping centre does though detract from this character. Within the Wamberal urban areas the landform is generally open and limited large scale vegetation results in a moderate to high level of visual exposure. Rural-residential areas of Wamberal consist of a small enclosed valley stretching between Matcham Road and Reads Road. The western portion of the valley is highly visible from The Entrance Road. This rural-residential area form a significant part of the rural buffer between Erina and Wamberal.

The Terrigal Landscape Unit is strongly enclosed as a result of landform characteristics and contains the most urban of the coastal settlements of Gosford centred on the beach, Terrigal Haven and The Skillion and surrounding the lagoon. As a result of the landform and vegetation characteristics, the landscape and development is co-dominant. The Terrigal area comprises significant coastal landscape features including the beach to Wamberal Lagoon and foreshore areas and The Skillion. The primary urban and commercial areas concentrate on the sea side of the lagoon while the area to the west is more suburban and surrounded by rural-residential hinterland. The rural-residential hinterland occupies higher ground in the unit and provides a natural backdrop to the unit and a contrast to highly urbanised sections of the unit.

### Scenic Conservation Issues

For the Forresters Beach section of the Forresters – Wamberal Landscape Unit the generally low absorption capacity of the unit make most forms of development visually prominent. Particular areas of concern are those located along and viewed from main roads, on higher parts of the unit and within commercial areas. For the Wamberal section of this landscape unit, the character of the unit derives from the mix of uses with a natural backdrop. Recognition of the need for retention of this mix and the quality of development along The Entrance Road are issues in this unit. In general, Environmental/Conservation zoned lands in this area fall into three distinct categories – coastal headlands, lowland heath, draining into Wamberal Lagoon and Matcham ridge to the west that provides clear distinction between the urban areas on the Coast and rural-residential areas to the west. The Environmental Conservation/7(a) zone is complimentary to Regional Open Space at Wyrabalong trig, and much of the land in this section is within public ownership. Vegetation is highly significant when viewed from The Entrance Road. Those non-elevated Environmental Conservation/7(a) lands within Wamberal Lagoon catchment are ecologically significant being coastal heath, even though from a visual perspective, the vegetation is “scrubby” it provides an important habitat between Forresters Beach and Tumby Road and provides variety in the landscape. Having regard to the proximity of urban areas, including tourist facilities, residential land and rural small holdings, there is considerable pressure on this land in the short term. The eastern section of Matcham ridge is also under pressure, due to favourable location, views etc. For the Terrigal Landscape Unit generally, the maintenance of scenic character requires careful attention to siting and scale of urban elements so as not to overpower the natural elements of the lagoon, beach and surrounding natural backdrop. Particular attention needs to be paid to maintaining co-dominance of landscape and development with

regard being given to retention of Environmental/Conservation zoned backdrop to the unit. Environmental Conservation/7(a) zoned lands in these areas act as the hinterland to the coastline and are intrinsic to the scenic qualities of the region. Environmental Conservation/7(a) land also adds “definition” to localities and contributes to overall perception of the coastal environment.

### **Absorption Capacity**

For the Forresters/Wamberal unit – moderate to high for areas not subject to visibility constraints such as land located along and viewed from main roads and on higher parts of the unit. For the Terrigal unit – moderate to high for residential uses on lower slopes, lower on the upper slopes and ridges and low on the beach front, headland slopes and lagoon areas.

### **Visual Sensitivity**

For the Forresters/Wamberal unit generally low for non-exposed areas but high for areas on higher slopes and along main roads. For the Terrigal unit high in lagoon margins, beach front, sand spit and headland areas and rural-residential hinterland.

### **Statement of Significance**

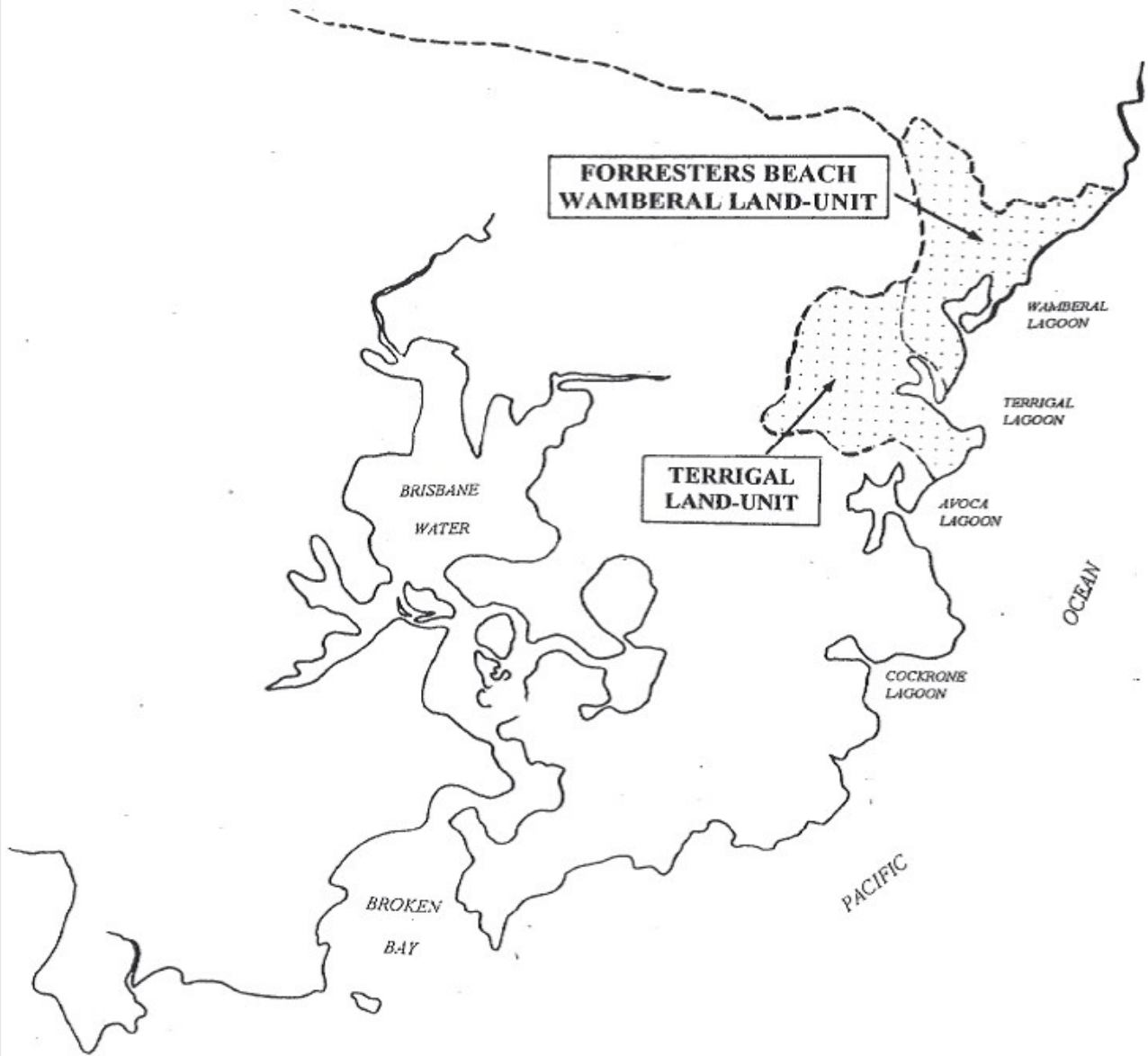
For the Forresters/Wamberal unit the area is of regional scenic value as it is a unique landscape within the Gosford area. For the Terrigal unit the area is of regional scenic value. It exhibits a wide range of coastal environments of outstanding beauty within a discrete area, is a tourist destination with a long history and has a mixture of natural and human elements of great charm.

### **Development Objectives**

1. Continue to attempt to secure lands identified for inclusion in the Coastal Open Space System as part of the visual landscape.
2. Opportunities for increases in densities and scale are available in areas not subject to visibility constraints or other physical constraints. Visually constrained areas include land along beach front, sand spit at Terrigal, headlands and lagoon frontages as well as along main roads within Environmental Conservation and Environmental Management/scenic protection and conservation zoned areas and within Environmental Conservation and Environmental Management/scenic protection zoned areas and conservation zoned areas.
3. Proposals for residential and retail/commercial rezonings be preferred where the result will be the consolidation of existing residential and retail/commercial zoned areas rather than the extension of these zones as either ribbon development or as incremental extensions into adjoining areas.
4. Retain current subdivision standards in Environmental/scenic protection zoned areas to ensure continuing dominance of landscape features over built environment.
5. Uses of a retail and commercial nature and associated signage permitted in Environmental Management/scenic protection zoned areas to be, where achievable, of a style and scale which reflects the rural nature of the area in which it is located.
6. Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular Environmental zoned areas.
7. Restrict zoning density of development to current levels on higher visible slopes in urban areas.
8. Any redevelopment of Central Park area within Forresters/Wamberal landscape unit be of a low scale and which is able to be screened by natural vegetation types evident in the area.
9. Recognise importance of privately owned Environmental Conservation/7(a) zoned land in providing a complimentary land system to and a buffer area for COSS lands and National Parks.



# GOSFORD CITY COUNCIL



## SCENIC QUALITY GEOGRAPHIC UNIT - NORTH COASTAL

Landscape Units Covered:

Picketts Valley, Avoca, MacMasters/Copacabana

### Level of Significance:

Picketts Valley	- Regional
Avoca/North Avoca	- Regional
MacMasters/Copacabana	- State

### Landscape Character

The Picketts Valley Landscape Unit is typical of the higher quality rural valleys within Gosford. This quality is based on its great topographical diversity as well as the natural and cultural vegetation patterns that occur within the valley. The valley differs from other areas because of its proximity to the coast and is highly visible from the Scenic Highway. Its visual juxtaposition against the coastal landscape when viewed from Kincumba Mountain creates what is arguably one of the most diverse and picturesque regional views within the city.

The Avoca/North Avoca Landscape Unit consists of a moderate to high level of residential development situated around Avoca Beach and Avoca Lake with rural residential development enclosing the area in the southern and western portions of the unit. The area features a high level of visual usage both at the local and the tourist level and comprises an important part of the scenic coastal system. Despite the moderate to high level of residential development within the unit, the landform and vegetation characteristics help to create good visual integration.

The MacMasters/Copacabana Landscape Unit is bounded on the west and south by the natural vegetated ridges of the Bouddi Peninsula and on the north by those on the Cullens Road ridge and is largely rural in nature. Copacabana on the northern headland and beach has the appearance of a mixture of unplanned informality and urbanity with many large and bulky new buildings. MacMasters Beach, on the southern side, has a more traditional and vernacular, smaller scale, more protected and more vegetated character, with many older buildings.

### Scenic Conservation Issues

For Picketts Valley the scenic character depends on the maintenance of the rural character and low density of development. Potential incremental expansion of the Kincumber urban area and demands for more intense rural-residential development beyond the one hectare standard are major threats to the scenic character of the area. For Avoca/North Avoca the scenic character derives from a mix of low key residential and rural-residential uses, beach side character and informality and a rural/natural backdrop. Loss of tall indigenous vegetation within urban areas associated with redevelopment and resubdivision as well as large-scale residential dwellings reduces the visual integration of development. Demands for incremental expansion of residentially zoned areas is a major issue in seeking to retain the Environmental/Conservation and Scenic Protection zoned backdrop to the unit. Further, demands for more intense rural-residential development beyond the one hectare standard in these areas and uses in these areas of a more retail nature is also an issue. For MacMasters/Copacabana the scenic character derives from a contrast of qualities and an overall informality, combined with a spectacular natural setting, low density and a small scale of development. Two significant landforms characterise these localities, one being the ridgeline that is generally contiguous with Cullens Road (running in an east-west direction) and the other the MacMasters Ridge, to the west. The ridgelines provide definition of visual catchments and enclose the localities to clearly distinguish each area. The interaction of urban areas, the ocean and lagoons and the forested hinterland contribute to the significant visual qualities. Again, the Environmental Conservation/7(a) lands contribute to the overall Coastal Open Space System and also act as a buffer to Council reserves. Due to the proximity to the coast and significant scenic characteristics of the area, there has been considerable pressure to rezone these lands. In the short term, the Council will need to carefully consider the cumulative impact of such proposals on the overall contextual relationship between Environmental Conservation/7(a) lands, the built environment and the coast. The COSS and Environmental Conservation/7(a) lands also have visual and ecological links to Bouddi National Park to the south.

In general, Environmental Conservation/7(a) zoned lands in this geographic unit act as the hinterland to the coastline and are intrinsic to the scenic qualities of the region. The Environmental Conservation/7(a) land also adds "definition" to localities and contributes to overall perception of the coastal environment. This area is dominated by Conroy's Mountain to the west, with heavily undulated land between the mountain the coast. There are also areas of Environmental Conservation/7(a) land around Avoca Lagoon foreshore. The Conservation lands in these areas are

under considerable pressure, having regard to their proximity to the coast and in some instances, previous disturbance, and proximity of other lands zoned Environmental Management/7(c2), Environmental Living/7(c3) and Residential that allow a much more intense level of development. The Environmental Conservation/7(a) lands also act as wildlife corridors between the Cullens Road ridge to the south, Avoca, Avoca Lake, Picketts Valley to Kincumber Reserve.

### **Absorption Capacity**

For Picketts Valley – moderate for rural-residential development and low for other uses. The character depends on the maintenance of extensive separation between single developments. For Avoca/North Avoca – moderate for residential uses on lower areas and less visible lower slopes, lower on the upper slopes and low on the beach front and natural ridges to the west and south. For MacMasters/Copacabana – moderate for sympathetically designed and located residential development on lower areas of Copacabana, low on the upper slopes and low in MacMasters Beach.

### **Visual Sensitivity**

For Picketts Valley – moderate. The area is secluded and is not served by a through route although is viewed from the Scenic Highway and viewed from a major lookout on Kincumba Mountain. For Avoca/North Avoca – moderate to high. For MacMasters/Copacabana – high.

### **Detracting Elements**

For Picketts Valley overscale and prominently sited residential buildings, clustered developments, over-manicured rural-residential properties. For Avoca/North Avoca urban areas overscale and prominently sited residential buildings, dense developments and excessive site coverage, especially on visible slopes and on beach front areas. Poor visual character of Avoca shopping centre. For MacMasters/Copacabana overscale and prominently sited residential buildings, large developments on visible slopes.

### **Statement of Significance**

The Picketts Valley unit is of regional scenic significance as a rare example of a rural cultural landscape. Avoca/North Avoca is of regional scenic value. It retains the elements of the original natural and cultural landscape and the most extensive of the coastal lagoons within a distinctly natural setting. It is a tourist and holiday destination with a long history. Its informal layout and low density are significant historical aspects of its character. The MacMasters/Copacabana unit is of statewide scenic value. It is an outstanding example of a traditional coastal settlement with many of its natural and cultural attributes intact.

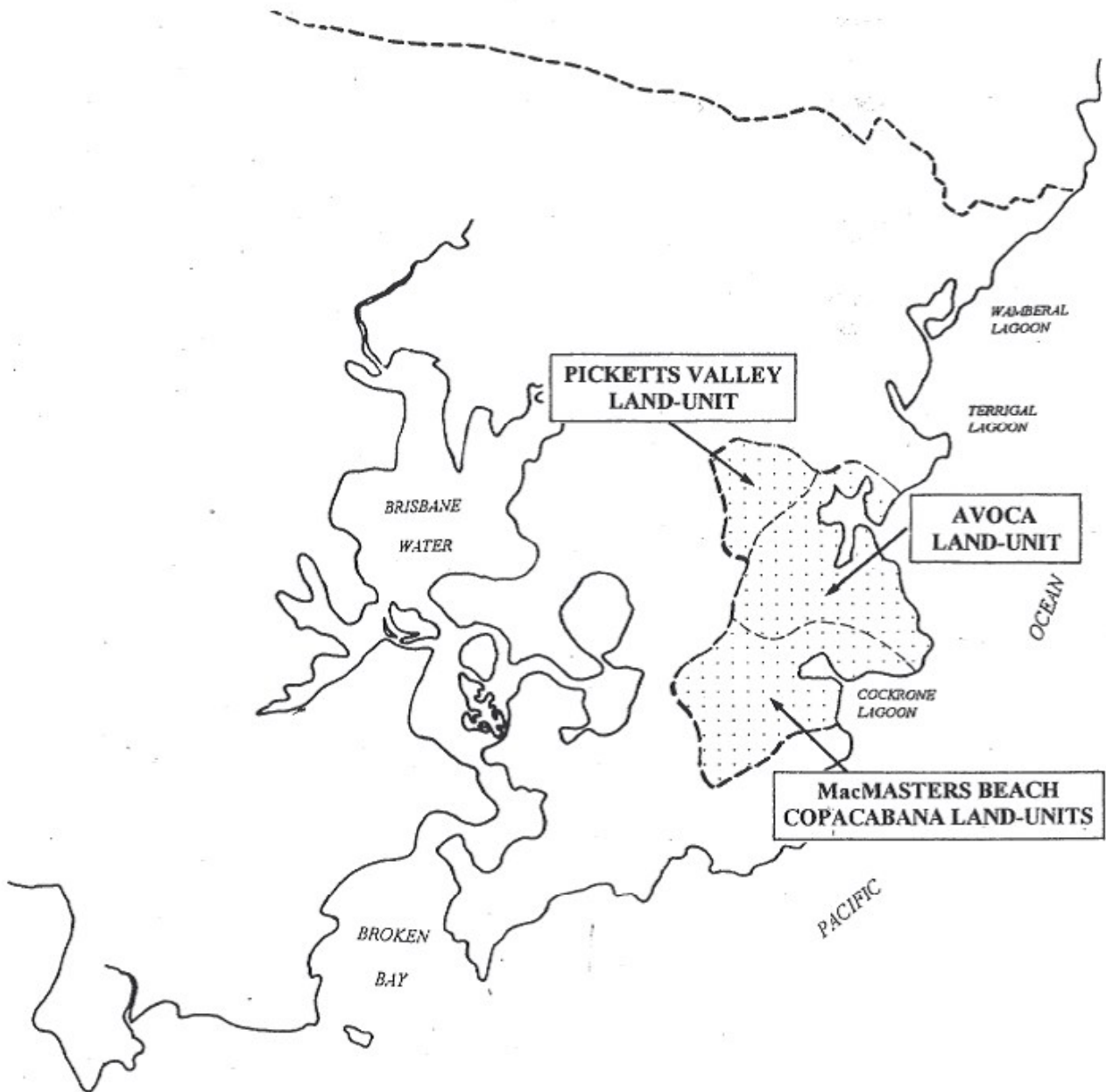
### **Development Objectives**

1. Continue to attempt to secure lands identified for inclusion in the Coastal Open Space System as part of the visual landscape.
2. Proposals for residential and retail/commercial rezonings be preferred where the result will be the consolidation of existing residential and retail/commercial zoned areas rather than the extension of these zones as either ribbon development or as incremental extensions into adjoining areas.
3. Retain current subdivision standards in Environmental zoned areas to ensure continuing dominance of landscape features over built environment.
4. Uses of retail and commercial nature and associated signage permitted in Environmental zoned areas to be, where achievable, of a style and scale which reflects the rural nature of the area in which it is located.
5. Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular Environmental/scenic protection and conservation zoned areas.
6. Recognise importance of Cullens Road Ridge in providing an elevated natural backdrop to the landscape units and the natural qualities of this ridge line should be retained with limited rural/residential development permitted so that the essentially natural backdrop to the units can be retained.
7. Retain and enforce existing provisions contained within instruments and policies relating to the low density nature of development in all landscape units except in the medium density Avoca Bowl area.
8. Retain in MacMasters Beach informal street alignment and paths plus vegetated nature reserves.
9. Encourage new buildings in MacMasters Beach to blend into existing fabric and environment.

10. Recognise importance of privately owned Environmental Conservation/7(a) zoned land in providing a complimentary land system to and a buffer area for COSS lands and National Parks.



# GOSFORD CITY COUNCIL



*SCENIC QUALITY*

**GEOGRAPHIC UNIT - SOUTH COASTAL**

**Landscape Units Covered:**



## Kulnura – Somersby Plateau

### Level of Significance:

Kulnura – Somersby Plateau - Local

### Landscape Character

In the areas north of Dodds Saddle the Kulnura – Somersby Plateau Landscape Unit consists of gently rolling plateau landscapes on moderately fertile sandy loam soils derived from shale and sandstone which is mainly cleared of vegetation for agriculture. In areas south of Dodds Saddle, generally around Kariong, landscapes typical of the Hawkesbury sandstone are evident, particularly near the F3 Freeway. Distinctive features in the agricultural areas are wind row tree plantings, plantations of citrus, natural forest verges and remnant native forest stands. Less distinctive landscape features exist in the more urbanised southern sections of the unit due to the intense nature of development and the lower scale and stunted nature of vegetation.

### Scenic Conservation Issues

In the agricultural areas the present conversion of properties from one rural character to another does not have substantial scenic impacts other than increasing densities and unsympathetic housing design. Extraction sites, however, are prominent in the area and frequently have extensive impacts because of their ridge top locations and lack of screening. Further, pressure is evident for uses in the southern section of the unit for 'urban support' uses not compatible with the area. The development of the Kariong urban release area, Somersby Industrial Park and the Mount Penang Festival Development Site have had a significant effect upon the scenic quality of the area, particularly as viewed from the F3 Freeway and areas of Gosford below the Brisbane Water Escarpment.

### Absorption Capacity

Moderate to high for most development types, moderate to areas viewed from the Freeway and low for areas viewed from below the escarpment.

### Visual Sensitivity

Generally low other than areas viewed from the Freeway and from areas below the Escarpment.

### Detracting Elements

Urban development at Kariong, industrial and residential development viewed from the Freeway plus Mount Penang Festival Development Site located on escarpment and viewed from urban Gosford.

### Statement of Significance

The Kulnura to Somersby Plateau Unit is of local significance although areas viewed from the Freeway and escarpment areas are of more than local significance.

### Development Objectives

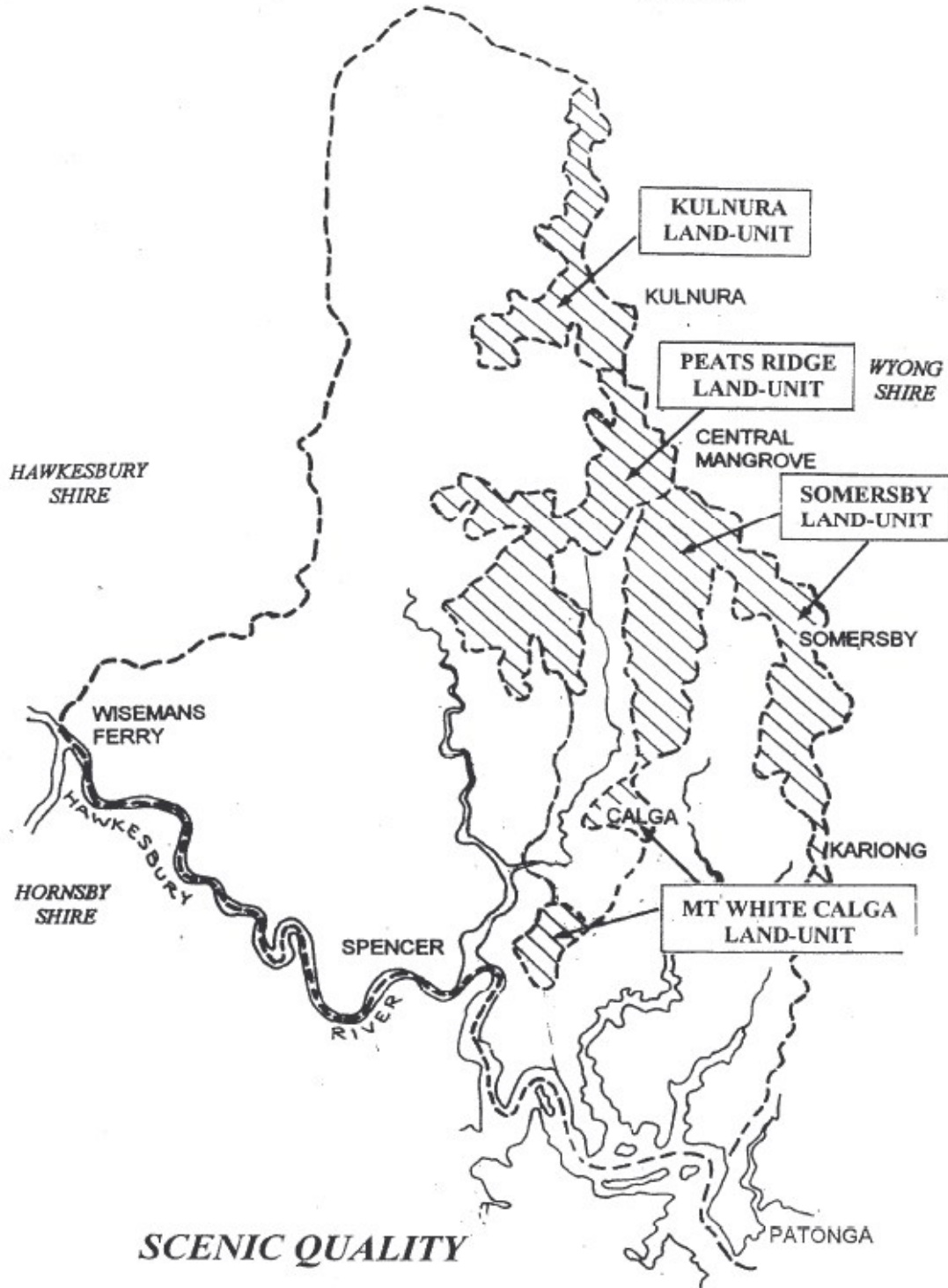
1. Recognise importance of Brisbane Water Escarpment with its visual integrity and naturalness being valuable assets which need to be protected from development involving rezonings which increase densities and/or increase the range of uses permissible.
2. Support application of Somersby Landscape Guidelines for development in Somersby Industrial Park.
3. Recognise importance to the 'impressions of Gosford' for travellers on the Freeway and entering Gosford on the Central Coast Highway created by development viewed from these roads.
4. Particular attention be paid to visual screening in the determination of development applications for extractive industries.
5. Recognise importance of wind row tree planting, natural forest verges and remnant native forest stands to the landscape character of the agricultural areas and retain wherever possible particularly when viewed from major roads in area.
6. Resist rezonings for 'urban support' activities which are out of keeping with rural landscape character of agricultural areas.

- 
7. Recognise importance of privately owned Environmental Conservation/7(a) zoned land in providing a complimentary land system to and a buffer for National Parks.



# GOSFORD CITY COUNCIL

CITY OF GREATER  
CESSNOCK



*SCENIC QUALITY*

## **GEOGRAPHIC UNIT - PLATEAU**

Landscape Units Covered:

Wisemans Ferry to Spencer, Mangrove Creek, Popran Creek, Dharug

### Level of Significance:

Wisemans Ferry to Spencer - State  
Dharug - Regional  
Mangrove Creek - Local  
Popran Creek - Local

### Landscape Character

The Wisemans Ferry to Spencer Landscape Unit is identified as a broad but steep sided mature river valley which meanders through the floodplain. High grey weathered sandstone cliffs and benches and dark vegetation create a sombre atmosphere. Clusters of opportunistic settlements above flood level occur with grazing and recreational activities on the floodplain.

The Dharug, Popran Creek and Mangrove Creek Landscape Units which feed into the Hawkesbury River are characterised by deeply dissected steep sided valleys cut into the Hawkesbury sandstone with a strong sense of enclosure. Lower ends of these units are characterised by drowned valleys subject to saline tidal flows. The top of the catchment located within the Kulnura landscape unit is characterised by gently rolling plateau top landscapes which are mainly cleared of vegetation for agriculture.

### Scenic Conservation Issues

For all landscape units the major issue is to preserve the existing character of these areas and to control development on unsuitable sites.

### Absorption Capacity

Generally low to moderate for all landscape units. For the Hawkesbury landscape units, the breadth and scale of the landscape would permit additional development in carefully selected places.

### Visual Sensitivity

High for all landscape units along ridgetops and edges, mid/upper slopes and water edges and lower in less conspicuous locations.

### Detracting Elements

For the Hawkesbury landscape unit detracting elements include poorly designed cottages with light colours and inappropriate materials, decayed rural structures, caravan parks and boating structures of poor design and layouts, weeds and garden escapes in creeks, houses on ridge edges. For the other landscape units the poor design quality and unsuitability of light colours of buildings and creek edge structures as well as clearings too close to the valley tops and edges.

### Statement of Significance

Except for the Hawkesbury and Dharug landscape units, the other units covered are of local or regional significance. The Hawkesbury landscape unit is an outstanding landscape of national significance, clearly revealing the natural processes which have formed it. Its majestic scale, rich tones, precipitous topography, sinuous meanders and broad reaches combine with its natural vegetation to generate the formal and abstract attributes of high quality landscapes. Its sheer ruggedness and scale have helped retain its isolation from heavy development pressures; those factors also give it a high than normal visual absorption capacity and reduce its vulnerability.

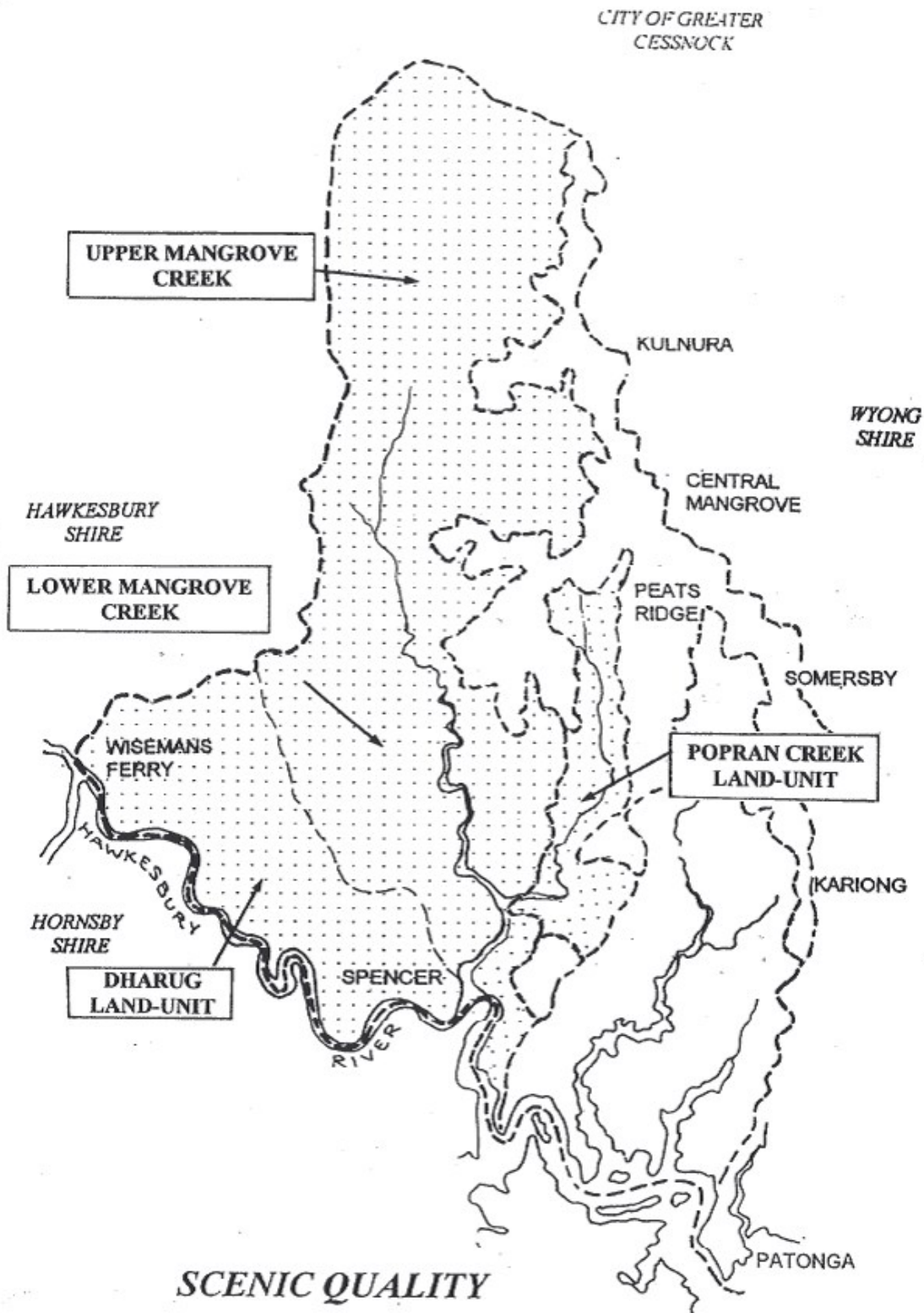
### Development Objectives

1. Retain and enforce existing provisions contained within instruments and policies relating to the location and appearance of development within this geographic unit.
2. Encourage new buildings in all landscape units to blend into existing natural environment with darker colours being preferred.
3. Rezoning proposals should avoid areas of high visual sensitivity and the creation of further detracting elements.

4. Rezoning proposals should consider the current zoning of the subject land in the context of the wider river environment rather than just the applicability of the zoning to the site itself.
5. Development Applications in all landscape units should aim to prevent the creation of further development outcomes which create additional detracting elements.
6. Development proposals located in Baulkham Hills and Hornsby Council areas, where Council is asked to provide comment, should be assessed against the scenic quality guidelines contained in this Chapter.
7. Proposals for clearing of land should be considered for its scenic quality impacts as well as other issues normally considered for this type of development.



# GOSFORD CITY COUNCIL



## GEOGRAPHIC UNIT - UPPER HAWKESBURY

Landscape Units Covered:

Spencer to Berowra Creek, Mooney Mooney Creek, Mullet Creek, Brooklyn Estuary

### **Level of Significance:**

Spencer to Berowra Creek - State  
Brooklyn Estuary - State  
Mooney Mooney Creek - Regional  
Mullet Creek - Regional

### **Landscape Character**

Both the Spencer to Berowra Creek and the Brooklyn Estuary Landscape Units are examples of river retreat environments of modest, traditional, maritime housing and settlements of great charm with a variety of form, set back and landscape treatments. A dominantly natural steep sided river valley with widely separated and harmoniously organised water side houses and small settlements.

Mooney Mooney Creek and Mullet Creek Landscape Units have similar landscape character with both being largely natural creek environments dominated by steep wooded hills and open water although different development environments exist with Mullet Creek containing the Main Northern Railway Line and Mooney Mooney Creek containing the township of Mooney Mooney at the creek's mouth.

### **Scenic Conservation Issues**

For the Spencer to Berowra Creek Landscape Unit the increasing density of settlement and re-development of existing properties has the potential to decrease the scenic appeal. For the Brooklyn Estuary Landscape Unit the residential and informal scale of development should be retained with ridge tops, cliff lines and conspicuous slopes exempt from development. For the Mooney Mooney Creek Landscape Unit further development should be confined to the settled area. For the Mullet Creek Landscape Unit the area should be exempt from development with the railway works already unsympathetic.

### **Absorption Capacity**

Generally low to moderate for all landscape units but higher within existing settlements.

### **Visual Sensitivity**

High for all landscape units because of visual access to area from road, rail, river and settlements such as Brooklyn and high community esteem that landscape units have.

### **Detracting Elements**

All landscape units are characterised by obtrusive, overscale and inappropriately coloured buildings in prominent positions, overdevelopment of waterfront, unsightly public utility works and areas approaching maximum carrying capacity.

### **Statement of Significance**

For both the Mooney Mooney Creek and Mullet Creek Landscape Units the areas are of high scenic quality and are an integral part of an outstanding regional example of a ria coast estuary. The Brooklyn Estuary Landscape Unit is of high scenic quality and is an outstanding regional example of a ria coast estuary, is esteemed by the community for its scenic qualities and is a traditional recreational and water sport destination for Sydney. The Spencer to Berowra Creek Landscape Unit has the formal and abstract attributes of high quality landscapes. It demonstrates the process of development of the Hornsby Plateau and the Hawkesbury Valley, its form showing the development of the ria coast landscapes of the Sydney area. It is an area valued for generations as a retreat and water sport destination and is held in high esteem by the community.

### **Development Objectives**

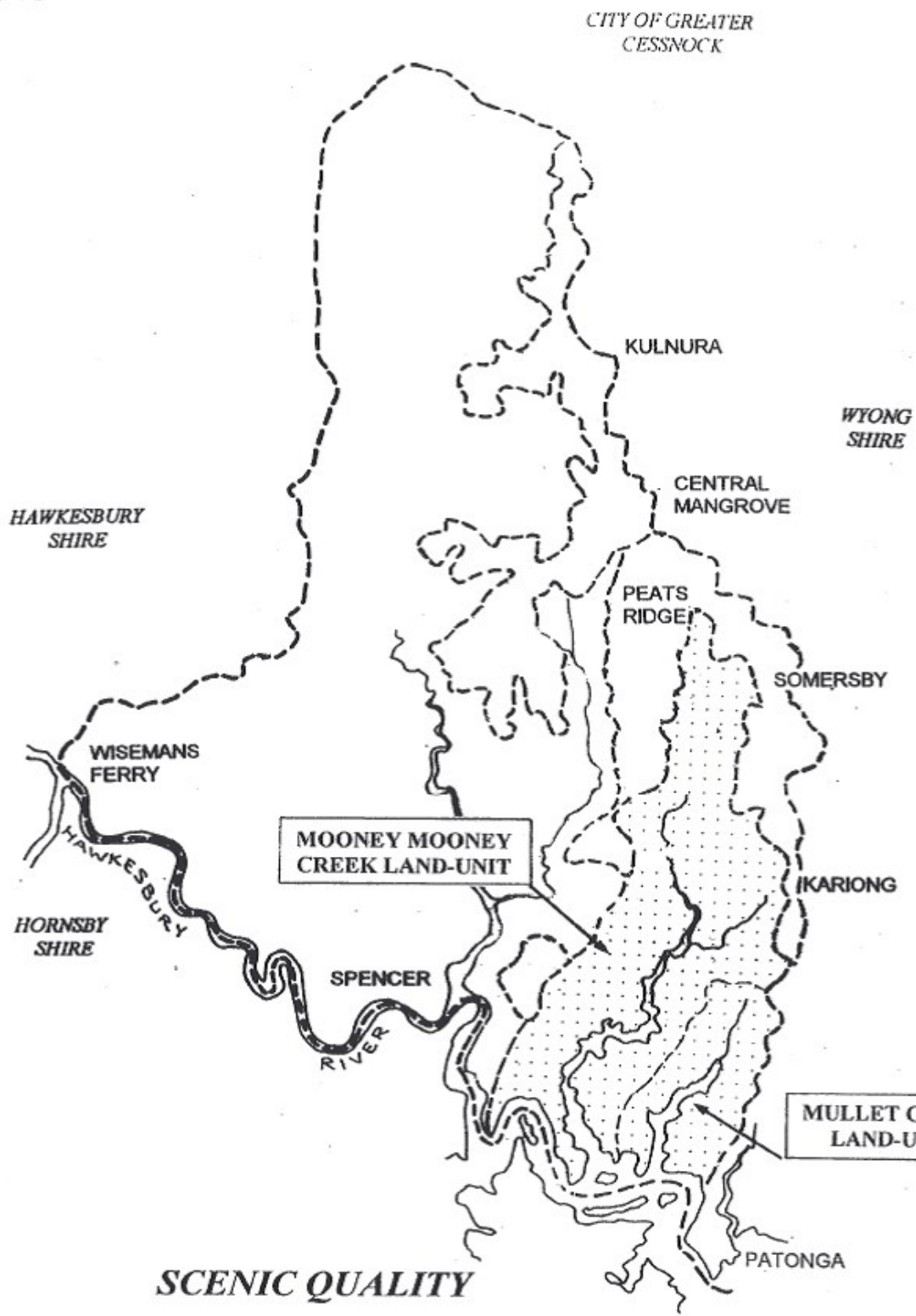
1. Retain and enforce existing provisions contained within instruments and policies relating to the location and appearance of development within this geographic unit.
2. Encourage new buildings in all landscape units to blend into existing natural environment with darker colours being preferred.

3. Rezoning proposals should avoid large scale developments, particularly on waterfront lands, and should aim to preserve the existing scenic character plus avoid the creation of further detracting elements.
4. Rezoning proposals should consider the current zoning of the subject land in the context of the wider river environment rather than just the applicability of the zoning to the site itself.
5. Development Applications in all landscape units should aim to prevent the creation of development outcomes which create additional detracting elements.
6. Development proposals located in the Hornsby Council area, where Council is asked to provide comment, should be assessed against the scenic quality guidelines contained in this Chapter.
7. Proposals for clearing of land should be considered for its scenic quality impacts as well as other issues normally considered for this type of activity.





# GOSFORD CITY COUNCIL



## Part 3 Specific Controls and Development types

### Residential

#### 3.1 Dwelling Houses, Secondary Dwellings and Ancillary Development

##### 3.1.1 Introduction

The purpose of this Chapter is to provide specific requirements for design and construction for dwelling houses, rural worker's dwellings, secondary dwellings and development that is ancillary to these dwelling types. Dwellings may also include relocated dwellings or manufactured homes.

##### 3.1.1.1 Objectives

The Chapter aims to protect and enhance the amenity, scenic quality, character and environmental sensitivity of new and existing residential, rural and environmental land areas by:

- Encouraging development which is compatible with the existing or desired future character of the area
- Promoting standards of design which are functional and achieve a high level of amenity and aesthetic quality
- Encouraging residential development appropriate to the context of the local area
- Promoting sustainable development

##### 3.1.1.2 Using this Chapter

This Development Control Plan Chapter has been written to generally align with the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). As the Codes SEPP does not address all land zones, site and environmental constraints or alternative development design through the use of objectives and merit assessment Council recognised the need to provide scope for this through additional provisions and supportive information.

In general all interpretation/definitions contained within the Codes SEPP are used in this chapter for consistency of application for both design and assessment; however additional interpretations are contained in Gosford Local Environmental Plan 2014 (LEP).

In any instance where a variation to the Requirements of this chapter is sought the application must address the related Objective(s).

#### 3.1.2 Building Scale

##### 3.1.2.1 Building Height

The construction of a dwelling house, secondary dwelling or ancillary structure is restricted to a maximum building height. This height is measured from the existing ground level, which is the ground level of a site at any point, before any earthworks (excavation or fill) has taken place.

##### Objectives

- To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality
- To ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views
- To ensure that building height is compatible with the scenic qualities of hillside and ridgetop locations and respects the sites natural topography

## Requirements

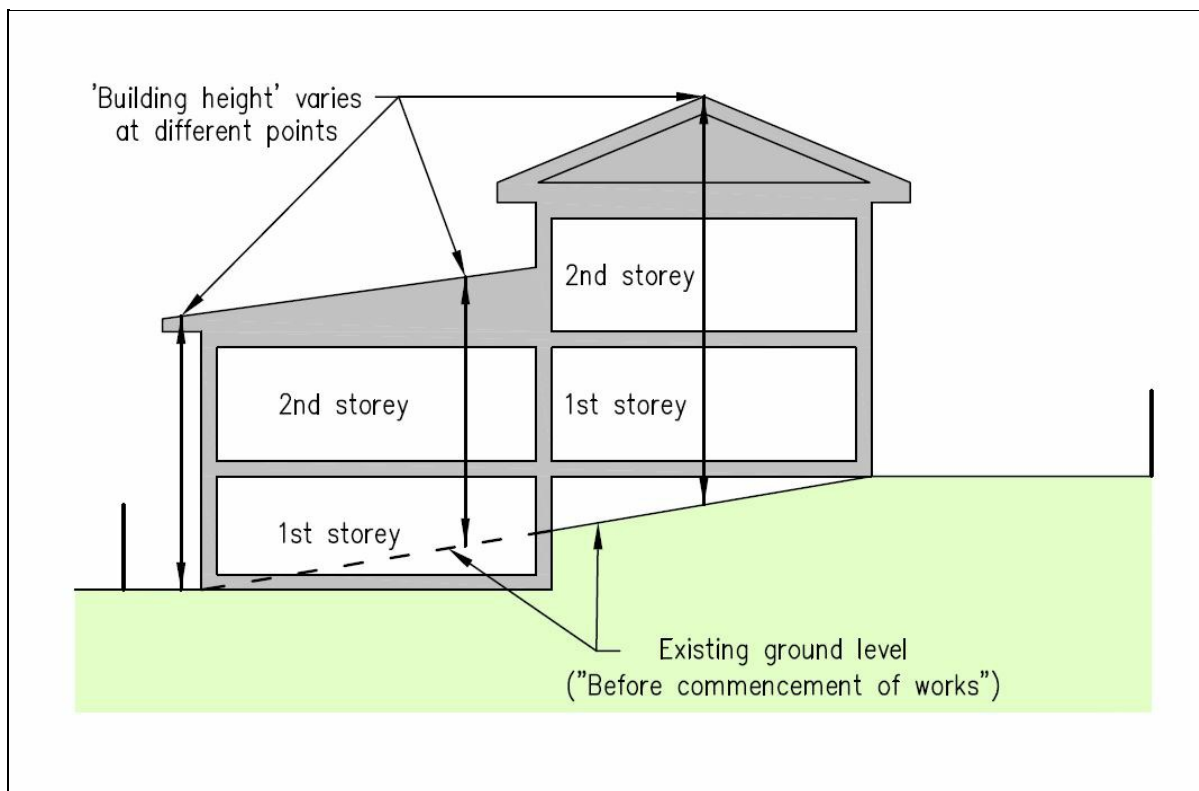
- a. Maximum building height is as shown on the "Height of Buildings Map" contained in Gosford Local Environmental Plan 2014.  
or  
8m in the 7(a) zone under the Gosford Interim Development Order No 122
- b. Building Height shall generally not exceed two storeys. Three storey dwellings will generally only be supported on steeply sloping sites, where the three-storey component extends for only a small section of the dwelling or where the lowest storey is contained predominantly within a basement level below natural ground and the maximum building heights are not exceeded.
- c. The maximum building height for outbuildings and detached ancillary development is:
  - i. 4.8m on land zoned R1, R2 or RU5.
  - ii. 7m on land zoned RU1, RU2, E2, E3, E4, 7(a) or 7(c2).

*Note: Proposals for development within land use zones not listed above where a dwelling house is considered a lawful existing use are to be considered with regard to their setting i.e.- rural or residential and the appropriate standards applied. Contact Council for further information with regard to the particular property.*

*Definition: storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:*

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

*Note: For the purposes of calculating the number of storeys in a dwelling under this chapter, any basement (including a garage) is to be counted as a storey.*



**Figure 1- Building Height**

### 3.1.2.2 Site Coverage

Site coverage is the proportion of a site that is covered by buildings and ensures that there is an appropriate area of

the site that is not built upon. The amount of the site that can be built upon varies depending on the size of a lot.

*The following definitions are relevant for the calculation of site coverage:*

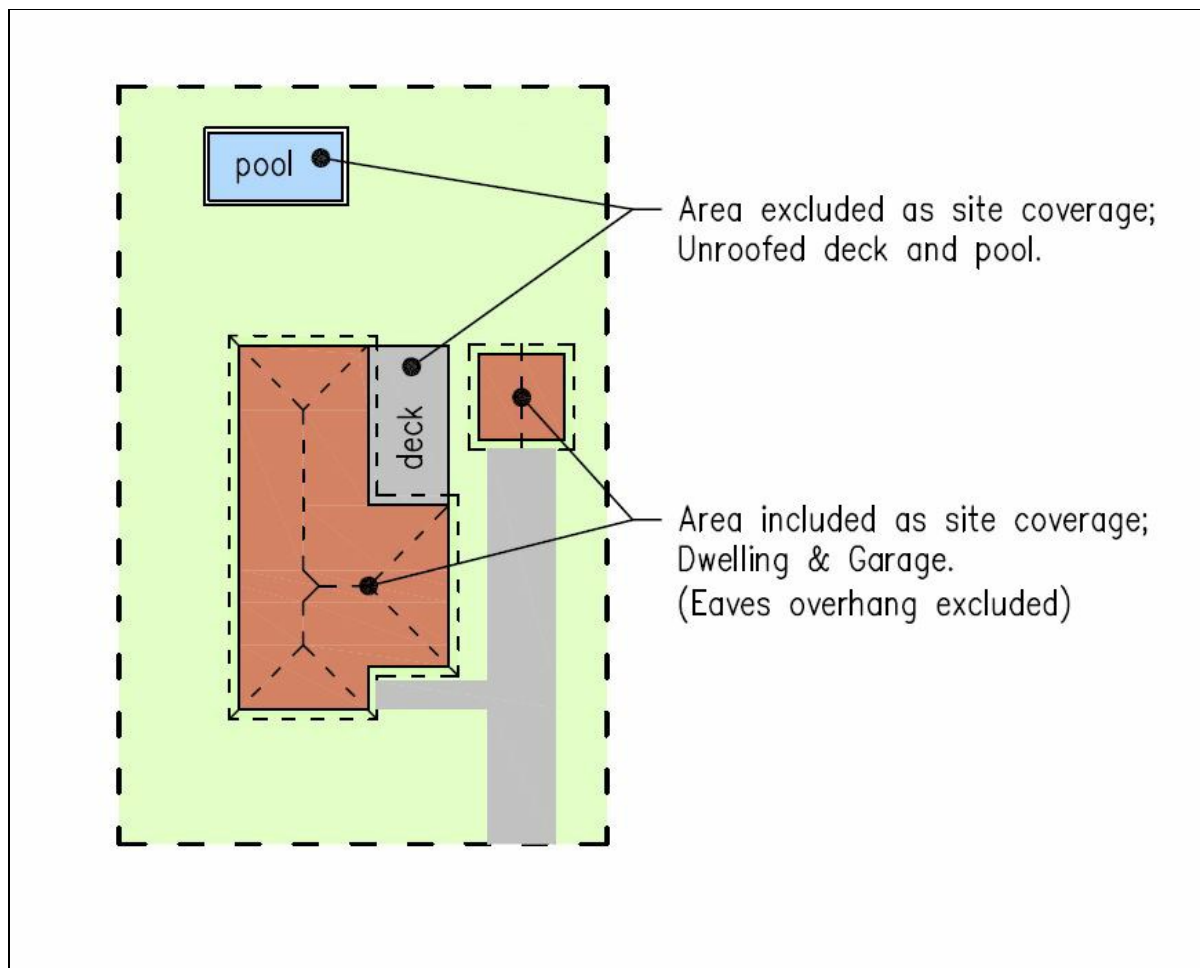
**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

*Note: For the purpose of this Chapter, swimming pools are excluded from any site coverage calculation.*

**site area** is defined under Gosford LEP 2014. Generally if the proposed development is to be carried out on only one lot, then the site area is the area of that lot.

**basement** means the space of a building where the floor level of that space is predominantly below the existing ground level and where the floor level of the storey immediately above is less than 1 metre (at any point) above existing ground level.



**Figure 2 - Site Coverage**

### Objectives

- To ensure that the density, bulk and scale of development is appropriate for a site
- To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located
- To provide an appropriate area on site for landscaping, outdoor activities and stormwater infiltration

## Requirements

- a. The site coverage shall be is a maximum of:
  - i. if the lot has an area of less than 450m<sup>2</sup>—60% of the site area.
  - ii. if the lot has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup>—50% of the site area.
  - iii. if the lot has an area of at least 900m<sup>2</sup> but less than 1,500m<sup>2</sup>—40% of the site area.
  - iv. if the lot has an area of 1,500m<sup>2</sup> or more —30% of the site area.

*Note: site cover on lots having an area of greater than 1500m<sup>2</sup> in a rural, environmental or conservation zone must ensure that buildings and structure do not visually dominate the landscape. This may mean that a site cover of less than 30% is appropriate in certain instances.*

### 3.1.2.3 Floor Space Ratio

Gosford Local Environmental Plan 2014 contains a Floor Space Ratio (FSR) Map that applies to certain areas within the Shire. In accordance with Clause 4.4 (2) of Gosford LEP 2014, the FSR of a development in these areas is not to exceed the FSR indicated on this map.

In accordance with Gosford LEP 2014, the *floor space ratio* of buildings on a site is the ratio of the *gross floor* area of all buildings within the site to the *site area*.

*The following definitions are relevant for the calculation of floor space ratio for dwellings:*

*site area is defined under Gosford LEP 2014. Generally if the proposed development is to be carried out on only one lot, then the site area is the areas of that lot.*

*gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes: the area of a mezzanine, and habitable rooms in a basement or an attic, but excludes:*

- *any area for common vertical circulation, such as lifts and stairs, and*
- *any basement: storage, and vehicular access, loading areas, garbage and services, and*
- *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- *car parking to meet any requirements of the consent authority (including access to that car parking),*
- *any space used for the loading or unloading of goods (including access to it), and*
- *terraces and balconies with outer walls less than 1.4 metres high, and*
- *voids above a floor at the level of a storey or storey above.*

Further guidance with regard to calculating FSR can be found in Gosford LEP 2014.

## Objectives

- To ensure that the density, bulk and scale of development is appropriate for a site
- To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located

## Requirements

- a. In accordance with Clause 4.4(2) of Gosford LEP 2014, the maximum floor space ratio for building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

*Note: any proposed variation to the requirements of Gosford LEP Clause 4.4 must be justified with a written request for variation addressing the requirements of Gosford LEP Clause 4.6 - Exception to Development Standards and the Objectives stated above.*

### 3.1.3 Setbacks

A building line or setback is the shortest horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- a building wall, or
- the outside face of any balcony, deck or the like, or
- the supporting posts of an open roofed structure such as a carport, verandah or the like.

*The following definitions are relevant for the calculation of setbacks:*

**primary road** means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face.

**secondary road** means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.

**parallel road** means, in the case of a lot that has boundaries with parallel roads, the road that is not the primary road (the rear boundary) and must be 7m or more in width.

**lane** (laneway) for the purposes of this Chapter means a public road, with a width greater than 3m but less than 7m, that is used primarily for access to the rear of premises.

**foreshore area** means the land between a foreshore building line and the mean high water mark of an adjacent waterbody (natural).

**foreshore building line** A line fixed by Council on the water side of which a building may not be erected except as may be provided by this plan.

The following diagram provides the most common examples of typical residential sites and identifies the location and requirements for type of road frontage, setbacks and articulation and how they are applied to those sites.



**Figure 3 – Site Layout explanation for types of Road Frontages, Setbacks & Articulation Zones**

Source - Department of Planning and Environment

**Objectives**

- To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore
- To ensure the visual focus of a development is the dwelling, not the garage
- To protect the views, privacy and solar access of adjacent properties
- To maintain view corridors to coastal foreshores and other desirable outlooks
- To maintain the scenic and environmental qualities of natural waterbodies and their foreshores and respond to site attributes such as topography
- To provide deep soil areas sufficient to conserve existing trees or accommodate new landscaping
- To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage(s)

**3.1.3.1 Setbacks - Residential Lots**

The following setback requirements apply to dwellings and all ancillary development on a lot zoned R1, R2, or RU5:

**Requirements**

**3.1.3.1a Front Setback**

<p>Front boundary (from the primary frontage) for primary and secondary dwellings and ancillary development</p> <p><i>Note: front setback provisions above exclude permissible articulation – refer to Section 3.2 below.</i></p>	<p>(i) To a local roadway on lots with a site area greater than 300m<sup>2</sup></p>	<p>The average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected, or</p> <p>If 2 dwelling houses are not located within 40m of the lot - 4.5m</p> <p><i>Note: For the purpose of calculating the setbacks of the nearest 2 dwelling houses</i></p> <ul style="list-style-type: none"> <li>any ancillary development is to be disregarded, and</li> <li>building elements that are permitted in the articulation zone are not included</li> </ul>
	<p>(ii) To a Classified Road.</p>	<p>7.5m</p>
	<p>(iii) To a local roadway on lots with a site area up to 300m<sup>2</sup></p>	<p>3.0m</p>
	<p>(iv) The minimum required setback for garage and carport structures and the like</p>	<p>A minimum of 1m behind the front boundary setback.</p>

### 3.1.3.1b Rear Setback

<p>Rear boundary setbacks for primary and secondary dwellings and ancillary development</p>	<p>(i) To a private allotment</p>	<ul style="list-style-type: none"> <li>For any part of the building with a height of up to 4.5m- 0.9 m for 50% of the length of the rear boundary otherwise 3m</li> <li>For any part of the building with a height greater than 4.5m – 6m</li> </ul>
	<p>(ii) To a parallel road or public reserve</p> <p><i>Note: Setbacks to Public Reserves adjoining a Natural Waterbody are specified below</i></p>	<p>3.0m</p>
	<p>(iii) Where a property is within the Coastal Hazard Area in GDCP 2013 or any other relevant Council study</p>	<p>As per DCP 2013 Chapter 6.2 – Coastal Frontage or as identified in any other relevant Council study.</p>

### 3.1.3.1c Side Setback



Side Boundary setback for primary and secondary dwellings and ancillary development	(i) all lots greater than 12.5m wide at the building line	<ul style="list-style-type: none"> <li>for any part of the building with a height of up to 4.5m—0.9m, and</li> <li>for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m</li> </ul> <p><i>(Refer to figure 4)</i></p>
	(ii) for lots up to 12.5m wide at the building line	<ul style="list-style-type: none"> <li>0 (Zero) to one side only for a maximum length of 10m and</li> <li>as per point c(i) above for the remainder</li> </ul>
	(iii) for lots less than 8m wide at the building line	<ul style="list-style-type: none"> <li>0 (Zero) for 20m or 50% of the depth of the lot whichever is the lesser and</li> <li>as per point c(i) above for the remainder</li> </ul>
	(iv) carports that comply with the BCA exemption provisions	<ul style="list-style-type: none"> <li>for any part of the building with a height of up to 3.3m— 0 (zero) and</li> <li>for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m</li> </ul>

### 3.1.3.1d Secondary Setback

Secondary boundary setback (on corner lots)	<i>Note: a corner lot must have an interior angle at the corner less than 135°, otherwise it's a continuation of an irregular front boundary (see figure 3)</i>	2m
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### 3.1.3.1e Natural Waterbody

<p>Natural Waterbody (As defined in Gosford LEP 2014)</p>		<p>In accordance with the distance specified in any Environmental Planning Instrument or any other relevant council endorsed study or management plan.</p> <p>Where a setback is not specified as outlined above, development is to be setback from the waterbody or from land that is unzoned land or zoned public recreation or open space which adjoins the waterway as follows:</p> <ol style="list-style-type: none"> <li>a. 6m for the ground storey</li> <li>b. 10m for any storey above the ground storey</li> <li>c. 30m from the Hawkesbury River or any of its tributaries</li> </ol>
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### 3.1.3.1f Boatsheds

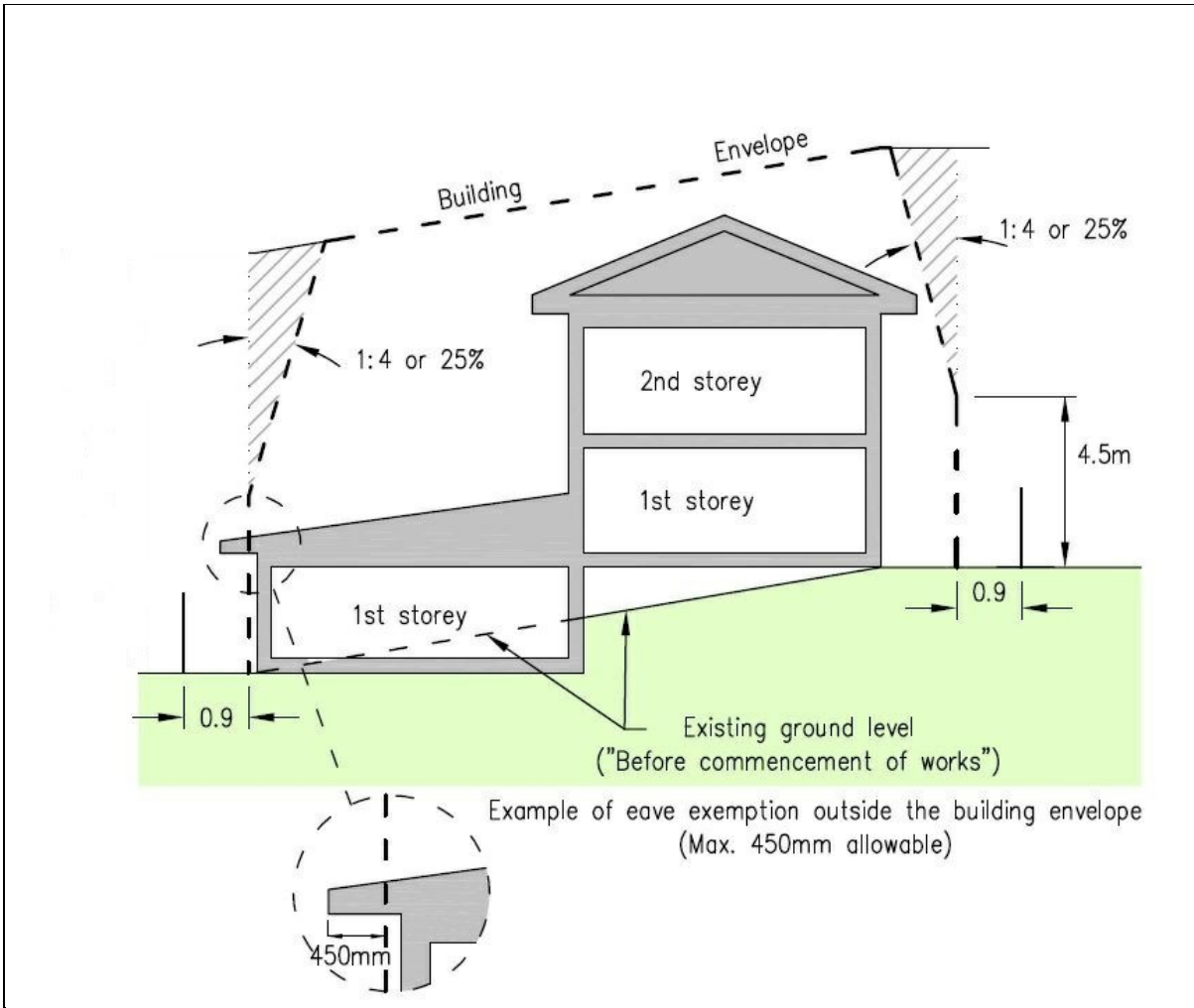
<p>Boatsheds</p>		<p>2m from mean high watermark</p> <p>A deck, whether roofed or unroofed, is not permitted on any boatshed constructed within 6m of any creek, bay, lake, lagoon, river or any other waterway or unzoned land, or land zoned open space, land zoned recreation or reserved for waterfront public reserve</p>
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### 3.1.3.1g Outbuildings Setback

<p>Outbuildings rear and side boundary setbacks</p>	<p>(i) on lots with an area up to 300m<sup>2</sup></p>	<ul style="list-style-type: none"> <li>• for any part of the building with a height of up to 3.3m— 0 (Zero) and</li> <li>• for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m</li> </ul>
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	(ii) lots with an area greater than 300m <sup>2</sup>	<ul style="list-style-type: none"> <li>for any part of the building with a height of up to 3.8m— 0.5m and</li> <li>for any part of the building with a height of more than 3.8m—0.5m plus one-quarter of the height of the building above 3.8m</li> </ul>
	(iii) to a laneway	<ul style="list-style-type: none"> <li>0 (Zero) for 50% of the length of that boundary and</li> <li>as and as per point g(i) and g(ii) above for the remainder</li> </ul>

*Note: reference to any point of a building with regard to side and rear setbacks excludes an eave up to 450mm wide and other permissible associated structures in accordance with the BCA.*



**Figure 4 – Side Setback Building Envelope Explanation (residential sized allotments)**

### 3.1.3.2 Setbacks - Large Lots

The following setback requirements apply to dwellings and all ancillary development on a lot zoned RU1, RU2, E2, E3, or E4, 7(a), 7(c2):

#### Requirements

#### 3.1.3.2a Front Setbacks

Front boundary (primary frontage) for dwellings and all ancillary development	(i) lots with a site area up to 4000m <sup>2</sup>	10m
	(ii) lots with a site area greater than 4000m <sup>2</sup>	20m

### 3.1.3.2b Rear Setbacks

Rear boundary setbacks  <i>Note: for irregular shaped lots with 3 or less boundaries they do not have a rear boundary</i>	(i) for dwellings and ancillary development (excluding outbuildings)	10m
	(ii) outbuildings – exclusively used for agricultural purposes	10m
	(iii) outbuildings – other	5m

### 3.1.3.2c Side Setbacks

Side Boundary setback	(i) for dwellings and ancillary development (excluding outbuildings) on lots with a site area up to 4000m <sup>2</sup>	2.5m
	(ii) for dwellings and ancillary development (excluding outbuildings) on lots with a site area greater than 4000m <sup>2</sup>	10m
	(iii) outbuildings – exclusively used for agricultural purposes	10m
	(iv) outbuildings – other	5m

### 3.1.3.2d Secondary Setback

Secondary boundary setback (on corner lots)  <i>Note: a corner lot must have an interior angle at the corner less than 135o, otherwise it's a continuation of an irregular front boundary (see figure 3)</i>	(i) lots with a site area up to 4000m <sup>2</sup>	5m
	(ii) lots with a site area greater than 4000m <sup>2</sup>	10m

### 3.1.3.2e Waterfront Setback

Waterfront setback (absolute water frontage)	<i>Note. Generally, new dwellings are prohibited from this area whilst alterations, additions or other structures such as boat sheds can be considered under the LEP provision above.</i>	20m or as identified in any relevant Council study
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### 3.1.3.2f Watercourse Setback

Rivers, Creeklines, Estuary or Lake	<p>from the bank of any perennial watercourse</p> <p><i>Note. where site constraints such as slope stability or bushfire risk make compliance within this acceptable solution impractical, in accordance with a straight line extended from the most shoreward projection of any substantial building on adjoining properties, or the closest nearby property if the adjoining site is vacant</i></p>	<p>40m or 30m from the Hawkesbury River</p>
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### 3.1.3.2g Ridgelines Setback

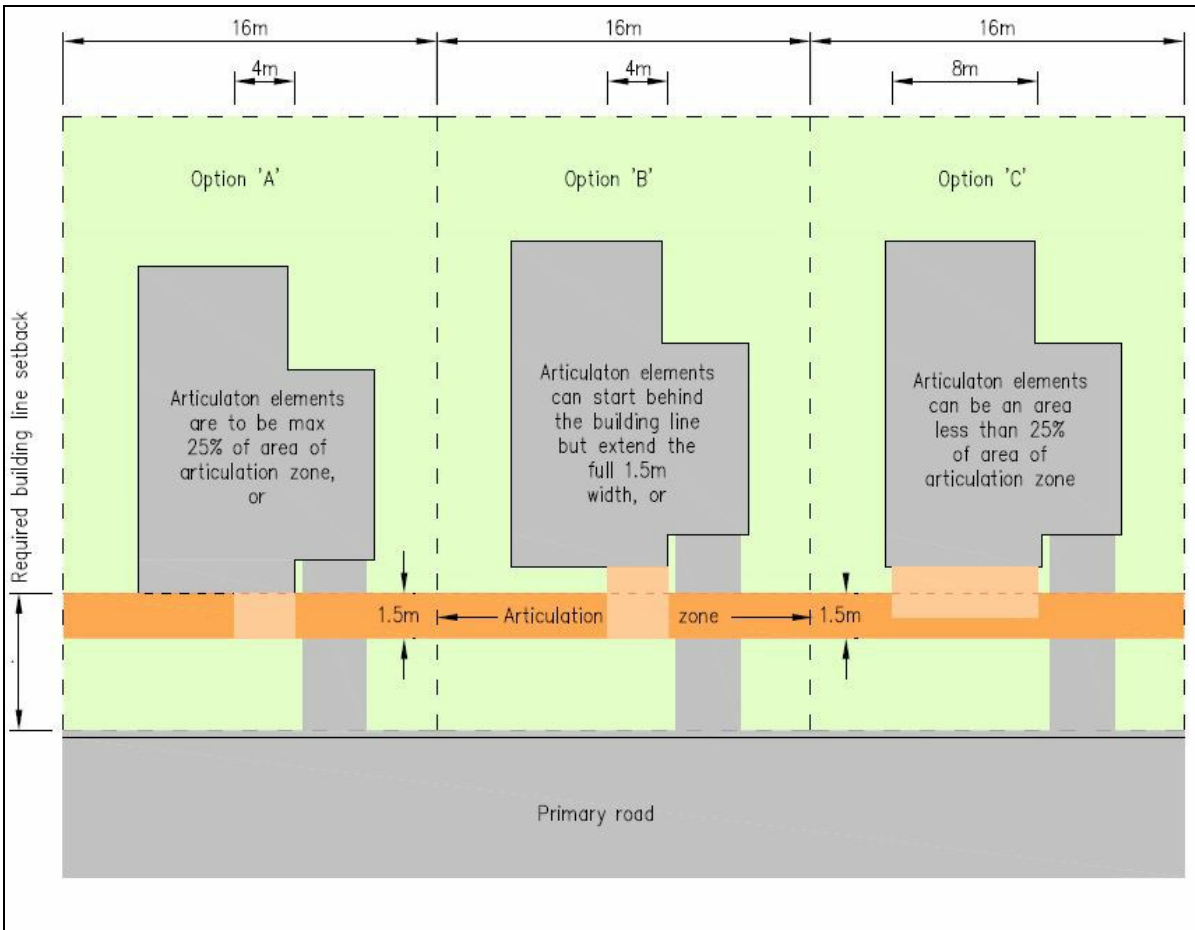
Ridgelines	from crest, highest point or prominent brow	50m
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*Note: Proposals for development within land use zones not listed under Sections 3.1 or 3.3 above, where a dwelling house is considered a lawful existing use are to be considered with regard to their setting i.e. - rural or residential and the appropriate standards applied. Contact Council for further information with regard to the particular property.*

### 3.1.3.3 Articulation Zones

#### 3.1.3.3.1 Primary Road Articulation for dwelling houses

Articulation zones can be provided to the front of a dwelling house which provides an allowance (bonus) for an entry and other design features to be positioned within the designated minimum setback area.



**Figure 5 - Articulation Zones (site view)**

*Note: articulation zone means an area of a lot forward of the building line within which building elements are permitted to be located, being an area measured from one side boundary of the lot to the opposite side boundary of the lot.*

Architectural elements which address the street frontage and permitted in the articulation zone include the following:

- entry feature or portico,
- a balcony, deck, patio, pergola, terrace or verandah,
- a window box treatment such as a bay window or similar feature,
- an awning or other sun shading feature over a window.

### Requirements

- a. An articulation zone within the designated setback area is only available to the primary road frontage and is measured 1.5m from the building to the minimum required setback from the subject road.
- b. The maximum total area of all building elements within the articulation zone must not be more than 25% of the area of the articulation zone in accordance with Figure 5 above.
- c. Dwellings and all ancillary development on a lot zoned R1, R2, or RU5 must have elevations facing road frontages articulated as follows:
  - i. elevations when within 7.5m and facing a primary road frontage with unbroken lengths of walls that exceed 10m in length.
  - ii. elevations facing and less than 4.5m from a secondary or parallel road frontage with unbroken lengths of walls that exceed 10m in length.

*Note: unbroken lengths of walls that exceed 10m in length can either be articulated with architectural elements as permitted in primary road articulation zones or wall projections and/or indentations (min. 0.45m x 1.5m in length) to ensure that a wall is not blank and has design elements that improve the streetscape.*

*Note: secondary and parallel road articulation is to occur behind the required minimum setback not within the designated setback as permitted with primary road articulation.*

### 3.1.3.3.2 Garage Door Articulation

To ensure the visual focus of a development is the dwelling, not the garage doors facing and dominating the streetscape, the need to limit garage door openings when within close proximity of a road frontage is required.

- a. The total width of all garage doors openings when within 7.5m and facing a primary road or parallel road on a lot zoned R1, R2, or RU5 must not exceed:
  - i. 6m if the lot has a width measured at the building line of 12m or less, or
  - ii. 6m, or 60% of the width of the building (whichever is the greater) if the lot has a width measured at the building line of more than 12m.

### 3.1.4 Residential Amenity

#### 3.1.4.1 Views

##### Objectives

- To encourage view sharing as a means of ensuring equitable access to views from private property
- To facilitate reasonable view sharing whilst not restricting the reasonable development of the site

##### Requirements

- a. Where relevant, applications must address the NSW Land and Environment Court Planning Principles relating to view sharing.
- b. Development is sited and designed to enable a sharing of views with surrounding private properties, particularly from habitable rooms.
- c. Development steps down the hillside on a sloping site.
- d. The design of the roof form provides for view sharing. This may be achieved by consideration of the roof pitch and type (including flat roofs), increasing the setback on an upper level or by lowering the proposal in whole or in part.

#### 3.1.4.2 Visual Privacy

##### Objectives

- To minimise direct overlooking between main living areas and areas of principal private open space within the site and adjoining sites

##### Requirements

- a. All development must minimise visual impact on adjoining development through one or more of the following design solutions:
  - i. Windows, in particular to main living areas and balconies, must not face directly onto windows, balconies or the principal private open space of adjoining dwellings.
  - ii. Staggering or splaying windows in relation to the windows of opposite adjoining dwellings.
  - iii. Designing elevated terraces or decks to minimise overlooking of adjoining properties.
  - iv. Use of landscaping and other screening devices of a height and design sufficient to screen direct views into main living areas and areas of principal private open space of adjoining dwellings.
  - v. Increasing sill heights from finished floor level to windows, including highlight or clerestory style windows

to restrict overlooking.

### 3.1.4.3 Private Open Space Areas

Open space areas are provided within the site to provide for outdoor living and landscaping areas.

#### Objectives

- To provide dwellings with individual private open space areas promoting a practical outdoor living area for residents
- To assist in the reduction of stormwater runoff from a site
- To enable landscaping of the site and where possible retain existing significant vegetation

#### Requirements

- a. For all dwellings the principal private open space areas shall be directly accessible from and adjacent to a habitable room other than a bedroom and shall be provided in accordance with the following:
  - i. Lots with a width less than 10m wide at the building line 16m<sup>2</sup>.
  - ii. Lots with a width greater than 10m wide at the building line 24m<sup>2</sup>.
  - iii. Minimum dimension of 3m.
  - iv. Is not steeper than a 1:50 gradient.

*Note: the principal private open space area should be sited behind the front building line and should be generally level and may be in the form of a deck, terrace or paved area. This area should be determined having regard to dwelling design, allotment orientation, and adjoining development and to minimise disturbance from any significant noise sources.*

### 3.1.4.4 Sunlight Access

#### Objectives

- To facilitate solar access to the living areas and private open space areas of the dwelling and neighbouring dwellings

#### Requirements

- a. On June 21, 50% of the required principal private open space area for all dwellings should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.
- b. On June 21, 50% of the required principal private open space on adjoining land should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm. Council may consider adopting a lesser standard than provided under this provision in circumstances where:
  - i. the proposed development complies with the building height and building envelope setbacks with this chapter.
  - ii. the proposal adequately considers site constraints including slope and site orientation.
  - iii. it can be identified that the adjoining development has not sufficiently considered likely future development and site constraints such as lot orientation in the location of private open space.

### 3.1.5 Car Parking and Access

A car parking space may be an open hard stand space, a carport or garage, whether attached to or detached from the dwelling house and is to provide safe entry and exit from a roadway.

#### Objectives

- Car parking is to be designed in sympathy with the development without becoming the dominant feature on the streetscape
- To provide adequate on-site parking relative to the occupancy of the dwelling



- To have car parking access that minimises the potential for pedestrian and vehicle conflict

### Requirements

Minimum off-street car parking provisions is required to be provided or retained for all dwelling houses as follows:

- a. 1 space if dwelling has 3 or less bedrooms.
- b. 2 spaces if dwelling has 4 or more bedrooms.
- c. Car parking should be located behind the primary road setback and/or secondary road setback.
- d. Car parking provision for a battle-axe lot, classified roadway or busy street should be designed to enable vehicles to enter and exit the site in forward direction for safer vehicle entry and exit and pedestrian access.
- e. An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.
- f. Maximum driveway width is 4m at the street crossover.
- g. Have driveway access to a public road.

*Note: Driveway width should be minimised, however may splay greater than 4m close to the dwelling where providing access to a garage designed to house more than 2 cars.*

*Note: Parking on site within a street setback may be used to satisfy the second (not primary) car parking provision.*

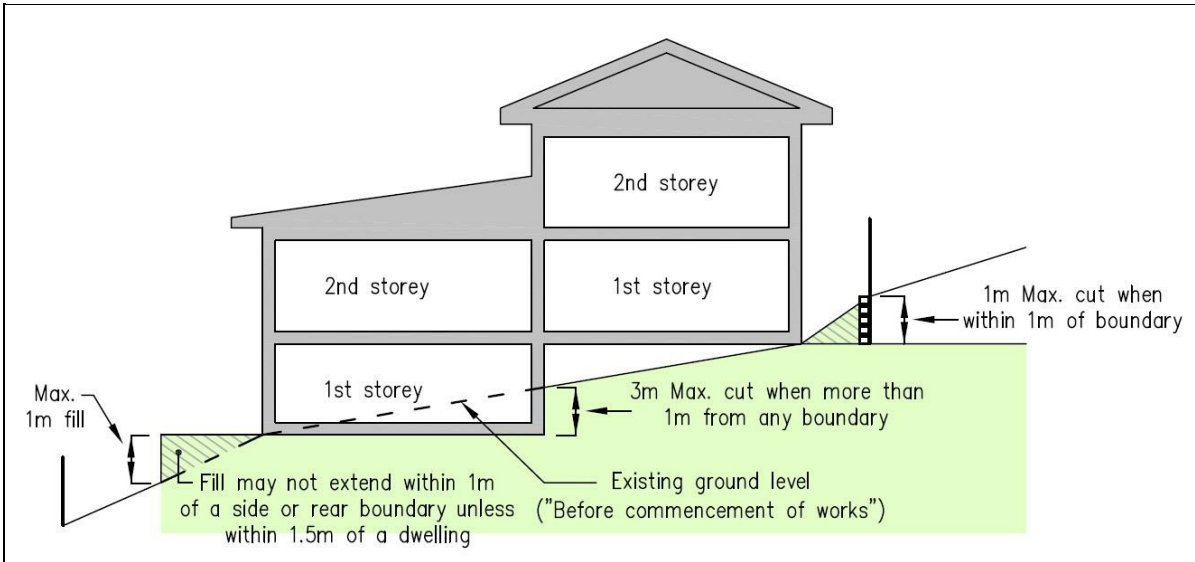
- h. Driveways are to be designed in accordance with the relevant Australian Standard and provisions of Council's [Civil Works - Design Guideline and Construction Specification](#).

### 3.1.6 Earthworks, Structural Support and Drainage

Sloping sites, as opposed to relatively flat sites, present design consideration for development to manage fall in land which may take the form of benching or stepping the site and/or development depending on the severity in the fall/slope of land.

#### Objectives

- To accommodate development on a site without the need for excessive excavation and fill or construction of high retaining walls adjacent to site boundaries
- To ensure that building designs conform to natural land forms and site constraints
- To manage stormwater discharge in a manner that minimises impacts on adjoining properties or public land
- To ensure that the amenity of adjoining residents and the streetscape is not adversely affected
- To restrict the siltation of waterways and erosion of land disturbed by the development



**Figure 6 - Cut and Fill**

### 3.1.6.1 Earthworks

#### Requirements

- a. Adequate erosion control measures are designed and installed in accordance with the Erosion and Sedimentation Control chapter of this DCP.
- b. Excavation for the purposes of development must not exceed a maximum depth measured from existing ground level of 1m if less than 1m from any boundary, or 3m if located more than 1m from any boundary.
- c. Fill for the purpose of erecting a dwelling must not exceed 1m above existing ground level. No retaining wall for fill is to be within 1m of a side or rear boundary unless within 1.5m of any external wall of a dwelling.
- d. Where a property is burdened by stormwater or water and sewerage mains then Council will generally preclude any excavation or filling within that easement.

*Note: A development application is to be supported by a detailed siltation control plan indicating the method for the temporary and permanent retention of cut and filled areas.*

*Note: Fill for development other than for a dwelling is to generally comply with the exempt provisions SEPP (Exempt & Complying Development Codes) 2008.*

*Note: Fill to flood lots generally is not supported and would be subject to meeting the objectives and requirements of GDCP 2013 Chapter 6.7 Water Cycle Management.*

### 3.1.6.2 Retaining Walls and Structural Support

- a. Retaining walls that are more than 600mm above or below existing ground level and within 1m of any boundary, or more than 1m above or below existing ground level in any other location, must be designed by a professional engineer.

*Note: The height of a retaining wall is measured from the base of the retaining wall to its uppermost portion and may include a combination of height above and below ground level (existing).*

- b. Earthworks not structurally supported by a retaining wall having an unprotected sloping embankment or batter must:
  - i. not have an embankment slope greater than that required by the BCA for its soil type.
  - ii. generally not extend by more than 3m from the dwelling or have the toe of the embankment or batter within 1m from a side or rear boundary.

*Note: Retaining walls or earthworks not structurally supported shall be designed so as not to redirect the flow of any surface water onto adjoining land.*

### 3.1.6.3 Drainage

All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a dwelling, outbuilding or ancillary development must be conveyed by a gravity fed or charged system to a public drainage system, or an inter-allotment drainage system, or an on-site disposal system.

### 3.1.7 Outbuilding and Other Ancillary Development

#### Objectives

- To ensure that ancillary development is appropriately sited, sized and compatible with the local context
- To minimise the impact of ancillary development on scenic quality natural environment, in particular environmental, conservation and rural zoned land associated with additional clearing bushfire protection and site effluent disposal
- To ensure development does not compromise the privacy, views and solar access of adjoining properties
- To ensure fencing and other ancillary development meets the requirements of residents in terms of privacy and security, as well as contributing positively to the character and visual quality of the streetscape

#### 3.1.7.1 Ancillary Development

*ancillary development means any of the following that are not exempt development under the exempt provisions of the Codes SEPP:*

- (a) access ramp, driveway, hard stand space, pathway or paving,*
- (b) awning, blind or canopy,*
- (c) balcony, deck, patio, pergola, terrace, verandah or carport or garage that is attached to a dwelling house,*
- (d) basement,*
- (e) detached studio or outbuilding,*
- (f) fence, screen or retaining wall,*
- (g) rainwater tank that is attached to a dwelling house,*
- (h) swimming pool or spa pool and child-resistant barrier.*

*detached, in relation to a building or structure that is complying development, means more than 900mm from another building or structure.*

*attached, in relation to a building or structure that is complying development, means not more than 900mm from another building or structure.*

#### Requirements

- a. Ancillary development shall not exceed the relevant provisions detailed within this chapter.

#### 3.1.7.2 Outbuildings

*Definition: outbuilding (as defined by the NSW Housing Code) means any of the following:*

- (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,*
- (b) cabana, cubby house, fernery, garden shed, gazebo, greenhouse or farm building,*
- (c) carport, garage, shed, shade structure or rainwater tank (above ground) that is detached from a dwelling house,*

#### Requirements

- a. Outbuildings shall not exceed the relevant provisions detailed within this chapter.

*Note: there are specific height and setback requirements for outbuildings listed under Sections 2 and 3 above*

- b. An outbuilding is not to be used as a habitable building.
- c. Maximum Floor Area of Outbuildings on a lot zoned R1, R2, or RU5:
  - i. 45m<sup>2</sup> for lots with a site area up to 600m<sup>2</sup>.
  - ii. 60m<sup>2</sup> for lots with a site area from 600m<sup>2</sup> to 700m<sup>2</sup>.
  - iii. 75m<sup>2</sup> for lots with an area from 700 - 800m<sup>2</sup>.
  - iv. 85m<sup>2</sup> for lots with an area from 800 - 900m<sup>2</sup>
  - v. 100m<sup>2</sup> for lots with an area greater than 900m<sup>2</sup>

### 3.1.7.3 Detached Studios

A detached studio can be used for a range of purposes associated and used in conjunction with a dwelling house. It may be constructed as a habitable building but cannot be modified or used as a separate dwelling. This means that whilst a detached studio may include a bedroom, it cannot include other building elements that would enable use as a separate dwelling such as the inclusion of kitchen facilities for the preparation and cooking of food or laundry provisions.

#### Requirements

- a. Ancillary development comprising a detached studio is to comply with the following:
  - i. one detached studio per lot.
  - ii. scale and setbacks requirements as detailed in this chapter.
  - iii. maximum floor area of 50m<sup>2</sup>.

*Definition: detached studio means ancillary development that is habitable and is established in conjunction with a dwelling house, and on the same lot of land as the dwelling house, and separate from the dwelling house.*

### 3.1.7.4 Swimming Pools

#### Requirements

- a. Ancillary development comprising a swimming pool for private use should:
  - i. be located on a lot behind the setback area from a primary road or in the rear yard unless it can be justified that site constraints exist.
  - ii. comply with side and rear setbacks as detailed within this chapter for both the swimming pool water line and any associated deck.
  - iii. have any pump associated with the swimming pool or spa located to minimise noise impact to surrounding properties and/or be housed in an enclosure that is soundproofed.

### 3.1.7.5 Fencing

Variations to the standards for fencing specified in the SEPP (Exempt and Complying Development Codes) 2008 or additional exempt development provisions provided for in Gosford LEP 2014 require a development application.

*Note: Fencing should integrate with the colour scheme and design of the dwelling and where possible with the colours and materials of fencing on adjoining lands.*

#### Requirements

- a. The construction or installation of a dividing fence within the setbacks of a road frontage is to comply with the

following:

- i. any fence located along the boundary to a primary road must be a maximum height of 1.2m above natural or approved ground level where the frontage is to a local road or 1.8m where the frontage is to a collector road.
  - ii. side and rear fencing to a maximum height of 1.8m above natural or approved ground level.
  - iii. any fence opening for provision of vehicle access to be in accordance with AS/NZS 2890.1, Parking facilities, Part 1: Off-street car parking to ensure pedestrian and vehicle sight distance safety is maintained.
  - iv. any fence to be constructed or installed within the front setback of a lot from the intersection of the two road boundary lines (corner allotment) is to comply with the Safe Intersection & Sight distance requirements of the Austroads Guides.
  - v. Any fence along a primary road frontage is to be constructed from high quality durable materials such as rendered concrete, stone or treated and painted timber. Unrelieved materials such as metal panelling and unpainted timber palings are not permitted.
  - vi. any fence located along the boundary of, or within 1.5m to a primary road must be open for at least 25% of the area of the fence that is more than 0.9m above ground level (existing), excluding any post or piers to a maximum width of 350mm, or be setback 1.5m from the boundary to provide for a streetscape landscaping provision.
  - vii. if it is constructed or installed on a flood control lot, not redirect or interrupt the flow of surface water on that lot (a minimum opening under the fence bottom rail of 100mm is required).
  - viii. any masonry fencing requires an application/approval under the Water Management Act (S305) to ensure services are not impacted upon (if water and sewer is provided to that lot).
- b. Front fences should not be constructed in areas where front fencing is not part of the overall streetscape.

*Note. If the fence is a dividing fence, the Dividing Fences Act 1991 also applies.*

### 3.1.8 Secondary Dwellings

Secondary dwellings are permitted subject to approval on certain land under Gosford LEP 2014 and State Environmental Planning Policy (Affordable Rental Housing) 2009. The Gosford LEP 2014 defines and associated provisions.

*Note: These provisions form part of the LEP definition and cannot be varied.*

#### Objectives

- To promote housing choice and affordability
- To ensure that the secondary dwelling compliments the design of the main dwelling house and provides a high quality living environment for residents
- To ensure that the siting and design of secondary dwellings does not cause significant adverse amenity impacts on the main dwelling house or adjoining properties
- To ensure that car parking does not adversely impact the dwelling house
- To ensure that separate pedestrian and service access is provided to a secondary dwelling without compromising the amenity of the main dwelling house or adjoining properties
- To ensure private open space is provided on site for the secondary dwelling and is useable, functional and has a high level of amenity

#### 3.1.8.1 Setbacks - Secondary Dwellings

##### Requirements

- a. Setbacks for secondary dwellings are in accordance with the requirements for the dwelling house section of this chapter.
- b. The secondary dwelling is to be located behind the main building line of the dwelling unless it is consistent with the design of the dwelling.

*Note: Setbacks from other boundaries are in accordance with those required for dwelling houses.*

### **3.1.8.2 Access - Secondary Dwellings**

#### **Requirements**

- a. Separate pedestrian access must be provided to a primary or secondary road frontage and be located to minimise the potential for adverse amenity impacts on the main house.
- b. Pedestrian accessibility must be provided to the secondary dwelling from the road for the purpose of garbage and mail collection.

*Note: No reliance can be given to a laneway for the purposes of garbage and mail collection.*

### **3.1.8.3 Private Open Spaces - Secondary Dwellings**

#### **Requirements**

- a. Secondary dwellings be provided with an area of principal open space in accordance with the following:
  - i. Minimum area of 16m<sup>2</sup> which is separate to the required open space for the primary dwelling.
  - ii. Minimum dimension of 3m.
  - iii. Is directly accessible to a main living area (living or dining room).
  - iv. Has adequate solar access and privacy as per the requirements for dwelling houses.
  - v. Is not steeper than a 1:50 gradient.
- b. Development of the secondary dwelling must not result in the principal private open space of the dwelling house being located within the front setback.

## **3.2 Dual Occupancy Developments**

### **3.2.1 Land to which this Chapter Applies**

#### **3.2.1.1 Introduction**

This chapter applies to:

- a. Attached and detached dual occupancy development which is not covered by SEPP (Affordable Rental Housing 2009);
- b. Minimum allotment areas are specified by the relevant environmental planning instrument for attached and detached dual occupancy developments.

#### **3.2.1.2 Aims**

The aims of this chapter are:

- a. To achieve high standards of urban design quality for dual occupancy developments,
- b. To implement Gosford City Council's adopted strategies for residential development and desired character,
- c. To promote aims, objectives and provisions of the relevant environmental planning instrument

#### **3.2.1.3 Objectives**

This chapter has the following objectives which are in addition to objectives of the Gosford DCP 2013:

- a. To achieve improved standards of environmental planning, urban design, architectural and landscape quality.
- b. To provide detailed controls that reinforce desired character statements in Chapter 2.1 - Character of this development control plan in order to:
  - i. Protect the natural scenic qualities that define Gosford City's environmental identity,
  - ii. Complement and enhance traditional development patterns that are features of established residential neighbourhoods across Gosford City,
  - iii. Maintain and enhance current levels of residential amenity that are features of Gosford City's established neighbourhoods.
- c. To promote positive social interaction between new and existing residents through the effective design of new dwellings and surrounding open spaces within each development.
- d. To recommend design solutions that achieve an appropriate balance between urban design quality and technical requirements that are specified by other chapters of this development control plan.
- e. To deliver a variety of dwelling types across Gosford City in order to accommodate a population that is socially- and demographically-diverse.

#### 3.2.1.4 Definitions

Certain definitions apply to this chapter only:

- a. Definitions are located at the end of each Section in this chapter.
- b. Terms that have specific definitions are highlighted by ***bold italic*** text on the first occasion when they appear in this chapter.

### 3.2.2 Desired Character

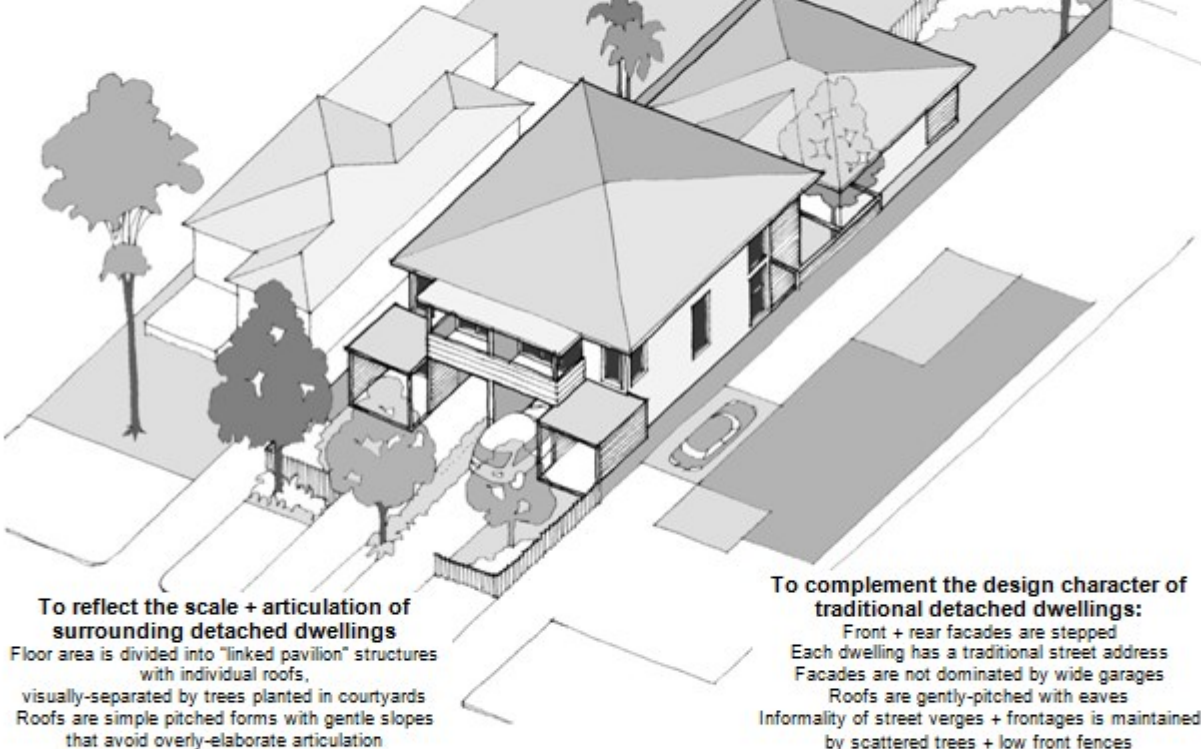
#### 3.2.2.1 New Developments

New developments shall be consistent with the statement of desired character that is specified for their surrounding area by Chapter 2.1 - Character in this development control plan:

- a. Scenic settings shall be protected and enhanced.
- b. Existing natural features shall be conserved and enhanced.
- c. Siting of buildings and surrounding garden areas shall be **consistent** with predominant patterns across the surrounding neighbourhood.
- d. Height, size and scale of new buildings shall be **compatible** with the predominant pattern across the surrounding neighbourhood.
- e. Architectural form and design details shall be appropriate to existing scenic quality and streetscape character.
- f. Garden design and details shall be compatible with scenic quality and streetscape character.
- g. Street verges shall conserve visually-prominent landscape features.

#### Figure 1 - Desired Character for Typical Urban Lots

**To complement the siting of detached dwellings:**  
 Buildings are surrounded by leafy gardens  
 Visually-prominent trees + slopes are retained along all boundaries  
 Street setbacks are similar to neighbours  
 Single storey forms next to neighbours' back yards



**To reflect the scale + articulation of surrounding detached dwellings**  
 Floor area is divided into "linked pavilion" structures with individual roofs, visually-separated by trees planted in courtyards  
 Roofs are simple pitched forms with gentle slopes that avoid overly-elaborate articulation

**To complement the design character of traditional detached dwellings:**  
 Front + rear facades are stepped  
 Each dwelling has a traditional street address  
 Facades are not dominated by wide garages  
 Roofs are gently-pitched with eaves  
 Informality of street verges + frontages is maintained by scattered trees + low front fences

**FIGURE 1 DESIRED CHARACTER FOR TYPICAL URBAN LOTS**  
 Indicative siting, form + design features for level allotments narrower than 15m  
 Compared to the form + siting of traditional detached dwellings  
 Similar principles apply to single storey buildings which also are permissible

**Figure 2 - Desired Character for Sloping Urban Lots**



**To maintain scenic quality or enhance the scenic potential of hillsides:**

- Siting + low-impact construction retain visually-prominent trees + slopes along all boundaries
- Indigenous screen plantings are consistent with APZ requirements for bushfire-prone properties
- Building forms are well-articulated
- Tall retaining walls + steep driveways are avoided

- To minimise scale + bulk:**
- Floor area is divided into "linked pavilion" structures with individual roofs, separated by trees planted in courtyards
  - Roofs are simple pitched forms with gentle slopes that avoid overly-elaborate articulation

**To complement the design character of traditional detached dwellings:**

- Front + rear facades are stepped
- Each dwelling has a traditional street address
- Facades are not dominated by wide garages
- Roofs are gently-pitched with eaves
- Informality of sloping street verges is maintained
- Boundary fences are low or visually-open

**FIGURE 2 DESIRED CHARACTER FOR SLOPING URBAN LOTS**  
 Indicative siting, form + design features where slopes exceed 20%  
*Similar principles apply to single storey buildings which also are permissible*

**3.2.2.2 Development proposals**

Development proposals that satisfy all objectives and controls in this chapter will be considered consistent with the requirements of Chapter 2.1 - Character:

- Objectives are summarised by captions in Figures 1 to 3 (according to the illustration that is most-relevant to the setting of the proposed development).

**3.2.2.3 Definitions**

In this chapter, the following definitions apply:

**compatible**

means a development that contains or responds to elements which define the surrounding neighbourhood's character, such as setbacks, building forms, landscaping and architectural features.

*Note that compatibility does not require features of a development to be the same as a neighbourhood's defining elements.*

**consistent**

means a development with features that are materially or substantially the same as elements which define the surrounding neighbourhood's character.

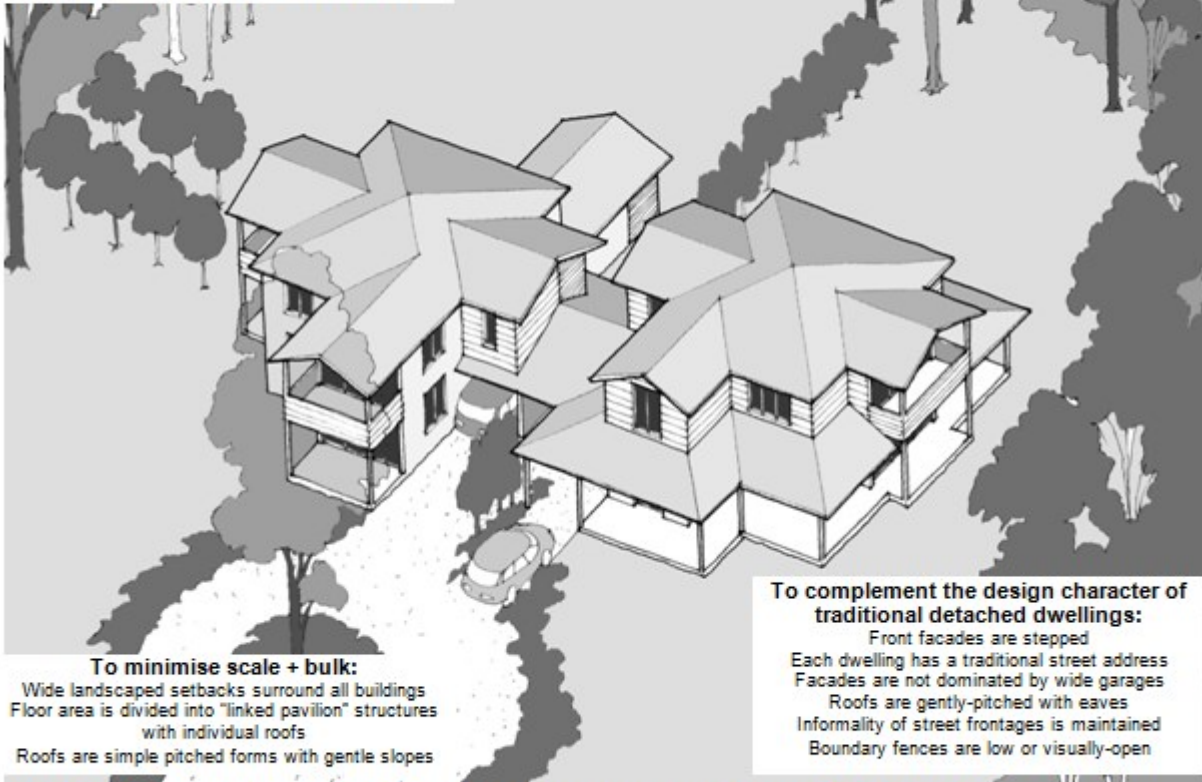
**reflect**

means features of a development that are similar to elements which define the surrounding neighbourhood's character.

**Figure 3 - Desired Character for Wide Allotments**

**To maintain scenic quality of Gosford City's landscape backdrops:**

- Development is concentrated in existing clearings
- Visually-prominent trees + slopes are retained
- Indigenous screen plantings are consistent with APZ requirements for bushfire-prone properties
- Building forms are well-articulated
- Retaining walls + pavements are not prominent



**To minimise scale + bulk:**

- Wide landscaped setbacks surround all buildings
- Floor area is divided into "linked pavilion" structures with individual roofs
- Roofs are simple pitched forms with gentle slopes

**To complement the design character of traditional detached dwellings:**

- Front facades are stepped
- Each dwelling has a traditional street address
- Facades are not dominated by wide garages
- Roofs are gently-pitched with eaves
- Informality of street frontages is maintained
- Boundary fences are low or visually-open

**FIGURE 3 DESIRED CHARACTER FOR WIDE ALLOTMENTS**  
 Indicative siting, form + design features for both urban  
*Similar principles apply to single storey buildings which also are permissible*

**3.2.3 Primary Controls**

**3.2.3.1 Height and Building Envelope**

**3.2.3.1.1 Purpose of Height Controls**

The purposes of building height controls are:

- a. To complement development standards in the the relevant environmental planning instrument,
- b. To ensure that the scale of new buildings would be compatible with scenic qualities of hillside, ridgetop or non-urban locations, and / or with existing and desired streetscape characters,
- c. To limit the scale and intensity of redevelopment in established neighbourhoods.

**3.2.3.1.2 Maximum Height Controls**

New buildings and alterations to existing buildings shall not exceed:

- a. The maximum **building height** as specified by the the relevant environmental planning instrument
- b. The maximum number of **storeys** above **ground level**:
  - i. Where the maximum building height is 8.5m: 2 **occupied storeys**; or
  - ii. Where the maximum building height is 11m: 3 **occupied storeys**; and

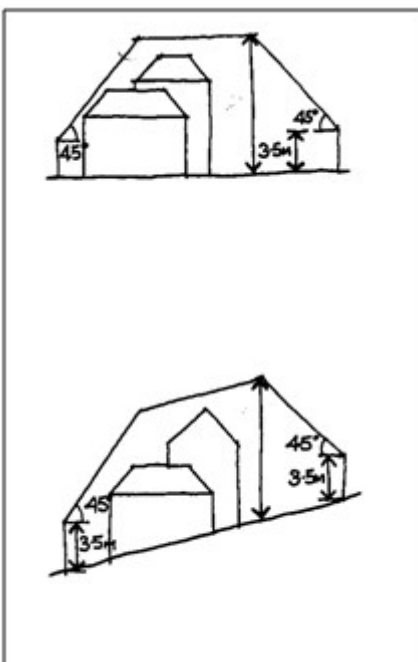
- c. The maximum floor height of the **lowest occupied storey**:
  - i. Generally: 1m for all rooms and areas that are enclosed by exterior walls; *or*
  - ii. On sites that are defined as flood-prone: the minimum flood-free level that is specified by the Water Cycle Management chapter of this development control plan, *provided that* existing ground levels are not raised by fill that would extend beyond the building's exterior walls.

### 3.2.3.1.3 Building Envelope

New buildings and alterations to existing buildings shall be sited within a building envelope determined as follows:

- a. Planes are to be projected at 45 degrees from a height of 3.5m above natural ground level at the side and rear boundaries, to a maximum height as specified in Gosford LEP 2014.
- b. Side and rear setbacks as specified in section 3.2.3.2 of this chapter.

**Figure 4 - Building Envelope**



### 3.2.3.1.4 Development Controls

In addition, new developments shall comply with the following:

- a. The maximum height of cut or fill:
  - i. For habitable rooms, outdoor terraces and driveways: 1m (measured to floor or pavement levels);
  - ii. For basements that do not extend beyond the building's exterior walls, contain a maximum of two parking spaces per dwelling, and / or entrances and storage for a dwelling: 3m (measured to floor or pavement level).
- b. The minimum ceiling height for all habitable rooms:
  - i. For living, dining and family rooms in two or three storey buildings: 2.7m;
  - ii. For all other habitable rooms in two or three storey buildings: 2.4m;
  - iii. For all rooms in single storey buildings: 2.4m,
  - iv. For attics and mezzanines: an average of 2.4m, but not less than 1.5m.
- c. The minimum ceiling height for non-habitable rooms:
  - i. For bathrooms, laundries and storage areas: 2.2m.
- d. Ensure that the proposed building height does not prevent reasonable sharing of panoramic views that are available to dwellings nearby:

- i. Maintain a substantial proportion of “valuable” views towards iconic landscape backdrops such as interfaces between the land and the ocean or waterways;
  - ii. Protect the majority of “valuable” views available across front or rear boundaries;
  - iii. Maintain the majority of “valuable” views from standing positions in living, dining and family rooms, balconies adjacent to those living areas, and kitchens;
  - iv. Minimise view loss by skilful design that complies with applicable numeric controls.
- e. Ensure that proposed building height does not compromise amenity requirements in Section 3.2.3.4 of this chapter:
- i. Note that circumstances of some sites might require building heights that are less than the permitted maxima.

### 3.2.3.1.5 Definitions

In this Chapter, the following definitions apply:

#### **attic**

means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

#### **building height**

as defined by the relevant environmental planning instrument

#### **exterior wall**

means walls that enclose a building, other than end walls above the pitching point of any inclined roof (such as a gable-end) or the sides to any attic's dormer window.

#### **ground level**

means existing ground level at any point on a site immediately prior to the development proposal, and described by a certified surveyor according to the Australian Height Datum.

#### **height**

means the maximum vertical distance at any point between existing ground level and an exterior wall or the floor of the lowest occupied storey.

#### **occupied storey**

means a floor level that accommodates habitable rooms such as living areas, kitchens and bedrooms, but not a garage or an entrance hallway.

#### **mezzanine**

means an intermediate floor within a room.

#### **storey**

means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

### 3.2.3.2 Setbacks

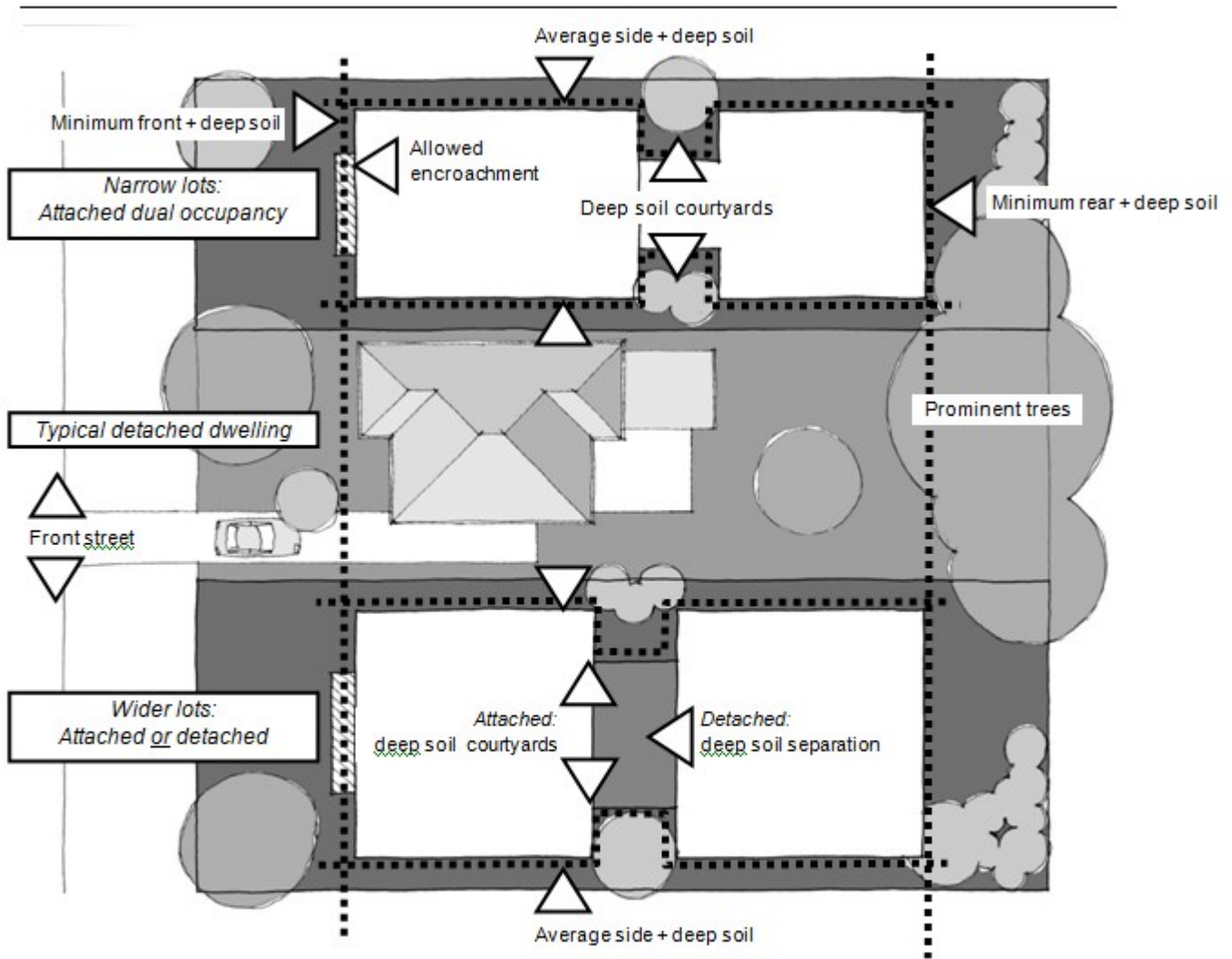
#### 3.2.3.2.1 Purpose of Setbacks

The purposes of setbacks are:

- a. In conjunction with other numeric controls, to limit the intensity of new developments, and provide controls which complement the FSR controls in the Gosford LEP 2014.
- b. To ensure that new developments are compatible with predominant patterns of buildings, gardens and landscaped areas that define the existing and desired characters of each neighbourhood,

- c. To conserve important elements of existing scenic quality, in particular any prominent trees that might be located near ridgelines or a site's boundaries,
- d. To surround new buildings with deep soil areas that are sufficient to conserve existing trees or to accommodate intensive new landscaping,
- e. To provide reasonable amenity for both existing and proposed dwellings.

**Figure 5 - Required Setbacks + Deep Soil**



**FIGURE 5 REQUIRED SETBACKS + DEEP SOIL**  
 Attached dual occupancies on urban lots narrower than 15m (top)  
 Attached or detached dual occupancies on allotments wider than 15m (bottom)  
 Compared to the traditional detached dwelling (centre)

**3.2.3.2.2 Setback Controls**

- a. Minimum setbacks as follows:
  - i. From each side boundary: a minimum of 1m;
  - ii. From the front boundary: a minimum deep soil width of 6m;
  - iii. From the rear boundary: a minimum deep soil width of 3m;
  - iv. From any secondary street or laneway: a minimum of 3m;
  - v. From any foreshore or waterway boundary: a minimum deep soil width of 10m.
- b. Where three storey development is permitted:

- i. For the exterior walls of any third storey: an additional setback of 1.5m measured from the exterior faces of lower storey walls immediately below.
- c. Between the buildings in a **detached dual occupancy** development:
  - i. Minimum deep soil width of 4m.
- d. Specified encroachments are permitted and encouraged.

### 3.2.3.2.3 Additional Setback Controls

In addition, setbacks for new developments shall comply with the following:

- a. There should be minimal change to existing ground levels within required deep soil setbacks and along all boundaries:
  - i. On flood-prone sites, substantial filling to create flood-free floor levels is not an acceptable urban design practice;
  - ii. Filling of sites to allow gravity drainage of roof stormwater to street drains is not an acceptable urban design practice.
- b. Existing trees that are visually-prominent should be conserved:
  - i. Where they are clearly-visible from a public place such as a road or reserve; and
  - ii. Where they make a positive contribution to existing scenic quality of a locality, or to desired streetscape character and identity of the surrounding neighbourhood;
  - iii. Unless a report by a qualified arborist demonstrates structural defects that would compromise “safe useful life expectancy”.
- c. In order to conserve existing trees:
  - i. Maintain existing ground levels across the “critical root zone” (CRZ as defined in a report by a qualified arborist); and
  - ii. Increase required setbacks so that buildings and excavations avoid CRZ’s and any portions of canopy that are essential to long-term survival or stability (according to a report by a qualified arborist); or
  - iii. Across a CRZ, use low-impact construction techniques that avoid extensive excavation and strip footings or slabs-on-ground which would compromise long-term survival or stability the tree (according to a report by a qualified arborist);
  - iv. Where minimum setbacks are increased to preserve existing trees, other setbacks may be reduced to compensate for the floor-area foregone provided that existing amenity of neighbouring properties and desired neighbourhood character would not be compromised.
- d. Ensure that proposed setbacks do not prevent reasonable sharing of panoramic views that are available to dwellings nearby:
  - i. Maintain a substantial proportion of “valuable” views towards iconic landscape backdrops such as interfaces between the land and the ocean or waterways;
  - ii. Protect the majority of “valuable” views available across front or rear boundaries;
  - iii. Maintain the majority of “valuable” views from standing positions in living, dining and family rooms, balconies adjacent to those living areas, and kitchens;
  - iv. Minimise view loss by skilful design that complies with applicable numeric controls.
- e. Ensure that proposed building setbacks do not compromise amenity requirements in Section 3.2.3.4 of this chapter:
  - i. Note that circumstances of some sites might require setbacks that are greater than the permitted minima.

### 3.2.3.2.4 Allowable Encroachments

The following encroachments are allowed:

- a. Minor features and building elements:
  - i. Roof eaves, awnings, and pergolas that meet BCA fire-separation requirements: up to 1m beyond minimum front and rear setbacks;
  - ii. Stair or ramp access to individual dwellings: up to 1m beyond minimum front and rear setbacks;
  - iii. Down-pipes and flues.
- b. Consideration may be given to a rear setback of less than three metres where:
  - i. a property has rear lane access, and
  - ii. only if the reduced setback is for the purpose of a single storey garage, and
  - iii. the proposed structure is at least 1m from the rear boundary, and
  - iv. the proposed structure has a maximum width of 6m, and
  - v. the amenity of the adjoining allotment is not compromised.

### 3.2.3.2.5 Definitions

In this Chapter, the following definitions apply:

#### **corner sites**

a front boundary setback applies to the shorter street frontage;

a side boundary setback applies to the longer street frontage;

a rear boundary setback applies to the boundary that is parallel to the shorter street frontage.

#### **deep soil**

means natural ground with a depth that is not limited by any basement structure and which is suitable for deep-rooted trees.

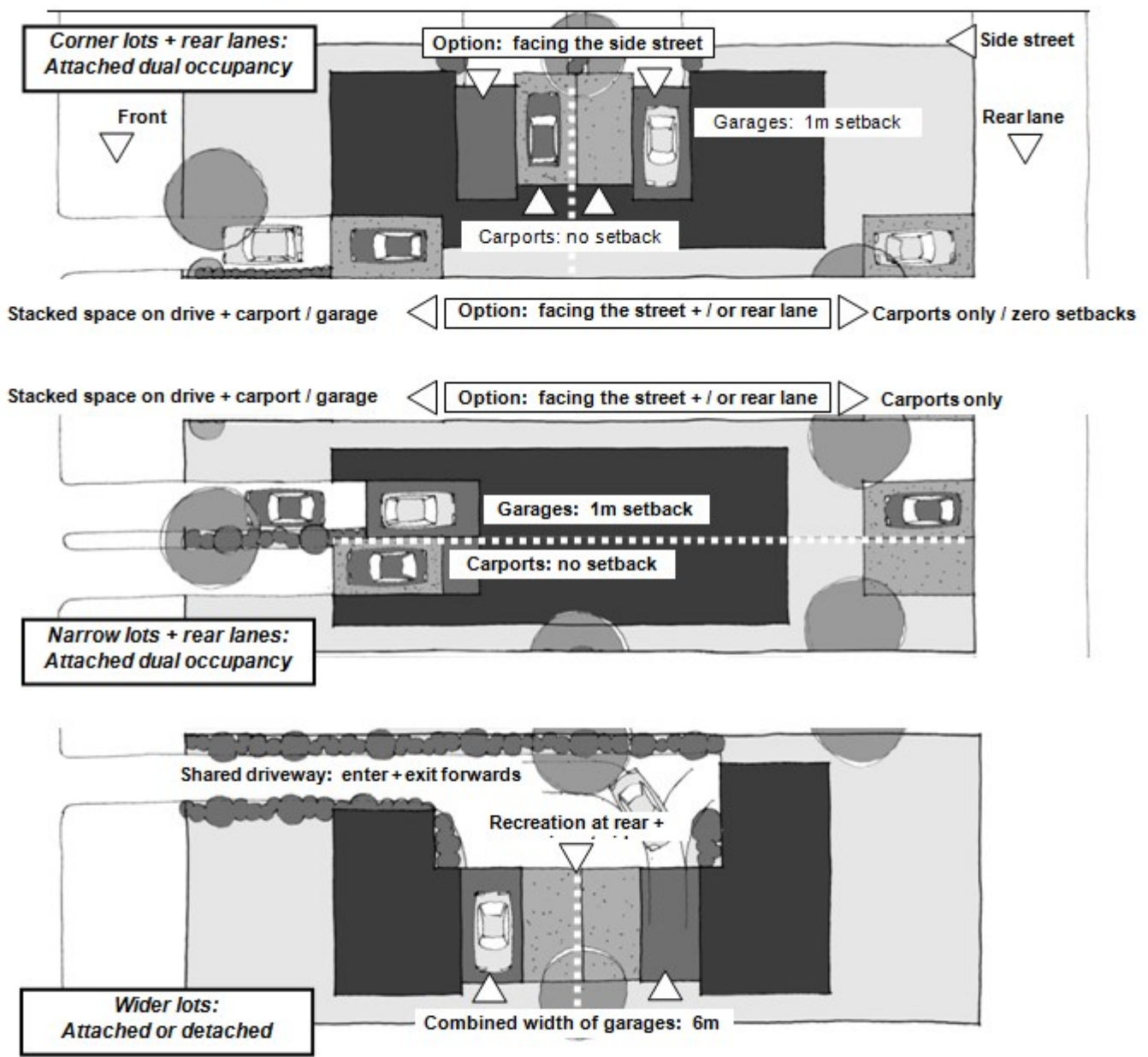
### 3.2.3.3 Car Parking

#### 3.2.3.3.1 Purpose of Car Parking

Purposes of guidelines for car parking are:

- a. To minimise visual impacts in relation to existing scenic quality or desired streetscape character,
- b. To ensure that on-site parking does not obscure the desired street address for all new dwellings,
- c. To recommend urban design solutions that ensure effective integration of the on-site parking required by the Car Parking chapter of this development control plan.

#### **Figure 6 - Options for Driveways + Parking Areas**



**FIGURE 6** **OPTIONS FOR DRIVEWAYS + PARKING AREAS**  
 Attached dual occupancies on corner urban lots (top - with rear lane options)  
 Attached dual occupancies on narrow urban lots (centre - with rear lane options)  
 Attached or detached dual occupancies on wider urban allotments (bottom)

**3.2.3.3.2 Technical Requirements**

Technical requirements for on-site parking are:

- a. The number of required spaces: specified by the Car Parking chapter of this development control plan.
- b. Gradients for driveways: specified by the Dwelling Houses and Ancillary Structures chapter of this development control plan.
- c. Dimensions of driveways and parking spaces: specified by AS 2890.1.

**3.2.3.3.3 Development Controls**

Provide on-site parking for every dwelling in a dual occupancy development:

- a. In garages, carports and / or basements:
  - i. That are located and designed to minimise scale and bulk of building forms; *and*



- ii. Which also achieve a street address for each dwelling according to Section 3.2.3.5 of this Chapter.
- b. Upon driveways and other open areas within the development site:
  - i. Provided that parked vehicles would not compromise pedestrian safety;
  - ii. Also provided that the area of any private open space required by Section 3.2.3.4 of this Chapter would not be reduced.
- c. If two parking spaces are provided for a dwelling:
  - i. One space may be located within a fully-enclosed garage or a carport;
  - ii. The second space may be located in an open area, or as a stacked space upon the dwelling's driveway.

### 3.2.3.3.4 Fully Enclosed Garages

Fully-enclosed garages must not visually-dominate any building elevation:

- a. Garages shall comply with design guidelines in Sections 3.2.3.5 and 3.2.3.6 of this Chapter.
- b. Within any elevation, the maximum combined width of garages is 6m.
- c. Garages may be located:
  - i. Within any front or rear facade provided that they are setback 1m behind outer-most walls of the building, and do not encroach upon required side setbacks;
  - ii. Upon corner sites within the facade facing the side street provided that they are setback 1m behind outer-most walls of the building;
  - iii. Upon sites with rear lane access: garages are not acceptable facing the laneway where they would enclose laneways and block the sight-lines from rear courtyards which are essential to maintain public safety.

### 3.2.3.3.5 Carports

Carports are the preferred urban design solution for above ground parking:

- a. Carports should display a modest scale and a light-weight-appearance:
  - i. The maximum height should be 3m, with eaves not higher than 2.5m above existing ground;
  - ii. Roofs should be gently-pitched and supported by slender steel or timber posts;
  - iii. Carports may be partly-enclosed by visually-transparent screens or shutters such as panels of slats or lattice;
  - iv. Carports may incorporate a lockable storage cupboard which is located at their rear or along half of one side.
- b. Carports may be located:
  - i. Within a front facade without any additional setback from exterior walls;
  - ii. Facing a rear lane next to the rear boundary without any setback from the lane provided that width of the laneway is sufficient for turning vehicles;
  - iii. Next to a side boundary without any setback provided that design of the carport achieves a light-weight appearance that complements the main building, and that construction meets BCA fire separation requirements.

### 3.2.3.3.6 Basement Parking

Basement parking requires consideration of desired neighbourhood character and safety:

- a. Basements must not encroach upon **deep soil** setbacks that are required by Section 3.2.3.2 of this Chapter.
- b. Basements may extend up to 1m above existing ground level, provided that they are integrated with architectural and landscape design of the development.

- c. Access ramps:
  - i. Must have gradients that comply with AS 2890.1, and for safety reasons should not be steeper than 1:20 within 6m of the site boundary,
  - ii. Require drive-over flood bars in flood-prone areas, with crown levels that meet the Council's requirements;
  - iii. Must not create inappropriate streetscape impacts due to tall retaining walls with sheer vertical faces, or entrances that create the appearance of a third storey in areas where development is limited to only two storeys;
  - iv. Shall be flanked by landscaped verges that are at least 1m wide and planted with a continuous "avenue" of shrubs or small trees.

### 3.2.3.3.7 Driveway Design

Driveway design should balance safety with the desired scenic and streetscape qualities:

- a. In general:
  - i. Width of driveways and ramps should be minimised so that deep soil and landscaped areas may be maximised upon every site;
  - ii. A proportion of above-ground pavements should be water-permeable;
  - iii. A proportion of driveway surfaces should be graded to direct stormwater flows toward landscaped verges (rather than confined between tall upstand kerbs).
- b. Where street frontages are narrower than 18m:
  - i. An individual driveway should be provided for each dual occupancy dwelling;
  - ii. Vehicles may enter and exit these sites by reversing;
  - iii. Each driveway shall be single width;
  - iv. Each driveway shall be flanked by landscaped verges at least 0.5m wide that are planted with a continuous line of shrubs or small trees.
- c. Where street frontages are wider than 18m:
  - i. Shared driveways may be provided;
  - ii. Vehicles must enter and exit these sites in a forward direction;
  - iii. At the street frontage, driveways shall be single width;
  - iv. Width of driveways must allow three-point turns to and from each parking space;
  - v. Driveways shall be flanked by landscaped blisters and verges at least 1m wide that are planted with a continuous "avenue" of trees and shrubs.

### 3.2.3.4 Residential Amenity

#### 3.2.3.4.1 Purpose of Residential Amenity

The purposes of controls for residential amenity are:

- a. To maintain a reasonable "quality of life" for existing residential neighbours,
- b. To ensure that new developments provide high quality living environments.

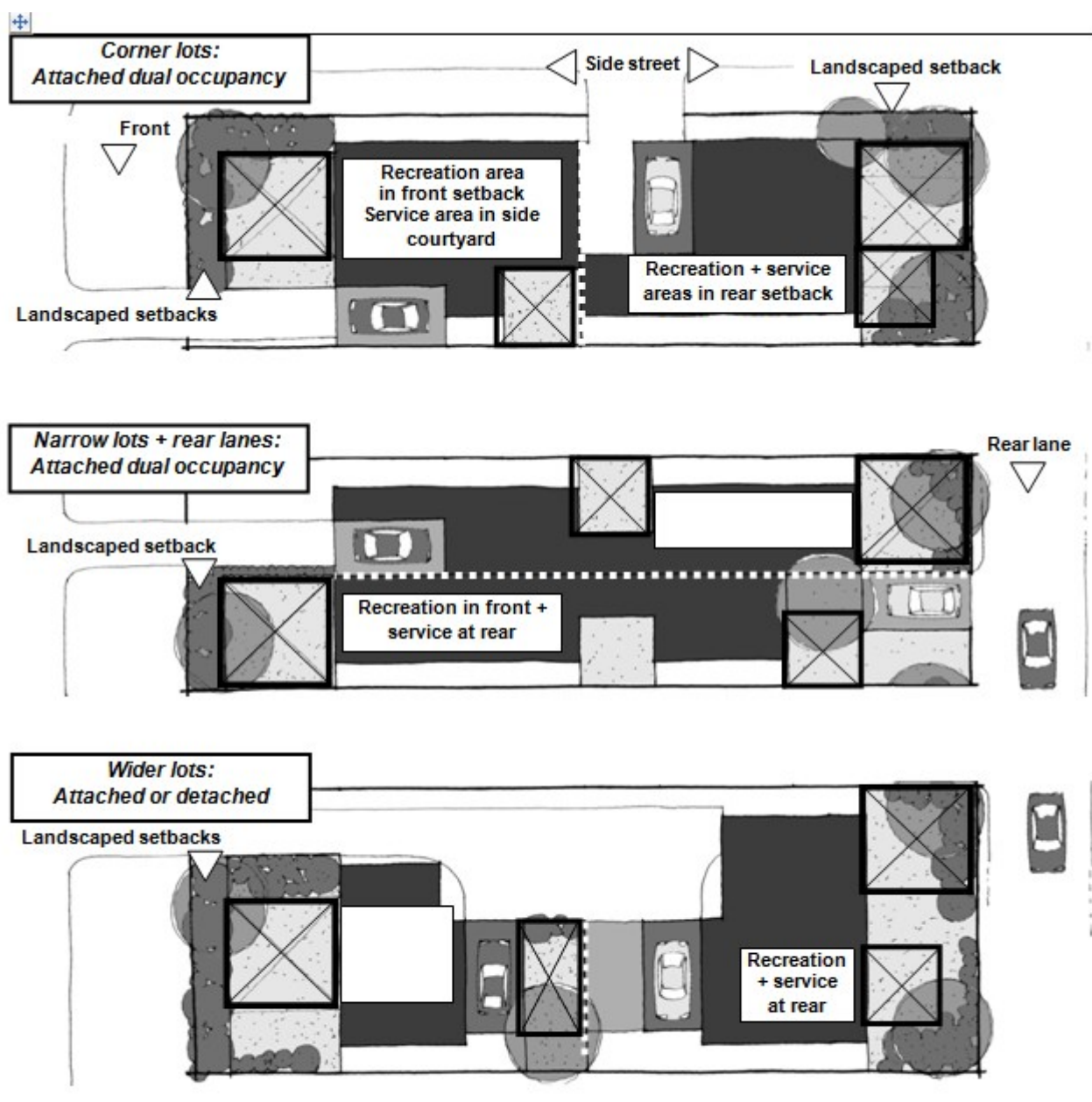
#### 3.2.3.4.2 Private Open Space

Provide well-designed private open spaces for every dual occupancy dwelling:

- a. Private open space at ground level should have a minimum area of 75m<sup>2</sup> comprising:
  - i. One recreation area that measures at least 6m by 6m, which accommodates a variety of activities plus landscaping with shrubs and at least one canopy tree;

- ii. One service area that measures at least 4m by 4m for outdoor clothes drying.
- b. For duplex dwellings located above-ground, private open space may be balconies:
  - i. One or more balconies per dwelling, with a combined area of at least 16m<sup>2</sup>;
  - ii. With minimum widths of 2m.
- c. Useable private open spaces have the following features:
  - i. Recreation areas should have a sunny location that is immediately next to indoor living areas, and should have an absolute minimum dimension of 4m;
  - ii. Recreation areas may be located within street setbacks *provided that* they have a landscaped setback from the street that is at least 2m wide;
  - iii. Courtyards and balconies should be designed as “outdoor rooms”, incorporating effective screening for privacy and protection from summer sun, together with a semi-regular shape which can accommodate a variety of outdoor activities (note that “L-shaped” areas are particularly effective);
  - iv. Service areas should be fully-screened to conceal outdoor clothes-drying and storage, and should have an absolute minimum dimension of 2m.

**Figure 7 - Options for Private Open Spaces**



**FIGURE 7 OPTIONS FOR PRIVATE OPEN SPACES**  
 Attached dual occupancies on corner urban lots (top)  
 Attached dual occupancies on narrow urban lots (centre)  
 Attached or detached dual occupancies on wider urban allotments (bottom)

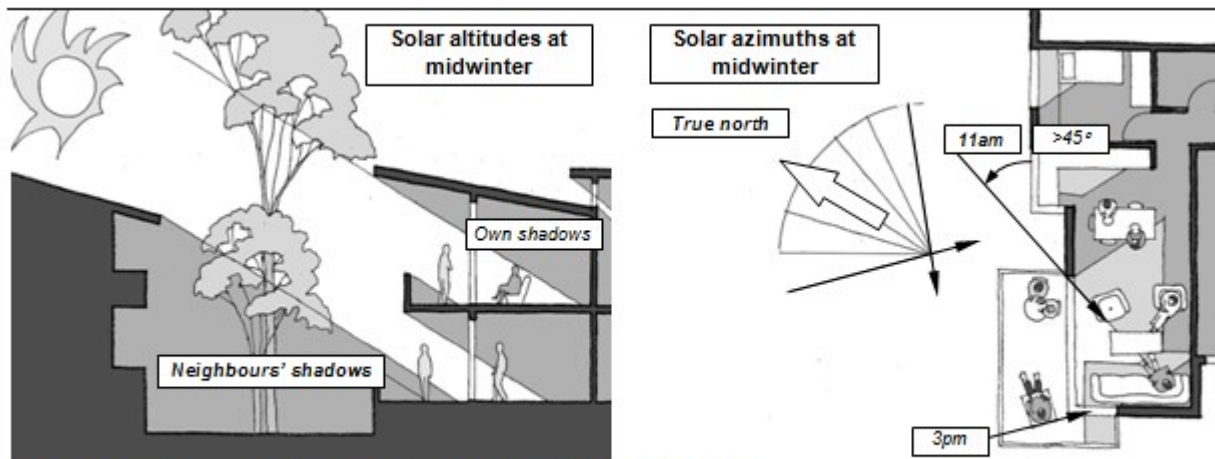
### 3.2.3.4.3 Minimum Amount of Sunlight

Building forms and the design of new dwellings shall provide a minimum amount of sunlight for new and existing dwellings:

- a. At least three hours daily shall be received by:
  - i. Day-time living or dining or family rooms in all dwellings, where sunlight must fall upon at least half the surface area to the principal windows of those rooms;
  - ii. Outdoor recreation areas of all dwellings, where sunlight must fall upon at least half of those areas.
- b. For existing neighbours, the minimum amount of sunlight shall be retained:
  - i. For living rooms and the principal area of private open space;
  - ii. If current sunlight is less than the minimum amount, siting and form of the proposed development should ensure that the existing amount of sunlight is not reduced.
- c. Demonstrate the amount of sunlight that will be achieved or maintained:

- i. Provide shadow diagrams that are projected from true north, for at least 9am, noon and 3pm on June 21 (midwinter),
- ii. Illustrate sunlight and shadows as overlays upon floor plans of the typical dwellings proposed, and where necessary, across neighbours' affected elevations,
- iii. Shadows should be adjusted for slope, and should show obstructions upon the development site and neighbouring properties: fences and trees such as conifers with dense canopies (both existing and proposed), and existing structures.

**Figure 8 - Sunlight + Overshadowing**



**FIGURE 8 SUNLIGHT + OVERSHADOWING**  
Section through adjoining properties + an indicative plan showing solar azimuths

### 3.2.3.4.4 Privacy

Site planning and design shall provide reasonable privacy for both existing and proposed dwellings:

- a. The primary orientation for new dwellings should be towards front or rear setbacks:
  - i. Primary orientation relates to the windows of living, family or dining rooms, and to the recreation areas that adjoin those rooms.
- b. Provide reasonable privacy separation between adjacent dwellings:
  - i. Privacy separation is measured as the minimum line-of-sight between adjoining balconies and / or windows to a living, dining, family or bed room;
  - ii. For two storey buildings: provide at least 9m between adjacent dwellings,
  - iii. For three storey buildings: provide at least 9m for the lower two storeys between adjacent vantage points, and for the third storey, at least 12m.
- c. Reduced separation is acceptable where screening would block lines of sight between adjacent dwellings, for example by:
  - i. Fixed or moveable louvres, exterior shutters or blinds;
  - ii. Pergolas and awnings above intensively-occupied private open spaces;
  - iii. Windows with frosted or opaque glass;
  - iv. Windows less than 600mm wide, or with tall sills at least 1.5m above floor level;
  - v. Planters at least 1m wide, with hedges that are at least 1.5m above floor level;
  - vi. Boundary fences up to 1.8m high;
  - vii. Existing evergreen shrubs or trees.
- d. Ensure that dwellings are protected from intrusive of noise and overlooking:
  - i. Locate bedroom windows away from common areas such as driveways;

- ii. Limit potential impacts from roof terraces by allowing only one terrace per dwelling with maximum dimensions of 3.5m by 3.5m;
- iii. Demonstrate that habitable rooms located within 60m of the railway or facing a classified major road would satisfy the acoustic criteria published by Standards Australia and State Government authorities.

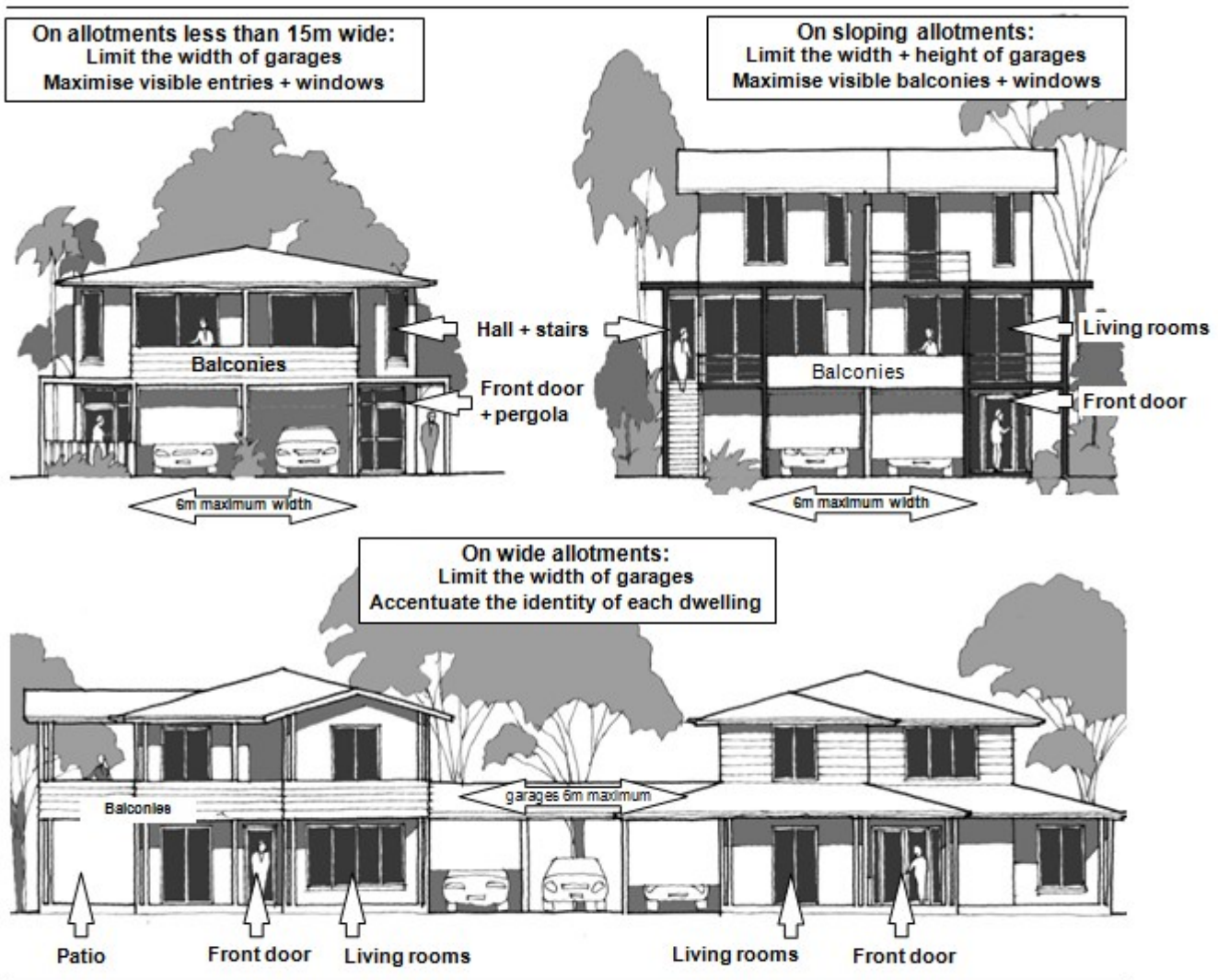
### 3.2.3.5 Residential Address

#### 3.2.3.5.1 Purpose of Residential Address

Purposes of guidelines for residential address are:

- a. To encourage positive social interaction between new residents and Gosford City's established communities,
- b. To promote a safe residential environment by providing for surveillance and by distinguishing private, semi-private and semi-public areas within new developments.

**Figure 9 - Elements of a Residential Address**



**FIGURE 9 ELEMENTS OF A RESIDENTIAL ADDRESS**  
 Desirable design solutions for typical types of dual occupancy development:  
 Allotments narrower than 15m (top left)  
 Allotments in that are steeper than 20% (top right)  
 Allotments that are wider than 18m (bottom)

#### 3.2.3.5.2 Requirements for a Traditional Address

A “traditional address” is required for all new dwellings that face any street or shared driveway:

- a. A “traditional address” is achieved where sight-lines are available from regularly-occupied rooms and open spaces within each dwelling towards:

- i. Public streets and parks; and
  - ii. Semi-public places such as driveways within a development.
- b. Public and semi-public places should be visible from regularly-occupied areas within each dwelling that include:
- i. Front doors, verandahs and patios,
  - ii. Windows to rooms that are regularly-occupied throughout the course of any day, such as living, dining and family rooms, kitchens, and stairs or hallways,
  - iii. Balconies, terraces and private courtyards.
- c. A “traditional address” has two important benefits:
- i. Encourages positive social interaction between new residents and established communities,
  - ii. Discourages anti-social behaviour that could compromise safety and security of both public and semi-public places.

### 3.2.3.5.3 Features of a Traditional Address

Features of a “traditional address” are achieved when:

- a. The street can be seen from windows of regularly-occupied rooms, as well as from upper-storey balconies and private terraces or courtyards at ground level, and
- b. Garages do not visually-dominate any street or driveway elevation:
  - i. The combined width of fully-enclosed garages within any elevation is not greater than 6m, and
  - ii. Garages are setback at least 1m behind the face of exterior walls or a balcony that is located immediately above, and
  - iii. Facing any shared driveway: at least half the visible width of any facade incorporates balconies or verandahs, front doors, and / or the windows of regularly-occupied living rooms or hallways,
- c. Fences facing streets or driveways have a semi-transparent design that allows “filtered” views to and from windows and / or private open spaces:
  - i. Solid fences may be up to 1.2m high,
  - ii. For fences that are taller than 1.2m: at least one third of the surface area should be “open” materials such as spaced pickets or palings or battens, or lattice;
  - iii. Visually-opaque fences that are taller than 1.2m are only acceptable as noise barriers for properties facing major roads provided that they have a 2m setback that is landscaped with shrubs and trees,
- d. For allotments that are wider than 18m: the identity of each dwelling is accentuated by individual building forms and by varied facade elements,
- e. If parking is provided within carports, they are designed as visually-transparent structures that do not block desired sight lines from regularly-occupied areas.

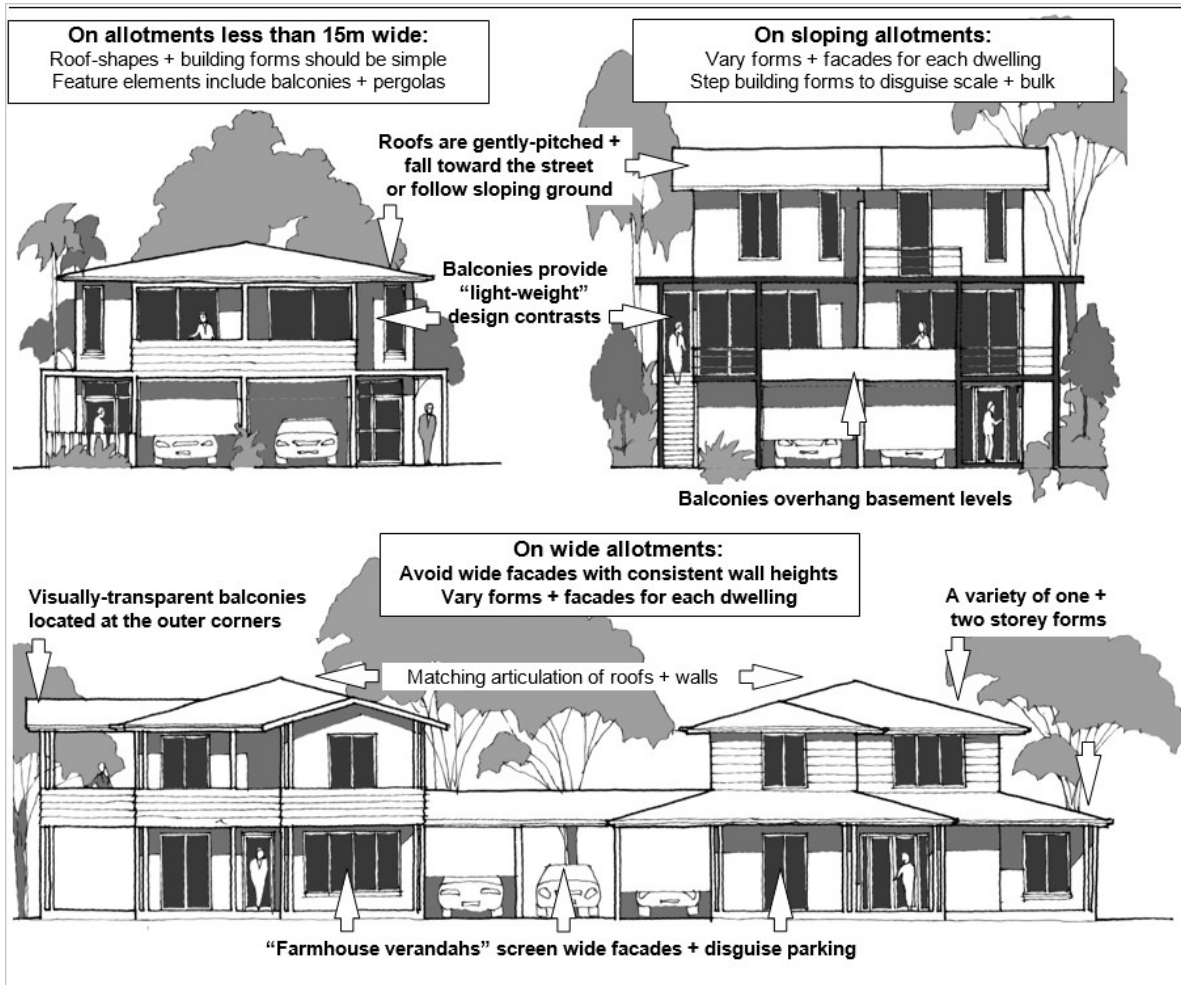
### 3.2.3.6 Façades and Articulation

#### 3.2.3.6.1 Purpose of Façade Design

Purposes of guidelines for façade design are:

- a. To prevent monotonous exterior walls that accentuate the scale and bulk of buildings,
- b. To achieve reasonable compatibility between new developments and traditional bungalow neighbourhoods that are elements of Gosford City’s architectural identity,
- c. To capitalise upon the City’s distinctive coastal settings and outdoor lifestyle,
- d. To promote satisfactory indoor climates and energy-efficiency for all dwellings,
- e. To achieve high standards of urban design quality.

### Figure 10 - Elements of Well-designed Facades



**FIGURE 10 ELEMENTS OF WELL-DESIGNED FACADES**

Desirable design solutions for typical types of dual occupancy development:

- Allotments narrower than 15m (top left)*
- Allotments that are steeper than 20% (top right)*
- Allotments that are wider than 18m (bottom)*

### 3.2.3.6.2 Facade Articulation Controls

Articulate all facades in order to disguise the scale and bulk of new buildings:

- a. Form and design of each dwelling in dual occupancy developments should be varied.
- b. The “unarticulated length” of any exterior wall should not exceed 8m.
- c. Satisfactory articulation and design variations are achieved by:
  - i. Stepping or indenting the alignment of an exterior wall by at least 1m,
  - ii. Balconies or terraces that project at least 1m forward of an exterior wall,
  - iii. Distinct contrasts in the design or the finish of an exterior wall;
  - iv. Roofs comprising a number of separate elements that respond to steps, projections and / or design contrasts in the building’s exterior walls.

### 3.2.3.6.3 Roof Elements

Use a variety of gently-pitched roof elements to emphasise the shape or articulation of exterior walls:

- a. Avoid large single spans, steep pitches or overly-complex roof forms that visually-increase the height of buildings, and consequently, that accentuate scale and bulk.
- b. Roofs should be predominantly skillions, hips, gables, or rolled forms with exposed eaves, rather than parapet structures which typically accentuate scale and bulk.



- c. The angle and direction of pitched roofs should minimise the overall height of dual occupancy buildings as well as the height of prominent facades:
  - i. Particularly for sites that are located on scenically-prominent hillsides or ridgetops,
  - ii. Also, facing streets and neighbours' principal areas of private open space.

#### **3.2.3.6.4 Materials and Exterior Finishes**

Apply a variety of materials and exterior finishes in order to accentuate a “light-weight” appearance for all facades:

- a. Facades that display a “light-weight” appearance are desirable features for all dual occupancy developments:
  - i. A “light-weight” appearance tends to complement the character of coastal settings across Gosford City,
  - ii. A “light-weight” appearance also tends to minimise the scale and bulk of buildings that are larger than existing neighbours.
- b. Elements that accentuate a “light-weight” appearance include:
  - i. A proportion of panel or board cladding plus painted finishes,
  - ii. Plain masonry walls that are confined to the lowest storey and / or basement terraces,
  - iii. Balconies, verandahs, pergolas and window awnings that are supported by slender posts of steel or timber,
  - iv. Louvred screens or blinds surrounding open spaces and across major windows.
- c. Design and proportion of windows contribute to a “light-weight” appearance:
  - i. Major windows should be tall, with a vertical proportion accentuated by low sills,
  - ii. In two storey buildings, spandrels between successive rows of windows should not be taller than 1m,
  - iii. Shapes and proportions of windows should be varied across each facade, rather than repeating a regular pattern of near-identical windows.

#### **3.2.3.6.5 Visually Prominent Facades**

Scale and bulk of visually-prominent facades should be disguised by shade-casting elements that display a “light-weight” appearance:

- a. Facades that are wide or tall should be screened by balconies or verandahs:
  - i. In general, balconies or verandahs should be concentrated at the outermost corners of each building,
  - ii. On allotments that are narrower than 15m, balconies or verandahs may be concentrated at the centre of front or rear elevations,
  - iii. Balconies and verandahs should be supported by slender posts of steel or timber.
- b. Wide facades may be screened by carports and pergolas with gently-sloping roofs that are supported by slender posts.
- c. Provide distinct contrasts to the character and design of opaque walls by screens or blinds around private open spaces and across major windows:
  - i. Exterior louvres or blinds which are adjustable in order to admit winter sunlight while excluding summer sun and glare.

#### **3.2.3.7 Landscaped Areas**

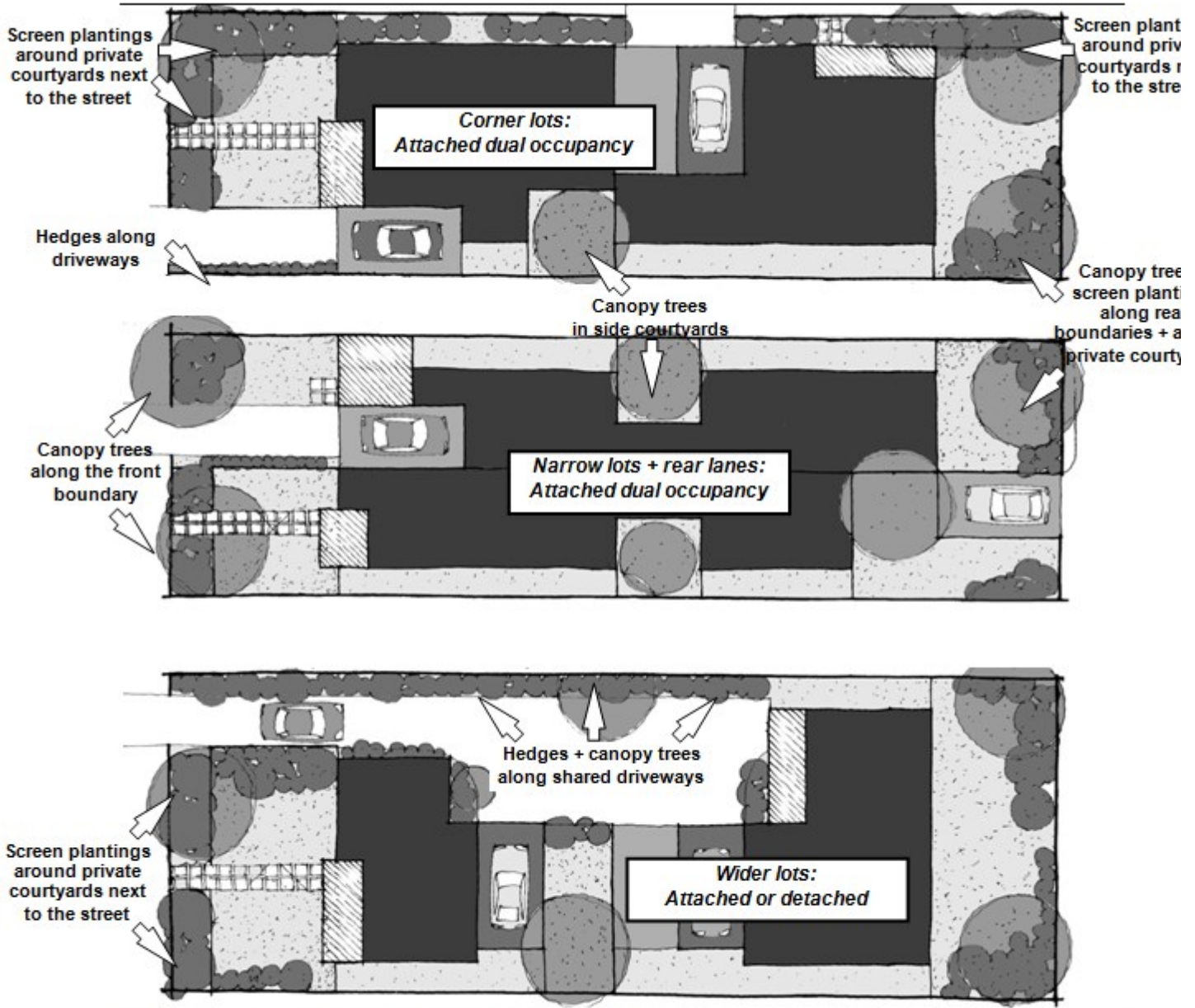
##### **3.2.3.7.1 Purpose of Landscaped Areas**

Scale and bulk of visually-prominent facades should be disguised by shade-casting elements that display a “light-weight” appearance:

- a. To protect the quality of scenically-prominent areas, as well as enhancing the existing landscape character of all neighbourhoods,
- b. To disguise visual impacts of new buildings and site infrastructure,

- c. To promote satisfactory levels of amenity and safety for new dwellings, as well as encouraging positive social interaction between residents,
- d. To provide attractive backdrops to streets as well as to new dwellings.

**Figure 11 - Required Landscaping**



**FIGURE 11 REQUIRED LANDSCAPING**  
 Attached dual occupancies on corner urban lots (top)  
 Attached dual occupancies on narrow urban lots (centre)  
 Attached or detached dual occupancies on wider urban allotments (bottom)

**3.2.3.7.2 Landscaping of New Developments**

New developments should be landscaped to complement and enhance their surroundings:

- a. In scenically-prominent locations such as ridges or hillsides which are highly-visible, conserve existing trees that are prominent landscape features as required by Section 3.2.3.2 of this chapter.
- b. All new buildings should be surrounded by canopy trees (either existing or new):
  - i. In localities where indigenous trees are the predominant landscape feature, new canopy plantings should be predominantly locally-native trees that are listed in Council's document The Natural Vegetation of the Gosford Local Government Area,
  - ii. In localities where existing character is not defined by indigenous trees, new plantings should be

species that provide habitat for native birds and do not require heavy watering.

- c. Landscaping must not include any noxious or environmental weeds that are specified by the *Preservation of Trees and Vegetation* chapter of this development control plan:
  - i. Existing infestations of specified weeds upon a development site must be removed according to recognised landscape management techniques.

### 3.2.3.7.3 Landscape Plan Requirements

Provide a landscape concept plan that satisfies the following minimum standards:

- a. New trees should achieve mature heights of at least 5m to 8m which would be similar to, or taller than, proposed buildings.
- b. Major canopy trees should be located to screen the appearance of new buildings from neighbouring properties and surrounding streets, as well as providing shade for driveways and open spaces:
  - i. In general, trees should be retained or planted near the outermost corners of buildings, and in deep soil courtyards that are required to articulate the form of large buildings,
  - ii. On scenically-prominent sites such as hillsides and ridgetops, trees should be located to provide green backdrops for new buildings when viewed from downslope locations.
- c. Front setbacks should accommodate a variety of trees plus hedges and densely-planted beds of ground cover:
  - i. Provide at least one major canopy tree for the first 12m of site frontage, plus one more tree for every additional 12m or part thereof,
  - ii. In front of any fence surrounding a private open space that faces a street, or next to any tall acoustic screen-wall, garden beds should be at least 2m wide and should be planted with shrubs and groundcovers.
- d. Side and rear boundaries of all development sites should provide continuous “screen plantings” to enhance the privacy and amenity of adjoining dwellings:
  - i. Side boundaries should provide at least one major canopy tree,
  - ii. Rear boundaries should provide at least two major canopy trees for the first 12m, plus one more tree for every additional 12m or part thereof,
  - iii. On sloping sites and facing side streets, boundaries should be marked by a screen of hedges and shrubs rather than by visually-opaque fences.
- e. Driveways and parking areas should be flanked by landscaped verges:
  - i. Driveways should be flanked by a near-continuous hedge of small trees or shrubs, and by single trees that are planted in blisters next to garages,
  - ii. Ramps to basement carparks should be overhung by canopy trees or pergolas, and should be flanked by hedges or shrubs planted into terraces along the ramp’s sides in order to avoid sheer vertical retaining walls.

### 3.2.3.7.4 Structures Within Defined Setbacks

All structures and site-facilities that are located within the defined setbacks should complement the design quality of proposed plantings and buildings:

- a. Basement walls that extend above ground level, including ventilation grilles, should be screened by garden beds and small shrubs.
- b. Driveways should be designed to maximise on-site infiltration of stormwater:
  - i. A proportion of all pavements should be water-permeable, and
  - ii. Pavements should be graded so that stormwater is directed primarily toward garden beds.
- c. New fences that would be visible from any street should match the design quality of proposed buildings and landscaping, as well as providing a “traditional street address” for each dwelling:
  - i. Avoid fences of metal panelling or standard timber palings along street frontages and side boundaries

next to shared driveways, or within front and rear setbacks,

- ii. In these locations, also avoid fences that would block sight lines from dwellings private open spaces toward streets, laneways and shared driveways.
- d. On-site detention facilities should not be visually-intrusive, and should be integrated with the design character of gardens or paved areas.

### 3.2.3.8 Building Services

#### 3.2.3.8.1 Purpose of Building Services

Purposes of guidelines for building services are:

- a. To ensure that required services do not detract from the desired streetscape character of garden areas and street facades,
- b. To recommend design solutions that provide for effective integration of site services that are required by this development control plan.

#### 3.2.3.8.2 Design and Location of Stormwater Systems

Design and location of stormwater systems must promote the desired standard of urban design quality, as well as considering technical requirements:

- a. Technical requirements for stormwater systems are provided by the *Water Cycle Management* chapter and the associated *Water Cycle Management Guidelines*, which nominate the following important provisions:
  - i. At least 25% of every development site shall be deep soil in order to promote on-site infiltration and reduce discharges to public drains,
  - ii. On “sand plain sites” across the Woy Woy Peninsula, the full amount of stormwater collected by any development may be discharged via direct infiltration into the site’s soils,
  - iii. The volume required for on-site detention is reduced where developments provide rainwater tanks.
- b. Filling of sites to allow gravity discharges of stormwater to street drains is not an appropriate urban design practice, according to *Section 3.2.3.2.3* of this Chapter which requires minimal change to existing ground levels:
  - i. Within specified deep soil setbacks,
  - ii. Along all boundaries that are shared with neighbouring properties,
  - iii. Ground levels may be altered within the building footprint, and for any driveway that does not encroach upon specified deep soil setbacks.
- c. Design of on-site detention systems should not compromise desired quality of streetscapes, or the desired landscape character of any setback area:
  - i. Structures should not require significant alteration of existing ground levels within specified deep soil setbacks,
  - ii. For any containment structure proposed within a setback, visual impacts should be disguised by screen plantings,
  - iii. Where containment is proposed within a driveway, avoid elevated pavements or tall kerbs that would visibly-detract from the desired streetscape quality and landscape character.

#### 3.2.3.8.3 Storage of Garbage Bins

Storage of garbage bins must promote the desired standard of urban design quality, as well as considering technical requirements:

- a. The *Waste Management* chapter of this development control plan specifies the number and size of bins that are required for each development, plus technical requirements for collection:
  - i. For properties with rear lane access, bins may be collected only from the primary street frontage (for

such properties, dedicated pedestrian access to the street will be required from both dwellings).

- b. Bins should be stored within garages, behind screens in carports, or in private service courtyards.

#### **3.2.3.8.4 Location and Design of Service Meters**

Location and design of service meters plus related enclosures or appliances must promote the desired standard of urban design quality, as well as considering the requirements of service authorities:

- a. They must not be attached to any visually-prominent building facade that faces a street, laneway or a shared driveway within the development site.
- b. They should be integrated with the design of proposed buildings and their surrounding landscaped areas.

#### **3.2.3.8.5 Secure Private Storage Requirements**

All new dwellings must provide secure private storage:

- a. Designated storage should be provided for each dwelling:
  - i. One bedroom apartments: 6m<sup>3</sup>,
  - ii. Two bedroom apartments: 8m<sup>3</sup>,
  - iii. Three bedrooms or more: 10m<sup>3</sup>,
  - iv. This storage is in addition to kitchen or linen cupboards and wardrobes.
- b. At least half of the designated storage should be provided inside each dwelling:
  - i. The balance of required storage may be provided within garages, or in outdoor cupboards that are integrated with the design of proposed buildings and their surrounding landscaped areas (such as lockable cupboards within carports).

#### **3.2.3.9 Civil Works off the Development Site**

- a. The construction of kerb and guttering, longitudinal street drainage and sealing the adjacent road will be required across the frontage of the site if these do not currently exist unless the development is determined to be within the following categories of exception:
  - i. It is technically impractical to construct kerb and gutter due to uncertainty as to the appropriate levels to be adopted or an isolated section will present a hazard to road traffic safety.
  - ii. The street drainage necessary to provide kerb and gutter is an unreasonable impost upon the development.
  - iii. Kerb and gutter is not the most suitable streetscape treatment for the particular area on the basis of existing and anticipated development.
  - iv. In the event that the development is determined to be within the above categories of exception, an alternative treatment to kerb and gutter such as mountable kerb, concrete dish drain, cemented paving stones or other treatment will be required with the exact type based upon the characteristics of the site. The approval of an alternative treatment to kerb and gutter does not alter the requirement for longitudinal street drainage and for sealing of the adjacent road shoulder.

### **3.3 Multi Dwelling Housing & Residential Flat Buildings**

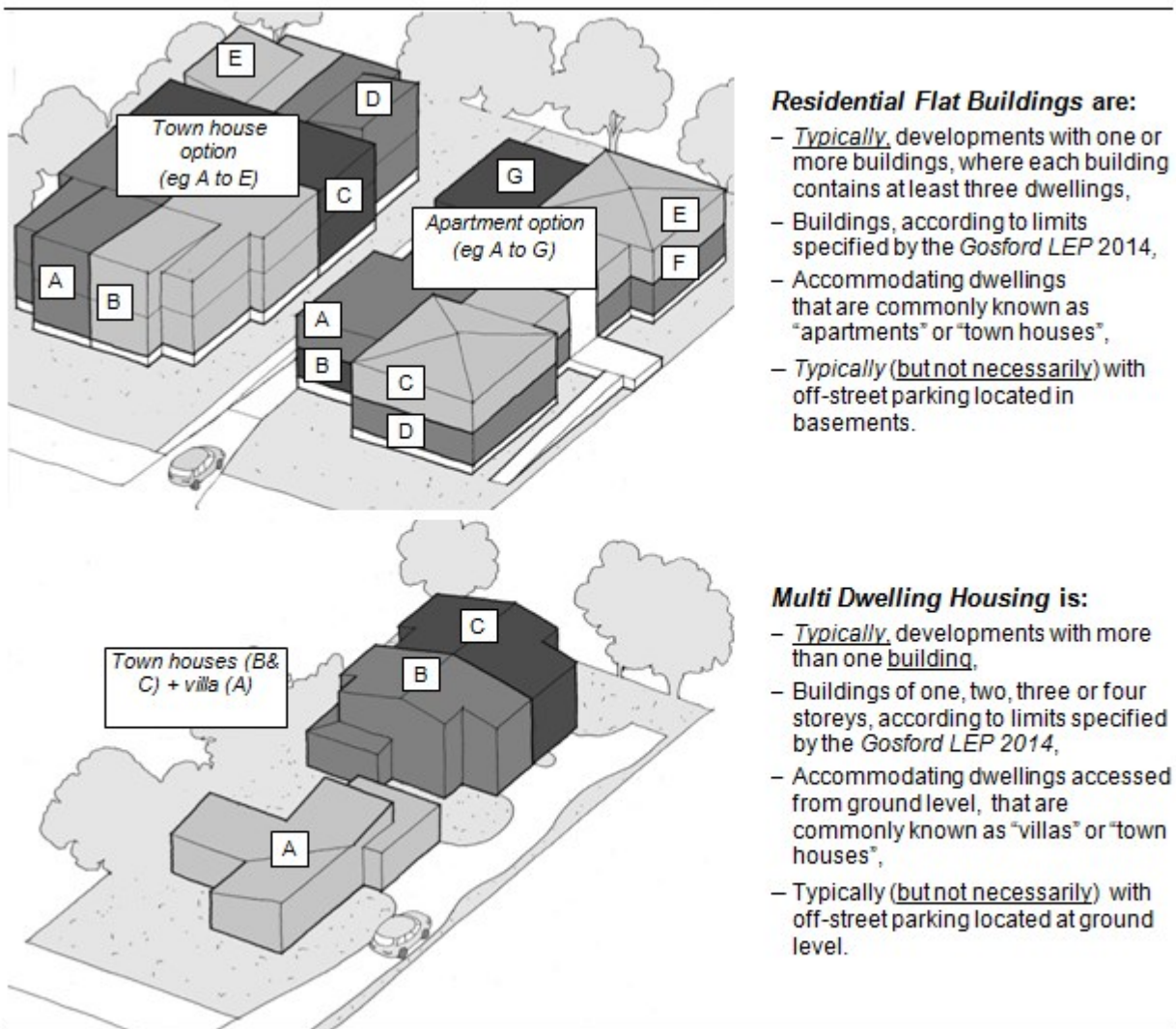
#### **3.3.1 Introduction**

##### **3.3.1.1 Types of Multi-unit Residential Development**

This chapter applies to the following types of multi-unit residential development:

- a. Residential Flat Buildings,
- b. Multi Dwelling Housing.

**Figure 1 - Development Types covered by this Chapter**



**FIGURE 1 DEVELOPMENT TYPES COVERED BY THIS CHAPTER**  
Indicative building envelopes highlighting permissible dwelling types

### 3.3.1.2 Gosford City Centre

This chapter does not apply to any development within the Gosford City Centre as shown on the Key Sites Map in Gosford LEP 2014.

### 3.3.1.3 Aims

The aims of this chapter are:

- To achieve high standards urban design quality for multi-unit developments that comprise **residential flat buildings** or **multi dwelling housing**,
- To implement Gosford City Council’s adopted strategies for residential development and desired character,
- To promote aims, objectives and provisions of the Gosford LEP 2014.

### 3.3.1.4 Specific Objectives

In addition to overall objectives of this development control plan, this chapter has the following specific objectives:

- To achieve improved standards of environmental planning, urban design, architectural and landscape quality.
- To provide detailed controls that reinforce desired character statements in Chapter 2.1 - Character of this development control plan in order to:
  - Protect the natural scenic qualities that define Gosford City’s environmental identity,
  - Complement and enhance traditional development patterns that are features of established residential

neighbourhoods across Gosford City,

- iii. Maintain and enhance current levels of residential amenity that are features of Gosford City's established neighbourhoods.
- c. To promote positive social interaction between new and existing residents through the effective design of new dwellings and surrounding open spaces within each development.
- d. To recommend design solutions that achieve an appropriate balance between urban design quality and technical requirements that are specified by other chapters of this development control plan.
- e. To deliver a variety of dwelling types across Gosford City in order to accommodate the varied needs of a population that is socially- and demographically-diverse.

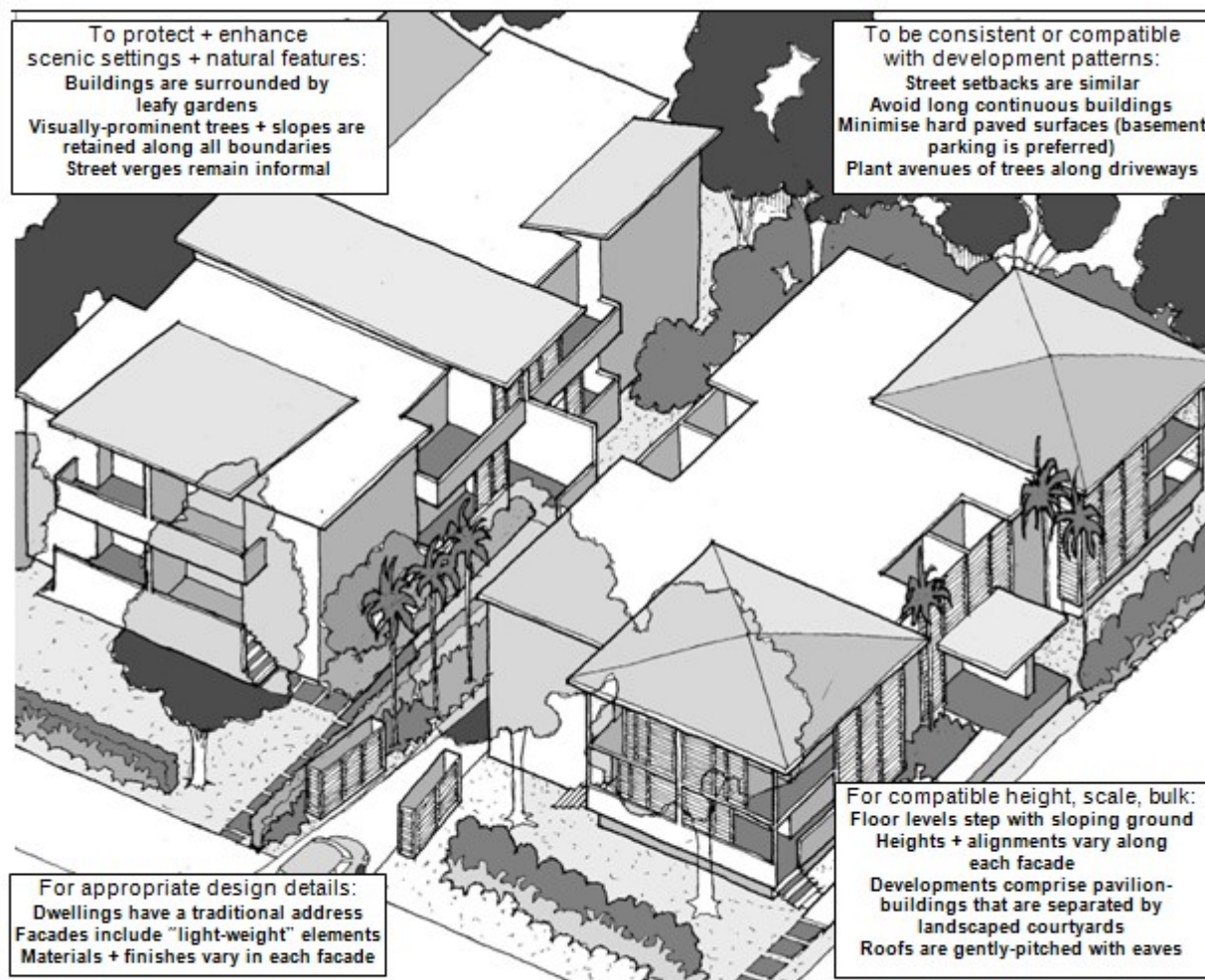
### 3.3.2 Desired Character

#### 3.3.2.1 New Developments

New developments shall be consistent with the statement of desired character that is specified for their surrounding area by Chapter 2.1 - Character in this development control plan:

- a. Scenic settings shall be protected and enhanced.
- b. Existing natural features shall be conserved and enhanced.
- c. Siting of buildings and surrounding garden areas shall be consistent with predominant patterns across the surrounding neighbourhood.
- d. Height, size and scale of new buildings shall be compatible with the predominant pattern across the surrounding neighbourhood.
- e. Architectural form and design details shall be appropriate to existing scenic quality and streetscape character.
- f. Garden design and details shall be compatible with scenic quality and streetscape character.
- g. Street verges shall conserve visually-prominent landscape features.

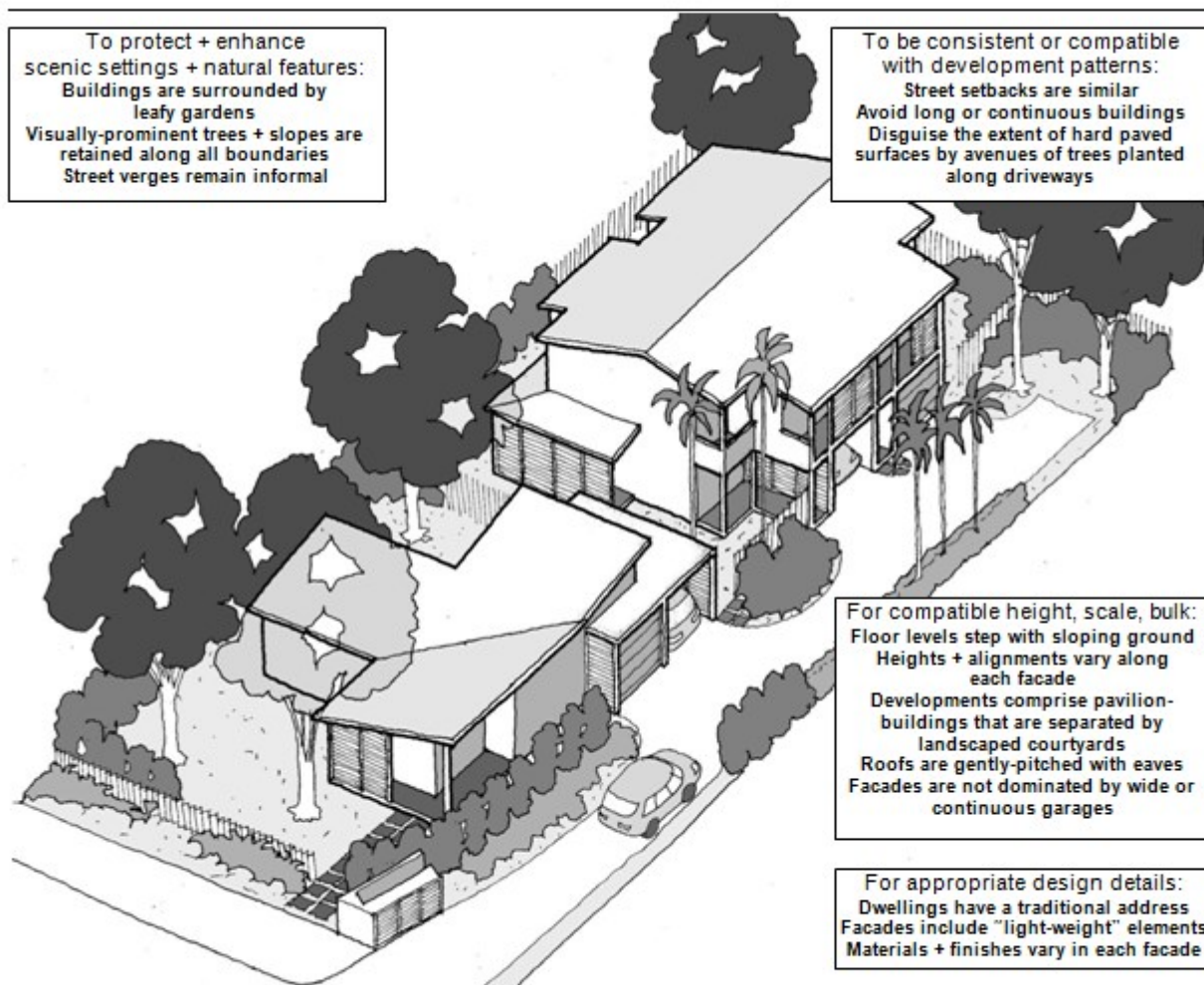
#### Figure 2 - Desired Character: Residential Flat Buildings



**FIGURE 2 DESIRED CHARACTER: RESIDENTIAL FLAT BUILDINGS**  
 Indicative siting, form + design features where parking is in located basements

Figure 3 - Desired Character: Multi Dwelling Housing





**FIGURE 3 DESIRED CHARACTER: MULTI DWELLING HOUSING**  
Indicative siting, form + design features where parking is provided above-ground

### 3.3.2.2 Development Proposals

Development proposals that satisfy all objectives and controls in this chapter will be considered consistent with the requirements of Chapter 2.1 - Character.

### 3.3.2.3 Definitions

In this Chapter, the following definitions apply:

#### **compatible**

means a development that contains or responds to elements which define the surrounding neighbourhood's character, such as setbacks, building forms, landscaping and architectural features.

*Note that compatibility does not require features of a development to be the same as a neighbourhood's defining elements.*

#### **consistent**

means a development with features that are materially or substantially the same as elements which define the surrounding neighbourhood's character.

#### **reflect**

means features of a development that are similar to elements which define the surrounding neighbourhood's character.

## 3.3.3 Primary Controls

### 3.3.3.1 Height

### 3.3.3.1.1 Purpose of Height Controls

The purposes of building height controls are:

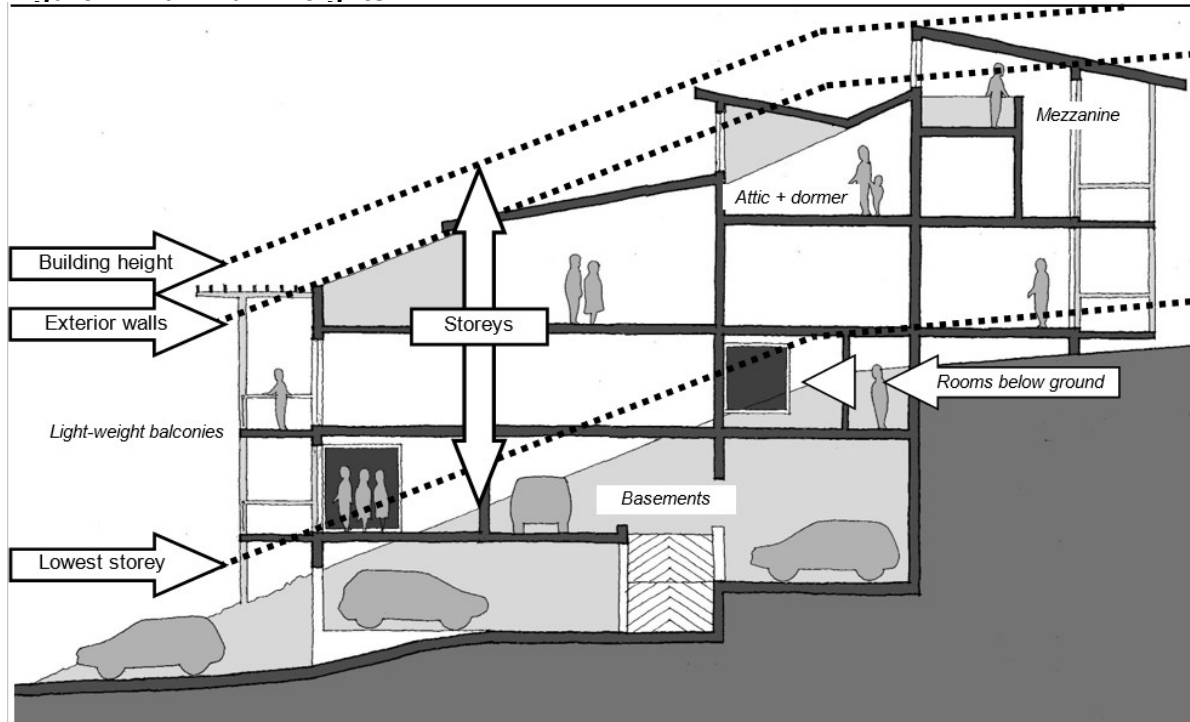
- a. To complement development standards in the Gosford LEP 2014,
- b. To ensure that the scale of new buildings would be compatible with scenic qualities of hillside or ridgetop locations, and / or with existing and desired streetscape characters,
- c. To limit the scale and intensity of redevelopment in established neighbourhoods.

### 3.3.3.1.2 Maximum Height Controls

New buildings and alterations to existing buildings shall not exceed:

- a. The maximum **building height** that is specified by the Gosford LEP 2014, *and*
- b. The maximum number of **storeys**:
  - i. Where the maximum building height is 8.5m: 2 storeys; or
  - ii. Where the maximum building height is 11m: 3 storeys; or
  - iii. Where the maximum building height is 13.75m: 4 storeys; and
- c. The maximum height of an exterior wall:
  - i. Where the maximum building height is 8.5m: 7.5m; or
  - ii. Where the maximum building height is 11m: 10m;
  - iii. Where the maximum building height is 13.75m: 12.75m
- d. The maximum floor height of the lowest occupied storey:
  - i. For all rooms and areas that are enclosed by exterior walls: 1m; or
  - ii. On sites that are defined as flood-prone: the minimum flood-free level that is specified by the Water Cycle Management chapter of this development control plan *provided that* existing ground levels are not raised by filling.

**Figure 4: Maximum Heights**



**FIGURE 4 MAXIMUM HEIGHTS**  
Indicative cross-section through a sloping site

### 3.3.3.1.3 Development Controls

In addition, new developments shall comply with the following:

- a. The minimum ceiling height for all habitable rooms:

- i. For buildings with two, three or four storeys: 2.7m;
  - ii. For single storey buildings: 2.4m;
  - iii. For attics and mezzanines: an average of 2.4m, but not less than 1.5m.
- b. The minimum ceiling height for non-habitable rooms:
- i. For bathrooms, laundries and storage areas: 2.2m.
- c. The maximum excavated depth for any habitable room on a sloping site:
- i. Where daylight would be provided via a lightwell: 1.5m to the floor level where the lightwell is at least 1m wide and surrounded by translucent balustrades;
  - ii. For rooms with a window that is at least 1.5m high and that would sit entirely above existing ground level: no limit;
  - iii. For non-habitable rooms or areas that would be mechanically-ventilated: no limit.
- d. Amenity requirements in Clause 3.3.3.5 of this chapter:
- i. Circumstances of some sites might require heights that are lower than the maxima provided by this section.

#### **3.3.3.1.4 Definitions**

In this Chapter, the following definitions apply:

##### **attic**

is defined by the Gosford LEP 2014

##### **building height**

is defined by the Gosford LEP 2014.

##### **exterior wall**

means walls that enclose a building, other than end walls above the pitching point of any inclined roof (such as a gable-end) or the sides to any attic's dormer window.

##### **ground level**

means existing ground level at any point on a site immediately prior to the development proposal, and described by a certified surveyor according to the Australian Height Datum.

##### **height means**

the maximum vertical distance between existing ground level at any point to a specified element on a building.

##### **lowest occupied storey**

means the lowest floor level in a building that accommodates habitable rooms of any dwelling.

##### **mezzanine**

is defined by the Gosford LEP 2014.

##### **storey**

is defined by the Gosford LEP 2014.

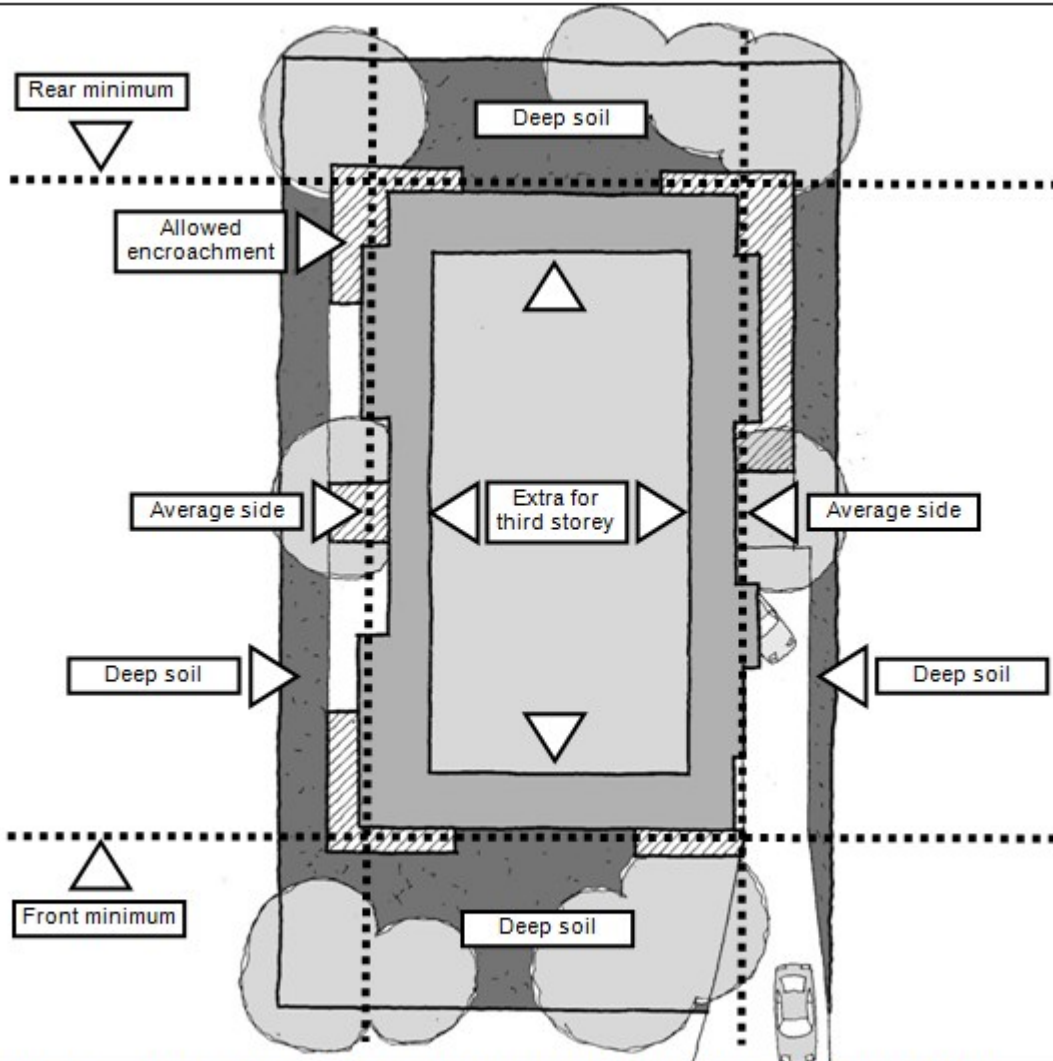
#### **3.3.3.2 Setbacks**

##### **3.3.3.2.1 Purpose of Setbacks**

The purposes of setbacks are:

- a. In conjunction with other numeric controls, to limit the intensity of new developments, and provide controls which complement the FSR controls in the Gosford LEP 2014
- b. To ensure that new developments are compatible with predominant patterns of buildings and gardens that define the existing and desired characters of each neighbourhood,
- c. To conserve important elements of existing scenic quality, in particular any prominent trees that might be located near a site's boundaries,
- d. To surround new buildings with deep soil areas that are sufficient to conserve existing trees or to accommodate intensive new landscaping,

- e. To provide reasonable amenity for both existing and proposed dwellings,
- f. To encourage amalgamation of narrow sites in order to achieve the most efficient use of lands that permit multi-unit residential developments.



**FIGURE 5 SETBACKS + DEEP SOIL: RESIDENTIAL FLAT BUILDINGS**  
Indicative site plan for developments with below-ground parking

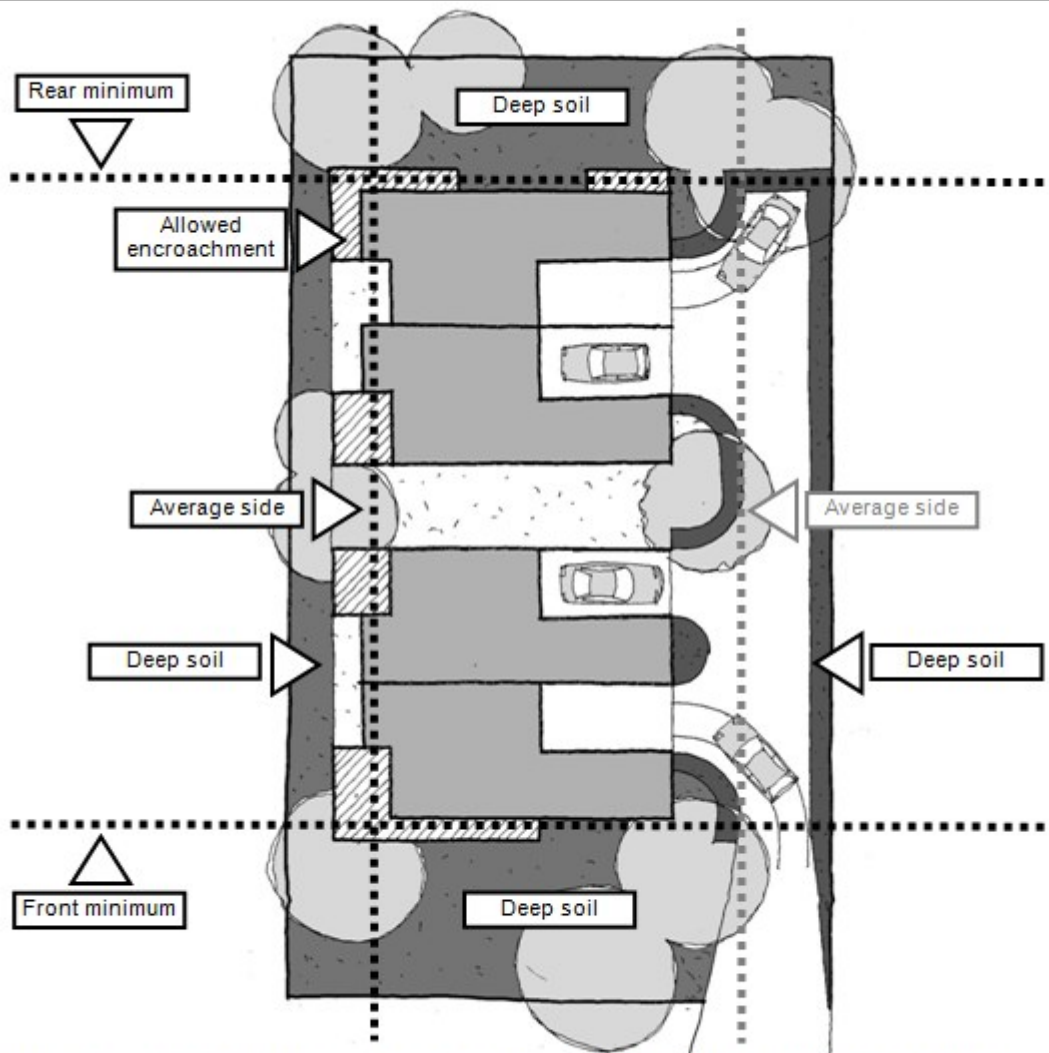


FIGURE 6 SETBACKS + DEEP SOIL: MULTI DWELLING HOUSING  
Indicative site plan for developments with above-ground parking

### 3.3.3.2.2 All Buildings Shall Provide:

All buildings shall provide:

- a. **Deep soil** along all boundaries:
  - i. Next to side boundaries: a minimum width of 2m;
  - ii. Next to front and rear boundaries: a minimum width of 6m.
- b. **Setbacks** to **exterior walls** that are up to two **storeys** high:
  - i. From side boundaries: an average of 4m with a minimum of 3.5m;
  - ii. From the front boundary: a minimum of 6m;
  - iii. From the rear boundary: a minimum of 6m.
- c. For the **exterior walls** of any third storey (including a mezzanine):
  - i. An additional setback of at least 2.5m measured from the face of the lower storey walls immediately below.
- d. Encroachments that are specified are permitted and encouraged.

### 3.3.3.2.3 Development Controls

In addition, setbacks for new developments shall comply with the following:

- a. There should be minimal change to existing ground levels within the required **deep soil** areas and along all boundaries:

- i. On flood-prone sites, substantial filling to create flood-free floor levels is not an acceptable urban design practice;
  - ii. Filling of sites to allow gravity drainage of roof stormwater to street drains is not an acceptable urban design practice.
- b. Amenity requirements in *Clause 3.3.3.5* of this chapter:
- i. Circumstances of some sites might require setbacks that are greater than the minima provided by this section.
- c. Existing trees that are visually-prominent should be conserved:
- i. Where they are clearly-visible from a public place such as a road or reserve; and
  - ii. Where they make a positive contribution to existing scenic quality of a locality, or to desired streetscape character and identity of the surrounding neighbourhood;
  - iii. Unless a report by a qualified arborist demonstrates structural defects that would compromise “safe useful life expectancy”.
- d. In order to conserve existing trees:
- i. Maintain existing ground levels across the “critical root zone” (CRZ as defined in a report by a qualified arborist); *and*
  - ii. Increase required setbacks so that buildings and excavations avoid CRZs and any portions of canopy that are essential to long-term survival or stability (according to a report by a qualified arborist); *or*
  - iii. Across a CRZ, use low-impact construction techniques that avoid extensive excavation and strip footings or slabs-on-ground which would compromise long-term survival or stability the tree (according to a report by a qualified arborist);
  - iv. Where minimum setbacks are increased to preserve existing trees, other setbacks may be reduced to compensate for the floor-area foregone *provided that* existing amenity of neighbouring properties and desired neighbourhood character would not be compromised.

#### **3.3.3.2.4 Allowable Encroachments**

The following encroachments are allowed:

- a. Minor features and building elements:
  - i. Roof eaves, awnings, and pergolas supported by slender steel or timber posts: up to 1m beyond minimum setbacks;
  - ii. Stair or ramp access to building lobbies and individual dwellings: up to 1m beyond minimum setbacks;
  - iii. Light wells that provide daylight and ventilation to habitable rooms located partly-below ground level: up to 1m beyond minimum setbacks;
  - iv. Down-pipes and flues.
- b. Terraces above basements that are generally not more than 1m above ground level:
  - i. Across up to 50% of any elevation: up to 1m beyond the minimum setback.
- c. Balconies which display a “light-weight” appearance:
  - i. Across up to 50% of any building elevation: up to 1m beyond the minimum setback but only for structures that are cantilevered or that are supported by slender steel or timber posts.
- d. Large paved areas *provided that* they are flanked by a deep soil verge at least one metre wide which is planted with an avenue of trees and shrubs:
  - i. Driveways and basement ramps;
  - ii. Above-ground parking areas and vehicle turning areas.

#### **3.3.3.2.5 Definitions**

In this Chapter, the following definitions apply:

##### **corner sites**

a front boundary setback applies to the shorter street frontage;  
 a side boundary setback applies to the longer street frontage;  
 a rear boundary setback applies to the boundary that is parallel to the shorter street frontage.

**deep soil**

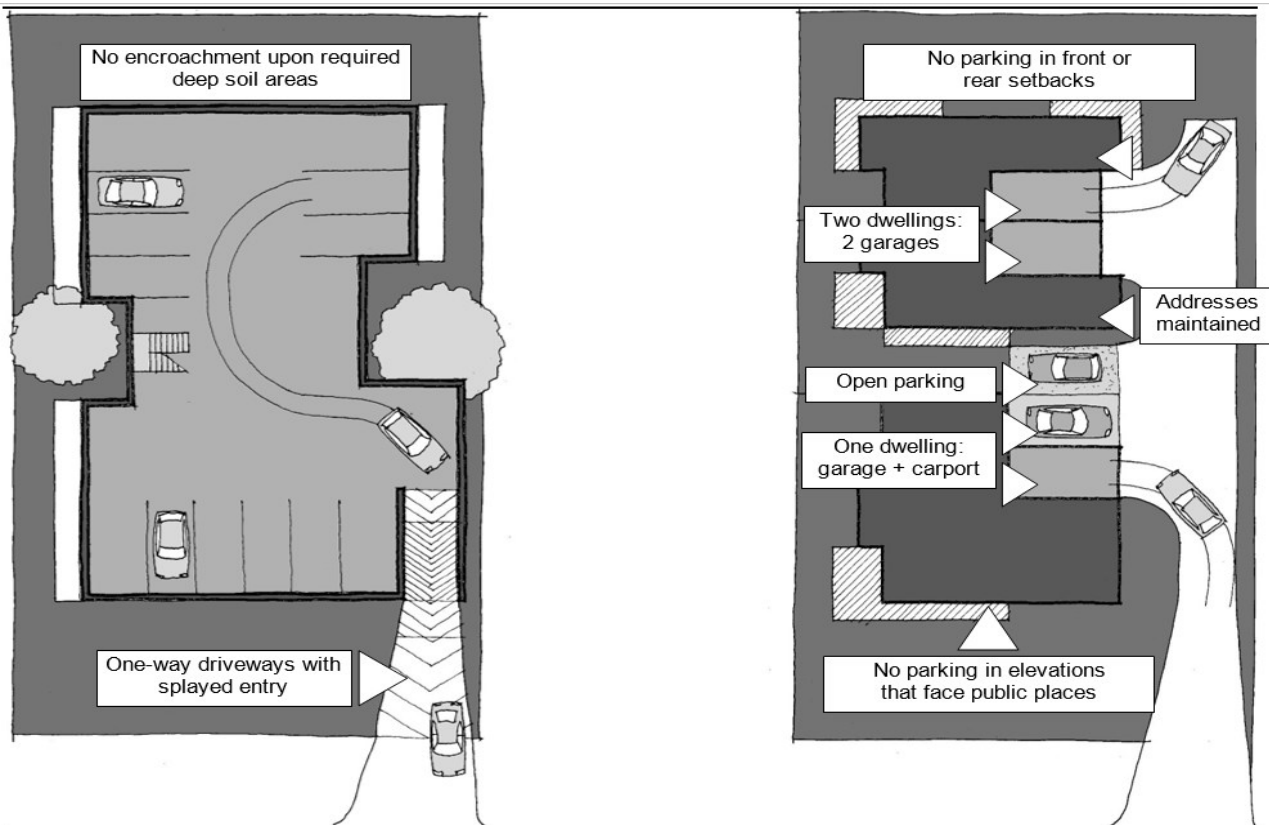
means natural ground or imported material with a depth that is not limited by any basement structure and which is suitable for deep-rooted trees.

**3.3.3.3 Car Parking**

**3.3.3.3.1 Purpose of Car Parking**

Purposes of guidelines for car parking are:

- a. To encourage basement parking that promotes the most-efficient use of land,
- b. To minimise visual impacts in relation to existing scenic quality or desired streetscape character,
- c. To recommend urban design solutions that ensure effective integration of the on-site parking required by the Car Parking chapter of this development control plan.



**FIGURE 7 DRIVEWAYS + PARKING AREAS**

Indicative development plans: basement parking (left) + above-ground parking

**3.3.3.3.2 Technical Requirements**

Technical requirements for parking are provided by the Car Parking chapter of this development control plan.

**3.3.3.3.3 Preferred Location of Off-Street Parking**

In terms of scenic quality and desired neighbourhood character, basements are the preferred location for off-street parking:

- a. Basements must not extend across the required **deep soil** setbacks.
- b. Basements may extend up to 1m above existing ground level, provided that they are integrated with architectural and landscape design of the development.
- c. Although basement parking is not mandatory, above-ground garages and driveways may reduce dwelling yields which otherwise could be achieved within the building envelope that is defined by this chapter.

### 3.3.3.3.4 Scenic Quality and Neighbourhood Character of Off-Street Parking

The location and design of off-street parking areas must not compromise existing scenic quality or desired neighbourhood character:

- a. Above-ground parking spaces must not be located within any building elevation that would face a street, a laneway or a public reserve.
- b. On sloping sites, garages and enclosed driveways that would sit more than 1m above existing ground level must be concealed behind habitable rooms.
- c. Above-ground parking spaces must not be located within any front or rear setback.
- d. Above-ground parking spaces must not create a continuous or nearly continuous row of enclosed garages which would obstruct the “traditional address” that is required by *Clause 3.3.4.2* of this Chapter.
- e. For dwellings that require two above-ground parking spaces, the preferred urban design solution is one fully-enclosed garage space with the second space located in a carport secured by a visually-transparent shutter, or upon an open landscaped area.

### 3.3.3.3.5 Driveway Design

Driveway design should balance safety with the desired streetscape quality:

- a. For developments that would generate less than 30 movements per peak hour (typically, those with less than 25 parking spaces):
  - i. AS 2890.1 allows single lane driveways that are 3m wide *provided that* passing bays at least 5.5m wide are located at 30m intervals,
  - ii. Single lane driveways should splay from the building line to a width of 5.5m at the street kerblines, allowing two vehicles to pass in the setback area without interrupting street traffic or compromising the safety of pedestrian footpaths.
- b. For developments that would generate more than 30 movements per hour:
  - i. AS 2890.1 requires two-way driveways that are 5.5m wide,
  - ii. Alternatively, provide a pair of single lane driveways that are each 3m wide.
- c. For basement ramps:
  - i. Gradients must comply with AS 2890.1, and for safety reasons should not be steeper than 1:20 within 6m of the site boundary,
  - ii. Single lane ramps should include warning lights to prevent two way traffic,
  - iii. In flood-prone areas, drive-over flood-bars should be installed at the head of all ramps with crown levels that meet the Council’s requirements.
- d. Driveways and ramps must be integrated with landscaping as required by *Clause 3.3.4.4* of this Chapter:
  - i. Width of driveways and ramps should be minimised so that the area of deep soil upon every site may be maximised;
  - ii. A proportion of above-ground pavements should be water-permeable;
  - iii. A proportion of surfaces should be graded to direct stormwater flows toward landscaped verges (as opposed to being confined between tall upstand kerbs).

## 3.3.3.4 Articulation

### 3.3.3.4.1 Purpose of Articulation

The purposes of controls for articulation are:

- a. To prevent monotonous exterior walls that accentuate the scale and bulk of buildings,
- b. To limit the apparent height and length of new facades,
- c. To ensure that the size and bulk of new developments would not compromise existing scenic qualities that might be displayed by the surrounding locality,
- d. To achieve compatibility with the predominant patterns of buildings and gardens that define the existing and

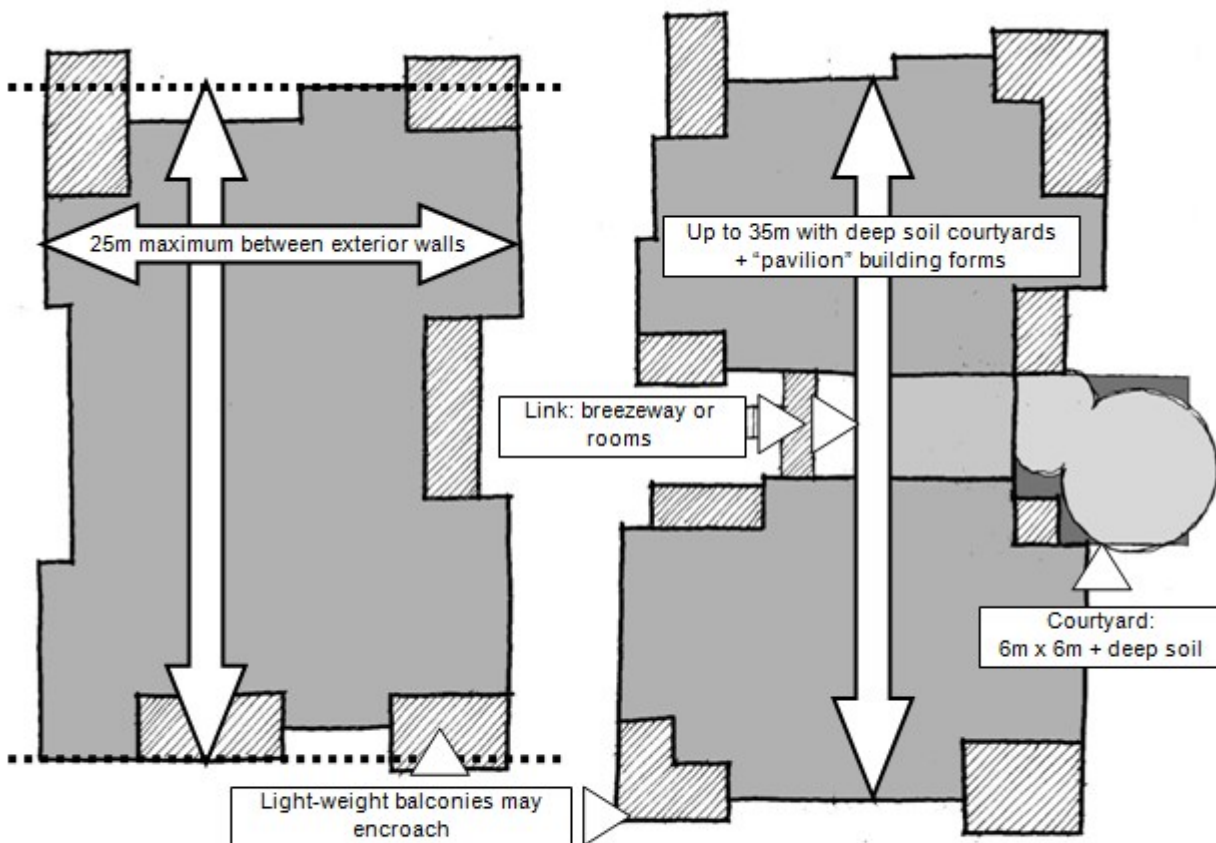


desired characters of each neighbourhood.

### 3.3.3.4.2 Maximum Dimensions of Buildings

The maximum width and depth of any building is 25m:

- a. Maximum dimensions are measured between outside faces of **exterior walls**.
- b. Maximum dimensions do not include:
  - i. Balconies that display a “light-weight” appearance such as structures which are supported upon slender steel or timber posts or cantilevered,
  - ii. Carports that are not fully-enclosed by walls, with a “light-weight” appearance presented by gently-pitched roofs which are supported by steel or timber posts,
  - iii. Terraces or basements that are not higher than 1m above existing ground.
- c. A building may exceed the maximum dimensions by up to 10m provided that the following features are incorporated:
  - i. Elevations longer than 25m must be indented to incorporate one **deep soil** courtyard that measures at least 6m by 6m, and
  - ii. Each courtyard must be planted with at least one large canopy tree, and
  - iii. Surrounding each courtyard, height of the building’s exterior walls must be reduced, and
  - iv. Roof forms must be varied to accentuate this additional articulation, for example by presenting each building as two visually-separated “pavilion-elements”.



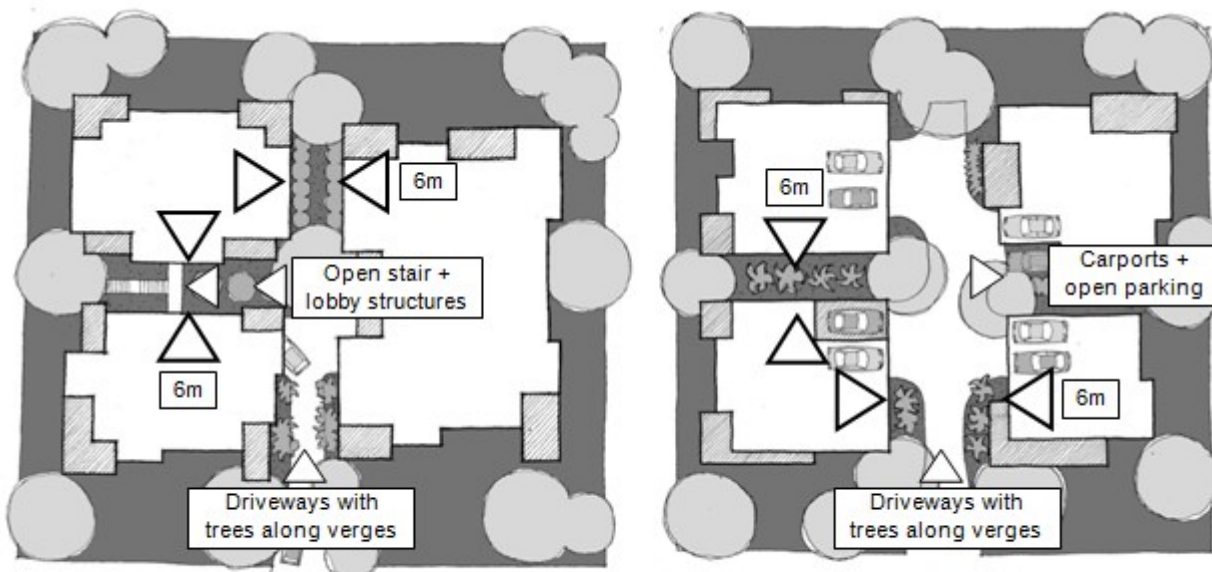
**FIGURE 8** MAXIMUM DIMENSIONS FOR BUILDINGS  
Alternative “footprints”: limited depth (*left*) or deeper with indented courtyards (*right*)

### 3.3.3.4.3 Separation Between Buildings on the Same Site

Adjoining buildings located upon the same development site shall be separated:

- a. The minimum distance between buildings shall be 6m:

- i. Predominantly deep soil areas to conserve existing trees or accommodate new trees according to Clause 3.3.4.4 of this chapter, or
  - ii. Driveways that are flanked by landscaped verges which accommodate new trees according to Clause 3.3.4.4 of this chapter.
- b. Separation between buildings also shall provide satisfactory sunlight and privacy for adjacent dwellings, according to Clause 3.3.3.5 of this chapter.
- c. Allowable encroachments within required building separations include:
- i. Free-standing stairs and building lobbies that are not wider than 2.5m and which display a “light-weight” appearance: for example structures with gently-pitched roofs supported by slender steel or timber posts, either open or enclosed by windows or screens,
  - ii. Carports not wider than 3m and which display a “light-weight” appearance: with gently-pitched roofs that are supported by slender steel or timber posts,
  - iii. Any uncovered outdoor parking space with porous paving that is overhung by canopy trees.

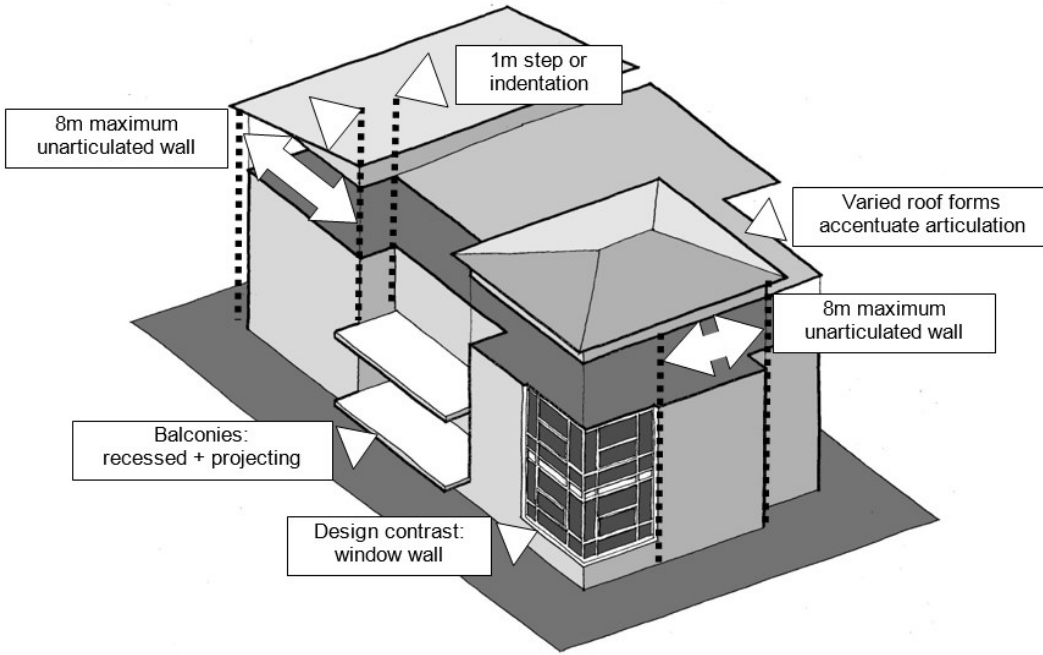


**FIGURE 9 MINIMUM SEPARATION BETWEEN BUILDINGS**  
Indicative plans: Residential Flat Buildings (*left*) + Multi Dwelling Housing (*right*)

#### 3.3.3.4.4 Articulation of Building Forms and Facades

The “unarticulated length” of any exterior wall should not exceed 8m:

- a. Satisfactory articulation is achieved by:
  - i. Stepping or indenting the alignment of an exterior wall by at least 1m,
  - ii. Balconies or terraces that project at least 1m forward of an exterior wall,
  - iii. Distinct contrasts in the design or the finish of an exterior wall, such as panels of “curtain wall” windows next to masonry walls,
  - iv. Roof forms that comprise a number of separate elements which respond to steps, projections and / or design contrasts that appear in exterior walls immediately below.
- b. A variety of articulation measures should be applied to all facades.



**FIGURE 10 ARTICULATION OF BUILDING FORMS + FACADES**  
 "Exploded" axonometric view showing roof-forms separated from walls

**3.3.3.4.5 Appearance of Adjoining Buildings**

The appearance of adjoining buildings should be varied:

- a. Within any development that proposes more than one building.
- b. Also along any street where a development proposes to repeat an existing building type that is located upon a neighbouring property or within visible proximity.
- c. Satisfactory variation is achieved by visible differences in relation to:
  - i. Front and side setbacks that are adopted for each building,
  - ii. The size, shape and / or orientation of floor plans in each building,
  - iii. Shape or form of each building defined by exterior walls and roofs,
  - iv. Landscaping, specifically the type and placement of canopy trees, and the provision of screen plantings along a property's boundaries.



**FIGURE 11 VARIATION OF ADJACENT BUILDINGS**  
 Indicative views: Neighbouring properties (left) + one development site (right)

**3.3.3.5 Residential Amenity**

### 3.3.3.5.1 Purpose of Controls

#### 3.3.3.5.1 Purpose of Residential Amenity

The purposes of controls for residential amenity are:

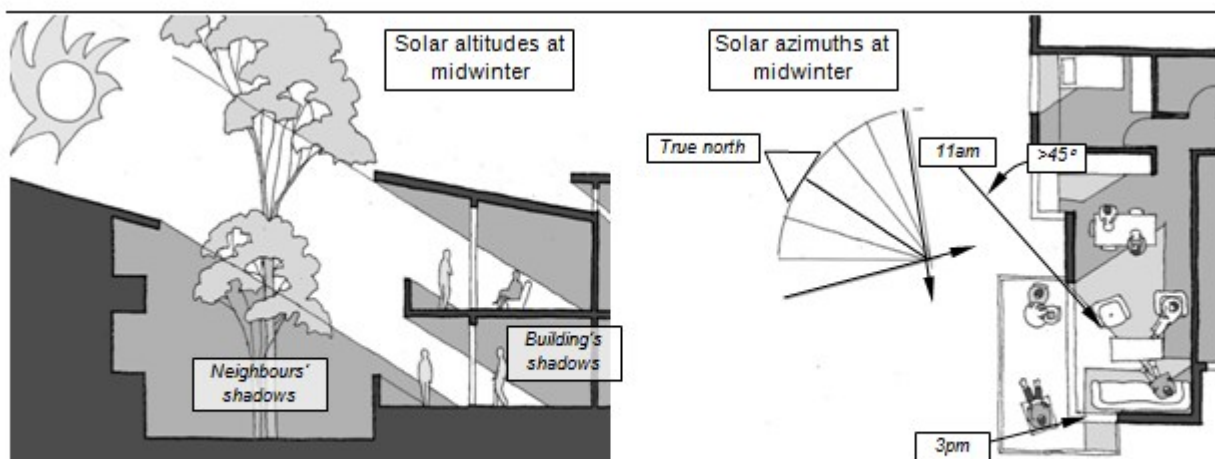
- a. To maintain a reasonable “quality of life” for existing residential neighbours,
- b. To ensure that new developments provide high quality living environments.

### 3.3.3.5.2 Sunlight and Overshadowing

#### 3.3.3.5.2 Sunlight and Overshadowing

Building forms and the design of new dwellings shall provide a minimum amount of sunlight for both new and existing dwellings:

- a. At least three hours daily shall be received by:
  - i. Day-time living or dining or family rooms in all dwellings, where sunlight falls upon at least half of the surface area to principal windows of those rooms;
  - ii. The principal area of private open space for all dwellings, and any communal open space that is designed for residents’ outdoor recreation, where sunlight falls upon at least half of those areas.
- b. For every new development, this minimum amount of sunlight shall be received by:
  - i. At least 70% of the proposed dwellings; and
  - ii. Any communal open space that is designed for residents’ outdoor recreation.
- c. For existing neighbours, the minimum amount of sunlight shall be retained:
  - i. For living rooms and the principal area of private open space;
  - ii. If current sunlight is less than the minimum amount, siting and form of the proposed development should ensure that the existing amount of sunlight is not reduced.
- d. Demonstrate the amount of sunlight that will be achieved or maintained:
  - i. Provide shadow diagrams that are projected from true north, for at least 9am, noon and 3pm on June 21 (midwinter),
  - ii. Illustrate sunlight and shadows as overlays upon floorplans of the typical dwellings proposed, and where necessary, across neighbours’ affected elevations,
  - iii. Shadows should be adjusted for slope, and should show obstructions upon the development site and neighbouring properties: fences and trees such as conifers with dense canopies (both existing and proposed), and existing structures,
  - iv. Provide a table that lists the amount of sunlight which would be received by the proposed dwellings.



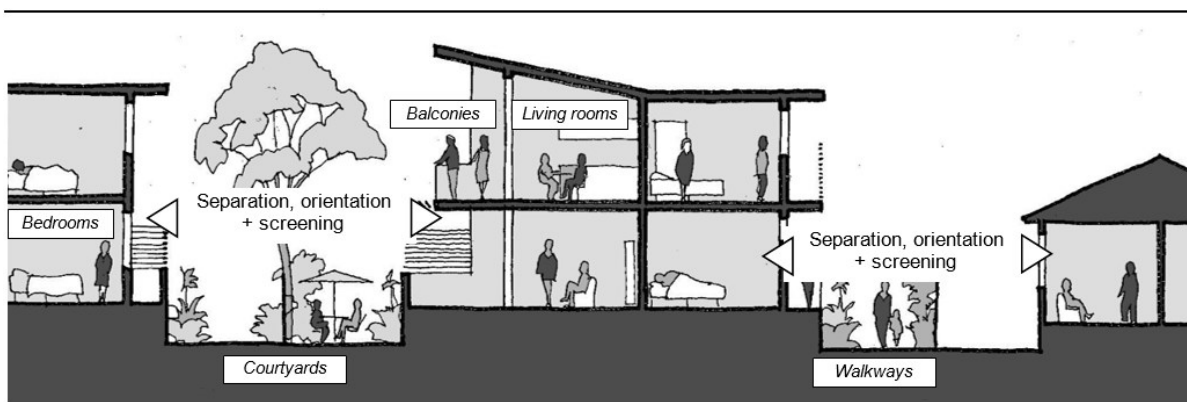
**FIGURE 12 SUNLIGHT + OVERSHADOWING**  
Section through adjoining properties + indicative plan showing solar azimuths

### 3.3.3.5.3 Site Planning

#### 3.3.3.5.3 Site Planning

Site planning and design shall provide reasonable privacy for both existing and proposed dwellings:

- a. The primary orientation for new dwellings should be towards front or rear setbacks, or major open spaces upon the development site:
  - i. Primary orientation relates to the windows of living, family or dining rooms, and to the principal private open spaces that adjoin those rooms.
- b. Provide reasonable privacy separation between adjacent dwellings:
  - i. Privacy separation is measured as the minimum line-of-sight between the windows of any living, dining or family room and / or the outer edge of a principal private open space;
  - ii. For two storey buildings: provide at least 9m between adjacent dwellings,
  - iii. For three or four storey buildings: provide at least 9m for the lower two storeys between adjacent vantage points, and for the third and fourth storey, at least 12m;
- c. Reduced separation is acceptable where screening would block lines of sight between adjacent dwellings, for example by:
  - i. Boundary fences up to 1.8m high;
  - ii. Existing evergreen shrubs or trees;
  - iii. Fixed or moveable louvres, exterior shutters or blinds;
  - iv. Pergolas and awnings above intensively-occupied private open spaces;
  - v. Windows with frosted or opaque glass;
  - vi. Windows less than 600mm wide, or with tall sills at least 1.5m above floor level;
  - vii. Planters at least 1m wide, with hedges that are at least 1.5m above floor level.
- d. Also ensure that dwellings are protected from intrusive of noise and overlooking:
  - i. Locate bedroom windows away from common areas such as driveways, lobbies, access-hallways and access-balconies;
  - ii. Limit potential impacts from roof terraces by allowing only one terrace per dwelling with maximum dimensions of 3.5m by 3.5m,
  - iii. Demonstrate that habitable rooms located within 60m of the railway or facing a classified major road would satisfy the acoustic criteria published by Standards Australia and State Government authorities.



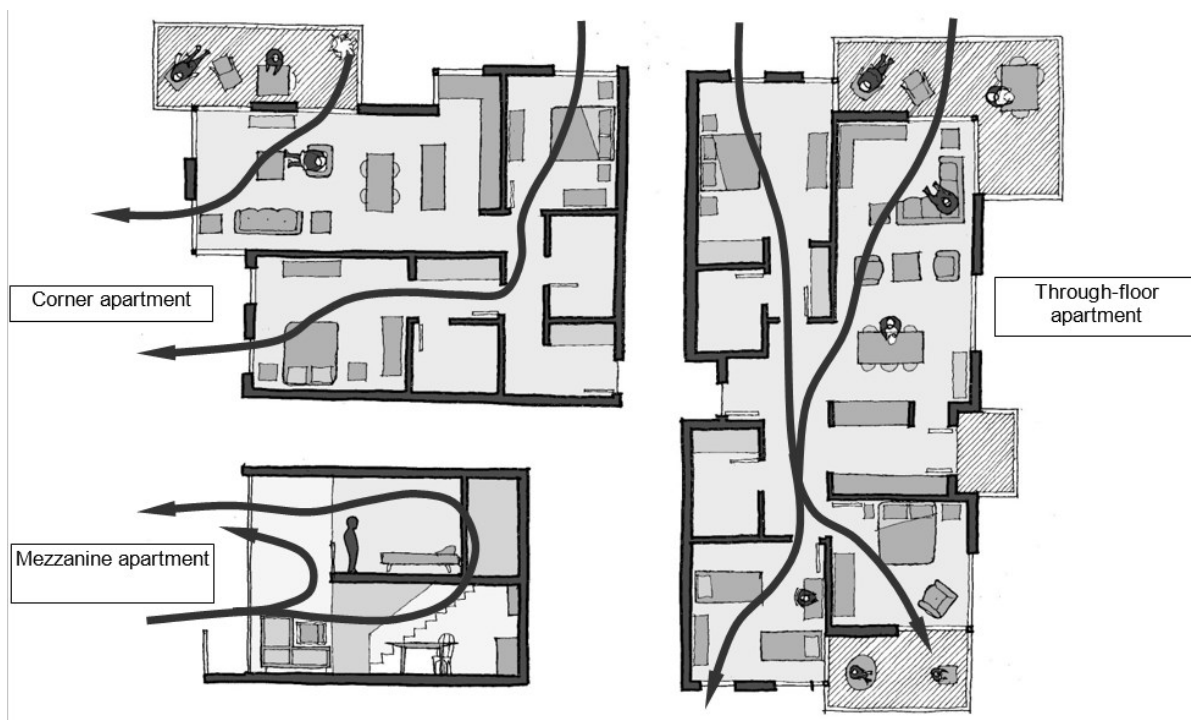
**FIGURE 13 PROTECTION OF MUTUAL PRIVACY**  
Indicative cross section through adjacent buildings + dwellings

### 3.3.3.5.4 Natural Cross-ventilation

#### 3.3.3.5.4 Natural Cross-Ventilation

The majority of dwellings in any development shall be naturally cross-ventilated:

- a. At least 60% of the proposed dwellings must have suitable floorplans:
  - i. “Corner” or “through-floor” configurations with windows located in two exterior walls, allowing breezes to pass directly through all of the major habitable rooms;
  - ii. Two storey units with a “mezzanine” upper level that is setback at least 2m from two storey windows, allowing convection currents to circulate via a broad floor-void;
  - iii. Where some windows have an easterly aspect that allows prevailing summer breezes to enter directly.
- b. “Single aspect” dwellings with windows in only one exterior wall should have floorplans that are not excessively deep:
  - i. The most-frequently occupied portions of each kitchen, living, dining, family and bedroom should not be further than 8m from a window;
  - ii. Service rooms that are mechanically-ventilated and storage areas may be further than 8m from a window.
- c. Demonstrate that effective natural cross-ventilation will be achieved:
  - i. Provide a table that confirms the number of proposed dwellings with suitable floorplans, such as “corner”, “through-floor” or “mezzanine” types;
  - ii. For “single aspect” dwellings, plans should note the distance from windows to most-frequently-occupied portions of their kitchen, living, dining, family and bedrooms.



**FIGURE 14 NATURALLY CROSS-VENTILATED DWELLINGS**

Floor plans + section (at bottom left) showing well-ventilated dwelling types

### 3.3.3.5.5 Private Open Space

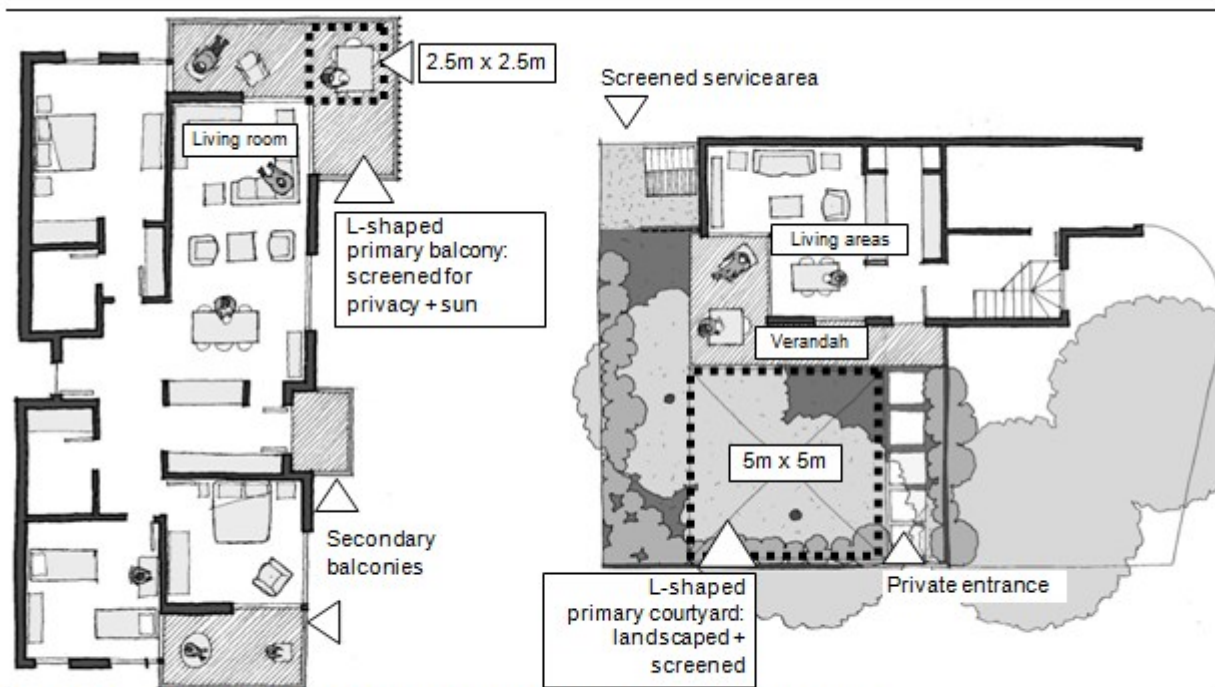
#### 3.3.3.5.5 Private Open Space

Provide well-designed private open spaces for every new dwelling:

- a. For each above-ground dwelling, provide open space as terraces or balconies:
  - i. For one bedroom dwellings: at least 8m<sup>2</sup> for a single space;
  - ii. For two bedroom dwellings: at least 12m<sup>2</sup> in total for one or more spaces;
  - iii. For three or more bedrooms: at least 16m<sup>2</sup> in total for one or more spaces;
  - iv. Including one area measuring at least 2.5m by 2.5m which can comfortably-accommodate an outdoor

table-setting or seating.

- b. For each dwelling with a private entrance at ground level, provide open space as landscaped garden courtyards or terraces:
  - i. For all dwellings: at least 50m<sup>2</sup> which may include a verandah or terrace that sits above a basement carpark;
  - ii. Including one area measuring at least 5m by 5m to accommodate a variety of activities as well as landscaping that includes shrubs and at least one tree;
  - iii. The absolute minimum dimension for any private courtyard is 3.5m.
- c. Private open spaces should have the following features:
  - i. Courtyards may extend across a proportion of the deep soil setbacks within each development, including the front setback;
  - ii. The principal areas of private open space should have a sunny location immediately next to their dwelling's major indoor living areas;
  - iii. Balconies and courtyards should be designed as "outdoor rooms", incorporating effective screening for privacy and protection from summer sun, together with a semi-regular shape which can accommodate a variety of outdoor activities (note that "L-shaped" areas are particularly effective);
  - iv. All open spaces should include service areas that are fully-screened to allow outdoor clothes-drying and storage.



**FIGURE 15 FEATURES OF PRIVATE OPEN SPACE**  
Indicative dwelling plans: Residential Flat Buildings (left) + Multi Dwelling Housing

### 3.3.3.5.6 Communal Open Space

#### 3.3.3.5.6 Communal Open Space

Provide communal open spaces for developments with more than ten dwellings:

- a. Communal open spaces should have the following minimum areas and dimensions:
  - i. Communal open spaces in such developments should cover at least 10% of the proposed setbacks and building separations;
  - ii. Communal open space may provided in one or more parcels, provided that spaces which are designed specifically for recreation cover at least 50m<sup>2</sup> and have minimum dimensions of 5m;

- iii. Communal areas that are landscaped with shrubs and trees should have a minimum width of 1m.
- b. Communal open spaces should be provided in locations that enhance the design character and amenity of each development:
  - i. Where they would conserve existing trees;
  - ii. Where they could provide landscaped focal points for the development and its dwellings, for example at the head of any driveway or midway along any driveway that would be more than 40m long.
- c. Communal open spaces that are designed for residents' recreation should have the following features:
  - i. A sunny location that is accessible by all dwellings;
  - ii. Designed to accommodate a variety of activities within a landscaped setting, such as sitting, barbeques, picnics and childrens' play (noting that "L-shaped" areas are particularly effective);
  - iii. Orientation or design features that protect the privacy of adjoining dwellings, such as screen plantings, trellises and pergolas.

### 3.3.4 Design Guidelines

#### 3.3.4.1 Housing Choice

##### 3.3.4.1.1 Purpose of Housing Choice

The purposes of guidelines for housing choice are:

- a. To promote the Council's adopted strategies with regard to population and residential development by encouraging a range of dwelling types across Gosford City,
- b. To ensure that dwellings satisfy, or can be adapted to satisfy, the needs of all residents in Gosford City including the elderly and people with disabilities,
- c. To comply with national guidelines for accessibility and adaptability that are published by Standards Australia.

##### 3.3.4.1.2 Dwelling Types

New developments should incorporate a range of dwelling types that reflect Gosford City's diverse demographic structure:

- a. No more than one third of the dwellings in any development should be the same type.
- b. Dwelling types are defined by the following factors:
  - i. The number of bedrooms in each dwelling,
  - ii. Location of dwellings at ground-level or above-ground,
  - iii. Whether lift access is provided for above-ground dwellings,
  - iv. The number of levels or storeys within each dwelling,
  - v. In two storey dwellings, whether living rooms and entrances plus some bedrooms and bathrooms are located at the same level or on different levels,
  - vi. The size and design of private open spaces that are provided for each dwelling:
    - Ground level garden terraces or above-ground balconies,
    - Single or multiple open spaces for each dwelling,
    - Size and landscaping of open spaces: predominantly planted or paved.

##### 3.3.4.1.3 Accessible Dwellings

Ensure that a proportion of new dwellings are "accessible", or may be "adapted" to meet residents' future needs:

- a. In developments with more than ten dwellings: at least 10% should be "accessible":
  - i. Accessible dwellings must be designed to accommodate residents with impaired mobility according to AS 1428.
- b. In developments with more than three dwellings: one third should be "adaptable":
  - i. Adaptable dwellings may be adjusted to accommodate the aging of residents "in-situ" or the needs of residents who experience impaired mobility,



- ii. Adaptable dwellings must satisfy Class C specifications in AS 4299, including minimum dimensions for habitable rooms, hallways and doorways.
- c. Both accessible and adaptable dwellings require “barrier free” access as defined by AS 1428 and AS 4299:
  - i. New developments should provide at least one “barrier-free” access path between the street and entrances to a proportion of ground floor dwellings,
  - ii. “Barrier-free” access should be provided throughout all of the common areas in a development, including major pedestrian pathways, building lobbies, internal hallways or balconies that provide access to individual dwellings, plus garbage stores and parking areas,
- d. Requirements for accessible or adaptable dwellings may be waived on steep sites:
  - i. Where it can be demonstrated that slopes cannot accommodate ramps, or
  - ii. Where it can be demonstrated that ramp structures would substantially compromise existing scenic qualities to an extent which would be contrary to desired character of the surrounding neighbourhood.

### 3.3.4.2 Residential Address

#### 3.3.4.2.1 Purpose of Residential Address

The purposes of guidelines for residential address are:

- a. To encourage positive social interaction between new residents and Gosford City’s established communities,
- b. To promote a safe residential environment by providing for surveillance and by distinguishing private, semi-private and semi-public areas within new developments.

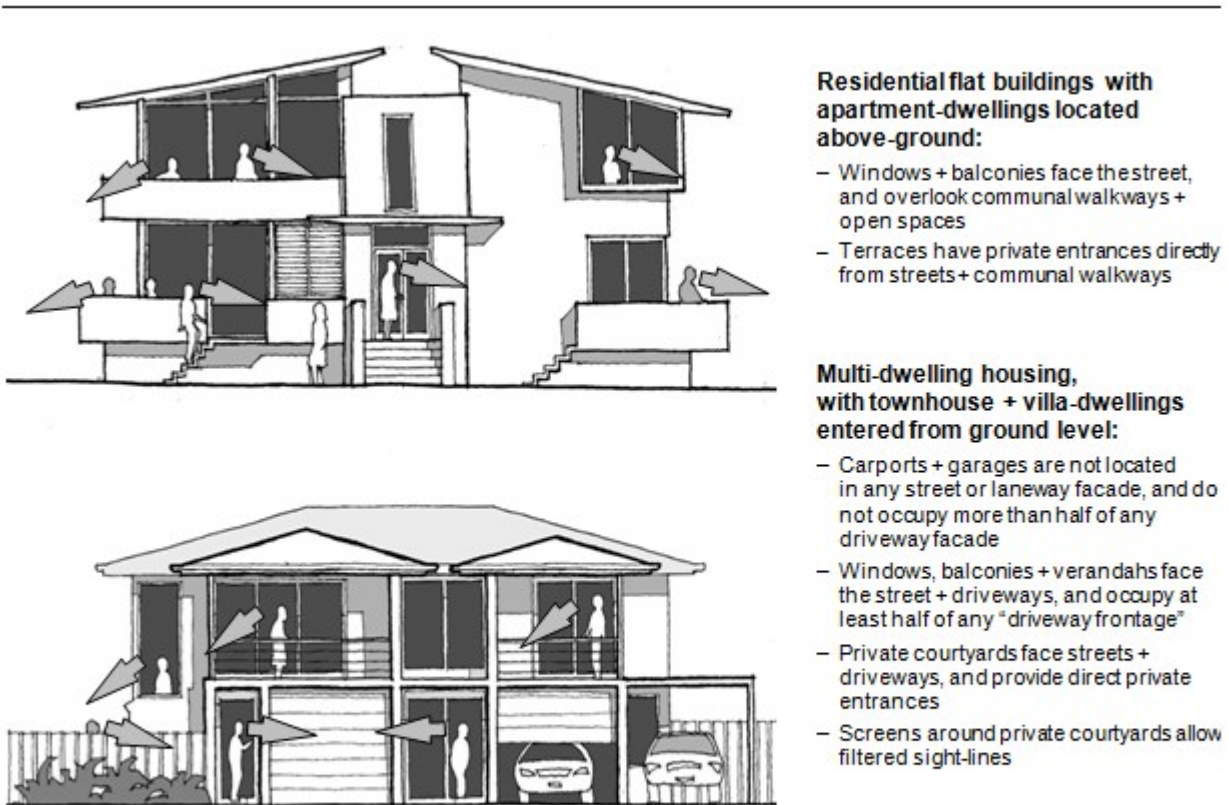


FIGURE 16 ELEMENTS OF AN ADDRESS  
Indicative elevations: Residential Flat Buildings (top) + Multi Dwelling Housing

#### 3.3.4.2.2 Requirements for a Traditional Address

A “traditional address” is required for all new dwellings that face any street or public place, or communal areas within a development:

- a. A “traditional address” is achieved where sight-lines are available from regularly-occupied rooms and open

spaces within each dwelling towards streets and parks, and to semi-public places within the development such as driveways and walkways.

- b. Regularly-occupied areas within each dwelling that should be able to overlook public and semi-public places include:
  - i. Front doors, verandahs and patios,
  - ii. Windows to rooms that are regularly-occupied throughout the course of any day, such as living, dining and family rooms, kitchens, and stairs or hallways,
  - iii. Balconies, terraces and private courtyards.
- c. A “traditional address” has two important benefits:
  - i. Encourages positive social interaction between new residents and established communities,
  - ii. Discourages anti-social behaviour that could compromise safety and security of both public and semi-public places.

#### **3.3.4.2.3 Features of a Traditional Address**

For all developments, features of a “traditional address” include:

- a. For all dwellings located at the front of each development: the street can be seen from windows of regularly-occupied rooms, as well as from upper-storey balconies and private terraces or courtyards at ground level.
- b. For developments that provide above-ground parking: carports and fully-enclosed garages must not be located within any facade facing a street, a park or major communal open space, where they would block desired sight lines.
- c. For developments with basement parking: communal areas such as walkways or open spaces that are designed for residents’ recreation can be seen from windows of regularly-occupied rooms and from private terraces or balconies.
- d. Where dwellings have private open spaces at ground level: each terrace or courtyard has a private entrance that opens directly onto the street or communal area such as a driveway, walkway or open space that is designed for recreation.

#### **3.3.4.2.4 Features of a Residential Flat Building Traditional Address**

For residential flat buildings with above-ground parking, a traditional address requires the following additional features:

- a. At least half the width of any driveway facade should include balconies or verandahs, front doors, and windows of regularly-occupied living areas or hallways.
- b. Fully-enclosed garages must not be wider than half of any building’s driveway facade.

#### **3.3.4.2.5 Features of a Multi-Dwelling Housing Traditional Address**

For multi dwelling housing, which typically includes town-houses and villas, a traditional address requires the following additional features:

- a. Where parking is provided at ground level: at least half of the width of any dwelling stratum (comprising a dwelling and its private open space) should include balconies or verandahs, front doors, windows of regularly-occupied living areas, and private courtyards.

#### **3.3.4.2.6 Desired Sight-Lines**

Fences next to any street, driveway to above-ground parking or communal recreation areas must not restrict the desired sight-lines:

- a. Fences should have a semi-transparent design that allows “filtered” views:
  - i. Solid fences may be up to 1.2m high,
  - ii. For fences that are taller than 1.2m: at least one third of the surface area should be “open” materials such as spaced pickets or palings or battens, or lattice.
- b. Visually-opaque fences that are taller than 1.2m are only acceptable as noise barriers for properties facing major roads provided that they are screened by shrubs.

#### **3.3.4.2.7 Common Areas**

Design common areas in all developments to promote safety:

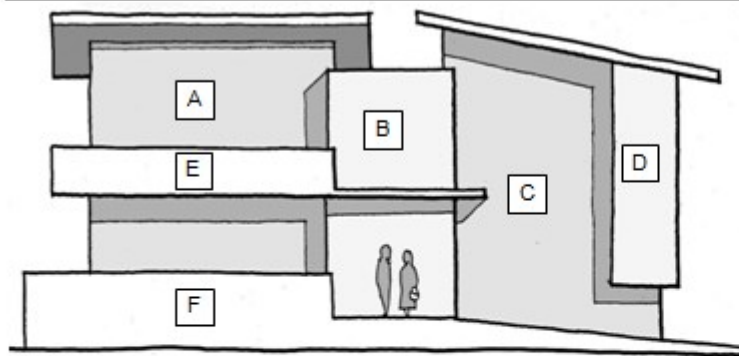
- a. Building lobbies should have direct lines-of-sight from the street, as well as providing unobstructed sight-lines from their entrances towards indoor stairs, lifts or hallways.
- b. Entrances to lobbies, basements and fire stairs should be secured.
- c. Basement parking areas should provide unobstructed sight-lines between their entrances and the furthestmost parking spaces, avoiding recessed areas and incorporating effective lighting.

### **3.3.4.3 Facades**

#### **3.3.4.3.1 Purpose of Facade Design**

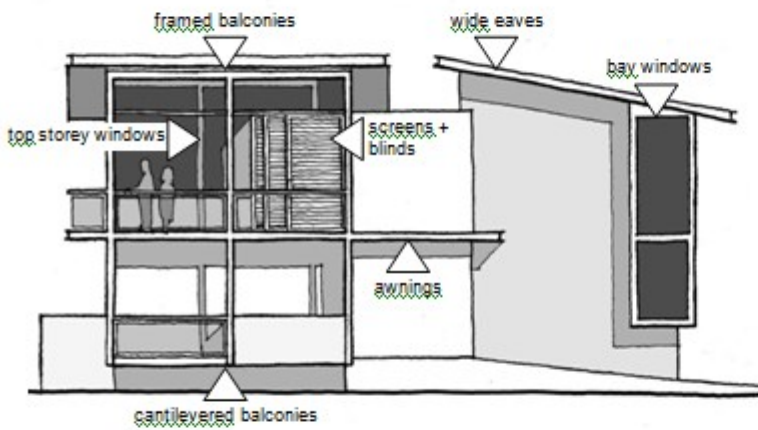
The purposes of guidelines for facade design are:

- a. To prevent monotonous exterior walls that accentuate the scale and bulk of buildings,
- b. To achieve reasonable compatibility between new developments and traditional bungalow neighbourhoods that are elements of Gosford City's architectural identity,
- c. To capitalise upon the City's distinctive coastal settings and outdoor lifestyle,
- d. To promote satisfactory indoor climates and energy-efficiency for all dwellings,
- e. To achieve high standards of urban design quality.



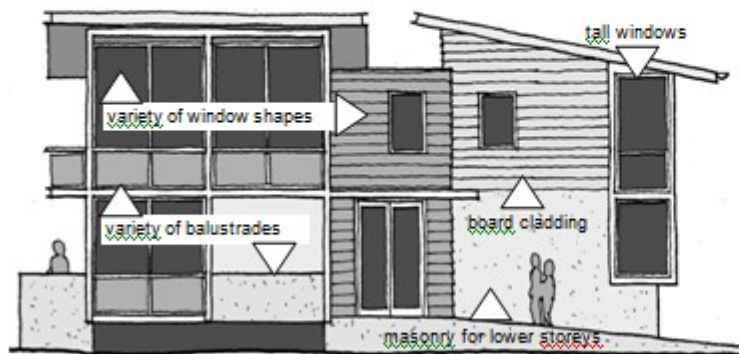
**Building forms + facades are well-articulated:**

- Facades are composed as a series of panels with varying heights + alignments (eg A to F)
- A variety of gently-pitched roof elements emphasise articulated wall-forms
- The lower walls are oriented towards sensitive vantage points along streets + on neighbouring properties



**Shade-casting elements disguise the scale of prominent walls:**

- The majority of roofs have wide eaves
- Balconies are located at prominent corners of each building, either supported by slender steel or timber frames or cantilevered structures
- Top storeys include extensive windows
- Bay windows are used, particularly at prominent corners
- Screens + blinds cover all major windows + surround the principal areas of each balcony or terrace



**Design refinements accentuate the “light-weight appearance” and promote private amenity:**

- Every facade displays a variety of window shapes + sizes
- Facades have a proportion of painted finishes, board + panel cladding
- Plain masonry is reserved predominantly for the lower storeys
- The major windows have a tall or vertical proportion with low sills
- Major windows, balconies + terraces have adjustable screens or blinds

**FIGURE 17 THREE STEPS FOR WELL-DESIGNED FACADES**  
Indicative elevations demonstrating desirable design elements for all developments

**3.3.4.3.2 Articulation of Facades**

Articulate all facades in order to disguise the scale and bulk of new buildings:

- Divide every facade into a series of “panels” that display clear variations in terms of height, width, alignment, materials and finishes:
  - Avoid broad facades that present a consistent height.
- Use a variety of gently-pitched roof elements to emphasise the shape or articulation of exterior walls:
  - Avoid large single spans or steep pitches that increase the height of buildings, and consequently accentuate their scale and bulk,
  - Roofs should be predominantly skillions, hips, gables, or rolled forms with exposed eaves, rather than parapet structures which typically accentuate scale and bulk.
- The angle and direction of pitched roofs should minimise the visible height of prominent facades:
  - Particularly for sites that are located on scenically-prominent hillsides or ridgetops,
  - Also, facing streets and neighbours’ principal areas of private open space.

### 3.3.4.3.3 "Light-Weight" Appearance of Facades

Use shade-casting elements that display a "light-weight" appearance in order to disguise the scale and bulk of prominent facades:

- a. The majority of roofs should be surrounded by wide eaves rather than presenting flush wall-to-roof junctions which tend to accentuate scale and bulk.
- b. Balconies should be used to disguise substantial expanses of flat exterior walls:
  - i. Balconies should not extend across the full width of any facade, *and*
  - ii. They should be concentrated at the outermost corners of each building, *and*
  - iii. Balconies should be supported by slender posts of steel or timber or cantilevered.
- c. The top storey of residential flat buildings should be surrounded by extensive windows, rather than by expanses of opaque wall that are punctured by small windows.
- d. Projecting bay windows should interrupt any expanse of flat exterior wall, particularly near a building's outermost corners.
- e. Screens or blinds around private open spaces and across windows should provide distinct contrasts to the character and design of opaque walls.

### 3.3.4.3.4 Materials and Finishes that Accentuate a "Light-Weight" Appearance

A variety of materials and exterior finishes should be applied in order to accentuate the desired "light-weight" appearance:

- a. Facades that display a "light-weight" appearance tend to complement the character of coastal settings across Gosford City.
- b. Elements that accentuate a "light-weight" appearance include:
  - i. A proportion of panel or board cladding plus painted finishes,
  - ii. Plain masonry walls confined to the lowest storey and / or basement terraces,
  - iii. Balconies, pergolas and window awnings that are supported by slender posts of steel or timber,
  - iv. Louvred screens or blinds surrounding open spaces and across major windows.
- c. Design and proportion of windows are significant to a "light-weight" appearance:
  - i. Extensive windows around the top floor of residential flat buildings,
  - ii. Shapes and proportions of windows that vary across each facade, rather repeating a regular pattern of near-identical windows,
  - iii. Major windows that are tall, with vertical proportions accentuated by low sills.
  - iv. Spandrels between successive rows of windows that are not taller than 1m.

### 3.3.4.3.5 Design of Facades for Privacy

Design of facades should maximise privacy and provide a comfortable indoor climate for all new dwellings which contributes to high levels of energy-efficiency:

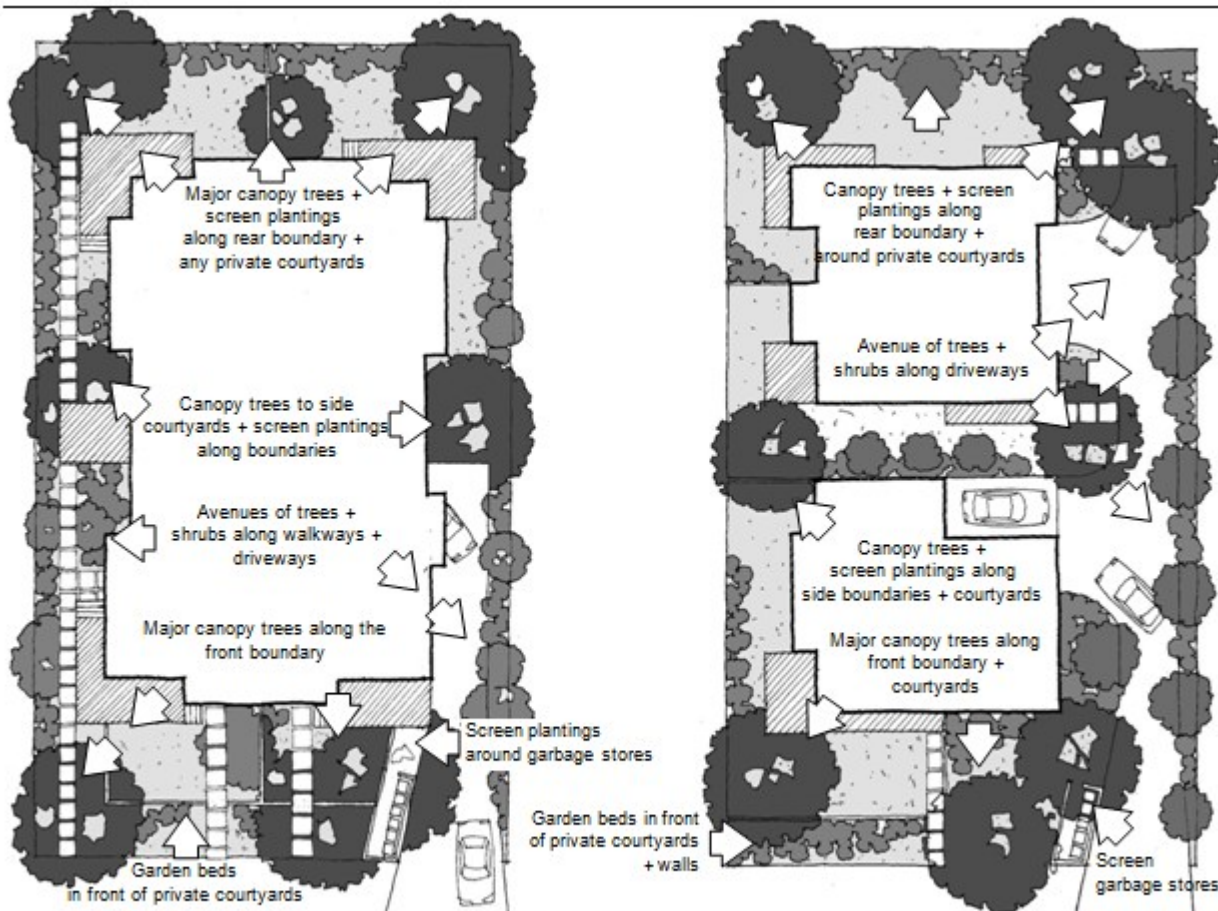
- a. Windows to major rooms plus balconies and terraces should be screened:
  - i. Exterior louvres or blinds should be adjustable to admit winter sunlight while excluding summer sun and glare,
  - ii. Alternatives to adjustable window screens include solar-tinted glazing, pergolas and wide eaves.
- b. Balconies and terraces are important design elements for all facades and dwellings:
  - i. They should be designed as "outdoor rooms" that accommodate a variety of semi-private outdoor activities,
  - ii. Irregular "L-shaped" floorplans that vary in depth are most likely to accommodate a number of different activities on each terrace or balcony,
  - iii. Any areas designated for outdoor clothes drying should be fully-screened by louvres or solid walls to a height of at least 1.8m above their floor level.

### 3.3.4.4 Landscaped Areas

#### 3.3.4.4.1 Purpose of Landscaped Areas

The purposes of guidelines for landscaped areas are:

- a. To protect the quality of scenically-prominent areas, as well as enhancing the existing landscape character of all neighbourhoods,
- b. To disguise visual impacts of new buildings and site infrastructure,
- c. To promote satisfactory levels of amenity and safety for new dwellings, as well as encouraging positive social interaction between residents,
- d. To provide attractive backdrops to streets as well as to new dwellings,



**FIGURE 18 DESIRABLE CANOPY + SCREEN PLANTINGS**  
Indicative landscape plans: Basement parking (left) + parking at ground level (right)

#### 3.3.4.4.2 Landscaping Should Complement the Character of the Surroundings

New developments should be landscaped to complement and enhance existing and desired characters of their surroundings:

- a. In scenically-prominent locations such as ridges or hillsides which are highly-visible, conserve existing trees that are prominent landscape features as required by *Clause 3.3.2* of this chapter.
- b. All new buildings should be surrounded by canopy trees, either existing or new:
  - i. In localities where indigenous trees are the predominant landscape feature, new canopy plantings should be predominantly locally-native trees that are listed in Council's document *The Natural Vegetation of the Gosford Local Government Area*,
  - ii. In localities where existing character is not defined by indigenous trees, new plantings should be species that provide habitat for native birds and do not require heavy watering.
- c. Landscaping must not include any noxious or environmental weeds that are specified in the Preservation of Trees or Vegetation chapter of this development control plan.

- i. Existing infestations of specified weeds upon a development site must be removed according to recognised landscape management techniques.

#### **3.3.4.4.3 Requirements of a Landscape Concept Plan**

Provide a landscape concept plan that satisfies the following minimum standards:

- a. New trees should achieve mature heights of at least 8m to 10m which would be similar to, or taller than, proposed buildings.
- b. Major canopy trees should be located to screen the appearance of new buildings from neighbouring properties and surrounding streets, as well as providing shade for driveways and open spaces:
  - i. In general, trees should be retained or planted near the outermost corners of buildings, and in deep soil courtyards that are required to articulate the form of large buildings,
  - ii. On scenically-prominent sites such as hillsides and ridgetops, trees should be located to provide green backdrops for new buildings when viewed from downslope locations.
- c. Front setbacks should accommodate a variety of trees plus hedges and densely-planted beds of ground cover:
  - i. Provide at least two major canopy trees for the first 12m of site frontage, plus one more tree for every additional 12m or part thereof,
  - ii. In front of any tall fence that provides acoustic screening for dwellings, garden beds should be at least 2m wide.
- d. Side and rear boundaries of all development sites should provide continuous “screen plantings” to enhance the privacy and amenity of adjoining dwellings:
  - i. Side boundaries should provide at least one major canopy tree for the first 45m of boundary length, plus one more tree for every additional 20m or part thereof,
  - ii. Rear boundaries should provide at least two major canopy trees for the first 12m, plus one more tree for every additional 12m or part thereof.
- e. Driveways and parking areas should be flanked by “avenues” of trees, shrubs and hedges:
  - i. Ramps to basement carparks should be overhung by canopy trees or pergolas, and should be flanked by hedges or shrubs in terraced planters along the ramp’s sides in order to avoid sheer vertical retaining walls,
  - ii. Driveways to above-ground parking should be flanked by “avenues” of canopy trees, including at least one medium sized-tree for each dwelling that faces the driveway, plus a near-continuous hedge of small trees or shrubs along any driveway verge that is located next to a side boundary,
  - iii. A proportion of all pavements should be water-permeable (for example spaced or slotted pavers), and hard surfaces should be graded so that stormwater is directed primarily toward landscaped areas.

#### **3.3.4.4.4 Structures and Site-Facilities within Defined Setbacks**

All structures and site-facilities that are located within the defined setbacks should complement the design quality of proposed plantings and buildings:

- a. Basement walls that extend above ground level, including ventilation grilles, should be screened by garden beds and small shrubs.
- b. New fences that would be visible from any street, park or major communal area should match the design quality of proposed buildings as well as providing low-key backdrops to the proposed landscaping:
  - i. In these locations, fences of a basic standard are not desirable (for example fences of metal panels or palings).
- c. Garbage stores and other enclosures should match the design quality of proposed buildings, and these structures should be screened by proposed landscaping to ensure that they would not be visually-prominent.
- d. On-site detention facilities should not be visually-intrusive, and should be integrated with the design character of gardens or paved areas (according to their proposed location).

### 3.3.4.5 Building Services

#### 3.3.4.5.1 Purpose of Building Services

Purposes of guidelines for building services are:

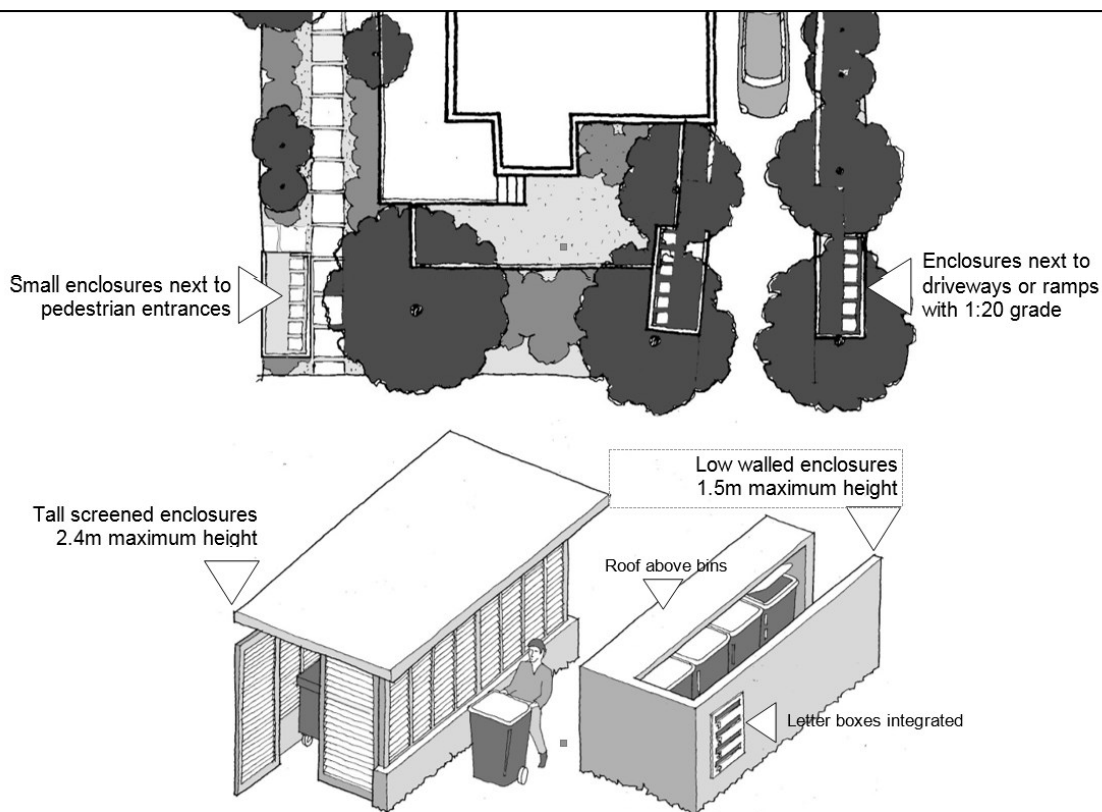
- a. To ensure that required services do not detract from the desired streetscape character of garden areas and street facades,
- b. To recommend design solutions that provide for effective integration of site services that are required by this development control plan.

#### 3.3.4.5.2 Design and Location of Stormwater Systems

Design and location of stormwater systems must promote the desired standard of urban design quality, as well as considering technical requirements:

- a. Technical requirements for stormwater systems are provided by *Water Cycle Management* chapter of this DCP and the associated *Water Cycle Management Guidelines*, which nominate the following important provisions for medium density residential developments:
  - i. At least 25% of every development site shall be deep soil in order to promote on-site infiltration and reduce discharges to public drains,
  - ii. On “sand plain sites” across the Woy Woy Peninsula, the full amount of stormwater collected by any development may be discharged via direct infiltration into the site’s soils,
  - iii. The volume required for on-site detention is reduced where developments provide rainwater tanks.
- b. Filling of sites to allow gravity discharges of stormwater to street drains is not an appropriate urban design practice, according to *Clause 3.3.3.2* of this Chapter which requires minimal change to existing ground levels:
  - i. Within specified deep soil setbacks,
  - ii. Along all boundaries that are shared with neighbouring properties,
  - iii. Ground levels may be altered within the building footprint, and for any driveway that does not encroach upon specified deep soil setbacks.
- c. Design of on-site detention systems should not compromise desired quality of streetscapes, or the desired landscape character of any setback area:
  - i. Structures should not require significant alteration of existing ground levels within specified deep soil setbacks,
  - ii. For any containment structure proposed within a setback, visual impacts should be disguised by screen plantings,
  - iii. Where containment is proposed within a driveway, avoid elevated pavements or tall kerbs that would visibly-detract from the desired streetscape quality and landscape character.





**FIGURE 19 DESIGN SOLUTIONS FOR GARBAGE STORES**  
Recommended locations + designs for storage structures

### 3.3.4.5.3 Design and Location of Garbage Bin Enclosures

Design and location of garbage bin enclosures must promote the desired standard of urban design quality, as well as considering technical requirements:

- a. The *Waste Management* chapter of this development control plan specifies the number and size of bins that are required for each development, plus technical requirements for collection, which include the following important provisions for medium density residential developments:
  - i. Mobile bins are acceptable for smaller developments and single buildings,
  - ii. Bulk bins are most-likely required for larger developments.
- b. Location and design of new developments must satisfy the Council's collection requirements
  - i. For properties with rear lane access, bins may be collected only from the primary street frontage,
  - ii. Technical and contractual requirements that influence the location and design of collection areas are specified by in the *Waste Management* chapter of this DCP.
- c. Location and design of bin enclosures must not compromise the desired standard of urban design quality for any street or driveway frontage :
  - i. Enclosures should be located next to pedestrian entrances or driveways where gradients satisfy technical requirements in the Waste Management chapter of this DCP, *provided that* motorists' sight lines are satisfactory to protect pedestrian safety and that this location is convenient for kerb-side collection,
  - ii. Enclosures must be fully screened to conceal bins from the street and any nearby dwelling, for example by low masonry structures or by screened structures with a "light-weight appearance",
  - iii. Dimensions of enclosures should be limited to minimise their visual impact: plan dimensions for any single structure should not exceed 4m by 2m, and height should not exceed 1.5m for solid walls or 2.4m for visually-transparent screens,
  - iv. Enclosures that are taller than 1.5m should present a "light-weight" appearance with gently-pitched roofs that are supported by slender steel or timber posts, and screens of spaced pickets, palings, battens or

lattice,

- v. Generally, the design and construction of bin enclosures should match the standard of urban design achieved by proposed buildings and their surrounding landscaped setbacks, as well as incorporating robust construction that would withstand rough-treatment,
- vi. In order to minimise visual impacts, enclosures should be integrated with other site facilities such as letter boxes and service meters, and they should be surrounded by screen-plantings.

#### **3.3.4.5.4 Design and Location of Service Meters**

Location and design of service meters plus related enclosures or appliances must promote the desired standard of urban design quality, as well as considering the requirements of service authorities:

- a. They must not be attached to any visually-prominent building facade that adjoins a street or laneway, a major walkway or a driveway within the development site.
- b. They should be integrated with the design of proposed buildings and their surrounding landscaped areas.
- c. They should be combined with other outdoor structures, for example enclosures for garbage bins

#### **3.3.4.5.5 Secure Private Storage Requirements**

All new dwellings must provide secure private storage:

- a. Designated storage should be provided for each dwelling:
  - i. One bedroom apartments: 6m<sup>3</sup>,
  - ii. Two bedroom apartments: 8m<sup>3</sup>,
  - iii. Three bedrooms or more: 10m<sup>3</sup>,
  - iv. This storage is in addition to kitchen or linen cupboards and wardrobes.
- b. At least half of the designated storage should be provided inside each dwelling:
  - i. The balance of required storage may be provided within garages or basement areas provided that parking spaces would not be not obstructed, or in outdoor cupboards that are integrated with the design of proposed buildings and their surrounding landscaped areas.

## **Subdivision**

### **3.5 Residential Subdivision**

#### **3.5.1 Introduction**

##### **3.5.1.1 Land to which this Chapter Applies**

This chapter applies to development in the form of subdivision of residential land or buildings within the City of Gosford.

##### **3.5.1.2 Purpose of this Chapter**

The purpose of this chapter is to provide a basis for the subdivision of residential property within the City of Gosford so that residential areas provide and maintain an acceptable level of amenity for the existing and future residents.

##### **3.5.1.3 Objectives of the Chapter**

The objectives of this chapter are as follows:

- a. To ensure that residential land developed for subdivision is done so in an efficient and orderly manner.
- b. To ensure that all lots created are satisfactorily serviced by infrastructure.
- c. To maximise development potential of residential land whilst retaining any significant environmental characteristics that may occur on the land.
- d. To encourage a variety of allotments to cater for differing housing needs.

#### **3.5.2 Location**

### 3.5.2.1 Objective

To ensure that lots created for residential use avoid or make provision to minimise the likely affect of natural hazards, relevant to the locality, which could be detrimental to the proper use and enjoyment of the land.

### 3.5.2.2 Natural Hazards

Particular areas of the City may be subject to natural hazards including:

- bushfire
- soil, sub-soil and slope instability
- mainstream flooding
- nuisance flooding
- coastal erosion and storm damage
- unhealthy building land

Some information may be held in the Council's records, however, the subdivider should not rely on that information alone but should make independent enquiries to determine the level of risk to the property.

Subdivision applications in Bushfire prone areas will be required to obtain a Bushfire Safety Authority from the NSW Rural Fire Service, pursuant to Section 100B of the Rural Fires Act 1997. Accordingly, a Bushfire Hazard Assessment Report prepared by a suitably qualified practising professional experienced in this field, shall accompany any Development Application which proposes to subdivide land within Bushfire Prone Areas, together with the appropriate referral fee.

In respect to any proposal to subdivide land for residential use, where there is a risk of natural hazard, the subdivider must demonstrate that adequate provision has been made to eliminate or reduce any such risk to acceptable levels of probability.

## 3.5.3 Arrangement of Lots

### 3.5.3.1 Objectives

- To provide sufficient area and dimensions to enable the construction of dwellings, ancillary outbuildings, private open space, vehicle access and parking.
- To ensure that allotments and the resulting residential development is in character with the locality and specific landform features of the site such as slope, aspect, vegetation, and position in relation to adjacent building.
- To ensure that elements of the site including size, slope, orientation, etc. provide maximum opportunities for future building design, privacy, orientation, solar access and useable outdoor living space on site.
- To encourage a variety of allotments to cater for the different housing needs within the community.

### 3.5.3.2 Allotment Size

- The minimum allotment area (specified in Gosford LEP 2014) and width at the building line are (refer to clause 3.5.3.2biv for minimum lot sizes for certain land at Mooney Mooney mapped under Gosford LEP 2014 as minimum lot size 1850m<sup>2</sup>.)
  - Zone R2 Low Density Residential (unless otherwise mapped under Gosford LEP 2014):
    - 550m<sup>2</sup> minimum area
    - 15m minimum width at building line
  - Zone R1 - General Residential
    - 550m<sup>2</sup> minimum area
    - 18m minimum width at building line
- The minimum allotment sizes as indicated are increased in respect to sites having the following characteristics or locations, to provide sufficient area to accommodate the additional requirement for batters, retaining walls, cut/fill, setbacks etc.
  - Slope

Zone	Slope	Minimum Area	Minimum Width
R2	less than 15%	550m <sup>2</sup>	15m
	15% or greater, but less than 20%	650m <sup>2</sup>	18m
	20% or greater	800m <sup>2</sup>	20m
R1	Less than 8%	600m <sup>2</sup>	18m
	8% or greater	750m <sup>2</sup>	25m

ii. Corner Lots

The minimum area and width requirements as specified in the table above, are increased for corner lots by adding 50m<sup>2</sup> to the minimum area.

iii. Lots adjoining a Public Reserve

The minimum area and width requirements as specified in the table above, are increased for lots where a side or rear boundary abuts an existing or proposed public open space reserve, foreshore, lagoon or waterway, by adding 100m<sup>2</sup> to the minimum area.

iv. Subdivision in R2 Zone at Mooney Mooney

The purpose of the lot sizes indicated on the Lot size map in Gosford LEP 2014 with respect to R2 zoned land at Mooney Mooney is to:

- To ensure that proposed development is consistent with the character as described in REP 20 and the associated Scenic Quality Study and
- Maintain areas of extensive and prominent or significant vegetation to protect the character of the Hawkesbury and
- To limit development on ridgetops and slopes in order to protect the scenic quality of the area.

No part of any allotment created that is less than 1850m<sup>2</sup> is to have a slope equal to or greater than a 20% slope.

- Note:*
1. The slope of the land is measured as the steepest slope perpendicular to the contours.
  2. Levels are to be to Australian Height Datum with the highest and lowest points determined to an accuracy not less than 50mm and horizontal distance of similar accuracy.
  3. Any development application for subdivision of land with a slope of greater than 20% will not be approved unless it can be satisfactorily shown that any future dwelling complies with all Sections of this DCP and all Council policies and results in no cut or fill in excess of 1.5m in height.

c. Battle Axe or Hatchet shaped allotments are those which are located at the rear of street frontage lots and which obtain or share street access via an access corridor or right of carriageway

- For the purpose of calculating the minimum lot area in accordance with clause 3.5.3.2, the area of any access corridor shall be excluded.
- Minimum access width shall be as specified in the table below.

**Access Requirements for Battle-Axe Lots**

No. of Dwellings Served	Minimum <sup>1</sup> Constructed Width (m)	Minimum Corridor Width Including Services (m)	Width Reducing With No. of Dwellings Served	Turning Area at End <sup>2</sup>
1	3.0	3.5	N/A	No
2	3.0	4.0	Yes	No
3	4.0	5.5	Yes	No
4	4.0	6.0	Yes	No
5	4.0	6.5	Yes	No
6 to 8	6.0	8.5	No	Yes
9 to 15	6.0	10.5	No	Yes

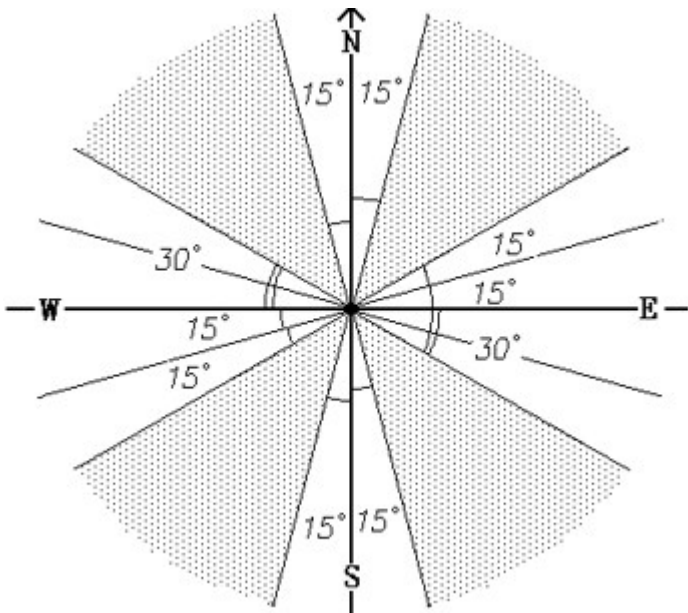
- Notes: 1 • provision of passing bays at regular intervals may be required.
- 2 • where no end turning area is provided, then each lot shall accommodate its own turning area; and
- subject to satisfactory arrangements being made with service authorities, e.g. Garbage Service.
- iii. Access by right-of-carriageway (i.e. common access way to land-locked allotments and in other instances) may be accepted provided that:
- special circumstances of the site restricting road development, e.g. physical terrain, land ownership pattern and existing settlement pattern;
  - no adjoining land owner would be adversely prejudiced in their potential of development.
  - the proposal includes some means to maintain the constructed driveway.
- iv. The maximum longitudinal grade for an access driveway shall be 20% to allow for the servicing of the lot by a small rigid trucks and emergency vehicles. Steeper grades may be considered where traffic safety has been addressed.
- v. Service conduits shall be provided by the developer for the length of the access corridor or carriageway easement.

### 3.5.4 Orientation

The orientation of allotments will relate to the direction of the streets. An important consideration must be arrangements which maximise the opportunities for energy efficient dwellings to be designed and constructed on the individual allotments.

#### 3.5.4.1 Street/Allotment Orientation

- a. Streets should, wherever possible, be within 15° of the east-west axis or the north-south axis, with side boundary lines perpendicular to the street frontage.
- b. Where streets are between 15° and 30° away from the east-west axis the side boundary lines should be angled so as to be as close to the north-south direction as practical.
- c. The directions not indicated in a) or b) above should be avoided wherever practical.



Where possible avoid street directions in the shaded area of the compass.

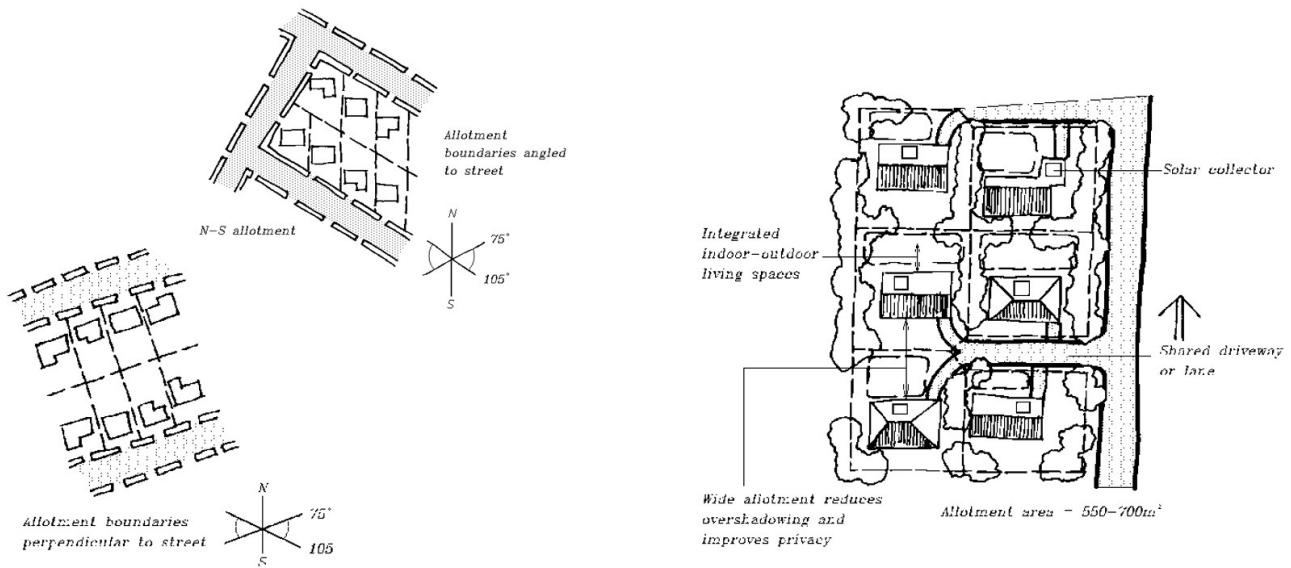
#### 3.5.4.2 Effect on Allotment Width

The width of allotments is also affected by the orientation to achieve maximum solar energy efficiency.

Where lots are fronting onto or facing streets running in a general east-west direction, the minimum widths of allotments specified in Clause 3.5.3.2 are considered appropriate.

Where lots are fronting onto or facing streets running in a general north-south direction, the width of the allotments should be increased by not less than two (2) metres to minimise overshadowing and enable the creation of north

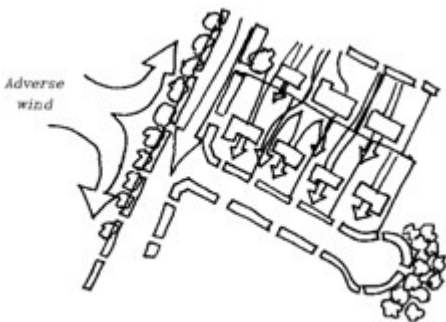
facing private outdoor living area.



### 3.5.4.3 Wind Effect

A further climatic factor to consider is the direction of prevailing winds. Streets should be orientated to avoid creating unfavourable winter wind "tunnels", but should provide exposure to cooling summer breezes.

In general terms, the cold winter winds come from the south to west quadrant, and cooling summer breezes come over the sea from the north-east. However, the topography and vegetation of a locality can modify these patterns, and therefore the local situation must be investigated to determine the appropriate arrangements.



### 3.5.4.4 Unusable Corners

Subdivision layouts can create unusable corners, and where this is likely to occur, allotment boundaries may be varied from the regular directions to eliminate or modify this situation.



### 3.5.4.5 Site Constraints

#### a. Items of Environmental Heritage

- i. Any sites containing Aboriginal carvings, relics or other items of significance shall be identified and provision made in the application. The National Parks and Wildlife Service should be contacted for details and verification, and for advice as to the appropriate measures to be taken.

- ii. Other recognised heritage items, including natural features of the site, buildings, works or historical sites are to be identified and retained.
- iii. Adequate area is to be retained around any heritage item to protect its setting. Where an application involves an item is heritage listed in the Gosford LEP 2014 the application will be referred to the Council's Heritage Advisory Committee or the relevant Heritage Officer for advice and recommendation.

b. Tree Preservation

- i. The proposed plan of subdivision shall identify vegetation that is significant to the overall landscape of the area. Trees that are proposed to be removed shall also be identified on the plan of subdivision. The Preservation of Trees or Vegetation chapters of this DCP provide guidelines for the retention of natural vegetation.
- ii. The Council has a register of significant trees. Any tree or area of vegetation included on the list shall not be damaged or removed.
- iii. Trees are not to be lopped, damaged or removed without the prior consent of Council in accordance with CI 5.9 of Gosford LEP 2014 and the Preservation of Trees or Vegetation chapter of this DCP. Council's Tree Assessment Officer is to be contacted prior to any clearing or under scrubbing being carried out.
- iv. Any trees or vegetation on the site may be identified in the assessment of the application as requiring preservation. Trees which are identified and marked for retention shall be protected at all times during excavation and/or construction. A bond may be required as a condition of development consent, to be forfeited in the event that the trees are either damaged or removed. Any such bond is to remain in force for a period of six (6) months after the issue of the Certificate of Compliance or registration of the linen plan.

c. Soil Erosion and Sedimentation Controls

The soils of the region are generally fragile and susceptible to erosion. This situation therefore dictates that disturbances of vegetation and soil surface should be minimised in subdivision works. In the design phase it is important to understand this situation and ensure that the need for subsequent disturbance is minimised.

The Erosion and Sedimentation Control chapter of this DCP will apply to all works associated with the subdivision and requires the submission of a soil erosion and sedimentation control plan with the Development Application.

In the design of the individual allotments, an objective should be that each has a suitable building area where the need for cut or fill for building works or access, is minimised.

Also applicable to residential subdivision is the Water Cycle Management of this DCP.

d. Provision for Noise Control

Where a street or road has projected traffic volumes in excess of 3000 vehicles/day, an acoustic study is required to demonstrate that traffic noise will not exceed 58dB(A) L10 measured at the building setback line. This study may require allotments to have greater depth than normally to accommodate a greater building setback distance. Where this situation applies the appropriate setback is to be incorporated as a restriction to user on the title.

If the development is to rely on the construction of acoustic barriers to reduce noise levels, these works must be completed as part of the subdivision works and detailed with the application.

e. Setbacks from Watercourses and Drains

A minimum setback of 6 metres is required from the top bank of a creek or watercourse to the boundary of residential lots.

The boundary of watercourses and drains are to be fenced to separate them from residential development to preserve the safety and amenity of residents. The minimum standard of fencing is to be 1.5m high paling fence or equivalent.

### 3.5.5 Environmental Design

#### 3.5.5.1 Objectives

- a. To maintain, enhance, or create a streetscape which indicates the function of the street and enhance the amenity of dwellings.
- b. To provide for public and private landscaped areas which are sensitive to the character of the locality in respect to land capability, micro climate, views and vistas.
- c. To provide for acoustic and visual privacy.
- d. To preserve mature trees and significant landscape elements.
- e. To ensure adequate provision and distribution of public open space in convenient locations and of a quality to meet the recreation needs of the community.
- f. To encourage opportunities to link open space networks, community facilities and public services with dwellings.
- g. To encourage the retention of significant existing vegetation within open space areas, and integration with private landscaping and natural bushland.
- h. To encourage dual use of open space for recreation and major drainage networks, provided the land is suitable for both purposes.

#### 3.5.5.2 Streetscape

- a. To encourage dual use of open space for recreation and major drainage networks, provided the land is suitable for both purposes.
- b. Streetscape is determined primarily by the location of the road reserve accommodating and integrating significant features of the site. Preliminary road designs should be marked out on the site, and adjustments made as necessary to ensure suitable accommodation of trees or other features consistent with safe road design.
- c. The building line or setback distance provides important transition between the public and private spaces, and allows for a continuity of landscaping. It also provides acoustic and visual privacy to residents.

In general a building line setback of six (6) metres applies to most roads and streets, however, greater setbacks are specified for certain roads in accordance with clause 3.5.1.5(d) of this plan.

These values must be incorporated in the design of allotments fronting such roads to ensure that each allotment has adequate building and outdoor living areas etc.

- d. Tree planting is to be undertaken in or adjacent to all residential streets, in consultation with Council's Recreation Program.
- e. In developments involving the creation of new streets or other situations appropriate (e.g. community title proposals) a comprehensive landscape plan is required to be submitted with the development application. This plan should establish an identifiable landscape theme for the development, and ensure that landscaping provided with the subdivision works is appropriately located in respect to roads, services and buildings (existing and future).

#### 3.5.5.3 Public Open Space

- a. Public Open Space shall be provided at the rate of 2.83 hectares per 1000 persons. Each residential allotment shall be assumed to create the opportunity for a single dwelling house having an occupancy rate at the time when the need for public open space is greatest (i.e. average maximum family size) of 3.7 persons.
- b. Public Open Space is required to meet needs for :
  - i. active recreation, e.g. playing fields, children's playgrounds, etc; and



- ii. passive recreation, e.g. maintain areas of high landscape quality.

The Recreation Needs Study carried out for Council in 1988 indicates that the proportion should be approximately 70% for active purposes, 30% for passive.

The minimum area requirement for active open space is 2000m<sup>2</sup>, sufficient to accommodate a children's playground.

The dedication of land is subject to the provisions of any development control plan applicable to the land, or the suitability of the land for the needs described above as assessed by the Council.

- c. Where the Council determines that the public open space component generated by a subdivision should be located elsewhere, a contribution will be required for the acquisition and improvement of other land for this purpose.
  - i. The rate of contribution to be paid in these circumstances is set out in the Section 94 Contributions Plan which applies to the land.
- d. Where more open space is dedicated in a subdivision than required above, Council may consider allowing a credit for other subdivisions to be allowed in the future within the locality, provided that the open space is part of a development control plan.
- e. Dual use for open space and drainage is encouraged, provided that the areas are accessible, attractive, safe and useable for open space purposes, and have been identified in any relevant section of the DCP applying to the land.
- f. Prior to dedication of land to Council as Public Reserve, any rubbish, debris, weeds etc. are to be removed to Council's satisfaction.

#### **3.5.5.4 State Environmental Planning Policy No 19 - Bushland in Urban Areas**

- a. Where it is proposed to subdivide land adjoining areas zoned or reserved for Public Open Space, the Council must consider:
  - i. the need to retain any bushland on the land;
  - ii. 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;
  - iii. any other matters relevant to the protection and preservation of bushland. (refer clause 9 of SEPP No 19 for complete details); and
  - iv. access for bushfire fighting.
- b. In any situation where land proposed to be subdivided adjoins an area subject to the provisions of SEPP No 19, the Council requires that the application provide information to show how the following objectives for urban bushland would be likely to be affected by the proposed subdivision of land and the subsequent use for residential purposes:
  - i. the protecting of remnant plant communities which were once characteristic of land now within the urban area,
  - ii. the retention of bushland in parcels of a size and configuration which will enable the existing plant and native animal communities to survive in the long term,
  - iii. the protection of rare and endangered species,
  - iv. the protection of habitats for native flora and fauna,
  - v. the protection of wildlife corridors and vegetation links with other nearby bushland,
  - vi. the protection of bushland as a natural stabiliser of the soil surface,
  - vii. the protection of bushland for its scenic values, and to retain the visual identity of the landscape,
  - viii. the protection of significant geological features,
  - ix. the protection of existing landforms, such as natural drainage lines, watercourses and foreshores,

- x. the protection of archaeological relics,
- xi. the recreational and educational potential.

### 3.5.6 Transport Networks

#### 3.5.6.1 Objectives

- a. To provide a safe, convenient and well marked network of all-weather paths for pedestrian and cyclist movement within residential areas.
- b. To provide a safe environment for all road users, pedestrians, cyclists and motorists.
- c. To ensure that vehicle speeds on residential roads and streets are kept as low as possible consistent with their function within the road network.
- d. To provide access for emergency and service vehicles to all dwellings.
- e. To allow all users of the road - motorists, cyclists and pedestrians, to proceed safely, conveniently and without undue delay.
- f. To accommodate public utility services and drainage systems.
- g. To ensure that the design of roads contributes to the urban design qualities of the locality and is compatible with the streetscape of adjoining areas.

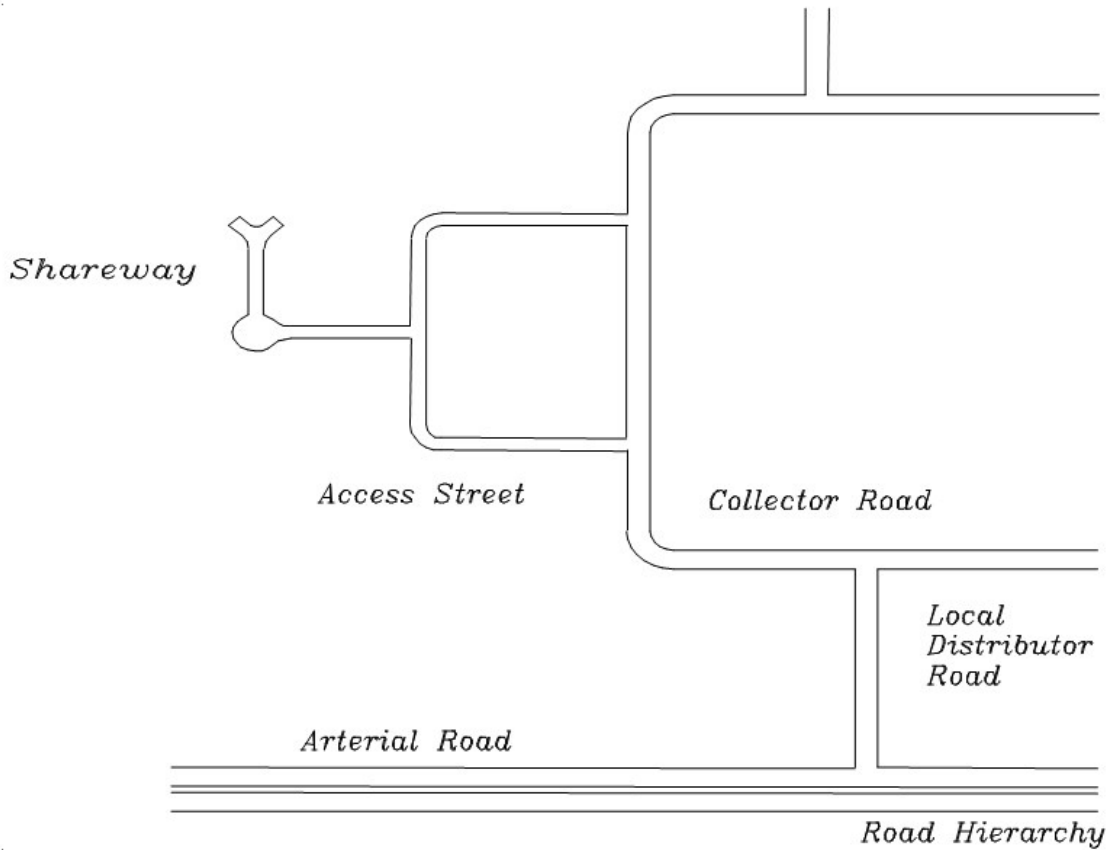
#### 3.5.6.2 Pedestrian and Bicycle Facilities

- a. Reinforced concrete footpaths are generally to be provided on one side of streets having residential frontages and/or serving residential areas, provided that :
  - i. shareways shall be paved with material suitable for vehicle traffic, pedestrian and recreational use such as cycling, skateboarding, etc.;
  - ii. an access place or street shall be provided with a minimum of one 1.2m wide footpath with provision for a future second footpath;
  - iii. for road class of Collector Road and above, reinforced concrete footpaths shall generally be provided on both sides of the street.
- b. Sealed cycle paths may be required in certain locations where the terrain, proximity to schools, shopping/community centres, sports ovals, or transport modes warrant their provision. Any construction shall be in accordance with an overall plan prepared by Council.
  - i. Cycle path widths are generally classed as follows:
    - single width - 1 metre
    - double width - 2 metres and are dependent upon the likely volume of traffic
    - shared usage with footpaths - 2 metres wide and signposted.
  - ii. Each proposed development shall be considered on its individual merits as to provision of a cycleway and in accordance with the Australian Model Code for Residential Development - November 1990.

#### 3.5.6.3 Roads and Streets

- a. Within the internal road network of a residential estate up to five distinct levels of roads may be provided. They are:
  - i. **Access Corridor R.O.W.):** a private road which carries lowest volume of traffic, providing direct access to a small number of allotments. Vehicle, pedestrian and recreation use is shared, with pedestrians having priority.
  - ii. **Shareway:** a minor road which carries a low volume of traffic, providing direct access to a limited number of allotments. Vehicle, pedestrian and recreation use is shared, with pedestrians having priority.
  - iii. **Access Street:** a minor road which carries a low volume of traffic, providing direct access to a limited number of allotments.
  - iv. **Collector Road:** a minor road linking access streets to major roads, possibly providing bus routes and giving road access to allotments.

- v. **Local Distributor:** a road linking access streets to major roads, providing bus routes and giving restricted access to allotments.
- vi. This Plan deals only with subdivision where direct access is available from a collector road, and where the only roads to be provided to serve the subdivision are private accessways, shareways or access streets. Larger subdivisions or those which require direct access to local distributor or arterial roads are subject to negotiation with Council.

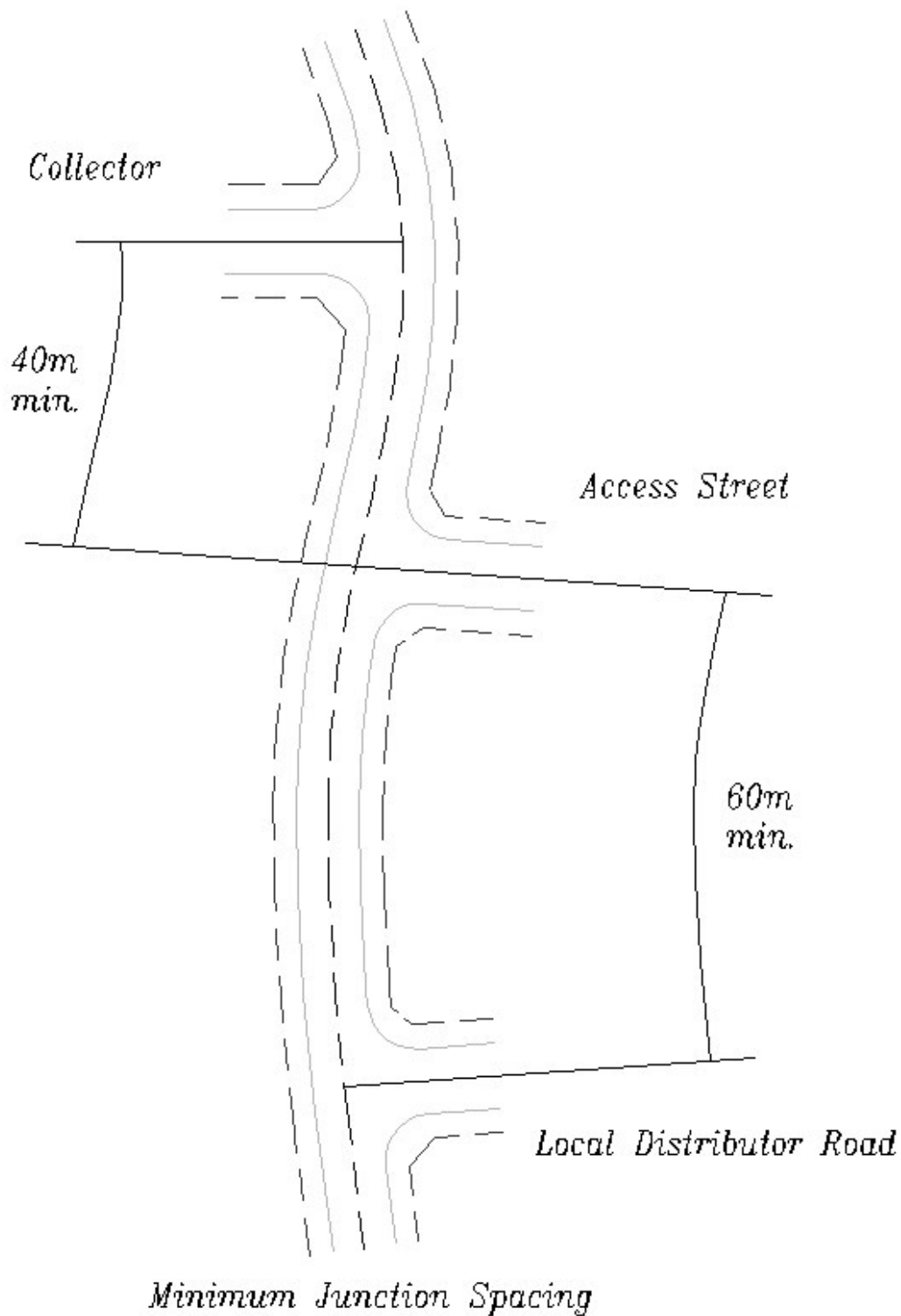


- b. The road network shall conform to a strategic plan for the area showing an existing and proposed major road network above the level of collector which satisfies projected district and regional travel.

The road network shall provide for access to bus routes within acceptable walking distance from all dwellings. Unless prescribed otherwise, no more than 5% of residences shall be more than 400m walking distance from a proposed bus route.

- c. The minimum distance from access road/cul-de-sac or local road to a residential distributor shall be 60m if the junction is on the same side of the road or 40m if the junction is staggered on opposite sides of the road.

Intersections shall be either T-junctions or roundabouts.



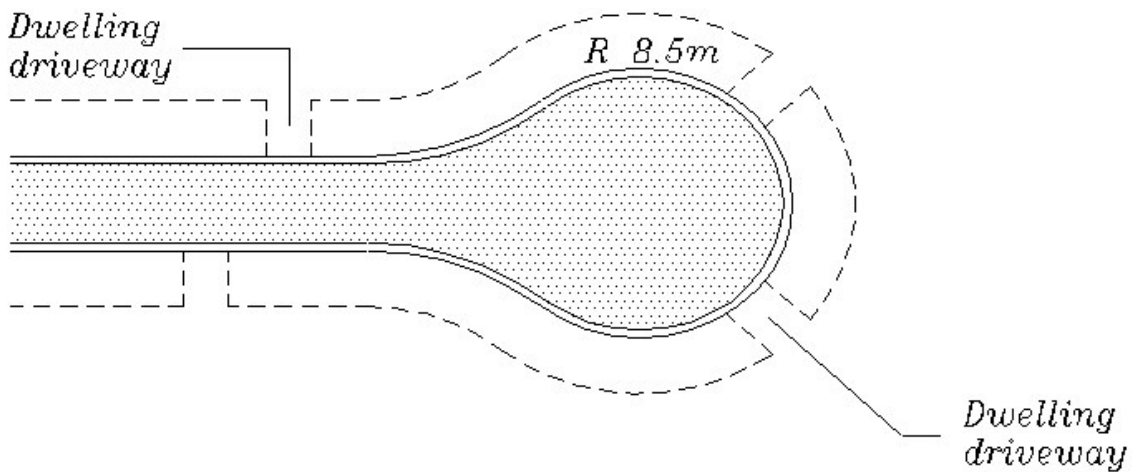
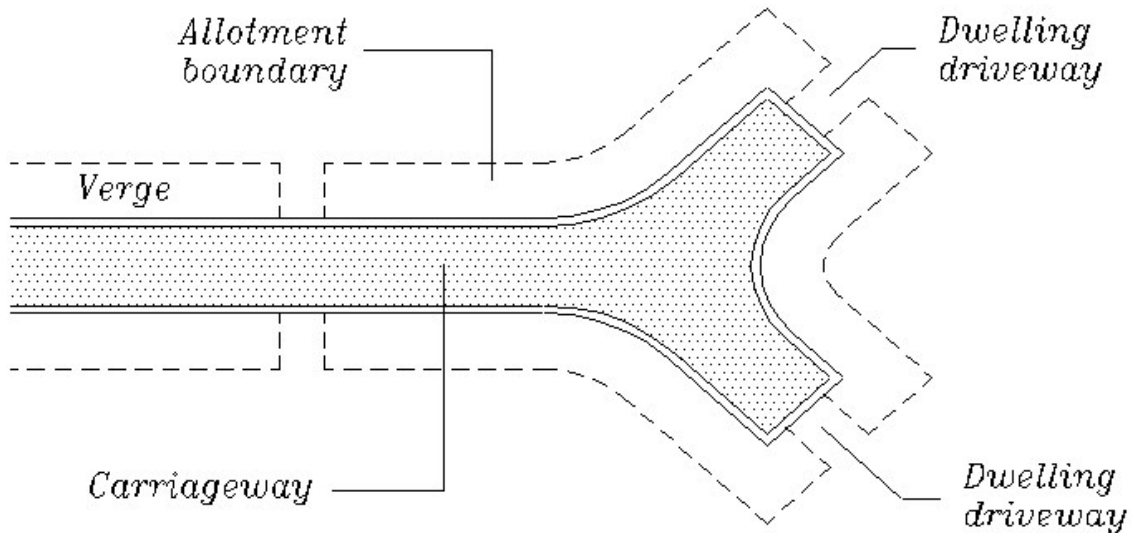
- d. A combination of measures may be required to limit design speeds by:
- limiting street length;
  - introducing bends;
  - introducing slow points, bends and other traffic management measures such as constriction of carriageway width, speed humps etc. These may not be appropriate in all situations.

Design shall conform to Council's guidelines.

Road Class	Maximum Design Speed	Maximum No of Dwellings <sup>1</sup>	Minimum Width metres) <sup>2</sup>			Max. length metres)	Maximum Desirable Gradient	Kerb Type	Design ESAs
			Road Reserve	Carriageway	Verge				
Shareway	25 k/h	15	13	6	3.5	120	20%	Rolled <sup>3</sup>	6 x 10 <sup>4</sup>
Access Street	40 k/h	40	15	8	3.5	250	16%	Barrier	3 x 10 <sup>5</sup>
Collector Road	50 k/h	200	18	11	3.5	see note <sup>4</sup>	16%	Barrier	2 x 10 <sup>6</sup>
Local Distributer Road	60 k/h	400+	20	13	3.5	-	10%	Barrier	subject to traffic study

**Notes:**

- 1 The number of dwellings which need to use the road for vehicular access.
  - 2 Carriageway width may be required to be increased when off-street car parking cannot be provided for all dwellings or is severely restricted.
  - 3 Vertical kerb or other devices may be required for stormwater drainage control.
  - 4 The maximum distance of travel from any allotment to the nearest distributor or higher order road to be one 1) minute travel time at the design speed.
- e. The configuration of roads shall accord with approved standards such as the Guide to Traffic Engineering Practice published by NAASRA or the Roads and Traffic Authority of NSW publication "Guide to Traffic Generating Development". Copies of this publication can be obtained from:
- NSW Roads and Maritime Services  
PO Box 110  
Rosebery NSW 2018
- f. Vehicle turning areas in public roads shall be able to accommodate a large rigid truck with design turning circle of 25m. Turning circles to be a minimum 17 metre diameter face of kerb).



- g. Where access to proposed new lots is via an existing unconstructed and/or unsealed road, the Council will require the road to be upgraded and sealed to a standard that will safely accommodate traffic volumes.
- h. The construction of kerb and guttering, longitudinal street drainage and sealing the adjacent road will be required across all street frontages, (if these do not currently exist) unless the development is determined to be within the following categories of exception:
  - i. It is technically impractical to construct kerb and gutter due to uncertainty as to the appropriate levels to be adopted or an isolates section will present a hazard to road traffic safety;
  - ii. The street drainage necessary to provide kerb and gutter is an unreasonable impost upon the development; or
  - iii. Kerb and gutter is not the most suitable streetscape treatment for particular area on the basis of existing and anticipated development
 In the event that the development is determined to be within the above categories of exception, an alternative treatment to kerb and gutter will be required.

This type of treatment includes options such as mountable kerb concrete dish drain, cemented paving stones or similar treatment, with the exact type being determined based on the characteristics of the site.

The approval of an alternative treatment to kerb and gutter does not alter the requirement for longitudinal street

drainage and for sealing of the adjacent road shoulder.

### 3.5.7 Utility Services

#### 3.5.7.1 Objectives

- a. To ensure the safety of residents during severe or extended storm events.
- b. To ensure that property is not damaged by stormwater.
- c. To ensure that stormwater flow from new developments is within the capability of the downstream system, or that appropriate measures are undertaken to accommodate such flows.
- d. To provide a stormwater system which can be economically maintained.
- e. To ensure that all lots are satisfactorily serviced by the various utility infrastructure.

#### 3.5.7.2 Stormwater

- a. If a proposed subdivision slopes away from a street frontage, then an interallotment drainage (IAD) easement will be required to be created over the downstream property to the nearest street, natural watercourse or drainage easement. The securing of the easement is the applicant's responsibility and should be addressed in the following manner:
  - i. Written agreement being lodged with the Development Application from the downstream owners agreeing to the creation of a IAD.
  - ii. Submission of a deed of agreement for the creation of the downstream IAD easement prior to engineering plan approval.
  - iii. Creation of the IAD easement prior to or in conjunction with the release of the final plan of subdivision.
- b.
  - i. The detailed design of stormwater drainage shall be in accordance with "Australian Rainfall and Run-off" Institution of Engineers Australia 1987 and Council's Urban Stormwater Drainage Manual or such other standard acceptable to the Director - Environment and Planning.
  - ii. Full calculations and plans for all drainage design prepared in accordance with Council's Design and Construction Specifications shall be submitted with the detailed engineering plans, together with a catchment plan showing the total catchment and the sub areas used in the calculation.
  - iii. The design of the system is to include provision for secondary flow paths appropriately located to prevent nuisance or serious flooding in a major storm event. The location of drainage lines, secondary flow paths, and grading of the land, is to be designed so that the floor levels of habitable rooms of buildings constructed on lots are to be at least 500mm above 1% AEP event.
  - iv. A restriction on the use of the land is to be placed over the secondary flow path area to prevent any altering of the land form.
  - v. Pipelines in residential areas are to be designed to carry the following flows:
 

- Major systems traversing developed areas	2% AEP
(with no escape route)	1% AEP
- Drainage lines at low points	5% AEP
(with no escape route)	1% AEP
- Residential streets	10% AEP
  - vi. Pipelines in industrial, commercial, retail and service areas and major trunk systems, are to be designed to carry the 2% AEP event storm flow.
  - vii. Easements to drain water are to be created over all pipelines. The width of easement depends upon the diameter of the pipeline, and is given in the table below.

Pipe Diameter (mm)	Easement Width (m)
less than 600	2.5
600 to 900	3.0
1050 to 1200	3.5

<b>1350 to 1500</b>	<b>4.0</b>
<b>1650 to 1800</b>	<b>4.5</b>
<b>greater than 1800</b>	<b>to be determined</b>

- viii. The design of the system is to provide for no increase in flood levels upstream or downstream of the development.
- ix. Stormwater drainage channels, basins and reserves may be required to be fenced to separate them from residential development for safety purposes.
- x. Prior to dedication of land to Council as Drainage Reserve, the land is to be cleared of any rubbish, debris, weeds etc.
- xi. A flood study shall be required to be submitted with an application where a watercourse traverses the land being subdivided.

### 3.5.7.3 Water and Sewer

- a. The subdivision of land for residential use shall not be approved unless satisfactory arrangements are made for the provision of water and sewerage services. The requirements of the Water Supply Authority should be obtained at an early date, and integrated into the design process
- b. Water Supply and Sewerage services within the City of Gosford are provided the relevant Water Supply Authority subject to the provisions of the Water Supply Authorities Act, 1987.

### 3.5.7.4 Electricity, Gas and Telephone

- a. All subdivision of land for residential use shall make provision for the supply of electricity and telephone services to each lot, and where available, the provision for reticulated gas supply.
- b. Electricity supply should be provided as an underground service except where the Council accepts that overhead provision is more appropriate.
- c. The provision of each of these services underground is to be incorporated in the engineering design plans submitted for the Council's approval, and is to be integrated with construction program and works.
- d. The Council will require certification from each authority that its requirements have been met before it will attach the Subdivision Certificate to the final subdivision plan.

## 3.5.8 Form of Title

### 3.5.8.1 Land Subdivision

#### 3.5.8.1 Land Subdivision

- a. Most subdivisions of residential land will create new lots under the "Torrens" system of registration. This provides an estate in fee simple.
- b. Prior to the final Plan of Subdivision being registered by Land Titles Office, it is necessary to have the Subdivision Certificate affixed. The Subdivision Certificate is affixed only when all requirements e.g. construction of works, payment of contributions, etc) of the approval have been satisfied.
- c. Where Council is carrying out a subdivision as the vendor, Council will not be required to contribute to the cost of boundary fencing.

### 3.5.8.2 Strata Subdivision

#### 3.5.8.2 Strata Subdivision

The application of the Strata Titles Act 1973 applies principally to the subdivision of buildings into separate parts/units. It is in essence a subdivision of space in three dimensions defined by, or with reference to walls, floors, ceilings. In recent years units created under this form of subdivision have also included open areas such as private courtyards etc.

A plan of subdivision may identify "development lots" which will be the subject of future building/development works.



- a. Strata Plan not involving a development lot or lots
- i. Relating to buildings completed not more than 12 months prior to such an application being lodged with Council. Council is required to ensure:
    - That any building containing proposed lots in a strata scheme has been constructed in accordance with Section 626 & 627 of the Local Government Act, 1993 as amended, ie, Council is satisfied that a building is built in accordance with Council's Approval.
    - That proposed lots correspond with parts of the building referred to and are designated for separate occupation as shown in the approved building plans.
    - That such building was completed not more than 12 months prior to such an application being lodged.
  - ii. Relating to buildings completed more than 12 months prior to such an application being lodged with Council. Council is required to ensure:
    - Separate occupation of the proposed lots will not contravene the provisions of the Environmental Planning and Assessment Act or any relevant environmental planning instrument.
    - Any consent required under the Environmental Planning and Assessment Act or environmental planning instrument has been given in relation to separate occupation of the proposed lots.
    - The subdivision will not interfere with the existing or likely future amenity of the neighbourhood.
    - The subject land is not the subject of any outstanding orders under Section 37aB of the Strata Titles Act.
    - Compliance with any order under Section 124 of the Local Government Act, 1993 as amended.
- b. Strata Plan involving a development lot or lots

The content of the development contract is critical to a successful staged development under the statutory schemes legislation. The importance of this content increases in proportion to the size of the development and/or the period of time over which it is to be constructed. The drafting of the development contract is therefore an important undertaking and should only be attempted when the development plans have been finalised and are unlikely to change.

- c. The Development contract parts 1 and 2 are to be consistent with the Council's requirements of the conditions of any Development Consents. These documents are to be approved by Council prior to the issue of the Subdivision Certificates.
- d. The Subdivision Certificate will be affixed on the final plan following:
- i. completion of the building or buildings, and
  - ii. compliance with all the requirements of any development approval which authorises the development.

### 3.5.8.3 Community Title Subdivision

#### 3.5.8.3 Community Title Subdivision

Property may also be subdivided under the Community Land Development Act, 1989 which then comes under the requirements of the Community Land Management Act, 1989.

The Community Titles Legislation sits between conventional real property subdivision and strata subdivision. It provides for common or shared property to be created within otherwise conventional subdivision. The shared property, as in strata titles common property, is administered by the collective owners and not the wider community, ie local or state government. It differs from strata subdivision in that it is not the subdivision of building space, but the creation of defined land areas for different ownership including shared areas for common or community facilities.

The legislation allows for plans to be approved and registered incorporating up to three levels or types of schemes

- community
- precinct
- neighbourhood

and allows a further level as a strata scheme integrated into the overall scheme.

Community Title Schemes (like Strata schemes) should logically follow and not precede the actual development proposal. It is the means by which the ultimate ownership arrangements will be distributed. It is not the development proposal itself.

In assessing any application under the Community Titles legislation, the applicant is required to demonstrate to the satisfaction of the Council that the proposed scheme relates to:

- a. an existing land use situation (ie the subdivision of an existing tourist resort), or
- b. an approved development proposal, or
- c. is capable in the case of land zoned for residential purposes) of being developed in accordance with the provisions of this plan, and is supported by the level of documentation required under this plan.

Community Title legislation does not override zoning provisions or development standards within Environmental Planning Instruments and Development Control Plans. Therefore allotments in Community Title Schemes must accord with minimum lot areas, whether under the Gosford LEP or chapter of this DCP appropriate to the location.

The Development Contract and Management Statement are to be consistent with the Council's requirements and the conditions of the consent. These documents are to be submitted with the linen plan of subdivisions for the Subdivision Certificate.

## **3.6 Subdivision of Rural and Non-urban Land**

### **3.6.1 Land to which this Chapter Applies**

This chapter applies to development in the form of subdivision of land within rural, conservation, environmental and any other non-urban zoned land within the City of Gosford.

### **3.6.2 Purpose this Chapter**

The purpose of this chapter is to provide more detailed guidelines for the subdivision of rural, conservation, environmental and any other non-urban zoned land and to maintain a level of amenity appropriate to the zoning for existing and future residents.

### **3.6.3 Objectives**

The objectives of this chapter are as follows:

- a. To ensure that lots created avoid, or make provision to minimise, the likely affect of natural hazards relevant to the locality, which could be detrimental to the proper use and enjoyment of the land.
- b. To ensure that the size, shape, and characteristics of new lots are appropriate to the zoning and the possible range of uses.
- c. To protect the scenic value and natural habitats of rural, conservation, environmental and any other non-urban land
- d. To ensure that new lots are in character with the locality and the specific landform, vegetation, soils and geology of the site.
- e. To ensure the economic utilisation of land resources in the area.
- f. To ensure the provision of an adequate building area, vehicular access and services on the site.

### **3.6.4 Specific Requirements**

### 3.6.4.1 Location

#### a - Environmental Planning Instruments

The provisions of any environmental planning instrument applicable to the site are to be followed in the preparation of plans and supporting documentation for the proposed subdivision of land for rural, conservation, environmentally or any other non-urban zoned use.

#### b - Natural Hazards

Particular areas of the City may be subject to a natural hazard including:

- bushfire;
- soil, subsoil, and slope instability;
- mainstream flooding;
- nuisance flooding;
- coastal erosion and storm damage.

Some information may be held in Council records, however the subdivider should not rely on that information alone but should make independent enquiries to determine the level of risk (if any) to the property.

Subdivision applications in Bushfire prone areas will be required to obtain a Bushfire Safety Authority from the NSW Rural Fire Service, pursuant to Section 100B of the Rural Fires Act 1997. Accordingly, Bushfire Hazard Assessment Report prepared by a suitably qualified practising professional, experienced in this field, shall accompany any Development Application which proposes to subdivide land within Bushfire Prone Areas, together with the appropriate referral fee.

In respect to any proposal to subdivide land for rural, conservation, environmental or any other non-urban zoned uses, and where there is the likelihood of additional dwelling(s) being erected, the subdivider must demonstrate that adequate provision has been made to eliminate or reduce any such risk to acceptable levels of probability.

### 3.6.4.2 Arrangement of Lots

#### a - Allotment Size

- The minimum allotment size for new lots in the various zones are set out in the relevant environmental planning instrument. Some land to the west of the F3 freeway will be affected by the provisions of Sydney Regional Environmental Plan No. 8 (Central Coast Plateau Areas). Development of land may also be affected by its proximity to sites identified in Sydney Regional Environmental Plan No. 9 (Extractive Industry).
- A reduction in minimum lot size may be possible where the land (or part thereof) is identified as being within the Coastal Open Space System. This is not automatic, and each application will be assessed having regard to the provisions of any relevant environmental planning instrument.
- Access corridors for 'battle axe' shaped allotments and rights-of-carriageway shall be not less than six (6) metres in width.

Notwithstanding the minimum area requirements set out in the Instruments, it is essential in the subdivision of rural/conservation/environmental/non urban lands, that the pattern of subdivision reflect and follow the natural features of the site rather than impose an artificial geometric pattern simply to satisfy the minimum area or dimensions.

#### b - Environmental Heritage

- Any sites containing Aboriginal carvings, relics or other items of significance shall be identified and provision made in the application. The National Parks and Wildlife Service should be contacted for details and verification, and for advice as to the appropriate measures to be taken.
- Other recognised heritage items, including natural features of the site and man-made buildings, works and sites are to be identified and retained, wherever possible.
- Adequate area is to be retained around any heritage item to protect its setting. Where an application involves an item listed in an Environmental Planning Instrument, the application will be referred to the Heritage Officer

for advice and recommendation.

### **c - Tree Preservation**

- i. The proposed plan of subdivision shall identify the vegetation on the site. Trees which are proposed to be removed shall also be identified on the plan of subdivision, with an explanation as to why approval is sought for their removal.
- ii. Trees are not to be lopped, damaged or removed without the prior consent of Council in accordance with the relevant environmental planning instrument and the Preservation of Trees or Vegetation Chapter of this DCP. Council's Tree Preservation Officer is to be contacted prior to any clearing or underscrubbing being carried out.
- iii. Any significant trees identified by Council in its assessment of the application shall be protected at all times during excavation and/or construction, and Council may require the applicant to lodge a bond to be forfeited in the event that the trees are either damaged or removed. Any such bond is to remain in force for a period of six (6) months after the registration of the linen plan.

### **d - Soil Erosion and Sedimentation Controls**

The soils of the region are generally fragile and susceptible to erosion. This situation therefore dictates that disturbances of vegetation and soil surface should be minimised in subdivision works. In the design phase it is important to understand this situation and ensure that the need for subsequent disturbance is minimised.

The Water Cycle Management chapter of this DCP, will apply to all works associated with the subdivision, and includes the submission of a soil erosion and sedimentation control plan, and the carrying out of the measures required by the chapter.

## **3.6.4.3 Roads**

- a. New roads providing traffic access in rural/conservation/environmental/non-urban zones or which serve rural/non-urban areas shall satisfy the following minimum requirements:
  - Reservation width 20.0 metres
  - Carriageway width 6.5 metres
  - Shoulder width 1.5 metres

Road pavement is to be constructed in accordance with the recommendations of a pavement report.

- b. Access corridors for 'battle axe' shaped lots and rights-of-carriageway shall satisfy the following minimum requirements:
  - Corridor width 6.0 metres
  - Seal width 3.0 metres
  - Shoulder width 0.5 metres

Accessway tabledrain shall be provided on the uphill side of the accessway.

Accessway pavement is to be constructed in accordance with the recommendations of a pavement report.

- c. Turning circles to be a minimum 17 metres diameter to the edge of seal.
- d. Where access to proposed new lots is via an existing unconstructed and/or unsealed road, the Council will require the road to be upgraded and sealed to (two coat hot bitumen flush seal) a standard that will safely accommodate intended traffic volumes.

## **3.6.4.4 Utility Services**

### **a - Water Supply Services**

The provision of a reticulated water supply may be required where the site is within the proximity to a supply area. Enquiries should be made at an early date to the relevant Water Supply Authority to determine the requirement.

### **b - Domestic Waste Water**

The NSW Department of Health requires that proposals which would create lots of less than one (1) hectare having a reticulated water supply (ie. a continuously available supply from a public or private mains system or from an on site

bore, well, dam or spear point) or within two (2) kilometres of a reticulated sewerage system, or likely to contaminate an aquifer or watercourse, should be connected to a reticulated sewer. Where an alternative system is requested, the application must be referred to the Department of Health for approval.

#### **c - Electricity, Gas and Telephone**

The provision of electricity and telephone services will be required to provide for the amenity of any future dwelling(s) on the land.

#### **d - Effluent Disposal**

Subdivisions will require the submission of an Effluent Disposal Report prepared by a suitably qualified practising Geotechnical Engineer or other suitably qualified practising professional, experienced in the field of on-site wastewater management.

The report accompanying the Development Application is to be prepared in accordance with the requirements of AS 1547-2000: On-Site Domestic Wastewater Management and the Environment and Health Protection Guidelines - On-Site Sewage Management for Single Households. The report is to also consider and provide comments in relation to the existing on-site sewage management system servicing the existing dwelling and all proposed allotments. Further detailed guidelines are provided in the On Site Effluent Disposal chapter of this DCP.

### **3.6.4.5 Form of Title**

#### **a - Land Subdivision**

Most subdivisions of rural land will create new lots under the "Torrens" system of registration. This provides an estate in fee simple.

"Linen" plans, the surveyors plan required for the registration of the Plan of Subdivision by the Land Titles Office are required to have the Subdivision Certificate affixed. The Subdivision Certificate is affixed only when any requirements (eg construction of works, payment of contributions, etc) of the approval have been satisfied.

#### **b - Strata Subdivision**

Subdivision under the provisions of the Strata Titles Act 1973 can apply to a rural/non urban situation, however its application is considered unsuitable. Strata Subdivision is, in essence, the subdivision of space in three dimensions and defined by or with reference to, building works.

The introduction in 1989 of Community Titles has obviated the need to apply strata subdivision to rural properties. Reference should be made to the relevant environmental planning instruments.

#### **c - Community Title Subdivision**

Property may also be subdivided under the Community Land Development Act, 1989 which then comes under the requirements of the Community Land Management Act, 1989.

The Community Titles Legislation sits between conventional (real property) subdivision and strata subdivision. It provides for common or shared property to be created within otherwise conventional subdivision. The shared property, as in strata titles common property, is administered by the collective owners and not the wider community, ie local or state government. It differs from strata subdivision in that it is not the subdivision of building space, but the creation of defined land areas for different ownership including shared areas for common (or community) facilities.

The legislation allows for plans to be approved and registered incorporating up to three levels or types of schemes:

- community
- precinct
- neighbourhood

and allows a further level as a strata scheme integrated into the overall scheme.

Community Title Schemes (like Strata schemes) should logically follow and not precede the actual development proposal. It is the means by which the ultimate ownership arrangements will be distributed. It is not the development

proposal itself.

In assessing any application under the Community Titles legislation, the applicant is required to demonstrate to the satisfaction of the Council that the proposed scheme relates to:

- i. an existing land use situation (ie the subdivision of an existing tourist resort);
- ii. an approved development proposal; or
- iii. is capable (in the case of land zoned for rural purposes) of being developed in accordance with the provisions of the relevant environmental planning instruments.

Community Title legislation does not override zoning provisions or development standards within Environmental Planning Instruments and Development Control Plans. Therefore allotments in Community Title Schemes must accord with minimum lot areas under relevant environmental planning instruments and this chapter of the DCP.

The Development Contract and Management Statement are to be consistent with the Council's requirements and the conditions of consent. These documents are to be endorsed by Council prior to the Subdivision Certificate being granted.

## **Non Residential Development**

### **3.7 Advertising Signage**

#### **3.7.1 Land to which Chapter Applies**

This chapter applies to all land within the City of Gosford

#### **3.7.2 Purpose of Chapter**

The purpose of this chapter is to set directions for future development of advertising signs within Gosford City Council area so that all new development, including redevelopment, promotes and enhances the business enterprise and image of Gosford City.

#### **3.7.3 Objectives**

The objectives of this chapter are as follows:

- a. Establish appropriate procedures in respect of the control and regulation of advertisements and advertising structures, consistent with sound planning and urban design principles.
- b. Maintain uniformity and orderly standards for advertisements and advertising structures, as well as controlling the number and types of advertisements.
- c. Ensure that the placement and design of advertisements and advertising structures are consistent with the architectural theme and design of a building and that such advertisements are not placed on prominent architectural features of a building including gables or the like.
- d. Ensure that advertisements and advertising structures do not detract from the streetscape and waterscape of the locality, nor lead to visual clutter through the proliferation of such advertisements.
- e. Ensure that advertisements and advertising structures do not constitute a traffic hazard to motorists and pedestrians.
- f. Ensure that advertisements and advertising structures do not interfere with the operation of traffic control signs and signals, nor with harbour navigation devices.
- g. Ensure equal viewing rights where practical, for all advertisements and advertising structures, and to ensure that such advertisements are affixed and maintained in good structural condition at all times.
- h. Reduce the proliferation of advertisements and advertising structures by requiring rationalisation of existing and proposed advertisements and the use of common directory boards in proposed and existing multi-occupancy developments.

- i. Ensure that advertisements and advertising structures conveys advertisers' messages and images while complementing and conforming to both the building and land use on which it is displayed and the character of the locality.
- j. Ensure that proper consideration has been given in the assessment procedure of advertisements and advertising structures, consistent with the relevant "Heads of Consideration" specified under the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993.

### 3.7.4 Glossary of Terms

Refer to the Definitions section at the end of the DCP for definitions.

### 3.7.5 Classification of Advertising Structures

The relevant definitions are set out below:

Category of Advertising Structure	Definition
Awning Sign - Above	A projecting sign on top of an awning.
Awning Sign - Below	A sign attached to the underside of an awning.
Building Wrap Advertisement	An advertisement used in association with the covering or wrapping of: (a) a building or land or (b) a building that is under construction, renovation, restoration or demolition, but does not include a wall advertisement
Fascia Sign	A sign on the fascia of an existing awning or verandah.
Flush Wall Sign	Attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300mm from the wall.
Painted Wall sign	Painted onto a wall of a building.
Pole or Pylon Sign	Erected on a pole or pylon independent of any building or other structure.
Projecting Wall Sign	A sign projecting in either horizontal or vertical direction from the wall of a building.
Real Estate Sign	An advertisement that only contains a notice that the land, place or premises to which it is affixed to is for sale, letting or auction, together with the particulars of the sale, letting, auction, or Agent details.
Roof Sign	A sign above parapet level of a building on the uppermost structural elements and attached to lift motor and plant rooms.

Category of Advertising Structure	Definition
Temporary Sign	<p>An advertisement of a temporary nature which:</p> <ul style="list-style-type: none"> <li>a) announces any local event of a religious, educational, cultural, social or recreational character or relates to any temporary matter in connection with such an event; and</li> <li>b) does not include advertising of a commercial nature except for the name(s) of an event's sponsor(s).</li> </ul> <p>Must not be displayed earlier than 21 days before the day on which the event is to take place and must be removed within 7 days after the event.</p> <p><i>The display Temporary Sign(s) in the form of banners or the like across public roads and public places are prohibited, in accordance with Council's resolution of 12 April 1994, (Min No 299/94) except as permitted under Council Policy T4.03 - Erection of Street Banners adopted by Council on 26 August 1997 (Min No 251/97).</i></p>
Top hamper sign	Attached to the transom of a doorway or display window of a building.
Window Sign	Attached to, or displayed on, the shop window.

### 3.7.6 Complying and Exempt Development

The New South Wales government has undertaken a review of the planning system and planning reforms have been implemented to improve the effectiveness of the system, as well as simplifying the assessment process through Exempt and Complying Development provisions.

**Exempt Development** is a form of self-assessed development which can take place without the need for an accredited certifier or Council approval, should the Advertising Structure(s) meet the exempt development criteria specified in Schedule 2 of Gosford Local Environmental Plan 2014.

**Complying Development** refers to development that requires approval from an accredited certifier or the Council acting as a certifying authority, should the Advertising Structure(s) meet the complying development criteria specified in Schedule 3 of Gosford Local Environmental Plan 2014.

Advertising structures not meeting the complying and exempt development criteria specified in Schedule 2 and 3 of Gosford Local Environmental Plan 2014, will require development consent to be obtained from the Council, prior to the display of any advertisement.

### 3.7.7 Advertisements Permissible With Consent

The following classes of advertising structures may be displayed with the consent of Council, subject to strict compliance with the objectives of the plan.

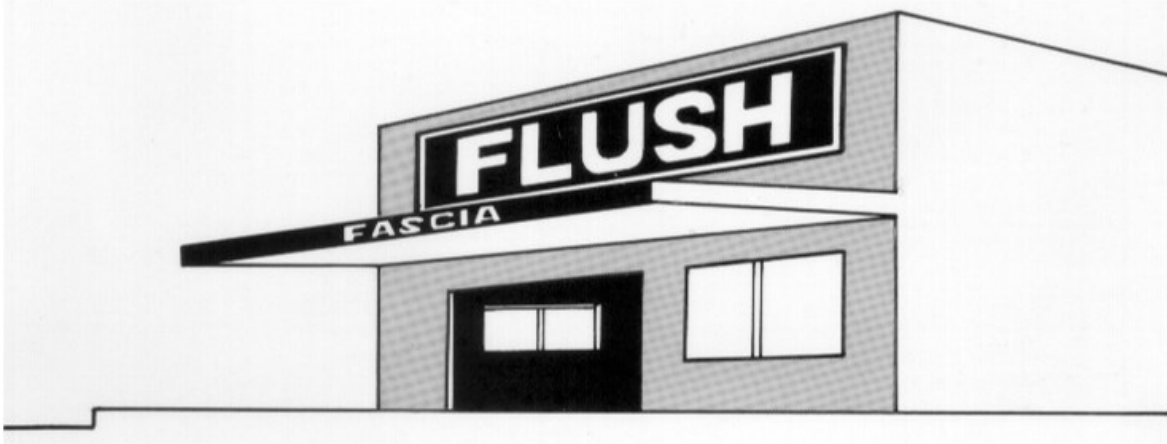
#### 3.7.7.1 Flush Wall Sign

##### 3.7.7.1 Flush Wall Sign

**Flush Wall Sign** being a sign attached to the wall of a building [other than the transom of a doorway or display window] and not projecting more than 300mm from the wall and:



- i. shall not have an advertising area greater than 6m<sup>2</sup> or alternatively be no greater than the area calculated as three times the distance between the lowest part of the sign and the ground;
- ii. where it is illuminated, shall be of less than 2.6m above the ground;
- iii. if the sign comprises individual skeleton letters the area of the total sign may be increased 50%;
- iv. the total area of individual flush wall signs on the same wall shall not be greater than the area calculated as three times the distance between the lowest part of the sign and the ground;
- v. shall not project above or beyond the wall to which it is attached; and
- vi. shall not cover or be erected upon any window or prominent architectural feature of a building.

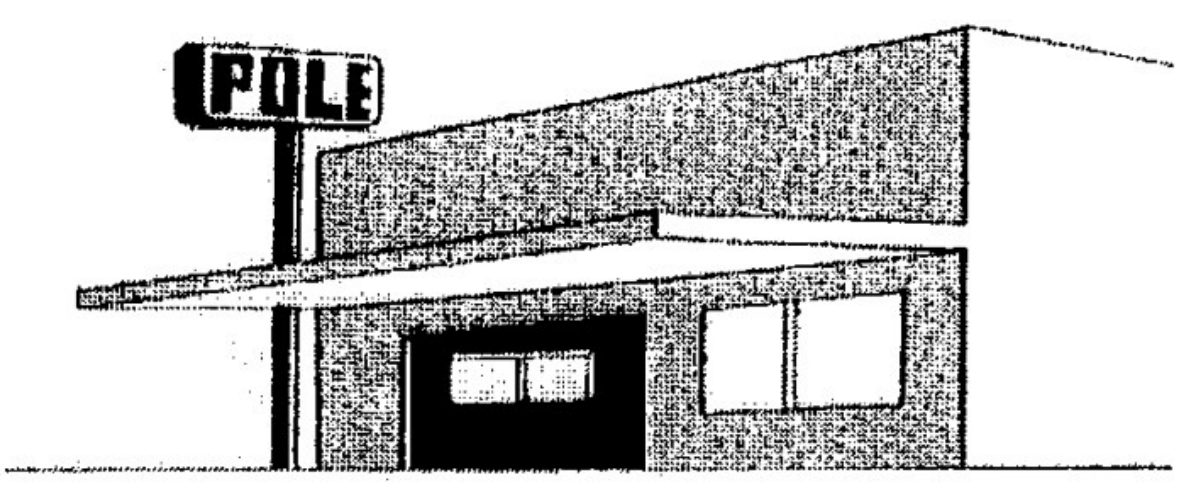


### 3.7.7.2 Pole or Pylon Sign

#### 3.7.7.2 Pole and Pylon Sign

**Pole or Pylon Sign** being a sign erected on a pole or pylon independent of any building or other structures and:

- i. not projecting more than 1.0m over any road alignment;
- ii. not extending more than 6m in height above the ground;
- iii. not having an advertising area greater than 12 m<sup>2</sup> where more than one advertising area is involved and a maximum of 6 m<sup>2</sup> on any single advertising surface; and
- iv. minimum height above ground level shall be 2.6m above the ground where it projects.



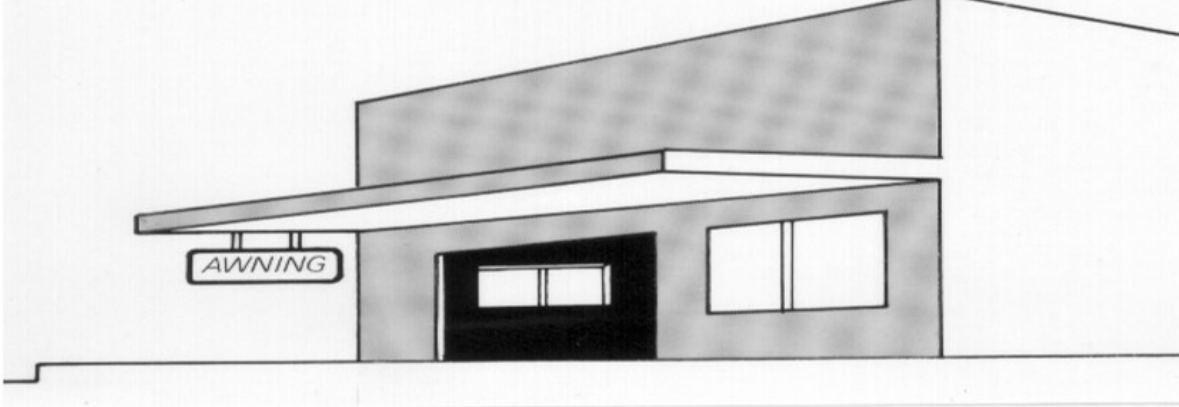
### 3.7.7.3 Under Awning Sign

#### 3.7.7.3 Under Awning Sign

**Under Awning Sign** being a sign attached to the underside of an awning (other than the fascia or return end) and shall:

- i. not extend more than 2.5 m in length;

- ii. not extend more than 0.4 m in width;
- iii. not extend more than 0.5 m in height;
- iv. not project beyond the edge of the awning;
- v. be erected horizontal to the ground and at no point be less than 2.6 m from the ground and or footpath; and
- vi. not be closer than 3m to any other under awning sign.

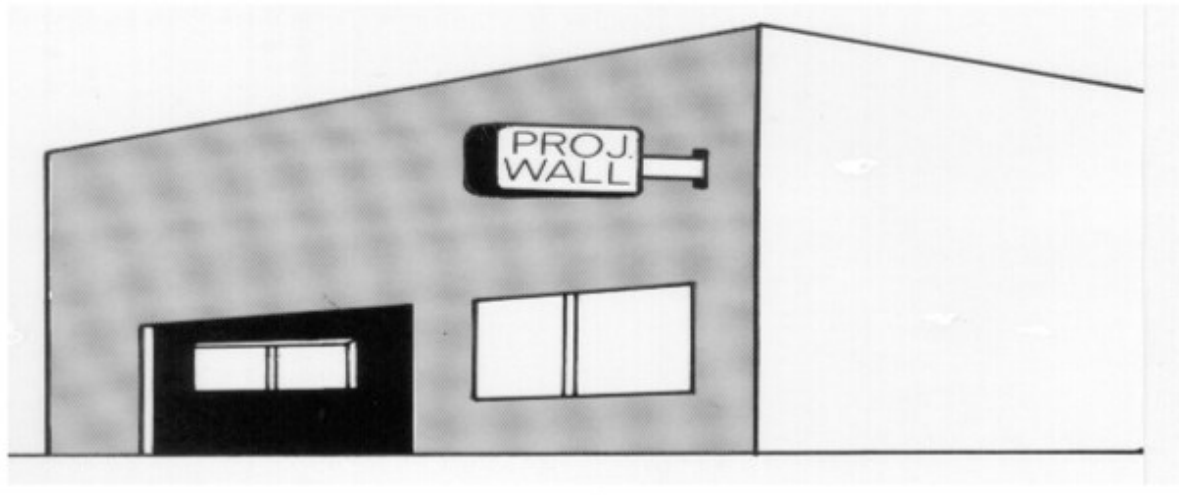


### 3.7.7.4 Projecting Wall Sign

#### 3.7.7.4 Projecting Wall Sign

**Projecting Wall Sign** being a sign attached to the wall of a building [other than the transom of a doorway or display] and projecting horizontally more than 300mm and:

- i. must be erected at right angles to the wall of the building to which it is attached;
- ii. have maximum dimensions no greater than 1.5m x 2m; and
- iii. shall be at least 2.6m above the ground.

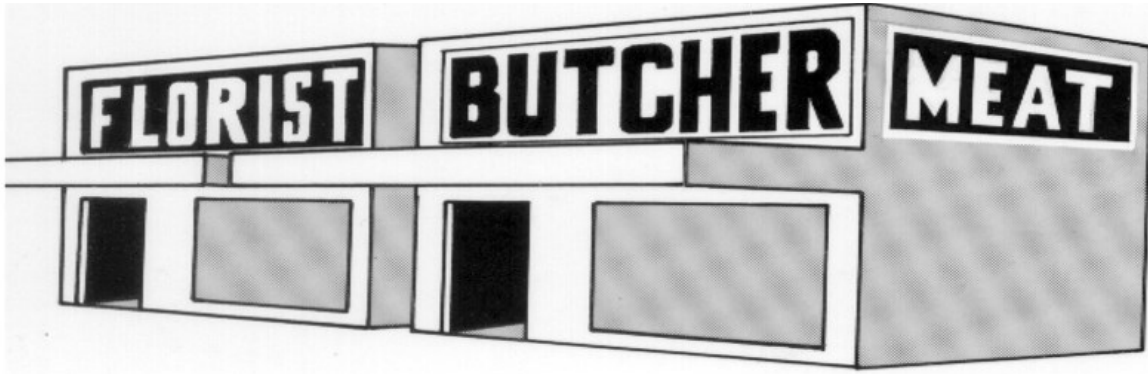


### 3.7.7.5 Painted Wall Sign

#### 3.7.7.5 Painted Wall Sign

**Painted wall sign** being a sign painted onto a wall of a building and:

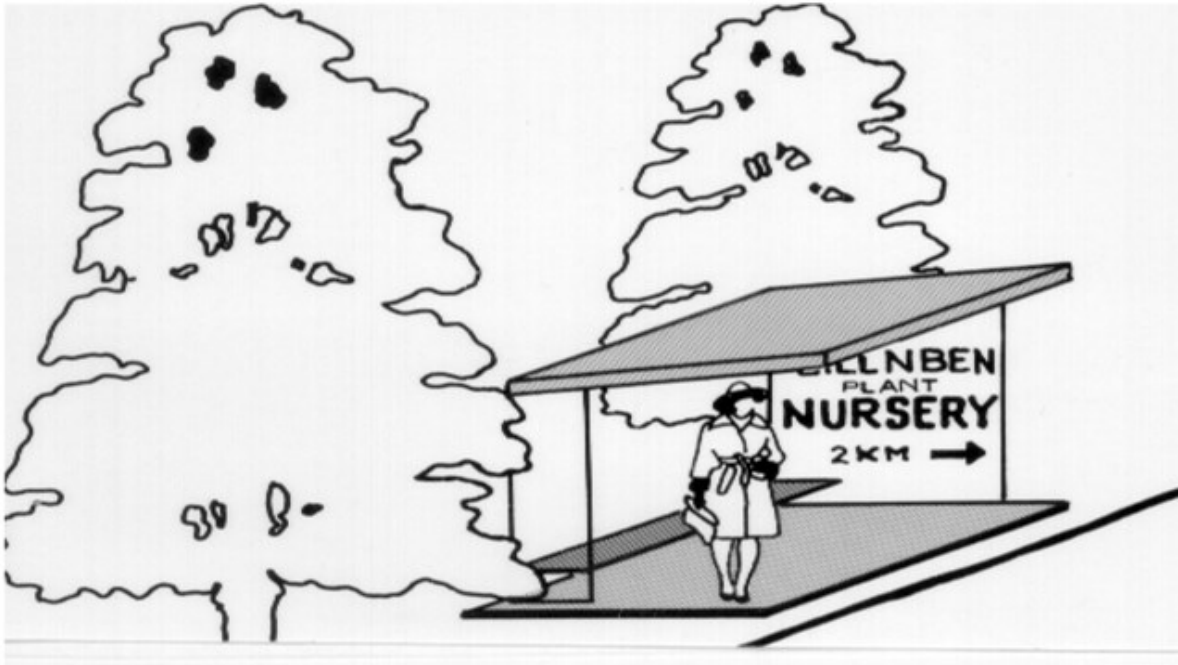
- i. shall not have an advertising area greater than 6m<sup>2</sup>; and
- ii. shall not be painted over any window or prominent architectural feature of a building.



### 3.7.7.6 Roadside Furniture Sign

#### 3.7.7.6 Roadside Furniture Sign

**Roadside Furniture Sign** means an advertising panel attached to any roadside or park furniture such as bus shelters, benches or the like. The Council reserves the right to prohibit undesirable, unsightly or objectionable advertising and restrict the location of such signs.



### 3.7.7.7 Cold Air Balloons and the like

#### 3.7.7.7 Cold Air Balloons and the like

**Cold Air Balloons and the like** may be considered by Council on their merits subject to:

- i. Council being provided with a certified copy of a public risk and property damage insurance, minimum cover of which is to be determined by Council's Risk Assessment Officer;
- ii. Advertising shall be restricted to the balloon and no other structures and shall relate to the premises upon which the balloon is displayed;
- iii. The balloon shall be sited in a manner where, if uncontrolled deflation occurs, it shall not fall onto adjoining properties or onto the adjacent roadway;
- iv. The balloon is to be securely installed by a licensed installer;
- v. Certificate of clearance being obtained from Energy Australia; and
- vi. Concurrence being obtained from the Roads and Maritime Service.

### 3.7.7.8 Building Wrap Advertisement

### 3.7.7.8 Building Wrap Advertisement

#### Building Wrap Advertisement

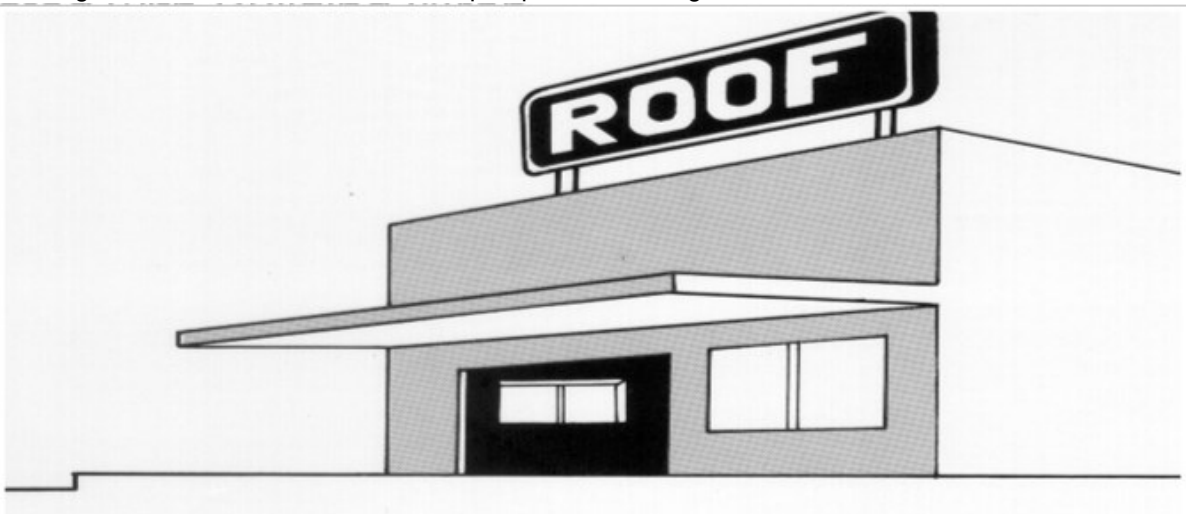
Building Wrap Advertising may be considered by Council on its merits and means a signage advertisement used in association with the branding or wrapping of a building or land to create a corporate image. This may include colours, logos, symbols or images used to identify the business incorporated into the entire façade of a building or site. Words and letters associated with Building Wrap Advertising must comply with the requirements of Painted Wall Signage,

### 3.7.8 Prohibited Advertisements and Advertising Structures

The following classes of advertising structures are considered contrary to the objectives of this plan and are accordingly prohibited.

#### 3.7.8.1 Roof Sign

Roof sign erected on or above the roof or parapet of a building.



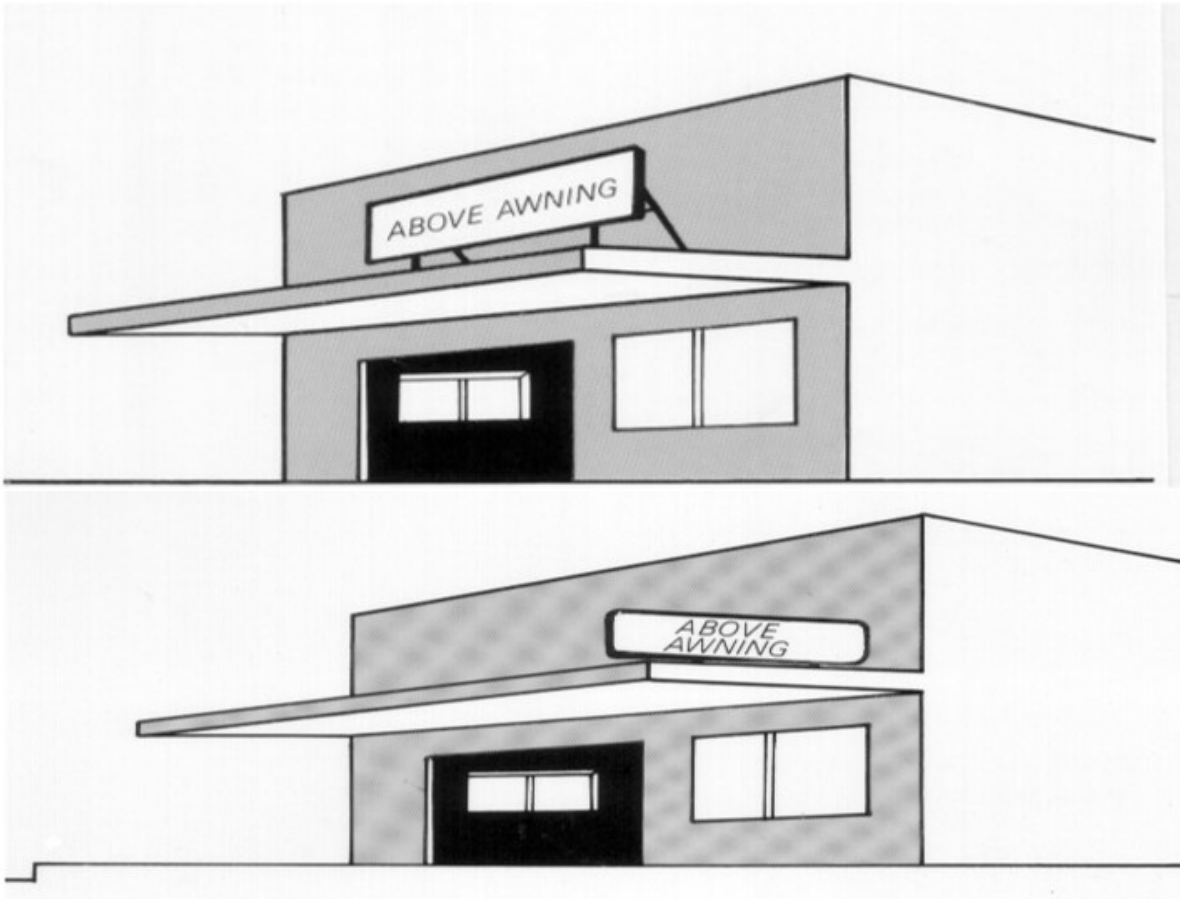
#### 3.7.8.2 Fin Sign

Fin sign erected on or above the canopy of a building.



#### 3.7.8.3 Above awning sign

Above awning sign attached to the upper side of an awning.



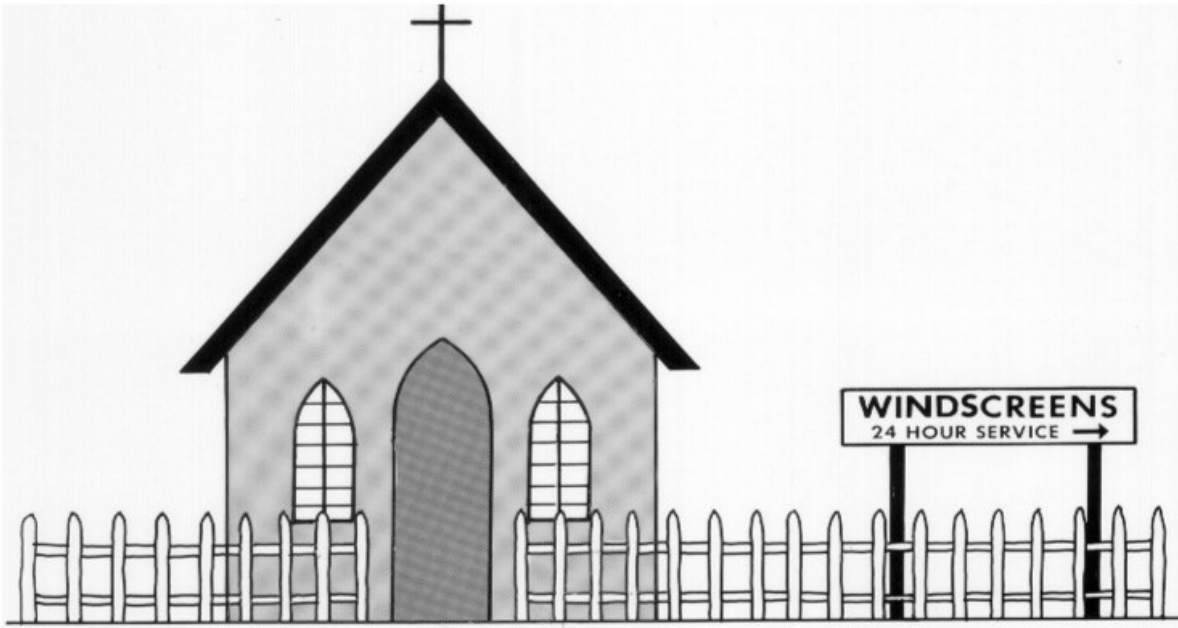
**3.7.8.4**

Signs which would in the opinion of Council affect traffic safety or movements.



**3.7.8.5 Third Party Advertisements and Advertising Structures**

Third party advertisements and advertising structures erected on any parcel of land or premises which do not relate to the business or undertaking or product so advertised, other than advertisements on community buildings, tourist information signs, directional signs and third party advertisements associated with illuminated street signs.



**3.7.8.6**

Any advertisement and advertising structure that would in the opinion of Council be objectionable, unsightly or injurious to the amenity of the locality, any natural landscape, foreshore, public reserve or public place.



**3.7.8.7**

Any wall sign extending laterally beyond or projecting above the wall to which it is affixed.



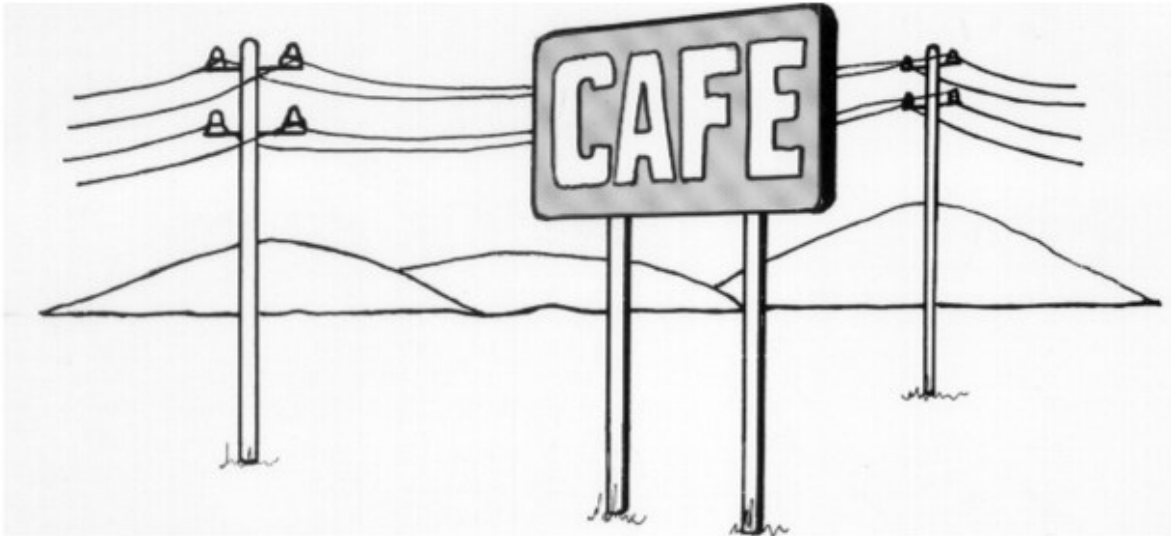
**3.7.8.8**

Any advertisement or advertising structure affixed to whole or part to a tree, electricity pole or the like.



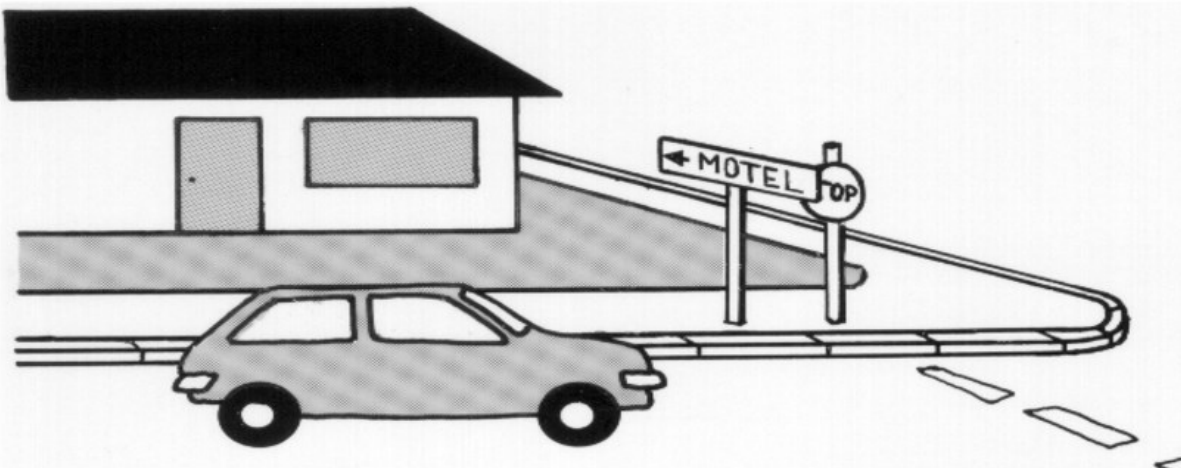
**3.7.8.9**

Any advertisement and advertising structure proposed to be erected or located close to overhead power lines. If Advertising Structures are to be located close to overhead power lines, then the consent/approval of Energy Australia must be obtained during the assessment of the application.



**3.7.8.10**

Any advertisement and advertising structure which obscures or interferes with road traffic signs and displayed contrary to the requirements of the NSW Roads and Maritime Services, in respect of advertisements adjacent to the boundaries of classified main roads.



**3.7.8.11**

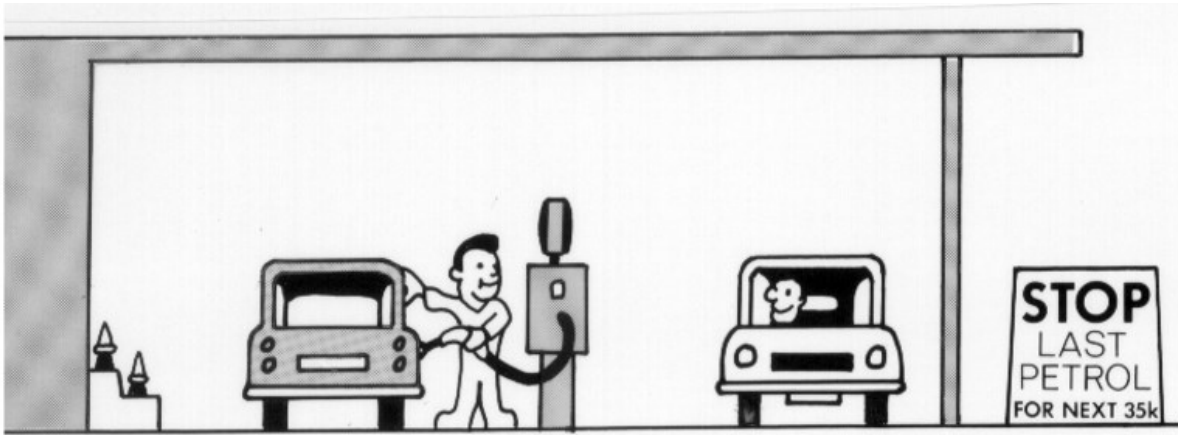
Any advertisement and advertising structure which interferes with the view of a road hazard or oncoming vehicle or any other vehicle or person or other obstruction which should be visible to drivers and other road users.



**3.7.8.12**

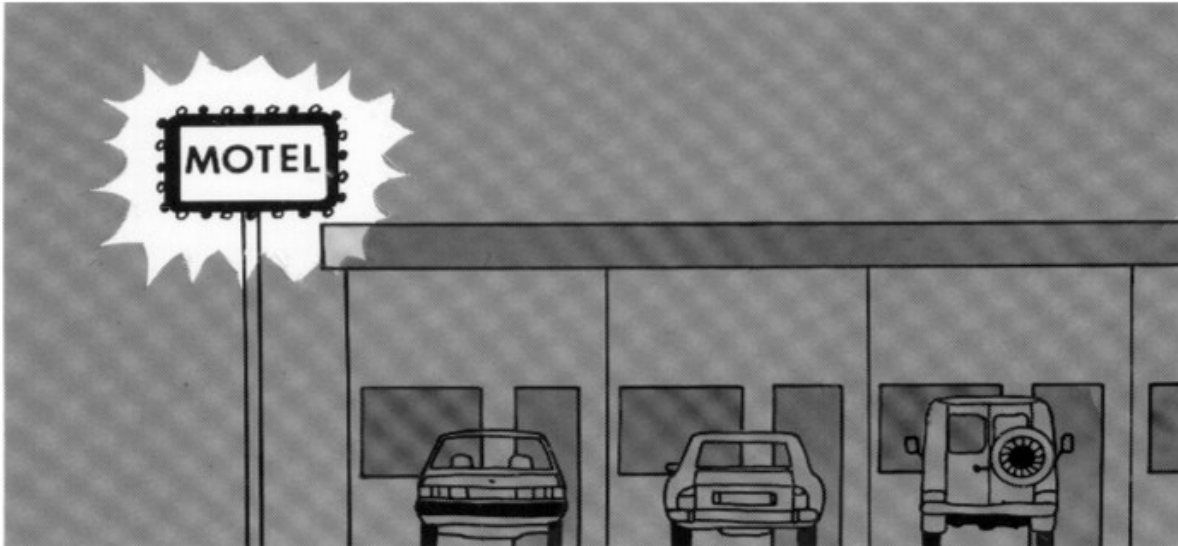
Any advertisement and advertising structure giving instructions to traffic by the use of the words "halt", "stop" or other directions, or imitate traffic signs, painted on windows, walls or displayed on any advertising structure.





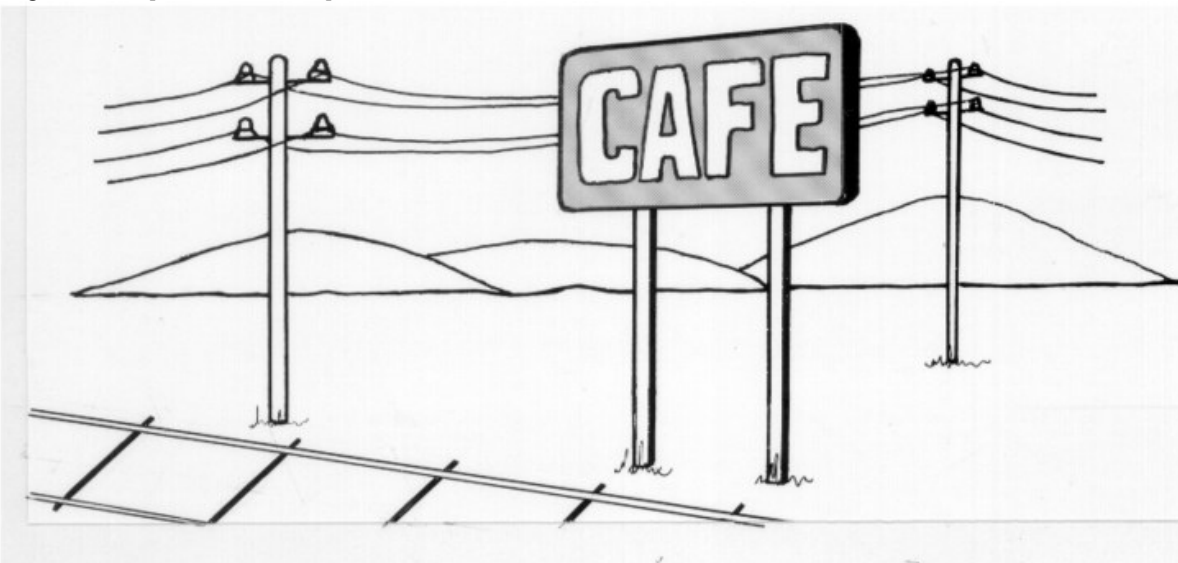
**3.7.8.13**

Any advertisement and advertising structure arranged to move or to vary the intensity of the illumination from light to dark or colour-to-colour, or to be intense enough to impair a driver's vision or distract his attention.



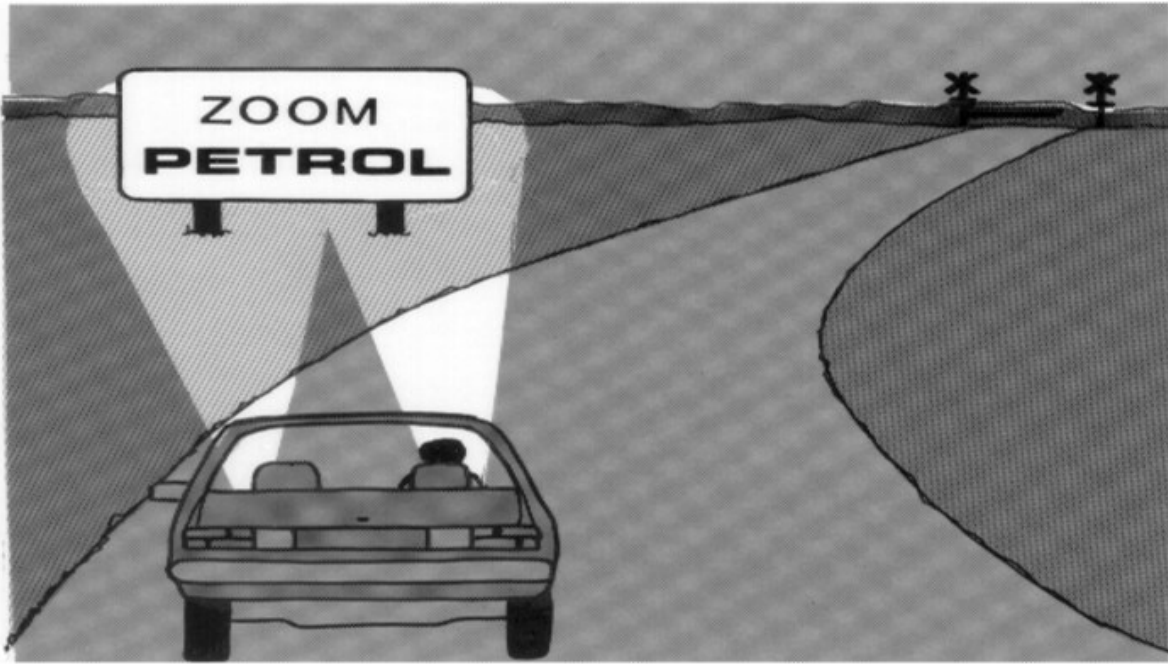
**3.7.8.14**

Any third party advertisements erected on State Rail Authority land, as specified by Council's Resolution of 25 August 1987 [Min No 840/87].



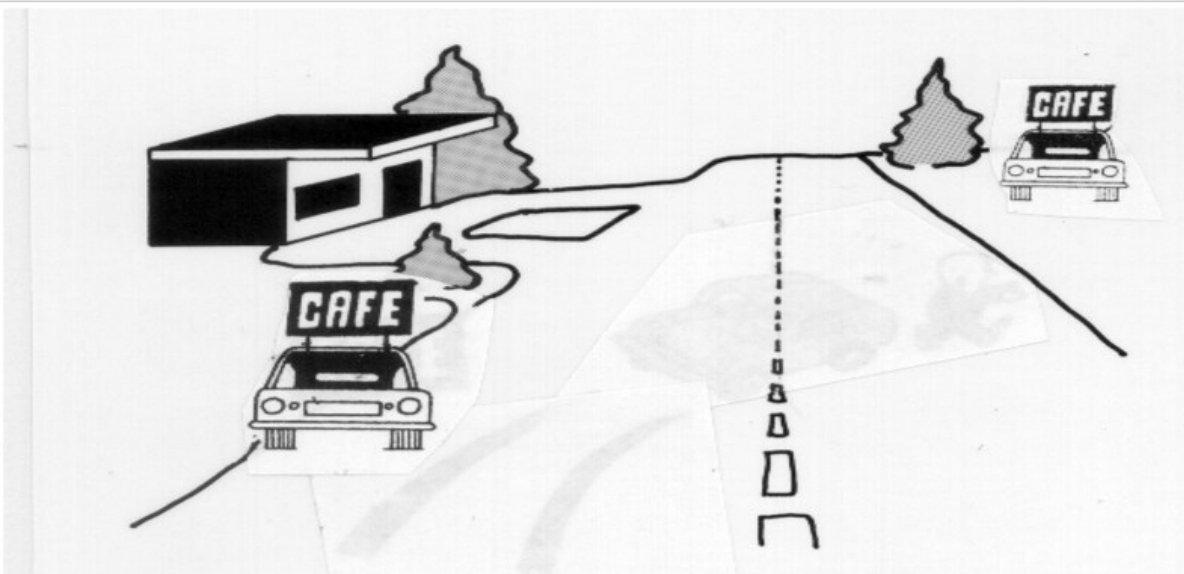
**3.7.8.15**

Any advertisement and advertising structure, which is highly reflective and is situated where it is especially desirable that drivers should not be distracted, eg: at important intersections, at level crossings and at bends.



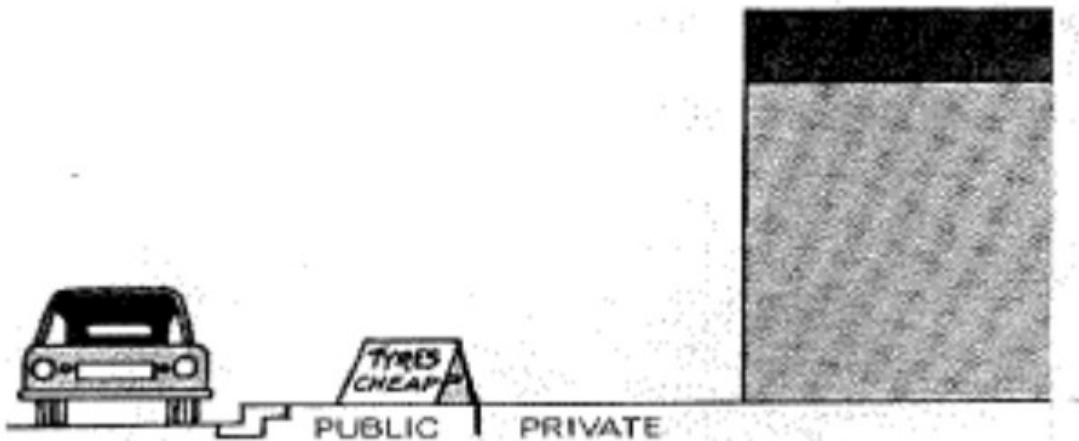
**3.7.8.16**

Any advertisements displayed on parked motor vehicles, trailers and the like on road reserves, including road(s) and footpaths.



**3.7.8.17**

Sandwich/'A' Frame boards, moving signs or objects which in Council's opinion obstruct the footpath/public area, or create a hazard to pedestrian movement.



### 3.7.9 Specific Provisions

#### 3.7.9.1 State Environmental Planning Policy No. 64 - Advertising and Signage

The statutory provisions of State Environmental Planning Policy No 64 - Advertising and Signage are applicable to the City of Gosford. Applicants should accordingly familiarise themselves with the provisions of the abovementioned State Environmental Planning Policy.

#### 3.7.9.2 Gosford Local Environmental Plan 2014

The display of advertisements and advertising structures within zones shall be in accordance with the statutory requirements of the relevant environmental planning instruments.

#### 3.7.9.3 Business and Industrial Zones

In situations where multiple occupancies exist, Council will require the consolidation and rationalisation of existing and proposed advertisements and the provision of a common directory board to reduce the proliferation of advertisements on the parcel of land.

Council, in certain circumstances, may consider a variation to the maximum permissible height and advertising area criteria of 6m and 6m<sup>2</sup> respectively. Such variation will only be considered where, in the Council's opinion, such variation is in keeping with the purpose and objectives of this plan and providing that such a variation is proportional to the height and scale of the building, whilst at the same time complimenting the streetscape of the immediate locality. Request for variation must be in writing and address the issues above in detail.

Advertisements contained within the common directory board associated with multiple occupancy developments, are to be restricted to business name and type of business conducted and products sold and are to be limited in number to avoid unnecessary multiplicity.

#### 3.7.9.4 Regional and Town Shopping Centres (Where Gross Floor Areas Exceed 5,000m<sup>2</sup>)

Any advertisements and advertising structures proposed to be erected or displayed at such centres being visible from a public place will be considered on their merits, proportionally to the size of the building.

#### 3.7.9.5 Temporary Sign

being an advertisement of a temporary nature which:

- i. announces any local event of a religious, educational, cultural, social or recreational character or relates to any temporary matter in connection with such an event; and
- ii. does not include advertising of a commercial nature, except for the names(s) of and event's sponsor(s).

Must not be displayed earlier than 21 days before the day on which the event is to take place and must be removed

within 7 days after the event.

Council reserves the right to prohibit the display of temporary signs, which in Council's opinion are prohibited by Section 3.7.8 of this chapter.

**The display of Temporary Signs in the form of banners or the like across public roads and public places are prohibited, in accordance with Council's resolution of 12 April 1974, (Min No299/94) except as permitted under Council Policy T4.03 "Erection of Street Banners" adopted by Council on 26 August 1997 (Min No 251/97).**

#### **3.7.9.6 Special Activities and Recreation Zones**

The display of advertisements in Special Activities or Recreation zones shall be in accordance with the statutory provisions of the relevant environmental planning instruments. Such advertisements shall be ancillary to a lawfully established development on the parcel of land it relates to.

In all instances, the display of advertisements in such zones shall be considered on its merit, consistent with the purpose and objectives of the particular zone and the provisions of this plan and shall have regard to Council's 6m height limit and 6m<sup>2</sup> advertising area requirements.

#### **3.7.9.7 Directional Signs**

Council may consider erecting a directional sign (similar to Council's existing street sign) of an approved type of construction and in a location where Council considers the circumstances are warranted, having regard to the nature and location of the development and on application by the owner and payment of an application fee.

The colour, wording and dimensions of such a sign is to be determined by Council and will generally indicate only the particular type of establishment without mentioning the proprietor, e.g. Motel, Post Office, Caravan Park.

#### **3.7.9.8 Vehicle Showroom, Hotel and Businesses of Similar Character**

- i. Where a vehicle showroom (proposed and existing) stocks and displays a variety of motor vehicles, caravans or boats and associated spare parts and servicing, Council will require the use of a common directory board to reduce the proliferation of free standing advertising structures on site.
- ii. Where a hotel (proposed and existing) stocks a variety of beverages products and associated ancillary services, Council will require the use of a common directory board to reduce the proliferation of free standing advertising structures on site.

In all instances, consolidation and rationalisation of existing advertisements shall be required on existing motor showroom and hotel sites.

Advertisements contained within the common directory board shall be of a uniform size shape and presentation.

#### **3.7.9.9 Newsagents, Liquor Shops and Businesses of Similar Character**

All placards, poster or weekly specials etc, must be in frames fixed to the facade of the premises (not proposed) and not to project more than 40 mm thereon.

#### **3.7.9.10 Community Buildings**

Council may consider the display of advertisements on community buildings, where such advertisements are displayed to fulfill sponsorship obligations.

Notwithstanding the provisions of Section 3.7.8.5 of this chapter the display of advertisements may be permitted on community buildings, subject to such advertisements being:

- i. consistent with the objectives of this plan;

- ii. no greater than 6m<sup>2</sup> in advertising area per sponsor;
- iii. a flush wall sign attached flush to the wall of the building and not being placed on a prominent architectural feature of the building;
- iv. restricted to one (1) advertisement per sponsor; and
- v. not internally or externally illuminated.

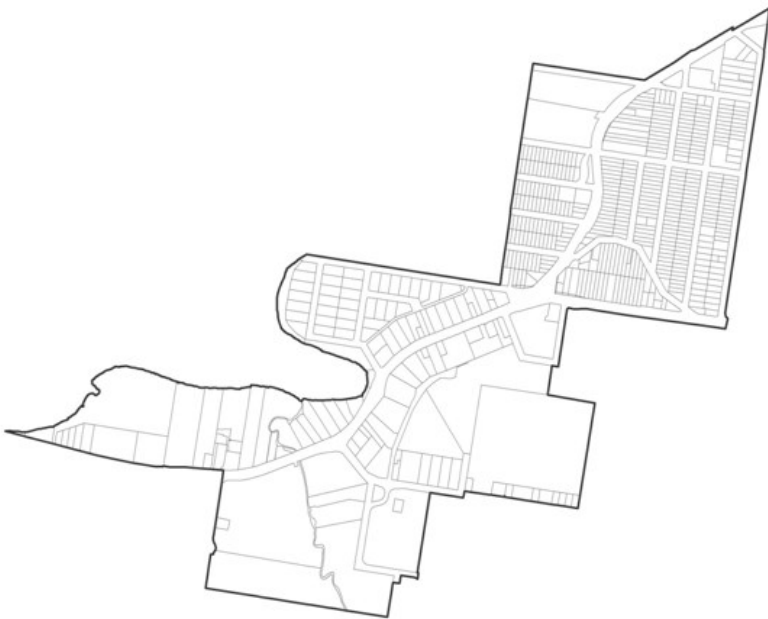
In all instances, the display of such advertisements on community buildings shall be restricted to two (2) common external walls and Council reserves the right to prohibit advertisements and advertising structures that are unsightly, objectionable and injurious to the amenity of any natural landscape, foreshore, public reserve or community building.

### 3.7.10 Erina Business Centre Signage

#### 3.7.10.1 Land to which this Chapter Applies

##### 3.7.10.1 Land to which this Chapter Applies

This clause applies only to land within the Erina Business Centre indicated on the map below. The purpose of this clause is to set directions for future development of advertising signs within the Erina Business Centre so that all new development, including redevelopment, promotes the business enterprise and image of the Erina Business Centre.



**Erina Business Centre Area**

#### 3.7.10.2 Objectives of this Clause

##### 3.7.10.2 Objectives of this Clause

The objectives of this clause are as follows:-

- a. To encourage the development of advertising signage which is of high architectural quality;
- b. To establish a business identity for the Erina Business Centre;
- c. To improve the scenic quality of Erina Heights;
- d. To control advertisements so that a co-ordinated pattern for the Erina Business Centre is recognised and general amenities improved;
- e. To provide a co-ordinated relationship between development of private property and the adjoining streetscape of

the Erina Business Centre.

### **3.7.10.3 Maximum Signage Permitted per Business or Property**

#### **a - Flush Wall Signs/Fascia Signs - Principal Façade**

##### **3.7.10.3 Maximum Signage Permitted per Business or Property**

###### **a - Flush Wall Signs/Fascia Signs - Principal Facade**

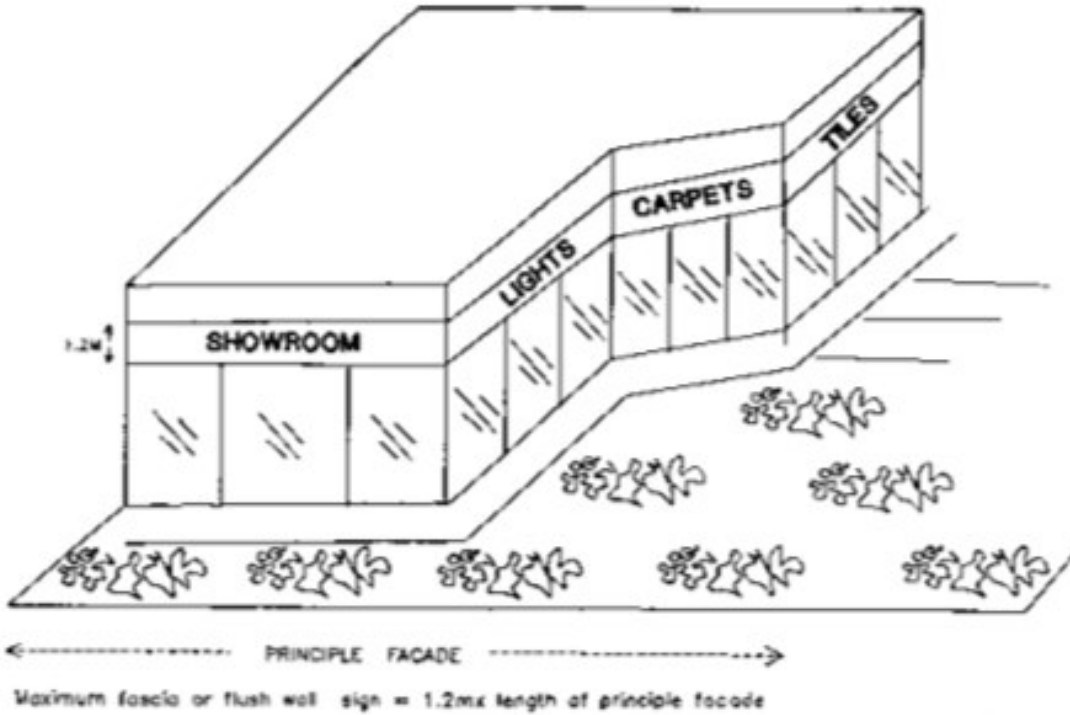
- i. Flush wall signs and/or fascia signs with a maximum width of 1.2m along the principle facade of the building to which it is being attached;
- ii. Only one fascia or flush wall sign permitted per business;
- iii. Multiple occupancy premises may have a flush wall sign and a fascia sign providing the total width of the signage on the premises does not exceed 1.2m;
- iv. Signage must be for business identification, i.e. name and function, and not for product or service promotion

#### **b - Flush Wall Signs/Fascia Signs - Secondary Facades**

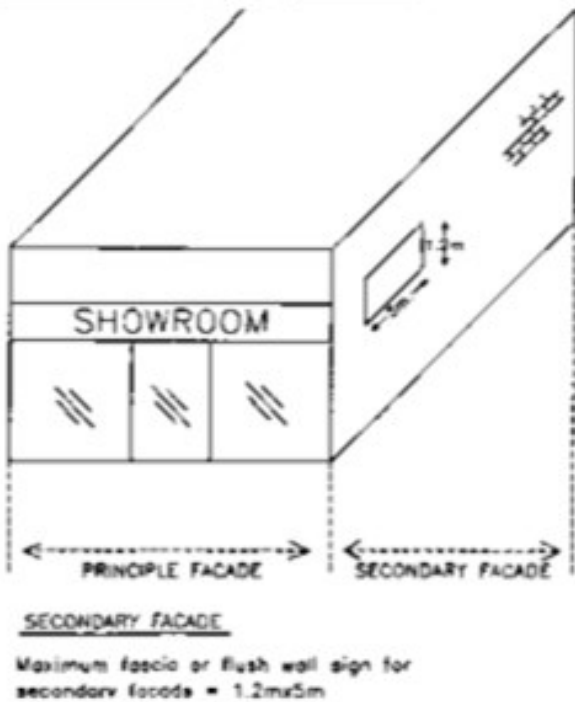
##### **b - Flush Wall Signs/Fascia Signs - Secondary Facades**

- i. Flush wall signs and fascia signs with a maximum width of 1.2m and a maximum advertising area of 6m<sup>2</sup>;
- ii. Signage must be for business identification and not for product or service promotion.

# PRINCIPAL FACADE



# SECONDARY FACADE



## c - Pole or Pylon Sign - One Business to a Property

### c - Pole or Pylon Sign - One Business to a Property

- i. - Not extending more than 7 metres in height above the ground. (Not including street number and chamber logo);
- Minimum height of 5 metres;
- ii. Maximum advertising area of 6m<sup>2</sup> on any single advertising surface;

- iii. Signage must be for business identification and not for product or service promotion;
- iv. No closer than 20m to any other pole or pylon sign or proposed multiple occupancy sign location nominated under this plan.

#### **d - Pole or Pylon Sign - Multiple Occupancy Properties**

##### **d - Pole or Pylon Sign - Multiple Occupancy**

- i. - Not extending more than 8.5 metres in height above the ground. (Not including street number and chamber logo);-
  - Minimum height of 5 metres.
- ii. Maximum advertising area of 12m<sup>2</sup> on any single advertising surface;
- iii. Signage must be for business identification and not for product or service promotion;
- iv. No closer than 20m to any other pole or pylon sign or proposed multiple occupancy sign location nominated under this plan.

#### **e - Pole or Pylon Sign - Large Multiple Occupancy Properties**

##### **e - Pole or Pylon Sign - Large Multiple Occupancy properties**

Where there is one major occupier in a multiple occupancy property and the property has a street frontage in excess of 50 metres, Council may permit one free standing pole or pylon sign as well as a multiple occupancy pole or pylon sign, providing both signs comply with the criteria in c and d above.

#### **f - Top Hamper and Under Awning Signs**

##### **f - Top Hamper and Under Awning Signs**

Top hamper and under awning signs will be considered providing they complement the architectural style of the building and are in keeping with the signage in the locality of any proposed sign.

#### **3.7.10.4 Prohibited Signage**

##### **3.7.10.4 Prohibited Signage**

- 1. Fin signs
- 2. Flashing signs
- 3. Projecting wall signs
- 4. Roof signs
- 5. A-frame signs and sandwich board signs on footpaths and public places
- 6. Flush wall signs, fascia signs and pole or pylon signs not permitted by this plan
- 7. Third party advertisements.

#### **3.7.11 General Matters**

##### **3.7.11.1 Application Preparation and Lodgement**

Application lodgement forms and appropriate supporting documentation must be completed and appropriate fee paid in accordance with Council's requirements. Further information can be obtained from Council's Customer Services Section.

In addition, application for consent relating to advertisements and advertising structures must be made on Council's prescribed form, incorporating:

- i. The classification of the proposed advertising structure seeking consent, consistent with Section 3.7.5 of this chapter.
- ii. The written consent of the owner of the parcel of land to which the application relates.
- iii. Payment of the Development Application fee, as determined by the Council.



- iv. Clear and detailed representation of the proposed advertisement, advertising structure or building drawn to a nominated metric scale, indicating all text/logos, height of letterings, colours, dimensions and construction materials.
- v. In the case of advertisements or advertising structures attached to buildings; elevations of the building and advertising structure are required to be drawn to a nominated metric scale. The plans are to clearly incorporate the distance of underside of the advertisement to the ground level immediately below.
- vi. In the case of illuminated advertisements or advertising structures; details of illumination.
- vii. In the case of advertisements or advertising structures close to overhead power lines; the distance of the advertisement to the power lines.

#### **3.7.11.2 Refacing of Existing Advertisements**

The refacing of existing advertisements (other than Exempt development or when Council has been nominated as the Private Certifying Agent (PCA)), require the consent of the Council in order that the environmental impacts of the advertisement and its support structures can be accurately assessed, having regard to the streetscape, building design and locality.

#### **3.7.11.3 Penalties and Removal of Advertisements**

Any breach of this plan shall constitute an offence under the Environmental Planning and Assessment Act 1979 and a person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed.

#### **3.7.11.4 Maintenance**

All advertisements and advertising structures shall be maintained in good structural condition at all times, with a professional standard and finish, to the satisfaction of Council.

#### **3.7.11.5 Existing Advertisements**

The rights associated with lawfully approved advertisements are defined as "*Existing Advertisements*" under this plan are preserved.

However, in the event of such advertisements being refaced (due to change in business name or business), then strict compliance with the objectives and standards of this plan, will have to be observed.

### **3.8 Bed and Breakfast and Farm Stay Accommodation**

#### **3.8.1 Land to which Chapter Applies**

This chapter applies to all land within Gosford City where bed and breakfast and farm stay accommodation are permitted.

#### **3.8.2 Purpose of Chapter**

The purpose of this chapter is to provide detailed requirements for development of bed and breakfast and farm stay accommodation on properties where dwelling-houses are permitted. The requirements aim to ensure that the standard of accommodation is attractive to visitors and maintains a satisfactory standard of service.

#### **3.8.3 Objectives**

The objectives of this chapter are as follows:

- a. To develop low-key, domestic-scale accommodation which does not change the character of the immediate locality.
- b. To ensure compatibility between bed and breakfast and farm stay accommodation and adjoining properties.
- c. To ensure that car parking is accessible for guests and will not inconvenience neighbours or cause safety problems.
- d. To ensure that the premises meet acceptable fire safety and health standards.
- e. To maintain a satisfactory standard of management and service.
- f. To ensure that adequate utility services are available to enable the use of bed and breakfast or farm stay

accommodation.

- g. To ensure that farm stay accommodation is at a scale compatible with a rural environment and does not compromise agricultural activities.
- h. To ensure that the standard of development will promote tourism in Gosford City.

### 3.8.4 General Requirements

- a. Bed and breakfast accommodation is not permitted to operate in dual occupancies, multi-dwelling housing, residential flat buildings or the like; nor on properties where there exists commercial, retail or industrial buildings.
- b. Bed and breakfast accommodation is to be contained wholly within the building comprising the dwelling-house.
- c. There is a limit of one (1) bed and breakfast establishment per allotment.
- d. Any meals prepared for guests are to be provided by the residents of the dwelling-house or farm.
- e. Bed and breakfast and farm stay accommodation are not to contain stove or oven facilities for the preparation of meals by guests.
- f. Food and drink premises are not permitted as part of a bed and breakfast and farm stay accommodation.
- g. Bed and breakfast and farm stay accommodation must be operated by the permanent resident(s) of the dwelling-house or farm.
- h. The bed and breakfast and farm stay accommodation must be for short-term, temporary visitors only and not for long-term, permanent accommodation. Maximum period of stay is restricted to 14 days in any 28 day period.
- i. Bed and breakfast accommodation is limited to a maximum of four (4) bedrooms catering for a maximum of eight (8) guests.
- j. Farm stay accommodation is to be separate from the main dwelling house and limited to a total of four (4) bedrooms in any configuration (eg, four one bedroom cottages, two cottages with two bedrooms or one four bedroom cottage) per allotment of land upon which it is located and catering for a maximum number of eight (8) guests.
- k. Bed and breakfast accommodation and farm stay accommodation are not permitted on the same allotment of land.
- l. Farm stay accommodation is to be designed so as to be complementary and supplementary to the predominant use of the land for primary production and is to be designed at low-key scale that is complementary to a rural landscape. Note: Council considers the provision of substantial additional common facilities (eg day spa facilities, billiards room, large recreational lounges, entertainment rooms, etc) to be beyond the scale of appropriate development for farm stay accommodation.
- m. Farm stay accommodation is to be sited so as to not compromise any existing or future primary production activities on the both the allotment on which it is located and any adjoining land.
- n. Toilet and bathroom facilities are required for guests separate from those used by the permanent residents of the house, and without the need to enter another separate bedroom. For farm stay accommodation, any cottage capable of individual occupation will be provided with its own toilet and bathroom facilities.
- o. The dwelling house within which a bed and breakfast is accommodated or farm stay accommodation located should preferably have some element of building design, location or other feature of particular appeal to tourists and visitors.
- p. For farm stay accommodation, conventional residential dwelling-house design is not considered an appropriate design form. Farm stay accommodation is to be contained within small scale separate "cottage style" buildings.
- q. An accommodation register shall be maintained with details of guest names, receipt number for daily and/or weekly accommodation, and be made available for inspection when required by the Council.

### 3.8.5 Car Parking

- a. Car parking will be required on-site for guests and permanent residents.
- b. The rate of car parking is one (1) space per guest bedroom and one (1) space for the permanent residents.
- c. The car parking shall be designed and constructed in accordance with Council's construction and development standards.
- d. Car parking is to be sited so as to maintain the amenity and character of the locality.
- e. Off-street car parking shall be sited so as to reduce as far as possible the noise of vehicles entering and leaving the property.

### 3.8.6 Effluent Disposal

- a. Where sewer is not available an effluent disposal report will need to be submitted with the development application for bed and breakfast and farm stay accommodation. This report is to be prepared by a suitably qualified person with experience in onsite effluent disposal in accordance with the requirements of the "On site Effluent Disposal chapter of this DCP, AS 15:47 Onsite Domestic Wastewater Management and the Environment and Health Protection Guidelines On Site Sewerage Management for Single Households.
- b. For both bed and breakfast and farm stay accommodation where permitted, in rural and environmental zones, on a lot of the appropriate size, effluent disposal may be approved subject to the suitability of the site. An effluent disposal report will need to be submitted with the development application for all proposals on rural properties demonstrating adequate area is available.
- c. In unsewered areas effluent disposal systems require an Approval To Operate to be issued by Council in accordance with the requirements of the Local Government Act.

### 3.8.7 Fire Safety

- a. Smoke alarms and lighting to assist evacuation shall be installed in accordance with the deemed to satisfy provisions of the Building Code of Australia.
- b. The building shall be provided with fire-fighting equipment to safeguard against a fire spreading, by allowing occupants to undertake an initial attack on a fire. Portable fire extinguishers shall be selected and located in accordance with Australian Standard AS 2444. A fire blanket can be located in risk areas such as kitchens.
- c. A building is to be provided with a planned means of evacuation in an emergency. Deadlocks requiring a key action to open a door must not be placed on the internal side of guest rooms or in any path of travel to exit the building.

### 3.8.8 Building Standards

The building containing the bed and breakfast and farm stay accommodation shall comply with the provisions of the Building Code of Australia.

### 3.8.9 Food Preparation

- a. The fitout of the food preparation area is to comply with the Food Act 2003, Food Regulation 2004, Food Standards Code and the Australian Standard AS 4674 for the Design, Construction and Fitout of Food Premises.
- b. Council is to be notified prior to the commencement of operation of the premises to enable its inspection by Council's Environmental Health Officer and for the premises to be registered with the Council as a food premises.

### 3.8.10 Access for People with Disabilities

Any buildings shall comply with the Disability Discrimination Act.

### 3.8.11 Garbage/Recycling Services

Additional garbage/recycling services may be required to cater for increased volume of wastes.

### 3.8.12 Signage

Signage is to be in accordance with the Advertising Signage chapter of this DCP.

### 3.8.13 Guidelines on Making an Application

- a. Development approval is required for any renovations or extensions. The building must satisfy noise transmission criteria and have fire detection systems installed. Discussion with Council officers is encouraged prior to lodging an application. The application shall include:
  - i. layout plan of the buildings to scale (1:100 or 1:50), detailing rooms to be utilised by permanent residents and guests and corresponding room sizes or other detailed floor plans and elevations of proposed buildings in the case of farm stay accommodation.
  - ii. site plan of the land on which the use is to be established, showing the location of all existing buildings and structures, relationship to surrounding landuses (including agricultural activities both on and adjoining the land in the case of farm stay accommodation), proposed effluent disposal areas, details of all site characteristics including natural vegetation, watercourses etc, and the location of guest and permanent resident parking.
  - iii. details of proposed vehicular access and parking;
  - iv. a landscape plan;
  - v. details of existing effluent disposal system (if applicable) indicating type and capacity of system;
  - vi. details of fire safety, including location of smoke detectors; and
  - vii. details of the permanent resident or land owner operating the bed and breakfast and farm stay accommodation.

## 3.9 Child Care Centres

### 3.9.1 Land to which Chapter Applies

This chapter applies to all land within the City of Gosford where child care centres are permitted.

### 3.9.2 Objectives

The objectives of this chapter are as follows:

- a. To encourage the provision of high quality child care which meets the needs of the community;
- b. To ensure that potential impacts of child care centres on surrounding residential amenity is minimised.
- c. To ensure that child care centres are located on appropriate sites having regard to the topography and relationship to adjoining development.
- d. To provide measures to protect the natural and built environment.
- e. To encourage the provision of child care centres in appropriate locations to meet the needs of the community.
- f. To ensure consistency between Council's requirements for development and those of the licensing authority (NSW Department of Community Services).

### 3.9.3 Location

#### 3.9.3.1 Objectives

- a. To ensure Child Care Centres are located in areas of high environmental quality, without exposure to undesirable health and safety risks from the site and surrounding areas.
- b. To ensure that site layout and building design take into account the characteristics, constraints and

opportunities of the site and its surrounds, and consider the users of surrounding areas with respect to privacy and noise.

- c. To encourage ease of access to Child Care Centres by all forms of transport, vehicles, bicycles and walking, and in proximity to public transport nodes and complementary community land uses.

### **3.9.3.2 Guidelines**

- a. The location of a Child Care Centre is to take into consideration any environmental health hazard or risk relevant to the site and/or existing buildings within the site or in the surrounding area.
- b. Child care centres will not be permitted on battle axe allotments owing to adverse amenity, traffic and noise impacts on adjoining properties.
- c. The site should not be located in a cul-de-sac, opposite an intersection or on any other road where additional vehicles may create traffic conflict or adverse impact on the amenity of the area.
- d. Where possible, the site should be adjacent to a public reserve which will reduce the number of properties potentially affected by the child care centre. The site should be separated from residential activities. Preferred locations include sites adjacent to public reserves, commercial sites, schools or other non-residential uses. Sites located in the general vicinity of primary schools are encouraged.
- e. Sites such as old service stations are inappropriate for the establishment of child care centres owing to potential for site contamination and harmful effects on children, unless the site has been remediated.
- f. Ease of access to the site by public transport should be taken into account in site selection.

## **3.9.4 Site Requirements**

### **3.9.4.1 Objective**

To ensure minimal impact on adjoining development and acceptable standards of design, open space, landscaping and parking can be accommodated within the site.

### **3.9.4.2 Residential, Business and Industrial Zones**

- a. Maximum 40% site coverage including the building footprint, carparking and driveways but excluding playground and shade structures.
- b. A maximum land gradient of 1 in 20 shall apply to avoid visually bulky buildings, overlooking and loss of amenity and to minimise cut/fill, batters and retaining walls so that the useable area of a site is maximised.
- c. Minimum setbacks from property boundary to building will be determined by considering surrounding building setbacks, location of neighbouring buildings and the bulk and scale of the proposed development.

### **3.9.4.3 Rural RU5 Village Zone**

- a. Minimum setbacks from property boundary to building will be determined by considering the subject lot size and bulk, scale and location of neighbouring buildings.
- b. Building height, materials, colour tones, building setbacks, landscaping, access and visual appearance should have regard to the surrounding rural character and environment.

### **3.9.4.4 General Requirements**

- a. There is no minimum site area requirement for the establishment of a child care centre. However, the number and age of children who may attend the centre and number of staff are subject to the licensing requirements of the NSW Department of Community Services. The NSW Department of Community Services should be consulted to ensure that the number of children and staff numbers to be accommodated is feasible and not in contravention with relevant NSW Government legislation.

**In this regard, the architect/designer is to certify on the architectural plans that the proposal has been designed to comply with the relevant NSW Government legislation**

### 3.9.5 Traffic and Parking

#### 3.9.5.1 Objectives

- a. To ensure safe movement of traffic entering and leaving the site.
- b. To provide adequate provision on site for staff parking and setting down and picking up of children to reduce the incidence of on-street car parking, detrimental to the amenity of the surrounding area and pedestrians.
- c. To promote the safety of pedestrians.

#### 3.9.5.2 Traffic

- a. Council will take into account the effect on, and by, traffic for the proposed development. Applicants are required to demonstrate that traffic will not interfere with the amenity of the area. Approval will not be granted where existing traffic volumes are such that danger would be created by pedestrians crossing the road to enter the site or by vehicles turning in the vicinity of the site.
- b. All vehicles entering and leaving the site shall be able to do so in a forward direction.
- c. Direct vehicular access to arterial, subarterial, state or regional roads will not be permitted.
- d. Pick-up or set-down and pedestrian areas shall be separated from the general parking areas and driveways to ensure the safety of pedestrians.
- e. Separate entry and exit driveways shall be provided for centres which:
  - i. are located on a collector road; or
  - ii. cater for ten (10) or more children; or
  - iii. are located on sites where Council determines the requirement is necessary to ensure the safety of pedestrians, carers, staff and others visiting the centre.
- f. A traffic study may be required in some cases where deemed necessary by Council to properly assess traffic impacts.
- g. Parking and vehicle areas are to be separated from any area used by children by appropriate safety fencing and gates.

#### 3.9.5.3 Parking

- a. Off street car parking requirements are to be calculated and provided in accordance with the Car Parking chapter of this DCP.
- b. Parking areas shall be easily accessible from the street, and screened by landscaping along all street frontages and private property boundaries. Where parking is located at the front of the site a minimum landscaped garden area of one metre is to be provided along the street frontage.
- c. The number of staff to be employed at any one time is to be stated, together with the expected number of children. Any increase in staff or children may require additional car parking.
- d. Car parking spaces should have minimum dimensions as specified in the Australian Standards AS 2890.1 - 1993 Parking Facilities. Driveways should have a minimum width of 3.0 metres and aisle widths should conform to Australian Standards AS 2890.1 - 1993 Parking Facilities.

### 3.9.6 Visual and Acoustic Privacy

#### 3.9.6.1 Objectives

- a. To ensure the privacy of surrounding properties is maintained and protected from overlooking and noise.
- b. To protect the visual and acoustic privacy needs of the children using the Child Care Centres, staff and other users.
- c. To ensure that noise from Child Care Centres does not adversely impact the amenity of the Child Care Centre itself and surrounding properties.
- d. To ensure that the hours of operation of a Child Care Centre do not adversely impact on the amenity of surrounding properties, particularly in residential areas.

### 3.9.6.2 Guidelines

- a. Applicants are required to demonstrate that they have given proper consideration to the impact of noise on adjoining properties and to reduce problems to an acceptable level by the design.
- b. In cases where the potential noise impact on neighbouring residents is considered by Council to be significant, the applicant may be required to submit a suitable noise assessment report. This must be prepared by a qualified acoustic engineer or equivalent.
- c. Noise levels (measured at any point on the boundary of the site between the proposed child care centre and adjoining property) should not exceed 5dBA above the L90 background level during the hours of operation. Appropriate noise attenuation may be required to ensure noise does not exceed this level.
- d. Hours of operation within residential areas shall not extend outside the core hours of 7am to 7pm unless written justification is submitted.
- e. Fences are to be of adequate height and construction to ensure privacy to adjoining neighbours. Details are to be provided with the development application.
- f. Fencing, where there is the potential for noise impacting on adjacent properties, shall be of a height, design and material (for example, masonry) suitable to contain noise generated by the children's activities. Metal fencing can cause concern in regard to noise factors and should be avoided where possible. Council may stipulate hours of outdoor play times in order to minimise the likelihood of a noise nuisance occurring.
- g. No public address systems should be installed at the centre.

### 3.9.7 Design of Outdoor Play Areas

#### 3.9.7.1 Objectives

- a. To provide adequate space to accommodate a stimulating outdoor play environment.
- b. To provide a well designed outdoor play area giving consideration to sun, shade, ground surfaces and visual supervision throughout the site.
- c. To minimise noise transmission and other nuisances to the surrounding area.

#### 3.9.7.2 Guidelines

- a. The outdoor play area is not to be located in the front building setback unless the applicant clearly demonstrates in the development application that the visual appearance of the streetscape will not be compromised and appropriate landscape treatment is to be provided.
- b. Play equipment shall not be higher than the fence and should not be closer than two metres to a fence.
- c. 50% of all outdoor areas should be shaded during the hours of 10.00 am to 3.00 pm Eastern Summer Time which may be provided by trees, awnings or other structures.
- d. Outdoor Play Areas are to be:
  - i. located away from the main entrance of the Child Care Centre, car parking areas or vehicle circulation areas;
  - ii. integrated with indoor space and provide direct and easy access between those areas;
  - iii. of a design and layout to enable clear lines of sight to all areas of the outdoor space to allow direct staff supervision from other areas of the Child Care Centre
  - iv. located with a northern orientation for maximum solar access;
  - v. located away from existing and potential noise and environmental pollution sources;
  - vi. where in a predominantly residential area, located away from the living/bedroom windows of surrounding dwellings;
  - vii. inaccessible from public areas outside the Child Care Centre, except in the case of an emergency evacuation or centre deliveries such as sand replacement, unless a security system is in place which grants access, in the form of a swipe card for instance, only to authorised persons such as families and other authorised visitors.
  - viii. located away from areas where objects can be projected down onto play areas; and

- ix. adequately fenced on all sides.
- e. Proposed divisions of play spaces are to be shown on a plan, ensuring that the allocation of play space is appropriate to the numbers of children to be cared for in the Child Care Centre.
- f. Outdoor play spaces are to be adequately shaded in accordance with Shade for Child Care Services published by the NSW Cancer Council and NSW Health Department. Refer to the Appendix attached to this chapter for further information. Physical shading devices are to provide sun protection to children and be integrated into the design of the building and the outdoor area.
- g. Physical shading devices are to provide sun protection to children and be integrated into the design of the building and the outdoor area.

### 3.9.8 Accessibility

#### 3.9.8.1 Objectives

- a. To ensure all new child care centres and alterations and additions including any associated spaces such as outdoor space, parking areas and the like are designed to be accessible for all people within the community.
- b. To provide safe and easy access to allow for access by stroller and for the mobility impaired into the centre.

#### 3.9.8.2 Guidelines

- a. Access and facilities for the disabled are to be provided in accordance with the Australian Standard AS 1428 Part 1, the BCA and the Carparking chapter of this DCP. Reference to these requirements should be made in the early stages of design to ensure the development complies with the relevant standards.
- b. Design of site elements and access ways between site elements are to cater for the needs of all users, particularly those with disabilities.
- c. While not comprehensive, the following matters should be considered and incorporated into the design to cater for the needs of persons with disabilities and parents with prams:
  - i. hard paved surfaces leading from the building to an outside play environment should continue partly inside the play area to allow children with mobility aids to participate with outdoor activities;
  - ii. design of the car park area should incorporate kerb cuts to eliminate the barrier for parents with prams and children in wheelchairs or on crutches; and
  - iii. pathways with extra width (1200 to 1500 millimetres) and grades no steeper than 1:12 or 8% to allow easy circulation throughout the site.

### 3.9.9 Landscaping

#### 3.9.9.1 Objectives

- a. To provide adequate tree retention and tree planting on the site to ensure that developments are suitably landscaped and provided with landscaped areas that are compatible with the surrounding area and take into account existing site conditions.
- b. To ensure the predominant landscape quality of the City and the amenity of immediately surrounding areas are maintained or enhanced.
- c. To provide an attractive natural environment for the users of the site.
- d. To provide, light, shading and wind control on the site.

#### 3.9.9.2 Guidelines

- a. A concept landscaping plan prepared by a qualified landscape professional shall be submitted with the development application showing all buildings, location and size of vegetation, paths, paved areas, lawn, fences, pergolas, play areas and equipment. A detailed landscaping plan prepared by a qualified landscape architect or horticulturalist must be submitted with the Development Application. The landscaping plan will show plant locations, technical names and quantities, site preparation and construction.
- b. Landscaping should be utilised to enhance the landscape quality of the area and to soften the impacts of hard stand areas and car parking on the surrounding locality.



- c. Existing vegetation and other natural features should be conserved on site wherever possible.
- d. Landscaping is to be in accordance with Department of Community Services requirements to ensure it is safe and appropriate for a Child Care Centre.
- e. Rainwater tanks are required for new Child Care Centres. The rainwater tanks must be plumbed for toilet flushing, laundry and irrigation purposes.

### 3.9.10 Building Appearance

#### 3.9.10.1 Objectives

- a. To ensure that any development for the purposes of a child care centre meets with the needs of the children, whilst maintaining the amenity of the area and the enjoyment of residents in the locality.
- b. To encourage the integration and compatibility of building design, open space, landscaping and car parking with the surrounding environment and which provides a functional and pleasant environment for the centre's users.

#### 3.9.10.2 Guidelines

- a. The design of buildings should be sympathetic to the topography and other natural features of the land.
- b. The design of buildings should relate to the slope (max. 1 in 20) of the land to minimise earthworks and disturbance to the land (cut and fill).
- c. In established streetscapes, building design should be consistent with the dominant design themes and character within the immediate area.
- d. The materials and finishes of the development and planting along the street frontage should complement adjoining development and character of the area.
- e. Buildings should not be painted bright colours with large signs especially the front facade of buildings.

### 3.9.11 Building Code of Australia and Food Regulations

The building will need to comply with the Building Code of Australia and Food Regulations.

### 3.9 Appendix - Guidelines for Shade Planning and Design

NSW Government legislation requires that Outdoor Space be adequately shaded in accordance with Shade for Child Care Services by the NSW Cancer Council and the NSW Health Department. A copy can be obtained from the NSW Cancer Council.

The shade recommendations are minimum guidelines for centre-based child care across NSW and are to be considered with any development proposal for a new centre, a building conversion to a Child Care Centre or the expansion of an existing centre.

Open Areas	<ul style="list-style-type: none"> <li>• Partial shade is recommended, especially over grass that needs some sun for growth.</li> <li>• Natural shade is best.</li> <li>• Provide planting to the perimeter of the active play space so as not to create obstacles or safety hazards.</li> <li>• Consider arranging planting in clusters so that a group of children can access shade.</li> <li>• Deciduous trees will allow for penetration of warmth and light to the play space during winter.</li> </ul>
Quiet Areas	<ul style="list-style-type: none"> <li>• Shade throughout the year is recommended, particularly over sandpits.</li> <li>• A permanent shade system is the most appropriate option.</li> <li>• Consider the need for winter warmth and light.</li> </ul>

Open Areas	<ul style="list-style-type: none"> <li>• Partial shade is recommended, especially over grass that needs some sun for growth.</li> <li>• Natural shade is best.</li> <li>• Provide planting to the perimeter of the active play space so as not to create obstacles or safety hazards.</li> <li>• Consider arranging planting in clusters so that a group of children can access shade.</li> <li>• Deciduous trees will allow for penetration of warmth and light to the play space during winter.</li> </ul>
Formal Quiet Areas	<ul style="list-style-type: none"> <li>• Shade throughout the year is recommended.</li> <li>• Consider using a combination of built and natural shade.</li> <li>• Consider the need for winter warmth and light.</li> </ul>
Active Areas	<ul style="list-style-type: none"> <li>• Consider using a combination of built and natural shade.</li> <li>• Shade throughout the year is recommended over fixed plan equipment and areas where children play for extended periods of time, eg. a digging patch.</li> <li>• Place moveable equipment used for active play, eg. climbing frames, in the shade.</li> <li>• Consider the need for winter warmth and light.</li> </ul>
Fixed Play Equipment	<ul style="list-style-type: none"> <li>• Safety is a major consideration for shade provision over fixed play equipment.</li> <li>• Ensure shade structures over fixed play equipment do not have footholds or grip surfaces that would permit climbing.</li> <li>• Ensure the roofline of shade structures is designed to prevent child access to the roof</li> <li>• Allow a minimum head clearance height of two metres between the deck of the play equipment and the roof of the shade structure.</li> <li>• Locate trees and upright posts of shade structures at least 1.9 metres away from the most fully extended part of the play equipment, eg. The side of a climbing platform or the end of an extended swing arc, to ensure sufficient freefall zones.</li> <li>• Design shade structures with reference to AS 4486: Australian Standard for Playground and Playground Equipment (Part 1: Development, installation, inspection, maintenance and operation) and any other current relevant Australian Standards.</li> </ul>

Open Areas	<ul style="list-style-type: none"> <li>• Partial shade is recommended, especially over grass that needs some sun for growth.</li> <li>• Natural shade is best.</li> <li>• Provide planting to the perimeter of the active play space so as not to create obstacles or safety hazards.</li> <li>• Consider arranging planting in clusters so that a group of children can access shade.</li> <li>• Deciduous trees will allow for penetration of warmth and light to the play space during winter.</li> </ul>
Transition Zones	<ul style="list-style-type: none"> <li>• Verandahs provide permanent shade as well as rain protection - the angle of the roof and extent of overhang should be designed to maximise shade for the major part of the day, especially during summer.</li> <li>• Design the roof and overhang to maximise shade for the major part of the day, especially during summer.</li> <li>• A verandah width of four metres or more will allow for shaded play space underneath.</li> <li>• Select roof materials that minimise heat build up in summer. Insulate the roof with at least a ceiling cavity (and preferably with insulation material too) and provide air flow points.</li> <li>• Vertical blinds or louvers at the side of the verandah or terrace can provide additional protection from UVR when the sun is low in the sky.</li> <li>• Terraces, for example with a deciduous vine covered pergola or an adjustable shade structure system, provide seasonal shade. Some canopies will also provide rain protection.</li> <li>• Retractable or louvered shade canopies should be easily adjustable, ideally by one person at ground level.</li> <li>• A combination of fixed roof verandah and terrace spaces may be desirable for some services.</li> <li>• Vertical pull down blinds at the side of a verandah or terrace can provide additional protection from UVR during the morning or afternoon.</li> </ul>
Baby/Toddler Areas	<ul style="list-style-type: none"> <li>• Shade throughout the year is recommended.</li> <li>• Consider using a combination of natural and built shade.</li> <li>• Consider the need for winter warmth and light.</li> </ul>

### 3.10 Environmental Controls for Development in Zone E4

#### 3.10.1 Land to which this Chapter Applies

This Chapter applies to all land in Gosford City zoned E4 - Environmental Living.

#### 3.10.2 Objectives

Land within Gosford covered by the E4 zone varies in physical characteristics. Although the land has differing physical characteristics, a common set of environmental issues apply to development for tourist-related accommodation and ancillary activities.

These environmental issues can be divided into ecological and landscape matters. The ecological matters include siltation and nutrification of adjacent and downstream waterways, loss of biodiversity through clearing of natural vegetation and development on unstable soils. Proposals for tourist-related developments in the E4 zone should ensure that a sensitive approach is taken to the sites' and the catchments' existing biophysical characteristics.

With regard to landscape matters, land covered by Environmental zones E4 within Gosford is characterised by the natural and rural elements having dominance over the built or urban elements of the landscape. Tourist-related developments in the E4 zone should ensure that the natural/rural elements remain the dominant feature of the land. Hence, the objectives for development on E4 land are:

- a. to provide further detail to guide assessment relating to tourist-related development to that provided in Council's

planning instrument.

- b. to encourage tourist-related development which is sympathetic with the ecological characteristics of the land on which it is located and in the catchment of the land.
- c. to encourage tourist-related development where the layout of the development ensures that the natural/rural characteristics are the dominant feature of the land.
- d. to encourage tourist-related development where the design of buildings blends with the natural/rural setting.

### 3.10.3 Specific Requirements

**a. Restrict the amount of development on land on slopes greater than 20%.**

Building works, accessways, ancillary development or land uses shall not be located on land on the subject site which has a slope of 20% or greater. Where this is not possible, due to the extensive areas of the land having slopes over 20%, development can occur on the steeper land as long as building methods are adopted which rely on minimal disturbance to the land surface such as pole or similar type construction.

**b. Maximise retention of existing native vegetation.**

All development including all building works, access, bushfire asset protection zones should be confined to existing cleared areas (as identified on February 1999 Aerial Photo series). Ground truthing will be expected as part of the development application submission.

If the site is vegetated and does not contain any cleared areas or existing cleared areas are insufficient to accommodate the development, Council may consider sensitive design that minimises native vegetation removal whilst having regard to bushfire protection asset zones.

**c. Restrict the amount of cut and fill.**

The extent of cut and fill for buildings is to be limited to a maximum of 1m and in other cases is to be minimised.

**d. Ensure provision of utility services protects ecological and landscape values of land and catchment.**

For any tourist-related development, connection to Council's sewer system is required. No exceptions will be considered even if augmentation is required or the development is of a small scale. All other utility services are to be located underground.

**e. Encourage a design of tourist development which is compatible with the natural/rural character of Environmental land in the City.**

Layout of development on site to be such that the development, either through the existing natural/rural character or through introduced landscaping and building design, blends into the natural/rural landscape. Further, development should comply with the aims and objectives of the Chapters on Scenic Quality and Character.

## 3.11 Industrial Development

### 3.11.1 Land to which Chapter Applies

This chapter applies to the development of industry within the City of Gosford whether or not it is within a defined Industrial Zone but does not apply where it conflicts with clauses 4.1 and 7.6 of the Gosford LEP 2014.

### 3.11.2 Purpose of Chapter

The purpose of this chapter is to provide appropriate and relevant requirements for the orderly development of industry in the City of Gosford.

### 3.11.3 Objectives

The general objectives of this chapter are as follows:

- a. To encourage good design solutions for industrial development.
- b. To ensure that new industrial development represents a high level of urban design with recognition of the form and character of the existing man-made and natural context.
- c. To ensure the efficient use of urban land by maximising development potential of new and existing land and infrastructure.

### 3.11.4 Subdivision

#### 3.11.4.1 Objectives

- a. To ensure that development sites have sufficient area and dimensions to provide adequately for access, landscaping, and building separation.
- b. To provide sites of sufficient area and appropriately located to be used for large scale industrial developments which export their products from the Region.

#### 3.11.4.2 Dimensions of New Allotments

The minimum allotment area and width requirements for different situations shall be as set out in Table 1. New lots are to be generally of rectangular shape with a depth to frontage section between 2:1 and 3:1. Where the shape of the existing lot(s) or character of the land dictates new lots of irregular shape, it must be demonstrated that there is sufficient building area having the minimum width dimension.

The minimum allotment size for industrial subdivisions shall be 4000m<sup>2</sup> in accordance with Class A requirements in Table 1.

**TABLE 1**

Class	Minimum Area - m <sup>2</sup>	Minimum Width - m	Minimum width Corner lots - m
A	4,000	36	45
B	2,500	24	30

Council will permit a reduction in the minimum lot area specified above but not below 2500m<sup>2</sup> in accordance with Class B requirements in Table 1 above where the smaller allotments cannot exceed 10% of the total land area of the subdivision.

#### 3.11.4.3 Roads

- a. New roads providing traffic access in industrial zones or which serve industrial areas shall satisfy the following minimum requirements:

Reservation Width	20 metres
Carriageway Width	13 metres (face of kerb to face of kerb)
Verge Width	3.5 metres

Road pavement is to be constructed in accordance with the recommendations of a pavement report.

- b. Access corridors (for "battle-axe" shaped allotments) and rights of carriageway shall satisfy the following minimum requirements:

Corridor Width	8m (10m if servicing more than one lot)
Seal Width	6m
Verge Width	1m (2m if servicing more than one lot)

Accessway pavement is to be constructed in accordance with the recommendations of a pavement report.

- c. Turning Circles to be minimum 25 metre diameter (face of kerb)
- d. Maximum Grade 12%      Desirable Maximum 10%  
Minimum Grade 0.5%      Desirable Minimum 1%
- e. Where the site is served by existing roads which are only partially constructed or are not constructed, the subdivider will be required to upgrade and seal the road to a standard that will safely accommodate traffic volumes.

#### **3.11.4.4 Stormwater Drainage**

- a. Any watercourse which traverses the land being subdivided shall be appropriately treated at no cost to Council. Wherever possible natural watercourses shall be retained in their natural state and sympathetically treated to ensure that post development flood flows can be accommodated without adverse effect either within or outside the site.
- b. The Council may require the provision of on-site detention of stormwater to ensure that all surface waters discharging from the land (including any increase resulting from the subdivision and from future industrial development) can be accommodated downstream in Council's stormwater drainage system and/or a natural watercourse
- c. Design for stormwater drainage shall be in accordance with the procedures specified in "Australian Rainfall and Runoff Vols 1 and 2, Edition 1987" and Council's "Specification for Drafting and Design of Stormwater Drainage Works and Roadworks".
- d. An inter-allotment stormwater drainage system shall be installed in the subdivision to drain all lots and roads etc.
- e. For sites which require drainage through adjoining property(s), the applicant shall be responsible for the acquisition of interallotment drainage easements (where necessary), and shall lodge proof of agreement with adjoining owner(s) with the development application.
- f. Drainage easements and reserves shall be included in the survey plan.

#### **3.11.4.5 Erosion and Sedimentation**

The subdivision is to incorporate the requirements of the Chapters titled Erosion and Sedimentation Control, and Water Cycle Management.

In addition to the erosion and sedimentation controls, energy dissipation may be required at the point of discharge from the property, to reduce erosion potential.

#### **3.11.4.6 Water and Sewer**

Arrangements are to be made with the Water Authority under the provisions of the Water Supply Authorities Act for the satisfactory provision of reticulated water and sewer services to all lots. Headworks and Augmentation charges will apply.

#### **3.11.4.7 Other Services**

Arrangements are to be made with the relevant authority (eg Energy Australia, The Natural Gas Company, Telstra, etc) for the provision of these services.

### **3.11.5 Building**

#### **3.11.5.1 Objectives**

- a. To ensure that no site is developed beyond the level at which it can function efficiently and without adverse effect upon adjoining properties or localities.
- b. To ensure that sufficient areas are available to permit landscaping, access, carparking and manoeuvring of vehicles.
- c. To ensure that industrial buildings within the City of Gosford recognise the inherent character of the area and achieve a standard appropriate to that character.

### 3.11.5.2 Setbacks and Boundaries

- a. Building set backs from frontage boundaries shall not be less than the following:

Main and Arterial Roads	20 metres
Collector Roads	15 metres
Access Roads	10 metres
Manns Road - West Gosford	18 metre
Barralong Road - Erina	15 metres

- b. On corner lots where one of the roads is a main, arterial or collector road (or a named road referred to above); the set back to that road will be as specified above.

The set back to the other road shall be not less than 5 metres.

- c. Side and rear boundaries shall observe the following minimum set-back requirements:

i. Lots 2500m <sup>2</sup> to 4000m <sup>2</sup>	3m
Lots greater in area than 4000m <sup>2</sup>	5m

The above standard setbacks shall be increased where the set-back area is to include driveways, outdoor storage, or other functions of the development other than landscaping. The set-back shall be increased so that the minimum requirement specified above is available for landscaping.

ii. Lots less than 2500m <sup>2</sup>	3m
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This may be reduced to nil on those lots that are 15 metres or less in width if the building complies with the minimum fire resistance rating set out in the Building Code of Australia.

- d. In certain circumstances the Council will consider a reduction in set-back to side or rear boundaries for buildings having or exceeding the minimum fire resistance rating set out in the Building Code of Australia for external walls and openings in those walls, and where there is no intrusion of driveways, parking areas etc into that set-back.

In these circumstances the special consideration shall include the overall landscape concept, the relationship of the development to adjoining properties, and any unusual characteristics of the site.

- e. Where a creek, river or lagoon adjoins or traverses the site, the building(s) are required to be set-back six (6) metres from the top of the bank.

- f. Where the industrial allotment adjoins or abuts rural, residential or open space land the development is not to be carried out within five (5) metres of the boundary of the allotment adjoining or abutting that land.

### 3.11.5.3 Building Height

A maximum requirement is not prescribed, however the following principles are to be followed in the design and location of buildings within the site:

- The privacy and amenity of any adjoining residential areas is to be maintained and protected.
- The overshadowing of adjoining properties is to be minimised, with special attention to employee amenity or recreation areas.
- The building(s) should not project above the skyline and detract from the natural landscape when viewed from a distance.

### 3.11.5.4 Building Appearance

- a. The elevation of building(s) facing adjoining roads are to be attractively designed and are to incorporate the administrative or other office or similar (i.e. laboratory) functions.
- b. The appearance when viewed from the road is to harmonise with the existing and proposed landscaping of the site and of adjoining sites.
- c. The facade and minimum 4 metre return of any building facing the frontage to, or readily visible from, any main, arterial or subarterial road, shall be constructed of brick, masonry, glass (reflectivity <20%), precast panels, or similar durable materials of appropriate texture, colour and finish.

The Council may consider alternative materials/treatments where it can be demonstrated that the design has architectural merit and has been prepared by a qualified professional designer.

Note: Standard concrete blocks are not considered a suitable material.

- d. Roofs are to be low reflectivity tile or pre-coloured metal sheeting.

Where a building will be overlooked from a residential area, roof colours are to be chosen from the range of dark to mid tones.

Roof ventilators, exhaust towers, hoppers, and similar above roof requirements should be integrated into the external design, and be complementary to the appearance of the building as a whole.

- e. Colours and textures of all external finishes are to be compatible within any development, and should generally reflect the colours and textures of the natural environment.

### 3.11.6 Ancillary Uses

#### 3.11.6.1 Objectives

- a. To ensure that industrial areas are used and are available for the primary purpose for which the area was designated.
- b. To provide for the proper relationship between the primary use for industrial purposes and ancillary use required to allow efficient and effective operation.

#### 3.11.6.2 Outdoor Storage Areas

- a. Where the proposed use of the site shall require open areas for the storage of goods or materials, adequate provision is to be included in the design layout of the site and should not encroach on carparking areas, driveways or landscaped areas. These areas are required to be screened from view from any road or other public area.

Where the use of the proposed development is not known, outdoor storage area(s) shall be provided.

- b. Screen fences should be of materials compatible with or which compliment the materials, colours, textures, etc of the materials used in the buildings on the site. When the screening is visible from roads etc, the materials should be in relation to those used for the front facade of the building.

Note: Security fencing and screen fencing should not intrude into the front set back area between the street frontage and the building.

#### 3.11.6.3 Retail

Retail use is prohibited in the industrial zones under the Gosford LEP 2014. However, retailing is permissible as an ancillary use provided that:

- a. the products sold are manufactured on the premises, this does not include the assembly of components manufactured elsewhere; and
- b. the area used for retailing does not exceed ten percent (10%) or 500m<sup>2</sup> (whichever is the lesser) of the area of the building(s) involved in the manufacturing process.

#### 3.11.6.4 Residential

A dwelling house or an ancillary caretakers/managers flat may be provided on a site in conjunction with industrial



development provided that:

- a. the dwelling shall be occupied solely for residential purposes by an employee, owner, or occupant of the industrial land use; and
- b. a screened outdoor living area shall be provided adjacent to the dwelling for the enjoyment of the occupants; and
- c. the outdoor living area to have a minimum area of 50m<sup>2</sup> with a minimum dimension of 6 metres; and
- d. the dwelling is to be designed and constructed to achieve a satisfactory level of residential amenity within the dwelling, particularly with respect to air quality, noise levels, etc.

### **3.11.7 Parking and Loading**

#### **3.11.7.1 Objectives**

- a. To ensure that sufficient provision is made for parking of employees, visitors and company vehicles on site to prevent congestion in adjoining streets.
- b. To provide adequate provision for the manoeuvring and access for all vehicles serving and using the site to ensure adequate traffic safety on adjoining streets and an appropriate level of amenity to all developments.

#### **3.11.7.2 Car Parking**

- a. For car parking requirements refer to the Car Parking chapter of this development control plan.
- b. Where an industrial use will attract regular touring buses for the inspection of the operations and/or ancillary retail sales of products, additional parking is to be provided to accommodate the estimated peak demand. The layout and construction is to be appropriate to the type of vehicles.
- c. Parking may be permitted between the building line and the street frontage. This parking is not to intrude into the landscaping area required under clause 3.11.8.3.

#### **3.11.7.3 Loading and Unloading**

- a. Provision must be made on-site for the loading and unloading of vehicles, with adequate manoeuvring space so that vehicles can enter and leave the site travelling in a forward direction.
- b. Wherever practical loading docks or vehicular entries to building shall not be provided on any street elevation. Where such facilities can only be provided to street frontages, they must be screened with landscaping.
- c. The loading/unloading and associated manoeuvring areas are to be exclusive of the relevant carparking requirement.
- d. Loading docks may be internal or external, and shall be located so as not to be visible from any adjoining residential area and not to transmit excessive noise to any such area.
- e. A minimum loading area/dock of 3.5 metre width x 8 metre length x 3.6 metre height clearance for single unit truck vehicles is to be provided. Large-scale developments shall be designed to accommodate semi-trailers. In general, turning circles will be required to be provided to accommodate the largest type of truck which could reasonably be expected to service the site.

### **3.11.8 Environment**

#### **3.11.8.1 Objectives**

- a. To recognise that the natural environment in this region is sensitive and fragile, and requires appropriate provision to protect and maintain environmental quality.
- b. To ensure that industrial development achieves an appropriate level of integration and compatibility with the natural and urban environment.

#### **3.11.8.2 Soil Erosion and Sedimentation Control**

The requirements of the Erosion and Sedimentation Control chapter of this DCP are to be in place prior to any earthworks or substantial clearing works being carried out.

Note: The DCP requires the submission of an Erosion and Sedimentation Control Plan for approval with the lodging of the development application.

### 3.11.8.3 Landscaping

- a. All set back and carparking areas are to be landscaped and maintained in accordance with sound landscaping principles.
- b. The design of all buildings, car parks, storage areas, access, and other features such as open drains shall be integrated with the landscape proposals. Trees should be incorporated wherever possible. In open car parks they should be so spaced that at least 50% of the area of car parking spaces will be under the canopy of the trees when they reach maturity.
- c. Landscaping must be provided across the frontage of a site having a minimum depth of five (5) metres except in the case of corner allotments where the secondary street frontage shall have a minimum depth of two (2) metres.

Earth mounding should be considered within this setback area. The earth mounding should not be steeper than a 1:3 grading in order for satisfactory maintenance of the mound.

- d. All existing trees shall be retained except for those which have been accurately shown and marked for removal on the development application and their removal is approved by Council; or where in any other case the prior written consent of the Council is obtained for their removal under the provisions of the CI 5.9 of Gosford LEP 2014 and the Preservation of Trees or Vegetation Chapter of this DCP.

Further detailed information is contained in the Chapters titled Preservation of Trees or Vegetation and Landscaping in this DCP.

- e. All necessary measures are to be taken to prevent damage to trees and root systems during site works and construction. Failure to adhere to this requirement may render the developer and/or the agent liable to action under the provision of CI 5.9 of the Gosford LEP 2014.
- f. Landscaped areas shall be planted and maintained with appropriate trees, shrubs and ground covers of advanced plant stock in accordance with the detailed landscape plan to be submitted for the site and approved by Council prior to the release of the complying development certificate.
- g. Plants used in landscape areas shall generally be selected native plants chosen for their suitability to the area and their intended purpose and, where grass is not used, fast growing ground covers in tanbark, wood chips, or other approved mulch of at least 100mm depth shall be used.
- h. Council prefers that Australian native trees and shrubs be used for landscaping due to their more likely suitability to their natural habitat, their relatively fast growth and low maintenance characteristics and to assist in achieving a common landscape theme.
- i. All landscaped and grassed areas shall be separated from adjacent driveways and parking areas by means of a kerb or other approved device to prevent vehicle encroachment.

### 3.11.8.4 Pollution Control

- a. **Noise**  
Any premises, machinery, or activity shall not give rise to an offensive noise to either residential or other industrial premises, and shall comply with the requirements of the Industrial Noise Policy of the Department of Environment and Climate Change. Noise should not be transmitted to adjoining incompatible land uses or be permitted to invade into areas within developments that require low noise levels.  
Where this is likely to be an issue, or where requested by the Council, an acoustic consultant's assessment and report is to be submitted.
- b. **Air**  
Premises must comply with the requirements of the Protection of Environment Operations Act, 1997 and regulate the control of air impurity emissions as defined.
- c. **Liquid Wastes**  
Liquid Wastes from industrial processes shall be disposed of to comply with the requirements of the relevant Water Supply Authority and any requirements of the Office of Environment and Heritage.
- d. **Stormwater**  
Stormwater drainage systems must be designed so that significant levels of nutrients and other substances

are not discharged into the hydrological environment of the City.

### **3.11.8.5 Flood Liable Land**

Development within areas identified in Flood Management Plans for Erina Creek and Narara Creek and other creeks where determined, may be affected by the provisions of those plans. Any development proposal must be consistent with the adopted principles and proposals of the plan. This may affect the extent of development, the filling/excavation of land, floor levels, etc.

Where Floodplain Management Plans have not been undertaken or completed for the area, the development application is to be accompanied by documentation and information demonstrating the likely effect of the proposal on the flood regime. Where this information identifies any part of the site to be flood liable, the development proposal shall incorporate the relevant provisions of the Council's Flood Management Policy.

### **3.11.8.6 Advertising Signs**

All advertising signs should be designed as an integral part of the design of the external elements of the development ie building - landscaping - signage.

Signs are to be primarily for the identification of the premises and its occupants, and any development providing for different ownership or tenancies shall include a single Pole or Pylon Sign providing space for each operation to be included and in accordance with the Advertising Signage Chapter of this DCP.

For details as to the control of the signs and types of signs which may be utilised refer to the Advertising Signage Chapter of this DCP.

## **3.11.9 Site Services**

### **3.11.9.1 Objectives**

To ensure that properties are provided with the necessary works and services to ensure the adequate functioning of the development in relation to its effect on adjoining properties and the environment in general.

### **3.11.9.2 Road Access**

- a. To ensure satisfactory road access for safety and convenience, industrial developments should be on land serviced and accessed by fully constructed and sealed roads.

Where this situation does not exist the developer will be required to:

- i. provide kerb and gutter along the total frontage of the site and the construction of a sealed road to Council requirements, and
- ii. extension of a constructed sealed road to Council requirements to give road access to the nearest sealed arterial or distributor road.

All construction work to be in accordance with engineering plans approved by the Council and in accordance with the Council specification.

- b. Access crossings from public roads and driveways with the building set-back are to be perpendicular to the road, and be
  - i. separated or divided at the property boundary for ingress and egress movements.
  - ii. a minimum of six (6) metres from an intersecting road or break in a traffic island, and
  - iii. located to provide adequate sight distance.

### **3.11.9.3 Stormwater Drainage**

- a. All surface and roof stormwater is to be drained to the nearest Council piped stormwater system provided the system is capable of carrying the discharge. If the existing system is not capable of carrying the discharge, the water is to be discharged via a new system to be provided by the developer as directed by Council. This may include a requirement to provide on-site detention of stormwater flows.

- b. For sites which require drainage through adjoining property(s), the applicant shall be responsible for the acquisition of inter-allotment drainage easements (where necessary), and shall lodge proof of agreement with adjoining owner(s) with the development application.
- c. In addition to the erosion and sedimentation controls, energy dissipation may be required at the point of discharge from the property, to reduce erosion potential.
- d. Design for stormwater drainage shall be in accordance with the procedures specified in "Australian Rainfall and Runoff Vols 1 and 2, Edition 1987" and Council's "Specification for Drafting and Design of Stormwater Drainage Works and Roadworks".
- e. Provision is to be made for the collection and dispersal of overland runoff upstream of the development for the 1% AEP flood event.
- f. The floor level of buildings are to be a minimum 500mm above the finished site surface levels or 500m above the 1% AEP Flood Level where applicable.

#### **3.11.9.4 Water and Sewer**

Arrangements are to be made with the relevant Water Supply Authority for the provision of reticulated water and sewer services.

Headworks and Augmentation contribution charges will be applied to ensure that each additional user pays the appropriate charge for the provision of those services.

#### **3.11.9.5 Solid Wastes**

A garbage and recycling storage area is to be provided, designed and constructed in accordance with Council's requirements so as to conceal its contents from view from public places and adjacent properties and is to be blended into the landscaping layout. The storage area is to be located so as to be readily accessible from within the site, and to the garbage collector from the adjoining road. The storage area is to be of sufficient size to accommodate trade wastes and recyclable material generated.

#### **3.11.9.6 Other Services**

Arrangements must be made with the relevant service authority for the supply of electricity, gas and telephone.

Early discussion with the appropriate Authorities is recommended, and applications to Council for development consent should identify requirements for electricity sub-stations and other facilities which will affect the design and layout of the proposed development.

### **3.12 Non Residential uses in the E3/7(c2) Zone**

#### **3.12.1 Land to which this Chapter Applies**

This Chapter applies to all land in Gosford City zoned E3 - Environmental Management or 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural Small Holdings).

#### **3.12.2 Purpose of this Chapter**

The purpose of this chapter is to provide more detailed guidelines for the development and use of the land for Non-Residential uses in the E3/7(c2) Zones.

#### **3.12.3 Objectives**

The objectives of this chapter are as follows:

- a. To provide for non-residential developments and uses that are compatible with the size and scale of rural-residential forms of development that would otherwise be permissible on the land;
- b. To ensure that such forms of development are likely to adversely affect the principal role of the E3 and 7(c2) zones as a buffer or transition zone between conservation areas and/or urban areas;
- c. To ensure that development does not create an unreasonable demand for public services or substantially reduce existing level of service;
- d. To ensure that development does not create significant environmental effects;
- e. To maintain the aesthetic and scenic value of the land and its environmental character;
- f. To ensure that development has regard to the amenity of adjoining properties;

- g. To facilitate traffic management and/or pedestrian safety; and
- h. To ensure that development occurs with due regard to issues of bushfire.

### 3.12.4 Specific Requirements

- a. **To provide for non-residential developments and uses that are compatible with the size and scale of rural-residential forms of development that would otherwise be permissible on the land.**

- b. **To ensure that such forms of development are likely to adversely affect the principal role of the E3 and 7(c2) zones as a buffer or transition zone between conservation areas and/or urban areas;**  
The E3/7(c2) Zone is intended to maintain scenic and conservation values on lands located between urban areas and adjoining lands included within the E2/7(a) Zones. It is therefore important to ensure that non-residential buildings and structures are in scale and context with residential buildings that are permitted in the zone.

In order to be consistent with the current requirements, non residential buildings in the 7(c2) zone should not exceed a maximum Floor Space Ratio of 0.15:1 nor a height in excess of 7 metres. Height and Floor Space Ratio in the E3 zone are contained in Gosford LEP 2014.

- c. **To ensure that development does not create an unreasonable demand for public services or substantially reduce existing level of service;**

The provision of public services in rural areas is generally less available than in urban areas due to lower densities of development and remoteness from facilities. Non-residential forms of development should not therefore be encouraged where they have an unreasonable demand for services in comparison with other forms of development located within the locality or where they would reduce services currently available to residents.

- d. **To ensure that development does not create significant environmental effects**

As reticulated utility services (water and sewerage) are generally not available to lands zoned 7(c2), special attention needs to be given to the collection and storage of water and the treatment and disposal of effluent from non-residential uses on site. Where reticulated services are not available, a report addressing the proposed method of water collection and storage and on-site treatment and disposal of effluent will be required to be submitted with a development application. The report is to be prepared by a suitably qualified and experienced person.

In some circumstances additional reports may be required relating to noise and/or air quality issues.

- e. **To maintain the aesthetic and scenic value of the land and its environmental character**

One of the principal objectives of the E3/7(c2) zone is to maintain scenic protection values. Non-residential developments should therefore only be permitted where they will not adversely affect the particular aesthetic and scenic values and environmental character of the locality within which they are proposed. Consideration should be given to the provisions of the Scenic Quality and Character chapters of this DCP in preparing and assessing proposals for non-residential developments.

In particular consideration needs to be given to the environmental characteristics of the land, including slope, aspect, flora and fauna and drainage in determining the location of development on a site. A site analysis plan should be prepared to accompany the development application for non-residential development to indicate how environmental characteristics have been taken into account. Where possible, development should be restricted to cleared areas of land with slopes of less than 20% in order to minimise the need for cut and fill.

Proximity to watercourses will need to be considered having regard to the provision of the Rivers and Foreshores Improvement Act.

- f. **To ensure that development has regard to the amenity of adjoining properties.**

Development of land for non-residential purposes in the E3/7(c2) Zone has the potential to adversely affect the

amenity of residents of adjoining properties which have been developed for rural-residential purposes. Particular consideration therefore needs to be given to the location of non-residential uses to ensure that they have regard to the amenity of the adjoining properties.

Issues to be addressed in the site analysis plan should include the location of indoor and outdoor living areas, aspect, vegetation, access to the property and drainage on adjoining properties.

**g. To facilitate traffic management and/or pedestrian safety**

Non-residential uses have the potential to generate significant amounts of traffic in an otherwise low density rural environment. All development proposals for non-residential development should be accompanied by a traffic study prepared by a qualified and experienced traffic engineer to address the potential traffic generation for the proposed development and its potential effect on the local road system. Traffic management, car parking and pedestrian safety are key components of such a report.

**h. To ensure that development occurs with due regard to issues of bushfire**

All forms of non-residential development are to have regard to relevant Australian Standards to mitigate the effects of bushfire attack and Planning for Bushfire Protection 2006, due to the likelihood that additional people will be encouraged to use a rural/environmental/conservation/non-urban area of the City.

### 3.13 Parenting Facilities

#### 3.13.1 Land to which this Chapter Applies

This Chapter applies to all shopping centres with a gross floor area greater than 12,000 square metres.

#### 3.13.2 Objectives

The objective of this Chapter is to ensure that adequate parenting facilities are provided in commercial and retail developments.

#### 3.13.3 Specific Requirements

- a. An area with sufficient floor space is to be provided to accommodate:
  - i. A minimum of two (2) lockable cubicles for private breast feeding for floor areas up to 15,000 m<sup>2</sup> and one additional private breast feeding cubicle for each additional 10,000m<sup>2</sup>, or part thereof of floor area over 15,000m<sup>2</sup>.  
(NOTE: Cubicles should be large enough to accommodate a couch or bench for women with twins)
  - ii. A power point should be in each cubicle, next to the chair to allow for electric breast pump to express breast milk.
  - iii. A separate area for the storage of prams/strollers.
  - iv. A secure play area for children/siblings while parent is feeding.
- b. The parenting room is to provide a minimum two (2) metre length of change table or an equivalent length of individual drop down change tables with a surface which may be easily cleaned.
- c. A sink is to be provided within close proximity of the change table(s) which is large enough for a child (ie toddlers to stand in) for changing and washing purposes.
- d. Children's toilets are to be provided on a ratio of two toilets for floor areas up to 15,000m<sup>2</sup> and one additional toilet for each 10,000 m<sup>2</sup> or part thereof of floor area over 15,000 m<sup>2</sup>.  
(NOTE: Doors to children's toilet areas to be lockable.)
- e. Children's toilets must be junior pans and washbasins for children shall be provided with a rim height not exceeding 600mm.
- f. Children's wash hand basin is to be provided with a thermostatically controlled water tap with automatic cut-off.
- g. A separate unisex parent's toilet is to be provided within the parenting facility.
- h. A dispensing machine is to be provided for disposable nappies together with a suitable method of storage or disposal of soiled disposable nappies.

- i. The area is to be designated "non smoking" by way of appropriate signage.
- j. The entrance doorway to the parenting room is to have an unobstructed width of 850mm to accommodate larger strollers. Please refer to the Australian Twin Pram Buying Guide.
- k. The parenting room is to be designed so as to be accessible to men who are caring for children.
- l. Location of parenting room(s) is to be clearly signposted throughout the building using universal breastfeeding signage or nappy signage (ie not images of bottles).
- m. The parenting room is to provide food preparation areas including a microwave oven to enable heating of bottles or food.
- n. While private areas are proposed for breast feeding another area accommodating a lounge or other suitable seating should be available for carer's to bottle feed children.
- o. Final design being subject to the approval of Council's Community Services Department.

### **3.14 Short Term Rental Accommodation of Dwellings**

#### **3.14.1 Where this Chapter Applies**

This chapter applies to all land in the City of Gosford where a dwelling is permitted.

#### **3.14.2 Aim of this Chapter**

To provide development guidelines for the assessment of a development application and types of conditions of consent for the short term rental accommodation of a dwelling.

#### **3.14.3 Objectives of this Chapter**

- a. To provide development assessment guidelines for the short term rental of a dwelling where Council has required the submission of a development application because the development limits for the use are exceeded as exempt development or as a result of complaint concerning the operation of the use as per exempt development limits.
- b. To identify guidelines for the consideration of development applications for the erection or conversion of a dwelling for the purpose of short term rental accommodation of a dwelling.
- c. To ensure that short term rental accommodation of a dwelling is consistent with a domestic scale and amenity/environment of a neighbourhood.
- d. To provide guidance as to appropriate conditions of consent for the short term rental accommodation of a dwelling.
- e. To supplement the provisions of the relevant planning instruments with regard to short term rental accommodation of dwellings.
- f. To support the Department of Planning and Infrastructure's holiday letting and the holiday rental Code of Conduct.

#### **3.14.4 Definitions**

Short term rental accommodation means "a dwelling that is commercially available for rent as short term accommodation on a temporary basis, but does not include bed and breakfast.

For the purposes of this DCP 'temporary or short term' is defined 'as any period up to 3 months'.

#### **3.14.5 Development Guidelines**

##### **3.14.5.1 Maximum Car Parking Spaces**

###### **a - Objective**

To encourage shared vehicle use.

To identify on street car parking as an amenity/environment issue for short term rental accommodation of dwellings.

To allow onsite parking only to a level that is appropriate in a residential setting.

To provide Council with a measurable and determinable enforcement tool in identifying if the use is operating at a domestic scale.

**b - Development Control**

The use must not contain more than 6 off street carparking spaces.

On – street parking impacts in a neighbourhood can be considered as an amenity/environment issue for the purposes of this plan. It would be necessary though for a complainant to be able to prove that the on – street carparking issue was attributable to the use.

It should be noted that stack parking is acceptable.

**3.14.5.2 Amenity/Environment**

**a - Objective**

To provide in the assessment of development applications for the consideration of the potential impacts of the use on adjoining and nearby residents' enjoyment of their residences.

**b - Development Control**

As a result of more than 2 written complaints from the occupiers of separate dwellings located within 40 metres of the subject property over a 12 month period concerning the activities taking place on the property (exempt development limits) which identify issues of concern relating to the impact of the use as an exempt development on the amenity/environment of a neighbourhood, Council may impose conditions on the use of the type identified in Section 3.14.6.

'On the property' for the purposes of this clause means within boundary of the land including the dwelling.

Council may consider the imposition of conditions of consent relating to amenity on development applications for a new short term rental accommodation of a dwelling.

**3.14.5.3 Waste Services**

**a - Objective**

To ensure that the short term rental accommodation use does not result in failure of on-site treatment systems for sewerage.

To ensure that garbage services are adequate for the short term rental accommodation.

**b - Development Control**

Council may impose relevant restrictions for development proposals for short term rental accommodation of a dwelling where the means of sewerage disposal is on – site treatment.

All dwellings conducting the use must have a minimum of a 240 litre general waste garbage bin.

**3.14.6 Conditions of Consent**

**a - Objective**

To provide guidance as to conditions of consent that could be used by Council for development consent for short term rental accommodation of a dwelling which can be easily monitored for compliance but also help to ensure the use operates in a manner that considers the amenity/environment of the neighbourhood.

**b - Types of Conditions**

Under Clause 80A (1) (d) of the Environmental Planning and Assessment Act Council may impose time limited development consent (i.e. 1 year on a development for short term rental accommodation).

Outdoor areas such as swimming pools/spas, outdoor decking/balconies or other spaces which are not classed as a room on a development application for construction/alterations to the dwelling can be limited in their hours of



operation in their use.

Amplified sound devices as heard at the boundary of the property may be time restricted in their use.

### **3.14.7 Department of Planning and Environment Holiday letting and Holiday rental Code of Conduct.**

#### **a - Objective**

To support the Code of Conduct prepared by the Department of Planning and Environment and peak bodies relating to short term rental accommodation of dwellings.

#### **b - Recommendation**

The code of conduct be referenced in all development consents for short term rental accommodation of dwellings.

### **3.14.8 Bushfire Safety**

#### **a - Objective**

To reflect the Rural Fire Service requirements for short term rental accommodation of dwellings.

#### **b - Requirements**

Preparation of a bushfire evacuation plan for those short term rental accommodation in bushfire prone areas is a limit for exempt development. Such a plan is to be displayed in a prominent location within the dwelling.

Development Applications for conversion of an existing dwelling or the construction of a new dwelling for use as a short term rental accommodation on land which is bushfire prone will be subject to the requirements of section 100B of the Rural Fires Act 1997.

### **3.14.9 Development Application Submission Requirements**

Applicants are to submit with a development application for the use, a plan that indicates the internal layout of the dwelling, including bedroom designation and ancillary structures. In addition, the plan is to identify the location and number of off - street carparking spaces on the site.

## **3.15 Sex Services Premises**

### **3.15.1 Land to which this Chapter Applies**

This Chapter applies to any development application for a Sex Services Premises in the City of Gosford.

Land use activities such as brothels, massage parlours, escort agencies, bubble bath houses or the like, which satisfy the definition of "sex services premises" in the relevant environmental planning instruments are subject to the provisions of this Chapter.

### **3.15.2 Objectives**

The objectives of this chapter are as follows:

- a. To ensure sex services premises are located on appropriate sites having regard to the surrounding environment.
- b. To preserve the existing amenity of the local community by ensuring sex services premises are operated in a discrete location consistent with the amenity of the neighbourhood.
- c. To specify the health and safety requirements under current health and occupational safety legislation to the workers and clients involved with sex services premises to reduce the public health risks associated with prostitution.

### **3.15.3 Prescribed Locations**

- a. Sex services premises are only permissible with Council's consent in the IN1 General Industrial, B3 Commercial Core and B6 Enterprise Corridor zones.
- b. Sex services premises operating in zones other than in clause (a) above or as home occupations are prohibited under the relevant environmental planning instruments.
- c. Despite (a) above, Council will not approve an application for a sex services premises within view of or within a

100 metre radius of a church, hospital, school, community facility, residential zone, or any other place regularly frequented by children for recreation or cultural activities.

- d. Sex services premises shall not be located in shopfront premises. Sex services premises are to be located at either the rear of the ground floor or at an upper level, and shall not have full exposure to the front street. Rear lane access to the premises is considered more suitable.
- e. Sex services premises are not to be within 100 metres of other sex services premises.
- f. Sex services premises are generally not to be located within a remote area or in an area in which public transport or support services (for example, Police, Ambulance) are not within reasonable response times.
- g. The interior of any sex services premises are not to be visible from public places or from adjoining properties.

#### **3.15.4 Information to be submitted with a Development Application**

- a. A detailed Statement of Environmental Effects which provides the following details:
  - i. Comprehensive description of the proposed development;
  - ii. Details of the present or previous use of the premises;
  - iii. Details of existing uses on adjoining properties or any other uses established on the subject property;
  - iv. Number of employees;
  - v. Hours and days of operation;
  - vi. Number of rooms in the premises;
  - vii. Security Management Plan; and
  - viii. Health Education and Occupational Health and Safety Policy
- b. A location plan drawn to scale showing the proximity of the site to all churches, hospitals, schools, community facilities, residential properties, and any other place regularly frequented by children for recreation or cultural activities within a 100 metre radius of the site, and other sex services premises within a 100 metre radius of the site.
- c. A full site and floor layout plan drawn to a scale of 1:100 showing room layout and dimensions, partitioning, location of windows and doors including all entrances to and exits from the building. Any proposed internal or external alterations to the premises are to be clearly indicated on the plan. The proposed use of each room is to be nominated specifically identifying all rooms proposed to be used for the conduct of acts of prostitution.
- d. Layout of the parking area, including the location and number of parking spaces.
- e. The size, form, number, illumination and position, colour and content of any proposed business identification sign, advertisement or promotional device to be erected or displayed on the subject premises, including any distinctive external lighting.
- f. Details of the existing and proposed external lighting.

#### **3.15.5 Planning Matters to be addressed in the application**

- a. Whether the sex services premises is proposed to be operating within view of or within a 100 metre radius of a church, hospital, school, community facility, residential property, or any place regularly frequented by children for recreation or cultural activities.
- b. Whether the sex services premises is proposed to be operating within a 100 metre radius of other sex services premises.
- c. Whether the operation of the sex services premises is likely to cause disturbance in the locality when taking into account other sex services premises operating in the locality or other land uses within the locality involving similar hours of operation and creating similar amounts of vehicular and pedestrian traffic.
- d. Restricting the total floor space and/or number of rooms of a sex services premises such that it will be reasonably compatible with the scale and character of and not dominant in relation to the site area and existing and future development in the vicinity.
- e. Ensuring that the appearance of the sex services premises is discrete and sympathetic in character with adjoining premises.

- f. Ensuring that adequate car parking is provided to satisfy the needs of staff and clients.
- g. Ensuring that sex services premises are generally small scale and not clustered in order that they do not form sex services "districts".
- h. All matters under Section 79C of the *Environmental Planning and Assessment Act 1979*.

### **3.15.6 Parking Requirements**

On site car parking shall be provided at the same rate as "business premises" being one (1) space per 40 m<sup>2</sup> gross floor area.

### **3.15.7 Signage**

- a. No surrounding business's names are to be used in any advertisement for a sex services premises.
- b. Only one sign per premises is permitted.
- c. The sign must only identify the name of the person who conducts the business or the registered name of the business.
- d. Council must be satisfied that the content, illumination, size and shape of the sign is not likely to interfere with the amenity of the locality.

### **3.15.8 Health and Building Requirements**

- a. All sex services premises shall be fitted with the necessary services and facilities which are currently required for Class 5 Buildings under the Building Code of Australia.
- b. Full details of Council's health requirements are specified in the **Appendix** attached to this chapter.

### **3.15.9 Specified Operator**

- a. A specified operator must be nominated on the application for a sex services premises
- b. Should the specified operator change, Council and NSW Police must be notified in writing 30 days prior to the change.

### **3.15.10 Referral**

- a. Development applications to establish a sex services premise shall be referred to the NSW Police Department.
- b. Development applications to establish a sex services premise shall be referred to the NSW Department of Health (Northern Sydney Area Health Service).
- c. Referral to other Government agencies for comment and advice will occur where considered appropriate in the circumstances of that application.

### **3.15.11 Limits on Development Consent**

- a. Council may impose conditions of consent relating to hours of operation, maximum number of sex workers and period to which consent applies or when it lapses.

### **3.15.12 Applications to Close a Sex Services Premises**

- a. The Land and Environment Court may, on application by Council, make an order under Section 17 of the Restricted Premises Act, 1943 for premises not to be used as a sex services premise.
- b. **The Restricted Premises Act 1943** specifies the grounds under which such an application may be made. These powers operate in addition to the existing powers of Council to serve notice upon the premises operating without consent, or non-compliance with the conditions of any development consent.

## **Appendix - Health Requirements for Sex Services Premises**

1. Premises being kept in a clean condition and state of good repair at all times. Particular attention should be given to showers, baths and toilets.
2. Shelves, fittings and furnishings being constructed of or covered with materials that are durable, smooth, impervious to moisture and capable of being easily cleaned.
3. Wash hand basins being supplied with hot and cold running water through a single outlet.
4. Liquid soap and single use towels being provided adjacent to all wash hand basins.
5. The proprietor must provide clean linen and clean towels for the use of each client.

6. All linen and towels being washed with soap and detergent in hot water (not less than 80 Degrees Celsius) rinsed and dried, or be commercially laundered.
7. Contaminated waste being disposed of by a licensed waste collection contractor. Used condoms should be double bagged in plastic and placed in an approved waste receptacle on the premises.
8. All bars and food preparation areas must be constructed, fitted out and finished in compliance with Food Regulation 2004 and the Australia New Zealand Food Standards Guide.
9. Public Swimming Pools and Spas being disinfected and maintained in accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000.
10. The use of the premises shall not cause offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
11. Attention is directed to the provisions of the *Public Health Act 1991*, as amended, particularly Section 13, which require precautions to be taken against the spread of sexually transmissible medical conditions and imposes penalties for a breach of the Act.

### **3.16 Water Recreation Structures**

#### **3.16.1 Land to which Chapter Applies**

This chapter applies to all land which:

- a. comprises the bed of Brisbane Water;
- b. abuts the mean high water mark of Brisbane Water;
- c. shares a common title boundary with a public reserve which abuts the mean high water mark of Brisbane Water and tributaries;
- d. is a public reserve which abuts the mean high water mark of Brisbane Water and tributaries; and
- e. comprises all canals of St Huberts Island.

#### **3.16.2 Purpose of Chapter**

The purpose of this chapter is to:

- a. provide detailed requirements for the development, management, conservation and economic use of Brisbane Water, including its tributaries and foreshores, in respect to all water recreation structures; and
- b. provide detailed requirements for the development of water recreation structures within the canals of St Huberts Island.

#### **3.16.3 Objectives of development relating to Brisbane Water**

The objectives of development relating to Brisbane Water are as follows:

- a. retain areas of public foreshore and adjoining water and maintain them so as to highlight their natural character;
- b. extend public foreshore access to the fullest extent;
- c. ensure that development has regard for and is sympathetic towards the existing character of adjoining land when viewed from the waterway;
- d. promote an equitable use of the waterway amongst adjoining landowners through the minimisation of encroachments by individual waterfront structures in front of adjoining waterfront properties;
- e. facilitate private boat usage, where a reasonable depth of water can be obtained without dredging;
- f. encourage innovative design and the use of shared structures where appropriate, to minimise the extent of individual residential waterfront development;
- g. minimise fragmentation and alienation of shallow inshore areas, particularly those that adjoin public foreshore recreation reserves and/or which afford or have potential for public foreshore access or which are important estuarine habitats;

- h. ensure that development has regard for and does not adversely affect important estuarine flora including seagrasses, mangroves and saltmarshes or fauna habitats and fishing grounds which may be in proximity to the proposed development;
- i. ensure that development does not encroach onto navigation channels or adversely affect the use of ferries or other service vessels;
- j. ensure that structures or their usage do not obstruct water circulation or cause rubbish accumulation in a manner which is likely to adversely affect water quality, cause weed accumulation or exacerbate sediment accretion, or erosion, particularly to adjoining waterfront land.
- k. encourage the retention and preservation of identified heritage items and conservation areas.

### **3.16.4 Brisbane Water**

Gosford City Council considers the following elements as contributing to the amenity of Brisbane Water:

- a. The attractiveness of both man-made and natural landscapes, both from on-shore and off-shore viewpoints;
- b. Varied opportunities for recreation including boating, fishing, nature walking and sightseeing;
- c. Access to the waterway and surrounding shorelines;
- d. Opportunities for general recreation and education activities; and
- e. The natural ecosystem of the estuary including specifically seagrasses, mangroves and saltmarshes.

These elements can often be enhanced by improving the opportunities and ability to obtain easy access to the waterway to improve fishing, boating, walking and other general recreational and educational pursuits. Brisbane Water can be enhanced by maintaining the natural ecosystem of the estuary.

The visual landscape character and attractiveness can be enhanced by controlling unsightly, cluttered and inappropriate foreshore and waterfront development. This relates to the need to enhance the elements of Brisbane Water's amenity by controlling excessively long and cluttered jetty and wharf development.

These elements can be adversely affected by uncontrolled and excessively dense concentrations of jetties or excessively long jetties and wharves. Their construction can restrict navigation of the waterway, and generate other associated impacts with construction works, access and dredging with the objectives of the policy being compromised.

In areas where there are very high density aggregations of jetties and wharves detrimental impacts can occur to natural vegetation caused by intensive boating activity with boat wash, propeller damage and navigational hazards.

### **3.16.5 Visual Character and Natural Landscape of Brisbane Water**

#### **3.16.5.1 General**

An objective of this chapter is to protect and enhance the visual character and natural and man-made landscape of Brisbane Water and its foreshores.

Residential development forms the principal component of the developed foreshore use and built character. It is important therefore, to ensure that the character and style of residential foreshore development is sympathetic to the natural character of the waterway.

#### **3.16.5.2 Development Control**

Council will consider the impact of any proposed wharf or jetty, including the cumulative impact of similar development on the visual character and natural landscape of Brisbane Water and its foreshores.

Council will not consider favourably any application for a jetty or wharf that will result in the destruction of any seagrasses, mangroves or saltmarshes within Brisbane Water unless there is a compelling public benefit or interest resulting from the proposed development.

#### **3.16.5.3 Development Guidelines**

a. Visual Impact Assessment

Assessment of the visual impact of a proposed development on land to which this plan applies will be made on the basis of the requirements set out in the Chapters on Character and Scenic Quality.

b. Natural Landscape Elements

Access Facilities to Brisbane Water, including wharves and jetties shall be required to avoid any alteration of the natural ground level of the foreshore as a result of their construction and use.

c. Building Materials

Building materials used both in, and for the construction shall include plantation grown timber and timber removed with approval from State Forests. Mesh decking is considered acceptable.

Buildings and Structures should be constructed of materials having non-reflective surfaces, and colours appropriate to the setting, in order to minimise their conspicuousness in the landscape. Natural tones and finishes which complement native foreshore vegetation will be required. Suitable colours include olive greens, ochres, browns and greys.

The outermost piles of the structure shall be painted white above high water mark. Reflectors shall be provided on the structure as required by the Maritime Services Board.

d. Residential Waterfront Development

Guidelines and standards set out elsewhere in this chapter are designed to minimise any adverse impact that the growing quantity and density of residential waterfront development and its effect on the visual character of Brisbane Water. Wherever possible, residential development should conform to these guidelines and standards and Council will have regard to these guidelines and standards when considering applications for development consent.

### 3.16.6 Management Guidelines and Standards of development relating to Brisbane Water

#### 3.16.6.1 General

- a. Jetties and wharves are to be designed, constructed, and used only for short stay by vessels to provide for embarking, disembarking, loading and unloading; unless specifically authorised under the terms of the development consent and licence agreement with the Department of Lands to allow for authorised mooring.
- b. The length of any jetty/wharf structure should not exceed the dimensions as set out in the Appendix attached to this chapter.
- c. To maximise the free flow of water beneath the structure a wharf/jetty must not be constructed of solid fill, but must be constructed on piles with a minimum longitudinal spacing of 3 metres along the jetty/wharf.
- d. Any existing solid fill structures which is the subject of an application for additions, alterations or replacement are to be reconstructed on piers in accordance with 3.16.6.1c above, unless the existing structure has been identified as a heritage item. If not so identified then the old solid fill structure must be removed.
- e. Jetties and wharves platforms are to be constructed to a minimum height of 0.75 metre above mean high water level (1.15m AHD approximately). Excessively high jetties/wharves will not be permitted.
- f. The width of a jetty/wharf is to be minimum 0.9 metres and maximum 1.2 metre, except for community or public wharves and jetties.
- g. A single handrail may be provided on one side of the structure only, with the design and construction to be such that access along the foreshore is not restricted. Handrails may be omitted for appearance where appropriate.
- h. The construction of an "L", "T", or similar type configuration on the "water end" or jetty head of the structure is permitted with an area not exceeding 9 m<sup>2</sup> for a single owner or 12 m<sup>2</sup> for a shared ownership. The dimension "Y" as shown on Figure 1 shall not exceed 4m for a single owner or 6m for shared ownership.

A pontoon may be permitted instead of the widened end of jetty or wharf. The dimensions of a pontoon shall not exceed the dimensions permitted for a solid structure. The length of jetty or wharf permitted shall include the pontoon.

- i. Gates or similar devices will not be permitted.
- j. Lighting on any jetty/wharf structures is to be minimal, and will only be permitted where it can be shown to be essential for the safe use of the structure. Such lighting shall be neither red nor green.
- k. Davits and derricks will not be permitted.
- l. Jetties/Wharves under this Chapter are only intended to facilitate access for private boating where a reasonable depth of water can be achieved without the necessity for an extended structure. Larger vessels or keel vessels which cannot achieve water access to jetties and wharves approved in accordance with those dimensions outlined within this policy are not appropriate for berthing and will have to make other arrangements.
- m. Jetties/wharves may be Integrated Development requiring approval under the NSW Fisheries Management Act from the NSW Department of Primary Industries. Relevant documentation submitted with any application should include a plan showing location of adjacent structures, water depth contours, and location of any seagrasses and/or mangroves including species and photographs of the area at low tide.

Approvals for applications not submitted as Integrated Development applications will be conditioned to obtain the relevant consents/permits from relevant Integrated bodies. If those consents/permits cannot be obtained any development consent would be invalid and unable to be acted upon.

#### **3.16.6.2 Foreshores designated by a dotted black line on the attached map**

- a. Favourable consideration will be given for the provision of an additional jetty/wharf where there is an agreement between adjoining owners to equally share the use of, and to share the responsibility for, the facility.
- b. Where the operation of a shared jetty or wharf policy results in an individual property being isolated and unable to submit a shared jetty proposal, Council may consider permitting a single jetty.
- c. Where approval is sought to rebuild or replace an existing structure, an agreement must be made for adjoining owners to equally share use of and responsibility for the facility.
- d. Approval may not be given to rebuild or replace an existing structure where it is practical for the owner to share with an adjoining facility.
- e. Legal access is to be available or provided to/from the facility for each property involved in a shared facility (eg. right-of-way easement, adjustment of common boundary, etc).
- f. The locations marked on the attached Location Map are considered to be appropriate for shared facilities and to give maximum opportunities to all owners given the location of existing structures. Alternatives may be considered where it can be shown to be more appropriate, reasonable, and in conformity with the aims and objectives of this chapter.
- g. Where any shared jetty/wharf facility is approved in lieu of an existing structure that structure must be removed unless identified as a heritage item.

#### **3.16.6.3 Foreshores designated by a broken heavy black line on the attached map**

- a. Community jetties and wharves may be permitted, subject to Council approving a suitable application. Community jetties and wharves, if approved, will be permitted to abut foreshore land between the private properties and mean high water mark, which is public reserve or proposed public reserve and is an area of freehold waterfront foreshore land where private jetties/wharves (whether shared or not) will not in general be permitted.
- b. A community jetty/wharf be permitted in the area marked to extend beyond the basic length limit stipulated in the Appendix attached to this Chapter but shall comply with items 1(a), 1(b), 3 and 4 of the same appendix. Such consent will be subject to the sharing of costs and on-going responsibilities for the community jetty/wharf between at least seven (7) owners. The responsibility shall be its land access, maintenance and management in a safe operating condition and the provision for safe and secure public access which is available at all times. The owners shall live adjacent to the public reserve or in the immediate vicinity of the proposed community

wharf.

- c. A community jetty/wharf shall be available for authorised use and access by the general public. However, public mooring will be prohibited.
- d. A community jetty/wharf must be designed and constructed and maintained to the requirements of the AS 4997-2005 Guidelines for the Design of Maritime Structures and shall include appropriate lighting for public safety and in respect to actual users and vessels using the adjacent waters.
- e. A person(s) holding the licence from the Crown for a community jetty/wharf or an individual jetty abutting public land must enter a Deed with Council, and 88E under the Conveyancing Act 1919 (if necessary), relating to an indemnity and have an insurance contract to protect Council from possible claims from any party, should that party be injured, suffer property damage or economic loss as a result of the construction or use of the community or individual jetty/wharf which are to be prepared in accordance with Council's requirements and to the satisfaction of Council.

Such indemnity and restriction under 88E shall be prepared by Council's solicitors but subject to the cost of the applicant(s)/licensee(s). Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 as a condition precedent to the consent taking effect to any development application for a community or individual jetty and wharf.

- f. Any jetty/wharf facility required to be made available for public access may be permitted to provide adequate signage on the deck and located at the entrance to the jetty stating:

"No unauthorised use of this jetty/wharf is permitted"

#### **3.16.6.4 Foreshores designated by an unbroken heavy black line**

Private and community water recreation structures may not be permitted by Council.

#### **3.16.7 Positive Covenant and Licence for development relating to Brisbane Water**

Prior to construction of any jetty/wharf, the owner shall:

- a. submit a copy of the licence agreement issued by the Department of Lands for the use of Crown Land; and
- b. create a positive covenant which is attached to the land owned by the person who receives the benefit of a licence and requires the landowner to:
  - i. maintain public liability insurance for the life of the structure;
  - ii. maintain the structure in a safe condition at all times;
  - iii. provide an identification and licence number; and
  - iv. if (i) and (ii) are not complied with the structures shall be removed;
- c. where appropriate, allow a right of access to others who share the facility.

The owner shall be responsible for Council's legal and administrative costs in relation to the preparation of the positive covenant.

#### **3.16.8 Objectives of development in canals of St Huberts Island**

The objectives of development in the canals of St Huberts Island are as follows:

- a. To provide private water recreation structures for boats within the canals of St Huberts Island.
- b. To ensure that the water recreation structures will not result in difficulty of physical manoeuvring of vessels within the canals.
- c. To ensure that the number and location of water recreation structures will not adversely affect the visual amenity of the neighbourhood.
- d. To ensure the water recreation structures will not result in visibly unattractive concentrations or locations of vessels.



### 3.16.9 Specific Requirements for Water Recreation Structures in Canals on St Huberts Island

In respect to the provision of water recreation structures in the canals of St Huberts Island the following development is permitted within the canals subject to the criteria within this clause, only with the formal Development Approval of Council:

- a. Boat ramps used for access for vessels to the canals from the adjoining residential property.
- b. Structures in the form of floating pontoon and associated walkways at a minimum ratio of one (1) pontoon per two (2) adjoining premises, to provide access to vessels berthed thereto in accordance with this chapter.

**Note:**

Under the Gosford LEP 2014 moorings are permitted without development consent. However all moorings require a licence from NSW Maritime.

### 3.16.10 Management Principles for Water Recreation Structures for Canals on St Huberts Island

- a. Pontoons and walkways shall be shared structures at a ratio of one (1) pontoon per two (2) adjoining premises considered on their merits and may not be permitted at premises of narrow frontage of less than nine (9) metres or near to canal corners or ends.
- b. Development Approval shall be for a share arrangement of one (1) pontoon per two (2) adjoining premises, however, a maximum share arrangement of up to one (1) pontoon per four (4) adjoining premises may be considered by Council.
- c. Pontoon walkways are to be located at a common property boundary.
- d. Council, as the canal landowner, may refuse to authorise submission of a development application that does not generally comply with the provisions of this Chapter. Existing development that requires consent but has been constructed without consent can be regularised if Council approves a building certificate and grants development consent for the use of the structure. This will apply only to structures that satisfy the requirements of this Chapter.
- e. Only vessels owned by residents with canal frontage properties will be permitted to be berthed at a pontoon within the canals.
- f. Boat ramps, pontoons or walkways which fall into disrepair or are a danger to the public use of the canals are to be removed by, or at the expense of, the owner of the structure.
- g. Generally Council will not accept a development application for a pontoon unless made by a minimum of two (2) adjoining landowners.
- h. Pontoons may be Integrated Development requiring approval under the NSW Fisheries Management Act from the NSW Department of Primary Industries. Relevant documentation submitted with any application should include a plan showing location of adjacent structures, water depth contours, and location of any seagrasses and/or mangroves including species and photographs of the area at low tide.

Approvals for applications not submitted as Integrated Development applications will be conditioned to obtain the relevant consents/permits from relevant Integrated bodies. If those consents/permits cannot be obtained any development consent would be invalid and unable to be acted upon.

- i. A mooring will be relinquished and removed upon installation of a pontoon in accordance with this Chapter.
- j. NSW Maritime is the authority responsible for the issuing of mooring licences required under the Management of Waters and Waterside Lands Regulations - NSW. This is separate to Council's license fee structure.

### 3.16.11 Development Criteria for Boat Ramps for Canals on St Huberts Island

- a. Boat ramps shall be constructed at the level of the floor of, and follow the contour of, the canal and shall not exceed three (3) metres in width.
- b. Applications for shared boat ramps will be considered on their merits.
- c. All boat ramps and associated works are to be maintained in a condition that prevents failure and is acceptable to the Council.

- d. Any lighting contained within the residential property and associated with a ramp shall be minimal and only used for the safe use of the structure. Such lighting shall be neither red nor green.
- e. Applications for ramps in the canal corners shall be considered on their individual merits.

### **3.16.12 Development Criteria for Pontoon and Associated Walkways for Canals on St Huberts Island**

- a. Pontoons shall be permitted in minimum depth water of 900mm at mean low water, larger vessels or keel vessels which cannot achieve water access to pontoons in accordance with this plan are not considered appropriate for berthing and will have to make other arrangements.
- b. Length of vessels shall not exceed ten (10) metres or the waterfrontage of the property, whichever is the lesser.
- c. Pontoons shall be of a maximum size of 3 metres x 4 metres.
- d. All pontoons shall be of similar design, of fibreglass or similar construction. All materials used in the construction of a pontoon and walkway shall be new and of good quality.
- e. All pontoons and walkways shall be finished in suitable and appropriate colours to the satisfaction of Council.
- f. Pontoons shall be secured by means of a storm anchor chain and the minimum of sufficient piles for the designated number of vessels to the bed of the drainage reserve to a maximum height of 1.85 metres above the Australian Height Datum (AHD).
- g. Walkways to provide access to the floating pontoons shall:
  - i. maximise the free flow of water beneath the structure;
  - ii. be constructed on piles, not on solid fill;
  - iii. be a maximum width of 1.2 metres; and
  - iv. be constructed at right angles to the shoreline.
- h. The maximum length of any walkway shall be no more than that required to achieve a water depth at the pontoon of 0.9 metres at mean low water.
- i. The height of walkways shall be a maximum of 1.15 metres above AHD to the uppermost surface of the walkway.
- j. A single handrail may be provided on one side of the structure only, with the design and construction to be such that access along the foreshore is not restricted. Handrails may be omitted for appearance where appropriate.
- k. Pedestrian access along the beach area of the drainage reserve shall not be restricted by the construction of any pontoon or walkway and provision for access shall be incorporated in any design of the pontoon or walkway.
- l. No permanent lighting or power facility shall be provided on any approved pontoon or walkway.
- m. Any lighting contained within the residential property and associated with a pontoon or walkway shall be minimal and only used for the safe use of the structure. Such lighting shall be neither red nor green.
- n. All pontoons, piles and associated works shall be maintained in a condition that prevents failure and is acceptable to the Council.
- o. Pontoons and walkways shall be adequately maintained or Council may direct their removal.
- p. No portion of the pontoon or vessel berthed thereto shall be within five (5) metres of the centreline of the canal.
- q. All pontoons and walkways shall be the subject of all necessary applications to Council, including Development Application and "Permissive Occupancy" application and annual licence from the Council.
- r. Applications for pontoons and walkways in the narrower canals shall be carefully considered on their individual merits.

### **3.16.13 Positive Covenant and Licence for development in canals of St Huberts Island**

Prior to construction of any approved pontoon and associated walkway, the owner shall:

- a. make appropriate arrangements with Council's Property Services Unit for the granting of a licence for use of the drainage reserve including payment of any licence fee; and
- b. create a positive covenant which is attached to the land owned by the person who receives the benefit of a licence and requires the landowner to:
  - i. maintain insurance;
  - ii. maintain the structure in a safe condition;
  - iii. provide an identification and licence number;
  - iv. allow Council to carry out repairs or remove the pontoon if appropriate;
  - v. allow Council to recover costs for the repairs and removal;
  - vi. pay Council's costs to create the covenant; and
- c. where appropriate, allow a right of access to others who share the facility.

The owner shall be responsible for Council's legal and administrative costs in relation to the licence and positive covenant.

The annual fee for pontoons is set out in Council's Fees and Charges Schedule.

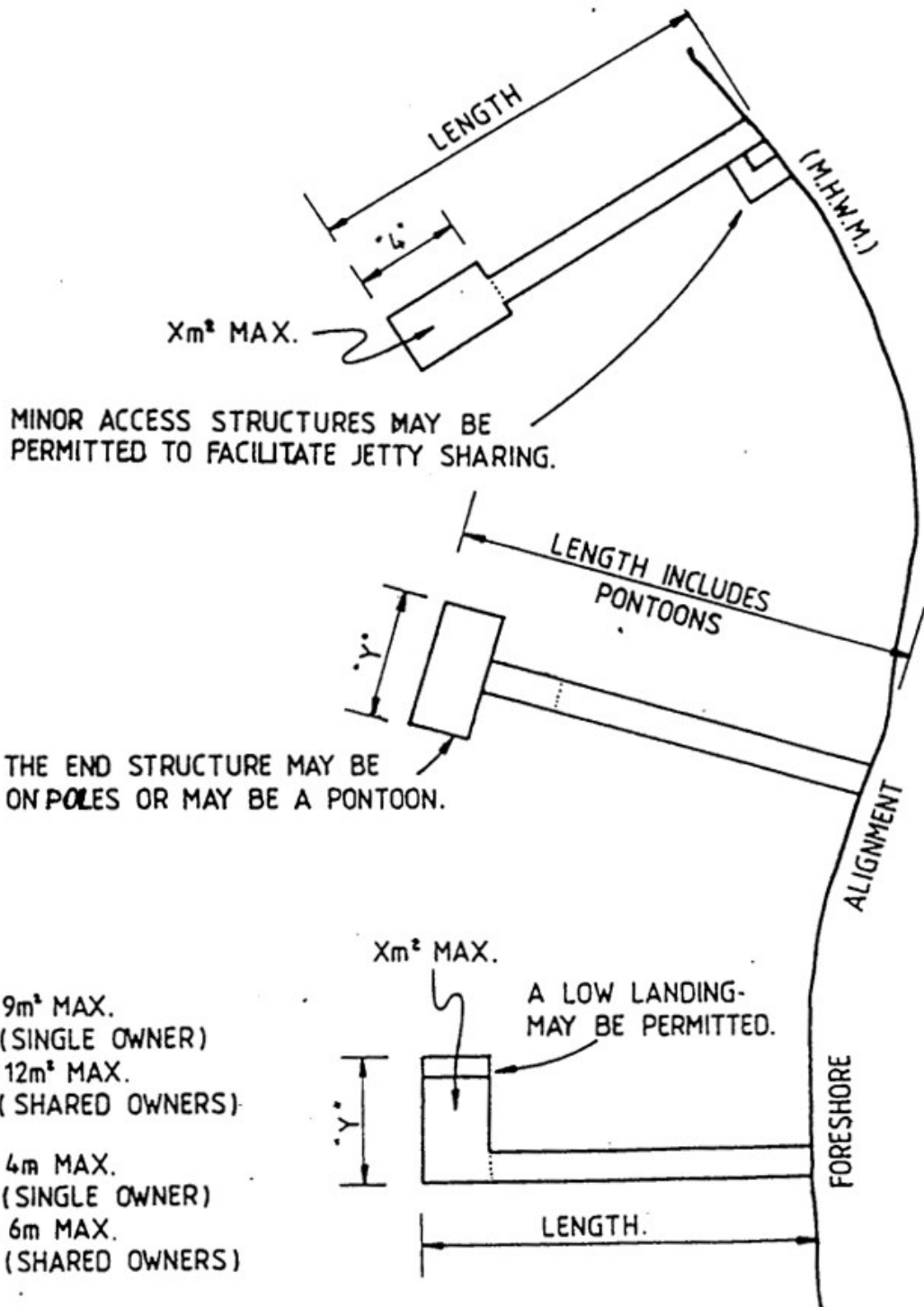
## **Appendix - Length of Jetties in Brisbane Water**

The length of jetties shall comply with the following criteria and associated diagrams (refer Figures 1 and 2).

1. The length of the jetty shall:
  - a. Not exceed the average length of jetties within 100 metres on either side of the subject site;
  - b. Achieve the 'basic' length necessary to provide a water depth of 900mm minimum or 1.5 metres maximum at mean low water at the jetty head;
  - c. Not exceed a maximum 'basic' length of 50 metres with a possible 5 metres additional length and subject to approval under item (d); and
  - d. With regards to (c) above, Council may consider minor extensions (up to a maximum of 5 metres increase) to the length subject to the concurrence of the NSW Maritime, Department of Primary Industries (Fisheries), and Department of Environment and Climate Change.
2. If a jetty cannot reach a water depth of 900mm at mean low water and with a 'basic' length of 50 metres, plus any 5 metres approved extension, it will not be approved.
3. A jetty will not be permitted to extend into or restrict any navigation area or channel.
4. Where an existing facility could be relocated to a common boundary to be used as a shared facility Council will give consideration to permitting a facility of the same length as the previous structure, depending on its merits.

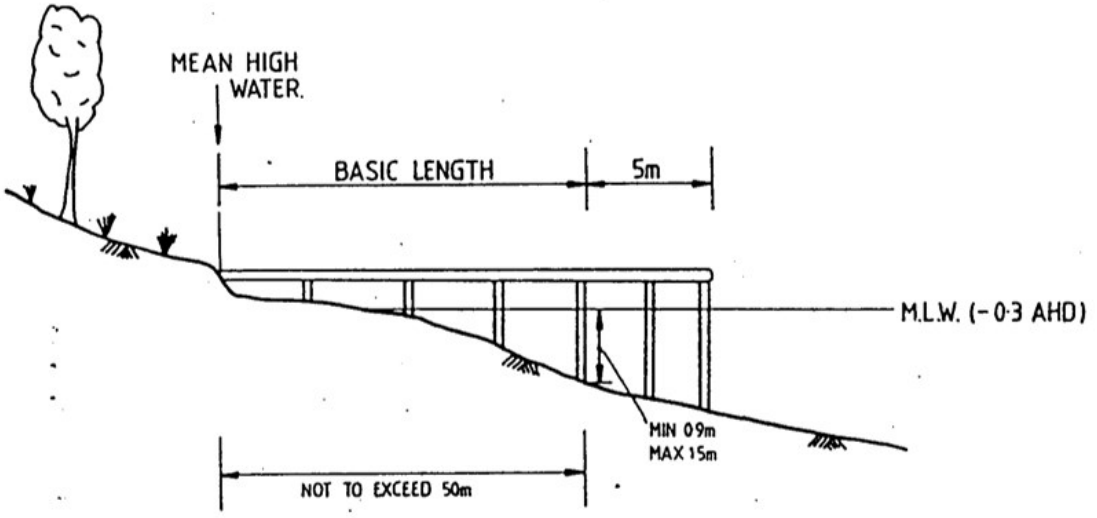
### **Figure 1 - Typical Jetty Layout - Plan View**

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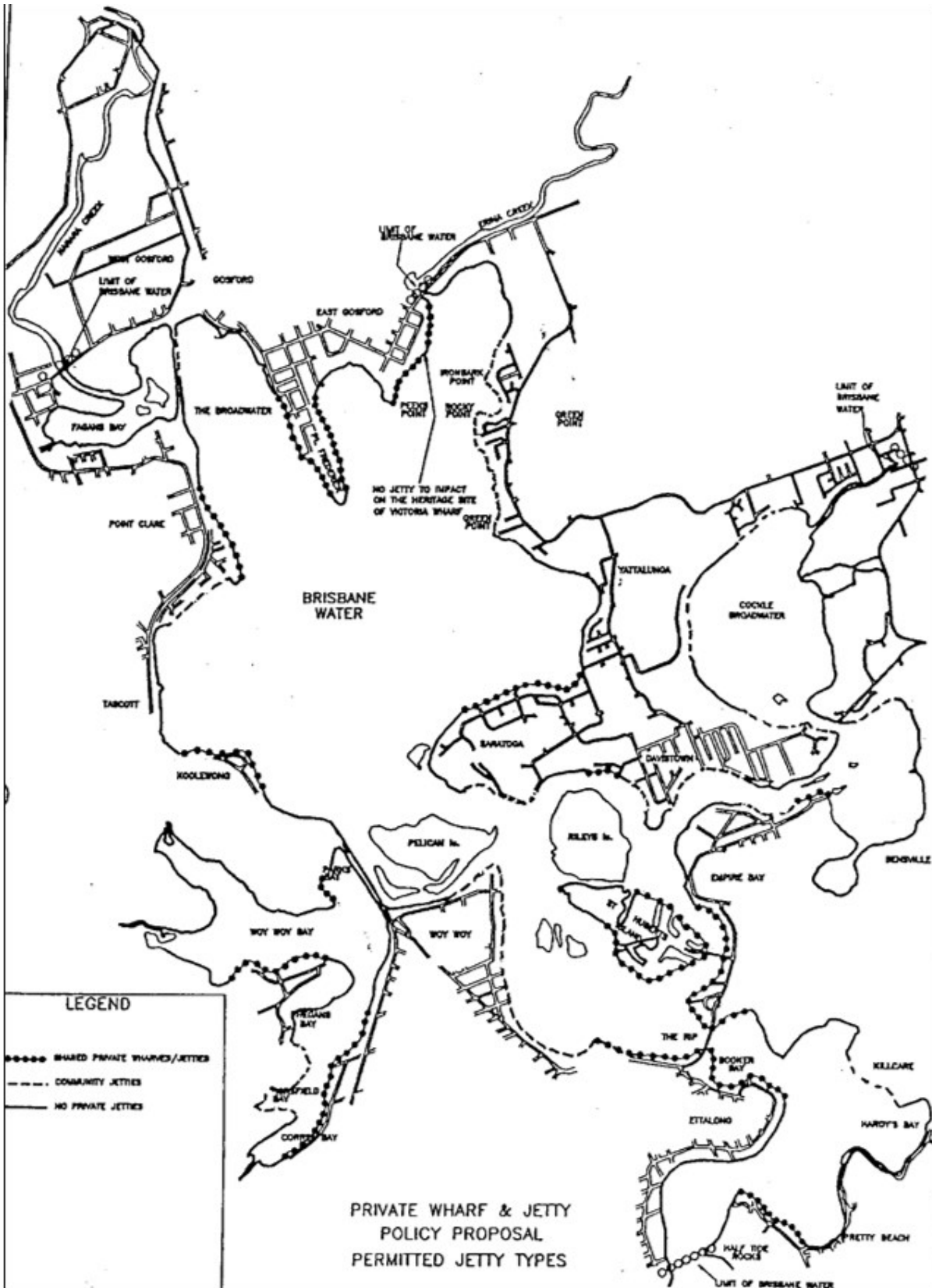
- X = 9m<sup>2</sup> MAX. (SINGLE OWNER)  
= 12m<sup>2</sup> MAX. (SHARED OWNERS)
- Y = 4m MAX. (SINGLE OWNER)  
= 6m MAX. (SHARED OWNERS)

Figure 2 - Typical Jetty Elevation



**Location Map - Permitted Wharf & Jetty Types**

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## Part 4 Centres

### 4.1 Superseded - refer to Gosford City Centre DCP 2018

### 4.2 Peninsula Centres

#### 4.2.1 Where this Chapter applies

This chapter applies to all development that requires consent, including alterations and additions to existing structures on properties within the B2 Zone within Woy Woy Town Centre, Ettalong Beach and Umina Beach Village Centres as shown on the maps below.

**Figure 4.2.1: Woy Woy Town Centre**



**Figure 4.2.2: Ettalong Beach Village Centre**



**Figure 4.2.3: Umina Beach Village Centre**



## 4.2.2 Aims of this Chapter

- a. Implement relevant recommendations arising from the Peninsula Urban Directions Strategy plus related resolutions of Council.
- b. Provide detailed controls that support Gosford LEP 2014.
- c. Establish contemporary urban design-based controls and guidelines for mixed-use development:
  - i. having regard for the scenic quality and environmental capability of the Woy Woy Town Centre and Ettalong Beach and Umina Beach Village Centres; and
  - ii. addressing the character and amenity that are displayed by the surrounding neighbourhoods.



- d. Prepare detailed local controls that are consistent with aims, objectives and consent procedures established by State Environmental Planning Policies that apply to development in the Woy Woy Town Centre and Ettalong Beach and Umina Beach Village Centres.
- e. Supplement provisions of existing local development control chapters in this DCP that apply to coastal areas, including the Woy Woy Town Centre and Ettalong Beach and Umina Beach Village Centres:
  - i. Scenic Quality;
  - ii. Character; and
  - iii. Heritage of the centre.
- f. To encourage development of the centres in a manner which:
  - i. enhances the centre as a desirable place to live visit and do business;
  - ii. attracts new investment which results in local jobs;
  - iii. enhances recreational infrastructure of the centre for locals and visitors;
  - iv. substantially improves the external perception and awareness of the Peninsula as a unique coastal experience for tourism.

### 4.2.3 Objectives of this Chapter

- a. Promote efficient use of land by encouraging mixed use redevelopment that benefits local residents as well as visitors to Gosford City.
- b. Encourage the amalgamation of small properties for redevelopment.
- c. Ensure that future buildings allow for view sharing within the centres.
- d. Promote the highest standards of urban and architectural design quality.
- e. Ensure high levels of amenity along streets and laneways.
- f. Encourage intensive pedestrian activity along all streets and laneways.
- g. Address the desired character of residential areas that surround the Woy Woy Town Centre and Ettalong Beach and Umina Beach Village Centres.
- h. Provide for high levels of residential amenity in surrounding residential areas as well as within the Woy Woy Town Centre and Ettalong Beach and Umina Beach Village Centres.
- i. Maximise energy-efficient planning, design and construction for new buildings.
- j. Prevent the discharge of contaminated stormwater into Brisbane Water and Broken Bay.
- k. Ensure that new development does not exceed the capacity of existing public infrastructure.

### 4.2.4 Future Development within Peninsula Centres - Vision

A regional centres structure hierarchy has been established by the Central Coast Regional Strategy (Dept of Planning) and further informed by the Council's Gosford Centres Strategy. The three main business centres identified on the Peninsula are Woy Woy, as a "town centre" and Umina Beach and Ettalong Beach, as "villages". Town centres (Woy Woy and Erina) are key centres that provide a major centre from a sub-regional perspective and provide a focus for retail, commercial, recreational and administrative services and offer a higher order range of price competitive goods and services.

Villages are a lower order centres compared to town centres, and offer a lesser order of goods and services in a smaller scaled setting than town centres. Villages do however play a highly important role in providing locally accessible goods and services to surrounding areas, and in particular allowing people to walk and cycle to the centre. It is expected that there will be an increase in residential population living within the town centre of Woy Woy and villages of Umina Beach and Ettalong Beach. The benefits of focusing residential population in centres are identified as:

- More interesting places to live,

- Optimise use of services and infrastructure,
- More chance for walking and cycling as a viable means of transport,
- Allow for multi-use of facilities,
- Increase housing mix and contribute to affordability,
- Healthier environments,
- Preserving character and recognising/reinforcing distinctions between centres,
- Improving urban design,
- Strengthening local economy and providing an increase in patronage for retail and other services in centres.

It is also acknowledged, however, that at street level in the core areas of the three centres the streetscape should project a lively, human scaled, active environment focused on a high degree of public interaction. A high standard of urban design is also required for the public domain to encourage public activity. For this reason, residential use at street level is not encouraged within core areas other than for entrances to residential units located above street level.

Whilst the role of town centres is to support Gosford Regional City Centre, Woy Woy as a town centre on the Peninsula is the key focus of retail, commercial, administrative services and offering a higher order of price competitive goods and services. Woy Woy is recognised as a significant transport interchange and hub that is supported by both fixed rail infrastructure and route connectivity for buses. It is a key point for the dissemination of public transport services on the Peninsula and linking the Peninsula to other areas.

Villages, although smaller in scale and built form than Woy Woy, will also act as a focus for each suburb and will also draw people for other areas for specialist tourist uses and boutique activities in Ettalong Beach, whilst Umina Beach will develop into a local service centre.

Other areas within business zonings on the Peninsula act as either neighbourhood centres (e.g. Lone Pine Avenue) or local nodes providing a restricted range of local services (e.g. Trafalgar Avenue), together with some pockets of business development zoned land. For these areas, more detailed design criteria are not considered necessary other than the controls in Gosford LEP 2014.

The development of the three main centres should preserve and enhance the existing unique character of each centre, recognise its role and relationship to the overall hierarchy, build upon established strengths and achieve strategic improvements in accordance with the directions set out in this chapter.

### **Woy Woy Town Centre**

Woy Woy will be recognised as the sub-regional town centre and gateway to the Peninsula. It will emerge as a vibrant, multi-functional centre with a high in-town residential base, and diverse and interesting mix of both conventional and non-conventional commercial activities, service retailing and public administration, that maximises opportunities along with views to the waterfront and waterways. Existing heritage buildings and elements within the streetscape are to be respected and new developments to be designed so as to complement and build on this heritage theme. The formalisation of a civic precinct in the vicinity of the existing library, post office and police station is encouraged and public administration activities should be encouraged in this area.

There will be greater integration within the centre by linking the peripheral "greenfields" shopping centre and the traditional strip, and improved pedestrian and urban design links throughout the centre. Activities that encourage out of hours use of the centre and night time activities are encouraged, and this will be supported by an increase in the in-town residential population. The presence of car parking and traffic flow will become less domineering however it will remain as a key transport node for the Peninsula and linking the Peninsula to other areas. It will also act as a focal point for visitors and tourists, with a number of tourist activities centred on the foreshore and waterfront park, including tourist accommodation. It is envisaged that at the edges of the zoned town centre developments will seek to act as a transitional area between residentially zoned land and the zoned town centre.

### **Umina Beach Village Centre**

The Umina Beach Village Centre will become an increasingly attractive local centre providing opportunity for new forms of mixed use development and the potential for the creation of a much needed civic focal point. The centre will continue to provide lower level retail and commercial services to the local population and tourists as well as to the

residents of the villages of Patonga and Pearl Beach. New development opportunities will provide for renewal of the existing building stock as well as the creation of newly zoned business zoned land forms of development not previously available on the Peninsula. The new retail/commercial development will provide for increased competition for existing businesses in the centre hence providing a better level of service to resident/tourists. The residential component of the new development will enable the creation of a community in the centre that can support local business and take ownership of the centre through their use of the centres services 'after hours'.

The Umina Beach Village Centre will not only perform a commercial role for local residents and tourists but provide for improved cultural facilities through the possible development of a new library, civic square and related facilities. To achieve the vision it is important that the urban design of the centre is improved as redevelopment occurs. Particular emphasis needs to be placed upon issues such as pedestrian amenity, public/private domain interface, connectivity of anchor uses, residential amenity and architectural quality.

### **Ettalong Beach Village Centre**

Ettalong Beach Village Centre should continue as a mixed use centre that provides a range of retail/commercial activities and residential accommodation for local residents as well as visitors. Its provision of specialised niche retailing and recreational activities that serve a wider population should be encouraged, and particular to build on the strengths offered by major tourist resort development. The resultant dynamic active atmosphere should be enhanced and maintained to provide sustainable commercial and retail revitalisation within the Centre. All new buildings are to be satisfactorily integrated into the existing urban fabric with its predominately "Australiana heritage" style theme to provide cohesion and continuity to the streetscape. Picnic Parade will provide the "entrance avenue" to the village and public domain improvements will define the entrances to the village boundary to give a sense of "arrival" at the village. Existing niche activities, such as restaurants, cafes, specialist butchers and the like are to be encouraged. Developments are to be designed to integrate the foreshore area to the village centre and residential development within the town centre should be able to enjoy view lines to the waterway, including Lion Island, and not be obscured by inappropriate bulky buildings. Opportunities that may be afforded by water based transport are to be maximised and integrated into the public domain of the overall centre.

## **4.2.5 Building Form**

### **4.2.5.1 Street Frontage**

#### **Objectives**

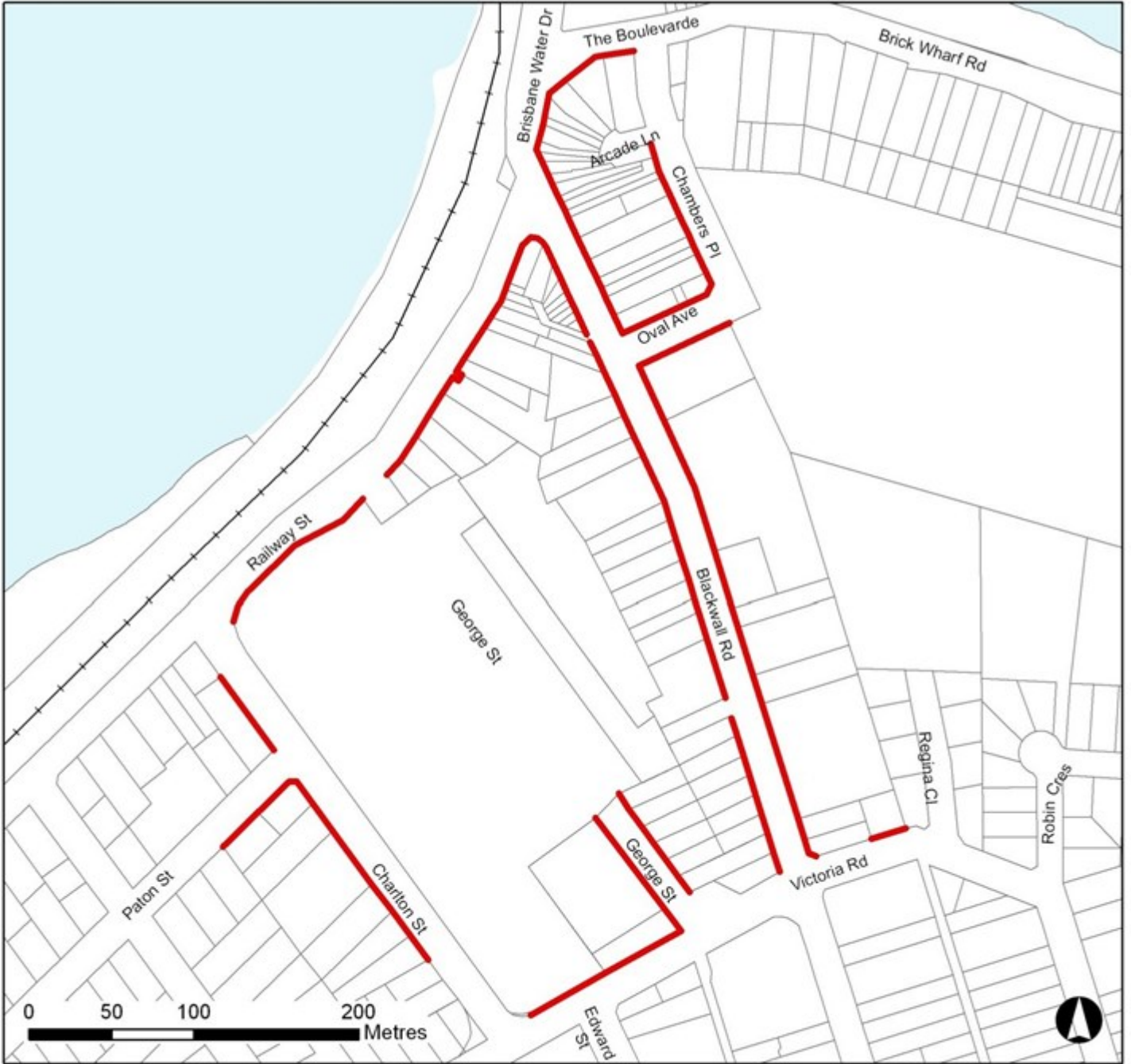
- Encourage consolidation of existing properties that have narrow street frontages in order to facilitate efficient use of land.
- Incorporate best-practice urban design by ensuring that street frontages are wide enough to conceal carparking and delivery areas behind street level shopfronts.
- Ensure that street frontages are sufficient to accommodate building services and corridor access for above-ground storeys.
- Ensure that street frontages are sufficient to accommodate residential floorplans which provide a reasonable level of amenity.

#### **Controls - wider frontages for development bonus**

- a. Where street frontages are 20m or more wide, Gosford LEP 2014 provides for additional building height in accordance with clause 4.3 of Gosford LEP 2014.
- b. For the purposes of Clauses 4.3 and 4.4A in Gosford LEP 2014 and this clause, "street frontage" refers to the a single street frontage selected by the Applicant for the subject site from those frontages nominated on the street frontage maps, figure 4.2.4 - 4.2.6. frontages nominated on the Development Incentives Application in Gosford LEP 2014 and Figure 4.2.4 in this chapter.. Where more than one frontage is nominated on the map the Applicant may select the frontage to which this clause applies.
- c. The minimum frontage for additional height has been fixed to accommodate active street frontages plus building services:
  - i. Nearly-continuous bands of shopfronts along all streets,
  - ii. Shopfronts along at least half of any laneway frontage,

- iii. Ramp access to basement parking and delivery areas,
- iv. Corridors to lift lobbies and stairs,
- v. Cupboards for building services and/or garbage stores.

**Figure 4.2.4: Woy Woy Town Centre - Street Frontage Map**



— Street Frontage as referred to in Cl 4.3 & 4.4A of Gosford LEP 2014

**Figure 4.2.5: Ettalong Village Centre - Street Frontage Map**



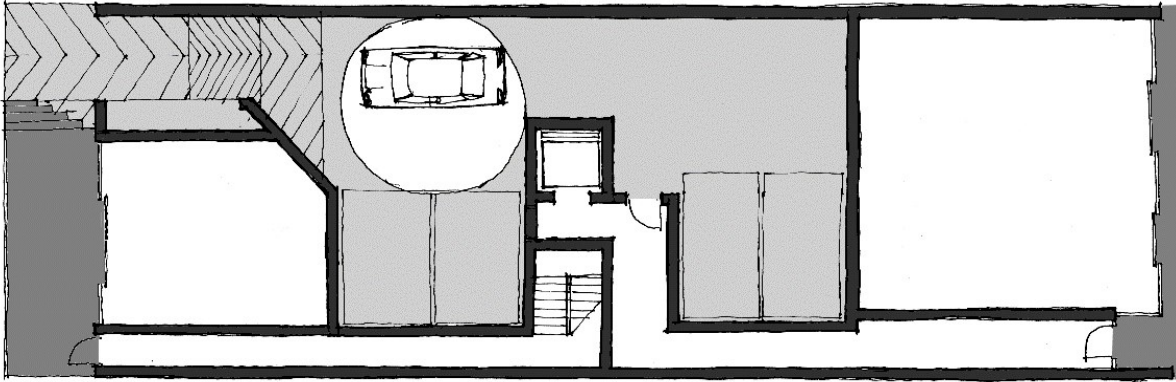
— Street Frontage as referred to in Cl 4.3 & 4.4A of Gosford LEP 2014

Figure 4.2.6: Umina Beach Village Centre - Street Frontage Maps



— Street Frontage as referred to in Cl 4.3 & 4.4A of Gosford LEP 2014

Figure 4.2.7: Site plan illustrating the minimum frontage allotment



A typical allotment fronting Street and Lane (layout subject to appropriate details + dimensions)

#### 4.2.5.2 Building Height

##### Objectives

- Establish the primary controls to encourage financially-viable redevelopment that addresses scenic quality, character and residential amenity.
- Limit both the visual impact of multi-storey buildings upon the scenic quality of these coastal settings, and provide for view sharing across each centre.
- Vary the maximum building height for each development in proportion to the size and frontage of the development site.
- Maintain the established pedestrian-friendly scale of two storey facades facing all streets.
- Promote a sunlit outdoor environment as the setting for a vibrant village centre, maintaining existing levels of sunlight along footpaths during the middle of the day.
- Ensure that village centre dwellings will receive satisfactory levels of midwinter sunlight.
- Encourage variations in building form that create a varied silhouette or profile, and that contribute to a regionally-distinctive architecture.

##### Controls

- a. New buildings and alterations or additions to existing buildings shall not exceed the maximum building height specified in Clause 4.3 of Gosford LEP 2014.

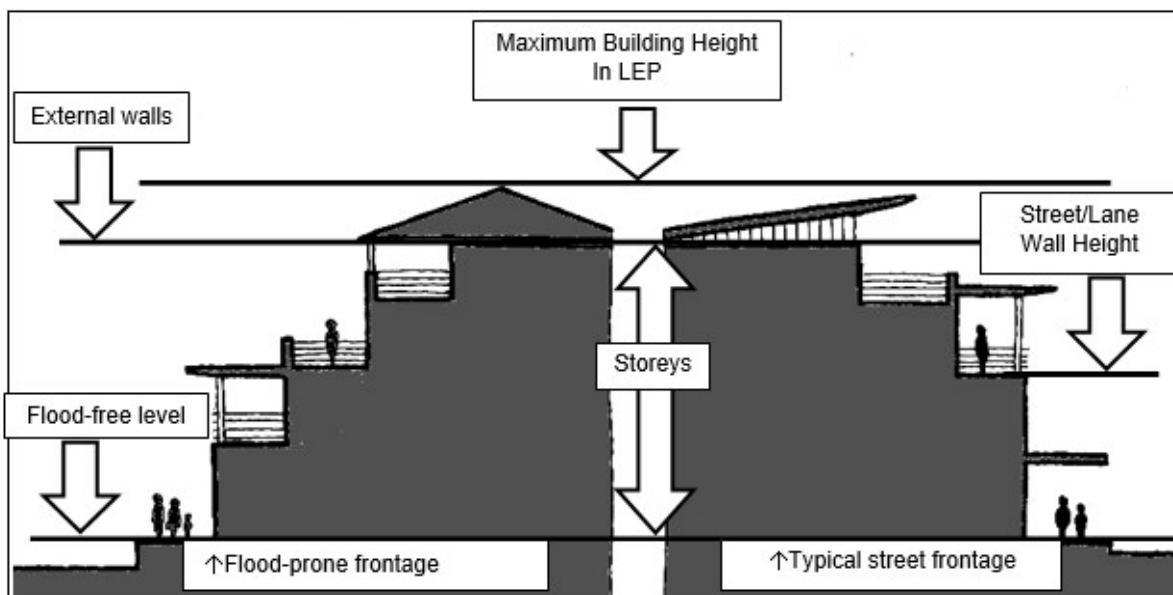
Table 1

Max. LEP Height 'm'	Max Height in Storeys	Max External Wall Height in 'm'	Max Street/Lane Wall Height in Storeys/m
19.75	6	18.25	2 8.75m
17	5	15.5	2 8.75m
14.25	4	12.75	2 8.75m
11.5	3	10	2 8.75m

- b. An 8.75m high and 2 storey façade will apply to all frontages of properties that have an interface with a street or laneway or common boundary with a residential zone.
- c. The measurement of maximum heights incorporate the following reference points:
  - i. **Maximum Height for the Building** - Specified in Gosford LEP 2014 refer to clause 4.3 and the Height of Buildings Map;

- ii. **External Wall** - means walls that enclose a building, other than end walls above the pitching point of any inclined roof (such as a gable-end) or the sides to any attic's dormer window;
- iii. **Storey** - defined in Gosford LEP 2014;
- iv. **Street/Lane Wall Height** - The vertical distance measured in metres or storeys at the centre of the street or laneway frontage from the average of the street/laneway levels at each end of the frontage to the parapet level of the frontage. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the façade is situated.  
The highest point of any roof provides an absolute limit to the height of buildings, and is intended to encourage the use of gently-pitched roofs that contribute to desirable variations in the silhouette and the profile of each building, but not to accommodate an additional storey that is enclosed by taller walls or by steeply pitched roofs that would increase the desirable scale or bulk of a building.
- v. The highest point of any roof provides an absolute limit to the height of buildings, and is intended to encourage the use of gently-pitched roofs that contribute to desirable variations in the silhouette and the profile of each building, but not to accommodate an additional storey that is enclosed by taller walls or by steeply pitched roofs that would increase the desirable scale or bulk of a building.

**Figure 4.2.8: Cross-section illustrating reference points for building heights**



#### 4.2.5.3 Building Setbacks and Building Envelopes

##### Objectives

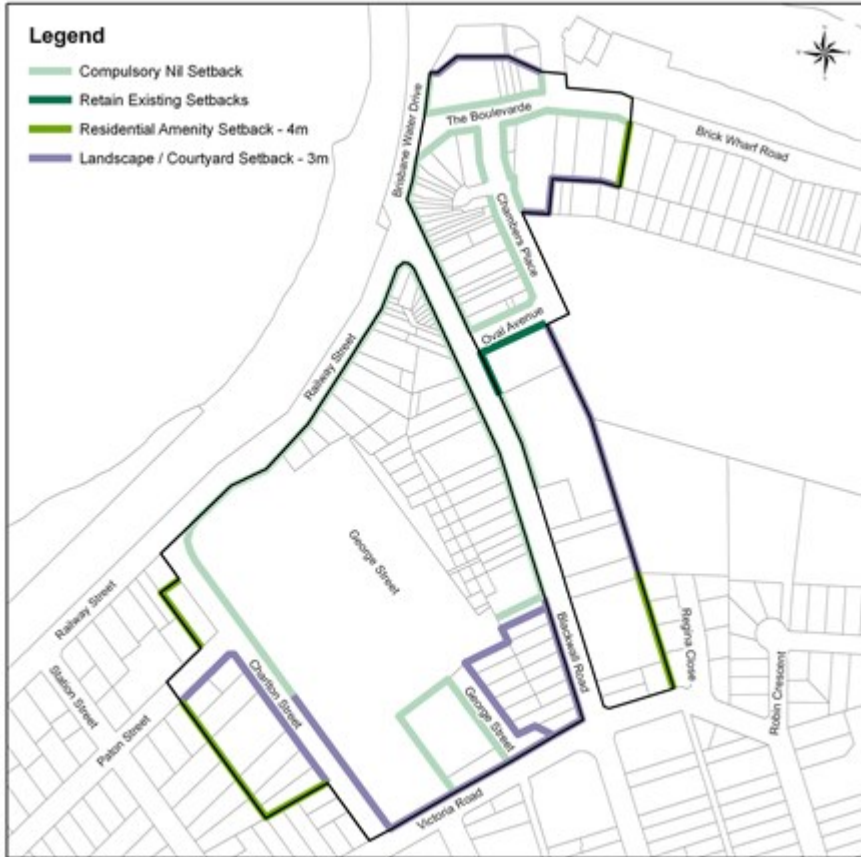
- Enhance existing levels of retail and pedestrian activity along street and laneway frontages and maximise the visibility of shopfronts.
- Improve the amenity and the urban design quality of frontages to laneways.
- Disguise the scale and bulk of new buildings.
- Provide a consistent urban form providing definition of the street edge within the centres core area.
- Establish an appropriate interface with residential properties that maintains the desired character of the area.
- Ensure adequate space between centre sites and adjoining residential development to enable effective landscaping and tree planting between buildings, separation of buildings for privacy and views.
- Achieve high standards of residential amenity.
- To encourage shops along at least 50% of frontages of "active" laneways.
- To accommodate pedestrian forecourts or terraces facing "active" laneways in association with all shopfronts that are suitable for outdoor dining.
- Retain existing levels of sunlight and amenity to footpaths and publicly accessible areas.

##### Controls - Street Setbacks

- a. Street setbacks are to comply with those outlined in Figures 4.2.9, 4.2.10 and 4.2.11.



**Figure 4.2.9: Woy Woy setbacks**



**Figure 4.2.10: Ettalong Beach setbacks**



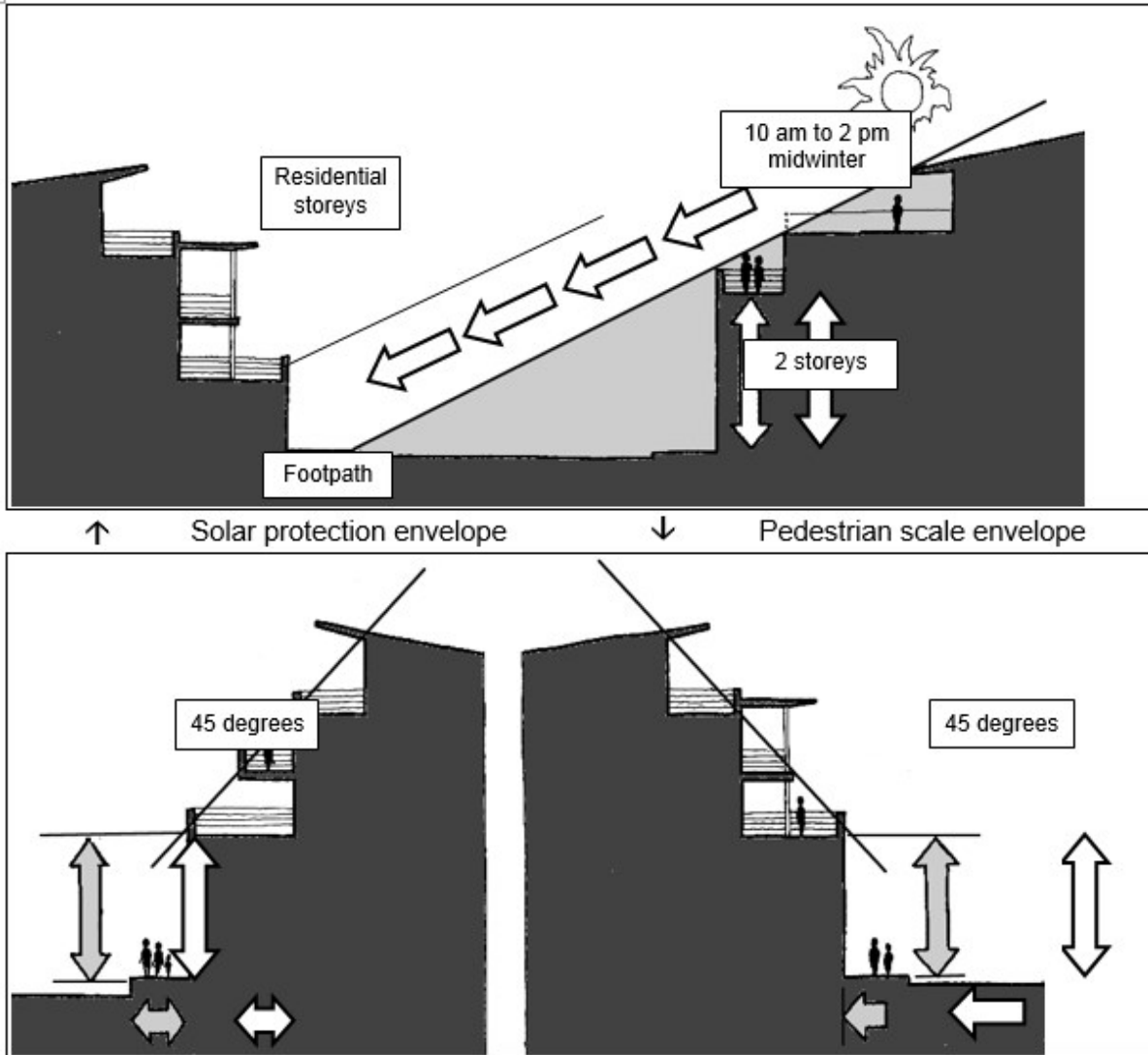
**Figure 4.2.11: Umina Beach setbacks**



- b. Existing levels of midwinter sun along public footpaths between the hours of at least 10am and 2pm must be maintained by a building envelope that is projected at the appropriate solar altitude angle from the adjacent street kerb.
- c. Any part of a building that is above 7m or 2 storeys in height whichever is the lesser is to be set back in accordance with a pedestrian envelope that is projected at 45° from the façade at a point not higher than 7m or 2 storeys in height whichever is the lesser at a point not higher than for any boundary that has a frontage to a public right of way such as a street or lane. To maintain the pedestrian-friendly scale of existing low rise buildings.
- d. Minor variations of building envelopes are desirable in the following situations in order to avoid the appearance of continuous horizontal building forms:
  - i. At street corners where a vertical emphasis or landmark location is appropriate, and to allow reasonable potential for the redevelopment of corner properties;
  - ii. On wide sites where vertical structures or balconies can provide effective contrasts to continuous horizontal forms with regular steps that might otherwise occur;
  - iii. Any façade that penetrates a solar envelope should not be wider than 5m or taller than 4 storeys, and resulting shadows that are cast across a footpath or neighbouring façade should be relatively narrow and fast-moving;
  - iv. Variations of a pedestrian envelope should not have a total width that is greater than 30% of any façade's width, and no single variation should exceed a width of 5 metres or 4 storeys;
  - v. Variations may include enclosed floorspace or roofed balconies, where permitted by Council (see Figure 4.2.12) are constructed above public footpaths to accommodate outdoor dining;
  - vi. Awnings, eaves, balustrades and parapets may project beyond the pedestrian envelope, but generally should not project beyond the solar envelope unless glazed or substantially of transparent construction.
- e. Any part of a non-residential building that is above 8.75m or 2 storeys in height is to be set back at least 3 m from any side boundary that does not have frontage to a public right of way.
- f. In general, increased setbacks are only acceptable along street frontages that are subject to flooding, where ground level shopfronts may be setback up to 3m in order to accommodate flood-free pedestrian access along elevated terraces.
- g. Permissible encroachments may where permitted by Council include balconies constructed above public footpaths that are designed to accommodate outdoor dining.

- h. Permissible variations include café shopfronts at ground level only, setback from the street frontage to accommodate "outdoor" tables.

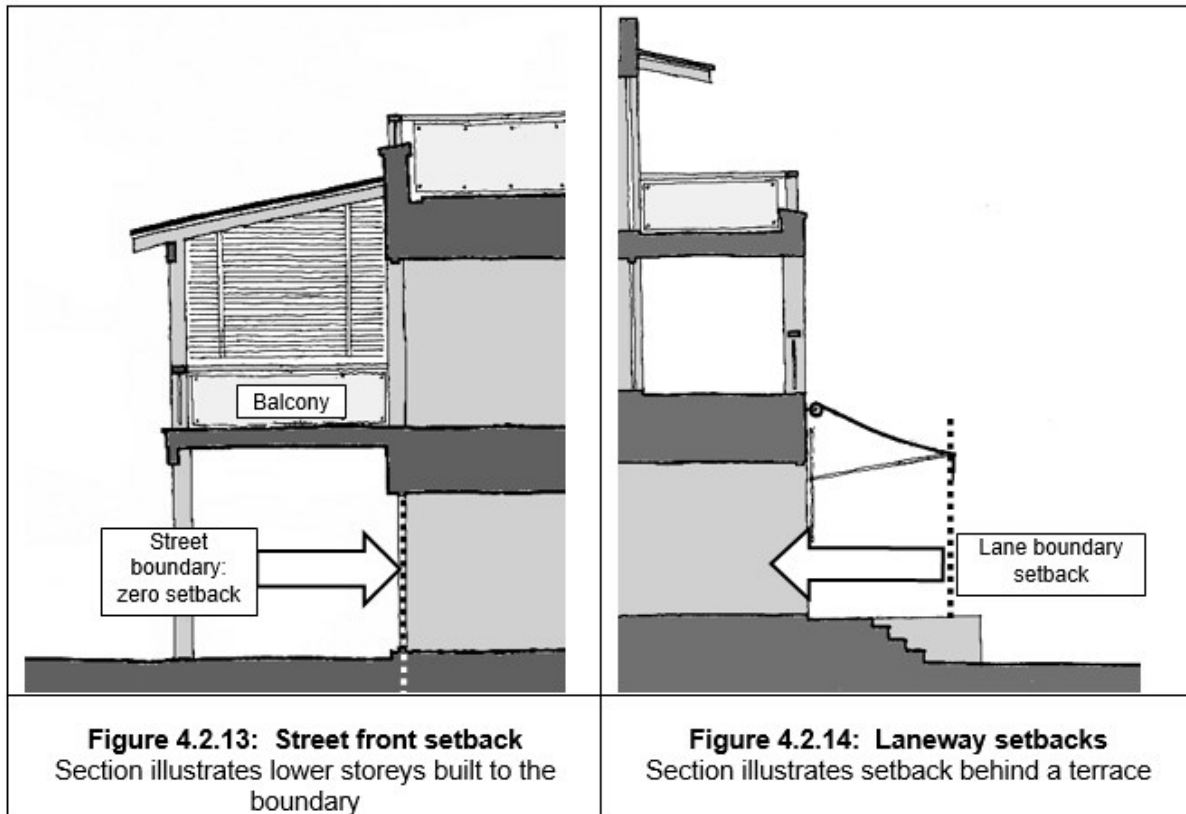
**Figure 4.2.12: Building envelopes - Cross sections through street + laneway frontages**



**Controls - "Active" Laneway Setbacks**

- a. Laneway setbacks are to comply with the setbacks on Figures 4.2.10 - 4.2.11.
- b. Laneways defined as "Active" Laneways on Figures 4.2.10 - 4.2.11 are to be setback at least 3m from the laneway frontage to increase sunlight that is available at street level, improving environmental amenity, as well as stimulating pedestrian and retail activity.
- c. "Active" Laneway setbacks should accommodate publicly-accessible spaces such as terraces or forecourts that are suitable for outdoor dining.

**Figure 4.2.13: Street front setback Figure 4.2.14: Laneway setbacks**



#### Controls - Setbacks to side + rear boundaries

- a. In order to maximise the length of shopfronts facing all streets and laneways, lower 2 storeys generally should not be setback from the side boundary with any property that is zoned to permit business development.
- b. However, in order to provide publicly-accessible links such as alleyways or courtyards that are open to the sky above, lower storeys may be setback from side boundaries according to dimensions that are specified in this Section of the DCP.
- c. Adjoining any residential building or a residential zone, new development should incorporate setbacks that are consistent with the desired residential character:
  - i. Lower storeys should be setback at least 4 metres at ground level in order to provide a landscaped courtyard that is suitable for medium-sized trees;
  - ii. Subject to the location and orientation of any neighbouring dwelling, a wider setback may be necessary in order to achieve levels of residential amenity that are consistent with the Residential Amenity section of this Chapter;
  - iii. Upper-storeys should be stepped to maintain adequate sunlight to the principal living area and private open space of each dwelling according to the requirements of SEPP BASIX 2004.
  - iv. Balconies may overhang the landscaped setbacks provided that the amenity of lower storey dwellings and neighbouring properties would not be affected, and provided also that balconies would contribute to the desired urban design quality specified in this chapter.

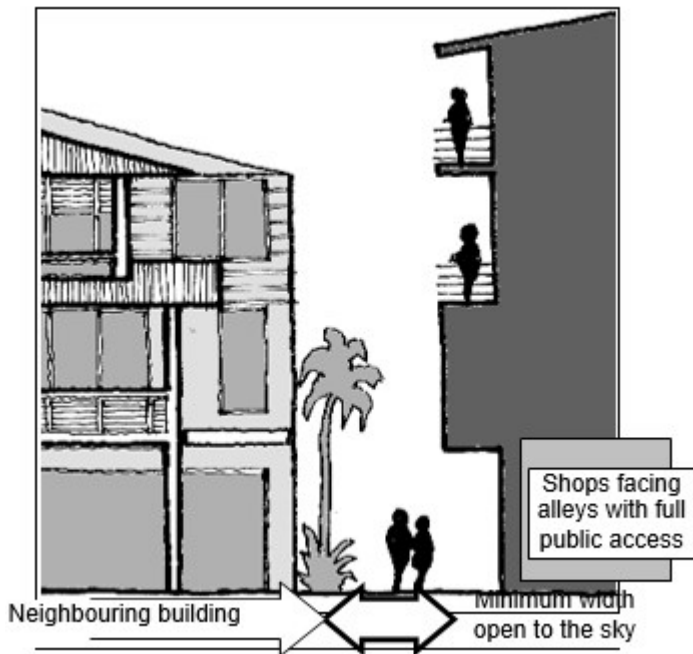
#### Controls - Alleyways + courtyards

- a. Alleyways or courtyards should be located and designed to provide strategic benefits:
  - i. Existing levels of “main-street” retail and pedestrian activity must not be eroded;
  - ii. New public access should enhance the Centre’s existing pedestrian network;
  - iii. Settings for outdoor activity should demonstrate high levels of amenity that include reasonable levels of daylight and midwinter sunlight at street level, plus protection from cold winter winds;
  - iv. “Open spaces” should contribute to effective articulation of building forms, enhancing the overall level of variations that are displayed by structures along each street;
  - v. Above-ground open space contributes to high levels of residential amenity related to daylight, sunlight,

ventilation and the outlook from each dwelling.

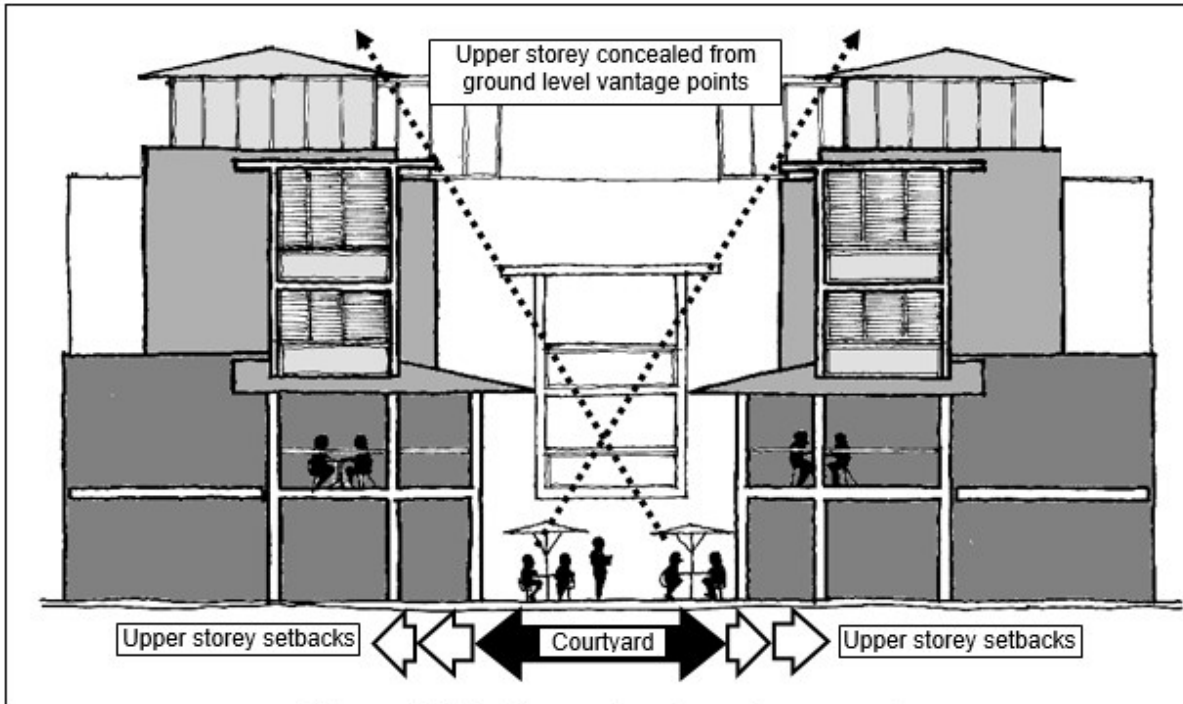
- b. Alleyways generally should incorporate the following dimensions, locations and features:
  - i. A minimum width of 3 metres, open to the sky above and sufficient for landscaped planters that are at least 1 metre wide with sufficient soil volume for canopy trees;
  - ii. Provide limited public access to residential lobbies or alternatively, provide full public access between streets and lanes, with shopfronts along at least 30% of the overall length;
  - iii. Be located immediately next to any existing alleyway or courtyard upon a neighbouring property;
  - iv. Be overlooked by windows and balconies that are designed to satisfy the Residential Amenity section of this Chapter.

**Figure 4.2.15: Accessible alleyways - viewed from the street frontage**



- c. Courtyards generally should incorporate the following dimensions, locations and features:
  - i. Located only where they face a public street frontage that receives midday sunlight,
  - ii. Located no closer than 25 metres from an existing street corner where they would not erode either the role or the visual prominence of existing corner shop-fronts or building forms,
  - iii. Accommodating continuous shopfronts around a publicly-accessible space that is open to the sky above and is suitable for pavement dining,
  - iv. Minimising disruption to established shop-frontages as well as maximising both the visibility and the proximity of new shopfronts to existing public footpaths, with “street level” dimensions that generally should not exceed 8 metres to 10 metres (measured as site frontage and courtyard depth), and
  - v. Overlooked by windows and balconies that are designed to satisfy the Residential Amenity section of this Chapter.
- d. Around alleyways and courtyards that are publicly-accessible, walls should incorporate upper storey setbacks in order to enhance amenity at street-level:
  - i. The third and fourth storeys should be setback at least 1m from the face of lower storey walls to avoid the appearance of sheer vertical walls; and
  - ii. Any fifth or sixth storey (where permitted) should have an additional setback sufficient to conceal that storey from vantage points located within the alleyway or courtyard at “street level”.

**Figure 4.2.16: Street elevation of courtyard - Highlighting desired dimensions at ground level + upper storey setbacks**



#### 4.2.5.4 Building Separation

##### Objectives

- To ensure that new development is scaled to support the desired character with appropriate massing and spaces between buildings.
- To provide visual and acoustic privacy for existing and new residents.
- To control overshadowing of adjacent properties and private or shared open space.

##### Controls

- The minimum separation between windows and balconies of a residential building and any neighbouring building either on site or adjoining sites:

2-3 storeys/up to 11.5m:

- 12m between two habitable rooms/balconies,
- 7m between a habitable room/balcony and a non-habitable room,
- 2m between two non-habitable rooms.

3-4 storeys/up to 14.25m:

- 12m between two habitable rooms/balconies,
- 9m between a habitable room/balcony and non-habitable room,
- 6m between two non-habitable rooms.

5 Storeys 17m and above (where permitted):

- 18m between habitable rooms/balconies,
- 13m between a habitable room/balcony and a non-habitable room,
- 9m between two non-habitable rooms.

#### 4.2.5.5 Building Depth

##### Objectives

- To achieve the development of thin cross section buildings and narrow commercial floorplates to improve amenity and promote sustainable design and building management practices where living and working environments are not reliant on artificial lighting, heating and cooling.
- To ensure that building design provides adequate amenity for occupants in terms of sun access and natural

ventilation.

- To ensure that the bulk of the development is in scale with the desired future character.

### Controls

The following building depth controls shall apply:

- Commercial development:
  - The maximum depth of office floors with windows in one side is 10m,
  - The maximum depth of office floors with windows in two opposite sides should be 20m.
- Residential flat development:
  - The maximum internal plan depth of residential flat buildings is to be 18m from glass line to glass line,
  - Single aspect apartments are to have a maximum internal plan depth of 10m from glass line to internal face of wall.
- Where residential flat developments are proposed to be wider than 18m the Applicant must demonstrate how satisfactory daylighting and natural ventilation are to be achieved (refer to the Internal and External amenity section of this chapter for satisfactory daylighting and natural ventilation requirements).

**Figure 4.2.17 - Building Depth - Source: Residential Flat Design Code, Planning NSW 2002**



## 4.2.6 Building Articulation

### 4.2.6.1 Building Facades

#### Objectives

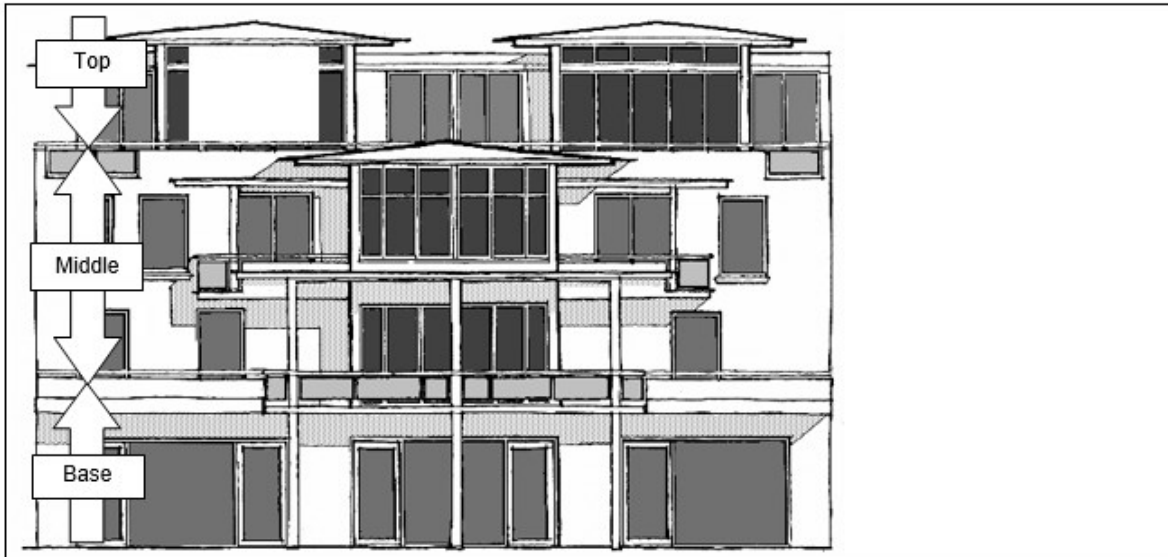
- To ensure that buildings are of a high architectural quality that contribute to the desired character of the centre.
- To ensure that building facades are of an appropriate scale, rhythm and proportion that respond to the desired character of the centre.
- To ensure building elements are integrated into the overall building form and design.
- To employ a variety of architectural design techniques that disguise the scale and bulk of multi storey

buildings.

### Controls

- a. All building facades shall be modulated and articulated this can be achieved through the following:
  - Define a base, middle and top related to the overall proportion of a building;
  - Express datum lines using cornices, a change in materials, texture or colour or setbacks;
  - Use a variety of window types to express building uses;
  - Use recessed or extended balconies and deep windows.

**Figure 4.2.18: Street elevation illustrating appropriate form of three + four storey buildings**



Penthouse level on upper storeys of buildings should be broken into pavilion structures separated by roofs or terraces

- b. The silhouette of each building should contribute to the overall diversity of form within each centre:
  - i. Within each façade, vary the level of roofs, external walls and parapets in order to avoid simple cubic forms and flat roofs that tend to accentuate scale and bulk,
  - ii. Each top storey should incorporate stepped floorplans or separate pavilion structures, capped by highly-articulated roof forms that contribute to diversity of building silhouettes.
- c. Street level facades should be divided into a series of vertical panels that vary in width from 2 to 6 metres, in order to reflect the design diversity of traditional village centres comprising of rows of individually designed narrow fronted shop-dwellings.
- d. The width of any part of a single building above 2 storeys shall not exceed 30m on any on any elevation facing the street.
- e. Building facades must be designed to respond to solar access by using solar protection elements such as eaves, louvers and awnings.
- f. Balconies shall not run the full length of any façade but should be designed in short lengths so as not create the appearance of monolithic building forms.
- g. Balconies and windows to habitable rooms should be situated to encourage opportunities for passive surveillance to public areas.
- h. All building elements including shading devices, awnings/colonnades, signage, drainage pipes and communication devices must be co-ordinated with the overall façade design.
- i. Plant and equipment should be concealed within the fabric of each building in order to promote high standards of urban design and amenity:
  - i. Plant, equipment and ductwork should not be surface-mounted on roofs, terraces, or exterior walls,
  - ii. Services, pipes and ductwork should not be visible from any public frontage,
  - iii. Services, pipes or ductwork should be concealed in the entrances to parking or delivery areas that face a street or laneway,



- iv. Plant and equipment should be designed and located to prevent exposure of nearby dwellings to unreasonable odours or noise,
- v. If individual air-conditioning units are used they must not be visible from the street.

#### 4.2.6.2 Top Floor Design and Roof Forms

##### Objectives

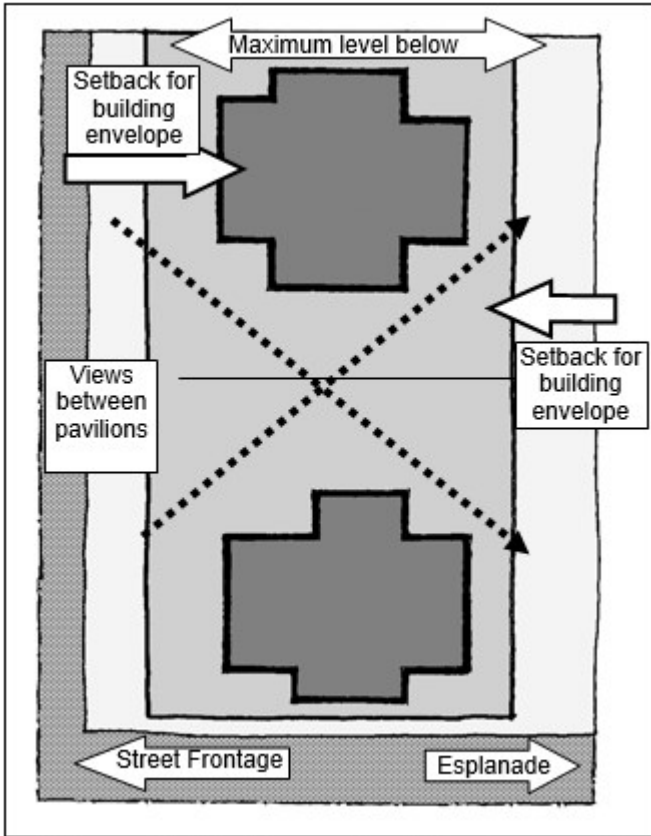
Ensure that roof design responds to the desired character and contributes to the overall design and environmental performance of buildings.

Ensure that the design of the top storey of buildings minimises visual bulk, provides articulation and prevents any increased overshadowing.

##### Controls

- a. On larger sites where additional height is permitted due to site frontage and area in accordance with Clause 4.3 of the Gosford LEP 2014 and Table 1 of this chapter, the top storey must be distributed to disguise the scale and bulk of multi storey buildings and in order to retain view corridors that are wide enough to allow filtered views to the water from other properties within the centre.
- b. The upper storey of buildings should be articulated with differentiated roof forms, predominantly low pitched roofs surrounded by wide eaves, rather than flat roofs set behind parapets that accentuate the scale and bulk of multi-storey buildings.
- c. Design of roofs must respond to solar access, for example by using eaves and skillion roofs.
- d. Service elements such as lift overruns, plant equipment, chimneys, vent stacks, water storage, communication devices, solar panels etc must be integrated into the overall design of the roof so as not to be visible from the street.
- e. Roofing colours within the Ettalong Village Centre must be in accordance with the Heritage Colour Scheme. An example of heritage colours is the Heritage and Traditional Colours range by Pascol Paints Australia Pty Ltd.
- f. The number, design and location of television and radio antennas should be limited to one common mast per building.
- g. Satellite dishes should not be installed on roof-tops, and should be restricted to small units located on private balconies or terraces to conceal their appearance from street level vantage points.

#### Figure 4.2.19: Example of distribution of upper storey floor area



#### 4.2.6.3 Corner Building Articulation

##### Objectives

To reinforce the built form of the street block and enhance the public domain and the meeting of streets.

##### Controls

- a. Emphasise street corners by giving visual prominence to parts of the building façade, such as a change in building articulation, material or colour, roof expression or height.
- b. At street corners the height for street walls may be exceeded to create a corner element. The corner element is not to exceed the maximum building height and may extend a maximum distance of 5 metres along the building frontage of both streets when measured from the corner.
- c. Corner buildings are to address both street frontages.

#### 4.2.6.4 Active Street & Active Laneway Frontages

##### Objectives

- Maintain and enhance the established "main street" retail environment, particularly by concentrating pedestrian activity along existing retail frontages.
- Encourage a new secondary retail frontage along "active" laneways in proportion to market demand for retail and business floorspace.
- To have ground floor facades that enhance the public domain, amenity and safety.
- Co-ordinate the design of shopfronts, business signs and the landscaping of public areas according to "main street" principles.
- To have street frontages suitable for active business uses.
- To promote pedestrian activity in the public domain.
- Conceal on-site parking and services from street frontages.

##### Controls

- a. Active street & active laneway frontages are defined as one of a combination of the following at street level:
  - i. Entrance to retail;

- ii. Shopfront;
  - iii. Glassed entries to commercial and residential lobbies occupying less than 50% of the street frontage to a maximum of 12m frontage.
  - iv. Café or restaurant if accompanied by an entry from the street;
  - v. Active office uses, such as reception, if visible from the street; and
  - vi. Public building if accompanied by entry.
- b. Active street & active laneway frontages are required at ground level for all areas indicated on Figures 4.2.20 - 4.2.22.

**Figure 4.2.20 Woy Woy Town Centre Active Street Frontages**



**Figure 4.2.21 Ettalong Beach Village Centre active street frontages**



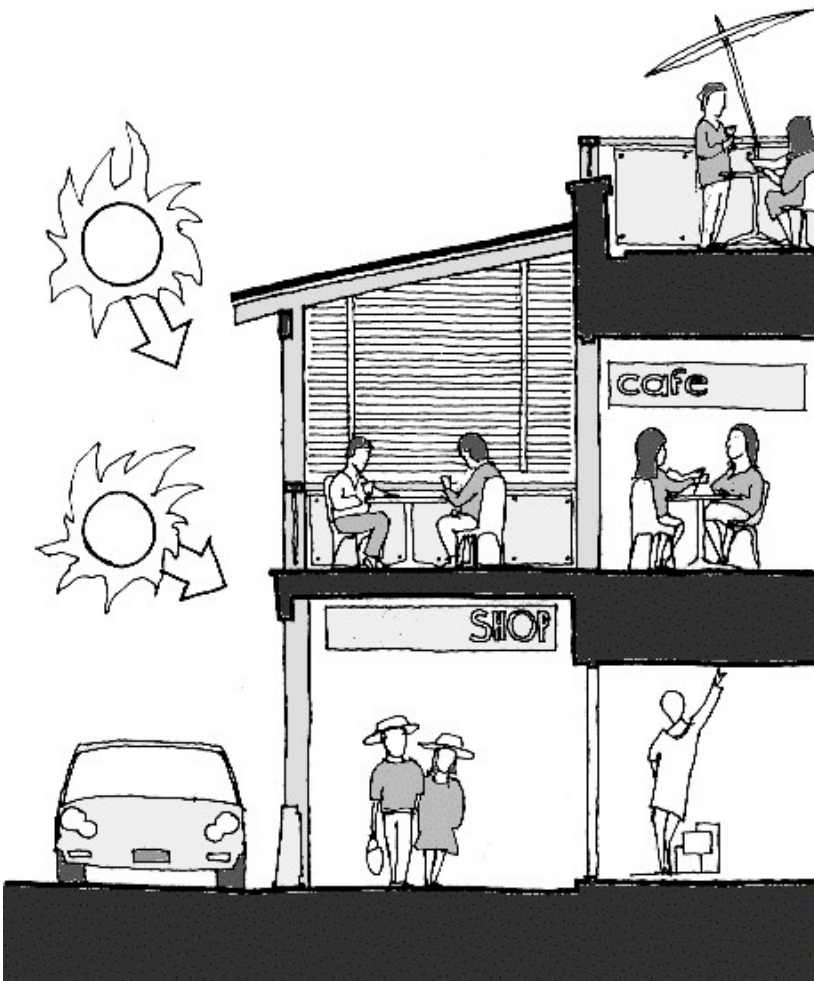
Figure 4.2.22 Umina Beach Village Centre active street frontages



- c. Ground floor articulation for shopfronts along active street frontages must not be more than 1.2m deep.
- d. Buildings must not have continuous length of blank walls at street level.
- e. Provide clear glazing to all street frontage windows.
- f. The sill height of street frontage windows must not be more than 1.2m above street level.
- g. Main street frontages should not accommodate fire exits, service cupboards, vehicle or service entrances, control valves and meters for piped services which would intrude upon the continuity of shopfronts or design of facades facing any street:
  - i. Vehicle access, fire exits, service cupboards, valves and meters should be accessed via secondary street or laneway frontages. Valves and metres should where possible, located in secured cabinets that are associated with carpark entrances rather than intruding upon street facades,

- ii. Where vehicle access, fire exits, cabinets etc must be located along a street frontage, their width should be minimised and they should be integrated with the design of shopfronts.
- h. New pedestrian spaces or links should only be created where they would enhance existing levels of retail and pedestrian activity.
- i. On-site carparking and service areas should not be visible from any street frontage, and should be located in basements or behind occupied floorspace such as shops.

**Figure 4.2.23: Activity along street frontages**

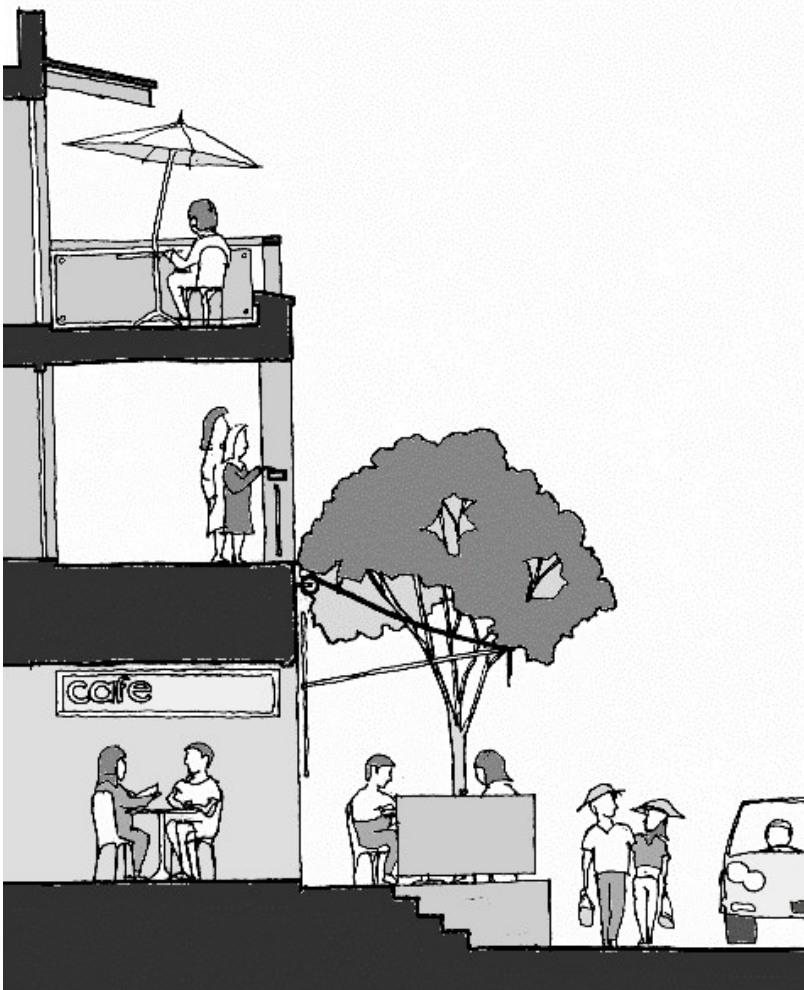


A setting for concentrated retail + pedestrian activity

- j. Along active laneways, visible pedestrian and retail activity should be promoted at street level in conjunction with safe and efficient vehicle access:
  - i. Facades should be set behind pedestrian forecourts that are open to the sky above, suitable for outdoor dining and separated from traffic, but should not be used for parking at-grade,
  - ii. Facades should accommodate new shopfronts along at least 50% of each site frontage, protected by retractable awnings or balconies, and
  - iii. Facades also should accommodate building entrances, fire exits and service cupboards, plus vehicle and service entrances that are designed to maximise safety for pedestrians and motorists.
- k. Above-ground facades also should contribute to the levels of visible activity:
  - i. In certain areas of Woy Woy indicated in Figure 4.2.20 footpaths may be overhung by first-floor balconies that are designed primarily to accommodate outdoor dining,
  - ii. Restaurants and other businesses at first floor level should have extensive windows that permit views to and from street level, and
  - iii. Dwellings at first floor level or above should have a combination of balconies and extensive windows that

permit views to and from the street, fitted with adjustable exterior screens to provide shade and privacy.

**Figure 4.2.24: Activity along a laneway**

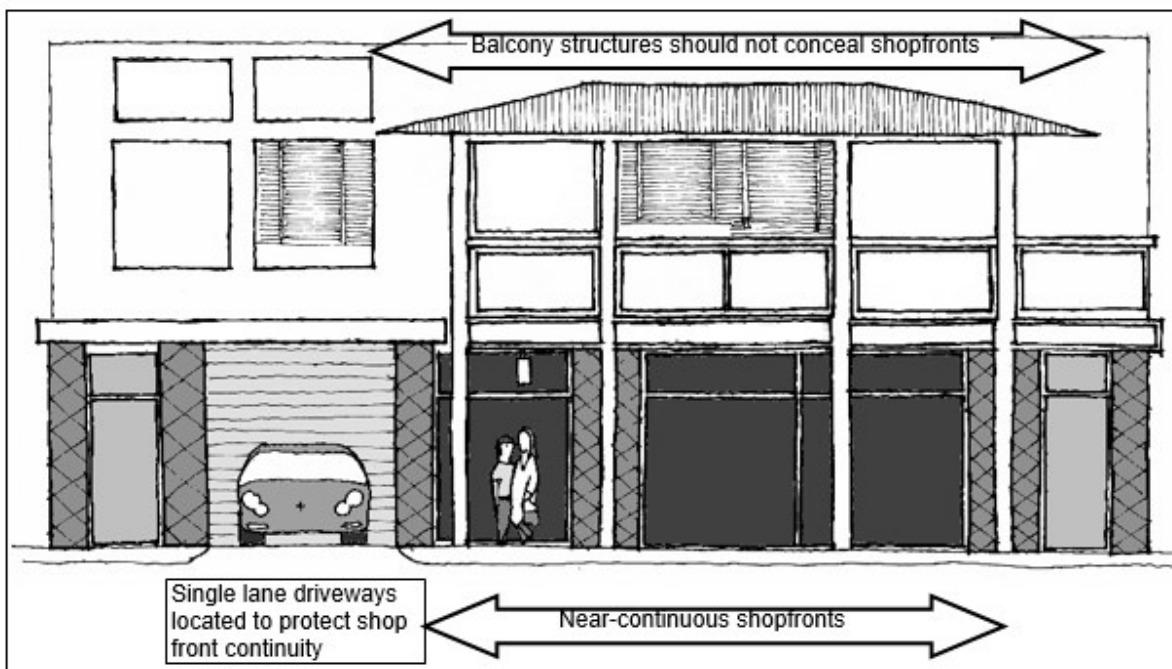


A shared zone for pedestrian activity + vehicle access

- I. Publicly-accessible areas that erode the level of on-street activity are not compatible with “main-street” design principles and are not permitted for example:
  - i. Indoor arcades or narrow dark alleyways that do not promote a high-amenity setting for outdoor pedestrian activity, or where shopfronts are concealed from the street restricting their commercial potential;
  - ii. Wide courtyards and piazzas, particularly at street-corner locations, that interrupt the continuity of existing shop-fronts along any street and disperse pedestrian activity away from existing footpaths.
- m. For properties that are defined as flood-prone, pedestrian access to shopfronts should be provided via arcades that are open to the street frontage:
  - i. Facing streets, access may be either via open “arcades” that are set into the street façade and elevated above the flood level, or direct from street level to each shop and building entrance via individual stairs and ramps;
  - ii. Facing laneways, alleyways or courtyards, access may be via terraces that are open to the sky, either elevated above the flood level, or at street level with individual access to each shop and building entrance;
  - iii. All transitions from streets or laneways up to elevated indoor floors should incorporate barrier-free access that is suitable for people with impaired mobility, according to requirements of the Federal Disability Discrimination Act plus the relevant Australian Standard;
  - iv. Where elevated terraces or arcades are used, their finished level should be consistent with any existing structures upon neighbouring properties, and the location of stairs or ramps should provide direct access

- to all shop or business tenancies;
- v. Vehicle entrances and ramps should be integrated with the level and alignment of forecourts, terraces or arcades to maximise pedestrian safety;
  - vi. Service and vehicle entrances should be integrated with the design quality and the commercial presentation of street-level facades.
- n. Vehicle entrances should not disrupt the general continuity of shop-fronts or the commercial significance of corner locations, and should be at least 20 metres from a street corner or another entrance.
  - o. Vehicle entrances should address road and pedestrian safety, particularly along footpaths and near crossings.
  - p. The width of openings should be minimised, with driveways preferably limited to one-way passages not wider than 3.5 metres, supported where necessary by directional warning lights that are visible from cars approaching along the street, plus queuing space to enable vehicles to pass safely.
  - q. Security shutters should be set at least 6 metres from a street or laneway frontage, and shutters, doors, plus wall and ceiling finishes within that setback should match the design standard of shopfronts and street facades.
  - r. Between any garage shutter and the street or laneway frontage, pipework and service ducts should be concealed behind walls and above ceilings.

**Figure 4.2.25: Configuration + design of lower storey street facades**



#### 4.2.6.5 Building Entries

##### Objectives

- Ensure that building entries contribute positively to the streetscape and building façade design.
- To create building entrances that are a clear and identifiable element of the building in the street and are accessible to all.

##### Controls

- a. Upper levels of buildings shall address the street either:
  - i. With main entrances to lift lobbies directly accessible and visible from streets or active laneways, or
  - ii. Where site configuration is conducive to a side entry, with a path to the building entry that is readily visible from the street.
- b. Building entries should be articulated with awnings, porticos, recesses, bladewalls or projecting bays for clear identification.

- c. In mixed use buildings, entries to residential apartments are to be separated from commercial entries to provide security and identifiable address for different users.
- d. Entries to upper level uses shall not dominate ground floor shopfronts. These entries shall not occupy more than 20% of any main street frontage.
- e. Lockable mail boxes must be provided close to the street, integrated with building areas or front fences at 90 degrees to the street and to Australia Post standards.
- f. Fire egress should not be to the primary frontage. If this is unavoidable due to single frontage sites the fire egress must be integrated as part of the lobby entrance or shopfront design.

#### 4.2.6.6 Awnings

##### Objectives

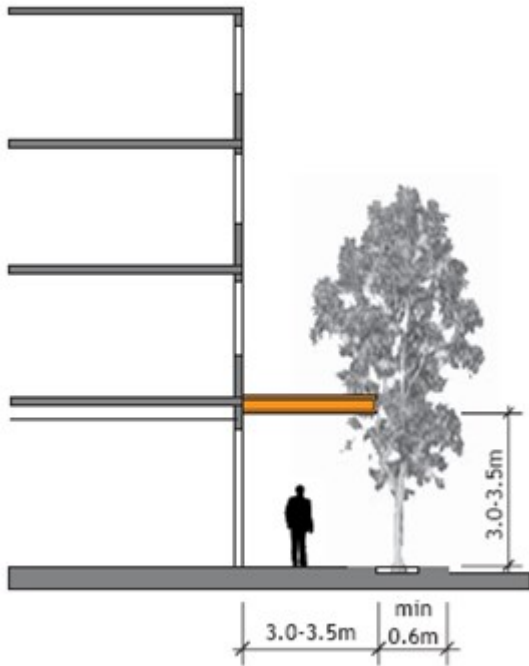
- To improve pedestrian amenity by providing sun and rain protection by the provision of continuous awnings or colonnades.
- Ensure that awnings are in keeping with the desired streetscape character and with the development in scale and design.

##### Controls

- a. Awnings are required along all "active " street frontages (see Figures 4.2.20 - 4.2.22).
- b. Awning heights are to be between 3m and 3.5m except where integration with an adjoining properties awning requires variation in this case awning height must not be greater than 4.2m.
- c. Awnings and posts (where applicable) are to be setback a minimum of 600mm from the face of the kerb.
- d. Awnings should maximise protection from summer sunlight and should be of opaque materials rather than glazed in order to minimise the need for intensive maintenance.
- e. Awnings and balconies (where permitted above footpaths) should have vertical fascias that are at least 0.3m deep in order to support a continuous band of business signs.
- f. In Ettalong awnings should promote the heritage theme and provide character to the streetscape:
  - i. Awnings are to be enhanced with posts, either structural or non-structural which reflect the heritage character of the streetscape and can be constructed with or without brick support piers with sandstone capping and associated heritage trim.
  - ii. Awnings are to be either
    - Bull nose
    - Skillion
    - Over vertical or under vertical
    - Overhead gable
  - iii. Where posts are structural supports, the awning is to be designed so that if anyone of the posts was damaged, removed or knocked out, the structure would still be supported by the remaining posts.

#### Figure 4.2.26 - Awning Height





Source: Residential Flat Design Code, Planning NSW 2002

#### 4.2.6.7 Materials and Finishes

##### Objectives

- Buildings that are consistent with the palette of materials and finishes within the area to achieve a coherent streetscape.
- Use of materials and finishes that contribute to the articulation of overall façade design.

##### Controls

- Large expanses of any single material to the building facades must be avoided.
- External walls should be constructed of high quality and durable materials and finishes with "self-cleaning" attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.
- Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal environment or finishes that result in unacceptable amenity impacts, such as reflective glass, mirror or curtain wall glazing are not permitted.
- Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.
- In Ettalong the colours of new buildings and renovated structures are to be comprised of heritage colours. This will ensure the heritage theme remains consistent throughout the centre. An example of heritage colours is the Heritage and Traditional Colours range by Pascol Paints Australia Pty Ltd. Window frames are to be light tones which must relate to the main wall colour.

#### 4.2.7 Internal and External Amenity

##### 4.2.7.1 Internal Ceiling Heights & Room Dimensions

##### Objectives

- Floor to ceiling dimensions should promote effective daylighting and ventilation for all habitable rooms.
- Promote internal ceiling height that contributes to flexibility and adaptability of use at ground level and/or first level.
- To ensure developments have apartments with well proportioned and functional interior spaces.

##### Controls

- All mixed use developments must comply with the following minimum ceiling heights, measured from finished floor level (FFL) to finished ceiling level (FCL):

- i. 3.3m for ground and first floor retail or commercial in mixed use buildings to promote flexibility of use;
  - ii. 2.7m for all habitable rooms;
  - iii. 2.4m for all non habitable rooms.
- b. One and Two bedroom apartments shall have a minimum plan dimension of 3m (excluding wardrobe space) in all bedrooms.
  - c. Apartments with three or more bedrooms shall have at least two bedrooms with a minimum plan dimension of 3m (excluding wardrobe space).

#### 4.2.7.2 Internal Common Circulation

##### Objectives

- Ensure that buildings are efficient and provide accessible, safe and pleasant circulation spaces for occupants and users.
- Common lobbies and hallways should define residential territory and be wide enough to accommodate the passage of people and furniture.

##### Controls

- a. The design of internal common circulation space must comply with the provisions of AS1428.1 to provide adequate pedestrian mobility and access.
- b. All common circulation areas including foyers, lift lobbies and stairways must have:
  - i. appropriate levels of lighting with a preference for natural light where possible;
  - ii. corridor lengths that give short clear sightlines;
  - iii. no tight corners;
  - iv. legible signage noting apartment numbers, common areas and general direction finding;
  - v. adequate passive ventilation with no mechanical air conditioning; and
  - vi. low maintenance, robust materials.
- c. Each stair lift or lobby should not service more than eight apartments per floor.
- d. The width of lobbies and hallways should be increased beside lifts or stair landings, and opposite the entry to each apartment to facilitate removal of furniture and the two way passage of residents.
- e. Common hallways should not be less than 1.5m wide and at least 1.8m at lift lobbies.
- f. Buildings are to be designed to avoid blind or dark alcoves near lifts and stairwells, at the entrances, within indoor carparks and along corridors and walkways.
- g. Any developments with commercial use above ground floor must provide for separate access points via lift or stairs to the commercial and residential areas.

#### 4.2.7.3 Solar Access

##### Objectives

- To ensure that daylight access is provided to all habitable rooms.
- To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.
- To ensure that buildings minimise the negative impact of overshadowing on internal and private external areas of neighbouring buildings.

##### Controls

- a. At least 70% of apartments shall receive a minimum of 3 hours direct sunlight upon at least 50% of the surface to living room windows or adjacent balconies between the hours 9am and 3pm on June 21.
- b. At least 50% of the principal open space area shall receive at least three hours direct sunlight between 9am and 3pm on June 21.
- c. For existing neighbours at least 3 hours of sunlight to the living rooms and the principal area of private open space shall be retained between 9am and 3pm on June 21. Where existing sunlight is less than this, siting

and form of the proposed development should ensure that the existing amount of sunlight is not reduced.

- d. No more than 10% of single aspect apartments are to have a southerly aspect. Developments which seek to vary this standard must demonstrate how site constraints and orientation prohibit the achievement of these controls.

#### 4.2.7.4 Ventilation

##### Objectives

- To ensure that new developments provide high standards of residential amenity by ensuring all apartments provide all habitable rooms with direct access to fresh air.
- To provide natural ventilation to non-habitable rooms where possible.
- To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.
- To provide workplaces with opportunities for natural ventilation.

##### Controls

- a. At least 60% of proposed dwellings must have natural cross ventilation.
- b. At least 25% of all kitchens are to be naturally ventilated. All kitchens in a residential building shall not be located more than 8m from an external wall.
- c. All habitable rooms are to have operable windows or doors to the outside which open to at least 45% of the window or door area.
- d. Use the building layout and section to increase the potential for natural ventilation. Possible solutions include:
  - i. Facilitating cross ventilation by designing narrow building depths and providing dual aspect apartments (cross-through and corner apartments);
  - ii. Facilitating convective currents by designing units which draw cool air in at lower levels and allow warm air to escape at higher levels (e.g. Maisonette and two-storey apartments);
  - iii. Dwellings should be planned with windows in two external walls to facilitate cross-ventilation, for example “corner” apartments and “through-floor” apartments;
  - iv. Minimising interruptions in air flow through the apartment. The more corners or rooms airflow must negotiate, the less effective the natural ventilation;
  - v. Grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together. This allows the apartment to be compartmentalised for efficient summer cooling or winter heating.

**Figure 4.2.27: Floor plans + section (at bottom left) showing well-ventilated dwelling types**



- e. Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout. Design solutions include:
  - i. Locating small windows on the windward side (facing the prevailing winds) and larger windows in the leeward side (away from the prevailing winds) of the building thereby utilising air pressure to draw air through the apartment;
  - ii. Using higher level casement or sash windows, clerestory windows or operable fanlight windows including above internal doors -to facilitate convective currents. This is particularly important in apartments with only one aspect;
  - iii. Select windows which the occupants can reconfigure to funnel breezes into the apartment, such as vertical louvered, casement windows and externally opening doors.
- f. In development for office or business uses at least 90% of all workspaces must be within 8m and direct line of sight of a perimeter window.
- g. Provide operable windows for 90% of the workspaces.

#### 4.2.7.5 Visual Privacy

##### Objectives

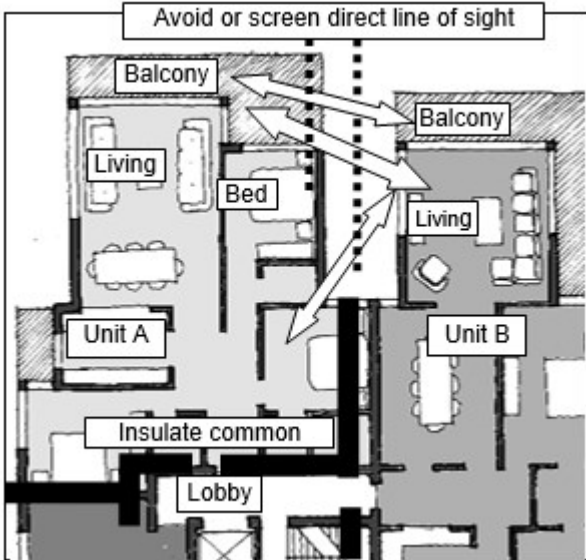
- To provide reasonable levels of visual privacy externally and internally during the day and night without compromising views and passive surveillance.

##### Controls

- a. All development must comply with the Building Separation Controls in this chapter to ensure adequate visual privacy for building occupants.
- b. Neighbouring buildings and/or dwellings should have an appropriate orientation and an adequate separation in order to prevent unreasonable direct views into any dwelling.
- c. Buildings must be designed to provide privacy without compromising access to light and air. This can be achieved through design features:
  - i. Off-setting windows of apartments in new development and windows in adjacent development;
  - ii. Recessing balconies and/or vertical fins between adjacent balconies;
  - iii. Using solid or semi-transparent balconies;
  - iv. Using louvers or screen panels to windows and/or balconies;

- v. Providing vegetation as a screen between spaces;
  - vi. Incorporating planter boxes into walls or balustrades to increase visual separation between areas;
  - vii. Utilising pergolas or shading devices to limit overlooking of lower apartments or common and private open space.
- d. Transparent balustrades are to be avoided.

**Figure 4.2.28: Privacy considerations for neighbouring dwellings**



**4.2.7.6 Acoustic Privacy**

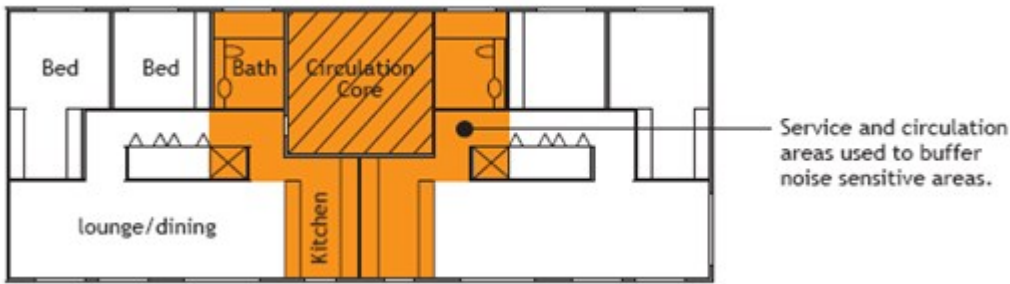
**Objectives**

- To ensure that new development provides high standards of residential amenity by ensuring acoustic privacy for all occupants of the development.
- To ensure that residential apartments adjoining main roads, and other noise generating areas are designed and constructed to minimise the impact of external noise.

**Controls**

- a. All developments must comply with the Building Separation controls in this chapter to ensure adequate acoustic privacy for building occupants.
- b. All developments are to meet or exceed the sound insulation provisions and standards of the BCA.
- c. Buildings shall be designed to minimise the impact of traffic or railway noise with careful planning, design construction and materials in accordance with the relevant Australian Standard.
- d. Dwellings should be designed to minimise noise transition by, but not limited to:
  - i. Grouping uses according to the noise level generated;
  - ii. Using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical equipment or corridors and lobby areas, minimising the amount of shared walls with other apartments;
  - iii. Using service areas/corridors to buffer noise sensitive areas such as bedrooms from noise generators including traffic, railway line, service and loading vehicle entries;
  - iv. Incorporating appropriate noise shielding or attenuation techniques into the design and construction of the building.
- e. Mechanical plant should be located away from habitable rooms unless acoustically-insulated according to the applicable standards.
- f. Premises operating after hours (such as cafes, restaurants, entertainment facilities and the like) are to be designed to minimise the impacts of noise, associated with late night operation on nearby residents.

**Figure 4.2.29 - Group Service and Circulation Areas for Acoustic Privacy**



Source: Residential Flat Design Code, Planning NSW 2002

#### 4.2.7.7 Private Open Space

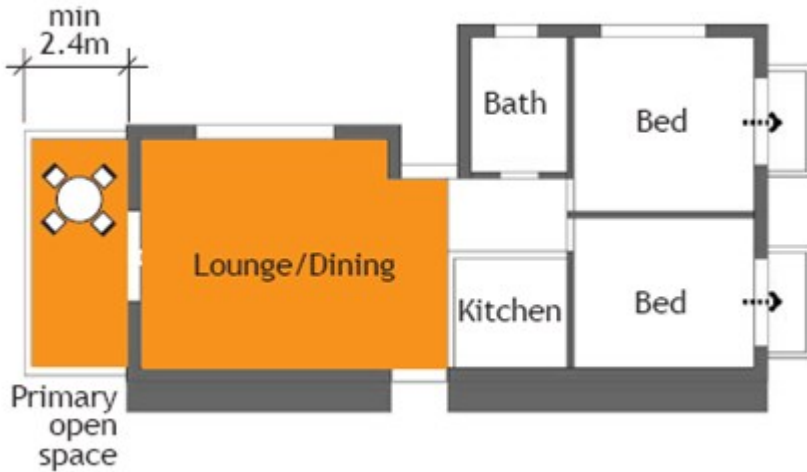
##### Objectives

- Ensure that private open space is functional, responsive to the environment promoting the enjoyment of outdoor living for apartment residents.
- Ensure that private open space (balconies, decks, terraces) are integrated into the overall design of development.
- Balcony design should allow views and casual surveillance of the street while providing for safety and visual privacy.

##### Controls

- a. For each dwelling with a private entrance at ground level, provide open space as landscaped garden courtyards or terraces:
  - i. At least 50m<sup>2</sup> including one area which may include a verandah or terrace that sits above a basement carpark;
  - ii. Measuring at least 5m x 5m to accommodate a variety of activities as well as landscaping that includes at least shrubs and at least one tree;
  - iii. The minimum dimension for any private courtyard is 3.5m.
- b. Private open space (outdoor) for ground and podium level apartments should be differentiated from common areas by:
  - i. a change in level and/or;
  - ii. screen planting, such as hedges and low shrubs; and/or
  - iii. up to 1.2m solid wall with at least 30% transparent component above and gate to common open space.
- c. For all units not at ground/podium level private open space should be provided as terraces or balconies with a minimum area of:
  - i. 8m<sup>2</sup> for each one bedroom unit (as a single space);
  - ii. 12m<sup>2</sup> for each two bedroom unit (as one or more spaces);
  - iii. 16m<sup>2</sup> for each unit with three or more bedrooms (as one or more spaces);
  - iv. including one area measuring at least 2.5m x 2.5m which can comfortably accommodate an outdoor table setting or seating.
- d. The primary open space should be directly accessible from the main living area.
- e. Balcony or terrace design shall incorporate building elements such as pergolas, sun screens, shutters, operable walls and the like to respond to the street context, building orientation and residential amenity.

**Figure 4.2.30 - Primary Open Space adjacent to Primary Living Area - Source: Residential Flat Design Code, Planning NSW 2002**



#### 4.2.7.8 Common Open Space

##### Objectives

- Ensure that common open space is usable, attractive and an appropriate size and proportion and not overshadowed by adjoining buildings.
- To provide common open space that is easily accessible for all residents and visitors.
- To provide residents with passive and active recreational opportunities.
- To provide an area on site that enables soft landscaping and deep soil planting.

##### Controls

- a. Provide common open space for developments with more than 10 dwellings.
- b. Common open space may be provided in one or more parcels, provided that spaces designed specifically for recreation cover at least 50m<sup>2</sup> and have a minimum dimension of 5m.
- c. Communal areas that are landscaped with shrubs and trees should have a minimum width of 1m.
- d. Common open space areas may be provided on a podium or roof in mixed use buildings.
- e. Common open space may be located so as to provide a landscaped buffer between town centre development and surrounding residential development.
- f. Facilitate the use of communal open space for the desired range of activities by:
  - i. Designing size and dimensions to allow for the proposed uses.
  - ii. Minimising overshadowing;
  - iii. Carefully locating ventilation duct outlets from basement carparks;
  - iv. Design dwellings to over look and provide informal surveillance of communal open spaces;
  - v. Consider possible amenity impacts to surrounding residents e.g. acoustic and privacy impacts and design and locate any common open space accordingly.
- g. Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.

#### 4.2.7.9 Storage

##### Objectives

- Ensure apartments provide adequate and accessible storage for everyday household items.
- To provide storage for sporting, leisure, fitness & hobby equipment.

##### Controls

- a. In addition to kitchen and bathroom cupboards and bedroom wardrobes storage space shall be provided for each residential apartment at the following minimum volumes:

- i. 6m<sup>3</sup> for a studio;
  - ii. 8m<sup>3</sup> for one bedroom units;
  - iii. 10m<sup>3</sup> for two bedroom units; and
  - iv. 12m<sup>3</sup> for units with three or more bedrooms,
- with at least 50% of the storage space for each dwelling provided within the unit.

#### 4.2.7.10 External Clothes Drying Facilities

##### Objectives

- Provide apartments that maximise the opportunities for sun and wind drying of clothes.
- Ensure that clothes drying areas do not detract from the visual appearance of the building.

##### Controls

- a. Each dwelling should be provided with outdoor space for clothes drying.
- b. External clothes drying areas must be permanently screened from public and communal space areas.

#### 4.2.7.11 Safety and Security

##### Objectives

- To ensure that developments are safe and secure for residents and visitors.
- Reduce the opportunities for crime through environmental design.
- To contribute to the safety of the public domain.
- Encourage a sense of ownership over public and communal open spaces.

##### Controls

- a. All developments must address "Safer by Design" principles to the design of the public and private domain.
- b. Ensure that the building design allows for passive surveillance of public and communal spaces, accessways, entries and driveways.
- c. Site planning should distinguish a range of "territory", from areas with full public access such as alleyways and forecourts, to semi-public areas such as apartment lobbies and corridors.
- d. Lines of sight should be provided from each dwelling to publicly-accessible streets and laneways below as a "passive security" measure that enhances the level of personal safety in public areas.
- e. Floorplans should limit the opportunities for concealment of intruders in semi-public areas, with courtyards, lobbies, corridors and parking areas that avoid recesses or blind corners, and cupboards or service rooms that are lockable.
- f. Publicly-accessible areas should have at least two travel paths to facilitate escape.
- g. "Passive" security planning should be supported by "hard" security measures such as lockable car-park shutters and entrance doors to common lobbies.
- h. For large scale retail and commercial development with a construction value of \$7 million or over, provide a "Safer by Design" assessment in accordance with the CPTED principles from a qualified consultant.

#### 4.2.8 Heritage

##### Objectives

- Ensure that development conserves and enhances the heritage values of the Town Centre and the significance of heritage items that contribute to the fabric and value of the Town Centre.
- To encourage the restoration of heritage items and mitigation of adverse impacts from new development on their setting.
- To encourage the viable adaptive reuse of heritage items and their integration into the physical, cultural and economic life of the Town Centre.

##### Controls

- a. Heritage items are identified on the Heritage Maps in Gosford LEP 2014, development should be in accordance



with Clause 5.10 of the Gosford LEP 2014.

- b. Any development application which affects a heritage item including development in the vicinity of a heritage item is to be accompanied by a Heritage Impact Statement. The Heritage Impact Statement is to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the significant item or place.
- c. New work to or in the vicinity of a heritage item should be sympathetic in form, siting, proportions, bulk and scale and must not detract from the appreciation of the item and its surrounds. However new work should be identifiable as such. It should be noted that to achieve the above numerical controls may need to be varied and as such maximums may not be achievable.
- d. An application for development on or in the vicinity of a heritage item must demonstrate that the construction process will not result in structural damage to the item or place.
- e. Heritage Items are to be retained and conserved and the significance of the place is to remain interpretable. Significant external fabric, building features and spaces are to be retained. The interior fabric, where possible, should be retained.
- f. the redevelopment of sites that include heritage items is to provide for conservation works to the heritage item as part of the redevelopment and ensure its conservation.
- g. Additions should retain the streetscape prominence of the heritage items. The additions should appear as distinct and secondary to the existing building, using appropriate setbacks.
- h. Development involving adaptive reuse of a heritage item may require the preparation of a conservation management plan (CMP) or conservation management strategy (CMS) to guide change in a sympathetic manner. An applicant should consult with Council prior to the submission of a development application to establish whether a CMP or CMS is required.

#### Development in the Vicinity of a Heritage Item

- a. The term "in the vicinity" not only means immediately adjoining the site, but depending on the site context, can be extended to include other sites with a high visual presentation due to landform, size or location of the Heritage Item.
- b. Significant views to and from the heritage item are to be retained and enhanced with new development respecting the item and its setting.
- c. New development should not detract from the ability to appreciate the significance of the heritage item.
- d. Development in the vicinity of a heritage item is to be sympathetic to the item having regard to:
  - i. Form of the building height, roofline, setbacks and alignment;
  - ii. Proportions including openings, bays, floor to ceiling heights and coursing levels;
  - iii. Materials and colours;
  - iv. Siting and orientation;
  - v. Setting and context.

### 4.2.9 Housing Choice and Mix

#### Objectives

- Ensure that residential development allows or can be adapted to allow people to stay in their home as their needs change due to aging or disability.

#### Controls

- a. No more than one third of the dwellings in any development should be the same type.
- b. Dwelling types are defined by the following factors:
  - i. The number of bedrooms in each dwelling;
  - ii. The location of dwellings at ground level or above ground;
  - iii. Whether lift access is provided for above-ground dwellings;

- iv. The number of levels or storeys within each dwelling;
- v. The size and design of private open spaces that are provided for each dwelling:
  - Ground level garden terraces or above ground balconies
  - Single or multiple open spaces for each dwelling
  - Size and landscaping of open spaces: predominantly paved or planted.
- c. In developments with more than ten dwellings: at least 10% must be "accessible" designed to accommodate residents with impaired mobility according to AS 1428.
- d. In developments with more than three dwellings: one third should be adaptable and must satisfy Class C specifications in AS4299.
- e. Both Accessible and Adaptable dwellings require "barrier free" access as defined by AS 1428 and AS 4299:
  - i. New developments should provide at least one "barrier-free" access path between the street and entrances to a proportion of ground floor dwellings,
  - ii. "Barrier-free" access should be provided throughout all of the common areas in a development, including major pedestrian pathways, building lobbies, internal hallways or balconies that provide access to individual dwellings, plus garbage stores and parking areas.

## 4.2.10 Advertising and Signage

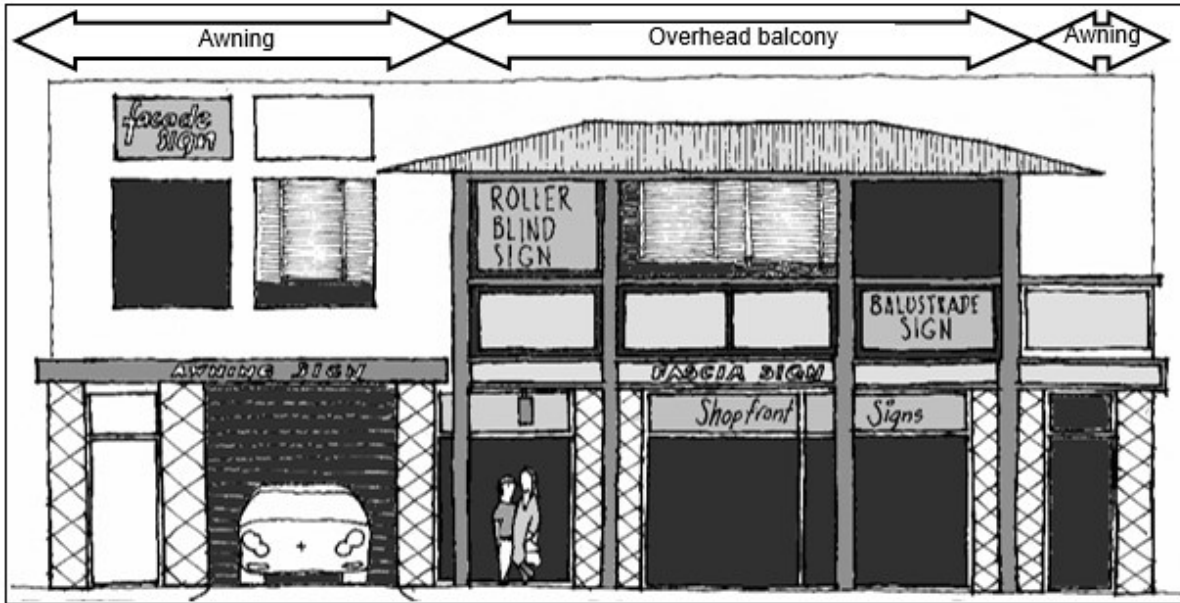
### Objectives

- Ensure that signage and advertising enhances the visual quality of the streetscape.
- Ensure that signage and advertising are integrated with the building design by responding to scale, proportions and architectural detailing.
- Ensure that signage and advertising communicates effectively and contributes to the character of the public domain.

### Controls

- a. Commercial signage should be co-ordinated and limited in size and number to promote the identity of each centre rather than emphasising corporate sponsorship.
- b. Business signs for ground floor tenancies should be limited in number and location:
  - i. Above roof or above-awning signs are not permitted,
  - ii. Awning fascia signs should be limited to one per tenancy not taller than 0.3 metres,
  - iii. Under-awning signs should be limited to one per tenancy, a maximum of 2 metres wide and 0.6 metres high, either painted murals or internally illuminated,
  - iv. Shopfront signs should be limited to the upper panel of the shopfront window, and either painted onto the glass, a mural or collage, or internally illuminated,
  - v. Generally, signs should not be applied to the lower panel of any shop-front window, with the exception of illuminated signs that are located inside the glass-line.
- c. Business signs for above-ground tenancies should be integrated with the architectural forms or features of each building, and should be limited in number:
  - i. Above-awning signs and signs projecting from the face of buildings should not be permitted.
  - ii. Wall or window signs should not exceed more than two per tenancy, each not more than 2 metres high by 1 metre wide, and either fitted within window openings or in locations that are compatible with the shape of the façade or with the pattern of window openings.
  - iii. Awning fascia signs should be limited to one sign per tenancy not taller than 0.3 meters.
  - iv. Under-awning signs should be limited to one per tenancy, a maximum of 2 metres wide and 0.6 metres high, either painted murals or internally illuminated.
- d. Within Ettalong Beach Village Centre external signage is to be in heritage colours. An example of heritage colours is the Heritage and Traditional Colours range by Pascol Paints Australia Pty Ltd.

**Figure 4.2.31: Street facade with awnings, balconies + integrated signs**



### 4.2.11 Vehicle Access & Car Parking

#### Objectives

- Ensure that vehicle and service entrances are designed to facilitate active street frontages, pedestrian amenity and safety.
- Provide adequate and accessible service areas and loading facilities.
- Provide adequate carparking for the buildings users and visitors.
- Ensure that the location and design of carparking is integrated with the design of the site and building design.

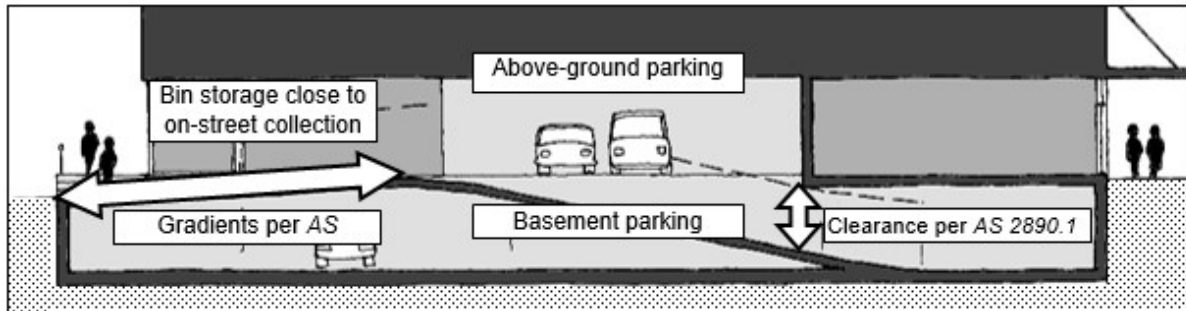
#### Controls

##### Car Parking

- Parking should be provided at the rates set out by the carparking chapter of this DCP.
- On site parking should provide at least one space per dwelling, plus one space per retail or business tenancy.
- The balance of spaces required by the Carparking Chapter of this DCP may be accommodated in Council's public facility, subject to a monetary contribution set by Council's adopted Contributions Plan.
- Parking areas, driveways and ramps must be designed according to the applicable Australian Standard AS 2890.1:
  - Ramps must not be steeper than 1:20 within 6 metres of a street or laneway boundary to protect pedestrian safety,
  - Ramps must not exceed specified maximum gradients and must incorporate transitional gradients to prevent vehicle damage,
  - Minimum headroom requirements must be satisfied along all ramps, driveways and bays,
  - Preferred ramp widths should conform with the requirements of the Active Street and Laneway Frontages section of this Chapter.
- Conceal off street parking behind shops or apartments.
- Provide unobtrusive vehicle entrances from laneways or secondary streets to minimise the disruption of shopfronts and pedestrian activity.
- Basement car parking shall not project above finished ground level along primary or active laneway frontages.
- On primary or active laneway frontages multi storey car parks must contain retail, commercial or other active uses.
- Grilles or other appropriate screening devices are required to the upper floors of multi-storey car park fronting the street, active laneway or adjoining residential to minimise visual and amenity impacts.

- j. In flood prone areas in Woy Woy, parking shall have a ramp threshold of RL 1.95 metres and parking areas shall be waterproofed and provided with arrangements protecting flood to the threshold level.

**Figure 4.2.32: Cross-section illustrating vehicle + service access**



Indicative property between a Main Street + Laneway

### Deliveries

- a. Developments that contain dwellings should provide for short-term parking of furniture removalists vehicles:
  - i. Where on-street loading-zones are located in proximity to the site and with direct access to the proposed residential lobby: no off-street provision is required,
  - ii. For sites facing main streets that have rear-lane access only: on-site space should be provided for a small delivery vehicle in a location that does not obstruct access to parking areas
- b. Developments that accommodate non-residential floorspace should provide delivery areas in proportion to the scale and intensity of retail and business uses:
  - iii. Where the area of each defined retail or business tenancy does not exceed 100m<sup>2</sup>: Deliveries may be made “across-the-kerb” from designated loading zones,
  - iv. For sites facing the any proposed pedestrian mall deliveries may be permitted via the pedestrian mall within restricted hours that are defined by Council,
  - v. Where the area of any retail or business tenancy exceeds 100m<sup>2</sup> one dedicated delivery space should be provided on-site, located and designed according to the Carparking section of this DCP.

## 4.2.12 Environmental Planning & Natural Hazards

### 4.2.12.1 Energy Efficiency

#### Objectives

- To reduce the necessity for mechanical heating and cooling.
- To minimise greenhouse gas emissions.
- To use natural climatic advantages of the coastal location such as cooling summer breezes, and exposure to unobstructed winter sun.

#### Controls

- a. New dwellings should be planned, designed and constructed according to provisions of State Environmental Planning Policy - Building Sustainability Index (BASIX):
  - i. Applications should include a completed energy performance statement,
  - ii. Site planning, interior layout and design of facades should incorporate an effective range of passive solar principles,
  - iii. All windows facing east, north or west should be protected by eaves, structural overhangs, or exterior sunshades,
  - iv. At least two thirds of all dwellings within each development should have a northerly orientation for living room windows.
- b. Construction Certificate applications should include additional information:

- i. Insulation should be incorporated within all framed exterior walls and roofs in accordance with the applicable Australian Standard,
  - ii. Water heaters that achieve at least a four star greenhouse rating should be installed.
- c. For all non-residential development:
- i. Improve the control of mechanical space heating and cooling by designing heating/cooling systems to target only those spaces which require heating or cooling, not the whole building.
  - ii. Improve the efficiency of hot water systems by:
    - Insulating hot water systems;
    - Grouping wet areas together to reduce heat loss from lengthy pipework;
    - Insulate all pipework;
    - Installing water saving devices, such as flow regulators, 3 star rates shower heads, dual flush toilets and tap aerators.
  - iii. Reduce reliance on artificial lighting and designing lighting systems to target only those spaces which require lighting at any particular "off peak" time, not the whole building.
  - iv. Daylight sensor control, movement detectors and automated dimmers and timers of electrical lighting are to be used in common areas such as entries, corridors, carparks and communal open space areas.

#### **For Commercial Development Over \$5 Million**

Provide an Energy Efficiency Report from a suitably qualified consultant to accompany any development application for new commercial office development with a construction cost of \$5 million or more that demonstrates a commitment to achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme.

From 1st November 2006 all non-residential development Classes 5 to 9 will need to comply with the Building Code of Australia energy efficiency provisions.

#### **4.2.12.2 Floodprone Properties and Stormwater Management**

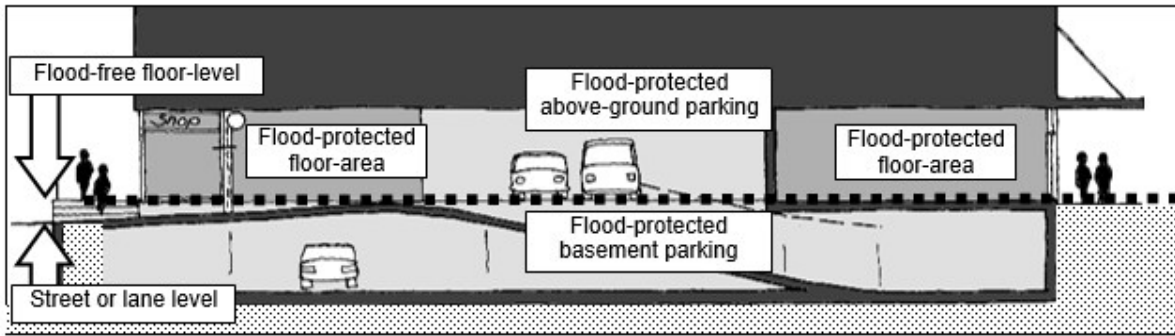
##### **Objectives**

- Address the requirements of State planning instruments together with Council's controls and policies with regard to safety, conservation of natural resources plus the control and minimisation of waste.
- In areas that are subject to recognised environmental hazards, prevent development that is not planned or constructed appropriately.
- Prevent the discharge of contaminated stormwater from each property.

##### **Controls**

- a. On properties that are defined as flood prone, development must be planned and constructed according to the State Government's "Floodplain Development Manual" plus the Water Cycle Management chapter of this DCP.
  - i. Council's Section 149 Certificates indicate properties that have been identified as floodprone.
  - ii. For floodprone properties within the Woy Woy town centre, Council has defined 1% AEP flood level.
  - iii. On floodprone properties, new building works must be designed to protect structures, people and personal possessions from flood hazard and damage.
  - iv. New building works and basements must not increase the level or the severity of flood impacts for any other property that is located within the surrounding drainage catchment.
- b. Building works on floodprone properties must be designed to prevent the entry of floodwaters:
  - i. The lowest occupied floor must be elevated 0.5 metres above the 1% AEP flood level that has been defined by Council.
  - ii. Parking areas must incorporate ramps that rise from the level of the street or laneway frontage to prevent the entry of flood-waters.

**Figure 4.2.33: Cross-section illustrating flood protection measures**



Indicative property between Main Street + Lane

- c. Carparking and delivery areas should be fitted with interceptor traps to collect petroleum and metal wastes deposited by vehicles onto driveways and floors to prevent the discharge of contaminated water from a site.
- d. Stormwater collected during peak storm events should be detained on-site:
  - i. Detention systems should be provided to protect the trunk drainage network from overloading,
  - ii. Development applications should provide preliminary details of proposed detention systems, including their capacity to accommodate peak storm events, dimensions and location to facilitate gravity discharge to the trunk network,
  - iii. Final details of the detention system, including maintenance requirements, should be provided with Construction Certificate applications.

#### 4.2.12.3 Water Conservation

##### Objectives

- Promote the efficient use of natural resources

##### Controls

- a. The collection of stormwater for re-use on site is encouraged for new developments:
  - Re-use may include irrigation of planted areas, carwashing within dedicated basement areas, or toilet flushing,
  - Storage systems should be fitted with first-flush interceptors, sediment traps and outlet filters, and non-potable waters should be distributed via pipes that are separated from the potable system,
  - Details of storage systems, including technical operation and maintenance, should be provided with Construction Certificate applications.

#### 4.2.12.4 Waste and Recycling

##### Objectives

- To ensure that required services do not detract from the desired streetscape character of public areas and street facades.
- To ensure efficient storage and collection of waste and quality design of waste storage facilities.

##### Controls

- a. Garbage and recycling storage should be provided in accordance with the Waste Management Chapter of this DCP together with the urban design and amenity provisions of this Chapter:
  - i. Storage areas should accommodate the number of bins specified by the Waste Management Chapter.
  - ii. Storage areas should be located according to the urban design and amenity provisions that are listed in the Active Street and Laneway Frontages section of this Chapter, close to a street or laneway frontage in order to facilitate collection by Council's contractors
- b. Unloading of bins should not require Council's contractors to enter a private property:
  - i. Properties with rear lane access should provide a level area within each property immediately adjacent to the lane and suitable for the short-term storage of bins prior to collection,

- ii. For properties without rear lane access, development applications must include a management plan that confirms the responsibility of the proposed building's owners and/or managers for movement of bins to a kerbside collection position plus their removal to an indoor storage area immediately after collection by Council's contractor.

#### 4.2.12.5 Wind Mitigation

##### Objectives

- To ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.
- To ensure that moderate breezes are able to penetrate the centres streets.

##### Controls

- a. To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings:
  - i. 10 metres/second in retail streets,
  - ii. 13 metres/second along major pedestrian streets, parks and public places, and
  - iii. 16 metres/second in all other streets.
- b. Site design for taller buildings should:
  - i. set components above two storeys back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts,
  - ii. ensure that tower buildings are well spaced from each other to allow breezes to penetrate the centres,
  - iii. consider the shape location and height of buildings to satisfy wind criteria for public safety and comfort at ground level,
  - iv. Ensure usability of open terraces and balconies.
- c. A Wind Effects Report is to be submitted with the DA for all buildings greater than 14m in height.

#### 4.2.13 Centre Improvements

##### Objectives

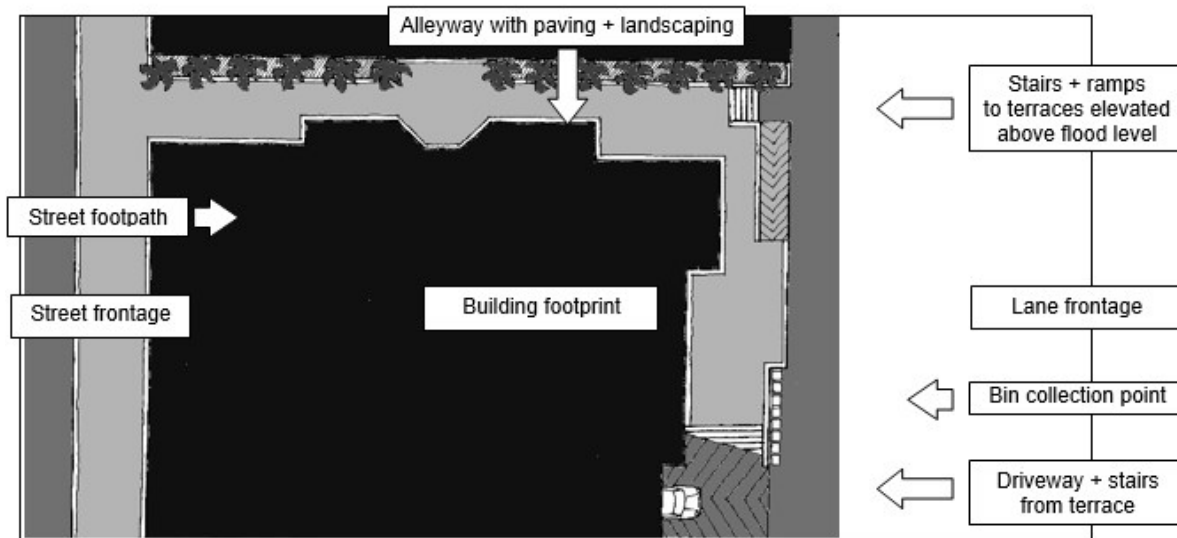
- Ensure that new development contributes to centre improvements that form part of Council's adopted Master Plan.

##### Controls

- a. Street footpaths should be reconstructed along the full frontage of each development site according to Council's adopted Master Plan for street improvements.
- b. Footpath construction should incorporate the materials, construction techniques and specifications that form part of the adopted improvements program:
  - i. Footpaths must be constructed of pavers laid over a structural base that incorporates service conduits, as specified by the adopted scope of works,
  - ii. Along each building frontage and street kerb, footpaths must be finished to specified levels with select unit pavers that are surrounded by header courses,
  - iii. Provision must be made for future installation by Council's contractor of street furniture and lighting in the locations designated by the Master Plan.
- c. Publicly-accessible areas within development sites should employ materials and specifications that are identical to the adopted improvements Master Plan:
  - i. Paved areas such as alleyways, courtyards and terraces should be surfaced with unit pavers and headers around all building facades and at any changes in level,
  - ii. Kerb crossings and vehicle entrances up to the face of any security shutter should be surfaced with contrasting interlocking pavers,
  - iii. Any changes in level or grade should be marked by tactile indicators.

- d. Lighting of publicly-accessible areas should meet Australian Standard and BCA requirements and the standard and design of light fittings should be compatible with the adopted improvements Master Plan.
- e. Canopy trees should be provided along alleyways, terraces facing laneways and in open courtyards:
  - i. Trees should be provided at the rate of at least one per 10 lineal metres,
  - ii. Species should be consistent with the adopted improvements Master Plan,
  - iii. Planter boxes should be sized, water-proofed, drained, filled and irrigated according to requirements of the species accommodated and to any applicable standards.
- f. Utilities and utility cabinets should be integrated with the design of publicly-accessible area:
  - i. Services should be located underground wherever possible,
  - ii. Above-ground cabinets should be located away from the principal pedestrian pathways and designed to minimise their visual impact.

**Figure 4.2.34: Site plan highlighting areas that should be landscaped**



Plan illustrates a typical property between Main Street + Lane

#### 4.2.14 Precinct Controls

##### ***Umina Village Centre Expansion Area - Structure Plan***

The Umina renewal area is different from the existing business zoned areas of the Umina Beach Village as it is not subject to the same level of improvements and therefore does not have the basic development structure of a centre. Further, public infrastructure such as pedestrian linkages, public meeting areas etc that should support the area are not in place.

The area then is a 'greenfield' site for mixed residential/business development and there is a need for an initial broad plan that guides the location and integration of the key elements that are necessary to support the creation of a successful extension to the Umina Beach Village Centre. A structure plan has been prepared for the renewal area and this will form part of the Development Control Plan for the Umina Beach Village Centre.

The structure plan is a broad based plan that integrates individual physical elements in both the public and private domain to create a framework for the development of the renewal area. The structure plan has been prepared to form the first level of plan making to guide the development of the renewal area.

Plan-making will move to a more detailed level as further planning investigations take place. Such plans integrate building design, traffic management, public domain improvements, improved sustainability outcomes and community planning. These investigations will, amongst other matters, confirm the locations of some of the physical elements in the renewal area, provide detail as to the uses of Council owned land and provide more specific development guidelines. These investigations will form part of an integrated planning study for the Umina Beach Village Centre.



It is important that the structure plan be flexible enough to accommodate changing circumstances associated with the further investigations referred to above. Such flexibility though is to be guided by the aims and objectives of the structure plan. The structure plan has been developed based on a number of aims.

### ***Aims of the Structure Plan***

The structure plan is provided as an attachment to this document and the following provides the following primary aims behind the creation of the plan.

- Creation of a Civic area
- Connection of Key Attractors
- Capitalising on Amenity Benefits
- Creating Opportunity for Innovative Development and Design

### ***Objectives of the Structure Plan***

With the above aims in mind the following objectives for the structure plan have been established;

- Promote efficient use of land by encouraging redevelopment of existing properties to achieve a mix of residential, business and community uses (mixed use precinct).
- Encourage property amalgamations that enable the maximisation of the development potential of the precinct but also result in the achievement of the public benefit objectives for the precinct.
- Encourage architectural treatments to buildings that enable integration of buildings with public spaces.
- Encourage neighbourhood longevity by catering for all ages through a mix of housing types.
- Provide a range of housing types to enable the creation of affordable housing options.
- Provide a safe public realm and ensure its useability and function for a wide cross section of the community.
- Promote the vitality, community life and social interaction of the precinct.
- Enhance the useability of public space, both visually and by improving movement (walk ability) in and around the precinct.
- Foster community 'ownership' and approval as part of the renewal process.
- Assist the efficiency and economic performance of the local business community.
- Improve relationship between public and private spaces to the benefit of the public and business community.
- Integrate and compliment other opportunities for investment.
- Maximise opportunities for ecological and environmental sustainability including rainwater recycling, energy efficiency, encourage cycling.
- Support the provision of affordable housing within the renewal area.

### ***Desired Outcomes from Structure Plan***

#### ***Aim - Creation of a Civic area***

##### ***Desired Outcome -***

The ribbon or strip development style of the centre has meant that the Umina Beach Village has lacked the public focal point that characterises many successful traditional commercial centres. The possibility of moving the existing Council Library to the public carpark located in the renewal area between Alfred and Bullion Streets offers the opportunity for the commencement of the creation of Civic focal point for the Umina Beach Village. The elements that could make up the development of a Civic area are the library along with community spaces and meeting rooms as well as a public open space area that forms a Civic square.

The key element of the Civic area will be the Civic square. This public open space area needs to be visible from streets and residential development to promote the feeling of safety, have high amenity to promote use through sunlight access and protection from unpleasant winds, have good connection to the attractors of people to the centre through pedestrian linkages and be subject to a high level of finishes to promote attraction.

#### ***Aim -Connection of Key Attractors***

**Desired Outcome -**

A number of possible or existing attractors of people are located on land adjoining the renewal area or within the renewal area. These attractors are the existing Bi-Lo supermarket at the north-western end of the centre, the possible Civic area on the existing Council carpark in the middle of the renewal area and the possible Woolworths supermarket at the eastern end of the renewal area.

These attractors will create pedestrian movements between and around them. It is important that safe and comfortable pedestrian links are available for pedestrians to access these attractors.

Roads that dissect the renewal area need to be lessened in their role as vehicle thoroughfares and increased in their pedestrian function. These roads should become shareways between vehicles and pedestrians.

**Aim -Capitalising on Amenity Benefits****Desired Outcome -**

The renewal areas northerly aspect and flat terrain provides the opportunity to capitalise on the benefits of natural sunlight as an important amenity component for a mixed use centre. Utilisation of the northerly aspect by private development and protection of sunlight access for public areas and for private development is necessary to ensure that the area is attractive to move through and live within.

**Aim - Creating Opportunity for Innovative Development and Design****Desired Outcome -**

The possible development of the Council carpark to create a Civic area provides the opportunity to develop residential and commercial development on the remaining land. Council's ownership of the land provides the opportunity to leverage innovative development and design. Providing a commercial return on the release of the community's land is an important aim of the planning for the renewal area. The development of the carpark also provides opportunity for Council to show leadership in innovation in the areas of affordable housing, business support and sustainable development.

The provision of affordable housing units within a residential component of the carpark development enables Council to implement one of its social policy's. The making available of a component of the commercial/retail floorspace for start-up businesses enables Council to contribute to the economic wellbeing of local area. The requirement for the provision of energy and water saving systems within the residential development enables Council to provide a demonstration project of how such systems can be incorporated into dwellings enabling Council to demonstrate leadership in sustainable housing.

**Detailed Investigations**

The Structure Plan identifies the aims and objectives for the development of the Umina Beach Renewal Area. The structure plan is a broad based plan that needs to be supported by more detailed planning to achieve the desired outcomes. Such planning needs to be integrated to achieve the goal of providing attractive residential development and the renewal of the precinct.

**Detailed Planning Provisions**

Although there is flexibility in the application of the structure plan to development proposals, there are a number of detailed provisions that need to be incorporated into the DCP. These are outlined below;

**Objective:** To ensure that the pedestrian links are provided in a location that offer the most direct and safest route between the activity nodes of supermarkets and possible Civic area.

**Control:** The public and urban design benefit for either Lot 22 DP 8872 Oscar Street and Lot 33 DP 8872 Alfred Street Umina provided in return for the bonus height as contained in Clause 4.3 of the Gosford LEP 2014 is to consist of a 3m wide alleyway. The location of the alleyway is shown on the structure plan. This alleyway is to be dedicated to Council as part of a development application for a building proposed in accordance with the Gosford LEP 2014.

**Objective:** To ensure that an existing alleyway is maintained in its current location to provide direct access between possible Civic area and the pedestrian crossing opposite the alleyway in West Street.

**Control:** The public and urban design benefit for either Lot 1 or Lot 2 DP 537967 West Street Umina provided in return for the bonus height as contained in Clause 4.3 of the Gosford LEP 2009 is to consist of the existing alleyway located between the two properties. The location of the alleyway is shown on the structure plan. This alleyway is to be dedicated to Council as part of a development application for a building proposed in accordance with the Gosford LEP 2014.

**Figure 4.2.35 - Umina Beach Extension Area Structure Plan**

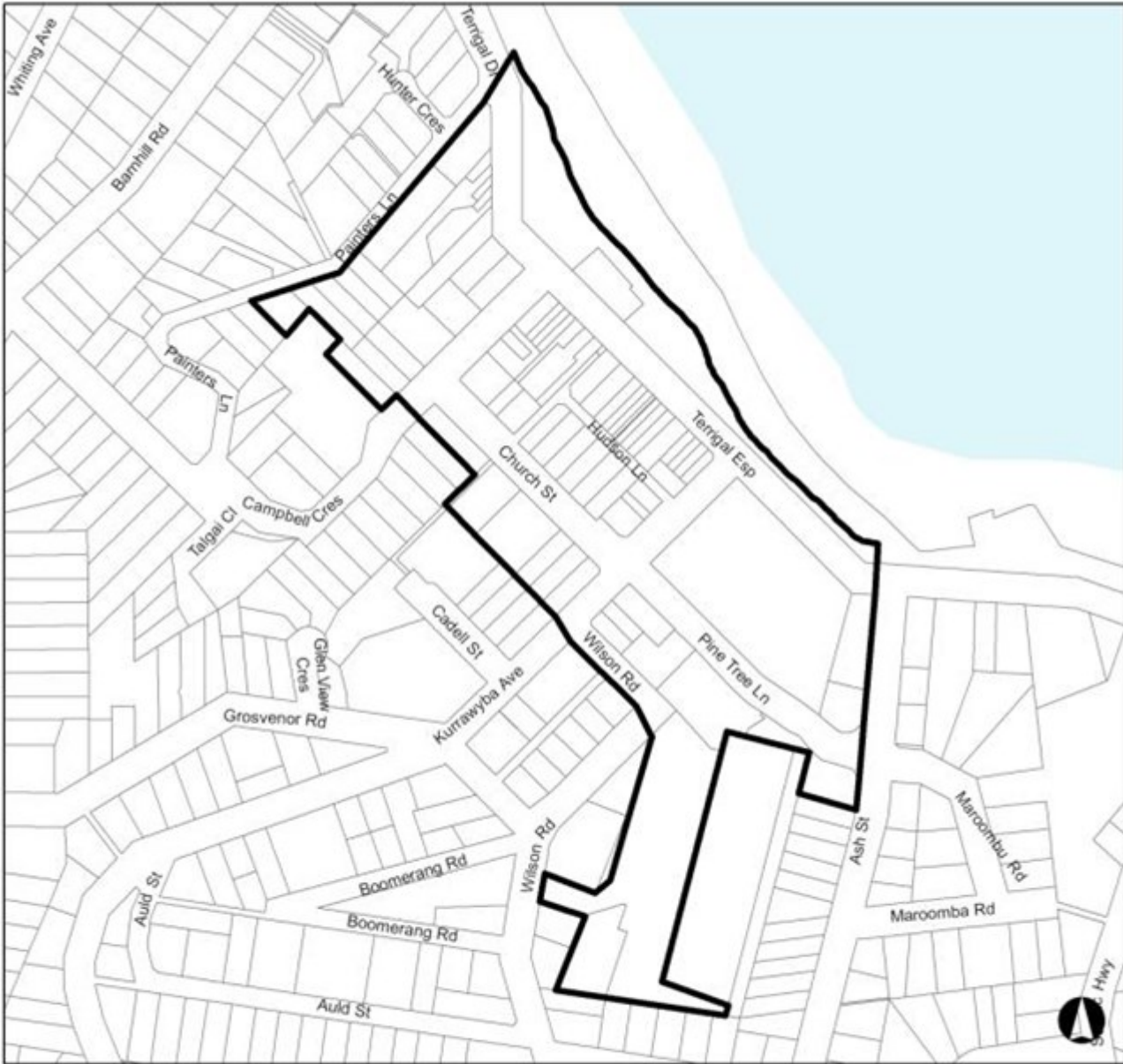



### 4.3 Terrigal Village Centre

#### 4.3.1 Where this Chapter applies

This chapter applies to all development that requires consent, including alterations and additions to existing structures on properties within the Zones B2 & SP2 shown on the map below.

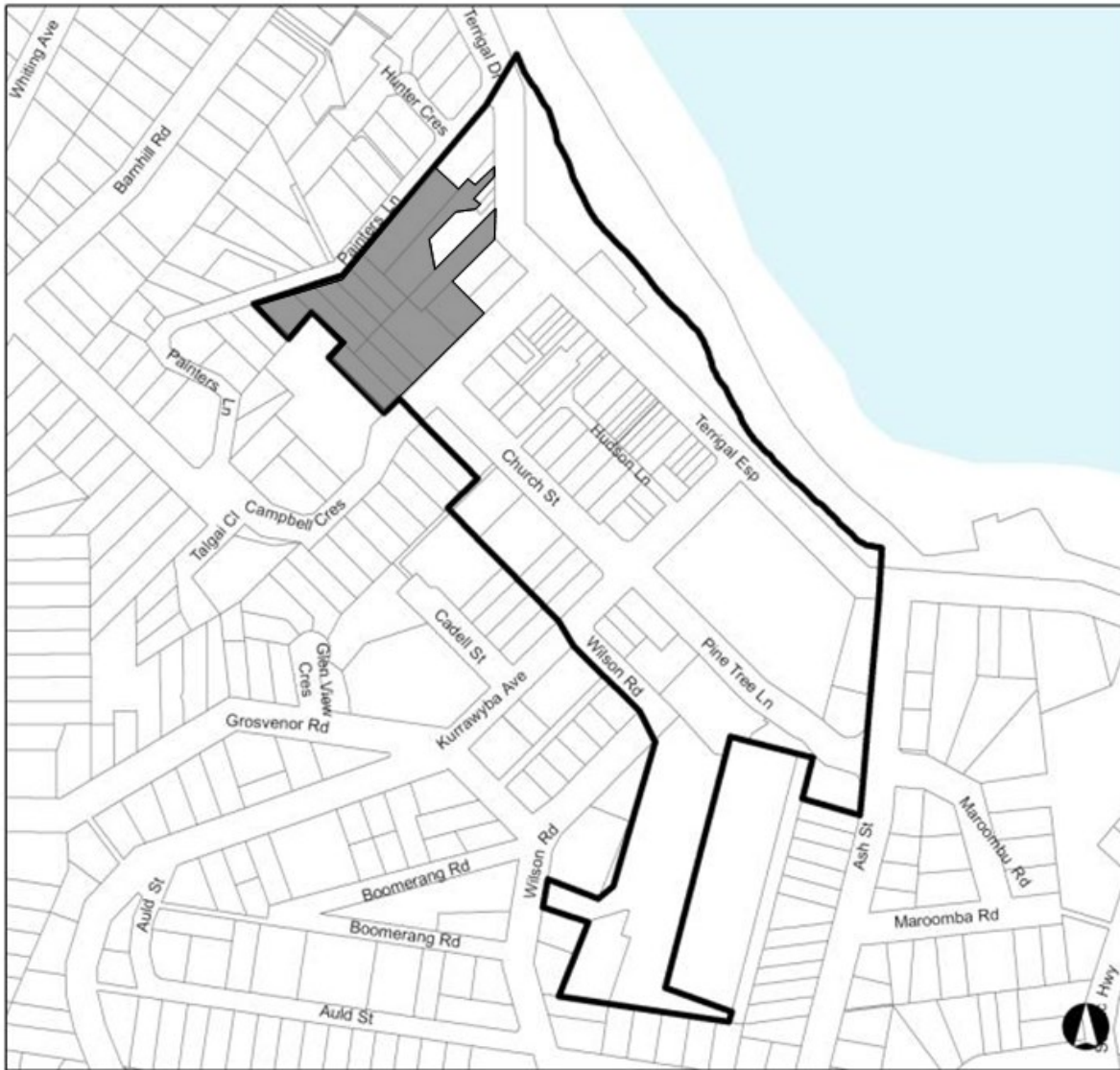
**Figure 4.3.1**



 Terrigal Village Centre

Clauses 4.3.5.2a-c, 4.3.6.2a & 4.3.6.4a do not apply to land within the Terrigal Village Centre known as the "Rapedo Lands" as outlined in Figure 4.3.2 (below) as this land is subject to separate height and FSR controls under Gosford LEP 2014 as a result of a site specific rezoning under LEP 432 gazetted on the 4 July 2003.

**Figure 4.3.2**



Terrigal Village Centre
  "Rapedo Lands"

### 4.3.2 Aims of this Chapter

- a. Implement relevant recommendations arising from Gosford City's Terrigal Bowl Strategic Plan plus related resolutions of Council
- b. Provide detailed controls that support Gosford LEP 2014.
- c. Establish contemporary urban design-based controls and guidelines for mixed-use development
  - i. Having regard for the scenic quality and environmental capability of the Terrigal Village Centre
  - ii. Addressing the character and amenity that are displayed by the surrounding neighbourhoods
- d. Prepare detailed local controls that are consistent with aims, objectives and consent procedures established by State Environmental Planning Policies that apply to development in the Terrigal Village Centre
- e. Supplement provisions of existing local development control chapters in this DCP that apply to coastal areas, including the Terrigal Village Centre:
  - i. Scenic Quality, and
  - ii. Character

### 4.3.3 Objectives of this Chapter

- a. Promote efficient use of land by encouraging mixed use redevelopment that benefits local residents as well as visitors to Gosford City, and
- b. Encourage the amalgamation of small properties for redevelopment, and
- c. Ensure that future buildings neither dominate this coastal setting nor intrude unreasonably onto coastal and ocean views that are available from surrounding residential hillsides, and
- d. Promote the highest standards of urban and architectural design quality, and
- e. Ensure high levels of amenity along streets and laneways, and
- f. Encourage intensive pedestrian activity along all streets and laneways, and
- g. Address the desired character of residential areas that surround the Terrigal Village Centre, and
- h. Provide for high levels of residential amenity in surrounding residential areas as well as within the Terrigal Village Centre, and
- i. Maximise energy-efficient planning, design and construction for new buildings, and
- j. Prevent the discharge of contaminated stormwater into the ocean, and
- k. Ensure that new development does not exceed the capacity of existing public infrastructure.

## General Controls

### 4.3.4 Desired Character and Scenic Quality

#### 4.3.4.1 Objectives

- a. Define fundamental features of the desired design character and design quality for both public places and buildings
- b. Recognise the importance of relationships between land use, the levels of pedestrian and business activity, the size and the design of buildings
- c. Encourage modestly-scaled buildings that would not dominate the scenic qualities of a foreshore setting
- d. Promote architectural identity for this village centre that is regionally-distinctive

#### 4.3.4.2 Controls - Desired character of the public domain

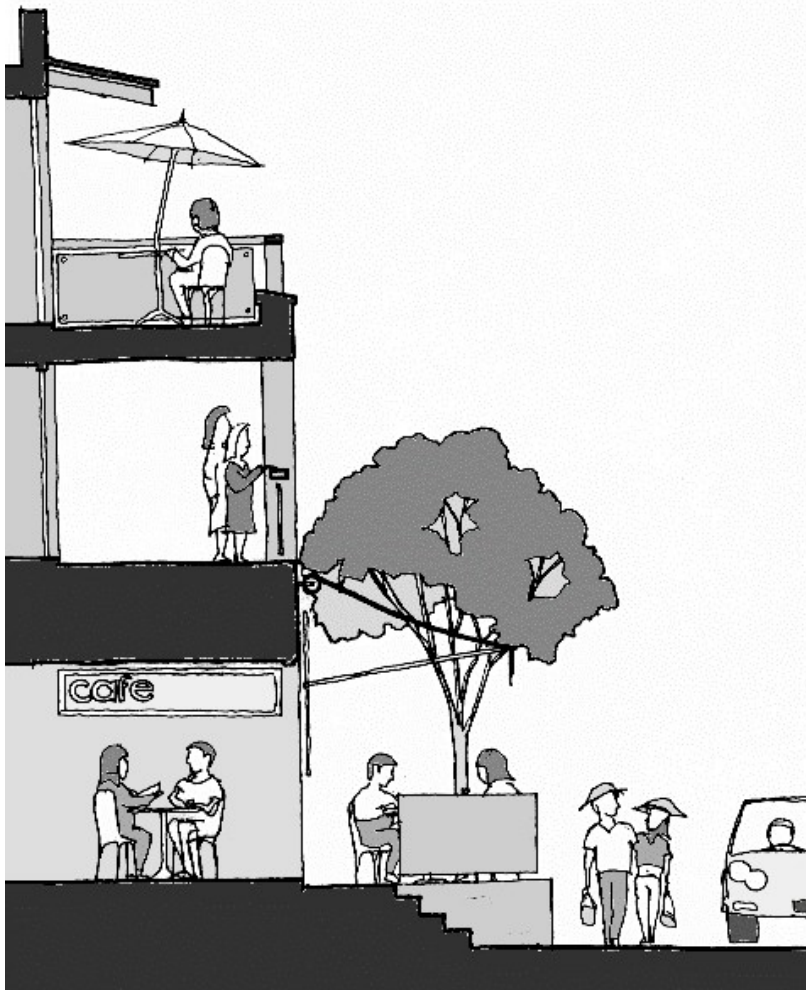
- a. All streets and laneways should support high levels of pedestrian activity
  - i. Visible retail activity should be maximised along all frontages, except Painters Lane (see 4.3.4.2e below)
  - ii. Existing levels of sunlight during the middle of the day should be protected
  - iii. The design of public pavements should be consistent with the Terrigal Foreshore Improvements Landscape Masterplan Report and Associated Documents that has been adopted by Council. Refer to Council's Construction Operations Department for details
  - iv. The design of publicly-accessible areas on private properties should be consistent or compatible with the adopted Terrigal Foreshore Improvements Landscape Masterplan Report and Associated Documents
  - v. The design of shop-fronts and business signs should be co-ordinated
- b. All streets should achieve the following role and design standards
  - i. Remain the primary retail frontages and pedestrian routes
  - ii. Incorporate awnings or balconies that provide continuous shelter and shade along all shopfronts
  - iii. Provide the street improvements specified by the adopted Terrigal Foreshore Improvements Landscape Masterplan Report and Associated Documents
- c. Painters Lane should achieve the following role and design standards
  - i. Remain residential in character with traditional residential street address
  - ii. Retain existing informal leafy character whilst providing improved amenity and urban design

- d. Other public laneways should achieve the following roles and design standards
  - i. Secondary retail frontages that expand the diversity and extent of existing shops and street-level businesses
  - ii. A safe balance between service access to buildings and secondary pedestrian routes
  - iii. Enhanced environmental amenity achieved by buildings that are setback behind pedestrian terraces
  - iv. Pedestrian terraces incorporate landscaping that is consistent or compatible with street improvements specified by the adopted Terrigal Foreshore Improvements Landscape Masterplan Report and Associated Documents

**Figure 4.3.3: Street frontage activity - The principal setting for a vibrant Village centre**



**Figure 4.3.4: Laneways - A secondary setting shared by pedestrians + cars**



#### 4.3.4.3 Controls - Desired character of buildings

- a. Maximise benefits to the resident community as well as visitors to Gosford City by encouraging redevelopment
  - i. Accommodate a diverse range of shops, businesses and community activities at street level and first floor level
  - ii. Locate residential flats above street level
- b. Provide a backdrop that is appropriate to the scenic quality of this coastal setting
  - i. Limit overall height to maintain existing street-level amenity and to prevent unreasonable obstruction of coastal and ocean views that are available from surrounding residential hillsides
  - ii. Vary the profile and silhouette of buildings within a framework set by height and building envelope controls
  - iii. Design exterior walls and roofs in response to all-around visibility from foreshores, street-level and surrounding hillsides, incorporating well-articulated building forms that cast a variety of shadows
  - iv. Enhance the current appearance of laneway frontages by establishing a new secondary retail frontage that stimulates pedestrian activity and conceals service areas plus on-site carparking
- c. Maintain positive aspects of the established village character
  - i. Enhance the level and the diversity of existing retail activity at street-level
  - ii. Promote the pedestrian-friendly scale that has been created by existing buildings with two storey “street walls” along each street
  - iii. Protect existing levels of sunlight during the middle of the day along north- and west-facing footpaths
  - iv. Promote an overall diversity of building designs along each street block, with forms varied to reflect the existing allotment pattern



- d. Disguise the scale and bulk of new buildings, and promote an architectural identity for this centre that is regionally-distinctive
  - i. Exterior walls and roofs should be well articulated, creating faceted forms that cast a variety of strong shadows
  - ii. As exterior walls rise above the two storey “street-wall”, they should be stepped back from their street or laneway frontage
  - iii. The top-most storey should be constructed as a framed structure, setback from the face of lower storeys and capped by pitched roofs with wide eaves, surrounded by a mix of terraces and roofs, and
  - iv. Exterior walls facing public places should be partially screened by framed balcony and verandah structures, wide roof overhangs and exterior sunscreens that reflect a light-weight character
- e. Provide an appropriate interface to the surrounding residential zone
  - i. Buildings should be surrounded by landscaped gardens along common boundaries with residential properties
  - ii. The height and scale of buildings should reflect the lower rise form of residential surroundings where traditional coastal cottages display a light-weight design character
- f. Ensure that vehicle access and building services are integrated with the desired village character
  - i. Parking areas and delivery docks should not interrupt the continuity of primary retail frontages, and should be concealed substantially behind shopfront floorspace
  - ii. Services should be concealed within the exterior envelope of buildings or consistent with the standard of architectural detailing

**Figure 4.3.5: Street elevation illustrating desired character of buildings**



Note: Any fifth storey or greater should be divided into pavilion structures that are separated by terraces or roofs

#### 4.3.5 Street Frontage

##### 4.3.5.1 Objectives

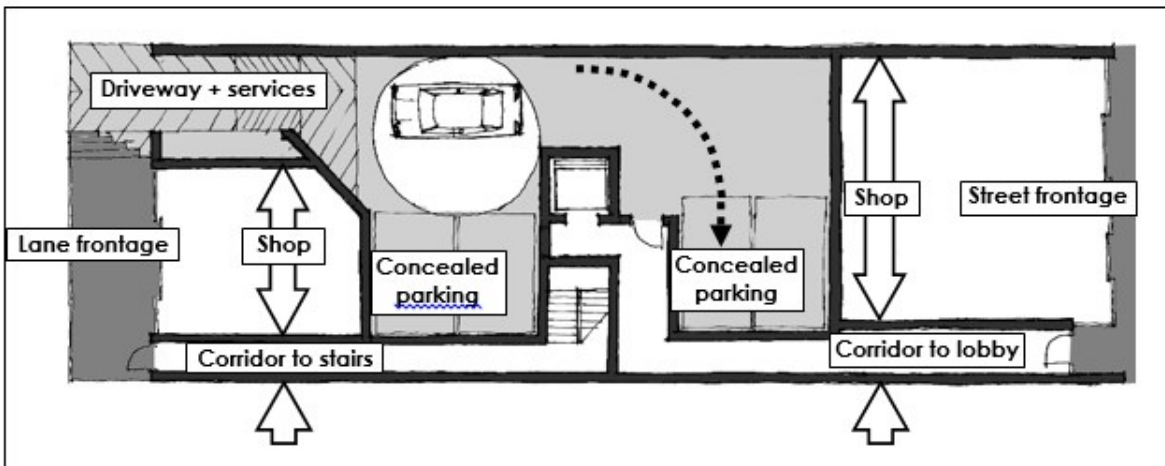
- a. Incorporate best-practice urban design by ensuring that street frontages are wide enough to conceal carparking and delivery areas behind street level shopfronts

- b. Ensure that street frontages are sufficient to accommodate building services and corridor access for above-ground storeys
- c. Ensure that street frontages are sufficient to accommodate residential floorplans which provide a reasonable level of amenity
- d. Encourage consolidation of existing properties that have narrow frontages in order to facilitate efficient use of land

**4.3.5.2 Controls - Wider frontages for development bonus**

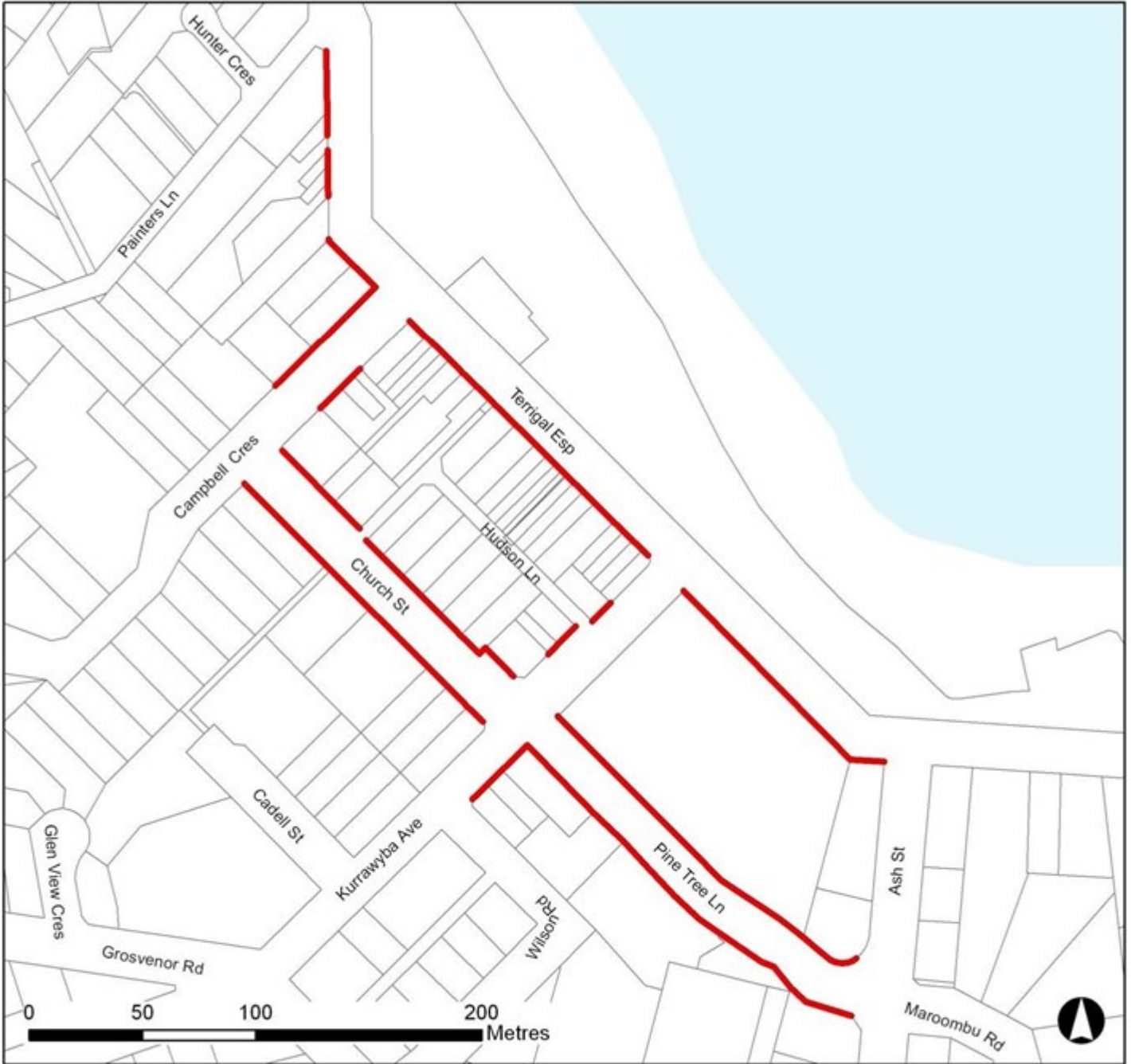
- a. Where street frontages are wider than the specified minimum, Gosford LEP 2014 provides for bonus building height.
- b. For the purposes of Clauses 4.3, 4.3A, 4.4 and 4.4A in Gosford LEP 2014 and this clause, "street frontage" refers to a single street frontage nominated on the Development Incentives Map in Gosford LEP 2014 and Figure 4.3.7 below. Where more than one frontage is nominated on the map the Applicant may select the frontage to which this clause applies.
- c. The minimum street frontage for bonus height has been fixed to accommodate active street frontages plus building services:
  - i. Nearly-continuous bands of shopfronts along all streets
  - ii. Shopfronts along at least half of any laneway frontage
  - iii. Ramp access to basement parking and delivery areas
  - iv. Corridors to lift lobbies and stairs
  - v. Cupboards for building services and / or garbage stores
- d. Clause 4.3.5.2a,b and c do not apply to land known as the "Rapedo Lands" outlined in Figure 4.3.2.

**Figure 4.3.6: Site plan illustrating the minimum frontage allotment**



A typical allotment fronting Terrigal Esplanade + Hudson Lane (layout subject to appropriate details + dimensions)

**Figure 4.3.7: Street Frontage Map**



— Street Frontage as referred to in Cl 4.3 & 4.4 A of Gosford LEP 2014

### 4.3.6 Height Form + Scale of Building

#### 4.3.6.1 Objectives

- a. Establish the primary controls to encourage financially-viable redevelopment that addresses scenic quality, character and residential amenity
- b. Limit both the visual impact of multi-storey buildings upon the scenic quality of this coastal setting, and the potential for obstruction of significant coastal and ocean views that are available from surrounding residential hillsides
- c. Vary the maximum building height for each development in proportion to the size and frontage of the development site.
- d. Maintain the established pedestrian-friendly scale of two storey facades facing all streets

- e. Promote a sunlit outdoor environment as the setting for a vibrant village centre, maintaining existing levels of sunlight along footpaths during the middle of the day
- f. Ensure that village centre dwellings will receive satisfactory levels of midwinter sunlight
- g. Encourage variations in building form that create a varied silhouette or profile, and that contribute to a regionally-distinctive architecture

#### 4.3.6.2 Controls - Maximum Heights

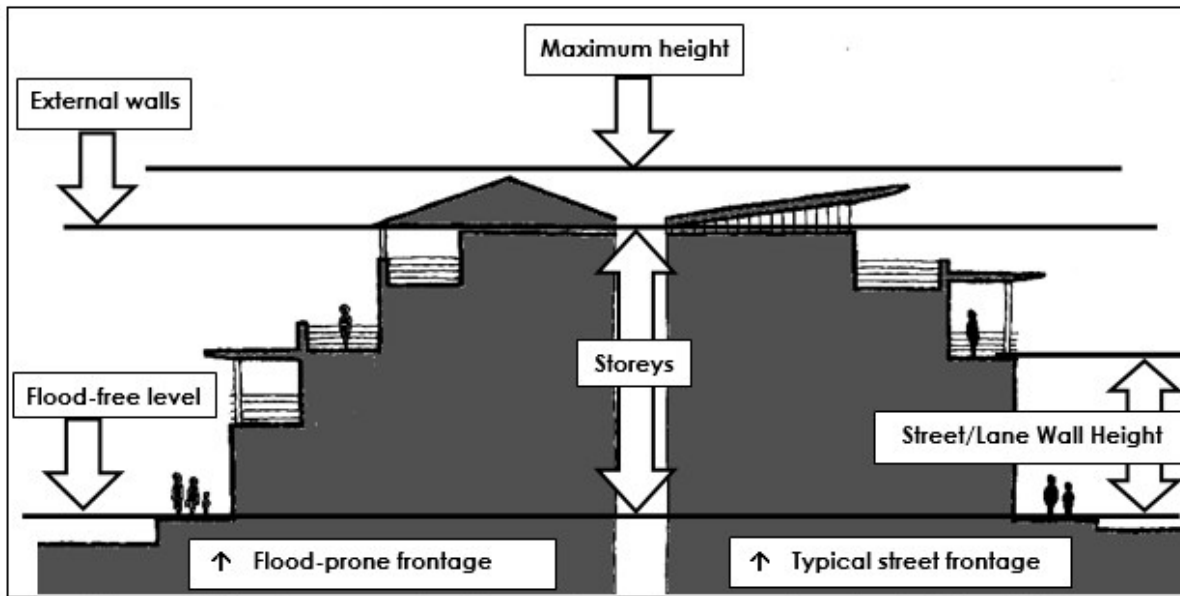
- a. New buildings and alterations or additions to existing buildings shall not exceed the maximum building height specified in Clause 4.3 and 4.3A of Gosford LEP 2014.
- b. Where the maximum building height specified in the LEP is indicated in Table 1 the additional provisions specified in the corresponding row in Table 1 apply:

**Table 1**

LEP Height control	Site frontage	Site Area	Max Height in Storeys	Max External Wall Height in 'm'	Max Street/Lane Wall Height in Storeys/m
Clause 4.3A	Less than 20m	Less than 2000m <sup>2</sup>	3	10	2 8.75m
RL on Height Map	20m or more	Less than 2000m <sup>2</sup>	4	12.75	2 8.75m
Clause 4.3A	2000m <sup>2</sup> or greater	2000m <sup>2</sup> or greater	5	15.5	2 8.75m

- c. Clause 4.3.6.2b and Table 1 above do not apply to land identified as "Rapedo Lands" on Figure 4.3.2.
- d. An 8.75m high and 2 storey façade will apply to all frontages of properties that have an interface with a street or laneway or common boundary with a residential zone.
- e. The measurement of maximum heights incorporate the following reference points:
  - i. **Maximum Height for the Building**- Specified in Gosford LEP 2014 refer to clause 4.3 and 4.3A;
  - ii. **External Wall** - means walls that enclose a building, other than end walls above the pitching point of any inclined roof (such as a gable-end) or the sides to any attic's dormer window;
  - iii. **Storey** - defined in Gosford LEP 2014;
  - iv. **Street/Lane Wall Height** - The vertical distance measured in metres or storeys at the centre of the street or laneway frontage from the average of the street/laneway levels at each end of the frontage to the parapet level of the frontage. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the façade is situated.
  - v. The highest point of any roof provides an absolute limit to the height of buildings, and is intended to encourage the use of gently-pitched roofs that contribute to desirable variations in the silhouette and the profile of each building, but not to accommodate an additional storey that is enclosed by taller walls or by steeply pitched roofs that would increase the desirable scale or bulk of a building.

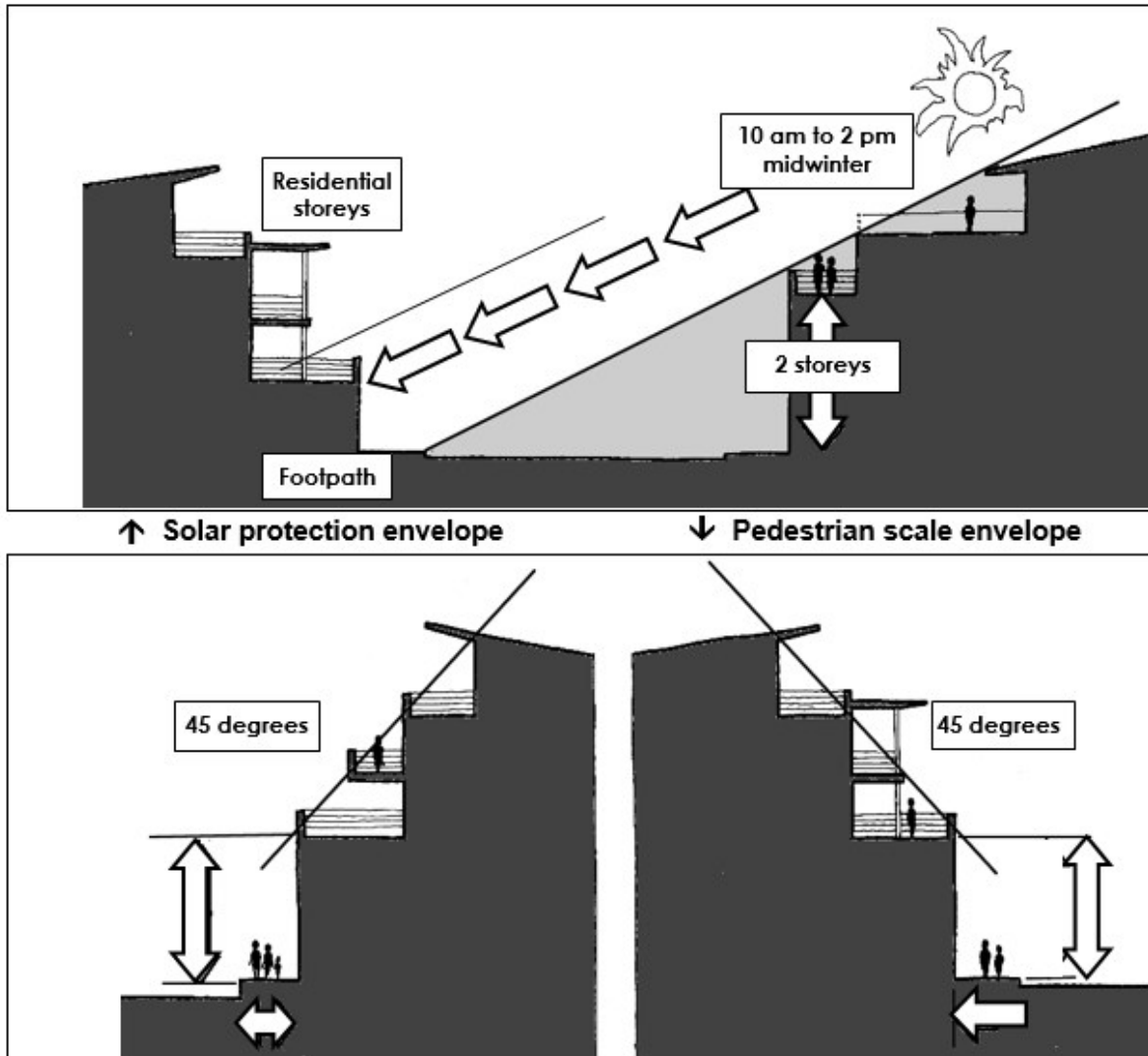
**Figure 4.3.8: Cross-section illustrating reference points for building heights**



#### 4.3.6.3 Controls - Building envelopes

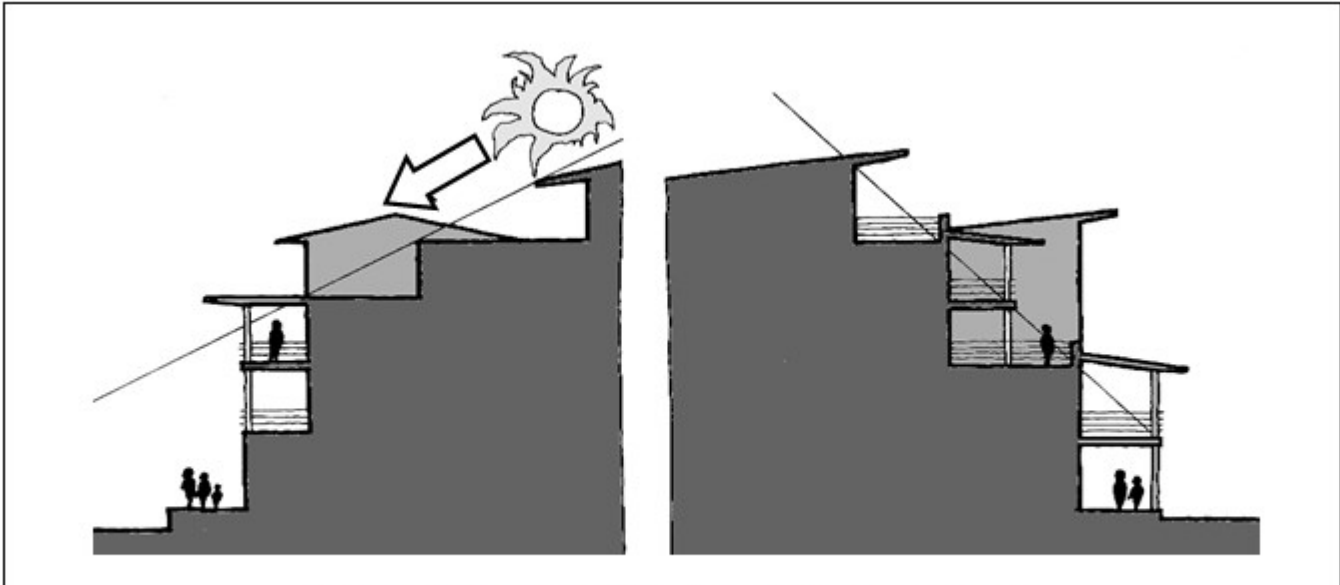
- a. Except as provided in Sections 4.3.6.3b + c, exterior walls and balconies should not extend beyond a building envelope that is projected from each street or laneway frontage as detailed the Precinct Controls section of this Chapter:
  - i. Maintain the existing level of midwinter sunlight along public footpaths between at least the hours of 10am and 2pm by a building envelope that is projected at the appropriate solar altitude angle from the adjacent street kerb, and / or
  - ii. Provide satisfactory levels of midwinter sunlight for residential storeys (whether existing or future buildings on properties that have not yet been developed according to this Chapter) by a building envelope that is projected at the appropriate solar altitude angle from the first floor level of a facade facing Hudson Lane, and / or
  - iii. Maintain the pedestrian-friendly scale of existing low-rise buildings facing each street or laneway by a building envelope that is projected at 45 degrees from the façade at a point not higher than 7m above “street level”, or from the second storey floor, whichever is the lesser
  - iv. Note that awnings, eaves, balustrades and parapets may project beyond the pedestrian envelope, but generally should not project beyond the solar envelope unless glazed or substantially of transparent construction
- b. Adjacent to any residential property, exterior walls should be stepped to maintain reasonable sunlight to the principal living area and private open space of each dwelling according to the requirements of BASIX.
- c. Minor variations of building envelopes are desirable in the following situations in order to avoid the appearance of continuous horizontal building forms:
  - i. In general, variations are desirable at street corners where a vertical emphasis of landmark locations is appropriate, and to allow reasonable potential for the redevelopment of corner properties
  - ii. Also, variations are desirable on wide sites where vertical structures or balconies can provide effective contrasts to continuous horizontal forms with regular steps that might otherwise occur

**Figure 4.3.9: Building envelopes - Cross sections through street + laneway frontages**



- d. The location and dimension of variations to the building envelopes should be limited:
- i. Any façade that penetrates a solar envelope should not be wider than 10m or taller than 4 storeys, and resulting shadows that are cast across a footpath or neighbouring façade should be relatively narrow and fast-moving
  - ii. Variations of a pedestrian envelope should not have a total width that is greater than 30% of any façade's width, and no single variation should exceed a width of 10 metres or 4 storeys, except upon a corner property where variations will be assessed subject to conformity with objectives of Section 4.3.7.
  - iii. Variations may include enclosed floorspace or roofed balconies that are constructed above public footpaths to accommodate outdoor dining

**Figure 4.3.10: Desirable variations to building envelopes**



**Figure 4.3.10: Desirable variations to building envelopes**

↑ Variations to the solar protection envelope

↑ Variations to the pedestrian scale envelope

#### 4.3.6.4 Controls - Buildings Exceeding Four Storeys

- a. Maximum floorspace for the fifth storey of any building in the Terrigal Village Centre is specified in clause 4.3A of Gosford LEP 2014.
- b. Floorspace in any fifth storey or greater should be located behind the setbacks that are specified in this chapter in the sections Building Envelopes, Setbacks to side and rear boundaries, and Alleyways and Courtyards.
- c. Floorspace in any fifth storey or greater should be distributed to disguise the scale and bulk of multi-storey buildings, as well as to minimise obstruction of significant coastal and ocean views that are available from surrounding residential hillsides:
  - i. The maximum width of enclosed floorspace should not exceed 50% of the primary street frontage to any site, and
  - ii. Enclosed floorspace should be distributed in separate pavilion structures that are not wider than 15 metres each, and are separated by not less than 10 metres from a neighbouring pavilion upon the same site.
- d. The form of any fifth storey or greater should be consistent with the “Architectural Character and Identity” section of this chapter.
- e. Clause 4.3.6.4a does not apply to lands known as the "Rapedo Lands" specified in Figure 4.3.2.

#### 4.3.6.5 Controls - Excavated storeys

- a. Excavations to accommodate residential or business floorspace should only occur upon hillside sites
  - i. Excavated floorspace should only occur where it can be demonstrated that excavations would have no adverse flood-impacts either on-site or in the vicinity, and
  - ii. No excavation may extend below “street level” except for plant rooms or basement parking, and
  - iii. Excavated residential floorspace may only occur where it can be demonstrated that proposed dwellings would receive satisfactory levels of daylight and outlook, sunlight, ventilation and privacy, according to Section 4.3.10 of this Chapter, and
  - iv. Excavated residential floorspace must not be more than one storey below existing ground level at any point

- b. On any site adjoining a residentially-zoned property, excavations should be designed to provide a landscaped buffer that is compatible with the desired garden character of hillside residential properties
  - i. Facing a side or rear boundary, excavated garden courtyards should be suitable for the growth of medium-sized canopy trees
  - ii. Garden courtyards should be at least 4 metres wide measured from the external wall of a building to the face of any retaining wall
  - iii. Retaining walls should be terraced and should be landscaped to disguise their vertical scale together with the height of any associated boundary fence

#### **4.3.6.6 Related controls**

- a. In order to determine siting and building forms that would be consistent with the objectives of this Chapter, Section 4.3.6 should be considered in conjunction with:
  - i. Section 4.3.4: Desired character of buildings
  - ii. Section 4.3.8: Architectural character + identity
  - iii. Section 4.3.10: Residential amenity
  - iv. Section 4.3.11.2: Flood-prone properties

### **4.3.7 Setbacks Siting + Scale of Building**

#### **4.3.7.1 Objectives**

- a. Enhance existing levels of retail and pedestrian activity along street and laneway frontages
- b. Improve the amenity and the urban design quality of frontages to Hudson Lane
- c. Disguise the scale and bulk of new buildings
- d. Establish an appropriate interface with residential properties and Painters Lane that reflects the desired character of surrounding hillsides
- e. Achieve high standards of residential amenity
- f. To encourage shops along at least 50% of all frontages to Hudson Lane.
- g. To accommodate pedestrian forecourts or terraces facing Hudson Lane in association with all shopfronts that are suitable for outdoor dining.

#### **4.3.7.2 Controls - Street Setbacks**

- a. The alignment of lower storeys should reinforce and enhance existing levels of retail and pedestrian activity
  - i. Generally, facades should not be setback from the street frontage in order to maximise the visibility of shopfronts and to concentrate pedestrian activity along existing footpaths
  - ii. In general, increased setbacks are only acceptable along street frontages that are subject to flooding, where ground level shopfronts may be setback up to 3m in order to accommodate flood-free pedestrian access along elevated terraces
  - iii. Permissible encroachments include balconies constructed above public footpaths that are designed to accommodate outdoor dining
  - iv. Permissible variations include café shopfronts at ground level only, setback from the street frontage to accommodate “outdoor” tables

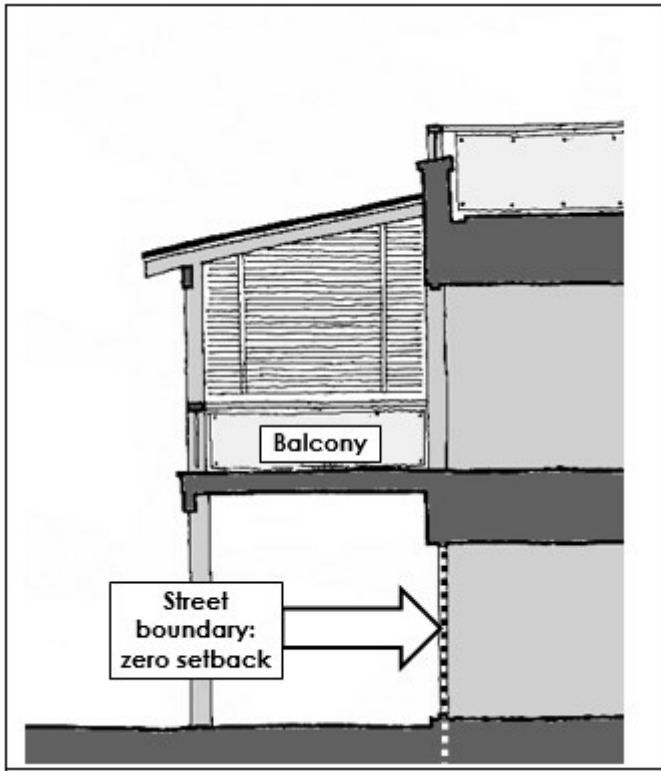
#### **4.3.7.3 Controls - Laneway Setbacks**

- a. Setbacks from Hudson Lane are as follows:



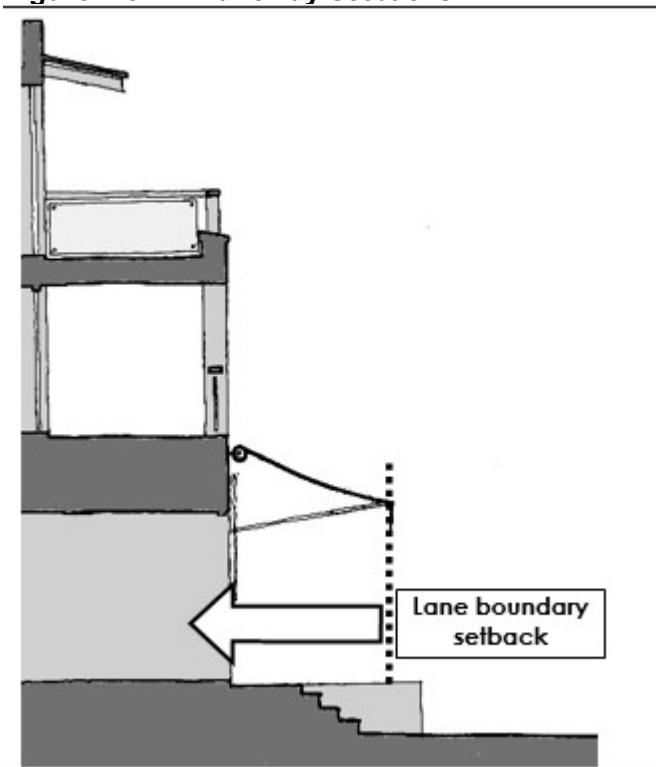
- i. Except in the cases of corner allotments facing either Kurrawyba Avenue or Church Street, the setback for any new building or addition to any existing building fronting Hudson Lane is to be at least 3m from the frontage to Hudson Lane.
- ii. Facades should be setback from the lane boundary to increase sunlight that is available at street level, improving environmental amenity, as well as stimulating pedestrian and retail activity
- iii. Setbacks should accommodate publicly-accessible spaces such as terraces or forecourts that are suitable for outdoor dining

**Figure 4.3.11: Street front setback**



Section illustrates lower storeys built to the boundary

**Figure 4.3.12: Laneway setbacks**



Section illustrates setback behind a terrace

- b. Setbacks to Painters Lane are as follows:
  - i. Except for the case of the corner allotment facing The Esplanade the setback for any new building or addition to any existing building fronting Painters Lane is to transition from 3m at the boundary of Lot 3 DP 829025 and the land covered by SP 43573 to 6m at the boundary of Lot C DP 433631 and Lot B DP 433631 with an average of 4.5m.

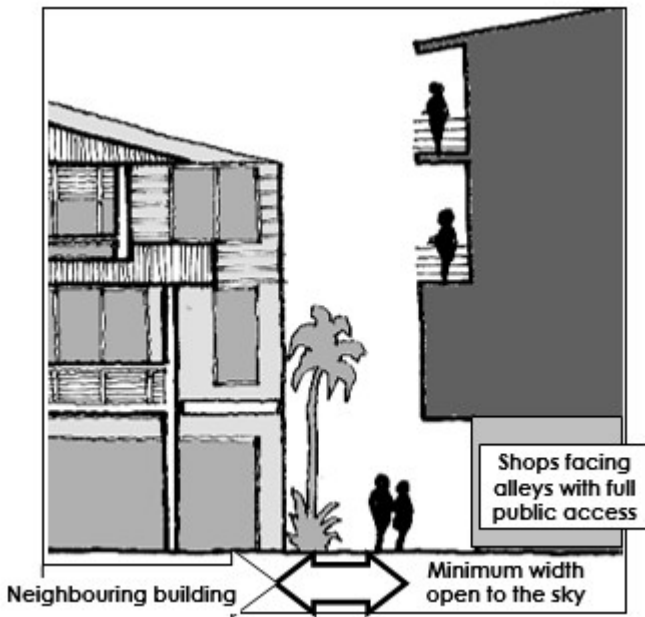
#### 4.3.7.4 Controls - Setbacks to side + rear boundaries

- a. The alignment of lower storeys should maintain existing levels of retail and pedestrian activity:
  - i. In order to maximise the length of shopfronts facing all streets and Hudson Lane, lower storeys generally should not be setback from the side boundary with any property that is zoned to permit business development
  - ii. However, in order to provide publicly-accessible links such as alleyways or courtyards that are open to the sky above, lower storeys may be setback from side boundaries according to dimensions that are specified in Section 4.3.7.5
- b. Adjoining any residential building or a residential zone, new development should incorporate setbacks that are consistent with the desired residential character:
  - i. Lower storeys should be setback at least 4 metres in order to provide a landscaped courtyard that is suitable for medium-sized trees
  - ii. Subject to the location and orientation of any neighbouring dwelling, a wider setback may be necessary in order to achieve levels of residential amenity that are consistent with the Residential Amenity section of this Chapter
  - iii. Upper-storeys should be stepped to maintain adequate sunlight to residential properties
  - iv. Balconies may overhang the landscaped setbacks provided that the amenity of lower storey dwellings and neighbouring properties would not be affected, and provided also that balconies would contribute to the desired urban design quality specified by Architectural Character and Identity section of this Chapter

#### 4.3.7.5 Controls - Alleyways + courtyards

- a. Alleyways or courtyards should be located and designed to provide strategic benefits:
  - i. Existing levels of “main-street” retail and pedestrian activity must not be eroded, and
  - ii. New public access should enhance the Village Centre’s existing pedestrian network, and
  - iii. Settings for outdoor activity should demonstrate high levels of amenity that include reasonable levels of daylight and midwinter sunlight at street level, plus protection from cold winter winds, and
  - iv. “Open spaces” should contribute to effective articulation of building forms, enhancing the overall level of variations that are displayed by structures along each street, and
  - v. Above-ground open space contributes to high levels of residential amenity related to daylight, sunlight, ventilation and the outlook from each dwelling
- b. Alleyways generally should incorporate the following dimensions, locations and features:
  - i. A minimum width of 3 metres, open to the sky above and sufficient for landscaped planters that are at least 1 metre wide with sufficient soil volume for canopy trees, and
  - ii. Provide limited public access to residential lobbies, or
  - iii. Alternatively, provide full public access between streets and lanes, with shopfronts along at least 30% of the overall length, and
  - iv. Located immediately next to any existing alleyway or courtyard upon a neighbouring property, and
  - v. Overlooked by windows and balconies that are designed to satisfy the Residential Amenity section of this Chapter

**Figure 4.3.13: Accessible alleyways**



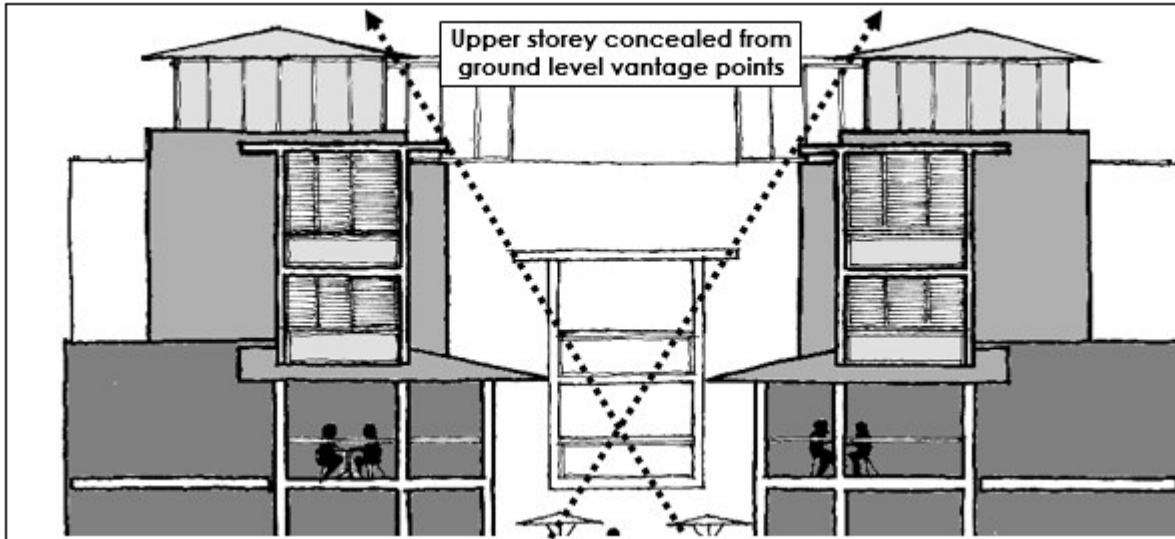
Viewed from the street frontage

- c. Publicly Accessible Courtyards generally should incorporate the following dimensions, locations and features:
  - i. Located only where they face a public street frontage that receives midday sunlight, and
  - ii. Located no closer than 25 metres from an existing street corner where they would not erode either the role or the visual prominence of existing corner shop-fronts or building forms, and
  - iii. Accommodating continuous shopfronts around a publicly-accessible space that is open to the sky above and is suitable for pavement dining, and
  - iv. Minimising disruption to established shop-frontages as well as maximising both the visibility and the proximity of new shopfronts to existing public footpaths, with “street level” dimensions that generally should not exceed 8 metres to 10 metres (measured as site frontage and courtyard depth), and
  - v. Overlooked by windows and balconies that are designed to satisfy the Residential Amenity section of this Chapter
- d. Around alleyways and courtyards that are publicly-accessible, walls should incorporate upper storey setbacks in order to enhance amenity at street-level:
  - i. The third and fourth storeys should be setback at least 1m from the face of lower storey walls to avoid the appearance of sheer vertical walls
  - ii. Any storey above the fourth storey should have an additional setback sufficient to conceal that storey from vantage points located within the alleyway or courtyard at “street level”
- e. Preferred locations for alleyways and courtyards are shown in the Precinct Control section of this Chapter

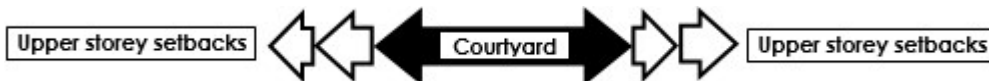
**4.3.7.6 Related controls**

- a. In order to determine siting and building forms that would be consistent with the objectives of this Chapter, Section 4.3.7 should be considered in conjunction with:
  - i. Section 4.3.4: Desired character
  - ii. Section 4.3.8: Architectural character + identity
  - iii. Section 4.3.10: Residential amenity
  - iv. Section 4.3.11.2: Flood-prone properties

**Figure 4.3.14: Street elevation of courtyard**



Highlighting desired dimensions at ground level + upper storey setbacks



### 4.3.8 Architectural Character + Identity

#### 4.3.8.1 Objectives

- a. Design all facades and roofs to address the all-around visibility of properties in this Village centre from street level as well as from surrounding residential hillsides
- b. Employ a variety of architectural design techniques that disguise the scale and the bulk of multi-storey buildings
- c. Promote the civic amenity and the regional identity of this village centre through high standards of architectural and urban design

#### 4.3.8.2 Controls - Building form

- a. The silhouette of each building should contribute to the overall diversity of form that is visible from nearby foreshores as well as from surrounding residential hillsides
  - i. Within each façade, vary the level of roofs, external walls and parapets in order to avoid simple cubic forms and flat roofs that tend to accentuate scale and bulk
  - ii. Each top storey should incorporate stepped floorplans or, for developments of five or more storeys, separate pavilion structures, capped by highly-articulated roof forms that contribute to the overall diversity of building silhouettes facing every street
- b. Facades facing each street or lane should be composed as three distinct layers that contribute to design diversity and disguise both the scale and bulk of multi-storey buildings:
  - i. The “base” of each building includes the lowest storey, and may also include the first storey above street level
  - ii. The “middle” of each building should accommodate at least one residential level, but not the upper-most storey
  - iii. The “top” of each building should accommodate the “penthouse” residential storey
- c. Horizontal layering of buildings should be emphasised by setbacks and materials:
  - i. The “base” should be set against street frontages or close to laneway frontages, and should display a

solid appearance, for example “thick” masonry walls that are punctured by display windows

- ii. The “middle” should combine solid walls with a varied pattern of windows, partly screened behind balconies and generally set back from the face of the lower storeys
- iii. The “top” or penthouse level should have a very light appearance that is accentuated by walls that are setback from the storeys below, incorporating extensive window walls plus light cladding, and capped by framed roofs with wide eaves

**Figure 4.3.15: Street elevation illustrating appropriate form of three + four storey buildings**



Penthouse level on five storey or greater buildings should be broken into pavilion structures separated by roofs or terraces

- d. The form and design of facades that are visible from any street or lane should be articulated by distinct steps in plan and cross section:
  - i. Facades should be divided into a series of vertical panels that vary in width from 2 metres to 6 metres, in order to reflect the design diversity of traditional village centres comprising rows of individually-designed narrow-fronted shop-dwellings
  - ii. Vertical panels in each façade should be accentuated by stepped building forms and by projecting structures such as balconies or bay windows, casting a pattern of distinct shadows in order to disguise the scale and bulk of multi-storey buildings
  - iii. Each vertical panel should also be highlighted by variations in materials and exterior finishes in order to prevent the appearance of monolithic or repetitive building forms
  - iv. On wider sites, alleyways and courtyards should be used to divide buildings, creating the appearance of separate structures with a more-modest scale
- e. The form and design of roofs should address visibility from surrounding hillside properties:
  - i. Roofs should be predominantly gently pitched and surrounded by wide eaves, rather than flat roofs set behind parapets that tend to accentuate the scale and bulk of multi storey buildings
  - ii. Plant and mechanical services should be concealed or integrated with the design of roofs
  - iii. Penthouse levels should be surrounded by an equal mix of roofs and terraces in order to disguise the scale and bulk of multi-storey buildings

#### 4.3.8.3 Architectural details + finishes

- a. All facades that are visible from surrounding streets or residential hillsides should display a consistent design standard
  - i. Side and rear facades should match the design quality, degree of articulation and the standard of

finishes that are desirable for front façades

**Figure 4.3.16: The desired articulation of building forms illustrating steps in plan + cross-section**

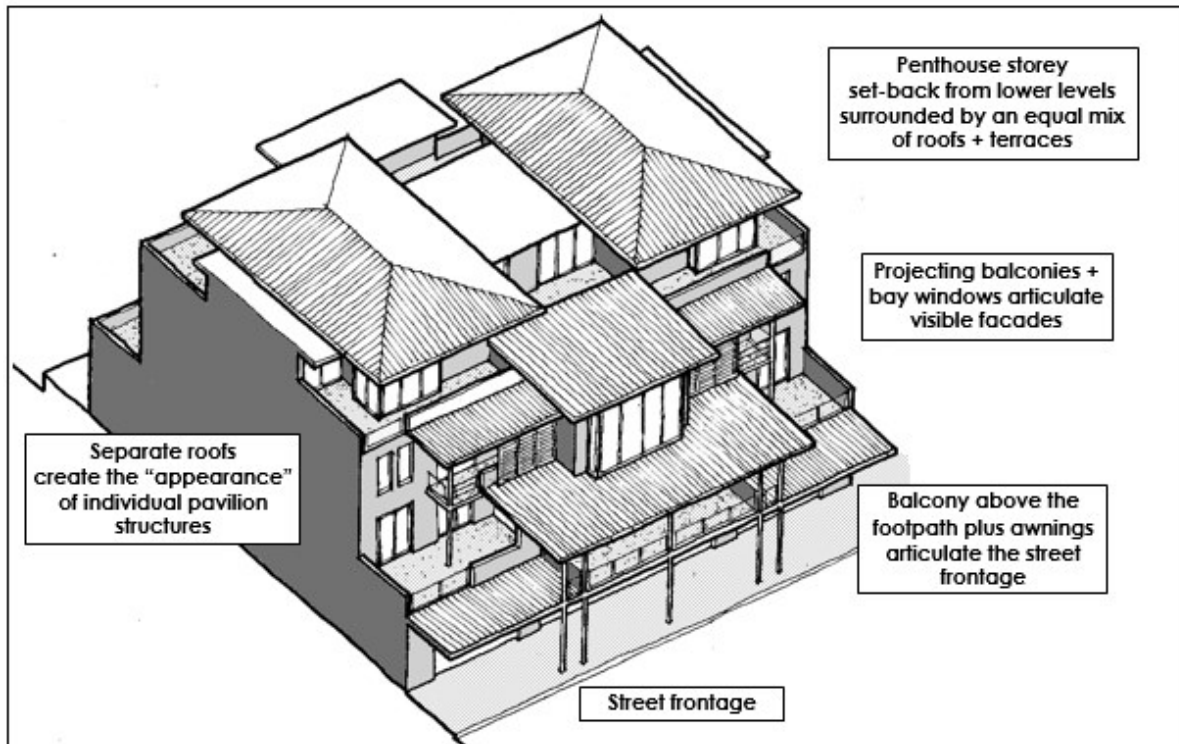
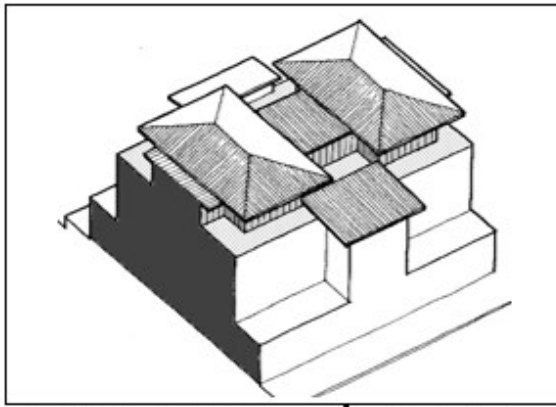


Diagram illustrates a three or four storey building. Any fifth storey or greater should be divided into separate pavilions.

#### 4.3.8.4 Light-weight features

- a. The architectural identity of this coastal village centre should be emphasised by light-weight design features that provide distinctive design contrasts with the underlying masonry form of each building
  - i. Light-weight features should contribute to the design diversity of each visible facade, as well as screening and contrasting masonry building forms that tend to accentuate both the scale and bulk of multi-storey structures
  - ii. Each building should incorporate a “penthouse” storey where framed pavilion-structures are setback from the face of lower storeys, capped by roofs that are gently-pitched with wide eaves contributing to the distinctive silhouette of each building, and
  - iii. In general, exterior walls should be partly-screened by balconies, verandahs and pergolas that are framed of steel or timber to accentuate the degree of articulation that is necessary to avoid continuous cubic forms, as well as disguising the scale and bulk of multi-storey structures, and
  - iv. Exterior walls should also incorporate wide bay or corner windows to disguise the scale of sheer vertical walls, particularly at any “outside” corners that would be visually-prominent from street-level, and
  - v. A variety of moveable exterior screens and blinds should be fitted to windows and balconies to provide privacy and shade, as well as filtering the visibility of building forms and contributing to the diversity of design contrasts, and
  - vi. Exterior materials and finishes should display an overall variety, including a proportion of sheet or board cladding plus painted finishes that accentuate the horizontal “layers” of each façade
  - vii. Street-level facades may also incorporate open balconies that are set above the street footpath, designed to accommodate outdoor dining, and either cantilevered from the first storey or framed as a post-and-beam structure standing upon the footpath, providing design contrasts that are visually-prominent from street-level vantage points

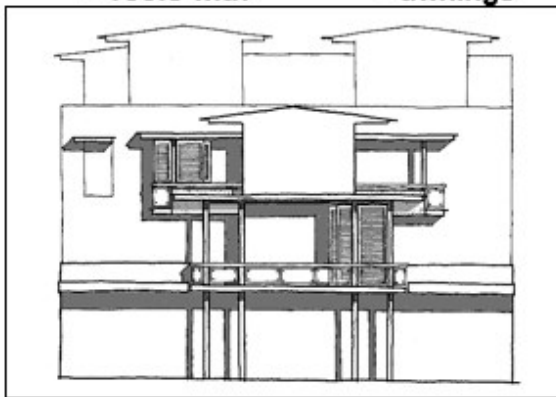
**Figure 4.3.17: Features that accentuate a “light-weight appearance”**



↑ Penthouse form + roofs with  
↓ Balconies + awnings



↑ Bay + corner windows  
↓ Variety of materials



Diagrams illustrate three + four storey buildings – any fifth storey or greater should not extend across the full frontage

#### 4.3.9 Street - Level activity + civic design

##### 4.3.9.1 Objectives

- a. Maintain and enhance the established “main street” retail environment, particularly by concentrating pedestrian activity along existing retail frontages
- b. Encourage a new secondary retail frontage along Hudson Lane in proportion to market demand for retail and business floorspace
- c. Accommodate a mix of apartments plus businesses, including restaurants and community-related services, on the first floor above ground to maximise the range of services that are provided for residents and visitors
- d. Conceal on-site parking and services from street frontages
- e. Co-ordinate the design of shopfronts, business signs, and the landscaping of public areas according to “main street” principles
- f. Ensure that the landscaping and furnishing of public areas are consistent with Council’s adopted master plan for street improvements

##### 4.3.9.2 Controls - “Main street” design principles

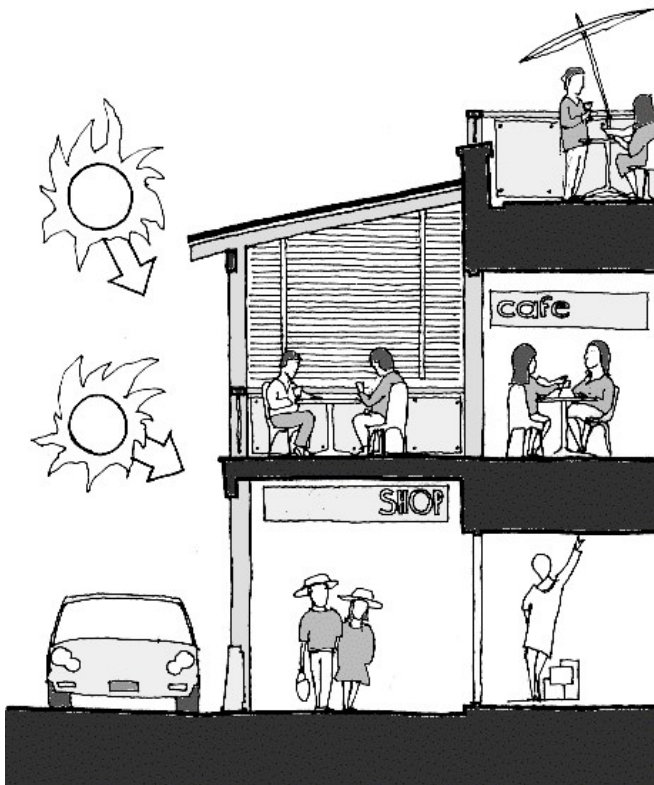
- a. “Main street” design principles that are appropriate to the scale of this village centre should be promoted to enhance existing levels of civic amenity and pedestrian activity, contributing to social and economic improvements:
  - i. The outdoor environment and beachside location should be promoted as key features of this retail setting
  - ii. A near-continuous ribbon of shopfront businesses should be maintained along all streets and extended along Hudson Lane
  - iii. Pedestrian activity should be concentrated along existing footpaths

- iv. Areas that cater for lower intensity pedestrian activity should be located along the foreshore promenade, rather than as part of the established retail area
- v. New pedestrian spaces or links should only be created where they would enhance existing levels of retail and pedestrian activity
- vi. The design of shop-fronts and business signs should be co-ordinated
- vii. All outdoor pavements and street furniture should incorporate consistent designs and materials

#### 4.3.9.3 Controls - Street-level activity

- a. Along all street frontages, visible pedestrian and retail activity should be maximised:
  - i. Facades should accommodate a near-continuous ribbon of shopfronts plus primary entrances to each building, and
  - ii. Shopfronts and entrances should be protected by fixed awnings and weatherproof balconies that run for the full length of each street block, and
  - iii. On-site carparking and service areas should not be visible from any street frontage, and should be located in basements or behind occupied floorspace such as shops, and
  - iv. Facades should not accommodate fire exits, service cupboards, vehicle or service entrances unless there are no feasible alternatives, for example where a property has a single street frontage

**Figure 4.3.18: Activity along street frontages**



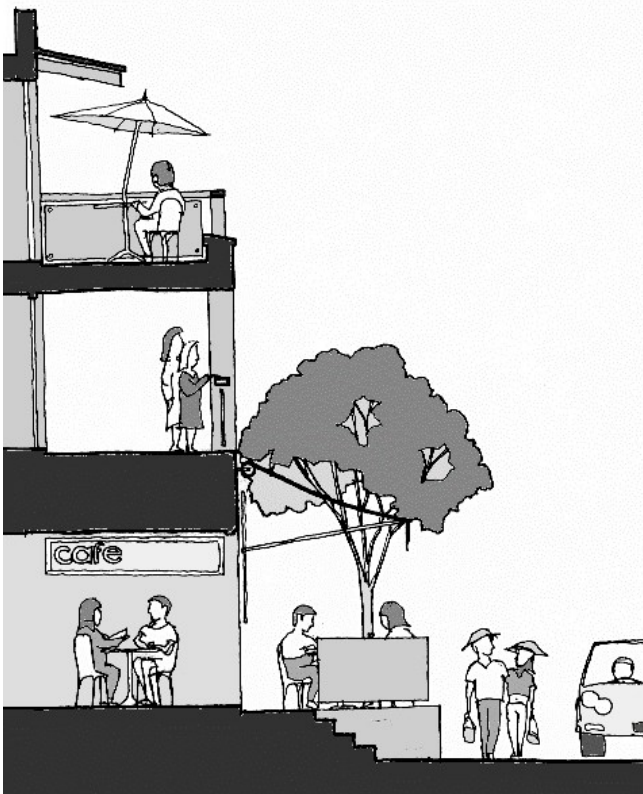
A setting for concentrated retail + pedestrian activity

- b. Along Hudson Lane, visible pedestrian and retail activity should be promoted at street level in conjunction with safe and efficient vehicle access:
  - i. Facades should be set behind pedestrian forecourts that are open to the sky above, suitable for outdoor dining and separated from traffic, but should not be used for parking at-grade, and
  - ii. Facades should accommodate new shopfronts along at least 50% of each site frontage, protected by retractable awnings or balconies, and
  - iii. Facades also should accommodate building entrances, fire exits and service cupboards, plus vehicle and service entrances that are designed to maximise safety for pedestrians and motorists



- c. Above-ground facades also should contribute to the levels of visible activity:
  - i. Footpaths may be overhung by first-floor balconies that are designed primarily to accommodate outdoor dining, and
  - ii. Restaurants and other businesses at first floor level should have extensive windows that permit views to and from street level, and
  - iii. Dwellings at first floor level or above should have a combination of balconies and extensive windows that permit views to and from the street, fitted with adjustable exterior screens to provide shade and privacy

**Figure 4.3.19 Activity along Hudson Lane**



A shared zone for pedestrian activity + vehicle access

- d. Along Painters Lane facades should contribute to social interaction between residents and promote a safe residential environment by providing for surveillance in conjunction with safe and efficient vehicle access
  - i. Provide sight lines from regularly occupied rooms and open spaces within each dwelling and the lane, and to semi public places within developments such as driveways and walkways
  - ii. Facades should incorporate front doors, verandahs, balconies, terraces and courtyards and windows to regularly occupied rooms

#### 4.3.9.4 Controls - Publicly-accessible areas

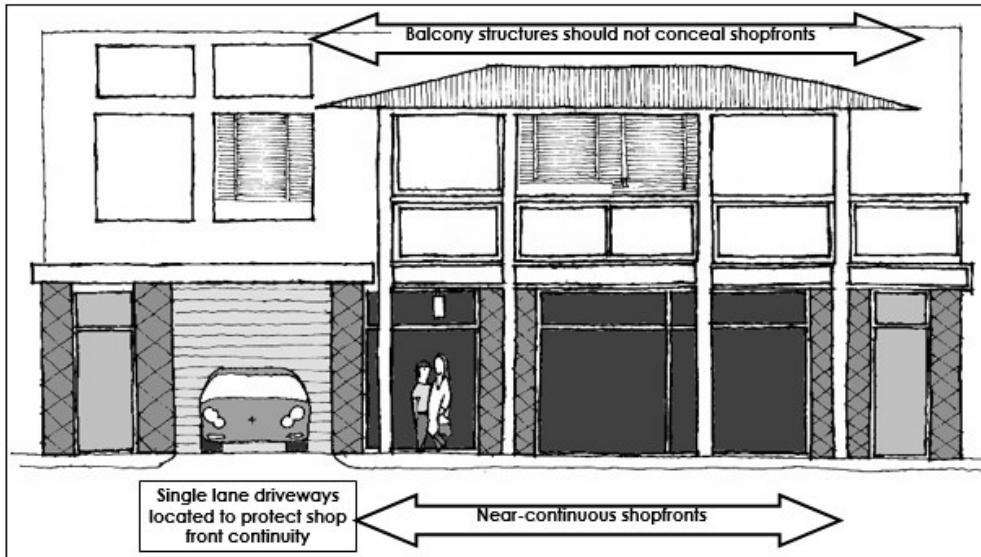
- a. Publicly-accessible areas that erode the level of on-street activity are not compatible with “main-street” design principles, and should not be used in this village centre, for example:
  - i. Indoor arcades or narrow dark alleyways that do not promote a high-amenity setting for outdoor pedestrian activity, or where shopfronts are concealed from the street restricting their commercial potential
  - ii. Wide courtyards and piazzas, particularly at street-corner locations, that interrupt the continuity of existing shop-fronts along any street and disperse pedestrian activity away from existing footpaths
- b. Along Hudson Lane, publicly-accessible terraces or forecourts should be provided within the building setback:
  - i. Paved areas should be suitable for outdoor dining, either elevated above the defined flood-contour to match indoor floor levels, or level with the laneway

- c. For properties that are defined as flood-prone, pedestrian access to shopfronts should be provided via arcades that are open to the street frontage:
  - i. Facing streets, access may be either via open “arcades” that are set into the street façade and elevated above the flood level, or direct from street level to each shop and building entrance via individual stairs and ramps
  - ii. Facing laneways, alleyways or courtyards, access may be via terraces that are open to the sky, either elevated above the flood level, or at street level with individual access to each shop and building entrance
  - iii. All transitions from streets or laneways up to elevated indoor floors should incorporate barrier-free access that is suitable for people with impaired mobility, according to requirements of the Federal Disability Discrimination Act plus the relevant Australian Standard
  - iv. Where elevated terraces or arcades are used, their finished level should be consistent with any existing structures upon neighbouring properties, and the location of stairs or ramps should provide direct access to all shop or business tenancies
  - v. Vehicle entrances and ramps should be integrated with the level and alignment of forecourts, terraces or arcades to maximise pedestrian safety and avoid unsafe cross-falls or trip points

#### 4.3.9.5 Controls - Shopfronts + entrances

- a. The alignment and design of shopfronts should be co-ordinated according to “main street” principles that promote a commercially-unified appearance together with high levels of public amenity
  - i. Shop-fronts should be aligned according to the setbacks that are specified by Section 4.3.7 of this Chapter, and
  - ii. Each shopfront window should be divided into a lower panel that incorporates a display window extending approximately 2.7m above the finished interior floor level, and an upper panel that supports a continuous band of business signs beneath any overhead awning or balcony, and
  - iii. Walls and any solid doors between shopfront windows should be finished in durable materials that facilitate routine cleaning and maintenance, as well as reflecting the design quality of Council’s adopted Master Plan for CBD pavement improvements
  - iv. Shopfronts should not be concealed behind heavy colonnade structures that would restrict the visibility of any commercial tenant from the road, or limit natural daylight along footpaths
- b. Service and vehicle entrances should be integrated with the design quality and the commercial presentation of street-level facades
  - i. Entrances should not disrupt the general continuity of shop-fronts or the commercial significance of corner locations, and should be at least 20 metres from a street corner or another entrance
  - ii. Entrances should address road and pedestrian safety, particularly along footpaths and near crossings
  - iii. The width of openings should be minimised, with driveways preferably limited to one-way passages not wider than 3.5 metres, supported where necessary by directional warning lights that are visible from cars approaching along the street, plus queuing space to enable vehicles to pass safely, and
  - iv. Security shutters should be set at least 6 metres from a street or laneway frontage, and shutters, doors, plus wall and ceiling finishes within that setback should match the design standard of shopfronts and street facades, and
  - v. Between any garage shutter and the street or laneway frontage, pipework and service ducts should be concealed behind walls and above ceilings

**Figure 4.3.20: Configuration + design of lower storey street facades**



#### 4.3.9.6 Controls - Awnings + balconies

- a. All street footpaths should have continuous weather protection provided by awnings or overhead balconies
  - i. Awnings should maximise protection from summer sunlight, and should be of opaque materials rather than glazed in order to minimise the need for intensive maintenance
  - ii. The underside of any awning or balcony should be generally consistent with the level of awnings on both neighbouring properties, between 3.3 metres and 3.5 metres above the finished interior floor level, and
  - iii. Awnings and balconies should have vertical fascias that are at least 0.3 metres deep in order to support a continuous band of business signs
  - iv. The face of awnings and balconies should be setback from the kerb-line of any roadway by at least 0.5 metres to prevent vehicle impact damage
- b. Balconies above footpaths are subject to Council's license plus design requirements
  - i. Balconies may be erected above public footpaths subject to the terms and conditions of Council's leasehold
  - ii. Balconies must be consistent with the maximum dimensions and design provisions that are specified by Sections 4.3.6 and 4.3.8 of this Chapter
  - iii. Balconies may be roofed but should not be enclosed by permanent walls or windows, and should be designed primarily for dining
  - iv. Balconies may be cantilevered structures or post-and-beam structures that rest on the footpath with adequate protection from vehicle impact damage

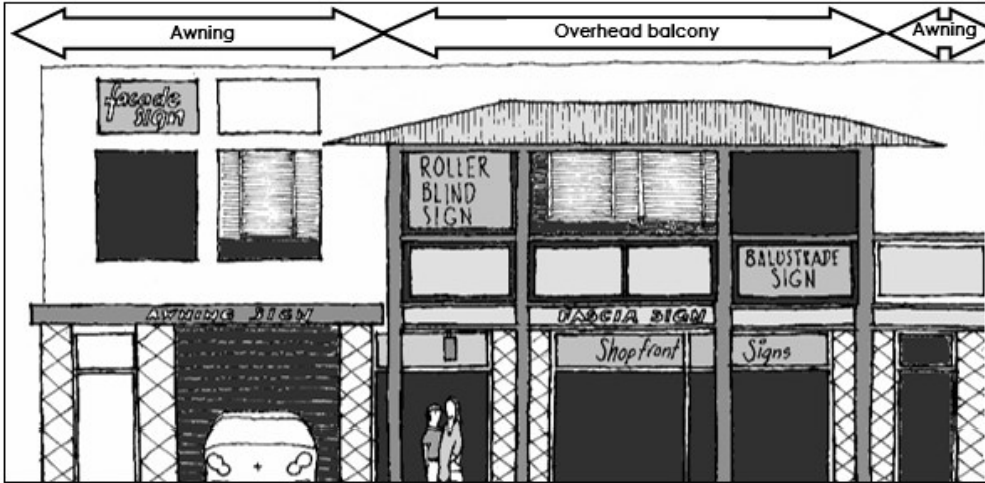
#### 4.3.9.7 Controls - Business signs

- a. Business signs for ground floor tenancies should be limited in number and location
  - i. Above-awning signs should not be permitted
  - ii. Awning fascia signs should be limited to one per tenancy not taller than 0.3 metres
  - iii. Under-awning signs should be limited to one per tenancy, a maximum of 2 metres wide and 0.6 metres high, either painted murals or internally illuminated
  - iv. Shopfront signs should be limited to the upper panel of the shopfront window, and either painted onto the glass, a mural or collage, or internally illuminated
  - v. Generally, signs should not be applied to the lower panel of any shop-front window, with the exception of illuminated signs that are located inside the glass-line
- b. Business signs for above-ground tenancies should be integrated with the architectural forms or features of

each building, and should be limited in number

- i. Above-awning signs and signs projecting from the face of buildings should not be permitted
- ii. Wall or window signs should not exceed more than two per tenancy, each not more than 2 metres high by 1 metre wide, and either fitted within window openings or in locations that are compatible with the shape of the façade or with the pattern of window openings
- iii. Awning fascia signs should be limited to one sign per tenancy not taller than 0.3 meters
- iv. Under-awning signs should be limited to one per tenancy, a maximum of 2 metres wide and 0.6 metres high, either painted murals or internally illuminated

**Figure 4.3.21: Street facade with awnings, balconies + integrated signs**

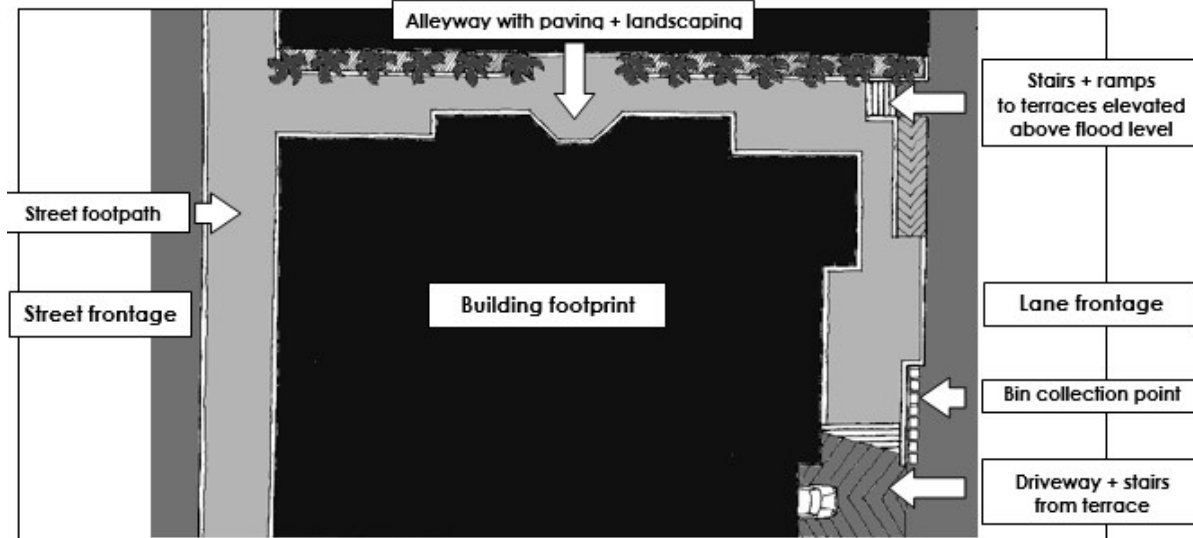


#### 4.3.9.8 Controls - Landscaping + street furniture

- a. Street footpaths adjacent to each development site should be reconstructed by each development according to Council's adopted Master Plan for street improvements:
  - i. Footpaths must be constructed of pavers laid over a structural base that incorporates service conduits, as specified by the adopted scope of works
  - ii. Along each building frontage and street kerb, footpaths must be finished to specified levels with select unit pavers that are surrounded by header courses
  - iii. Provision must be made for future installation by Council's contractor of street furniture and lighting in the locations designated by the Terrigal Foreshore Improvements Landscape Masterplan Report & Associated Documents
- b. Publicly-accessible areas within development sites should employ materials and specifications that are identical to the adopted CBD improvements Master Plan:
  - i. Paved areas such as alleyways, courtyards and terraces should be surfaced with unit pavers and headers around all building facades and at any changes in level
  - ii. Kerb crossings and vehicle entrances up to the face of any security shutter should be surfaced with contrasting interlocking pavers
  - iii. Stairs and ramps should be poured in-situ concrete according to the Master Plan's Type 2 specification, with dimensions and grades per the applicable Australian Standard
  - iv. Any changes in level or grade should be marked by tactile indicators
- c. Lighting of publicly-accessible areas should meet Australian Standard and BCA requirements:
  - i. The standard and design of light fittings should be compatible with the adopted improvements Master Plan
- d. Canopy trees should be provided along alleyways, terraces facing Hudson Lane and in open courtyards:
  - i. Trees should be provided at the rate of at least one per 10 lineal metres

- ii. Species should be consistent with the adopted improvements Master Plan
  - iii. Planter boxes should be sized, water-proofed, drained, filled and irrigated according to requirements of the species accommodated and to any applicable standards
- e. Utilities and utility cabinets should be integrated with the design of publicly-accessible areas:
- i. Services should be located underground wherever possible
  - ii. Above-ground cabinets should be located away from the principal pedestrian pathways and designed to minimise their visual impact

**Figure 4.3.22: Site plan highlighting areas that should be landscaped**



Plan illustrates a typical property between Terrigal Esplanade + Hudson Lane

### 4.3.10 Residential Amenity

#### 4.3.10.1 Objectives

- a. Provide high levels of residential amenity that are appropriate for multi-unit development in a village centre setting
- b. Maintain and enhance the existing levels of amenity that are enjoyed by residential areas on the surrounding hillsides
- c. Contribute to high quality architectural and urban design by employing exterior screens as significant elements of all buildings
- d. Contribute to energy-efficient construction by appropriate solar orientation and effective application of exterior sunshades

#### 4.3.10.2 Controls - Minimum dimensions

- a. Floor-to-ceiling dimensions should promote effective daylighting and ventilation for all habitable rooms:
  - i. The minimum ceiling height for habitable rooms should be 2.7 metres
- b. The size and configuration of each habitable room should be appropriate to their proposed use:
  - i. Dimensions plus the location of windows and doors should accommodate the furniture typically associated with the use of each room
  - ii. All development proposals should illustrate a furniture layout for each typical apartment
- c. Common lobbies and hallways should define residential territory and be wide enough to accommodate the passage of people and furniture:
  - i. Each stair or lift lobby should service not more than eight apartments per floor

- ii. The width of lobbies and hallways should be increased beside lifts or stair landings, and opposite the entry to each apartment to facilitate removal of furniture and the two-way passage of residents
- iii. Common hallways should not be less than 1.2 metres wide at any point

#### 4.3.10.3 Controls - Views

- a. Buildings must not exceed the maxima specified by Gosford LEP 2014
- b. The top storey of each building should be shaped to minimise obstruction of significant coastal and ocean views that are enjoyed from dwellings on the surrounding hillsides:
  - i. Significant views include the ocean horizon, landmarks such as Crackneck, The Skillion and Wamberal dunes, inshore waters such as The Haven and the Wamberal beachfront
  - ii. Upper-storey roofs should have gentle pitches that generally are not steeper than 10 to 15 degrees in order to minimise obstruction of existing views
  - iii. On sites larger than 2000m<sup>2</sup> or wider than 20 metres, the top storey should be divided into pavilion structures separated by “view corridors” that are wide enough to allow filtered views from hillside properties

#### 4.3.10.4 Controls - Private open space

- a. Private open space should be provided for each dwelling to accommodate outdoor recreation in proportion to the dwelling size:
  - i. Private open space for each dwelling may be provided as one or more balconies or roof terraces
  - ii. The primary private open space for each dwelling should be located immediately beside living or dining rooms
  - iii. The area and dimensions of each private open space should be sufficient to accommodate typical outdoor activities such as dining, sitting and reclining
  - iv. No private open space should have dimensions less than 2 metres wide and 4 metres long
- b. Private open spaces should be designed to maximise the amenity of each dwelling within a development:
  - i. Balconies and terraces should incorporate adjustable sunshades to screen hot summer sun and prevent indoor overheating
  - ii. Balconies and terraces should incorporate privacy screens constructed to prevent direct cross-viewing and transfer of noise between adjoining dwellings
- c. Private open spaces should contribute to the desired form and character of buildings that are specified by the Architectural Character and Identity section of this Chapter:
  - i. Balconies and terraces should be used to articulate desired building forms
  - ii. The shape, dimensions and location of balconies or terraces should be varied across each façade
  - iii. Balconies should be designed in short lengths, and should not create the appearance of monolithic building forms by extending continuously along the length of any façade

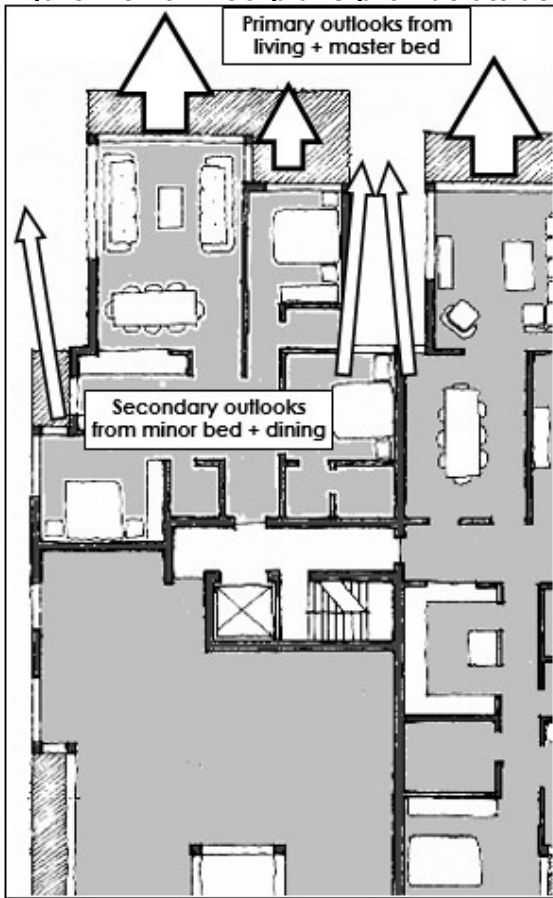
#### 4.3.10.5 Controls - Outlook + daylight

- a. All habitable rooms should have a reasonable outlook:
  - i. The floorplan of each dwelling should be shaped and oriented to provide an attractive outlook, preferably towards activities or natural backdrops that are located beyond the development site
  - ii. Where the outlook from a dwelling would be blocked by surrounding buildings, private balconies or landscaped courtyards should be designed to provide an appropriate outlook
- b. Each dwelling should receive high levels of natural daylight:
  - i. The principal windows to all habitable rooms should be located and / or oriented to provide at least 6

metres from any wall or obstruction, measured perpendicular to the plane of glazing

- ii. Where balconies overhang the windows to a habitable room below, the depth of the overhang should not be more than 2 metres

**Figure 4.3.23: Floorplans provide attractive outlooks**



Indicative floorplan facing Terrigal Esplanade

**4.3.10.6 Controls - Acoustic Privacy**

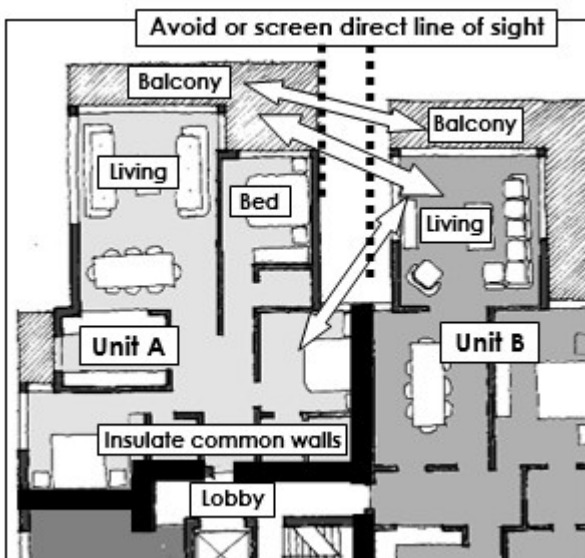
- a. The specification of acceptable noise levels in a residential environment is a complex task:
  - i. Acceptable noise levels have been established with regard to intrusive noise such as road traffic, but there is often limited guidance available for domestic noise sources
  - ii. In the first instance, developments should be planned to satisfy “rule-of-thumb” controls that are listed below
  - iii. Where “rule-of-thumb” controls are not satisfied, or in other situations and circumstances that might be determined by Council, applications may require a technical report prepared by a qualified acoustic consultant
- b. All structures and walls between dwellings should be acoustically-rated according to the applicable standards
- c. “Rule-of-thumb” planning and construction techniques should prevent the transfer of noise into any dwelling:
  - i. Firstly, noise sources should be separated or otherwise insulated from neighbouring dwellings
  - ii. Secondly, windows and private open spaces should be oriented to prevent direct line transfer of noise, either from existing or from likely noise sources
  - iii. Thirdly, windows and private open spaces should be shielded to prevent direct line transfer of noise, for example by exterior screening of balconies and by acoustic insulation of balcony ceilings
  - iv. As a last resort, windows may be acoustically-insulated to prevent direct line transfer of noise, with mechanical ventilation provided for habitable rooms
- d. Site planning and design should prevent direct line transfer between the following areas in particular:

- i. The windows of habitable rooms and / or private open spaces within neighbouring dwellings
  - ii. Common access balconies and the habitable rooms or private open spaces of any adjacent dwelling
  - iii. Bedroom windows and vehicle entrances or garbage collection areas
  - iv. Bedrooms and lift shafts or common access corridors or living rooms in neighbouring dwellings
  - v. Note that direct line transfer may be blocked externally by acoustically-impervious screens such as masonry walls or acoustically-rated glazing
  - vi. For noise sources that are located above any dwelling, high-level windows are not adequate to block direct line transfer
- e. Mechanical plant should be located and designed to minimise nuisance noise:
- i. Plant should be located well away from habitable rooms unless acoustically-insulated according to the applicable standards

#### 4.3.10.7 Controls - Visual Privacy

- a. Neighbouring buildings and/or dwellings should have an appropriate orientation and an adequate separation in order to prevent unreasonable direct views into any dwelling:
  - i. Windows and private open spaces should not face the windows or private open spaces of any neighbouring dwelling
  - ii. Windows of habitable rooms in adjoining dwellings should be separated by at least 12 metres
  - iii. Any window of a habitable room should be separated from a neighbouring private open space or common access balcony by at least 9 metres
- b. Where the desired orientation and separation cannot be achieved, exterior screening should be used:
  - i. Fixed screens should be installed on windows, for example fixed louvres that admit light but prevent directional overlooking
  - ii. Balconies and terraces should be fitted with screens that may be fixed or adjustable according to the proximity of vantage points and the significance of potential cross-views
  - iii. Where elevated vantage points allow cross-viewing, high-level windows might not provide effective screening

**Figure 4.3.24: Privacy considerations for neighbouring dwellings**



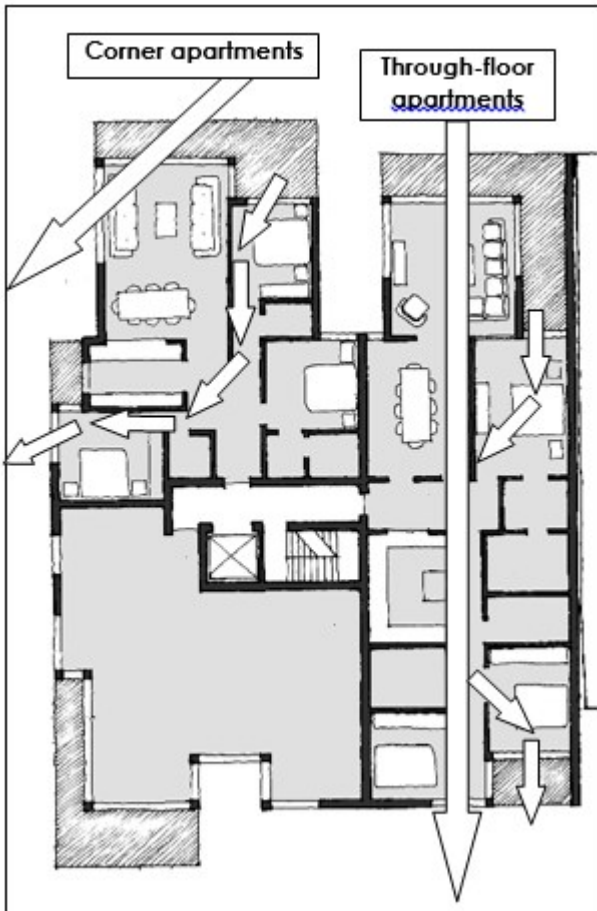
#### 4.3.10.8 Controls - Climate control

- a. Site planning and design of facades should protect all dwellings from overheating during summer:



- i. Windows facing east, north or west should be shaded by eaves, balcony overhangs or exterior sun-shades that prevent the entry of sunlight from the equinoxes through to mid-summer
  - ii. Shading devices for windows should be designed to admit sunlight from the equinoxes until mid-winter, for example adjustable screens and blinds, louvred screens, or by suitably-dimensioned balcony overhangs or eaves
- b. Dwelling floorplans should facilitate natural cross-ventilation during summer months:
- i. Easterly winds should have an unobstructed path through the majority of dwellings within each development
  - ii. Dwellings should be planned with windows in two external walls to facilitate cross-ventilation, for example “corner” apartments and “through-floor” apartments

**Figure 4.3.25: Apartment floorplans that encourage natural ventilation**



#### 4.3.10.9 Controls - Safety + Security

- a. Developments should be planned and designed to promote neighbourhood security:
  - i. Site planning should distinguish a range of “territory”, from areas with full public access such as alleyways and forecourts, to semi-public areas such as apartment lobbies and corridors
  - ii. Lines of sight should be provided from each dwelling to publicly-accessible streets and laneways below as a “passive security” measure that enhances the level of personal safety in public areas
  - iii. Floorplans should limit the opportunities for concealment of intruders in semi-public areas, with courtyards, lobbies, corridors and parking areas that avoid recesses or blind corners, and cupboards or service rooms that are lockable
  - iv. Publicly-accessible areas should have at least two travel paths to facilitate escape
  - v. “Passive” security planning should be supported by “hard” security measures such as lockable car-park shutters and entrance doors to common lobbies

### 4.3.11 Natural Hazards + Environmental Planning

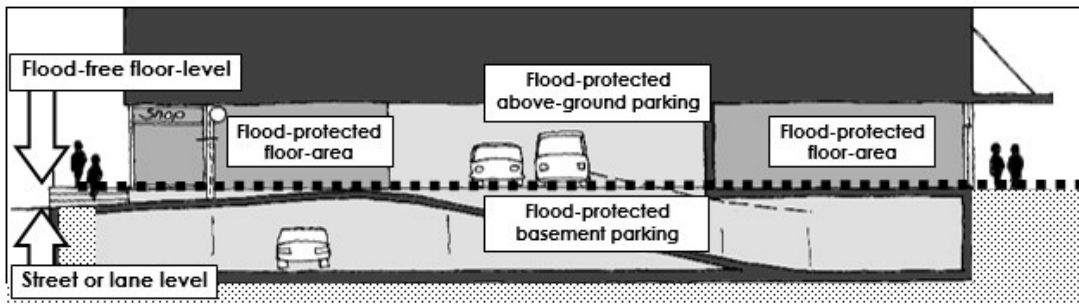
#### 4.3.11.1 Objectives

- a. Address the requirements of State planning instruments together with Council's controls and policies with regard to safety, conservation of natural resources plus the control and minimisation of waste
- b. In areas that are subject to recognised environmental hazards, prevent development that is not planned or constructed appropriately
- c. Promote the efficient use of natural resources
- d. Prevent the discharge of contaminated stormwater from each property

#### 4.3.11.2 Controls - Floodprone properties

- a. On properties that are defined as flood prone, development must be planned and constructed according to the State Government's "Floodplain Development Manual" plus the Water Cycle Management Chapter of this DCP:
  - i. Council's Section 149 Planning Certificates (Environmental Planning and Assessment Act) indicate properties that have been identified as floodprone
  - ii. For floodprone properties within the Terrigal village centre, Council has defined 1% AEP flood level.
  - iii. On floodprone properties, new building works must be designed to protect structures, people and personal possessions from flood hazard and damage
  - iv. New building works and basements must not increase the level or the severity of flood impacts for any other property that is located within the surrounding drainage catchment
- b. Building works on floodprone properties must be designed to prevent the entry of floodwaters:
  - i. The lowest occupied floor must be elevated 0.5 metres above the 1% AEP flood level that has been defined by Council
  - ii. Parking areas must incorporate ramps that rise from the level of the street or laneway frontage to prevent the entry of flood-waters

**Figure 4.3.26: Cross-section illustrating flood protection measures**



Indicative property between Terrigal Esplanade + Hudson Lane

#### 4.3.11.3 Controls - Energy efficiency

- a. New dwellings should be planned, designed and constructed according to provisions of SEPP BASIX (2004):
  - i. Applications should include a completed energy performance statement, and
  - ii. Site planning, interior layout and design of facades should incorporate an effective range of passive solar principles
  - iii. All windows facing east, north or west should be protected by eaves, structural overhangs, or exterior sunshades
  - iv. At least two thirds of all dwellings within each development should have a northerly orientation for living room windows

- b. Construction Certificate applications should include additional information:
  - i. Insulation should be incorporated within all framed exterior walls and roofs in accordance with the applicable Australian Standard
  - ii. Water heaters that achieve at least a four star greenhouse rating should be installed

#### **4.3.11.4 Controls - Stormwater Management**

- a. The discharge of contaminated waters from each site should be prevented:
  - i. Carparking and delivery areas should be fitted with interceptor traps to collect petroleum and metal wastes deposited by vehicles onto driveways and floors
- b. Stormwater collected during peak storm events should be detained on-site:
  - i. Detention systems should be provided to protect the trunk drainage network from overloading
  - ii. Development applications should provide preliminary details of proposed detention systems, including their capacity to accommodate peak storm events, dimensions and location to facilitate gravity discharge to the trunk network
  - iii. Final details of the detention system, including maintenance requirements, should be provided with Construction Certificate applications

#### **4.3.11.5 Controls - Water conservation**

- a. The collection of stormwater for re-use on site is encouraged for new developments:
  - i. Re-use may include irrigation of planted areas, carwashing within dedicated basement areas, or toilet flushing
  - ii. Storage systems should be fitted with first-flush interceptors, sediment traps and outlet filters, and non-potable waters should be distributed via pipes that are separated from the potable system
  - iii. Details of storage systems, including technical operation and maintenance, should be provided with Construction Certificate applications

### **4.3.12 Village Centre Improvements Servicing of Development**

#### **4.3.12.1 Objectives**

- a. New development should contribute to village centre improvements that form part of Council's adopted Master Plan:
  - i. Street footpaths should be reconstructed along the full frontage of each development site
  - ii. Footpath construction should incorporate the materials, construction techniques and specifications that form part of the adopted improvements program
  - iii. Monetary contribution for works may be levied according to a Contributions Plan that has been adopted by Council for this Village centre

#### **4.3.12.2 Controls - Carparking**

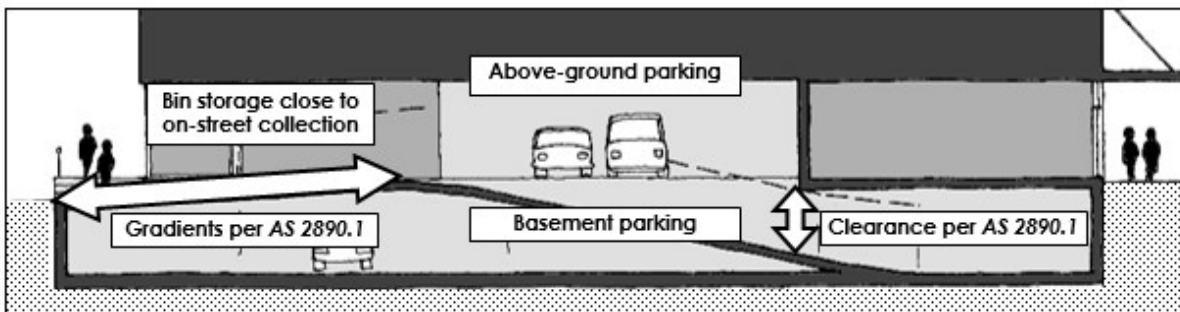
- a. Each development should provide carparking at the rates set by the Carparking Chapter of this DCP:
  - i. All of the carparking required for the residential component of the development is to be provided on site.
  - ii. No less than two thirds of the carparking calculated for the retail and commercial component of the development is to be provided on site, the balance may be provided by way of s94 contribution.
- b. Parking areas, driveways and ramps must be designed according to the applicable Australian Standard AS 2890.1:

- i. Ramps must not be steeper than 1:20 within 6 metres of a street or laneway boundary to protect pedestrian safety
- ii. Ramps must not exceed specified maximum gradients and must incorporate transitional gradients to prevent vehicle damage
- iii. Minimum headroom requirements must be satisfied along all ramps, driveways and bays
- iv. Preferred ramp widths should conform to Section 4.3.9.5 of this Chapter.

#### 4.3.12.3 Controls - Deliveries

- a. Developments that contain dwellings should provide for short-term parking of furniture removalists vehicles:
  - i. Where on-street loading-zones are located in proximity to the site and with direct access to the proposed residential lobby: no off-street provision is required
  - ii. For sites facing The Esplanade that have rear-lane access only: on-site space should be provided for a small delivery vehicle in a location that does not obstruct access to parking areas
- b. Developments that accommodate non-residential floorspace should provide delivery areas in proportion to the scale and intensity of retail and business uses:
  - i. Where the area of each defined retail or business tenancy does not exceed 100m<sup>2</sup>: Deliveries may be made “across-the-kerb” from designated loading zones
  - ii. For sites facing the proposed pedestrian mall in The Esplanade, deliveries may be permitted via the pedestrian mall within restricted hours that are defined by Council
  - iii. Where the area of any retail or business tenancy exceeds 100m<sup>2</sup>: one dedicated delivery space should be provided on-site, located and designed according to Sections 4.3.8 and 4.3.9 of this Chapter

**Figure 4.3.27: Cross-section illustrating vehicle + service access**



Indicative property between Terrigal Esplanade + Hudson Lane

#### 4.3.12.4 Controls - Garbage storage + collection

- a. Garbage storage should be provided in accordance with the Waste Management Chapter of this DCP together with the urban design and amenity provisions of this Chapter:
  - i. Storage areas should accommodate the number of bins specified by the Waste Management Chapter.
  - ii. Storage areas should be located according to the urban design and amenity provisions that are listed in Sections 4.3.8, 4.3.9 and 4.3.10 of this Chapter, close to a street or laneway frontage in order to facilitate collection by Council’s contractors
- b. Unloading of bins should not require Council’s contractors to enter a private property:
  - i. Properties with rear lane access should provide a level area within each property immediately adjacent to the lane and suitable for the short-term storage of bins prior to collection
  - ii. For properties without rear lane access, development applications must include a management plan that confirms the responsibility of the proposed building’s owners and/or managers for movement of bins to a kerbside collection position plus their removal to an indoor storage area immediately after collection by Council’s contractor

#### 4.3.12.5 Controls - Clothes Drying

- a. Natural drying facilities are encouraged for new developments:
  - i. Each dwelling should be provided with outdoor space for clothes-drying, fitted with a retractable clothes line and located as part of a private balcony or terrace that is surrounded by fixed screens to conceal washing from street-level vantage points

#### 4.3.12.6 Controls - Plant + Piped Services

- a. Plant and equipment should be concealed within the fabric of each building in order to promote high standards of urban design and amenity:
  - i. Plant, equipment and ductwork should not be surface-mounted on roofs, terraces, or exterior walls
  - ii. Services, pipes and ductwork should not be visible from any public frontage
  - iii. Services, pipes or ductwork should be concealed in the entrances to parking or delivery areas that face a street or laneway
  - iv. Plant and equipment should be designed and located to prevent exposure of nearby dwellings to unreasonable odours or noise
- b. Control valves and meters for piped services should not intrude upon the continuity of shopfronts or design of facades facing any street:
  - i. Valves and meters should be accessed via secondary street or laneway frontages, and where possible, located in secured cabinets that are associated with carpark entrances rather than intruding upon street facades
  - ii. Where cabinets must be located along a street frontage, their width should be minimised and they should be integrated with the design of shopfronts

#### 4.3.12.7 Controls - Antennas

- a. The number, design and location of television and radio antennas should be limited:
  - i. There should be one common mast per building
  - ii. Satellite dishes should not be installed on roof-tops, and should be restricted to small units located on private balconies or terraces to conceal their appearance from street level vantage points
- b. Mobile phone facilities are not appropriate to the desired urban design quality or the population density of this village centre
  - i. Arrays of transmitters have an uncoordinated appearance that would detract from the desired urban design quality
  - ii. Expressions of concern for public health suggest that the location of transmitters in a village centre would not be appropriate given the intensity of pedestrian activity or the density of residential accommodation.

#### 4.3.13 Precinct Controls

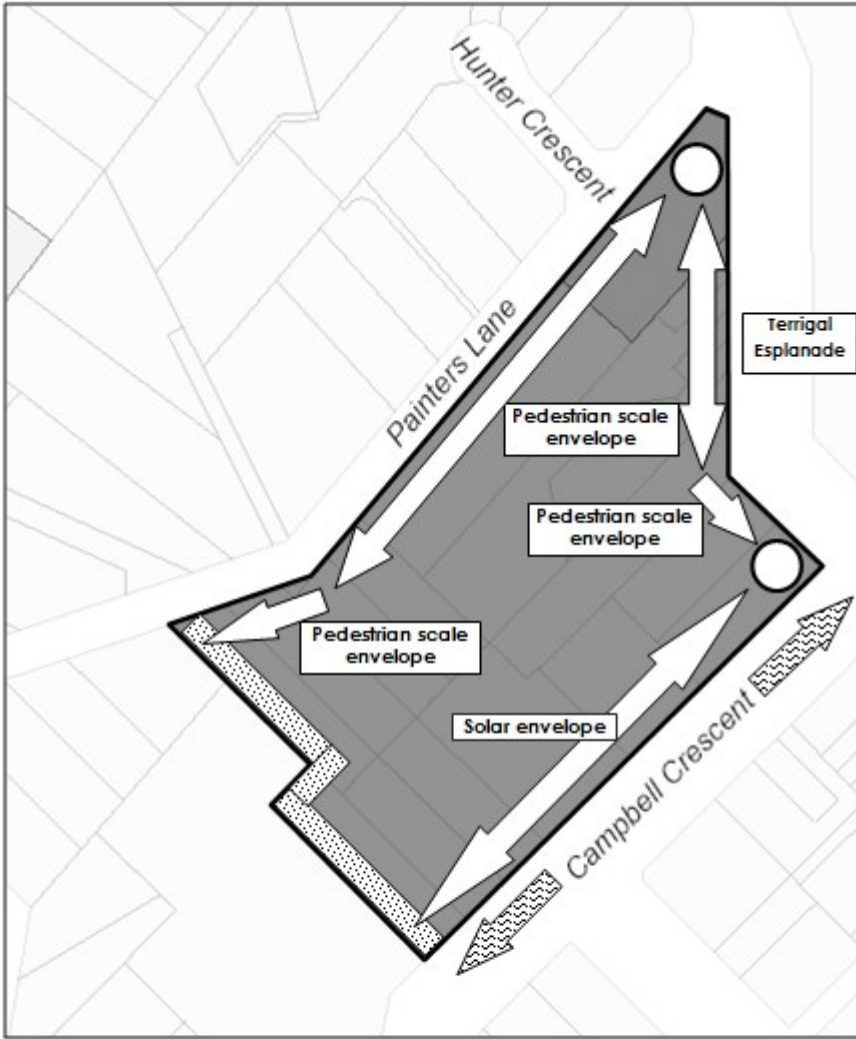
##### 4.3.13.1 Purpose




- a. This Chapter identifies the appropriate location or general application of specific controls in the General Control section of this Chapter:
  - i. Solar protection envelope: Section 4.3.6.3
  - ii. Pedestrian scale envelope: Section 4.3.6.3
  - iii. Desirable street corner variations to the building envelope: Section 4.3.6.3
  - iv. Setbacks to residential properties: Section 4.3.7.4

- v. Desirable publicly-accessible alleyways + courtyards: Section 4.3.7.5
- vi. Floodprone frontages: Section 4.3.11.2
- b. The Precinct Control section of this Chapter incorporates a series of street block maps:
  - i. Incorporating property boundaries that were current at August 2003
  - ii. Illustrating general features of Council's Master Plan for CBD Improvements, as adopted at August 2003
- c. Street block maps provide diagrammatic indications regarding particular features:
  - i. The number and/or the general location of publicly accessible alleyways and courtyards that are desirable within any street block
  - ii. Frontages that are deemed floodprone
  - iii. Note that the precise location of desirable alleyways or courtyards upon any development site must be selected according to provisions of Section 4.3.7.5
  - iv. Note also that the precise extent of floodprone frontages should be checked with Council
- d. Maps in the Precinct Control section of this Chapter cover the following street blocks:

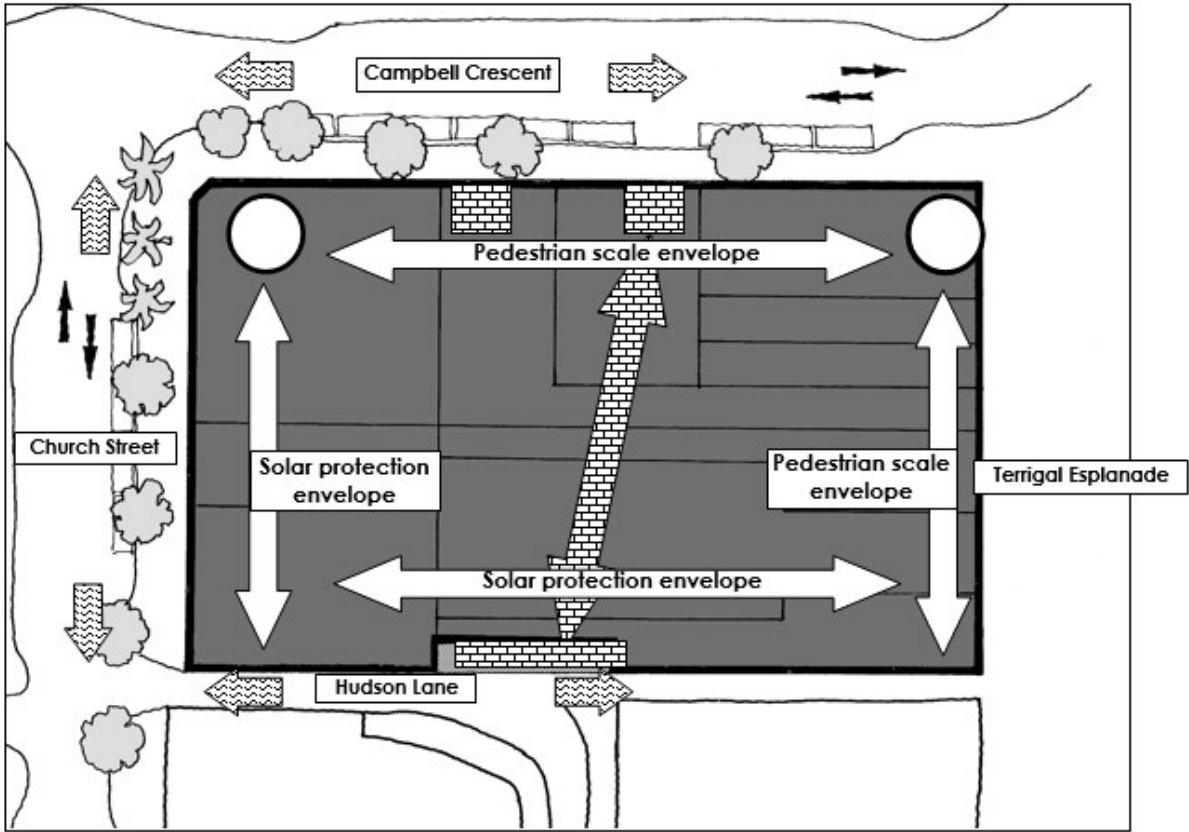
Block 1 Terrigal Esplanade: north of Campbell Crescent  
Block 2 Terrigal Esplanade: north of Hudson Lane to Cambell Street  
Block 3 Terrigal Esplanade: north of Kurrawyba Avenue  
Block 4 Terrigal Esplanade: south of Kurrawyba Avenue  
Block 5 Pinetree Lane: south of Kurrawyba Avenue  
Block 6 Church Street: east side  
Block 7 Church Street: west side

**Block 1 Terrigal Esplanade: north of Campbell Crescent**



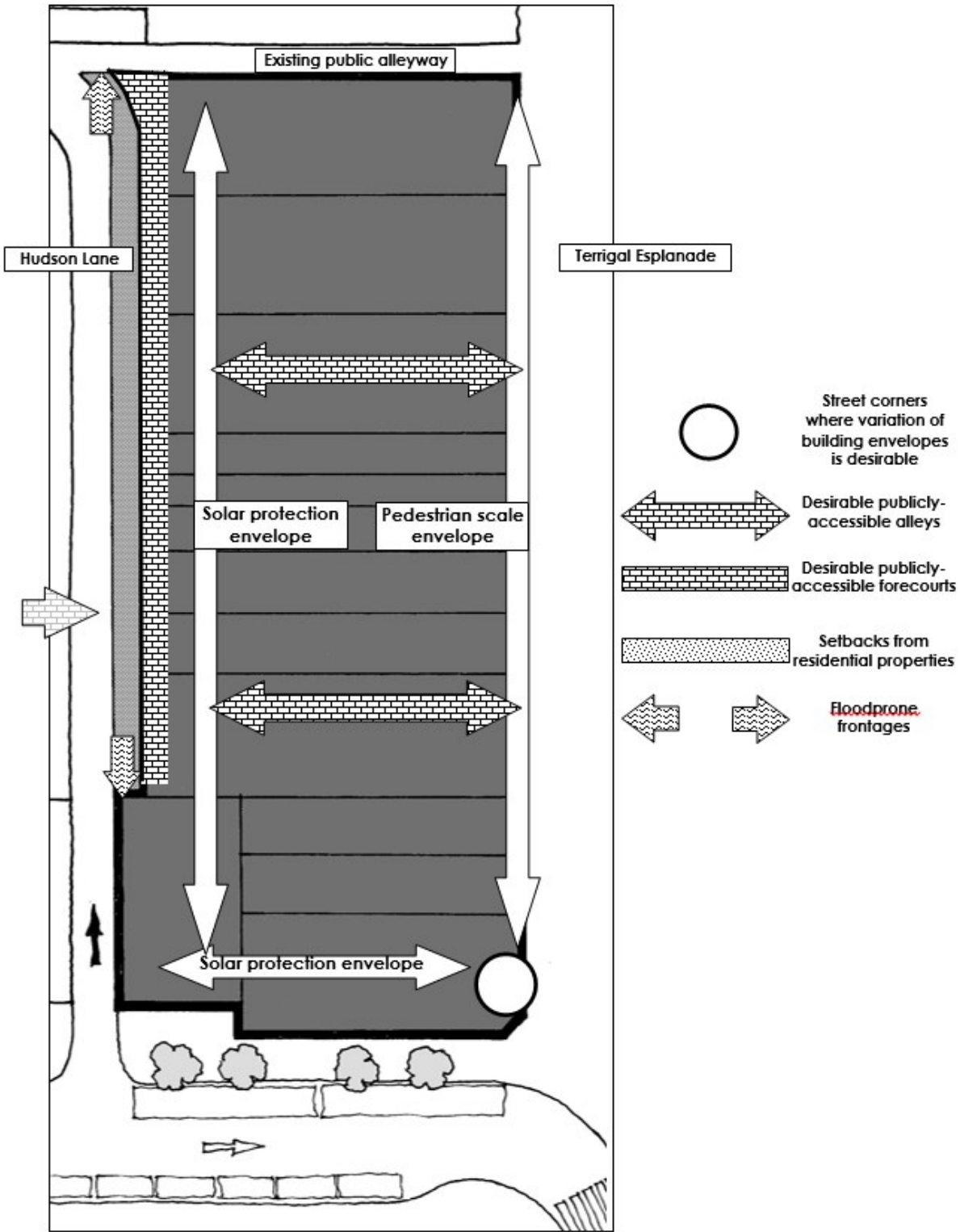
-  Street corners where variation of building envelopes is desirable
-  Setbacks from residential properties
-  Floodprone frontages

**Block 2 Terrigal Esplanade: north of Hudson Lane to Campbell Street**

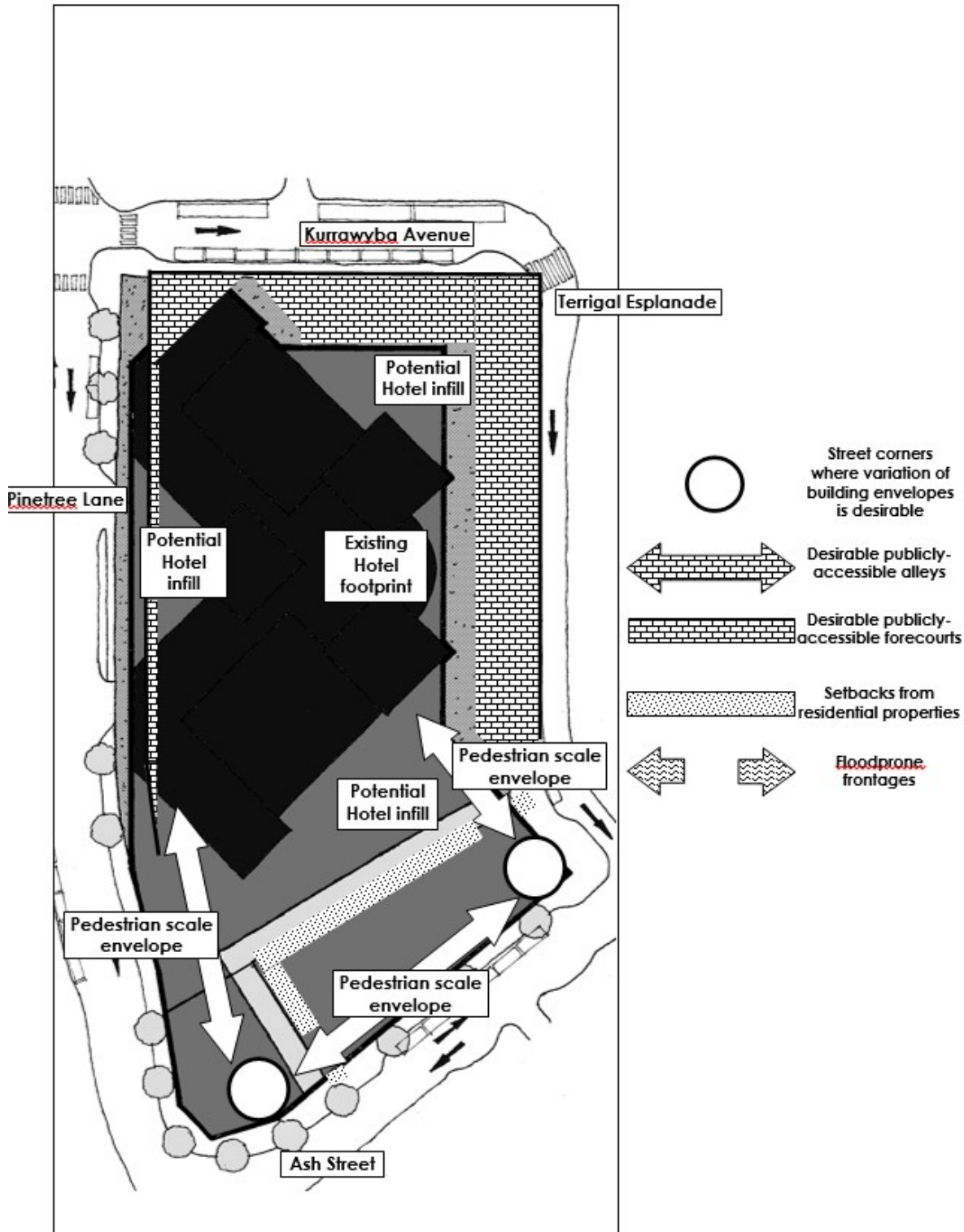


**Block 3 Terrigal Esplanade: north of Kurrawyba Avenue**

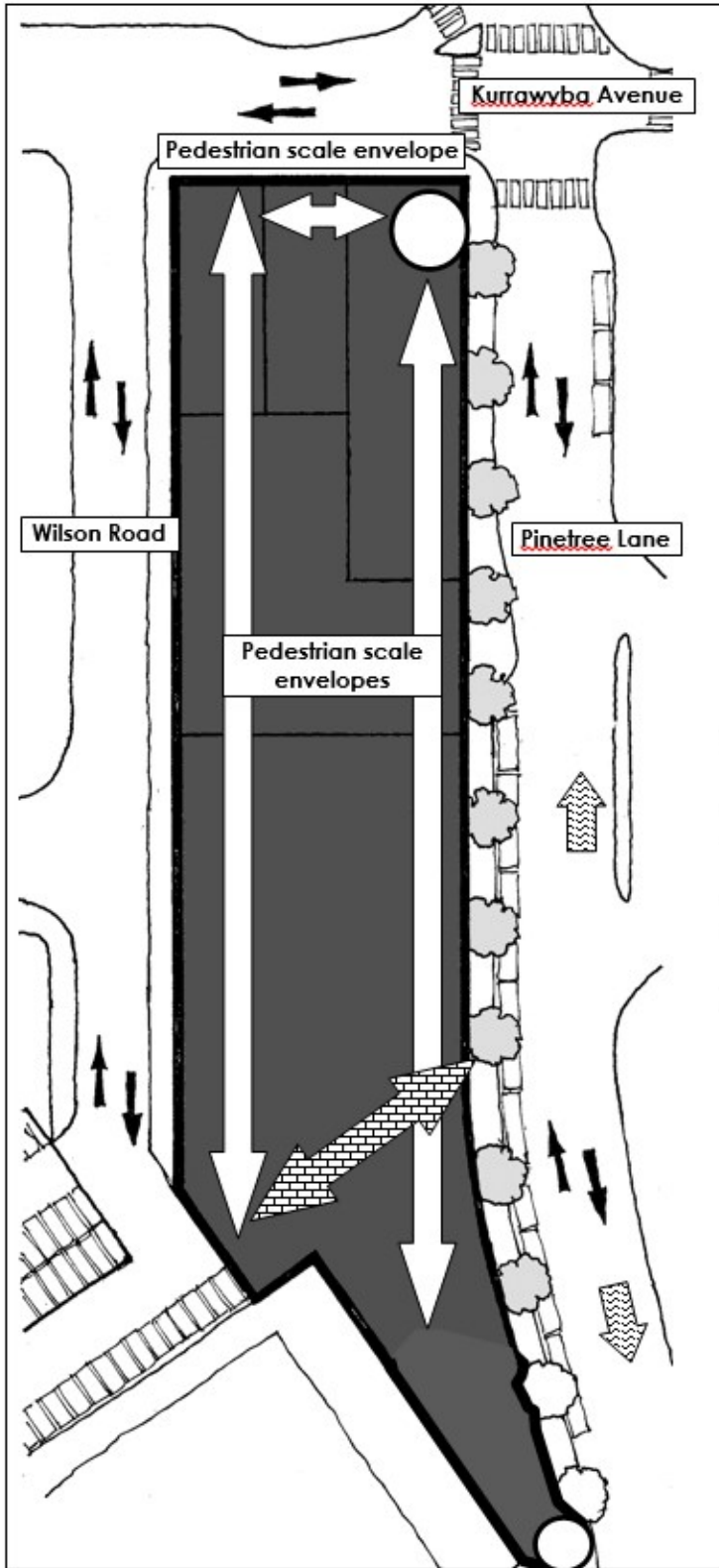




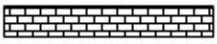




Block 4 Terrigal Esplanade: south of Kurrawyba Avenue

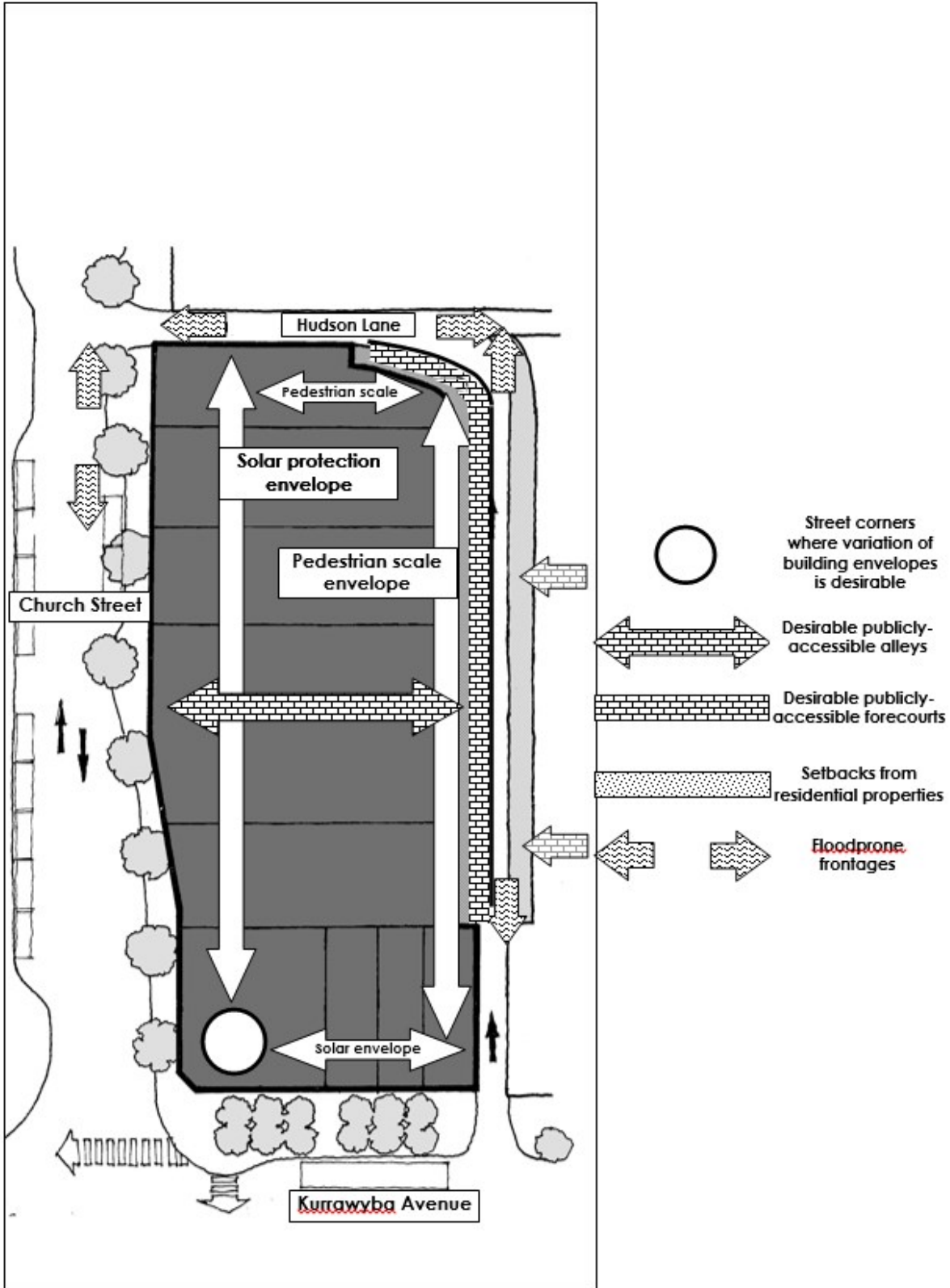


Block 5 Pinetree Lane south of Kurrawyba Avenue

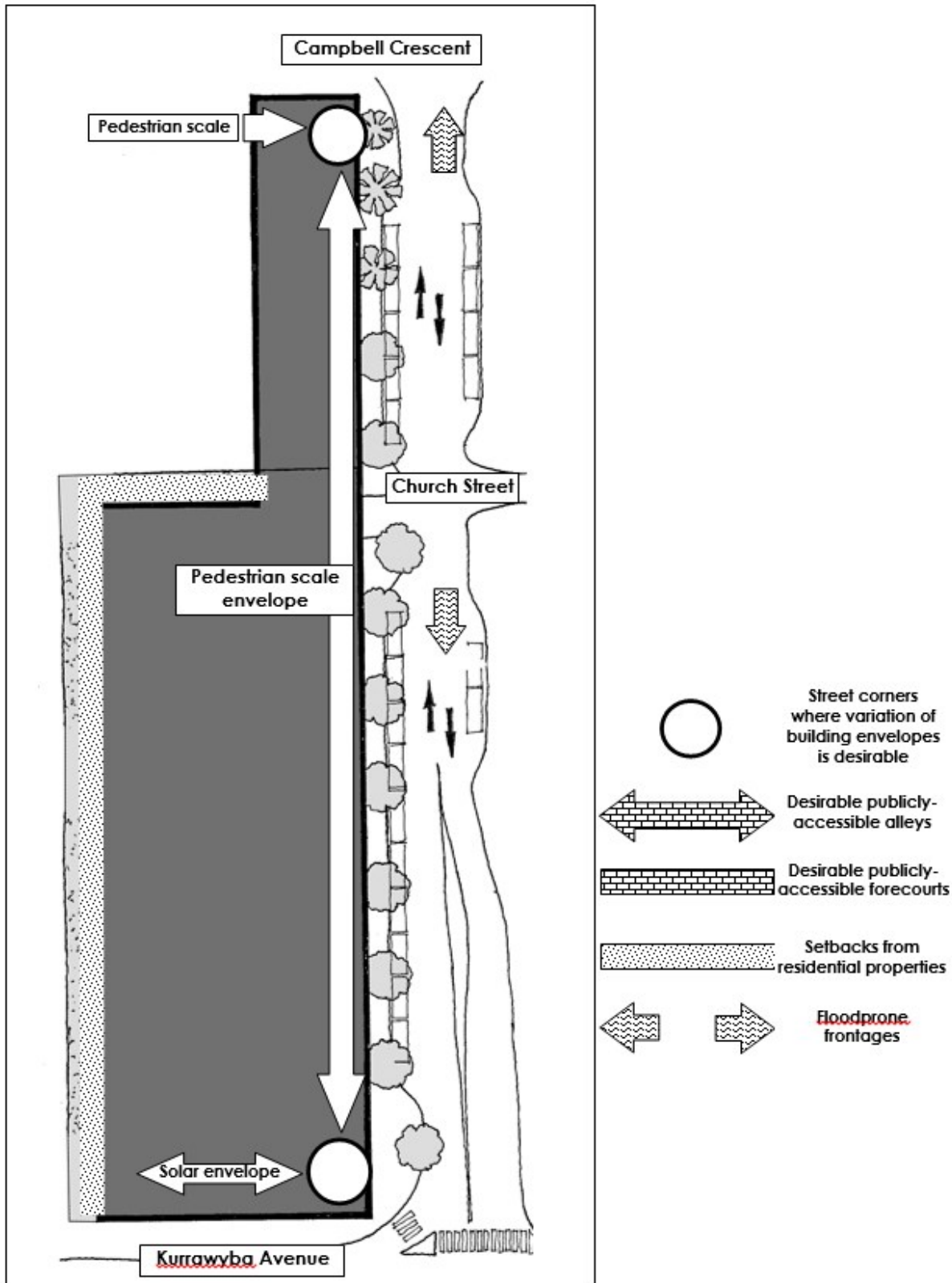


-  Street corners where variation of building envelopes is desirable
-  Desirable publicly-accessible alleys
-  Desirable publicly-accessible forecourts
-  Setbacks from residential properties
-  Floodprone frontages

Block 6 Church Street east side



Block 7 Church Street west side



## 4.4 Gosford Waterfront

### 4.4.1 Introduction

Gosford City Centre has been identified by the NSW Government as the Central Coast's regional city and accordingly will play a vital role in the shaping the future of Central Coast. The Central Coast Regional Strategy, which sets the strategic framework for growth over the next 25 years, identifies that Gosford will need to accommodate 10,000 new residents and 6,000 new jobs within that period.

Development of the Gosford City Centre in line with the Central Coast Regional Strategy is therefore critical to ensuring sustainable growth, providing a focal point for local development and a significant contribution to local employment capacity. In this context, the former Department of Planning and Gosford City Council implemented a suite of planning tools in 2007 comprising a vision, local environmental plan, development control plan and civic improvement plan.

In 2007 Gosford City Council, in collaboration with NSW Government and the local community, initiated the "Gosford Challenge" to explore further specific opportunities to revitalise the City Centre. That process culminated in the issue of a new blueprint for the Gosford City Centre entitled "Our City, Our Destiny – Gosford City Centre Master Plan" (2010).

The Master Plan recognised the existing spatial framework and identified the following five key precincts of activity within the framework in recognition of their capacity to evolve and contribute to growth and revitalisation of the City:

- The Waterfront;
- The Arts & Entertainment Precinct;
- The City Core;
- The Railway Precinct, and;
- The Hospital Precinct.

The Master Plan identifies The Waterfront (herein referred to as "the Gosford Waterfront) as *"the jewel in Gosford's crown..."* and promotes *"...a vibrant and active urban waterfront with shops, restaurants and new development"*.

In recognition of the Master Plan's findings, a new land use framework for the Gosford Waterfront has been established through an amendment to Gosford's Local Environmental Plan. The new framework rezoned parts of the Gosford Waterfront, and introduced new development standards (floor space and height) and other controls to promote the orderly, economical and sustainable revitalisation of the Gosford Waterfront.

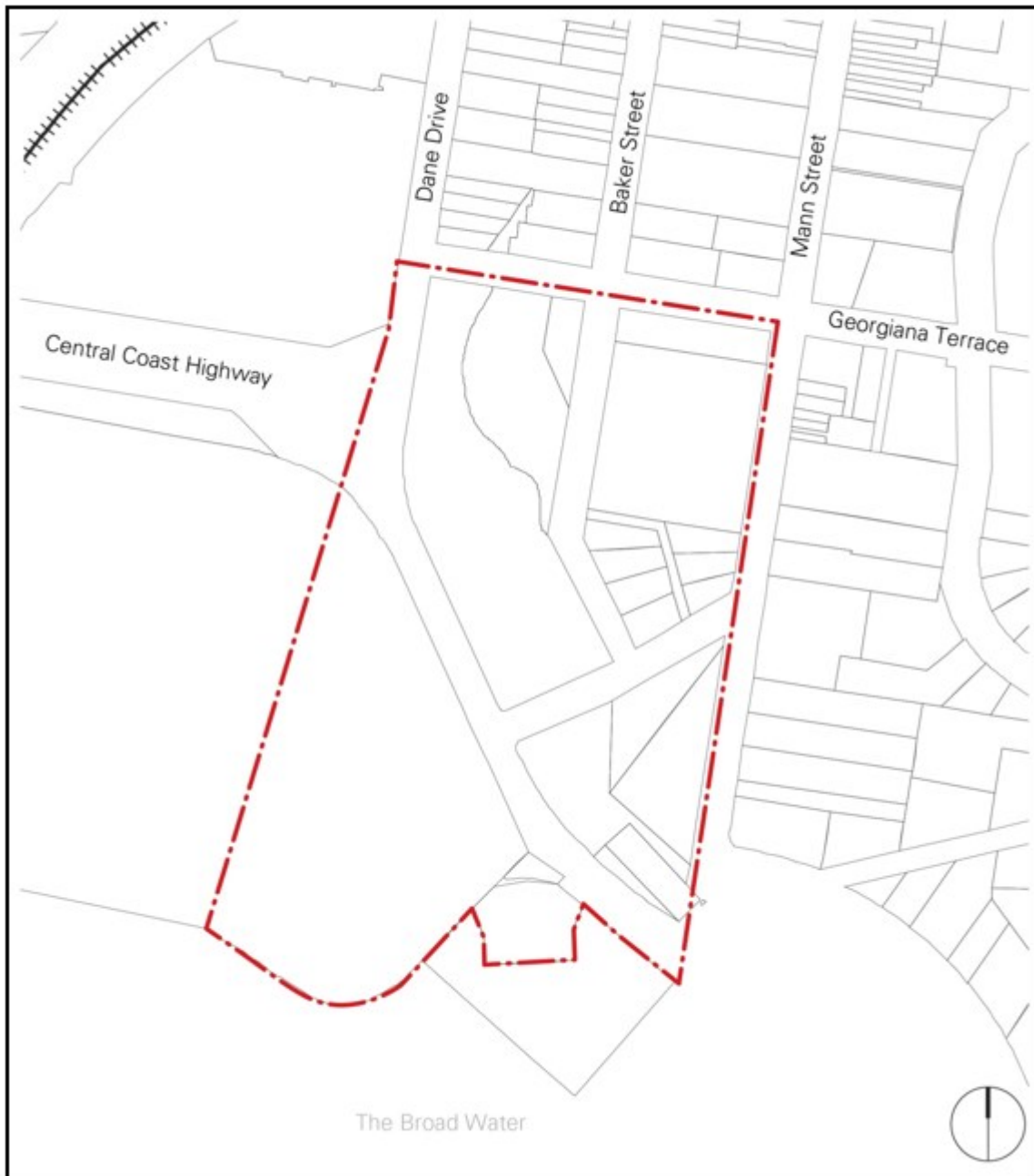
The new land use framework provides an opportunity to expand the previously identified extent of the Gosford Waterfront by incorporating part of the Arts & Entertainment Precinct. In addition, the new framework underpins and strengthens two existing key streets - Mann Street, and a newly extended Baker Street - and provide high quality connections to a series of new and reconfigured development zones on and adjacent to the Gosford Waterfront.

This Chapter builds upon the Gosford Waterfront's new land use framework and provides detailed controls against which to assess future development applications. The Chapter is based, wherever possible, on Gosford City Council's existing controls and particularly those already approved under the 2013 development control plan. It outlines the more detailed planning provisions for the built form such as pedestrian amenity, access and environmental management for future development in the Gosford Waterfront. It establishes controls for building setbacks and building separations to ensure high amenity. Enhanced pedestrian connectivity and high quality public domain are key features of the Chapter.

#### **4.4.1.1 Land to which this Chapter Applies**

This Chapter applies to all land shown within the dotted line in Figure 1 and applies to all categories of development, as defined within the Environmental Planning and Assessment Act, 1979 addressed within the Chapters of this Plan.

#### **Figure 1 – Land to which this Part Applies**



#### 4.4.1.2 Relationship to other Plans

The Chapter supplements the provisions of Gosford LEP 2014. The provisions of the Gosford LEP 2014 prevail over the Chapter.

The Chapter supersedes all previous DCP Controls applying to the Gosford Waterfront.

The relevant sections of the Gosford Development Control Plan 2013 and adopted Council policies, guidelines and codes of Gosford City Council also apply to the Gosford Waterfront. This Chapter should be read in conjunction with the following parts of the Gosford DCP 2013:

- Part 1 – Preliminary
- Part 3 – Specific Controls for Development Type, except for chapter 3.3
- Part 6 – Environmental Controls
- Part 7 – General Controls, except for Chapter 7.1 – Carparking, sections 7.1.2.2 to 7.1.2.4 inclusive, 7.1.2.7 and section 7.1.3.

Where it conflicts with other requirements of the Gosford Development Control Plan 2013, this Chapter prevails.

State Environmental Planning Policies may apply to the land to which this Chapter applies.

#### **4.4.1.3 Application of the Chapter**

Where a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this chapter into consideration in determining that application. The provisions of this chapter are not statutory requirements and any development application will be considered on its merits. The consent authority is to be flexible in applying the controls and allow reasonable alternative solutions that achieve the objectives of the controls. Where, in the opinion of Council, an application satisfies the objectives set out in this plan, Council may grant consent to the application notwithstanding that one or more of the controls are not complied with.

Development applications should aim to demonstrate consistency with the objectives of this Chapter, including:

- The overall aims and objectives of this Chapter,
- The overall vision (Section 4.4.2.1) and outcomes (Section 4.4.2.2) for the Gosford Waterfront, and
- Detailed objectives of each relevant section in this Plan.

#### **4.4.1.4 Purpose, Aims and Objectives**

The purpose of the Chapter is to provide guidance on and to facilitate the future development of the site consistent with the aims and objectives of Gosford LEP 2014. The specific aims and objectives of this Chapter are:

1. To identify Council's expectations and requirements for development within Gosford local government area and build upon the Gosford LEP 2014 and the Master Plan for Gosford entitled Our City (&) Destiny – Gosford City Centre Master Plan in 2010 by providing detailed objectives and controls for development;
2. To ensure that all development is consistent with the desired character of the Gosford Waterfront area;
3. To identify approaches and techniques which promote quality urban design and architectural outcomes in Gosford local government area; and
4. To promote best practice and quality environmental outcomes.

#### **4.4.1.5 Structure of the Chapter**

This Chapter includes 8 sections:

##### **Section 4.4.1 Introduction**

This section contains the legal basis of how and why the document was prepared, identifies land to which the Chapter applies and how the Chapter relates to other planning documents.

##### **Section 4.4.2 Vision, Land Use and Urban Structure**

This section establishes the vision, outcomes, land use and urban structure for the Gosford Waterfront.

##### **Section 4.4.3 Building Form**

This section includes objectives and controls relating to the built form including building envelopes, setbacks, scale and bulk within the Gosford Waterfront.

##### **Section 4.4.4 Controls for Special Areas and Uses**

This section includes objectives, development principles and controls for special development areas within the Gosford Waterfront.

##### **Section 4.4.5 Pedestrian Amenity**

This section includes controls that relate to the pedestrian environment within the Gosford Waterfront, including controls relating to connections and public access, active frontages and pedestrian amenity.

##### **Section 4.4.6 Access, Parking and Servicing**

This section includes controls that relate to vehicular access, parking arrangements (including parking provision) and servicing.

##### **Section 4.4.7 Landscaping**

This section includes detailed controls regarding the landscaping and planting within the Gosford Waterfront.



### Section 4.4.8 Heritage Items

This section includes detailed controls relating to the development of or adjoining to heritage items within and adjacent to the Gosford Waterfront.

## 4.4.2 Vision, Land Use and Urban Structure

### 4.4.2.1 Vision

The vision for the Gosford Waterfront is to promote sustainable growth in a manner which will provide a catalyst for the wider revitalisation of the City Centre.

The Gosford Waterfront will be a vibrant and active mixed use precinct that will connect the Gosford City Centre to the Brisbane Water foreshore. New residential development will contribute to the State Government's regional housing targets for the Central Coast, and will take advantage of Gosford's unique water based setting. The Gosford Waterfront will also be a vibrant centre for jobs, and offer regional office opportunities for large business and corporations near a locally based skilled workforce. New jobs will focus on high growth industries that build the Gosford City Centre's strengths in business services, health, education, retail, tourism and cultural activities. Key regional services, cultural activity, entertainment, recreational and tourism uses will complement and support residential and employment uses.

The range of available public amenities and services will attract people of all ages to live in the Gosford Waterfront and Gosford City Centre. Street life and activity will increase, providing a greater mix of uses to serve residents, workers and tourists. A greater diversity of housing and employment will encourage residents to work and live in the City Centre. The Performing Arts Centre, Civic Place and City Park will become the key public spaces for the city residents, workers and tourists in Gosford - destinations for recreation, leisure and entertainment.

The Broadwater is a local and regionally significant asset. The foreshore edge will be activated and celebrated with upgraded open space and key public spaces, pedestrian walkways and cycle ways. New and existing marina and boating facilities will be provided to attract both water-borne tourists and boat owners to Gosford to live and recreate in its waterways. Boating is a key attractor and aspect of the new character for the Gosford Waterfront and to differentiate it from other Central Coast towns.

The Gosford Waterfront will link the City Centre to the Broadwater through a public environment that will be well designed, and creates attractive, legible and unique places. Contemporary treatments, lighting and street furniture will provide an attractive environment for walking and public life. New development will be of high quality. Public transport and non private car usage will be promoted. Attractive pedestrian and cycle routes will link into the regional Point Clare cycleway along the edge of the railway causeway.

Ecological sustainability will be a key requirement for all development. Buildings and public spaces will embrace water and energy efficiency strategies and best practice. All development will need to demonstrate compliance with the relevant statutory and measuring tools such as Greenstar, NatHERs, etc to preserve Gosford Waterfront's unique environmental character. The built environment and public spaces will minimise the consumption of energy and water and promote social interaction and activity.

The development controls under this Chapter aim to develop and reinforce the vision established for the Gosford Waterfront through the Gosford Challenge process.

### 4.4.2.2 Outcomes

The following are the envisaged outcomes for the Gosford Waterfront and are to be considered in the preparation and assessment of development applications.

#### Overall

- A new mixed use precinct of the Gosford CBD, connecting the CBD with the Broadwater.
- Vibrant, liveable, healthy and sustainable community.

- An attraction for visitors, residents and workers of the Gosford Waterfront to enjoy the natural beauty of the Brisbane Water.

### **Urban Design**

- A mixed use precinct with residential, commercial office, retail, entertainment, visitor accommodation, recreation and cultural attractions.
- High quality architecturally designed buildings providing a clear distinction between public and private domains.
- Active street frontages along key pedestrian routes to improve safety and amenity for pedestrian and visitors to the precinct.
- A series of new public spaces catering for both active and passive recreation, linked by pedestrian and cycle friendly walkways.
- Establishment of view corridors from the adjacent spaces to the Broadwater.

### **Residential**

- High density residential components with high amenity and water views, proximity to employment, services and recreational facilities.

### **Employment**

- New commercial development to support the regional employment role of Gosford CBD.
- New commercial office developments providing high quality, sustainable floor plates suited to a range of businesses.
- New opportunities for convenience retail that complements the central retail zone of the Gosford CBD.
- A new restaurant zone based along the existing breakwater.

### **Public Spaces and Facilities**

- Improved, continuous public access to the Brisbane Water foreshore.
- Improved and formalised public spaces including parks and plazas.
- High quality landscape features and embellishments attracting visitors and improving the recreational opportunities for residents and workers of the Gosford Waterfront and surrounds.
- A revitalised City Park with formalised recreation spaces. .
- Improved links between the Blue Tongue Stadium, the Clubs and Gosford CBD.

### **Transport and Accessibility**

- A network of roads, plazas, public spaces, links and waterside pathways.
- New residents, visitors and workers will rely on public transport and non-private vehicles with parking for residential, commercial and community developments.
- Multi use car park to serve the commercial development and recreational activities.
- Investigate opportunities to provide a new public ferry wharf on the Gosford Breakwater.

### **Environmental**

- New development built to modern environmental standards.
- Development sympathetic to any significant tree standings and ecologically sensitive environments.

### **Recreational and Cultural Facilities**

- Potential for a new Regional Performing Arts and Conference Centre.
- A range of built form and open space recreational and cultural facilities.
- Potential for new improved boating facilities for a variety boating of activities including public and private moorings.
- Improved and rationalised open space and recreational facilities for new and existing residents, employees and visitors.

### **Heritage**

- Recognise the heritage values of the site, whilst ensuring that future development has due regard to the significance of the item.

#### **4.4.2.3 Land Use Objectives**

1. To provide a mix of land uses including residential, commercial office, retail, visitor accommodation, recreational and cultural uses.
2. To provide for significant employment opportunities to build on the employment role of the Gosford CBD and provide supportive retail services that will draw visitors towards the Broad Water.

#### **Controls**

1. Commercial office development should generally be provided as an extension or continuation of the existing Gosford CBD.
2. Retail development should be provided along key pedestrian routes and active precincts within the Gosford Waterfront.
3. Cultural and recreational facilities should be provided in accessible locations.

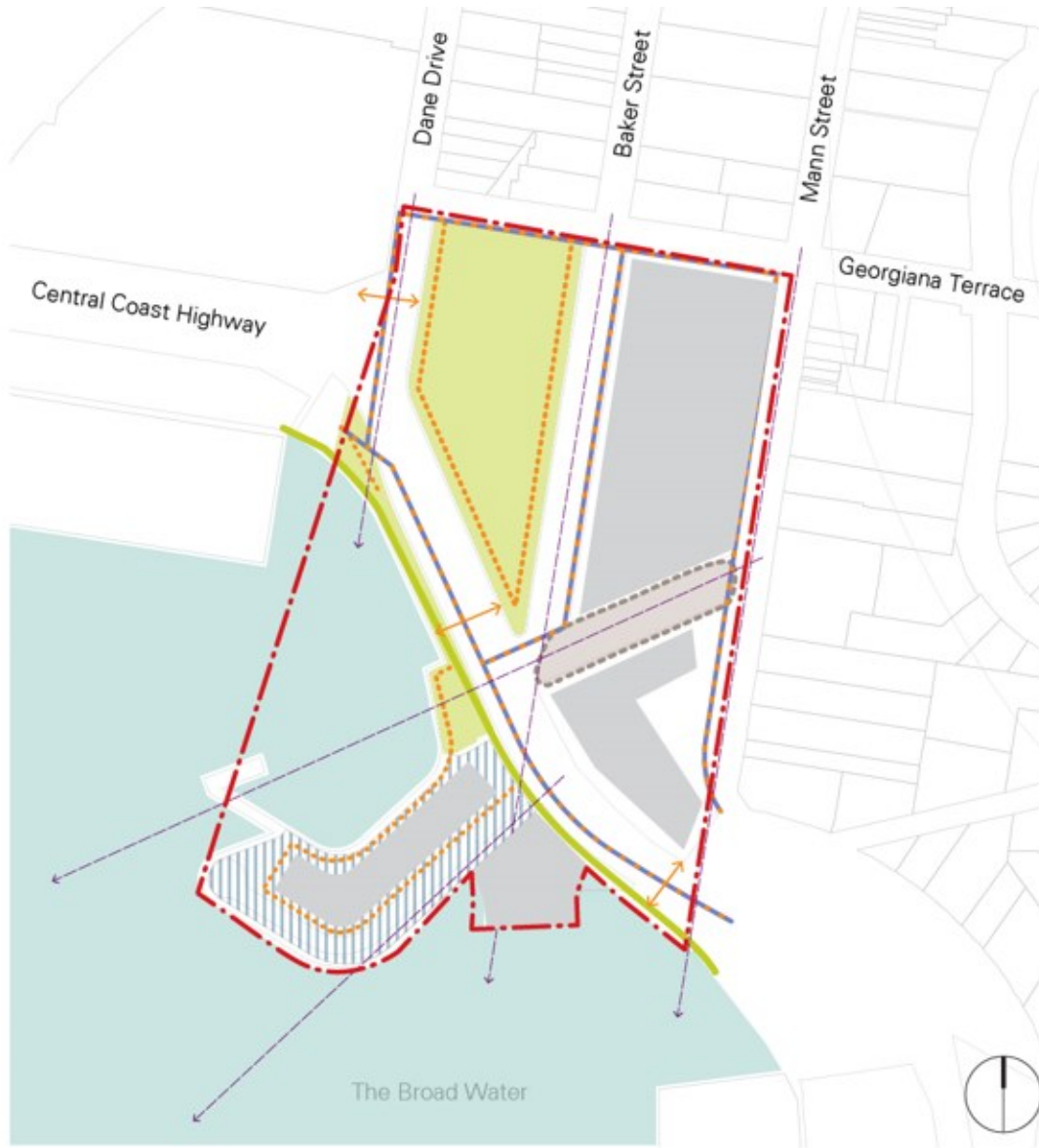
#### **4.4.2.4 Urban Structure Objectives**

1. To provide building envelopes that reinforce key existing view lines and provide a legible and permeable development pattern.
2. To provide pedestrian connectivity and improved facilities for pedestrians and cyclists.
3. To provide a series of well-located public spaces connected by pedestrian and cyclist facilities and providing range of facilities for residents, workers and visitors.
4. To provide for new developable areas to facilitate a range of residential, employment and community uses.
5. To provide for the reconfiguration upgrading and revitalisation of the Gosford Breakwater.
6. To ensure new development optimises the existing road hierarchy.

#### **Controls**

1. The Gosford Waterfront should generally retain the existing road network, with some minor additions or changes to improve site access and pedestrian connectivity.
2. Baker Street is to be extended and formalised as a key pedestrian and vehicular connection within the precinct.
3. Building envelopes and development of the foreshore is to generally be located in accordance with Figure 2. Any development application that proposes to vary the location of the building envelopes is to demonstrate an improved urban design outcome and maintain key public spaces as indicated on Figure 2.
4. Key public spaces and public plazas are to be provided such as illustrated in Figure 2.
5. Create a new civic space and provide a pedestrian connection to replace Vaughan Avenue between Mann and Baker Street.
6. A major pedestrian crossing of the Central Coast Highway is to be provided in a central well designed location in the vicinity of Baker Street and public plaza.
7. Any new development along the Brisbane Water foreshore should maintain continuous public access to the foreshore.
8. New development is to include or facilitate public pedestrian/cycle connections in accordance with Figure 2. Detail of public access and connections to public access are to be provided at development application stage.

#### **Figure 2 - Urban Structure**



- Legend**
- - - Area Covered by this Chapter
  - ||||| Developable area permitted over The Broad Water
  - Indicative development footprint location
  - - - Pedestrian connection
  - Shared pedestrian/cycleway
  - ↔ Pedestrian crossing
  - Key open space
  - ▨ Public plaza
  - Public foreshore promenade
  - - - View corridors

### 4.4.3 Building Form

Building form and character refers to the individual elements of building design that collectively contribute to the character and appearance of the built environment. The Gosford LEP 2014 includes provisions for land use, building heights and gross floor area.

The development provisions in this section are intended to encourage high quality design for new buildings, balancing the character of the Gosford Waterfront with innovation and creativity. The resulting built form and character of new development should contribute to an attractive public domain in the Gosford Waterfront and produce a desirable

setting for its intended uses.

The controls in this section aim to:

- Facilitate economic growth of Gosford City Centre by utilising available lands for built form that will attract new commercial office tenants to Gosford.
- Establish the scale, dimensions, form and separation of buildings appropriate for the Gosford Waterfront setting.
- Provide for the minor reconfiguration of parts of the Brisbane Water foreshore to improve the public foreshore areas and the efficiency and orientation of development parcels.
- Achieve an attractive and sustainable form within the Gosford Waterfront context.
- Achieve active frontages with good physical and visual connections between buildings, streets and the public domain.
- Provide for pedestrian comfort and protection from weather conditions.
- Define the public street to provide spaces that are clear in terms of public accessibility and safety, and are easy to maintain.
- Ensure building depth and bulk is appropriate to the environmental setting and landform by providing for view sharing and good internal building amenity.
- Ensure building separation is adequate to protect amenity, daylight penetration and privacy between adjoining developments.
- Encourage mixed use development with residential components that achieve active street fronts and maintain good residential amenity.
- Achieve an articulation and finish of building exteriors that contribute to a high quality of design excellence.
- Provide for high quality landscape to contribute to the amenity of the city centre and a sustainable urban environment.

#### 4.4.3.1 Building Alignments and Setbacks

Building setbacks and alignments establish the front building line. They help to create the proportions of the building from the public domain and can contribute to the public domain by enhancing streetscape character and the continuity of facades.

Building setbacks can also be used to enhance the setting and address for the building. They provide for landscape areas, access arrangements, and entries to ground floor apartments. However, along key pedestrian routes and public domain areas, it may be more appropriate to provide buildings up to the street/public domain alignments to frame the public domain, reinforce the urban character, and improve pedestrian amenity and activity at street level.

Front, side and rear setbacks, where provided, allow ventilation, daylight access and view sharing, increase privacy, and reduce adverse wind effects. In residential buildings and serviced apartments, separation between windows on side and rear facades and other buildings is particularly important for privacy, acoustic amenity and view sharing.

For commercial buildings, separation distances are smaller due to reduced requirement for privacy, noise and daylight access. Separation for mixed use buildings containing residential and commercial uses is to be in accordance with specified distances for each component use.

#### Objectives

1. To establish the desired spatial proportions, and define the edge, of streets and the public domain.
2. To provide a range of front setbacks appropriate to building function and character.
3. To create a transition between public and private space.
4. To locate active uses, such as shopfronts, closer to pedestrian activity areas.
5. To allow an outlook to, and surveillance of, the street and public domain.
6. To allow for street landscape character, where appropriate.
7. To maintain sun access to the public domain.
8. To ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing,

ventilation, wind mitigation, and privacy.

9. To achieve usable and pleasant streets and public domain areas in terms of wind mitigation and daylight access.

### **Controls**

1. Street building alignment and street setbacks are to comply with Figure 3.
2. The following projections and activities are permitted within front building alignments and setbacks (where not projecting beyond the property boundary):
  - a. landscaping;
  - b. access arrangements and driveways;
  - c. balconies up to a maximum 600 mm depth; and
  - d. minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices.
3. If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means, for example, the construction of screens. These will be assessed on merit by the consent authority.

### **Figure 3 – Street Alignment and Setbacks**



#### 4.4.3.2 Building Frontage Heights

Frontage heights (to streets or the public domain) ensure a sense of enclosure and scale that is appropriate to the Gosford Waterfront, and the function and character of different parts of the site. Well framed streets and public domain areas enhance the pedestrian environment.

Frontage heights refer to the height of the building that directly addresses the street or public domain from the ground level up to the first (if any) setback.

#### Objectives

1. To achieve comfortable environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.
2. To protect solar access to key streets and public spaces.
3. To encourage a strong architectural expression of the "building wall" up to frontage height.

### Controls

1. Consistent street or public domain frontage heights are to be provided in accordance with Figure 4.
2. Development above the maximum street frontage height is to be setback a minimum of 8m from the Baker Street boundary.
3. The street and public domain frontage height of buildings must demonstrate a sense of street enclosure and high pedestrian amenity.
4. No upper level setbacks are required, if proposed building frontage heights demonstrate sufficient sunlight access to Mann Street, and other public places such as Civic Plaza and City Park.
5. Notwithstanding the above, the frontage height of any new building is to be consistent with the controls in Section 4.4.3.5 Sun Access and View Corridors.

**Figure 4 – Street Frontage / Public Domain Heights**



#### 4.4.3.3 Building Depth and Bulk



Building depth and bulk controls will enable a balance to be found between mitigating the potential adverse effects that tall and bulky buildings may have on the public domain, allowing for good internal amenity access to natural light and ventilation, and meeting the market requirements for larger format buildings (particularly for commercial uses).

### Objectives

1. To promote the design and development of sustainable buildings.
2. To achieve the development of living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting.
3. To provide viable and useable commercial office floor space that meets market requirements.
4. To achieve useable and pleasant streets and public domain at ground level by controlling the size of building floor plates.
5. To allow for view sharing and view corridors.
6. To reduce the apparent bulk and scale of buildings by breaking up expanses of building wall with modulation of form and articulation of facades.

### Controls

1. The maximum floor plate size for commercial buildings is 2,200m<sup>2</sup>.
2. The maximum floor plate depth (excluding balconies) for residential buildings is 20m.
3. In addition to the above, buildings are to:
  - a. promote continuous, and wherever possible, direct lines of public foreshore access;
  - b. achieve the relevant access and connections requirements identified in Section 4.4.5.1 Connections and Access;
  - c. be articulated and modulated using a range of architectural treatments; and
  - d. be orientated to optimise daylight and minimise lighting requirements.

#### 4.4.3.4 Mixed Use Buildings

Mixed use developments provide for a variety of uses and activities, encouraging use of Gosford Waterfront outside the working day, adding vibrancy and life to the city streets. Different uses within the same building are best located to a pattern and layout suitable to the mix of uses, with retail and business activity at ground level to assist street activation, and residential uses, requiring privacy and noise mitigation, located above the street / public level.

Mixed use development within the Gosford Waterfront are preferred in areas where pedestrian activity will be encouraged and activity is ideal. These areas are located to the south of the existing Gosford CBD and along key pedestrian routes, to attract visitors south towards Brisbane Water and provide activity and surveillance throughout all times of the day.

### Objectives

1. To encourage a variety of mixed-use developments in the Gosford Waterfront.
2. To create lively streets and public spaces.
3. To increase the diversity and range of shopping and recreational activities for workers, residents and visitors.
4. To enhance public safety by increasing activity in the public domain on week nights and on weekends.
5. To minimise potential conflicts and achieve compatibility between different uses.
6. To ensure that the design of mixed-use buildings addresses residential amenity.
7. To create separate, legible and safe access and circulation in mixed use buildings.
8. To ensure that mixed use buildings address the public domain and the street.
9. To ensure mixed use buildings adequately address all requirements for waste storage and waste collection.

### Controls

1. Minimum floor to ceiling heights are 3.3 metres for commercial office, 3.5 metres for active public uses, such as retail and restaurants, and 2.7 metres for residential.

2. Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook.
3. Locate clearly demarcated residential entries directly from the public street.
4. Clearly separate and distinguish commercial and residential entries.
5. Provide security access controls to all entrances into private areas, including carparks and internal courtyards.
6. Provide safe pedestrian routes through the site, where required.
7. Front buildings onto major streets with active uses where possible.
8. Avoid the use of blank building walls at the ground level where reasonably possible.

#### **4.4.3.5 Sun Access and View Corridors**

Good solar access is a key contributor to the amenity of public spaces, particularly during winter. Protecting solar access to the key public spaces such as the City Park, the Civic Plaza and the Broad Water foreshore.

Views contribute to the character and amenity of a site, enhancing its sense of place and identity. The physical setting of the Gosford Waterfront on Brisbane Water provides for special views through, to and from the site.

It is important that the development of the Gosford Waterfront allows key view lines to Brisbane Water. The location and massing of buildings is important in maintaining the key view corridors to the waterfront.

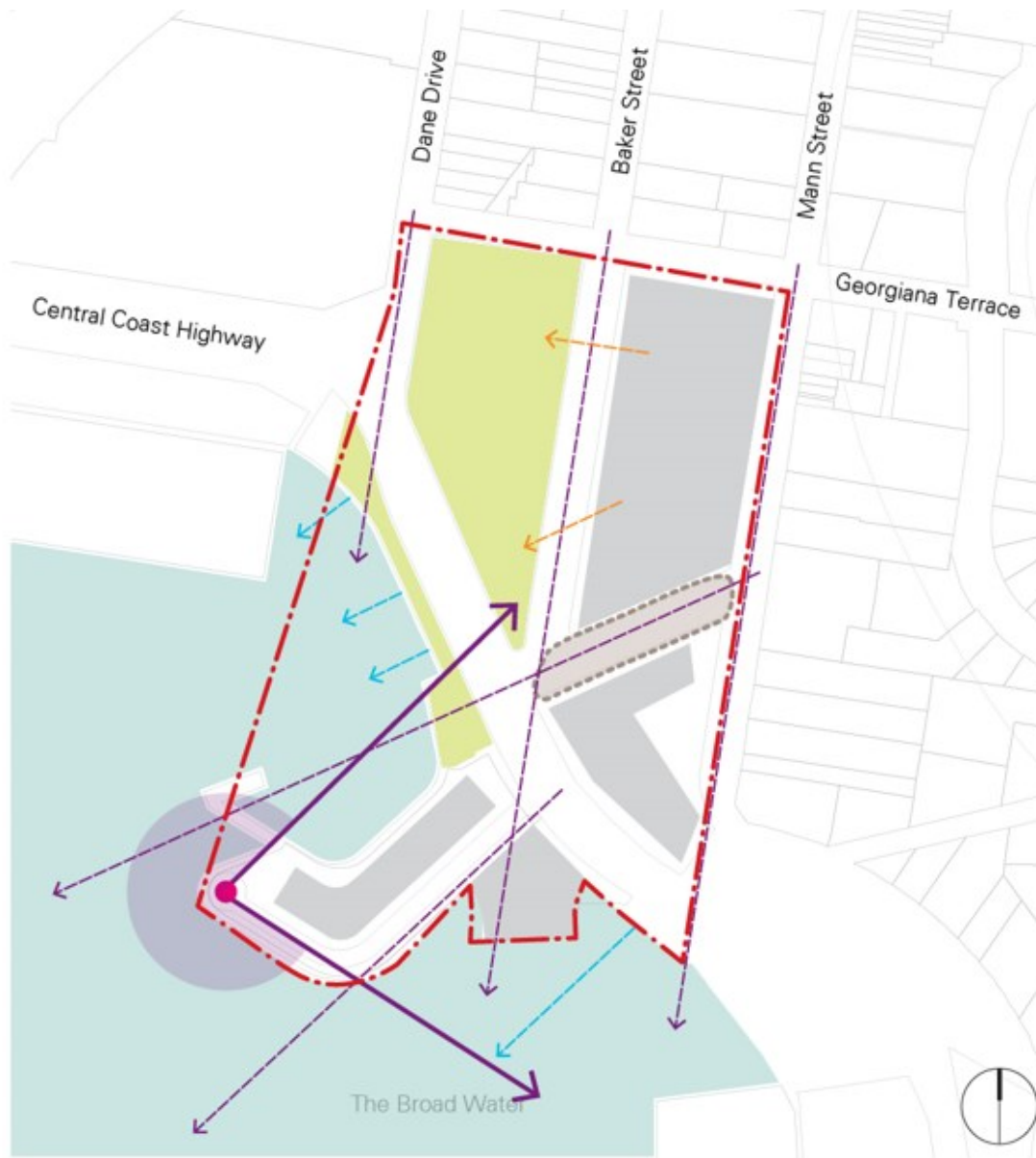
#### **Objectives**

1. To allow sunlight access to new and existing significant public spaces.
2. To ensure a high level of amenity to significant public spaces.
3. To maintain and enhance significant view corridors from public spaces to Brisbane Waters.

#### **Controls**

1. Key public spaces to be provided as illustrated at Figure 5.
2. Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 9am and 3pm on 21st June (Winter Solstice).
3. Significant views to be protected are illustrated in Figure 5.
4. Align tall building elements to maximise view corridors between buildings.

#### **Figure 5 – View Corridors and Key Public Spaces**



- Legend**
- Area Covered by this Chapter
  - Key Public Open Spaces
  - 'Openness' of View Corridor to be Protected
  - No Encroachment on View Corridor
  - View Corridors
  - Water Views
  - Elevated Views
  - Plaza
  - Indicative Development Footprint Location

#### 4.4.3.6 Building Exteriors

The pedestrian environment is to be characterised by excellence of design, high quality materials and a standard of finish appropriate to a regional city centre. The maintenance and improvement of the public domain is dependent on a consistent approach to the design of new development including the articulation and finish of building exteriors.

#### Objectives

1. To ensure that new buildings in Gosford Waterfront:
  - contribute positively to the streetscape and public domain by means of high quality architecture and robust

selection of materials and finishes,

- provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower levels and roof tops,
- present appropriate design responses to nearby development that complement the streetscape,
- clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security,
- maintain a pedestrian scale in the articulation and detailing of the lower levels of the building, and
- contribute to a visually interesting skyline.

## Controls

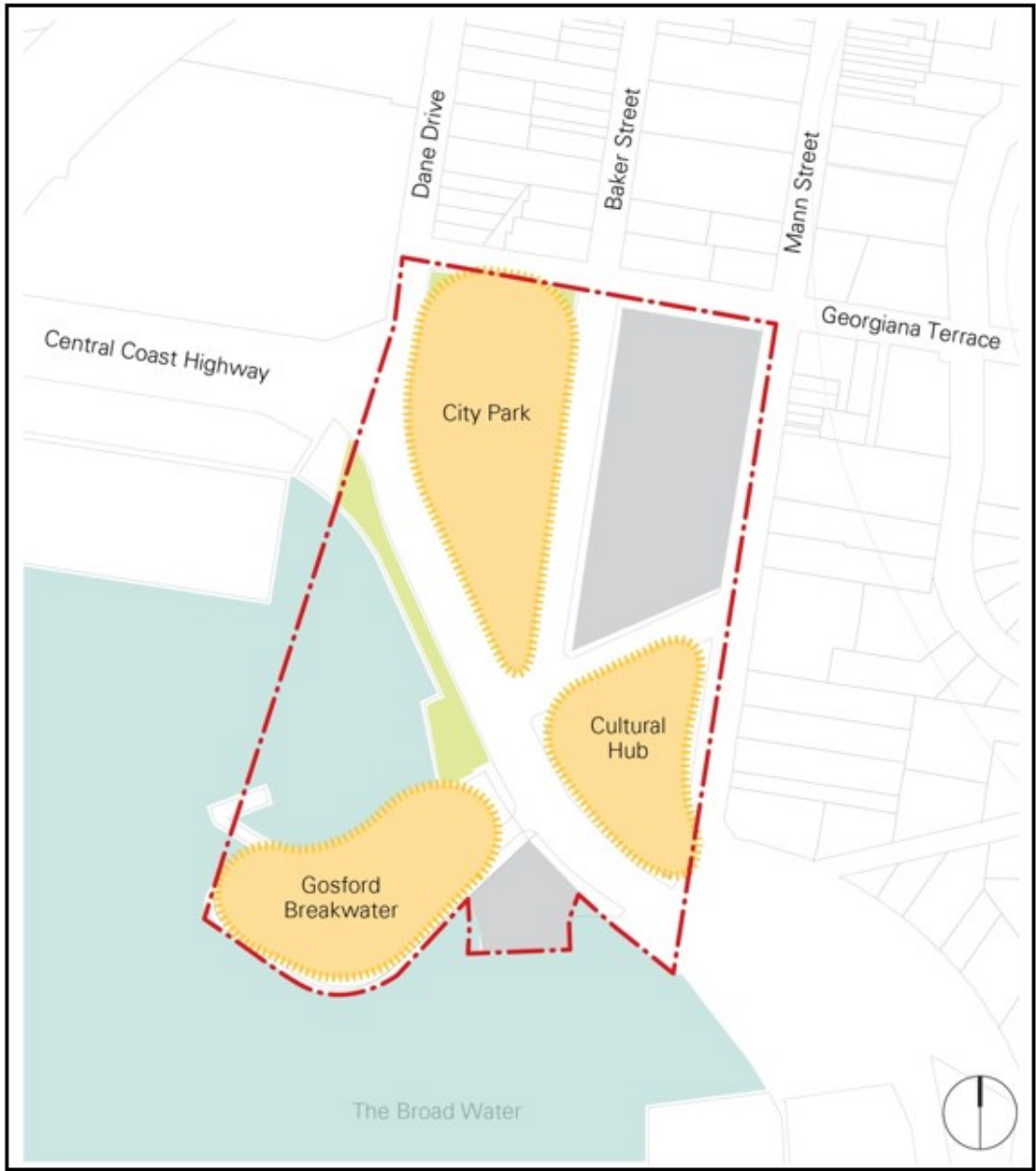
1. Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of:
  - appropriate alignment and street frontage heights,
  - setbacks above street frontage heights,
  - appropriate materials and finishes selection,
  - facade proportions including horizontal or vertical emphasis, and
  - the provision of enclosed corners at street intersections.
2. Balconies and terraces are encouraged, particularly where buildings overlook parks and on low rise parts of buildings.
3. Articulate façades so that they address the street and add visual interest.
4. External walls should be constructed of high quality and durable materials and finishes with ‘self-cleaning’ attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.
5. Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.
6. Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.
7. A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.
8. Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as:
  - expressed cornice lines that assist in enhancing the streetscape,
  - projections such as entry canopies that add visual interest and amenity,
  - projections to enhance light penetration into floor space, and
  - provided that the projections do not detract from significant views and vistas (refer to Figure 5).
9. Finishes and materials should be chosen to reduce glare and reflection to the Broad Water.

### 4.4.4 Controls for Special Areas and Uses

Throughout the Gosford Waterfront, a number of “*special areas and uses*” have been identified in recognition of their location, attributes, size and development potential.

This Chapter has identified three ‘*Special Areas and Uses*’ (see Figure 6), each of which has its own set of objectives linked to the relevant development controls. These controls must be considered in addition to the general controls addressed previously in this Chapter.

#### Figure 6 – Special Areas and Uses



**4.4.4.1 Cultural Hub**

The cultural hub, as identified at Figure 6, is a key attractor within the Gosford Waterfront, drawing visitors and locals to the Broad Water and the Gosford CBD.

**Objectives**

1. To promote the development of a high quality architectural landmark building in the Gosford Waterfront Precinct.
2. To provide large performing arts and cultural exhibition space that will provide high grade regional facilities for the Central Coast.
3. To maintain the cultural significance of the site through its continual use as the cultural hub of the Gosford Waterfront.
4. To maintain and enhance public space and a pedestrian connections between Mann Street, Baker Street and the Gosford Highway.

## Controls

1. Any development of the site identified on Figure 6, should adopt the following principles:
  - Include a Regional Performing Arts Centre;
  - Include a public plaza along Mann Street, maintaining the existing significant vegetation;
  - Maintain key view lines and pedestrian connections as identified at Figures 5 and 7;
  - Include active frontages where buildings front the Civic Plaza.
  - Maintain public access to all outdoor areas at all times.

### 4.4.4.2 Gosford City Park

The Gosford City Park is currently a vacant grassed site with some vegetation along the street frontages. The redevelopment of the Gosford City Park will provide new public outdoor passive and recreational spaces for existing and future residents and workers within the Gosford CBD. The new public recreational facilities will provide an attraction within the Gosford CBD, further drawing visitors and Gosford locals towards the Gosford Waterfront and increasing opportunities for interaction between the Broad Water and the CBD.

## Objectives

1. To enhance the existing public space.
2. To provide new and formalised passive recreational spaces.
3. To increase the function and attraction of Gosford City Park.
4. To improve links to, and interface with, the Central Coast Stadium.

## Controls

1. The development of the Gosford City Park, as identified at Figure 6, should adopt the following principles:
  - Provide a variety of publicly accessible outdoor recreational spaces.
  - Provide new pedestrian and cycle links between Baker Street, Gosford City Highway, Dane Drive and Georgiana Terrace.
  - Include a new indoor recreational facility providing new facilities for the existing and future population.
  - Part of the eastern and northern bounds of the site may be required for public on-street parking along Georgiana Terrace and Baker Street. No other part of the site is to be used for at-grade parking.

### 4.4.4.3 Gosford Breakwater

The Gosford Breakwater is an existing sea wall constructed within the Broad Water currently providing boat mooring facilities and is part of the existing public access network along the foreshore. The Breakwater will be a key attraction in the Gosford Waterfront, enhancing public access and retail services in the precinct. The Breakwater will provide opportunities for a commercial office, restaurant and retail precinct in the Gosford Waterfront, provided by an extension of the foreshore to provide new developable land.

## Objectives

1. To provide new commercial, retail and restaurant services and visitor accommodation in the Gosford Waterfront Precinct.
2. To maximise public access to the Breakwater.
3. To provide opportunities for a ferry wharf.
4. To minimise environmental impacts.

## Controls

1. The development of the Gosford Breakwater, as identified at Figure 6, should adopt the following principles:
  - The reconfiguration of the Breakwater is to facilitate a development parcel that can accommodate commercial development, a small retail and restaurant strip and new public landscaped areas.
  - The reconfiguration of the Breakwater is to minimise environmental impacts and any fill material should be sourced from material validated suitable for the purpose. The reconfiguration of the Breakwater should also minimise disturbance of the adjacent sea bed.
  - Provide new retail and restaurant services providing activation and the attraction Breakwater.

- Maintain continuous pedestrian connections around the foreshore.
- A new access road constructed off the Central Coast Highway generally along the alignment of the existing Breakwater.
- Any development should not preclude the development of a ferry wharf at the end of the Breakwater.

#### 4.4.4.4 Marinas

##### Objectives

1. To facilitate the development of marina facilities adjacent to the Gosford Breakwater.
2. To locate marina facilities in locations that will minimise impact on views, environment and public access.
3. To provide facilities to accommodate the growing boating community in Gosford associated with the existing boating infrastructure.
4. To provide sufficient car parking to accommodate the demand for boating facilities within the Gosford Waterfront.
5. To attract increased boating based visitors to Gosford by providing facilities for short term moorings and shore facilities.

##### Controls

###### Location

1. Marina developments are to be located where there is adequate water depth to accommodate the largest boat or where minimal dredging of soft material will achieve an adequate water depth.

###### Design and Layout

2. Marinas shall not preclude or restrict public access to the foreshore.
3. The extent of development over water including waterside structures, berths, fairways and access channels is to be minimised and result in minimal alienation of the waterway.
4. Marinas are to be in the form of a series of interlinked pontoons which shall be restrained and held in position by a minimum number of piles or mooring lines to anchor points in the seabed.
5. Design of marina restraints shall take into account the flexibility and performance of the pontoon systems under environmental loads.
6. The depth and width of berths and fairways of marinas shall accommodate either a yacht or motor vessel. Restricted berths are to be nominated only where this will lead to an optimal environmental outcome.
7. Commercial marinas are to provide a point of access to boats for disabled people where possible.
8. Marinas are to be designed to minimise the impact of vessels when in use on the environment including on air and water quality, marine habitat and bank stability.
9. Marina layouts are to be designed in accordance with the following publications:
  - a. Department of Environment and Conservation (NSW) "Environmental Information for Marinas, Boatsheds and Slipways" (November 1998).
  - b. NSW Maritime Authority "Engineering Standards and Guidelines for Maritime Structures"
  - c. NSW Fisheries Department's "Aquatic Habitat Management and Fish Conservation—Policy and Guidelines", 1998
  - d. NSW Department of Primary Industries – Fisheries "Policy and Guidelines – Aquatic Management and Fish Conservation (1999)".
  - e. NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 2: Seagrasses"; and
  - f. NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 1: General".

##### Facilities and Services

10. Marinas are to provide boating service facilities such as fuel, water, toilet facilities or sewage pumpout.
11. Marinas are to provide an appropriate mix and choice of boat storage facilities based on established demand

as well as a range of marine services to the boating public.

12. Vessels at the marina are not to be used as a permanent residence. A covenant shall be included on the lease to enforce this requirement.

### **Visual Impact**

13. Any development application for a marina must be accompanied by a visual impact assessment that considers the following:
  - a. the visual contrast between the marina and the planned future character of its setting;
  - b. the visual impact of the marina on people in the visual catchment (to ensure there remains clear view corridors to the water enhanced by the visual interest of the boats and moorings); and
  - c. the impact of the largest motor vessel capable of being berthed at the marina.
14. The largest vessels (motorised or otherwise) to be berthed at the marina are to be located as far from shore as possible.
15. Foreshore structures are to be minimised.
16. Impact on key view lines from the public foreshore area are to be minimised.
17. The visual impact of car parking from Brisbane Water is to be minimised.

### **Safety and Security**

18. Any future development application for a marina should demonstrate the safety and security measures to be incorporated into the design of the marina including addressing projected sea level rise risks.

### **Environmental Management**

19. Pollution and waste:
  - a. potential pollutant sources from the site must be controlled and meet established performance standards;
  - b. appropriate controls are to be in place and managed to prevent any pollutants entering the environment;
  - c. marinas for nine or more vessels are to provide adequate and readily accessible facilities for the collection and disposal of wastes from vessels;
  - d. facilities for pumping out sewage holding tanks are to be provided onshore; and
  - e. any waste that cannot be recycled is to be disposed of at an appropriate facility.
20. Adequate car and trailer parking (based on the number and type of berths, associated activities and number of employees) is to be available on-site. Off-site parking is acceptable only where it will not reduce community amenity or generate adverse traffic impacts.
21. The adverse impacts of traffic and parking generated by boat storage facilities in terms of congestion, safety, air quality and noise are to be minimised.
22. The adverse impacts of noise (considering hours of operation, existing background noise, expected departure/arrival times for vessels, noise level of marina patrons, noise level from repair and testing of vessels and motors) are to be minimised through appropriate design and management measures.
23. The adverse impacts of lighting on night navigation and neighbours are to be minimised through appropriate design and management measures.

### **Marina Buildings**

24. Marina buildings are to be designed so that their dimensions are not excessive and can reasonably meet the functional requirements of the proposed uses.
25. The colours, appearance and form of any associated buildings shall be compatible with the surrounding environment.
26. Shiny or reflective materials are not to be used.



## 4.4.5 Pedestrian Amenity

Pedestrian amenity incorporates all those elements of individual developments that directly affect the quality and character of the public domain. The pedestrian amenity provisions are intended to achieve a high quality of urban design and pedestrian comfort in the public spaces of the Gosford Waterfront. The pedestrian environment provides people with their primary experience of and interface with the site. This environment needs to be safe, functional and accessible to all. It should provide a wide variety of opportunities for social and cultural activities. The city's lanes, arcades and through site links should form an integrated pedestrian network providing choice of routes at ground level for pedestrians.

The controls in this section aim to increase the vitality, safety, security and amenity of the public domain by:

- Encouraging future through site links at ground level.
- Ensuring active frontages and positive building address to the street and public domain.
- Ensuring provision of awnings along the key pedestrian and commercial frontages and other retail and tourist areas.
- Mitigating adverse impacts on the street arising from driveway access crossings, advertising signage and selection of building finishes and materials.
- Protecting significant views and vistas along streets.

### 4.4.5.1 Connections and Access

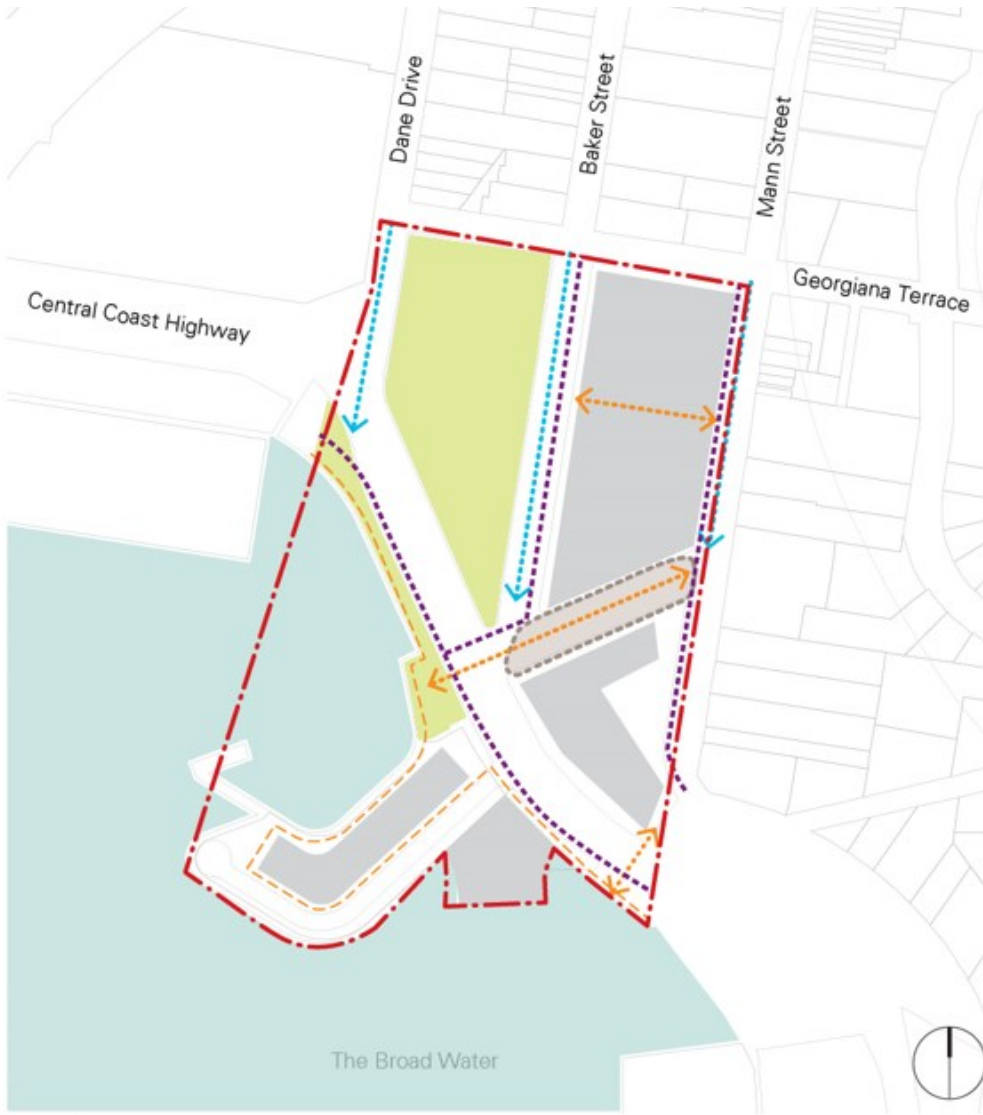
#### Objectives

1. To maintain and improve public access through the Gosford Waterfront to the Broad Water foreshore.
2. To provide for pedestrian amenity and safety.

#### Controls

1. Pedestrian connections are to be provided in accordance with Figure 7.
2. Public access along the Broad Water foreshore is to be provided at all times in accordance with Figure 7.
3. New through-site links for pedestrians, cyclists and vehicles are to be provided in accordance with Figure 7.
4. Laneways or slip lanes are to:
  - be clear and direct throughways for pedestrians with paving finishes, lighting etc. that are appropriate for a pedestrian route.
  - provide public access at all times, have a minimum width of 6m clear of all obstructions, and
  - have signage indicating public accessibility and the street to which the lane connects.
5. Where lanes are primarily used for building access and servicing, 'safer by design' principles must be demonstrated.

### Figure 7 – Pedestrian Connections and Public Access



- Legend**
- - - Area Covered by this Chapter
  - - - Foreshore Walk
  - - - Cycleway
  - <- - - - -> Desired Pedestrian Links
  - > - - - - Public Access Links
  - Plaza
  - Indicative Development Footprint Location

**4.4.5.2 Active Frontages**

Active street frontages promote an interesting and safe pedestrian environment. Busy pedestrian areas and non-residential uses such as shops, studios, offices, cafes, recreation and promenade opportunities promote the most active street fronts. Residential buildings contribute positively to the street by providing a clear street address, direct access from the street and direct outlook over the street.

**Objectives**

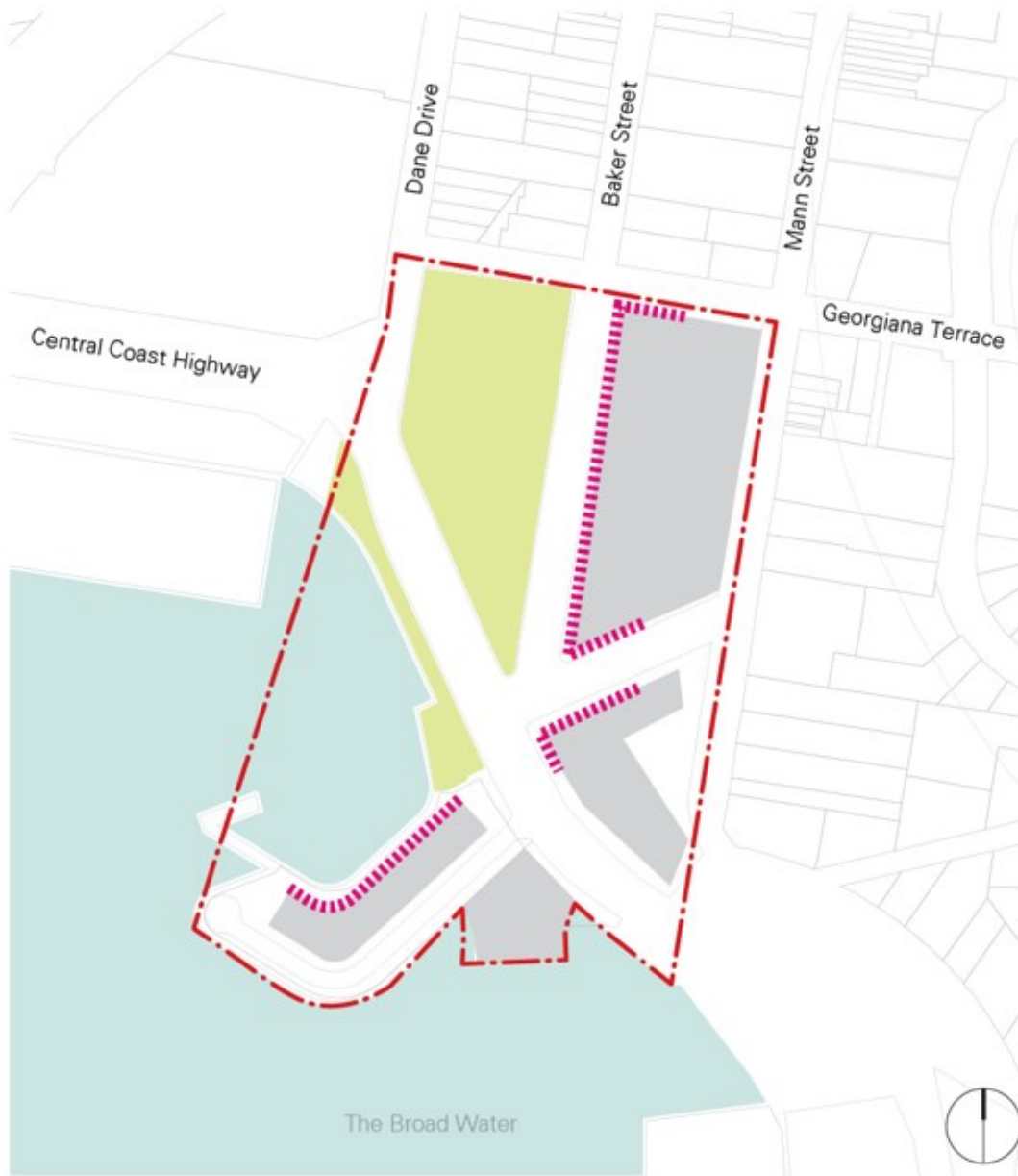
1. To promote pedestrian activity and safety in the public domain.
2. To maximise active frontages along key pedestrian links in the Gosford Waterfront.
3. To define areas where active streets are required or are desirable.
4. To encourage an address to the public domain outside of areas where active street frontages are required.

**Controls**

Active Frontages

1. Active frontages are required at the ground level as identified in Figure 8.
2. Active frontages are defined as one or a combination of the following:
  - entrance to retail,
  - shop front,
  - glazed entries to commercial and residential lobbies,
  - café or restaurant if accompanied by an entry from the street,
  - active office uses, such as reception, if visible from the street, and
  - public building if accompanied by an entry.
3. Entry to active ground floor uses is to be generally at the same level as the footpath.
4. In other locations where active frontages are required, restaurants, cafes and the like are to consider providing operable shop fronts and outdoor seating. Where active frontages are not required, buildings should provide an attractive relationship to the street, including measures like:
  - avoiding blank walls,
  - providing building entries and lobbies,
  - landscaped plazas between the street and the building frontage, and
  - orientate the building to provide passive surveillance.

**Figure 8 – Active Frontages and Public Domain Address**



#### 4.4.5.3 Safety and Security

The design of buildings and public spaces has an impact on perceptions of safety and security, as well as actual opportunities for crime. A safe and secure environment encourages activity, vitality and viability, enabling a greater level of security.

##### Objectives

1. To ensure developments are safe and secure for pedestrians.
2. Reduce opportunities for crime through environmental design.
3. To contribute to the safety of the public domain.
4. Encourage a sense of ownership over public and communal open spaces.

##### Controls

1. Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention through environmental design (CPTED))

principles).

2. Ensure that the building design allows for passive surveillance of public and communal spaces, access ways, entries and driveways.
3. Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks.
4. Where residential development is proposed on the ground level, maximise the number of residential 'front door' entries at ground level.
5. Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.
6. Clearly define the development boundary to strengthen the transition between public, semi-private and private space. This can be actual or symbolic and can include landscaping, fences, change in paving material, etc. Provide adequate lighting of all pedestrian access ways, parking areas and building entries.
7. Provide clear lines of sight and well-lit routes throughout the development and along public foreshore areas.
8. Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway.

#### 4.4.5.4 Pedestrian Protection

Awnings/colonnades increase the useability and amenity of public footpaths by protecting pedestrians from sun and rain. They encourage pedestrian activity along streets and, in conjunction with active edges such as retail frontages, support and enhance the vitality of the local area. Awnings/colonnades, like building entries, provide a public presence and interface within the public domain and contribute to the identity of a development.

##### Objectives

1. To provide shelter for public streets and key routes where most pedestrian activity occurs.
2. To address the streetscape by providing a consistent frontage in the Gosford Waterfront.

##### Controls

1. Street frontage awnings or colonnades are to be provided for all new developments as indicated in Figure 9.
2. Awning/colonnade dimensions should generally be:
  - horizontal in form,
  - minimum 2.4 metres deep (dependant on footpath width),
  - minimum soffit height of 3 metres and maximum of 5 metres,
  - steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm,
  - low profile, with slim vertical fascias or eaves (generally not to exceed 300mm height), and
  - setback from kerb to allow for clearance of street furniture, trees, etc. (typically 1.2m).
3. Awning/colonnade design must match building facades, be complementary to those of adjoining buildings and maintain continuity.
4. Wrap awnings/colonnades around corners for a minimum 6m from where a building is sited on a street corner.
5. Provide under awning/colonnade lighting to facilitate night use and to improve public safety recessed into the soffit of the awning/colonnade or wall mounted onto the building.

#### Figure 9 – Required Awnings/Colonnades



- Legend
- - - Area Covered by this Chapter
  - Continuous awnings preferred
  - Indicative development footprint location

## 4.4.6 Access, Parking and Servicing

### 4.4.6.1 Traffic Management

The Gosford Waterfront is located along a major regional road within the Gosford LGA. The redevelopment of the Gosford Waterfront should aim to mitigate the impacts on the local and regional traffic network and encourage greater use of alternative transport modes.

#### Objectives

1. To ensure the traffic impacts of the Gosford Waterfront are appropriately mitigated and assessed.

#### Controls

1. Prior to the approval of the first development application for additional floor space within the Gosford Waterfront precinct, a comprehensive traffic and transport study shall be undertaken in accordance with the RMS Guide to Traffic Generating Developments. The study is to investigate the total impacts of the Gosford Waterfront

precinct on the surrounding road network. The study must include the consideration of the following, as a minimum:

- Identify the constraints in the existing road network.
  - Demonstrate the capacity and functionality of the road network in catering for the expected future traffic volumes in the area.
  - Detail the impacts upon the regional and state road network at the various stages of development.
  - Consider any other major land use changes that will increase demand on the future road network.
  - Provide an indicative road hierarchy and property access strategy for the road network.
  - Identify the necessary road and transport infrastructure improvements/upgrades required as a direct result of the future development of the site.
  - The provision of alternative transport modes and the infrastructure required to support these modes (public transport, pedestrians, cyclists, etc.).
2. Consideration of and/or updates to the comprehensive traffic and transport study is required for each development application increasing floor space or amending land use mix within the Gosford Waterfront.
  3. Any capacity upgrades required on the classified State road network, as a result of the proposed rezoning/development, must be funded by the proponent including the intersection upgrades or mid-block traffic signal installations.

#### 4.4.6.2 Vehicle Access

The design of vehicle access to buildings influences the quality of the public domain. Overly wide and high vehicle access points detract from the streetscape and the active use of street frontages. The design and location of vehicle access to developments should minimise both conflicts between pedestrians and vehicles on footpaths, particularly along pedestrian priority places, and visual intrusion and disruption of streetscape continuity.

#### Objectives

1. To make vehicle access to buildings more compatible with pedestrian movements.
2. Reduce the impact of vehicular access on the public domain.

#### Controls

##### *Location of Vehicular Access*

1. Vehicle entries are to avoid those areas shown at Figure 10.
2. In all other areas, one vehicle access point only to each proposed building (including the access for service vehicles and parking for non-residential uses) will be generally permitted. Where development is undertaken in stages, access should be consolidated or amalgamated where possible.
3. Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.

##### *Design of Vehicular Access*

4. Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 2.7 metres over the footpath, and perpendicular to the kerb alignment. Where a double lane crossing is necessary due to the size of the car park, a maximum width of 6.5 metres may be permitted for safety reasons.
5. Vehicle access ramps parallel to the street frontage will not be permitted.
6. Ensure vehicle entry points are integrated into building design.
7. Doors to vehicle access points are to be roller shutters, or tilting doors fitted behind the building facade and the like.

#### Figure 10 – Restricted Vehicle Entrances



**Legend**

- Area Covered by this Chapter
- Vehicular Entries Not Permitted
- Indicative Development Footprint Location

**4.4.6.3 Pedestrian Access and Mobility**

Any new development must be designed to ensure that safe and equitable access is provided to all, including people with a mobility problems and disabilities.

**Objectives**

1. To provide safe and easy access to buildings to enable better use and enjoyment by people regardless of age and physical condition, whilst also contributing to the vitality and vibrancy of the public domain.
2. To ensure buildings and places are accessible to people with a disability.
3. To provide a safe and accessible public domain.

**Controls**

1. Main building entry points should be clearly visible from primary frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.



2. The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).
3. Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas.
4. The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.
5. Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain with appropriate slip resistant materials, tactile surfaces and contrasting colours.

#### 4.4.6.4 Vehicular Driveways and Manoeuvring Areas

##### Objectives

1. To minimise the impact of vehicle access points on the quality of the public domain.
2. To minimise impact of driveway crossovers on pedestrian safety and streetscape amenity.
3. Minimise stormwater runoff from uncovered driveways and parking areas.

##### Controls

1. Driveways should be:
  - located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, and
  - located a minimum of 6 metres from the perpendicular of any intersection of any two roads.
2. Vehicle access is to be integrated into the building design so as to be visually recessive.
3. All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.
4. Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.
5. Driveway widths must comply with the relevant Australian Standards.
6. Car space dimensions must comply with the relevant Australian Standards.
7. Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).
8. Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 8. Ramp widths must be in accordance with AS 2890.2.
9. Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.

#### 4.4.6.5 On-Site Parking

On-site parking includes underground (basement), surface (at-grade) and above ground parking, including parking stations.

There are particular constraints in certain areas of Gosford Waterfront on the provision of car parking in underground structures. Due to the high water table, excavation on certain sites may become difficult beyond one level of basement parking. This may necessitate site design which locates the parking above ground. In these cases, minimising the impacts of above ground parking on the public domain is important.

##### Objectives

1. To facilitate an appropriate level of on-site parking provision in the city centre to cater for a mix of development types.
2. To minimise the visual impact of on-site parking.

3. To facilitate the development of a casual paid car park within the Gosford Waterfront.
4. To provide adequate space for parking and manoeuvring of vehicles (including service vehicles and bicycles).
5. To enable the conversion of above ground parking to other future uses.
6. To recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking.

### Controls

#### General (all development)

1. On-site vehicle and bicycle parking is to be provided in accordance with Table 1.
2. Car parking and associated internal manoeuvring areas provided over and beyond that required by this chapter and the Gosford LEP 2014 is to be calculated towards gross floor area.
3. On-site parking is to be accommodated underground, or otherwise fully integrated into the design of the building.
4. On-site parking must meet the relevant Australian Standard (AS 2890.1 2004 – Parking facilities, or as amended).
5. Bicycle parking is to be provided in secure internal and accessible external locations.
6. Natural ventilation should be provided to underground parking areas where possible, with ventilation grilles and structures:
  - integrated into the overall façade and landscape design of the development,
  - not located on the primary street façade, and
  - oriented away from windows of habitable rooms and private open spaces areas.
7. For commercial and retail development providing employment for 20 persons or more, provide adequate change and shower facilities for cyclists. Facilities should be conveniently located close to bike storage areas.

**Table 1 - Required Parking Rates**

Land Use	Parking Requirement
Residential	Shop Top Housing
	1 car space / dwelling
	Residential Flat Buildings
	<u>Residential parking</u> <ul style="list-style-type: none"> <li>• 1 bedroom dwelling – 1 car space</li> <li>• 2 bedroom dwelling – 1.2 car spaces</li> <li>• 3+ bedroom dwelling – 1.5 car spaces</li> </ul>
	<u>Visitor parking</u> <ul style="list-style-type: none"> <li>• 1 space / 800m<sup>2</sup> residential GFA (maximum rate)</li> </ul>
	<u>Motorcycle parking</u> <ul style="list-style-type: none"> <li>• 1 space/15 dwellings (or part thereof)</li> </ul>
	<u>Bicycle parking</u> <ul style="list-style-type: none"> <li>• 1 resident’s space/3 dwellings, and</li> <li>• 1 visitor’s space/12 dwellings (or part thereof)</li> </ul>
Housing for Seniors or persons with disability	As per the SEPP (Housing for Seniors of People with a Disability) 2004

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Aged Care Hostels, Nursing Homes, Convalescent Homes	<u>Car Parking</u> <ul style="list-style-type: none"> <li>• Not less than 1 car space/10 beds</li> <li>• Not less than 1 car space/2 employees</li> <li>• Not less than 1 parking space suitable for an ambulance</li> </ul> <u>Motorcycle Parking</u> <ul style="list-style-type: none"> <li>• 1 motorcycle space/25 car spaces (or part thereof)</li> </ul>
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**Tourism**

Hotel Accommodation, Motel Units, Tourist Units (including serviced apartments that are not strata titled)	<u>Car Parking</u> <ul style="list-style-type: none"> <li>• 1 space/3 accommodation unit, plus</li> <li>• 1 space/for every 2 persons employed in connection with the development and on duty at any one time.</li> <li>• Restaurants, function rooms, etc. associated with the development and open to the general public require additional parking at the rate for that use.</li> </ul> <u>Motorcycle Parking</u> <ul style="list-style-type: none"> <li>• 1 space/25 car spaces (or part thereof)</li> </ul>
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Boarding House	<u>Car Parking</u> <ul style="list-style-type: none"> <li>• 1 space/2 bedrooms (or part thereof), plus</li> <li>• 1 space/residential manager, plus</li> <li>• 1 space/2 employees</li> </ul> <u>Motorcycle Parking</u> <ul style="list-style-type: none"> <li>• 1 space/25 car spaces (or part thereof)</li> </ul>
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Youth Hostel, Backpacker Hostel	<u>Car Parking</u> <ul style="list-style-type: none"> <li>• 1 space/5 occupants/lodgers, plus</li> <li>• 1 space/residential manager, plus</li> <li>• 1 space/2 employees</li> </ul> <u>Motorcycle Parking</u> <ul style="list-style-type: none"> <li>• 1 space/25 car spaces (or part thereof)</li> </ul> <p>(Applies to uses where the accommodation is directed to travellers, a majority of whom do not use private motor vehicles)</p>
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<b>Recreation</b>	Licensed Hotel, Tavern/Club	<u>Car Parking</u> <ul style="list-style-type: none"> <li>1 space/133m<sup>2</sup> GFA (maximum rate)</li> </ul> <u>Motorcycle Parking</u> <ul style="list-style-type: none"> <li>1 space/25 car spaces (or part thereof)</li> </ul>
	Recreational Facility	<u>Car Parking</u> <ul style="list-style-type: none"> <li>1 space/25m<sup>2</sup> GFA</li> </ul> <u>Motorcycle Parking</u> <ul style="list-style-type: none"> <li>1 space/25 car spaces (or part thereof)</li> </ul> <u>Bicycle Parking</u> <ul style="list-style-type: none"> <li>1 space/200m<sup>2</sup> GFA</li> </ul>
<b>Commercial and Retail</b>	Commercial Premises (Office)	<u>Car Parking</u> <ul style="list-style-type: none"> <li>1 space/80m<sup>2</sup> GFA (maximum rate)</li> </ul> <u>Motorcycle Parking</u> <ul style="list-style-type: none"> <li>1 space/25 car spaces (or part thereof)</li> </ul> <u>Bicycle Parking</u> <ul style="list-style-type: none"> <li>1 space/200m<sup>2</sup> GFA for employees</li> <li>1 space/750m<sup>2</sup> GFA for visitors</li> </ul>
	Professional Consulting Rooms, Medical Practices	<u>Car Parking</u> <ul style="list-style-type: none"> <li>3 spaces/surgery or consulting rooms, plus</li> <li>1 space/professional practitioner and other staff present at any one time</li> </ul> <u>Motorcycle Parking</u> <ul style="list-style-type: none"> <li>1 space/25 car spaces (or part thereof)</li> </ul> Bicycle Parking <ul style="list-style-type: none"> <li>1 space/4 consulting rooms</li> </ul>
	Service Stations	<ul style="list-style-type: none"> <li>Minimum 4 car spaces, plus</li> <li>6 spaces/service bay</li> </ul> (Convenience stores and restaurants attached to a service station require additional parking calculated at the respective rated designated for those uses.)
	Motor Showrooms	<u>Car Parking</u> <ul style="list-style-type: none"> <li>1.5 spaces/200m<sup>2</sup> site, plus</li> <li>6 spaces/service bay or 1 space/2persons employed in connection with the use</li> </ul> <u>Motorcycle Parking</u> <ul style="list-style-type: none"> <li>1 space/25 car spaces (or part thereof)</li> </ul>

Drive-in Liquor Outlet	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>• 2 spaces, plus</li> <li>• 1 space/person employed in connection with the use and on duty at any one time</li> </ul> <p>(These spaces to be exclusive of the driveway area used for queuing and service to customers in their vehicle)</p>
Furniture and Building Materials Showroom	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/45m<sup>2</sup> GFA</li> </ul>
Shops	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/50m<sup>2</sup> GFA (maximum rate)</li> </ul> <p><u>Motorcycle Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/25 car spaces (or part thereof)</li> </ul> <p><u>Bicycle Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/200m<sup>2</sup> GFA for employees</li> <li>• 1 space/750m<sup>2</sup> GFA for visitors</li> </ul>
Restaurants	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/30m<sup>2</sup> GFA (maximum rate)</li> </ul> <p><u>Motorcycle Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/25 car spaces (or part thereof)</li> </ul> <p><u>Bicycle Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/200m<sup>2</sup> GFA (staff and patrons)</li> </ul>
Retail Markets	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/18m<sup>2</sup></li> </ul> <p><u>Motorcycle Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/25 car spaces (or part thereof)</li> </ul> <p><u>Bicycle Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/750m<sup>2</sup> GFA for employees</li> <li>• 1 space/1000m<sup>2</sup> for shoppers</li> </ul> <p>(This provision does not apply to approved markets operated by a community organisation for charitable purposes.)</p>
<b>Community Facilities</b>	<p>Place of Worship and Place of Assembly</p> <p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/27m<sup>2</sup> GFA (maximum rate)</li> </ul> <p><u>Motorcycle Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/25 car spaces (or part thereof)</li> </ul> <p><u>Bicycle Parking</u></p> <ul style="list-style-type: none"> <li>• 1 space/50 seats</li> </ul>

Child Care, Child Minding Centre, Kindergarten, Pre-School	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>1 space per person employed in connection with the use, plus</li> <li>A temporary stand area at the rate of 1 space/6 children (a minimum of 5 temporary stand areas)</li> </ul> <p><u>Motorcycle Parking</u></p> <ul style="list-style-type: none"> <li>1 space/25 car spaces (or part thereof)</li> </ul> <p>(The temporary standing area is to be designed so that vehicles can enter or leave the site moving in a forward direction and without conflicting with other traffic/parking movements.)</p>
Hospital	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>1 space/35m<sup>2</sup> GFA (maximum rate)</li> </ul> <p><u>Motorcycle Parking</u></p> <ul style="list-style-type: none"> <li>1 space/25 car spaces (or part thereof)</li> </ul>
Schools, Educational Establishments	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>1 space/1111m<sup>2</sup> GFA (maximum rate)</li> </ul> <p><u>Motorcycle Parking</u></p> <ul style="list-style-type: none"> <li>1 space/25 car spaces (or part thereof)</li> </ul> <p><u>Bicycle Parking</u></p> <ul style="list-style-type: none"> <li>1 space/5 students above Grade 4</li> </ul>
<b>Other Uses</b>	<p>Where not specified, the RMS guidelines will be applied to developments of a minor nature including extensions, etc. However for a major proposal the application is to be supported by a Traffic Impact Statement with recommendation as to the appropriate provision for on-site car, motorcycle and bicycle parking.</p>

**Variations and Compliance**

- On-site parking will be required in accordance with the standards of this plan except where good cause can be shown as to why strict compliance is unnecessary. Requests for variation must be supported by information and data to substantiate that an alternative standard is appropriate. Except for minor variations, this information should take the form of a Traffic Impact Statement and/or Parking Needs Survey carried out by suitably qualified consultants.
- For developments incorporating different categories of uses, a separate calculation will be made for each component. Parking needs will be calculated on peak time. However, where peak demands for each land use component of the development are staggered, and this can be demonstrated to the satisfaction of the Council, a reduction in the total number of spaces required may be accepted.

**Existing Development**

10. Where an existing building is to be replaced by a new building which has a floor area not exceeding the floor area of the existing building and no change of use is proposed, no additional parking is required to be provided. Any existing parking on the site, up to the number of spaces required under this plan for the existing development, or any requirement of the consent for the existing development, must be maintained on the site.
11. Where an existing building is to be replaced by a new building,
  - having a floor area greater than the existing building, and/or
  - which will have a different use and/or
  - where renovations, alterations or additions create potential to generate additional visitor and customer demand;
  - car parking is to be provided as calculated for the new building area and use.

#### **Change of Use**

12. Nothing in this plan shall be applied to require that additional parking is required for the conversion of existing commercial floor space to either retail or restaurant land use in the Gosford Waterfront.

#### **Car parking for Persons with Disability**

Provision is to be made for persons with disability in the provision of car parking facilities, and in accordance with Australian Standard AS 2890.1 - 1993.

13. Where car parking is provided in excess of five (5) spaces, provision shall be made for parking for persons with a disability at the rate of one (1) space per one hundred (100) or part thereof of car spaces provided. A higher proportion of such spaces may be required for uses which are likely to generate a higher demand for such facilities.
14. The location of spaces designated for persons with disability should be close to an entrance to a building or facility with access from the car space by ramps and/or lifts in accordance with Australian Standard AS 1428.1 and Part D3 of the Building Code of Australia.
15. Car spaces provided under this provision shall be kept or made available for use by persons with disability as required.
16. In any residential development, consideration should be given to providing garages in accordance with the dimensions for class 4 spaces under AS 2890.1 - 1993. This would provide flexibility in making such facilities available for occupants with disability, or if not so used, provide domestic storage space.

#### **4.4.6.6 Site Facilities and Services**

##### **Objectives**

1. To ensure that site facilities (such as clothes drying areas, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units and communication structures) are effectively integrated into the development and are unobtrusive.
2. To ensure that site services and facilities are adequate for the nature and quantum of development.
3. To establish appropriate access and location requirements for servicing.
4. To ensure service requirements do not have adverse amenity impacts.

##### **Controls**

###### **Mailboxes**

1. Provide mail boxes for residential building and/or commercial tenancies in one accessible location adjacent to the main entrance to the development.
2. They should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building.
3. Mail boxes shall be secure and large enough to accommodate articles such as newspapers.

###### **Communication structures, air conditioners and service vents**

4. Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any

ancillary structures:

- away from the street frontage,
- integrated into the roof-scape design and in a position where such facilities will not become a skyline feature at the top of any building, and
- adequately setback from the perimeter wall or roof edge of buildings.

**Waste (garbage) storage and collection (all development)**

5. All development is to preferably accommodate waste handling and storage on-site. The size, location and handling procedures for all waste, including recyclables, is to be determined in accordance with Council waste contract and advice from Council’s Waste and Emergency Services staff.
6. Access for waste collection and storage is preferred from rear lanes, side streets or rights of ways.
7. Waste storage areas are to be designed to:
  - ensure adequate driveway access and manoeuvrability for any required service vehicles,
  - be located so as not to create any adverse noise impacts on the existing developments or sensitive noise receptors such as habitable rooms of residential developments, and
  - be screened from the public way and adjacent development that may overlook the area.
8. The storage facility must be well lit, easily accessible and on level grade for movement of bins, free of obstructions that may restrict movement and servicing of bins or containers and designed to minimise noise impacts.

**Location requirements for waste storage areas and access**

9. Where waste volumes require a common collection, storage and handling area, this is to be located:
  - for residential fl at buildings, enclosed within a basement or enclosed carpark,
  - for multi-unit housing, at ground behind the main building setback and façade, or within a basement or enclosed carpark, and
  - for commercial, retail and other development, on-site in basements or at ground level within discrete service areas not visible from main frontages.
10. Where above ground garbage collection is prohibitive or impractical due to limited street frontage, or would create an unsafe environment, an on-site basement storage area must be provided.
11. Where a waste vehicle is required to enter the site, access and circulation areas shall be designed to accommodate Council’s current waste contractor vehicles. Designs should conform to Council’s current technical standards, being typically a vehicle with the following specification:

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Vehicle length	8.8m
Vehicle height	4.0m
Ramp width	4.0m
Turning circle	AUSTROADS template for HRV, R=12.5m,
Axle width	speed=5km/h
	9 tonne/axle

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Any access route for waste collection vehicles and operators is subject to a Section 88B Instrument under the Conveyancing Act for right of access being provided prior to an occupational certificate being issued.

**Service Docks and loading/unloading areas**

12. Provide adequate space within any new development for the loading and unloading of service/delivery vehicles.
13. Preferably locate service access off rear lanes, side streets or rights of way.
14. Screen all service doors and loading docks from street frontages and from active overlooking from existing developments.
15. Design circulation and access in accordance with AS 2890.1.
16. Fire service and emergency vehicles
17. For developments where a fire brigade vehicle is required to enter the site, vehicular access, egress and manoeuvring must be provided to, from and on the site in accordance with the NSW Fire Brigades Code of



Practice - Building Construction - NSWFB Vehicle Requirements.

18. Generally provision must be made for NSW Fire Brigade vehicles to enter and leave the site in a forward direction where:
19. NSW Fire Brigade cannot park their vehicles within the road reserve due to the distance of hydrants from the building or restricted vehicular access to hydrants, or
20. otherwise required by the NSW Fire Brigades Code of Practice – Building Construction NSWFB Vehicle Requirements.

## 4.4.7 Landscaping

### 4.4.7.1 Landscape Design

Landscape design includes the planning, design, construction and maintenance of all utility, open space and garden areas. Good landscaping provides breathing space, passive and active recreational opportunities and enhances air quality. It is fundamental to the amenity and quality of outside space for residential areas.

#### Objectives

1. To ensure that the use of potable water for landscaping irrigation is minimised.
2. To ensure landscaping is integrated into the design of development.
3. To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities.
4. To improve stormwater quality and control run-off.
5. To improve the microclimate and solar performance within the development.
6. To improve urban air quality and contribute to biodiversity.

#### Controls

1. Landscaped areas are to be irrigated with recycled water, where available.
2. Remnant vegetation must be maintained throughout the site wherever practicable.
3. A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone.

### 4.4.7.2 Planting on Structures

The following controls apply to planting on roof tops or over car park structures, particularly for communal open space required as a component of mixed use or residential development, and in non-residential developments where the landscaping proposed is not on natural ground.

Constraints on the location of car parking structures due to water table conditions may mean that open spaces and courtyards might need to be provided over parking structures. The plants in these areas are grown in total containment with artificial soils, drainage and irrigation and are subject to a range of environmental stresses that affect their health, and ultimately their survival. Quality landscape design and open space amenity relies in part on the quality and health of plants.

#### Objectives

1. To contribute to the quality and amenity of open space on roof tops and internal courtyards.
2. To encourage the establishment and healthy growth of trees in urban areas.
3. To minimise the use of potable water for irrigating planting on structures.
4. To improve the microclimate of the development site.

#### Controls

1. Areas with planting on structures are to be irrigated with recycled water, where available.
2. Design for optimum conditions for plant growth by:

- providing soil depth, soil volume and soil area appropriate to the size of the plants to be established,
  - providing appropriate soil conditions and irrigation methods, and
  - providing appropriate drainage.
3. Design planters to support the appropriate soil depth and plant selection by:
- ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and
  - providing square or rectangular planting areas rather than narrow linear areas.
4. Increase minimum soil depths in accordance with:
- the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass,
  - the level of landscape management, particularly the frequency of irrigation,
  - anchorage requirements of large and medium trees, and
  - soil type and quality
5. Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:

<b>Plant Type</b>	<b>Min Soil Depth</b>	<b>Min soil volume</b>
<b>Large trees (over 8m high)</b>	1.3m	150 m <sup>3</sup>
<b>Medium trees (2m to 8m high)</b>	1.0m	35m <sup>3</sup>
<b>Small trees (up to 2m high)</b>	500mm	n/a
<b>Shrubs and ground cover</b>	800mm	9m <sup>3</sup>

#### 4.4.8 Heritage Items

Local heritage Items are identified in the Heritage Map in the Gosford LEP 2014. As part of the assessment process, the consent authority must have regard to:

- heritage provisions in Part 5.10 of the Gosford LEP 2014,
- heritage objectives as listed below,
- the relevant Statement of Significance for each item,
- the development principles and controls contained in this section,
- any conservation management plan, heritage impact statement or study required by the consent authority in response to proposed development of these areas, and
- for development that affects a heritage item, information addressing relevant issues must be included in a Statement of Heritage Impact submitted with the development application (DA).
- Development within the curtilage of a listed item, or a heritage conservation area, or which will impact upon the setting of a heritage item or heritage conservation area is also subject to the following provisions. Where there is a discrepancy with general controls elsewhere in the chapter the following objectives and controls are to apply.

##### Objectives

1. To facilitate the conservation and protection of heritage items and heritage conservation areas and their settings.
2. To reinforce the special attributes and qualities of heritage items by ensuring that development has regard to the fabric and prevailing character of the item or special area e.g., scale, proportions, materials and finishes.
3. To conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance.

##### Conservation Criteria

For sites in the vicinity of heritage items an assessment of the impact of the proposal on the setting of nearby

heritage items is to be undertaken.

Relevant criteria to be considered will vary for each proposal depending on the nature of development, the proximity of the development to surrounding heritage items as well as other factors. For this reason, each proposal will need to be considered on a case by case basis using the following general principles:

1. **Scale.** The scale and bulk of any new building or work must be in scale with the original building and new development must not obstruct important views or vistas of the item. Where this is not feasible, sufficient curtilage around the heritage item must be included to assist interpretation of its heritage significance.
2. **Siting.** If the existing street façade of the building is sympathetic to the character of the street, then alteration must be avoided. New work is best located to the rear or side of the building.
3. **Architectural form.** The basic architectural form of any new work needs to respect what exists. Issues to consider are the roof form, proportion and location of windows and doors.
4. **Architectural detailing.** It is important to be aware of the particular era and architectural style of the building or buildings and make sure that any proposed changes are contextual to the period. For example, it is not appropriate to mix Victorian features with a California Bungalow. Overuse of historical architectural features on new work should be avoided, with preference given to uncomplicated interpretive forms and detailing.
5. **Materials and finishes.** Reuse existing materials where possible. New materials and detailing must be compatible with the original and consideration must be given to the colour, texture and type of materials and finishes.
6. **Use.** The best use for a building is usually the one for which it is built. Where this is not possible, a use sympathetic to the layout of the building and requiring minimal alterations will be more compatible.
7. **Original fabric.** It is important to minimise alterations to the original fabric and where possible, repair rather than replace individual elements, such as windows and doors.
8. **The ageing process.** The patina of age on a building adds much to its character and significance. A worn step for example demonstrates the many years of feet crossing a threshold. Such features add to the uniqueness and character of a place and must be retained wherever this does not present a public safety risk.
9. **Curtilage.** There are three types of heritage curtilage:
  - Lot boundary. The lot boundary is the most common type of curtilage. It may contain associated buildings, gardens, walls, fences and the like which contribute to the significance of the property. The majority of built items in Gosford are listed within their lot boundary curtilage.
  - Reduced curtilage. This curtilage is less than the lot boundary of the property and it arises where the significance of the item and its interpretation is not dependant on having a large curtilage extending to a lot boundary. In such cases, it is necessary to identify a curtilage that enables the heritage significance of the item to be retained.
  - Expanded curtilage. This curtilage is greater than the property boundary. An expanded curtilage may be required to protect that landscape setting or visual catchment of an item. For example, the significance of some properties includes a visual link between the property itself and a harbour, river or topographical feature.
10. **Infill development.** The key to successful infill development adjacent to a heritage item is reflected in design where the infill is of similar mass and character to the adjacent heritage building/s. This may comprise use of the vertical (versus square) windows, verandahs, balconies, positive roof pitches (i.e. 25 to 35 degrees) and general facade detailing. Buildings and landscaping may establish a character of an area and provides a sense of continuity and a recognised community value. Unsympathetic infill will disrupt the unity of a group of buildings and may spoil the existing character. Architectural 'good manners' are important in areas of special character. An infill building must not precisely imitate its neighbour but use recognisable tools such as massing, scale, setback and orientation, detailing and materials, roof forms and coursing lines to complement adjacent heritage items.

## Controls

### Gosford Public School and Former School of Arts Building

1. Prior to development of the Gosford Public School, the Department of Education and Training should be consulted to confirm the status and management of any heritage items/structures listed on the Department's

Section 170 Register.

2. The assessment and management of the stone footings of the former Police Superintendent's House (adjacent to the Former School of Arts building) shall be considered prior to excavation.
3. The significance and treatment of existing trees within the School shall be assessed by an arboriculturalist experienced in the assessment and management of culturally significant landscapes.
4. Where new development proposes demolition of the Former School of Arts building, the applicant must:
  - demonstrate that it is commercially and/or physically unviable to integrate the Former School of Arts building into the new development,
  - demonstrate that reasonable alternatives which might have less adverse impacts have been considered, and
  - prepare a heritage interpretation plan which outlines the interpretation measures that will be implemented.

#### **Avenue and Feature Trees - Grahame Park**

5. New development shall consider and mitigate the heritage impacts to the Avenue and Feature Trees - Grahame Park.
6. Prior to development proceeding, arboricultural advice should be sought to confirm the age and condition of the individual Canary Island palms, and where relevant, set out the measures required to be implemented during construction works to ensure their protection and succession planting.
7. New landscaping adjacent to the Avenue and Feature Trees - Grahame Park should use Canary Island Palms, where appropriate to reinforce the established landscape character and integrate the gateway to the Gosford Waterfront with adjacent development zones.

#### **Gosford City Council Memorial Park**

8. Prior to development proceeding, a conservation management plan shall be prepared to:
  - provide guidance for future memorials within the park
  - ensure the primacy of the early and dominant memorials is not lost
  - provide guidance for heritage interpretation
9. Prior to development proceeding, vegetation within Memorial Park shall be assessed by an arboriculturalist experienced in heritage conservation practice to determine its cultural significance and condition and potential for relocation.
10. Future developments within and adjacent to Memorial Park shall consider impacts on views across and from the Park to the water.
11. Views to Memorial Park from Mann Street should generally be protected.
12. Access to an open eastern sky at dawn on Anzac Day should be retained and, where possible, enhanced.
13. Principal stakeholders in the Memorial Park including the Returned & Services League (RSL) should be consulted on proposals for the future management and any proposed change to the place.

#### **Rotary Club's Fountain and Garden - Original Wharf Location**

14. Prior to redevelopment of the Gosford Waterfront proceeding in accordance with the Urban Structure Plan at Figure 2:
  - an archaeological assessment shall be prepared to confirm the archaeological potential of the site and determine the location of the earlier shoreline and the site of the original wharf,
  - the relevant excavation permits or exceptions shall be obtained as necessary under section 139 of the Heritage Act, and
  - a Heritage Interpretation Strategy or Plan shall be prepared to guide interpretation of the cultural significance of the site and management of the existing commemorative information, artefacts and time capsule. Any such plan may be incorporated into a comprehensive interpretation plan including other sites.

## Gosford Wharf

15. Prior to redevelopment of the Gosford Breakwater proceeding in accordance with the Urban Structure Plan at Figure 2, a maritime archaeological assessment shall be prepared that evaluates the significance of the existing structure. Where relevant, the assessment shall outline the measures required to be implemented to manage any identified relics.

## Signage

16. In the event of any inconsistency between the provisions relating to signs on heritage items and the other provisions of this Section, the provisions of this Section are to take precedence.
17. All signs on a heritage item are to be:
  - restrained in design,
  - of a high standard of materials, construction and graphics, and
  - carefully placed and of compatible design and style with appropriate lettering.
18. Any application for a sign on a heritage item must include a Signs Strategy that takes into account existing and proposed signs for the building and the policies and recommendations of any Conservation Management Plan.
19. Any sign proposed for a heritage item is to be consistent with the recommendations of an approved Signs Strategy forming part of a development consent or an adopted Development applying to the heritage item.
20. Signs between the first floor level and the parapet of a heritage item are not permissible.
21. Internally illuminated signs are not permitted on a heritage item unless they are a reconstruction of an original significant sign.
22. Externally illuminated signs are permitted only where:
  - the design of the sign achieves a very high degree of compatibility with the heritage item, and
  - the cabling and conduit supplying power to the sign is completely concealed and does not involve intervention in or damage to significant fabric.
23. Existing signs on a heritage item may have heritage value and may need to be retained. As well as signs that are applied to the building, existing signs may include many other more intrinsic sign types, such as written in the pavement, in tilework, in leadlighting or windows, painted on walls or in raised lettering in render. Any new signs are to be designed and installed sympathetically with regard to existing signs. In cases this may result in the potential locations for new signs being restricted or unavailable.
24. The installation of any sign on a heritage item is to be carried out in a reversible manner without damage to the significant fabric. In the case of a sign affixed to any stone or brick wall of a heritage item the sign is to be fixed in such a way that stone is not damaged and any fixings are put only onto mortar joints. The consent authority shall have regard to the name of a heritage item and whether or not the name is significant before allowing its building name sign to be changed. On some buildings this may mean that the building name may not be changed.

## **Part 5 Location Specific Development Controls**

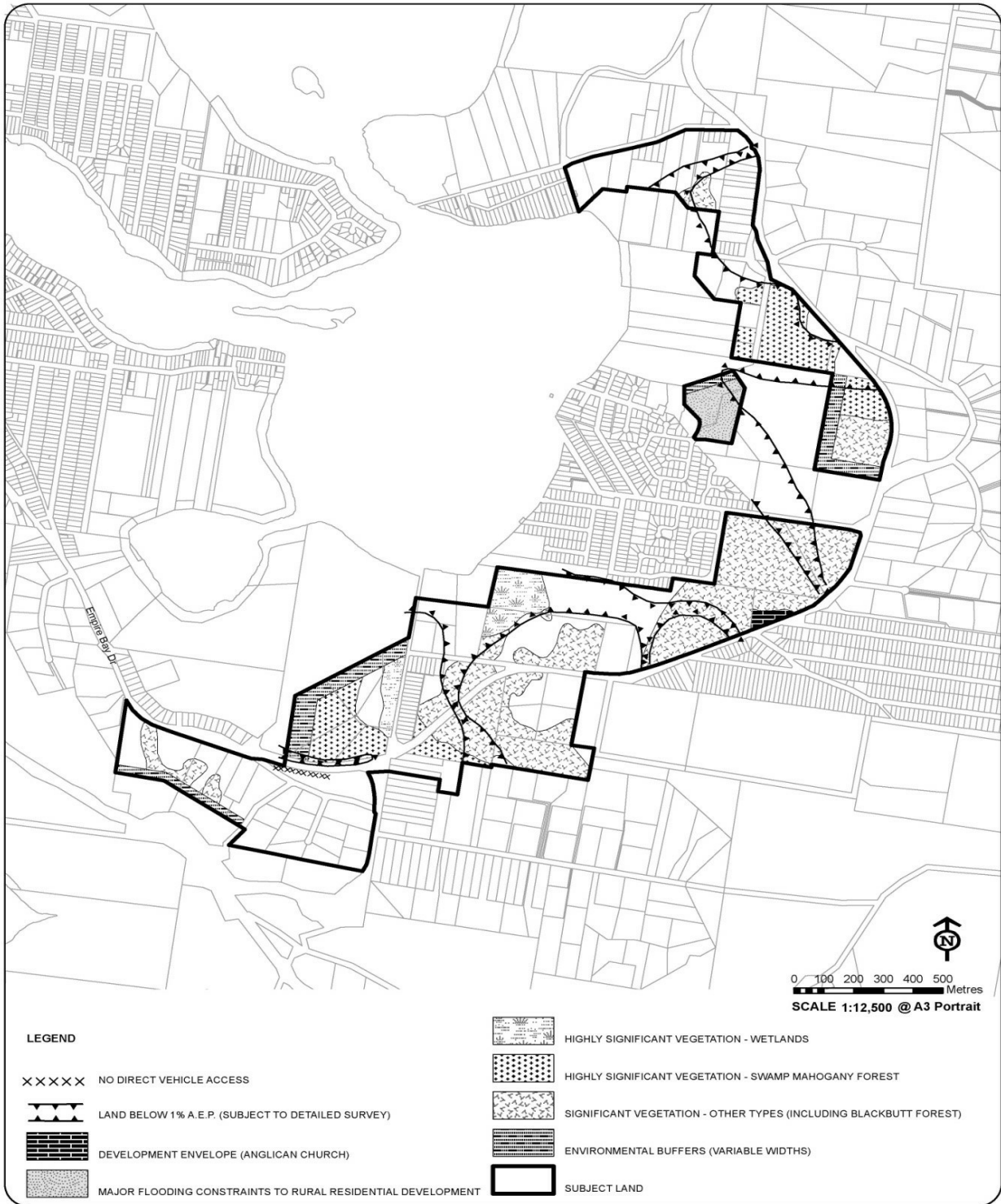
### **5.1 Bensville**

#### **5.1.1 Where this Chapter Applies**

This chapter applies to land as outlined by a bold black line on the accompanying map.

#### **Accompanying Map**

**BENSVILLE**



FILE: \\nko\GIS\Projects\Env\Planning\ComprehensiveDCP\Map\Bensville.mxd

**LEGEND**

XXXXXX NO DIRECT VEHICLE ACCESS

LAND BELOW 1% A.E.P. (SUBJECT TO DETAILED SURVEY)

DEVELOPMENT ENVELOPE (ANGLICAN CHURCH)

MAJOR FLOODING CONSTRAINTS TO RURAL RESIDENTIAL DEVELOPMENT

HIGHLY SIGNIFICANT VEGETATION - WETLANDS

HIGHLY SIGNIFICANT VEGETATION - SWAMP MAHOGANY FOREST

SIGNIFICANT VEGETATION - OTHER TYPES (INCLUDING BLACKBUTT FOREST)

ENVIRONMENTAL BUFFERS (VARIABLE WIDTHS)

SUBJECT LAND

**DISCLAIMER**

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©2004 Land and Property Information, © 2005 Gosford City Council All Rights Reserved. MAP: K.Smith 16.11.2007

**5.1.2 Objectives**

The objectives of this chapter are:

- a. to enable development to proceed in a manner that is sensitive to the environmental characteristics of the area;
- b. to maintain scenic quality and amenity;
- c. to facilitate traffic management;

- d. to restrict development in flood liable areas;
- e. to make further site specific provisions for the development of certain land affected by enabling provisions.

### 5.1.3 Specific Requirements

#### a. To enable development to proceed in a manner that is sensitive to the environmental characteristics of the area

*The Bensville area is one of the most significant areas within the City of Gosford for the presence of threatened species. The land is located between wetlands of state significance and Cockle Bay Nature Reserve and the vegetated ridgelines of Bouddi National Park. Significant swamp mahogany and blackbutt forest occur within the area. Wildlife movements are known to occur throughout the area, between foreshore areas and Bouddi National Park, and between the northern and southern vegetated areas along the lowlands. As such, development needs to be sympathetic to the surrounding environment and maintain habitat opportunities.*

- i. All stages of development, including site preparation, subdivision and building works shall incorporate soil conservation measures to minimise soil erosion and siltation during and upon completion of any such works or development. Measures to be employed are to be in accordance with the Chapters on Erosion and Siltation Control and Water Cycle Management.
- ii. Highly significant vegetation - Wetlands. For those areas specifically delineated on the map as being Wetlands, there is to be no disturbance to vegetation. Disturbance includes clearing, building works, excavations, filling, dumping of rubbish (including grass clippings), landscaping, underscrubbing, mowing, grazing of animals, alterations to groundwater characteristics through drainage works and the like.
- iii. Highly significant vegetation - Swamp Mahogany Forest. For those areas specifically delineated on the map as being Swamp Mahogany Forest, disturbance to vegetation is to be minimised. Disturbance includes clearing, building works, excavations, filling, dumping of rubbish (including grass clippings), landscaping, underscrubbing, mowing, grazing of animals, alterations to groundwater characteristics through drainage works and the like. Delineation of building areas and curtilage, together with the identification of specific trees to be removed are to accompany any development or subdivision application.
- iv. Significant vegetation - Other Types (predominately Blackbutt forest). Building works are to be sited so as to minimise the removal of mature trees. Delineation of building areas and curtilage, together with the identification of specific trees to be removed are to accompany any development or subdivision application.
- v. All areas that are naturally vegetated areas are considered to be important wildlife habitat and are to be generally retained to facilitate the movement of wildlife (as per points ii, iii and iv above).
- vi. It is noted that the E3 Environmental Management zone allows a number of uses that could result in a substantial removal of vegetation. These types of uses are generally considered to be incompatible with the retention of vegetation and would be discouraged from being developed within areas identified as significant vegetation.
- vii. Developments that may generate a high nutrient output (such as animal boarding or training establishments) will be required to demonstrate to Council that adequate nutrient control devices are incorporated into the proposal, so that there will be no increase in nutrients leaving the site.
- viii. Where on-site effluent disposal systems are proposed, it must be demonstrated to Council that the soils and groundwater characteristics are appropriate for on-site disposal, and that effluent shall not impact upon significant wetland areas.
- ix. In order to minimise any potential for nutrients to enter adjoining public reserves, an environmental buffer is to be located between any dwelling house, outbuilding, or other structure and land to be zoned Public Recreation. This buffer is to be retained in its current condition, to enable regrowth of native vegetation. No clearing, grazing, underscrubbing, mowing, landscaping, excavations, filling, alteration to groundwater characteristics by drainage works, effluent disposal, dumping of rubbish (including grass clippings), etc are to be undertaken in this buffer area.

#### b. To maintain scenic quality and amenity

*The Bensville area currently enjoys a rural amenity, with discrete pockets of residential development. It also forms an*



*important non-urban break between the urban areas of Empire Bay and Kincumber and is the "gateway" to the Killcare Peninsula. Council is desirous of maintaining the existing scenic quality and amenity whilst allowing development to occur in accordance with the provisions of the zones. Unregulated development along Empire Bay Drive has potentially detract from this amenity, and care and consideration needs to be given to the type of development, design and siting consideration and restrictions on advertising material.*

- i. A thirty (30) metre setback policy shall apply for all buildings (including rural residential dwellings) fronting Empire Bay Drive. Architectural design and building scale for uses other than conventional rural residential development shall be designed to be compatible with the rural character of the area.
- ii. The architectural design and building scale for uses other than conventional rural residential development, shall be designed to be compatible with the rural character of the area. Signage is also to be sympathetic to this character and not visually obtrusive. Where appropriate, development is to enhance the visual qualities of the area through dense screen landscaping.
- iii. Existing mature vegetation along Empire Bay Drive is recognised as being visually, as well as environmentally significant and is also to be retained for its scenic quality.
- iv. Development is to have due regard to the Chapters on Scenic Quality and Character.

**c. To facilitate traffic management**

*Empire Bay Drive is a main arterial road, linking the Woy Woy Peninsula to southern coastal areas. This road has a high speed environment and carries a significant proportion of through traffic. Developments should be designed to mitigate any adverse effect on the safety and functioning of Empire Bay Drive.*

- i. For all areas, direct vehicular access to Empire Bay Drive is prohibited where a suitable alternative exists.
- ii. Where no alternative access is available, rural residential subdivision is to be designed so as to minimise the number of allotments having direct frontage to Empire Bay Drive.
- iii. Council may require specialist traffic studies to support development applications where the type of development proposed may result in significant traffic generation, and/or where road conditions/sightlines and the like warrant further specialist studies.

**d. To restrict development in flood liable areas**

*Some areas within Bensville are inundated by the 1% Annual Exceedance Probability Flood (AEP) Event. Flood liability is generally due to a combination of inundation by Brisbane Water and local runoff and the floodplain is characterised by broad shallow flows that eventually flow into wetland areas. It is important to maintain the groundwater regime entering these wetland areas and to ensure the long term viability of the swamp mahogany forests. Higher in the catchment, flooding is more localised and confined to channels. Due to the large size of the catchment (750 hectares) and topographical features, some areas at the base of hillslopes are also affected by sheet flows. In general terms as a requirement of Council's Flood Management Policy, increased development within flood liable areas is not appropriate, unless no other alternative exists and the development will not result in any impact on either flooding or environmental quality both up and downstream. The general location of the 1% AEP floodplain as shown on the attached map is only accurate at each cross section as identified in the Bensville Trunk Drainage Study. Between the cross sections the extent of flooding is indicative and should be verified by field survey at the subdivision or development applications stage.*

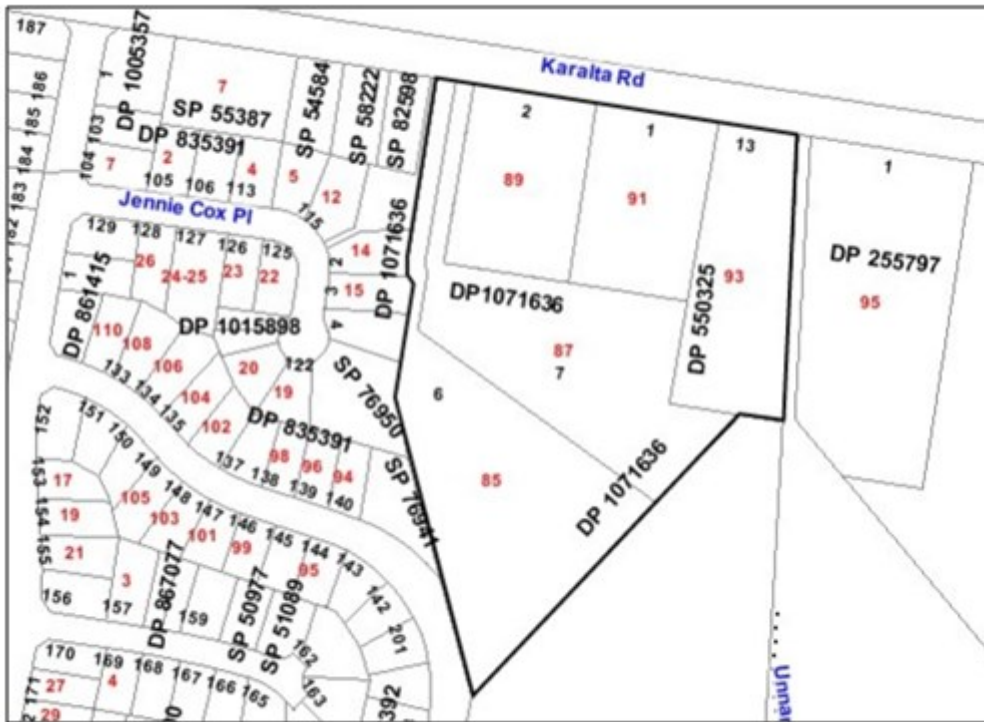
- i. Subdivision for rural residential purposes and permitted developments are to ensure that sufficient flood free land is available for the erection of a dwelling and ancillary activities. Dwelling pads and access roads are to be delineated on the plan of subdivision lodged at the Development Application stage.
- ii. All dwellings are to have 0.5 metre freeboard above the 1% AEP level and are to have flood free access.
- iii. Council may require the submission of detailed Flood Studies where land below the 1% AEP is permitted to be developed. It should be noted that Council's Chapter on Buildings in Flood Liable Areas expresses that the cumulative affect of filling or development within flood fringe areas must not increase flood levels by more than 0.01 metre. Development is to be restricted to the fringe of the flood plain.
- iv. Any drainage works and/or filling works proposed below the 1%AEP are to ensure that groundwater flows are maintained both upstream and downstream to ensure the long-term survival of significant vegetation.

- v. The extent of the 1% AEP floodplain and 0.5 metre freeboard line are both to be verified at the subdivision or development application stage by field survey.

## 5.2 Erina, 85-93 Karalta Road

### 5.2.1 Land to which this Chapter Applies

This Chapter applies to the subdivision and development of Lots 1, 2 DP 259824 and Lots 6, 7 DP 1071636 and Lot 13 DP 550325, House Nos 85 - 93 Karalta Road Erina.



### 5.2.2 Purpose of this Chapter

The purpose of this chapter is to provide more detailed provisions to support the rezoning and development of the subject land.

### 5.2.3 Objectives

To guide development of the land to support its rezoning for residential development, primarily residential flat buildings.

To ensure coordinated infrastructure provision.

To provide owners with guidance as to the matters that need to be considered in the development of their properties.

### 5.2.4 Street Network and Street Types

#### a - Objectives

To provide a safe, legible and efficient through road system.

To provide an internal road layout that is not based on a one way in, one way out system that is contrary to guidelines for use by emergency vehicles, particularly for bushfire protection and for safe and efficient garbage collection services.

To prevent the use of right of ways or carriageways as a means of vehicle access to developments.

To create a safe environment for walking and cycling.

To serve all existing and proposed land parcels with a local street that provides connection to the remainder of the land.

To provide through a local street system connection to the only vehicle access point to the precinct in a location which meets RMS sight distance standards as identified by Council's Traffic Engineer.

To serve the resubdivision of existing land parcels with a local street that provides connection to the remainder of the precinct and the only vehicle access point to the precinct.

**b - Controls**

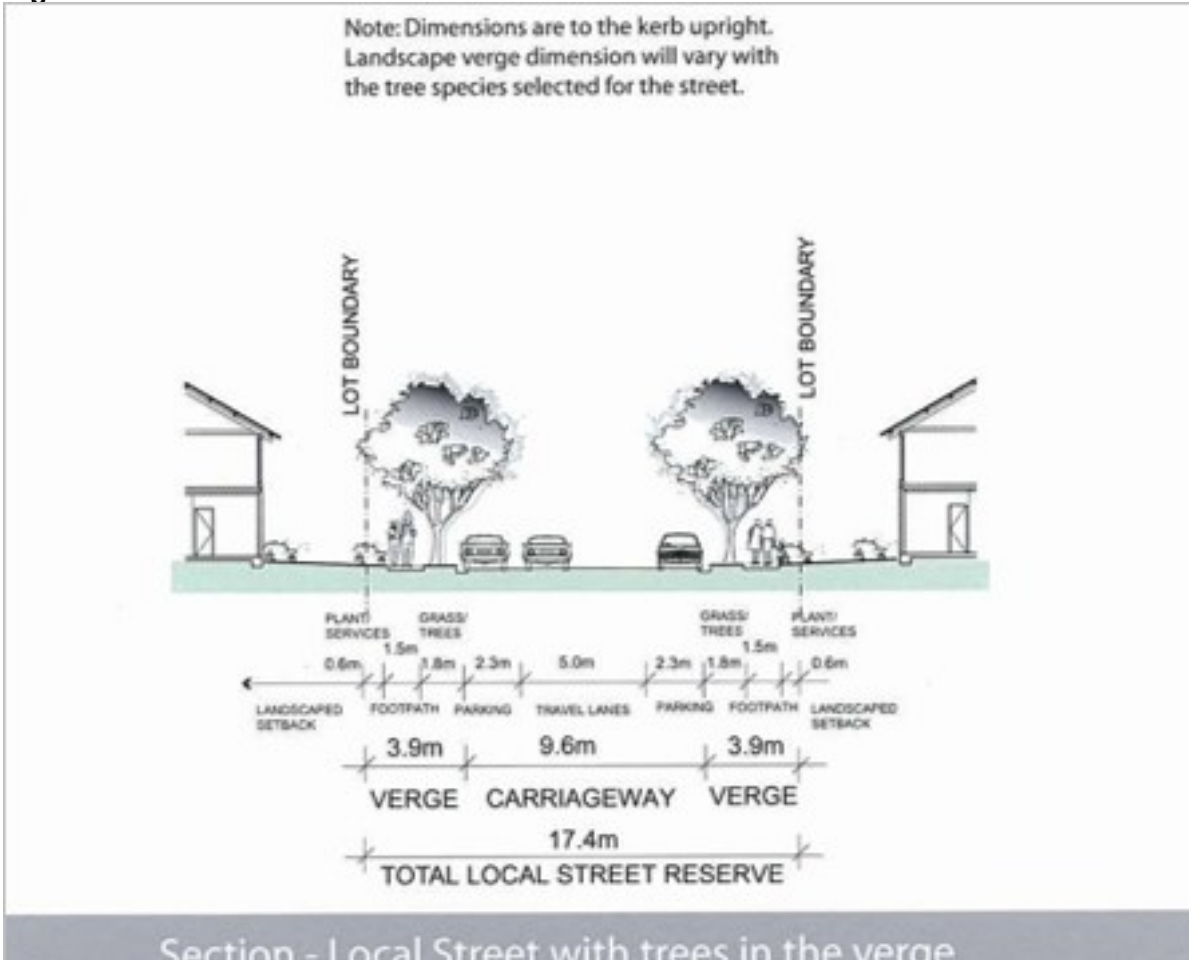
Only one vehicle access point is to be provided to Karalta Road and located in accordance with the accompanying plan.

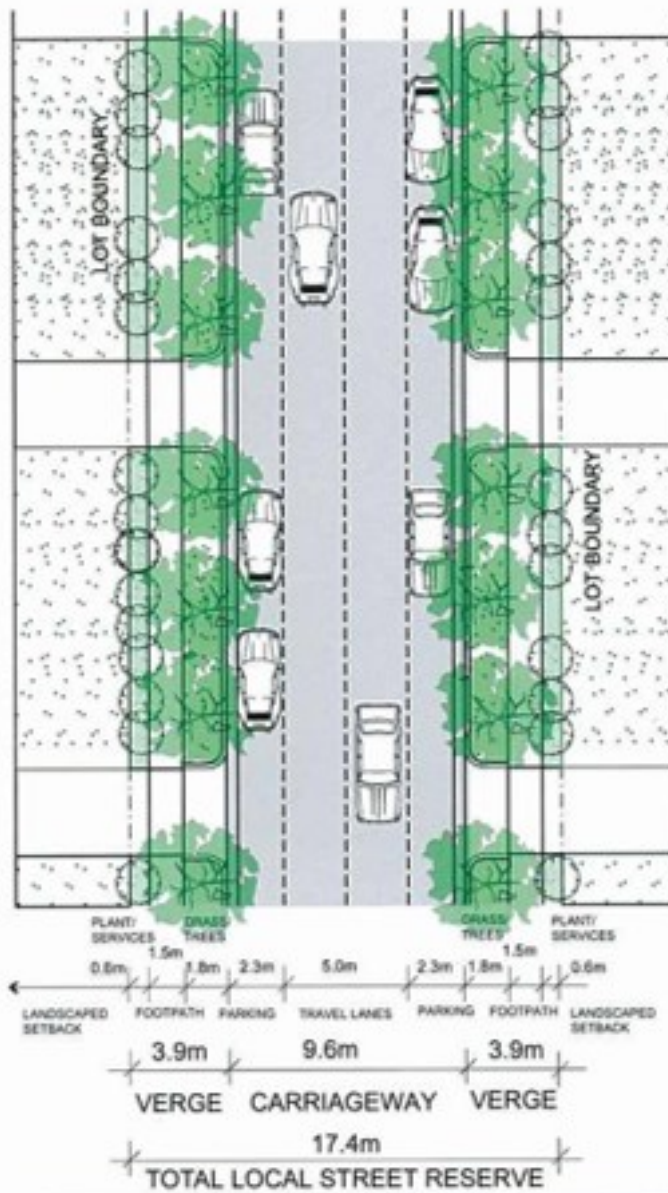
No temporary or permanent vehicle access from any new development will be permitted to Karalta Road or Bronzewing Drive.

Development applications are to provide for the construction as part of the development proposed roads that are to be located on the subject property. Road plans are required to comply with the street layout identified on the accompanying plan. Any proposed changes to street layout only to occur in accordance with objectives of this section and section 5.2.14.

Street types and construction are to be in accordance with the accompanying plan and Figure 1 and 2 and section 5.2.4.

**Figure 1**



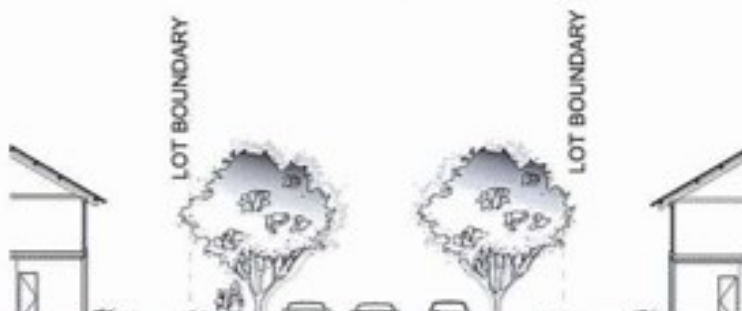


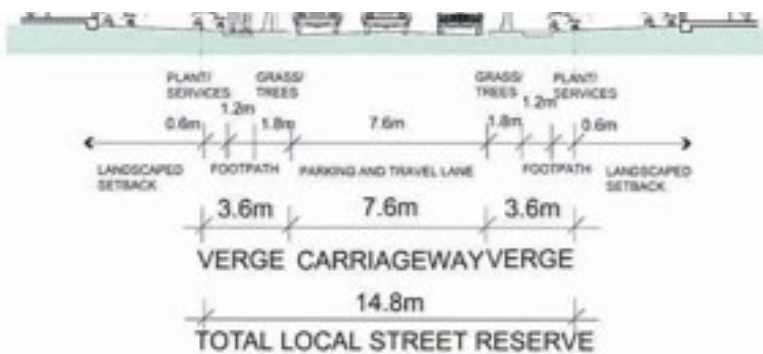
Plan - Local Street with trees in the verge

Source: The Landcom Guidelines - Landcom 2008

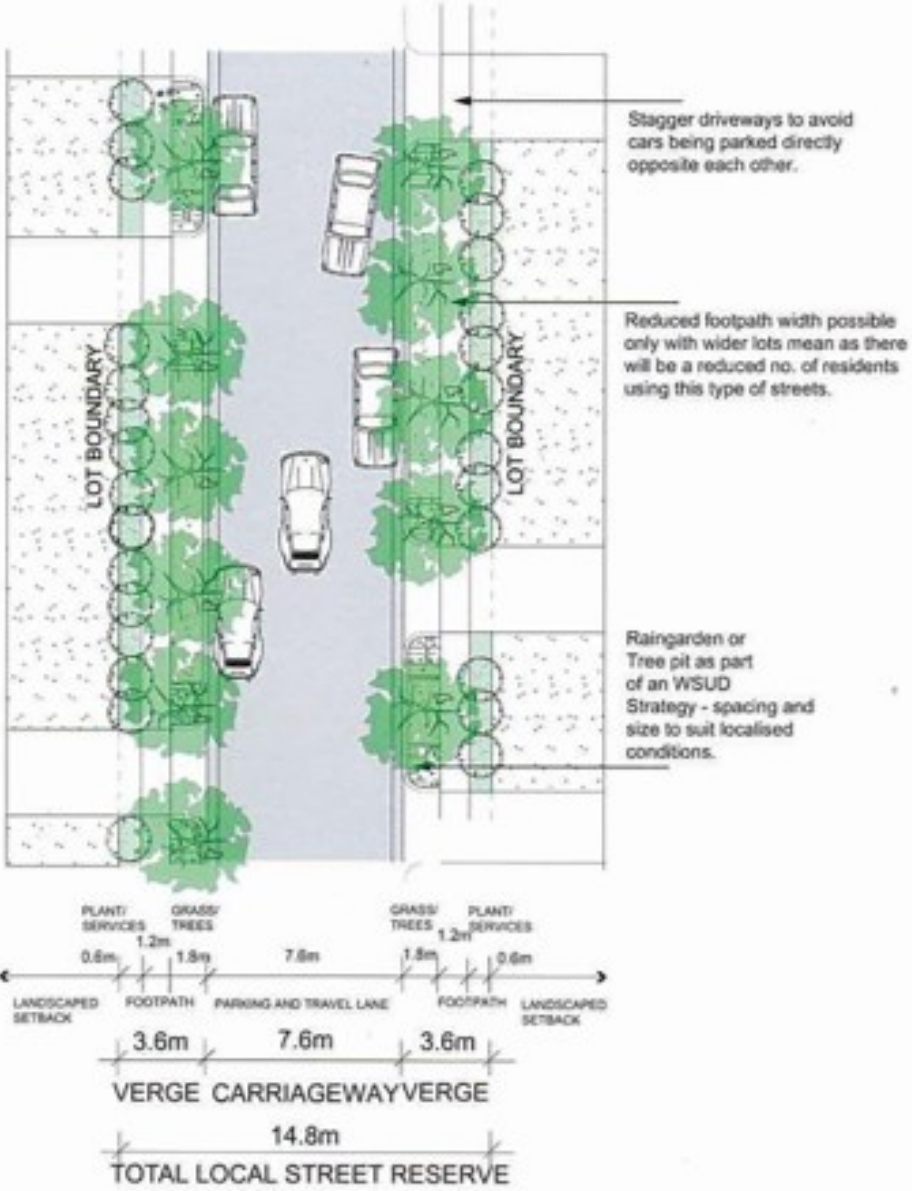
Figure 2

Note: Dimensions are to the kerb upright. Landscape verge dimension will vary with the tree species selected for the street.





Section - Minor Local Street



Plan - Minor Local Street

Source: The Landcom Guidelines - Landcom 2008

Land that is hatched on the accompanying plan provides an accessway to Karalta Road access point. This land must be dedicated to Council at no cost as part of any development or subdivision of the original lots that contain the hatched land.

## 5.2.5 Pedestrian Network

### a - Objectives

To create a pedestrian pathway network that provides safe access to dwellings, open space areas and locations external to the precinct.

### b - Controls

Development Applications to contain provision for the construction of pedestrian pathways for the frontage to the subject property in accordance with the accompanying plan and Figure 1 and 2 of section 5.2.4.

## 5.2.6 Bushfire Protection

### a - Objectives

To ensure that the planning, subdivision and development of the precinct occurs in accordance with the NSW Rural Fire Service's 'Planning for Bushfire Protection' 2006.

To require that Bushfire Protection Assessment and implementation occurs on a precinct wide and strategic basis and not a site by site basis.

To ensure that Bushfire Protection Assessment for the precinct provides for protection of areas of mature vegetation for amenity and habitat purposes.

### b - Controls

A 20m Asset Protection Zone (APZ) to be provided in the location shown on the accompanying plan. This area is provided mostly within local roads and open space shown on the accompanying plan.

Internal road system to be implemented to allow ingress and egress from the precinct in accordance with requirements of 'Planning for Bushfire Protection' RFS 2006.

Other requirements relating to Bushfire Protection for developments on the land are contained in the 'Bushfire Protection Assessment Report' completed by Conacher Environmental Group dated April 2010 based on 'Planning for Bushfire Protection 2006'.

## 5.2.7 Water Cycle Management

### a - Objectives

To reduce stormwater flows discharging from the Precinct.

To improve water quality of stormwater flows discharging from the precinct.

To conserve and reuse water.

To apply a holistic approach to water cycle management.

### b - Controls

The chapter in Council's DCP relating to Water Cycle Management will apply to the precinct.

A covenant will be required to be entered into as a condition of consent for the construction of a building on any parcel of land requiring the retaining of a water quality/retention system as well as the system's maintenance.

## 5.2.8 Community Open Space (Public Reserves)

### a - Objectives

To provide a level of community open space that will serve the needs of the local residents.

To create community open space areas that contribute to the amenity of the precinct and provide a link to Kincumber Mountain Reserve.

To create community focal points for the residents of the precinct

#### **b - Controls**

Land on Lot 13 DP 550325 and/or Lot 7 DP 1071636 Karalta Road as identified on the accompanying plan will be required for open space purposes. Council will compensate the owner for open space land provided in excess of requirements under CP 42 for the development of any lots resulting from the subdivision/development of Lot 13 DP 550325 and/or Lot 7 DP 1071636.

### **5.2.9 Subdivision**

#### **a - Objectives**

To ensure that the subdivision of existing land parcels occurs in a manner that enables integration of all services, does not impose unreasonable costs on other property owners through the provision of unplanned temporary infrastructure and ensures that the precinct develops in an ordered manner.

To set lot sizes for subdivision that can accommodate development on the steeper land slopes on the land.

To provide sufficient land around proposed development for the protection of existing trees.

#### **b - Controls**

All lots created that have a development potential are to have a minimum 25 metre frontage to an internal road shown on the accompanying plan of Karalta Road. Variations will be considered but only where no vehicle access is provided to an internal road by right of ways or carriageways.

Compliance with Residential Subdivision provisions of Council's DCP will be required except for those that relate to residential road standards, with the standards shown on the accompanying plan and Figures 1 and 2 of section 5.2.4 to apply.

### **5.2.10 Water/Sewer**

#### **a - Objectives**

To ensure that the land is adequately served with water and sewer infrastructure.

#### **b - Controls**

- i) Council advised that connection of the proposed rezoning to water and sewer reticulation systems would be permitted subject to the applicant undertaking a sewer systems analysis; the applicant providing all water and sewer infrastructure within the rezoned land; payment of the Water Authorities fees and charges; and the applicant undertaking specific external water and sewer works to accommodate the rezoned land.
- ii) The applicant has provided the Council with all necessary reports to enable the Water Authority to assess the impact the proposed rezoning shall have on existing sewerage infrastructure. The reports identify sewer infrastructure required to be augmented to accommodate additional loads generated by the rezoning.
- iii) Several lots proposed to be rezoned are currently connected to Council's sewer reticulation system. At the time of connection these non residential properties were not located within Council's defined sewer service area. Upon application to connect to sewer Council issued various connection conditions, one of which limited discharge loads from each lot to one (1) equivalent tenement. Council is not obliged to accept additional loads from these lots and will only do so subject to the applicant ensuring suitable capacity is available within the systems being utilised to service future development on the rezoned land.
- iv) A water system analysis has not been provided by the applicant and in this instance, shall not be required. It is acknowledged that both a 450mm water trunk main and 100mm water reticulation main front the proposed rezoning. It is estimated the proposed rezoning could result in future demands on the water reticulation system of up to one hundred and twenty (120) equivalent tenements. As a consequence of Council's reluctance to allow connections directly to the 450mm water trunk main, the 100mm reticulation main between Bronzewing Drive and the subject lots will need to be augmented to 150mm prior to proceeding with development of the rezoned land.

- v) Although various sewer mains within the current Erina Development plan are nearing capacity, there is limited development potential remaining in the area. As remaining development can be serviced by existing water and sewer infrastructure, Council has no current proposals to augment sewer mains in the Erina area.
- vi) Implementation of the draft Gosford City Wide LEP shall result in additional loads / demands on water and sewerage reticulation systems. By the applicant increasing pipe sizes identified in the sewer analysis by one size, additional system capacity may be provided above that which is needed to service the rezoning. Alternatively, upsized pipes may not accommodate future development within the Erina area in the coming decade should the draft Gosford City Wide LEP provide for increased development within the Erina area.

In 2011 Gosford Council shall be undertaking a review of all Water & Sewer Developer Services Plans within the Gosford LGA, involving infrastructure and developer charges. Furthermore Council shall be undertaking a major systems review involving the preparation of a Master Plan for the entire water and sewerage systems. The key objectives of the Master Plan are to:

- Assess current performance of the schemes and identify improvements necessary to meet current and future 'levels of service'.
- Provide long-term strategic direction and guidance for the planning, development and operation of the schemes to allow Council to effectively plan its asset management and capital works programs, including expansions, upgrades and rehabilitation / renewals.
- Review and enhance operational performance to meet service needs and ensure regulatory compliance

In summarising water and sewer issues, the following points should be emphasised:

- The applicant proposing to undertake the rezoning is responsible for provision of the required infrastructure and payment of the Authorities defined fees and charges.
- Water and sewer service arrangements involving the proposed rezoning shall be required to be finalised in conjunction with the rezoning and in advance of any development consent being granted on the rezoned land, although provision of required infrastructure shall be dependent on timing and scale of future development.
- The replacement of existing pipe lines in advance of Council having a detailed understanding of future servicing needs in the Erina area may result in augmented pipes being replaced well in advance of projected replacement life.

In order to minimise the risk of unnecessarily installing pipes of an inadequate size or location, or the developer being burdened with providing infrastructure with capacity well above that which would be required to service the rezoned land, it is proposed to provide the following alternative:

- Council assess the value of the applicant's portion of specific works identified to service the rezoning based on the proportionate capacity that can be attributed to the rezoning, which will be known as 'the charge'.
- The applicant be levied 'the charge' in addition to and independent of all other water and sewer development charges and conditions.
- Works identified as being required as a consequence of the rezoning be placed within the Redevelopment Developer Services Plan for construction on an as required basis.

Due to the similar timing of the applicant's proposal, Councils Developer Services Plan review and Major Systems review, the payment of a proportionate cost of the works is considered reasonable.

Prior to development consent being granted the applicant shall submit for consideration and approval by the W&S Asset Management Development Group a Plan of Management for Water Supply incorporating water saving initiatives. You are advised to contact the W&S Asset Development Officer for further information regarding this condition.

The developer shall be responsible for the full cost of design and construction of water and sewer reticulation mains and infrastructure required to service the development. Designs must be in accordance with Council standards for sewer and water designs and shall be submitted to Council's Water and Sewer section for assessment. Upon approval of the plans by Council, the developer may commence construction of the sewer and water mains subject to compliance with the conditions of the approval.



Payment of water and sewer headworks / augmentation contributions specified by the Water Authority under Section 306 of the Water Management Act, 2000 in accordance with Council's policy. The actual amount payable shall be determined at the time of lodgement of a Section 305 Application for the development.

The developer shall be responsible for the full cost of any new connections / reconnections of the development to the existing water and sewer systems.

### **5.2.11 Buildings/Character**

#### **a - Objectives**

To encourage development generally in accordance with the desired future character of the area.

#### **b - Controls**

Conserve natural and scenic characters of wooded hillside properties by surrounding each residential development with leafy gardens that retain natural slopes along all boundaries and conserve existing visually prominent trees, particularly along rear boundaries and street frontages or verges, as well as providing space for new shady trees and shrubs planted as backdrops to new buildings.

Minimise the scale of new buildings using strongly articulated forms including floor levels that are stepped to follow natural slopes plus facades that vary in shape and height. Avoid the appearance of long and continuous buildings facing any front or side boundary. Step the shape and height of all visible facades, provide at least one wide landscaped setback that varies in width and line driveways with avenues of trees and shrubs.

Roofs should be gently pitched to minimise the height of ridges and flanked by wide eaves that disguise the scale and bulk of exterior walls.

Avoid tall retaining walls, elevated structures including terraces or pools or steep driveways that would interrupt the character of existing bushland hillsides.

The lower storey should not be dominated by garages and should display elements of a traditional "street address" such as balconies, verandahs and living rooms and front doors or private terraces that are directly accessible from the street. Conceal parking in part or full basements and provide unobtrusive vehicle entrances to minimise disruption of the desirable street address.

### **5.2.12 Affordable Housing (subject to LEP bonus)**

#### **a - Objectives**

To provide further detail in relation to the provision of Affordable Housing as detailed in the local environmental plan (LEP) that applies to the subject land.

#### **b - Controls**

Only 1 (one) carparking space or garage is required by Council for each dwelling. Compliance with the Carparking chapter of Council's DCP is not required for the Affordable Housing component of the proposed development.

The dwelling(s) is to display the same amenity qualities with regard to matters such as access to sunlight, privacy, internal layout and the like as other units in the development.

### **5.2.13 Landscape Buffer fronting Karalta Road**

#### **a - Objectives**

To provide a visual /scenic buffer and wildlife corridor along the Karalta Road frontage of the land.

To ensure vehicle access to Karalta Road only occurs at the designated location.

#### **b - Controls**

A 10m wide strip of land as shown on the accompanying plan must be provided at the time of resubdivision or development in accordance with the residential rezoning of Lots 1 or 2 DP 1071636 or Lot 13 DP 550325 Karalta

Road Erina as a landscape buffer.

No vehicle access either temporary or permanent shall be permitted over the landscape buffer area as part of the resubdivision or development as such an access will not meet RTA sight distance standards. Existing access points to be reinstated as part of the landscape buffer.

Methods of protection of vegetation on this land is to be provided with any development application for development that has frontage to this land.

The landscaped buffer can form part of the setback for development fronting Karalta Road and be included in the landscape requirements for a development as well as being included in the density calculation for the development.

### **5.2.14 Vegetated Buffer along Western Boundary**

#### **a - Objectives**

To provide a visual /scenic buffer and wildlife corridor along the western boundary between adjoining residential development and the proposed development.

To retain existing trees along the western boundary.

#### **b - Controls**

A minimum 3m landscape buffer is to be provided along the western boundary where indicated on the accompanying plan.

This landscape buffer can be included in a required setback for a development where appropriate and included in the landscape requirement for a development.

Any existing trees along the western boundary are to be retained where possible.

### **5.2.15 Alternate Uses**

#### **a - Objectives**

To provide appropriate guidelines for uses other than residential flat buildings that maybe consented to on the land.

#### **b - Controls**

Controls relating to Bushfire Protection, Landscape buffer fronting Karalta Road, Buildings/Character, Water/Sewer, Subdivision, Water Cycle Management will apply to development applications for uses permitted in the 2(c) Residential zone on the land other than residential flat buildings.

### **5.2.16 Related Chapters of DCP**

Chapters of Council's DCP relating to Multi Dwelling Housing/Residential Flat Buildings, Residential Subdivision and Water Cycle Management will apply to this land except where stated in this plan.

## **Attachment H - Amended DCP Map**



## 5.3 Kariong, Mount Penang Parklands

### 5.3.1 Background

#### Overview

The Mount Penang site is situated adjacent to the M1 Sydney/ Newcastle on the Pacific Highway exit ramp to Gosford, about 70kms from the Sydney CBD and 10 minute drive west from the centre of Gosford.

The site is a total 158ha of which approximately 67ha is bushland below the escarpment. The plateau, approximately 91ha, has views to the east over Brisbane Water. Part of the site has been developed as a semi- rural campus and comprises a collection of significant heritage buildings, surrounded by native and formal open space, gardens, sporting fields and facilities and various community uses, including the Kariong High School.

Mount Penang has been used as a Juvenile Justice Centre since 1912. The site was originally known as the Gosford Home Farm for Boys as it became a centre for Juvenile offenders in the early 1900's. As one of the original institutions of its kind in Australia the site carried significant cultural and physical heritage values.

With the development of new facilities for a Juvenile Justice Centre in 1999 the NSW Cabinet agreed to the formation of a Development Corporation to manage the re-development of the remaining Juvenile Justice land, which is now referred to as Mount Penang and is the subject of this plan.

In September 1998 the Premier of NSW announced a NSW Government initiative for Mount Penang to provide the Central Coast with long term economic benefits and jobs. The key elements of the project identified by the Premier were:

- A flora/ horticultural festival to be held annually and for an extended period in 2001, the Centenary of Federation;
- Australian Football League (AFL), soccer and cricket facilities;
- Environmentally sustainable infrastructure and services;
- Gardens, restaurants and high-tech internet and interactive computer facilities;

- Legacy facilities of permanent gardens as well as community, cultural and accommodation facilities to attract tourism; and
- A commercial base for the development, securing private sector investment and sponsorship.

In November 1998 the Festival Development Corporation was officially created by Government Gazette Notice to achieve the objectives of the Growth Centre's Act – as the majority of the Mount Penang site is classified as a growth centre.



In September 2010 the Central Coast Regional Development Corporation (CCRDC) replaced the Festival Development Corporation and expanded the growth centre to include land within the local government areas of Gosford and Wyong. The CCRDC is charged with the responsibility of promoting, coordinating, managing and securing the orderly economic development of Mount Penang. The CCRDC is subject to the control of the Minister for Planning and Infrastructure.

The original DCP 144 – Mount Penang Festival Development Site (now incorporated into the Gosford DCP 2013), which was prepared in 2000 by the Urban Design Advisory Service on behalf of the Festival Development Corporation, was adopted by Gosford City Council on 7th March 2000. The work undertaken in 2000 to prepare the Mount Penang DCP represented the culmination of an urban design and planning process that involved stakeholder and public consultation, specialist studies, and market feasibilities, all of which has been revisited and updated as part of this plan.

This Chapter 5.3 Kariong, Mount Penang Parklands is an update to the original DCP 144 and takes into account major changes to the site since 2000 as well as reflecting a revision of the master plan for the Mount Penang site that has been informed by a servicing strategy, transport assessment and heritage review.

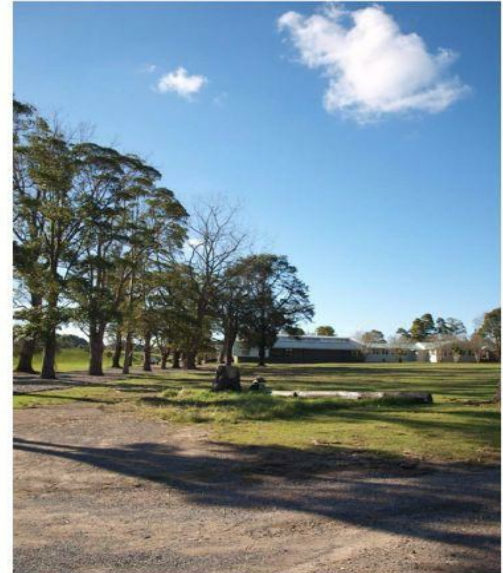
### **History of Mount Penang Juvenile Justice Centre**

Following the announcement of the 1905 Neglected Children and Juvenile Offenders Act, the Mount Penang Juvenile Justice Centre was established, becoming the largest state-controlled centre in the southern hemisphere, accommodating 170 male offenders who were subjected to enforced physical labour, education and vocational training as a form of rehabilitation.

During the initial building phase (1912 – 1922) the physical labours of approximately 100 male juveniles were relied on for the construction of the centre's major buildings. The centre was to replace the former Nautical Training Ships and detention centres for juvenile offenders, a connection that was reflected in the architecture of the school buildings, which were designed to resemble lighthouse cottages. The entire working party consisted of boys formerly of the training ship *Sobraon*, and was supervised by the former probation officer of the Nautical School Ship, Herbert Charles Wood.

With plans approved by the Minister of Public Instructions and a budget of £12,000, construction of the essential

building facilities commenced in 1912. These included the dormitories, a dining room, staff quarters, offices, a kitchen, store room for supplies and equipment, and accommodation for the tradesmen and Clerk of Works. By September 1913, the first dormitory, the Assistant Superintendent's residence and four weatherboard cottages for the married staff members had been completed. These cottages, still present on the site, are located along the existing entrance road to the complex.



It was not until 1915 that the second dormitory, constructed of concrete had been completed, along with a concrete reservoir, store and office. The arrangement of the dormitories on either side of the household block, allowed for a system to classify the juvenile detainees, in addition to providing constant supervision. Construction on the site didn't conclude until 1922 by which time a windmill to pump water from a stream below the escarpment; five galvanised water storage tanks; a carpentry workshop; a 300 yard trolley line that transported sandstone to the site from the quarry; as well as the construction of a permanent dam were all completed and operational.

In addition to the practical experience in construction and building, which was part of the boy's vocational training, the inmates were also provided with basic schooling. These classes originally operated in any of the constructed buildings or areas made available until the completion of the school building, which stands behind the main complex.

In 1923, the State Government passed the Child Welfare Act, repealing and consolidating a variety of provisions that existed in legislation relating to the care and management of children under State protection. The act was designed to place a much greater emphasis on children's health, welfare and rehabilitation under the direction of the newly created Child Welfare Department. These acts played an influential role in the reformation of the school; both in terms of the physical and ideological structure.

While a continuation of the building program ensured that the boys gained experiences that could be harnessed upon their release, between 1923 and 1940, the upgrading of the facilities and improvement to living conditions and amenities were occurring simultaneously, to meet the requirements of legislation contained in the Child Welfare Act. In 1938, electric lighting and a hot water system were installed, followed by a refrigeration service in 1937. By the end of 1937, the centre consisted of four dormitories, a recreation hall for movies and concerts, a dining and kitchen block, a hospital, a bathing and sanitary block, as well as a variety of out buildings, including a dairy and accommodation for the single and married staff.

In 1944 the newly appointed Superintendent, Vincent Heffernan, brought about a new sense of purpose; with particular focus towards the physical condition of the centre and the principles for rehabilitation. Between 1944 and 1947, Heffernan, a former executive officer in the National Emergency Services during the war, began reinvigorating the centre, purchasing new equipment for the trade room, upgrading the pastures and raising the pigs and cows to stud standard. From the 1940's, Mount Penang began showing their livestock, winning a number of prizes at local events at the Sydney Royal Easter Show.

In May 1944, a new sub-institution was opened at the centre by the then Minister for Education and Child Welfare,

Clive Evatt. Initially built at a cost of £25,000, it was originally designed as a maximum security complex for unresponsive boys. With the changes in government child welfare policies, the cottage sought to reflect a more open, family-style environment rather than the authoritarian structure and harsh discipline associated with reform schools. In 1948 the facility was opened, serving as the privileged cottage and later renamed in 1976, to the McCabe Cottage. Adjacent to the cottage two residences were built to house visiting families, reinforcing this reformation ideal.

The institution was renamed in 1946, from The Farm Home for Boys, Gosford to the Mount Penang Training School for Boys, Gosford, in order to represent the idea that a varied program of planned training was required for the re-education and rehabilitation of delinquent youths. After the 1950's, no significant changes occurred at Mount Penang, with the construction limited to four new buildings; an assembly hall, a new kitchen and dining room, a laundry and boiler house, and a storeroom, along with new sporting grounds, all erected behind the administration block.

Of the buildings constructed from 1912 to 1923, all the dormitories, the house block and other accommodation blocks remain on the site. The site retains the basic form of the original layout from the earliest period of construction.

### 5.3.1.1 Statement of Heritage Significance

#### Statement of Significance: NSW State Heritage Register [2001].

The Mount Penang Juvenile Justice Centre has been the most important juvenile detention centre in NSW for most of the twentieth century and is a direct continuation of the nineteenth century system of reformatory training ships. The design of the early buildings, their configuration and the layout of the site itself, as well as its agricultural and pastoral features, its remnant dairy and its landscaping collectively and individually illustrate juvenile penal philosophies and practices of the period and their subsequent evolution over eighty-five years of operation. The location of the Centre is a feature in the historical expansion of the City of Sydney into its rural hinterland and its operations are an element in the development of Gosford and the Central Coast.

Mount Penang also has significance for the local Aboriginal people both pre and post-contact, and during the time when Mount Penang was used as a juvenile detention centre and accommodated a number of Aboriginal detainees for whom the site would have profound associations.

The Centre has notable aesthetic qualities associated with its site and the available views, and layout of the low-scale buildings and the landscaping. The earlier buildings are attractive, human-scaled structures, which, while of an institutional character, utilise colonial homestead architecture, appropriate to their setting and construction techniques of particular interest. The earlier buildings reproduce these forms to reinforce the characteristic appearance of the complex, whilst the McCabe Cottages group is an excellent example of the Inter-War Functionalist architectural style.

The siting and relationship of buildings to each other and to the sports fields, paddocks and vistas are all components of the operational requirements and practices of the Centre. These provide technical information regarding juvenile detention and reformatory practices. Mount Penang is very important to the many boys and young men who were detained there over the course of nearly a century. For most detainees, Mount Penang is a place where the unforgettable occurred - experiences that strongly influenced the course of their lives. The place is significant to the many men and women who lived and worked at the former detention centre. For many of these people, it is a place of substantial personal and professional achievement. Mount Penang is also important to the local community as a landmark of historical and aesthetic importance. The place has functioned as a community meeting point, with many links between the wider community and the detainees and staff.

(Source: Mount Penang CMP 2001. Godden Mackay Logan)

### 5.3.2 Introduction

#### 5.3.2.1 Name of Plan

This Chapter is called Mount Penang Parklands. This Chapter is to guide the development of the area known as Mount Penang, and applies to all land zoned SP1 Special Activities - Mount Penang Parklands as designated on the

zoning maps in Gosford Local Environmental Plan 2014.

### **5.3.2.2 Local Environmental Plan**

This Chapter generally conforms with the provisions of the Gosford Local Environmental Plan 2014.

### **5.3.2.3 Purpose of this Chapter**

This Chapter complements the amending Local Environmental Plan by providing detailed development principles and controls that explain the objectives and requirements more thoroughly. This Chapter is also informed by a revision to the master plan of the Mount Penang site undertaken by the CCRDC. This master plan revision was informed by further investigations into servicing strategies for the site, transport assessments of future development, ecology and bushfire strategies and the requirement to update the Conservation Management Plan on a regular basis.

Specifically, the reports that informed this revision are as follows and can be obtained from Gosford City Council:

- Revision of Heritage Curtilages Report, EJE Architects, November 2013
- Mount Penang Parklands Masterplan, Transport Assessment, AECOM, November 2013
- Water and Sewer Servicing Strategy, ADW Johnson, November 2013
- Roads, Stormwater and Utilities Servicing Strategy, ADW Johnson, November 2013
- Flora and Fauna Assessment, Mount Penang Parklands, Travers Bushfire & Ecology, February 2014
- Bushfire Protection Assessment, Mount Penang Parklands, Travers Bushfire & Ecology, February 2014

Other documents and policies set out requirements which must be taken into account when determining a development application. These are listed below and are updated from time to time as required by the CCRDC:

- Mount Penang Conservation Management Plan, as updated from time to time, provides guidelines and policies for the conservation of the items of heritage significance on the site.

### **5.3.2.4 Operation of this Chapter**

This plan has been prepared in accordance with Section 72 of the Environmental Planning & Assessment Act, 1979 and accompanying Regulation. This plan will come into effect upon notification placed in a local newspaper advising that Council has adopted the plan.

### **5.3.2.5 Structure of this Chapter**

The Chapter is structured in three sections:

Section 1 - explains how to use this plan and how it relates to other plans

Section 2 - identifies the site principles that provide the overall planning framework for the future use and development of the site

Section 3 - identifies the controls and guidelines that provide the requirements for all development. The section is divided into 2 parts;

- General Built Form Controls that describe the controls relating to the design of all buildings within the site; and
- The Precinct Control provides additional detail and controls for new buildings within specific precincts to ensure the desired future character of the precincts is achieved.

### **5.3.2.6 Vision**

Mount Penang is to be an ecologically sustainable development that complements the existing heritage character and landscape setting. A vibrant mix of uses is proposed to enhance the quality of life for people on the Central Coast by providing new opportunities for employment, recreation, education, business, speciality retail, accommodation, festivals and events. Extensive gardens, event venues, sports facilities, picnic and bushland areas are to be established as a focus and amenity for the new facilities and the region.

### **5.3.2.7 Objectives**

The objectives of this Chapter are as follow;

- Provide a comprehensive approach to the development of Mount Penang;
- Accommodate a mix of uses that generate employment opportunities for the region and broaden its economic base;
- Conserve significant bushland, archaeological, cultural and other natural features;
- Provide an area of the site for open space which will preserve, enhance and link to regional open spaces and provide for the needs of the local community;

- Provide design principles and controls to encourage development that responds to its natural context and contributes to the quality of the built environment, the future character and the cultural significance of the site;
- Encourage development that respects, enhances and contributes to the heritage significances of the site and its cultural setting;
- Provide for efficient movement of traffic and all modes of transport including pedestrians and cyclists to, from and within the site;
- Plan all development in accordance with ecologically sustainable development principles, preventing damage to the environment, and where possible, ensures that development is planned in a way that enhances the environment; and
- Achieve maximum energy efficiency through such measures as building location, design, use of materials and the selection of energy and water efficient building services, equipment and appliances.

#### **5.3.2.8 When Do I Use This Chapter?**

Gosford City Council will be the determining authority for all development applications in relation to Mount Penang.

Prior to lodging a development application (DA) applicants are encouraged to discuss their proposal with the Council Officers. Pre-lodgement meetings are an important part of the development assessment process as they assist the Council to identify potential challenges at an early stage of the assessment process and provides a valuable opportunity for Council officers to convey to potential applicants the requirements and intent of this Chapter.

This Chapter complements the LEP by providing the detailed development principles and controls that explains the objectives and requirement more thoroughly. Variations to the controls are possible only by demonstrating that the project meets the objectives of the development controls.

















#### **5.3.2.9 Concept Master Plan**

The Illustrative Concept Master Plan on this page provides an indication of a potential future development scenario for the site. It is the intention of this plan to convey the character and suggested development that may occur within the parameters of the Gosford Local Environmental Plan 2014 and the Gosford Development Control Plan 2013. It does not represent the only scenario for the site nor should it be used to limit alternative scenarios that may be consistent with the objectives and controls of the Gosford Local Environmental Plan 2014 and Gosford Development Control Plan 2013.





1.2 Concept Master Plan

- |   |                                     |   |                                 |
|---|-------------------------------------|---|---------------------------------|
|  | Kangaroo Road Commercial Precinct   |  | Public Roads                    |
|  | Highway Commercial Precinct         |  | Secondary Roads                 |
|  | Festival / Gardens Precinct         |  | Vehicle Access                  |
|  | Baxters Track Precinct              |  | Temporary access to events area |
|  | Heritage Precinct                   |  | Pedestrian Access               |
|  | Sports Precinct                     |  | Site Access                     |
|  | Philip House Precinct               |   |                                 |
|  | Bushland Precinct                   |   |                                 |
|  | Site Boundary                       |   |                                 |
|  | Proposed Heritage Register Boundary |   |                                 |

### 5.3.3 Planning Principles

#### 5.3.3.1 Introduction

The overall planning framework for Mount Penang has been developed in response to the unique characteristics of the site as well as the requirements of potential uses and development that may be accommodated on the site in the future.

The planning principles outlined below provide the framework for the long term development of the site. More specific precinct controls are provided in Section 3: General Built Form Guidelines and Precinct Controls. The planning principles for Mount Penang address the following:

- Land Form

- Conservation Area and Built Elements
- Conservation Area and Landscape Setting
- Land Use
- Street Hierarchy
- Pedestrian and Cycle Circulation
- Parking
- Public Transport and Events Transport
- Landscape and Open Space
- Flora and Fauna
- Built Form, Character and Scale
- Aboriginal Archaeology
- Bushfire

### **5.3.3.2 Land Forms**

Development of the site is to maintain the integrity of the natural setting of the site by:

- Minimising impact on and enhancing the Piles Creek tributary and its position within broader festival/gardens precinct;
- Minimising impact on and enhancing remnant bushland and habitat areas on site;
- Responding to the natural topography of the site by locating larger parcels of development on the western side of the creek as it offers large flat expanses of land;
- Minimising impact on the steepest areas of the site from development, and minimising cut and fill;
- Minimising impact on existing views and vistas to and from ridge lines located to the east and west of Piles Creek;
- Integrating ecologically sustainable principles for onsite stormwater management; and
- Minimising impact on existing significant trees.



2.2 Land Forms



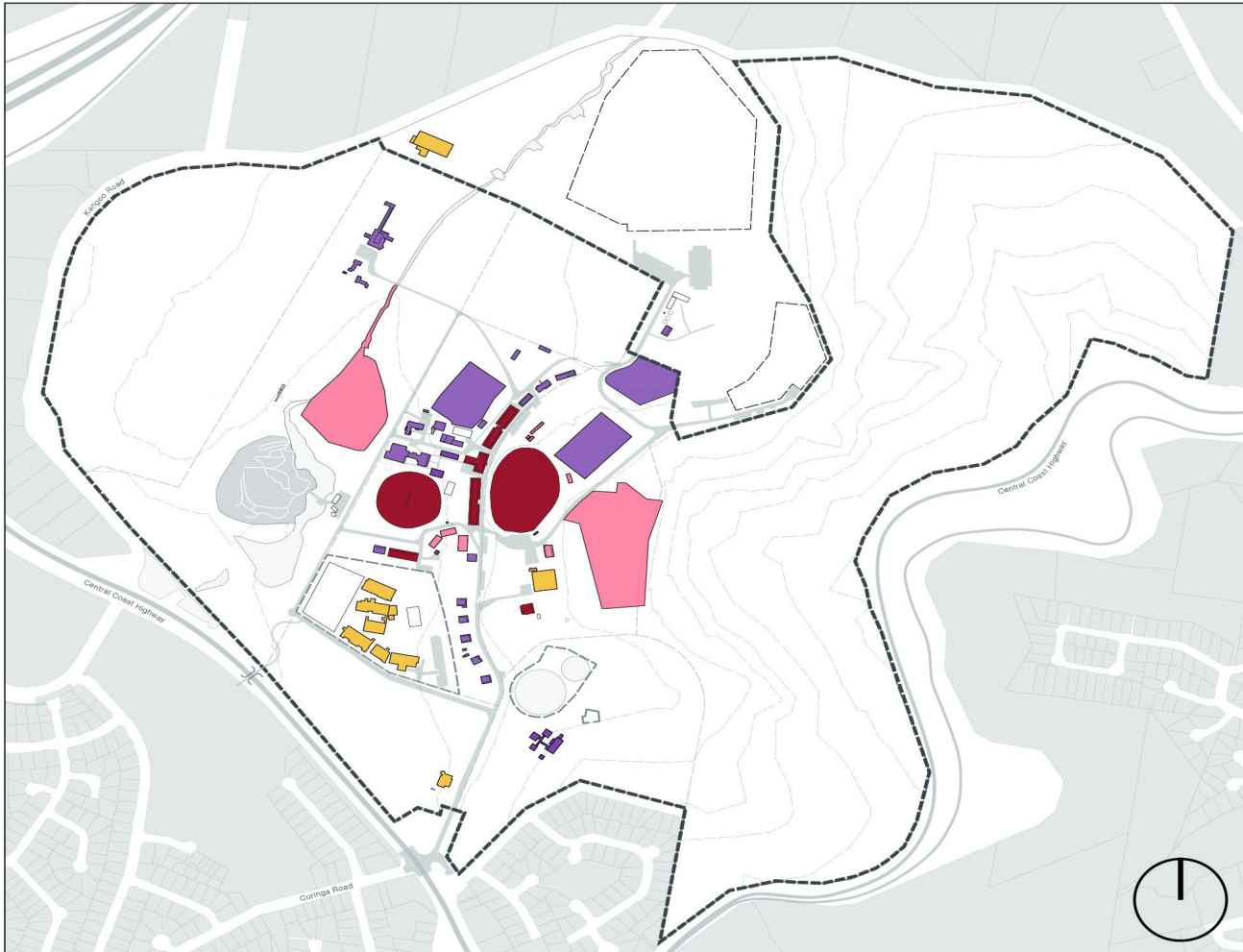
### 5.3.3.3 Conservation Area (Historic Precincts) and Built Elements

Individual buildings, spaces and elements should be dealt with in accordance with their assessed cultural significance, as outlined in the current Conservation Management Plan. The former Mount Penang Juvenile Justice Centre is to be managed by:

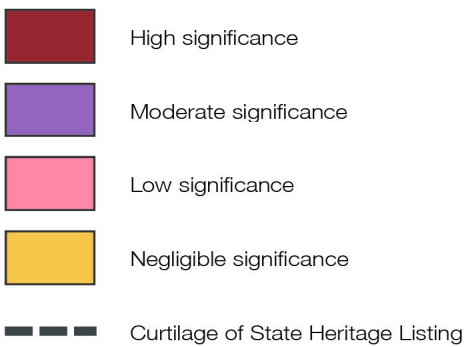
- Respecting the layout of the buildings, their physical and visual interrelationships, the road system and the scale of development in future planning;
- Siting new development to retain the predominance of the existing form and pattern of development and to be appropriately scaled and screened in order to retain the site's aesthetic qualities;
- Ensuring that new development is not visually intrusive within the heritage precinct of the site;
- Respecting the physical and visual relationship between complexes of buildings, such as the relationship of the existing cottages to each other, or the McCabe buildings to the rest of the heritage precinct and site;
- Conserving items of 'High' significance through appropriate conservation processes that may include preservation, restoration (including removal of intrusive elements where feasible) and appropriate reconstruction. If reuse requires additional built fabric, such building elements must respect all historically

significant fabric. Such development should follow best practice infill guidelines and not cloud the definition of the heritage fabric;

- Conserving items of 'Moderate' significance by using any of the conservation processes identified above. Preservation, restoration, reconstruction (if previously demolished) or adaptation is acceptable, to assist in ensuring the continual use and security of the building provided that no adverse effect is created to more significant fabric;
- Conserving items of 'Low' significance where management requirements and resources permit retention. Any removal of 'Low' significance elements must be well considered and contribute to the overall development and interpretation of the site;
- Keeping or removing items of 'Negligible' significance, where retention is viable or removal is deemed appropriate and may be replaced by more sympathetic development;
- Core buildings should have purposes allowing an historic interpretation of the land which they define, as well as an understanding of the nature of the landscape on which they were built. They must remain identifiable in all future development of the site;
- If buildings or elements of High, Moderate or Low significance are altered, they should be recorded prior to the commencement of work;
- Where there is a conflict between fabrics of different significance, then the higher heritage value should be the determining factor in making the decision; and
- Protect historic fabric from damage arising from user impact, management interventions to facilitate or control user protection and maintenance of historic fabric and installation of fixed interpretation media.



2.3 Conservation Area (Heritage Precinct) and Built Elements



#### 5.3.3.4 Conservation Area and Landscape Setting

The overall site is to continue to be ‘read’ and interpreted in the future as the original Gosford Farm Home for Boys - that is, as essentially a rural site. Landscape precincts and elements should be dealt with in accordance with their assessed cultural significance by;

- Retaining and respecting its semi-rural character and ambience;
- Respecting the relationship of the buildings to the topography, with formal landscaping including avenues, groves, courtyard spaces, and paddocks;
- Preserving the natural bushland below the plateau to heavily vegetated nature and original setting of the Farm;
- Retaining, where appropriate, certain selected open spaces demonstrating the former character of the place;
- Preservation of view corridors within the site and from different parts of the site out to the surrounding landscape. Tree and shrub planting schemes should ensure access to important views out and linkages between heritage buildings and precincts are not eventually blocked when such vegetation matures;

- Retaining the mature historic plantings on the site, particularly the Avenue plantings along the entry roads and around the edges of the playing field; and
- Respecting the alignment of the original roads and pathways through the site, especially the major access point from the Pacific Highway and Kangoo Road at Baxter's Track. It should be recognised that these have changed over time.



Image 1: Small business precinct cottages



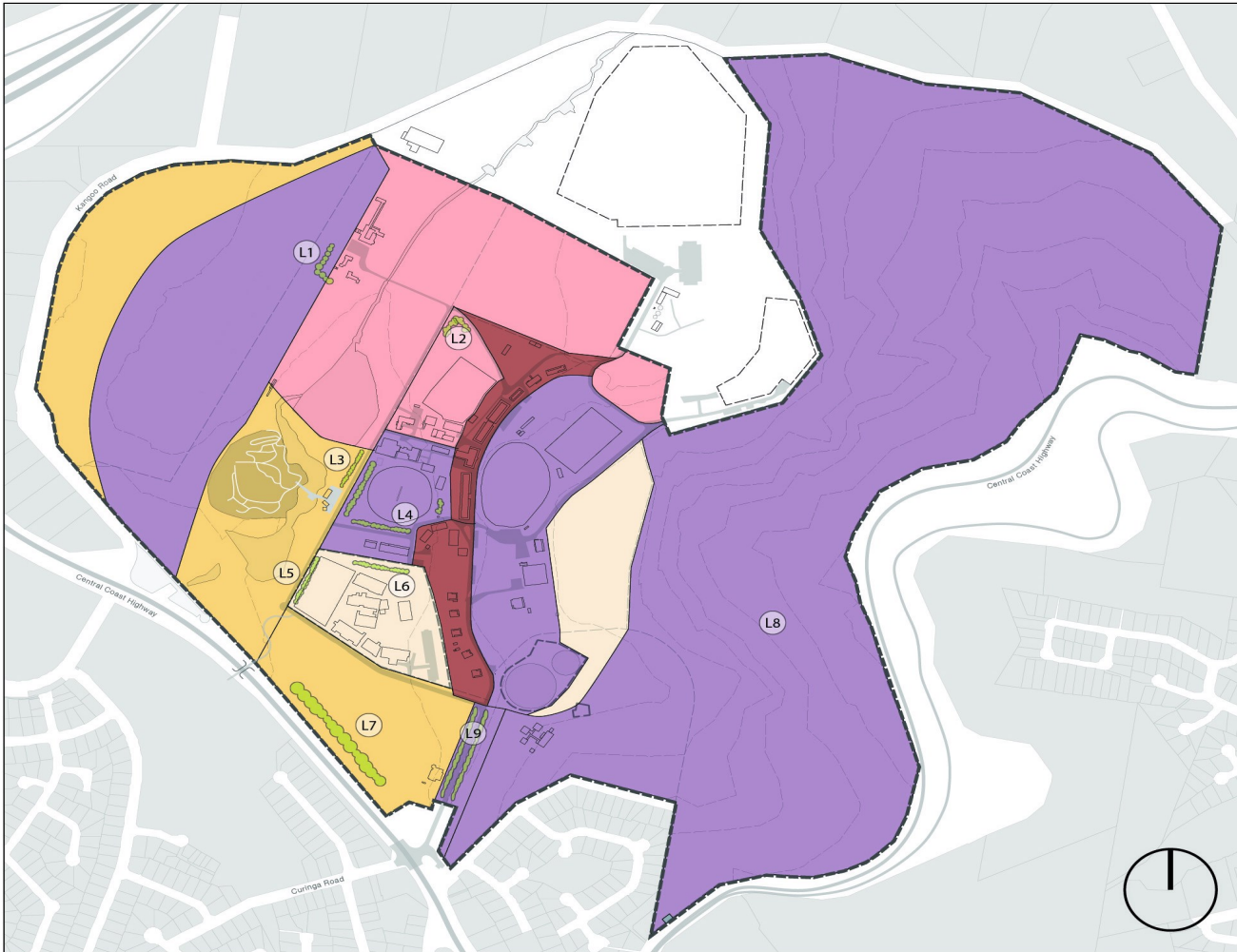
Image 2: View of landscape


















Image 3: Small business precinct



Image 4: The Avenue



2.4 Conservation Area and Landscape Setting

- |  |                              |   |  |
|--|------------------------------|---|--|
|  | High significance            |  | Old Pine Tree Group  |
|  | Moderate significance        |  | Scribbly Gum Group   |
|  | Low to moderate significance |  | White Poplar Avenue  |
|  | Low significance             |  | Playing Field 1 perimeter brush box & eucalypt plantings   |
|  | Negligible significance      |  | Mature cultural plantings along western edge of school   |
|  | State Heritage Curtilage     |  | Mature cultural plantings including coral trees, brush box, camphor laurels, white poplars, hoop pines, an oak and a larch |
|  |                              |  | Scribbly Gum Group   |
|  |                              |  | Eastern bushland   |
|  |                              |  | Entry drive with perimeter brush box & eucalypt plantings  |

### 5.3.3.5 Land Use

Uses have been located on the site to achieve a close relationship between the site's character and development requirements. These land uses and their associated activities have been assigned to designated precincts across the site, which is the subject of Section 3.0 of the DCP, and include:



#### Commercial:

- Commercial development is to be focused along the site's western and southern boundaries, away from the heritage core, and where access can be gained from Central Coast Highway and Kangoo Road. The two precincts where commercial uses are to be located include:
- Kangoo Road Commercial Precinct, which forms the western edge of the site and provides development sites suitable for bulky goods retail, commercial and Business Park uses. The sites will be accessed from Kangoo Road with a single access road providing access to the eastern most sites; and
- Highway Commercial Precinct is positioned between Kariong High School to the north, Phillip House Precinct to the south-east and the Central Coast Highway to the south-west. Development in this precinct will be orientated towards the Central Coast Highway, and will be accessed via The Avenue.

#### Festival/Gardens:

- The Festival/ Gardens Precinct extends from Baxter's Track, which defines the northern boundary of the site, south along Piles Creek to the Mount Penang Gardens and the Central Coast Highway. The eastern edge of the precinct is defined by Parklands Road and the western edge by the heritage core. The precinct includes the listed item, McCabe House. The topography falls to Piles Creek which flows south through the precinct into the Upper and Lower Dams; and
- There is an opportunity to locate festival activities to the northern edge of the precinct, accessed from Baxter's Track.

#### Mixed Use:

- Baxter's Track Precinct occupies the area between the existing Heritage Precinct and the Juvenile Justice Centre. Access to this area will be gained from either The Avenue or Kangoo Road, via Baxter's Track, depending on the nature of the land use and activity. A range of activities and facilities can be accommodated, including an extension of the existing grain and land uses from the Heritage Precinct in the south, or the festival and events activities from the west. Consideration will be given to the heritage character, visual impact, access and site conditions, particularly the terrain, access and drainage; and
- Phillip House Precinct is the southernmost precinct and remains isolated from the majority of the site in terms of visual and movement connections, and activation. Development opportunities may be limited due to the quality and coverage of native vegetation, retention of Phillip House and the water tanks. A pocket of land exists to the east of the tanks that is suitable for development, subject to more detailed site investigations in relation to bushfire protection and native species.

#### Sports:

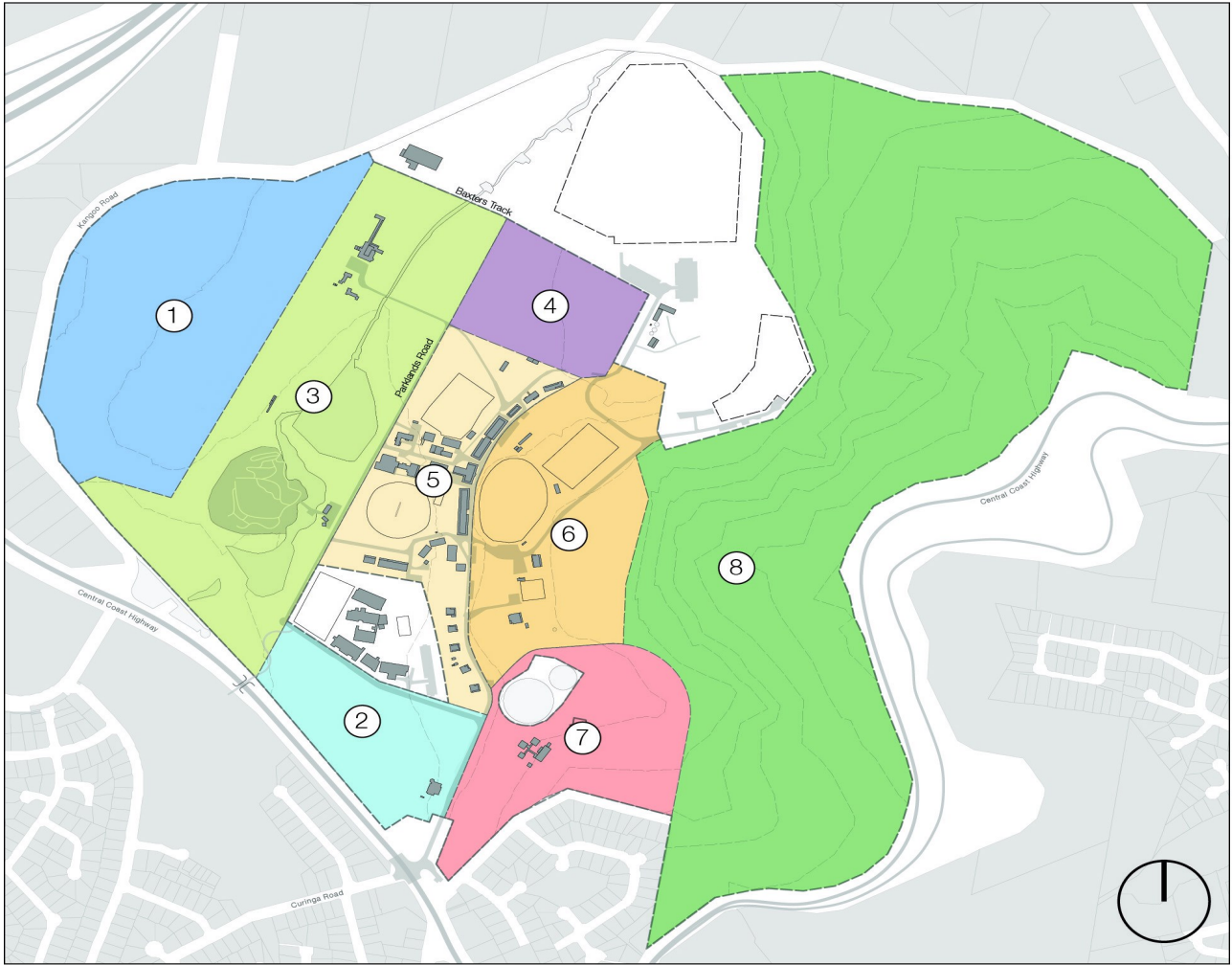
- Sports Precinct encompasses the existing ovals and sports facilities located to the east of The Avenue, an area that features a protected easterly aspect and views towards Brisbane Waters; and
- The refurbishment of existing and development of new facilities will support a range of indoor and outdoor sporting activities, supplemented by the business activities currently being undertaken in the Heritage Precinct (International Football School).

#### Heritage:

- Heritage Precinct forms the core of the site's existing commercial activities, which occur in the original dormitory buildings developed as part of the Gosford Home Farm (Juvenile Centre) in the early 1900's. The precinct's eastern edge is aligned with The Avenue and western edge with Parklands Road, which also provides access to Mount Penang Gardens and Village Greens No.1 and No. 2; and
- A range of commercial, community and performance activities will continue to operate within this precinct.

#### Bushland:

- Bushland Precinct remains an important natural component and will continue to be considered separate in its appearance and performance from the rest of the site; and
- There's an opportunity to use this area for a range of ecotourism, cultural and educational activities, which may relate to businesses and facilities elsewhere in Mount Penang.



2.5 Land Use Precincts

- 1 Kangoo Road Commercial Precinct
- 2 Highway Commercial Precinct
- 3 Festivals/Gardens Precinct
- 4 Baxters Track Mixed-use Precinct
- 5 Heritage Precinct
- 6 Sports Precinct
- 7 Philip House Mixed-Use Precinct
- 8 Bushland Precinct

**5.3.3.6 Street Hierarchy**

The structure, hierarchy and layout of streets on the site are to be designed to respond to the site’s character, existing features and land form, and future development opportunities. This hierarchy has been influenced by the Transport Assessment reference in this Chapter and available from Gosford City Council on request.

The street hierarchy must consider:

- Entrance points that inform the site’s internal road hierarchy. The new road network should, where possible,

use existing roadways and upgrades to existing routes to provide greater movement across the site that responds to the site's physical and heritage values;

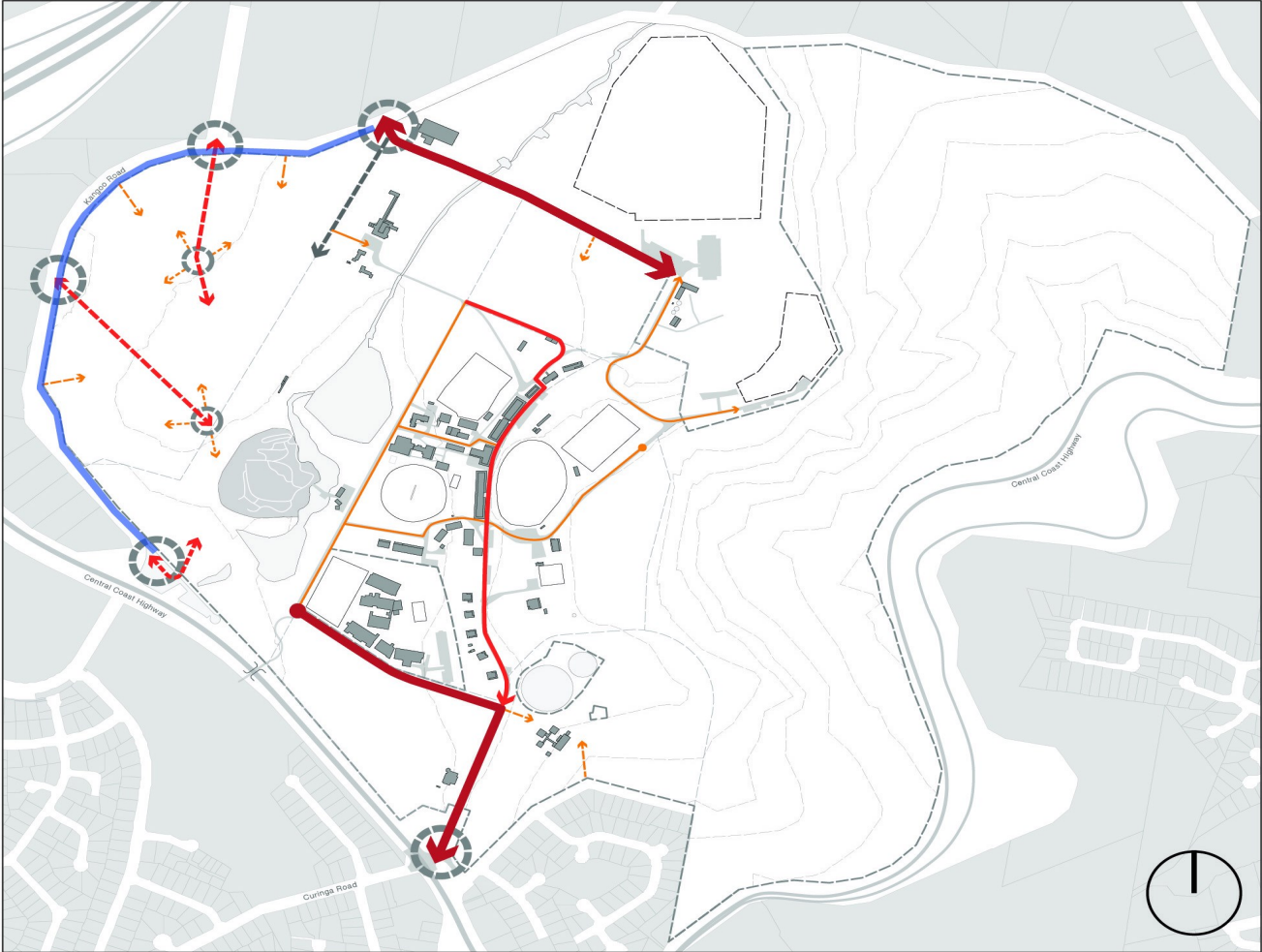
- Establishing a road hierarchy that respects the existing road patterns and limits traffic in the Heritage Precinct by providing additional access and egress points along Kangoo Road;
- Defining property and precinct boundaries, which reinforces the site's various land uses and activities, whilst providing greater legibility and permeability; and
- The definition and surveillance of open spaces throughout the site, so that the streets create an active edge and interface between public spaces and other uses.

Access to the surrounding road network from the site is to be optimised by:









- Create a new primary access point at the north-western corner of the site from Kangoo Road to provide access to McCabe House, and via Baxter's Track to the Juvenile Correction Centre and the Festival precinct;
- Providing a new site access to the Festival Garden Precinct from the south, at the junction of Kangoo Road and the Central Coast Highway as part of the proposed expansion of the existing commuter parking area, which may also serve as parking for major event;
- Providing a number of new site access points off Kangoo Road to directly service the Kangoo Road Commercial Precinct, Baxter's Track Mixed Use Precinct and Juvenile Correction facilities; and
- Retaining and upgrading the existing signalised site entry at The Avenue for access to the Commercial Precinct, Festival Garden Precinct, Kariong High School, Heritage Precinct and Sports Precincts only.

The impact of vehicular traffic on the amenity of the environment is to be minimised by:

- Locating larger landscaped car parks on the site perimeter to minimise traffic circulation within the core area;
- Providing a hierarchy of streets that concentrate the majority of traffic on a perimeter road and limits the traffic in the core of the site to narrow access ways that encourage slower speeds;
- Ensuring the new roads are only used by traffic using the site and not used by through traffic for short cuts;
- Designing streets to the minimum size to provide necessary movement and access;
- Designing roads to reinforce the rural landscape character of the site.



2.6 Street Hierarchy

-  Public Road
-  Secondary Road
-  Access Road
-  Temporary Events Access Road
-  Proposed Secondary Road
-  Proposed Access Road
-  Site Access Point
-  Existing Kangoo Road to be upgraded to achieve a road pavement width of 9m



2.6.1 Primary Street Section



2.6.2 Secondary Street Section



2.6.3 Access Street Section



2.6.4 Shared Street Section



2.6.5 Pedestrian Street Section

### 5.3.3.7 Pedestrian and Cycle Circulation

Movement and connections within the site should be encouraged to be taken by foot or bicycle via an integrated network of routes that deliver the following:

- A continuous pedestrian path around the site connecting the major activities and features, open spaces and areas of natural value;
- A network of smaller paths within and between precincts that may align with historic routes and connections;
- Pedestrian only and shared routes with cyclists so that activity can be focused along key movement corridors, leading to improved safety and surveillance, particularly in relation to the connections between surrounding suburbs, the High School and sporting facilities;
- Adequate bicycle parking, located throughout the site;
- Integrated accessibility for the mobility impaired, paying careful consideration to the grade, treatment, lighting and visibility of the routes;
- A network of walks throughout the Bushland Precinct that links to various areas of the site and encourages users to engage with the site and its facilities; and
- Additional pedestrian links to connect with adjoining residential neighbourhoods and regional open space networks.



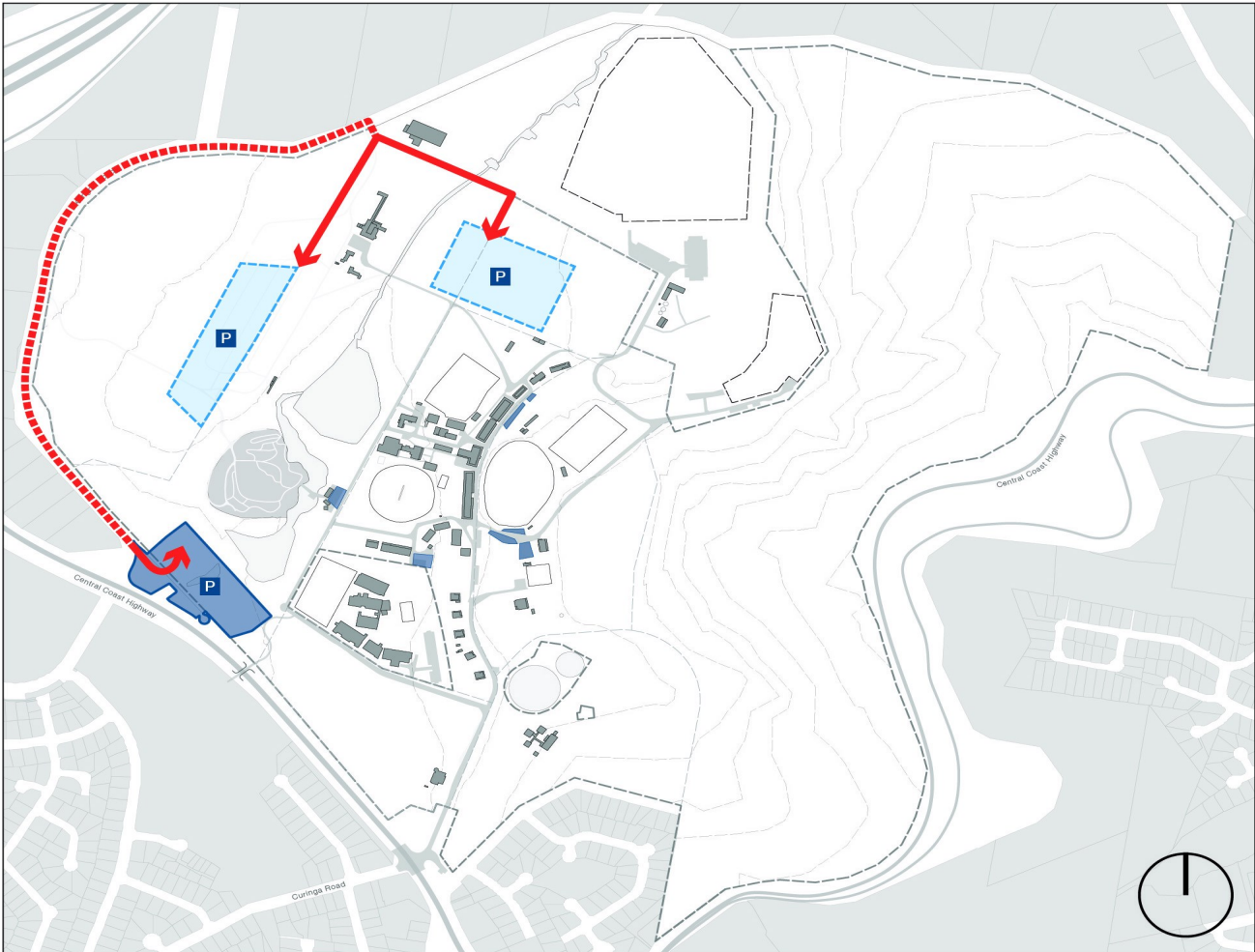
2.7 Pedestrian and Cycle Circulation

-  Shared Pedestrian and Bicycle Routes
-  Pedestrian Paths
-  Bushwalking Paths

### 5.3.3.8 Parking

Adequate car parking is to be incorporated on the site without compromising the setting and amenity of the site, whilst responding the fluctuations in activity throughout the year. Considerations should include;

- Locating larger car parks at the perimeter of the site and smaller permanent car parks (10-20) in locations related to specific uses;
- Ensuring car parks and overflow parking is shaded and screened with appropriate planting so that their visual presence is managed appropriately;
- Providing car parks for major events on grassed areas that receive proper drainage, on a relatively level terrain, and accessed by sealed roads with sufficient capacity to manage peak flows;
- Limiting lengths of on-street parking;
- Providing car parking in accordance with Gosford City Council's current parking requirements;
- Parking associated with commercial developments in the Kangoo Road Commercial and Highway Commercial Precincts to be provided on a plot-by-plot basis, meeting the parking requirements outlined in Council's current planning controls.



2.8 Parking

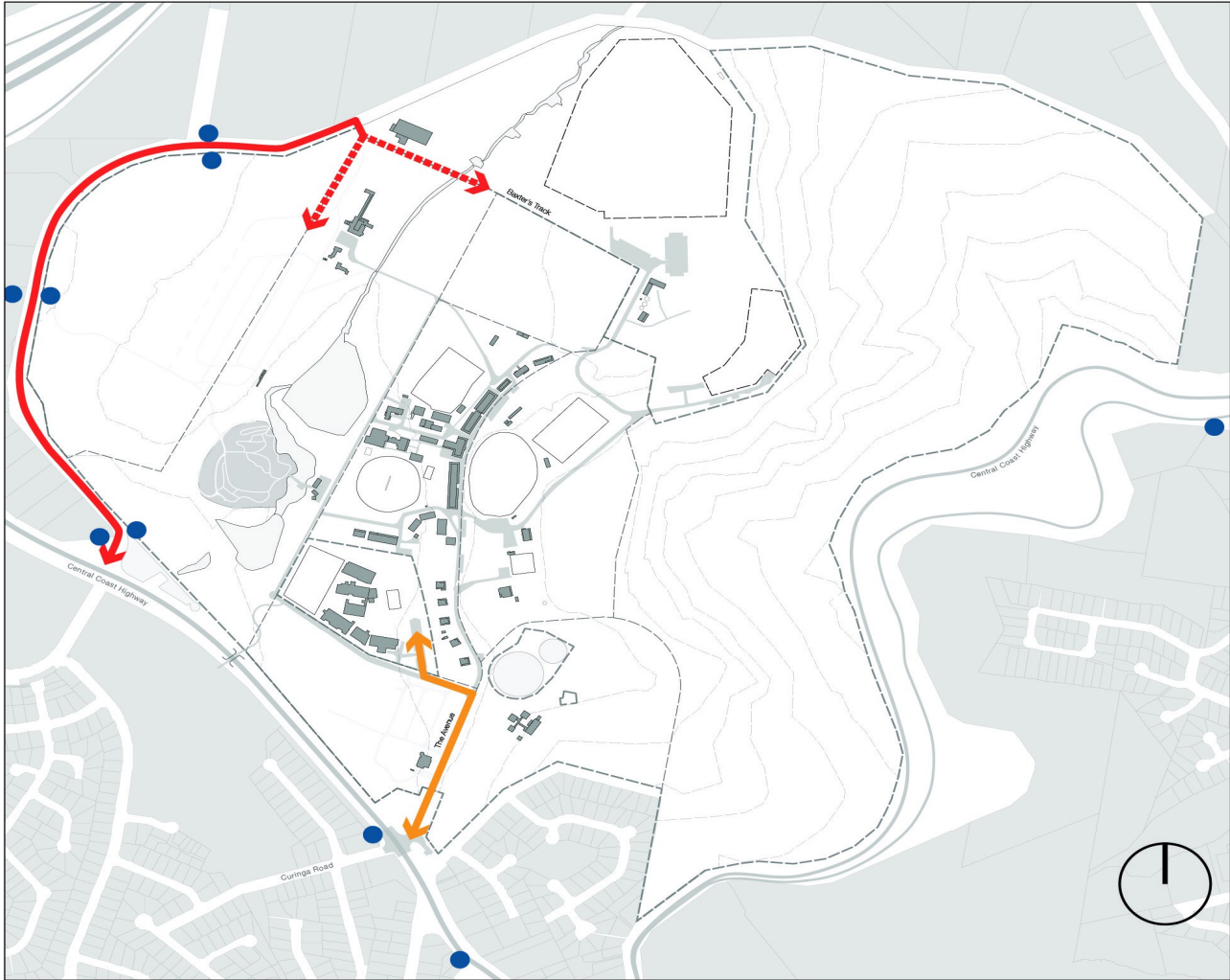
-  Permanent Public Parking
-  Temporary Events Parking
-  Parking Access Route

### 5.3.3.9 Public Transport and Event Transport

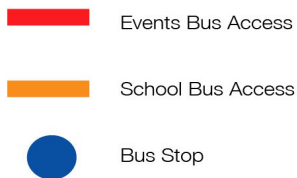
Mount Penang is well served by major regional roads and arterial connections, but remains largely isolated from the majority of Gosford and the Central Coast. With the exception of those residents living in Kariong, the majority of people wishing to access the site must rely on private vehicles. Access to the site via public transport and event transport must be encouraged and supported by the following:

- Formulating a public transport strategy to promote regular transport services to the site and special event supplementary service;
- Providing coach and bus parking, taxi ranks and set down/pick-up areas at the entrance to the site off the Central Coast Highway; and
- Event transport drop-off and pick-up points located at the periphery of the site that are integrated into the established circulation network and provides direct access to the key precincts.





2.9 Public Transport and Event Transport



### 5.3.3.10 Landscape and Open Space

The landscape character of Mount Penang is determined by the close relationship between the site's various natural features, open spaces, and associated activities. To ensure these relationships are retained and where possible, enhanced, the following considerations should be made:

- Provide a high quality open space framework consisting of new public streets, avenues, and parks that encourage pedestrian activity;
- Develop a sequence of Village Greens as the focus for a range of activities and events, which may be associated with the Festival / Garden precincts, or respond to the uses within the Heritage Precinct;
- Provide a number of playing fields to cater for a range of sports and recreational activities;
- Structure the Festival / Garden Precinct around a major flexible public open space corridor, which forms the green spine for the site, and during the peak event periods the focal point for activities and movement.



2.10 Landscape and Open Space

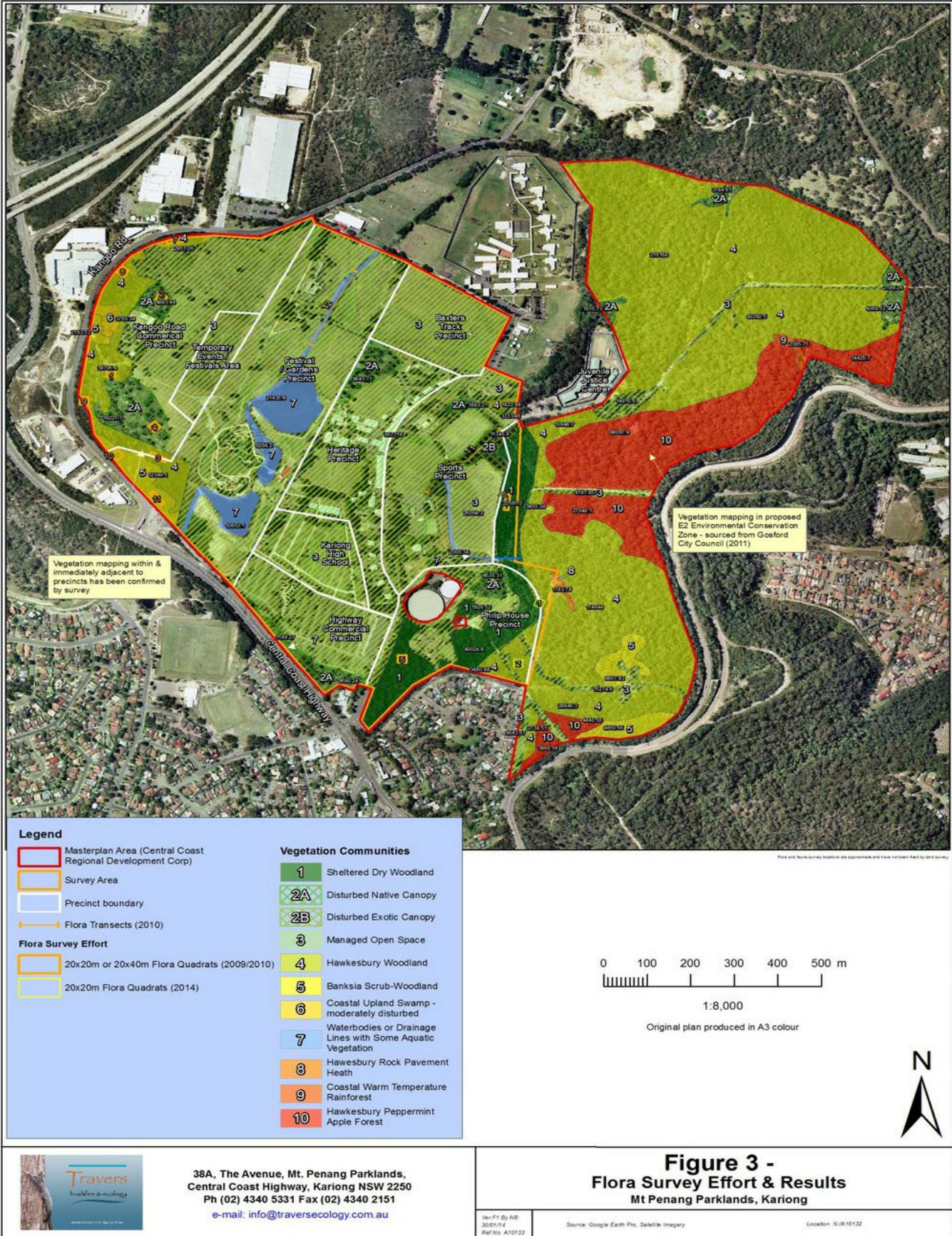


### 5.3.3.11 Flora and Fauna

The site features an expansive network of native communities of flora and fauna that make a valuable contribution to the unique character of Mount Penang and must be considered as part of all future development proposals. To minimise the potential ecological impacts the following mitigation measures are recommended;

- As part of all major development applications for the site, undertake specific flora and fauna assessments;
- Stormwater management measures will need to ensure maintenance or improvement in water quality and the protection of receiving waters (surface and groundwater) into nearby water bodies;
- Provision of a minimum vegetated riparian buffer (10 m from top of bank) for the mapped watercourse upstream of the existing Mount Penang Gardens and associated dams; and
- Retain or provide canopy vegetation to maintain arboreal linkages through the central riparian corridor across the site.

These measures have been influenced by the Flora and Fauna Assessment referenced in this Chapter and available from Gosford City Council on request.



**Figure 3 -  
Flora Survey Effort & Results  
Mt Penang Parklands, Kariong**

2.11.1 Flora survey effort and results

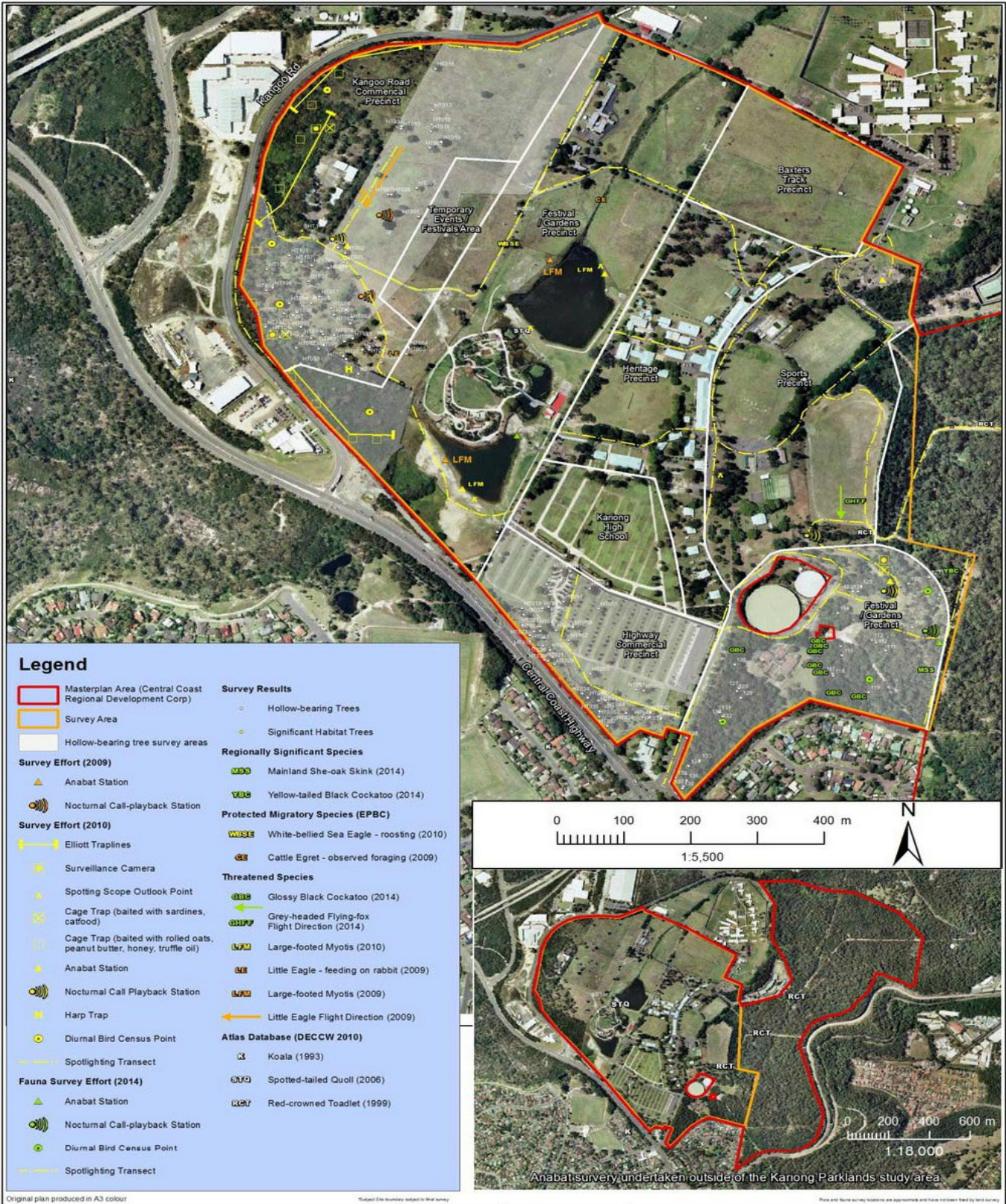


38A, The Avenue, Mt. Penang Parklands,  
Central Coast Highway, Kariong NSW 2250  
Ph (02) 4340 5331 Fax (02) 4340 2151  
e-mail: info@traverseecology.com.au

W: F1 By NB  
30/01/14  
RAF No. A10132

Source: Google Earth Pro, Satellite Imagery

Location: N/A 10132



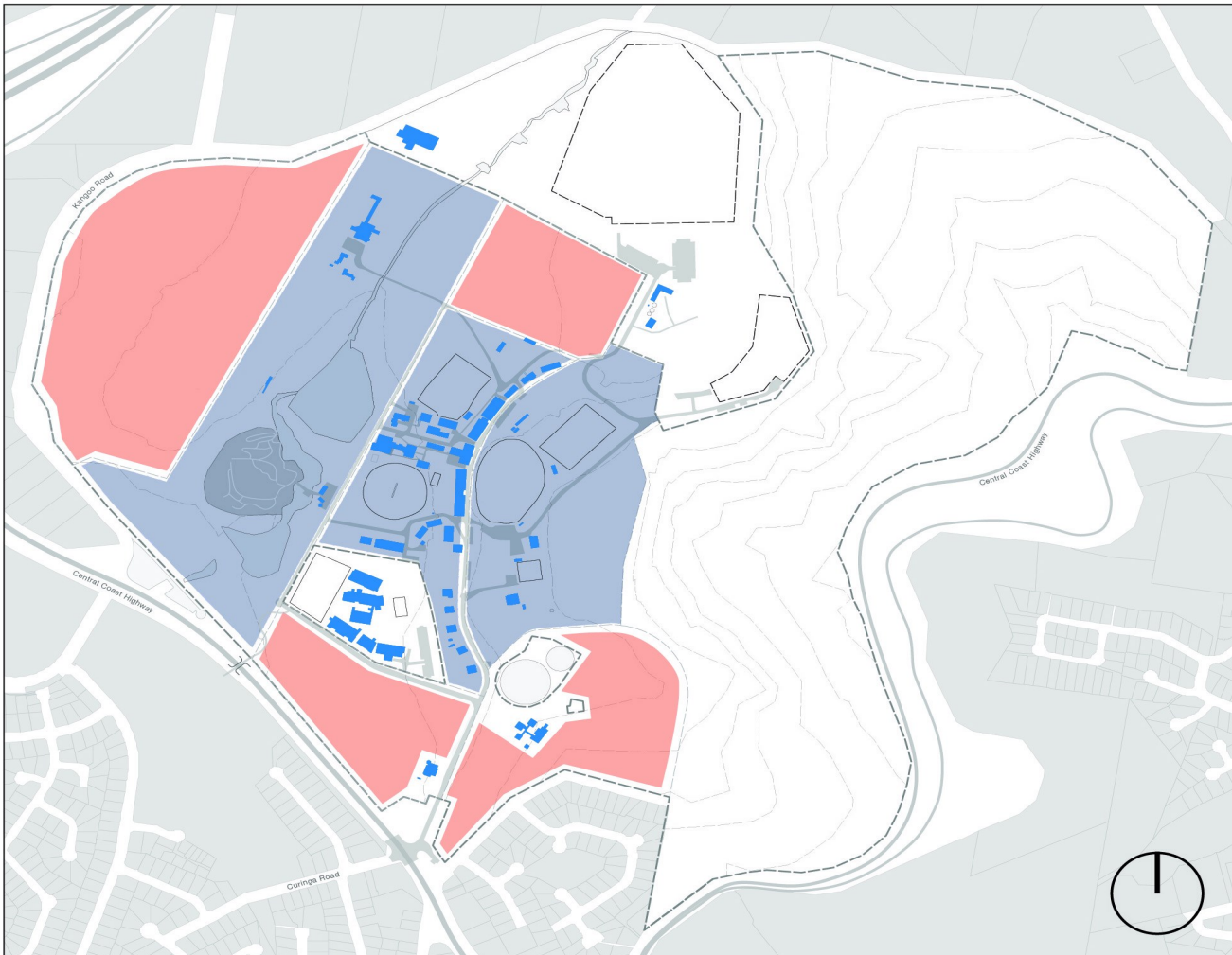
2.11.2 Fauna survey effort and results

### 5.3.3.12 Built Form, Character and Scale

Development on the site is to be carefully managed so that the location, scale, and character of new buildings respond, and where possible, enhance the overall cultural significance of Mount Penang. For this reason a series of potential development zones have been identified that must be overlaid with the precinct guidelines outlined in Section 3.0. The key considerations for development occurring within these zones include:

- Ensuring new buildings associated with the existing heritage buildings respect the scale, form and character of these heritage buildings;

- Protecting the existing physical and visual relationships between groups or complexes of significant buildings;
- Siting larger commercial structures on the western side of the site;
- Encouraging buildings which define and address the streets and public spaces;
- Ensuring new buildings are appropriately scaled to street widths and open spaces;
- Developing buildings which protect the amenity of open spaces and key views into and from the site; and
- Integrating parking and servicing access without compromising street character, landscape or pedestrian amenity.



2.12 Built Form, Character and Scale

- Proposed development zones
- Infill development zone
- Existing buildings

### 5.3.3.13 Aboriginal Archaeology

Aboriginal sites are to be incorporated into the development of the site by:

- Conserving the undisturbed bushland area to protect all known Aboriginal sites within a bushland setting;
- Locating managed pathways in appropriate locations through the bushland;
- Ensuring active ongoing management of all known aboriginal sites.



2.13 Aboriginal Archaeology



Extent of known Aboriginal archaeological sites

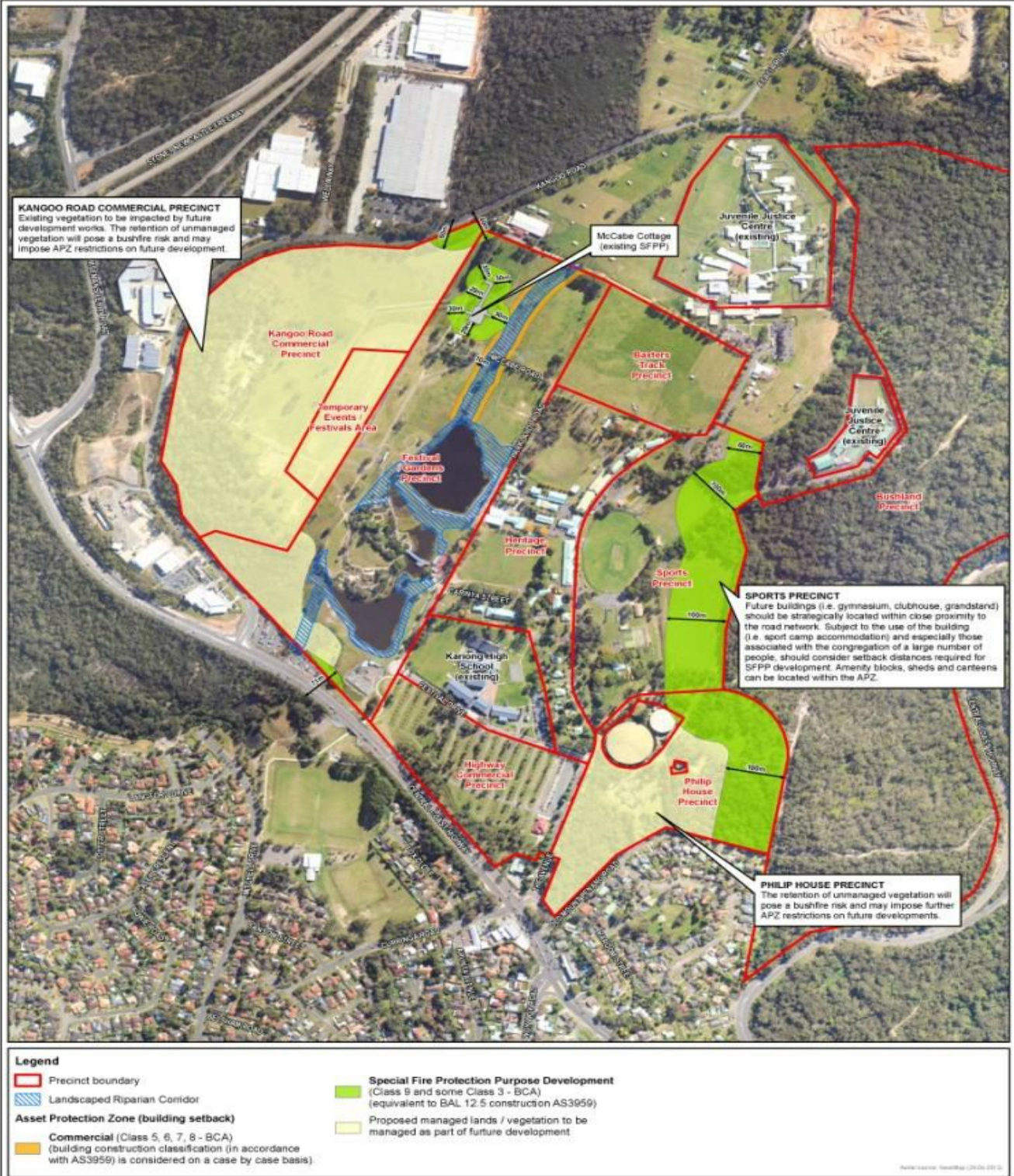
### 5.3.3.14 Bushfire

The local terrain, coverage of native vegetation and proximity of development to the Bushland Precinct raises several key considerations associated with bushfire and the threat associated with future development across the site.

As required, a detailed Bushfire Assessment Report is to be prepared before lodging a development applications, and which should address:

- Asset Protection Zones (APZs) that are to be provided;
- Necessary fuel management within the APZs including, regular maintenance of the landscaped areas;
- Building construction standards to be applied to any future Class 1 to 4, 9 or 10a building in accordance with Australian Standard AS3959 Construction of buildings in bushfire prone areas (2009) with additional construction requirements as listed within Section A3.7 of Addendum Appendix 3 in Planning for Bushfire Protection (PBP), 2006.
- Building construction standards for Class 5-8 and 10 buildings to be considered on a case by case basis;
- Access that will comply with the acceptable solutions (Section 4.1.3 PBP);
- Necessary water supply;
- Emergency management.

These guidelines have been influenced by the Bushfire Protection Assessment referenced in this Chapter and available from Gosford City Council on request.



2.14 Bushfire Protection Measures

### 5.3.4 Design Guidelines

#### 5.3.4.1 Introduction

Mount Penang has a rich and varied character reflecting its diverse natural and cultural landscape, its history and range of uses. As a consequence, the site can be naturally divided into a number of precincts based on the physical characteristics of different parts of the site. The various characteristics of each precinct, including their opportunities and constraints, have suggested a range of appropriate potential uses and the desired future character of each precinct.

General guidelines provide controls that apply to all precincts. Precincts guidelines provide the detailed planning framework for the different precincts.

The precincts have been identified as follows:

1. Kangoo Road Commercial Precinct
2. Highway Commercial Precinct
3. Festival / Gardens Precinct
4. Heritage Precinct
5. Baxters Track Mixed Use Precinct
6. Sports Precinct
7. Phillip House Mixed Use Precinct
8. Bushland Precinct

#### 5.3.4.2 General Built Form Guidelines

##### Access and Car Parking

- Service and loading areas should be separated from general parking
- Pedestrian and vehicular access to new building should be separated
- All surface car parks are to be landscaped with screen planting and shade trees

##### Heritage

- All heritage buildings and landscape elements are identified on the relevant precinct drawings and are to be conserved in accordance with the current Conservation Management Plan for Mount Penang
- The Conservation Management Plan provides detailed conservation policies for all heritage items;

*Heritage Buildings and structures should generally be conserved by:*

- Ensuring that new uses for heritage buildings are compatible with the retention of significance of the buildings and the site as a whole;
- Minimising change to heritage buildings, such as the alteration of their external form, appearance and detail, unless to remove intrusive elements;
- Retaining the existing physical and visual relationship between groups or complexes of heritage buildings;
- Retaining the integrity of significant interiors, such as those of the existing dormitories;
- Ensuring the character of new development is generally restrained and satisfies established 'infill' principles;
- Additions to existing buildings, including buildings of low or negligible heritage significance, satisfy the following criteria to ensure a successful relationship with existing heritage buildings, the precinct and cultural landscape as a whole:
  - Retention of the element which contributes to the heritage values of the existing buildings, and the precinct in which it is located;
  - Retention of an appropriate curtilage or setting for the existing building, and surrounding heritage buildings;
  - Appropriateness of siting and setbacks, including the retention of appropriate visual and spatial relationships;
  - Compatibility with the existing scale, form, and character; and
  - Harmony with existing materials and details.

*New Buildings or Structures:*

- New buildings shall not be located within groups of significant buildings, such as the cottages and dormitories;
- New buildings should respect the scale, form and character of significant buildings to which they relate, without imitating them;
- New buildings shall be subservient in scale and not dominate the existing heritage buildings to which they relate;
- New buildings will need to satisfy all of the following criteria to ensure that they are compatible with heritage buildings, the precinct and cultural landscape as a whole:
  - Retention or enhancement of the characteristics which contribute to the heritage value of the precinct in which it is located;



- Retention of an appropriate curtilage or setting for surrounding heritage buildings;
- Appropriateness of siting and setbacks, including the retention of appropriate visual and spatial relationships;
- Compatibility with the existing scale, form, and character;
- Sympathy with existing materials and details; and
- Retention of significant view corridors.

*The Non-Aboriginal archaeological potential of the site should be protected by:*

- Undertaking work in accordance with the policies for potential archaeological values in the Conservation Management Plan for Mount Penang; and
- Obtaining an Excavation Permit prior to any disturbance of relics should the Archaeological Assessment determine that archaeological remains are present in the form of 'relics', as defined in the NSW Heritage Act 1977.

### **Building Heights**

- Building heights are expressed in storeys. A storey is defined as one volume of habitable floor space between floor and ceiling. A minimum floor to ceiling height applies for new buildings:

*Commercial / public buildings:*

3.3 metres – for ground floor

2.7 metres - for levels above ground

*Accommodation / non-public buildings/ kiosks and pavilions:*

2.7 metres – for ground floor

- Additional storeys will not be considered by reducing the floor to ceiling height. Mezzanines, habitable rooms in roof spaces and basements more than 1 metre above ground level will be counted as storeys.
- Due to the location, separation and relatively unconstrained characteristics of the Kangaroo Road Commercial and Highway Commercial Precinct, these two precincts are capable of accommodating substantial built form outcomes.
- Maximum height limits also apply for each precinct. These heights vary across the site to reflect the variety of building types, building forms and desired future character for each precinct. Building heights are measured from natural ground level. On sloping sites, the maximum height is measured from any point within the building envelope at natural level.

### **Building Setbacks**

- All new buildings are to be setback from designated pedestrian paths and/or street alignments as indicated on the relevant precinct drawing. No part of a building or structure may encroach into a prescribed setback zone; and
- The setback zone is to be a well-designed landscaped area that contributes to the amenity of the public domain as well as the building. The area should be predominantly planted with trees and shrubs. Paving should be minimal and limited to entrance paths and vehicular access.

### **Building Envelope**

- Building layouts should optimise natural light and cross ventilation;
- The existing heritage buildings are typically no longer than 40 metres in length. To complement the existing building forms, to avoid long uninterrupted facades and to allow views between buildings the uniform façade length of new buildings in close proximity to existing heritage buildings should not overly exceed existing heritage building lengths along any frontage; and
- Buildings that exceed this control must demonstrate how the bulk and scale of the building is minimised by providing modulation to the building facades.

### **Building Expression**

- Building elements that modulate the façade of a building, such as verandahs, balconies, terraces, bay windows, sun shading and the like are required on buildings;
- Special attention to the design and detailing of the ground level, entrances and roofs of new buildings with a public interface. A regular rhythm of columns and windows is recommended to help modulate long facades;
- Weather protection at entrances is recommended;

- All buildings should be designed with openable windows to maximise natural ventilation;
- All facades, including rear facades must include fenestration (windows);
- Verandahs should be designed consistently with heritage buildings; and
- Plant equipment, lift overrun, communication devices, solar collectors and the like are to be integrated into the design of the building.

### **Building Signage**

- All signage is to be contained within the envelope of the building. No rooftop signs are permitted; and
- Commercial signage is to be limited to identification signs. These may be located above entrances or suspended under verandahs or awnings.

### **Building Construction and Materials**

- Buildings should demonstrate ESD principles in construction, materials and operations;
- Materials with a high thermal mass such as bricks, concrete and stone improve the energy efficiency of a building and are recommended for external walls;
- External walls, floors, and roofs are to be insulated to improve energy efficiency; and
- Curtain wall and mirror glass are discouraged.

### **Solar Access and Overshadowing**

- Buildings should be designed to optimise solar access to habitable rooms and open spaces and courtyards;
- Appropriate external sun shading is required on all building windows that receive direct summer sun; and
- Buildings are to be designed to minimise overshadowing of neighbouring buildings and open spaces particularly during the winter months.

### **Water Conservation and Solar Energy Use**

- Minimise the use of reticulated water on site through conservative practices and reuse of rainwater;
- All new development is to include water saving devices such as dual flush toilets, tap aerators, spring return taps and low water use dishwashers and washing machines; and
- Solar hot water heaters of the appropriate size should be integrated into all new development.

### **Contamination**

- All land within the site has the potential to be contaminated. It is a requirement that during the preparation of a development application that an initial evaluation be carried out (in accordance with the Land Guidelines) to establish whether there is a risk to health or environment caused by the proposed use on the subject land; and
- Where contamination does exist and poses a risk to health or the environment, Council may only grant consent if it is satisfied that the land is suitable or can be made suitable through remediation for the proposed development.

### **Infrastructure Provision**

- Basic infrastructure and services, such as water, sewer, stormwater, power, telephone lines, gas and roads are outlined and to be delivered in accordance with the referenced servicing strategy reports.
- Council will only consent to development where road infrastructure is in place that is a standard acceptable to Council to service a development.
- The RMS is to be consulted for all new development that includes the addition of lettable floor space and provide specific advice on any impacts to the State Highway network in the vicinity of the development.

### **Site Drainage and Stormwater Control**

- The impact of development on the existing stormwater, water supply, sewerage and energy supply infrastructure is to be minimised through appropriate site planning, in particular in relation to the conserved bushland areas and watercourses;
- Soil and water management measures should be minimise and control soil erosions and sediment transport;
- Development is to be designed to ensure maximum rainwater infiltration on site by minimising paved areas and providing stormwater drainage systems that promote natural infiltration; and
- Development sites should provide for on-site stormwater controls to ensure stormwater flows and stormwater quality are maintained at pre development conditions. Should infiltration devices be utilised to control stormwater then a geotechnical investigation should be submitted with any application for subdivision to demonstrate the capability of the soil to accommodate the infiltration devices.

### **Waste Management**

- All development should provide onsite storage for waste and recycling facilities.

### **Building Services**

- All new service elements such as aerials, vent pipes, hot water services, solar collectors, plant equipment and the like are to be concealed from public view and integrated into the design of the building; and
- All hydraulic, electricity and other service lines are to be concealed from the public views. Services elements, such as radio mast should be located to minimise the visual and environmental impact of the installation.

### **5.3.4.3 General Public Domain Guidelines**

#### **Landscape Requirements**

- A building setback for most new buildings requires a well-designed landscaped area that adds to the amenity of the precinct as well as the buildings. This area should be predominantly planting with minimal paving;
- All streets and paths should be lined with tree planting. The scale and character of the planting may vary for each precinct to give local identity; and
- Native species indigenous to the area should be used where practicable. Invasive exotic species should be avoided particularly in close proximity to the conserved bushlands.

#### **Paving**

- Unit paving is standard for all footpaths; and
- Accent paving is required at intersections of pedestrian and cycleway networks.

#### **Street Furniture**

- All street furniture (bins, bollards, street signs, street lighting, benches, drinking fountains, bus shelters etc.) are to be coordinated with CCRDC.

#### **Street Signage**

- All information, directional and identification signs are to be coordinated with CCRDC;
- Street identification signs should be located at all intersections. Street identification signs may be mounted on buildings if possible to reduce clutter;
- Traffic control signs should be limited to those essential for traffic and parking control; and
- No private identification or advertising signage is permitted in the public domain.

#### **Street Lighting**

- Street lighting should be coordinated and standardised through Mount Penang;
- On major pedestrian routes and in key public spaces such as the village greens, the Mount Penang Gardens and the sporting precinct pedestrian lighting of the footpaths is to be provided; and
- Buildings with verandahs should incorporate lighting such as wall mounted fittings (instead of pedestrian light standards) to light the verandah.

#### **Artwork**

- The use of artwork, fountains and water elements is considered integral to the festival site providing a focus for the public domain. Water elements in particular should be incorporated into the design of the Mount Penang Gardens.

### **5.3.4.4 Precinct Guidelines**

#### **1 - Kangoo Road Commercial Precinct**

##### **Existing character**

- The precinct currently features a gently sloping open grasslands, with pockets of dense bushland along the south-western edge of the adjoining Kangoo Road. The undeveloped and open character of the precinct sits in contrast to the relatively enclosed and densely vegetated landscape that sweeps between the various collections of buildings throughout the heritage core to the east.

##### **Desired Future Character**

- The Kangoo Road Commercial Precinct fronts Kangoo Road, forming the western edge of the site and the opportunity for large-format development plots suitable for bulky goods, research, information technology and office (Business Park). This precinct, being remote from the historic core of Mount Penang, has the potential

for its own distinct identity and address, with the majority of the development sites to be accessed directly from Kangoo Road. Whilst the precinct is establishing new commercial development the site can continue to be used to support events being undertaken elsewhere in Mount Penang.

### Controls

In general, the following controls apply to all development in the Kangoo Road Commercial Precinct.

### Activities and Uses

- Employment uses such as research and development establishments, office/ commercial, co-operative nurseries, workshops, laboratories, other business uses, showrooms, speciality retails, themed attractions, educational institutions, recreational uses, and related ancillary uses are allowed in the Kangoo Road Commercial Precinct;
- Temporary uses associated with major events and festivities held in the Festival/Garden Precinct can be held in the designated area at the eastern boundary; and
- Active Frontages that promote pedestrian activity such as building entrances, display windows are encouraged to animate the building frontage.

### Access and Car Parking

- The Kangoo Road Commercial Precinct is to be served by:
  - i. Kangoo Road will provide direct access to properties within the precinct via driveways servicing individual sites, or via private access roads that serve a number of sites created by the subdivision of the precinct; and
  - ii. New site access at Baxter's Track & Kangoo Road provides an alternative point of access and egress for properties located in the northern area of the precinct.
- Car parking is provided in designated parking areas at a sufficient scale to meet the requirements of the corresponding land use. The parking is to be provided within the property boundary of that land use, and parking elsewhere in the precinct and site cannot be relied upon to meet parking requirements;
- The visual presence of parking areas should be mitigated through the use of landscaped screening, which can also serve as shading elements for surface parking areas;
- Car parking provided at or above ground level must be located behind the building line and screened from view;
- Car park or service entries should be minimised to reduce visual impact;
- Parking provisions is to be in accordance with Councils current parking standards.

### Building Heights

- The building heights in the Kangoo Road Commercial Precinct should respond to the topography of the site, taking into consideration the location of landscaped features (both existing and proposed) and visual prominence when viewed from the Heritage Precinct to the east. The south-western area of this precinct provides for an intermediate height of 3 storeys;
- Typically, lower buildings should be positioned along the precinct's eastern edge, whilst taller buildings are to be located along the Kangoo Road frontage along the western boundary of the precinct; and
- Number of storeys for new buildings range from 2- 4 storeys:

Maximum building height:

  - 2 storey buildings: 9 metres
  - 3 storey buildings: 12 metres
  - 4 storey buildings: 16 metres

### Building Setbacks

- The development building heights in the Kangoo Road precinct are to be setback from the designated street alignment as indicated on the precinct control drawings:
  - Minimum 20 metres from Kangoo Road, and
  - Minimum 10 metres from the secondary (private access) roads and side boundaries.

### Building Expression

- New buildings should be designed to minimise scale and bulk. All new buildings require significant articulation to modulate the facades, particularly where the facade addresses the Festival / Garden Precinct;
- Building elements that modulate the façade of a building, such as windows, building openings, sun shading, and the like are required. A regular rhythm of structure, openings and treatments is recommended to help

modulate long facades;

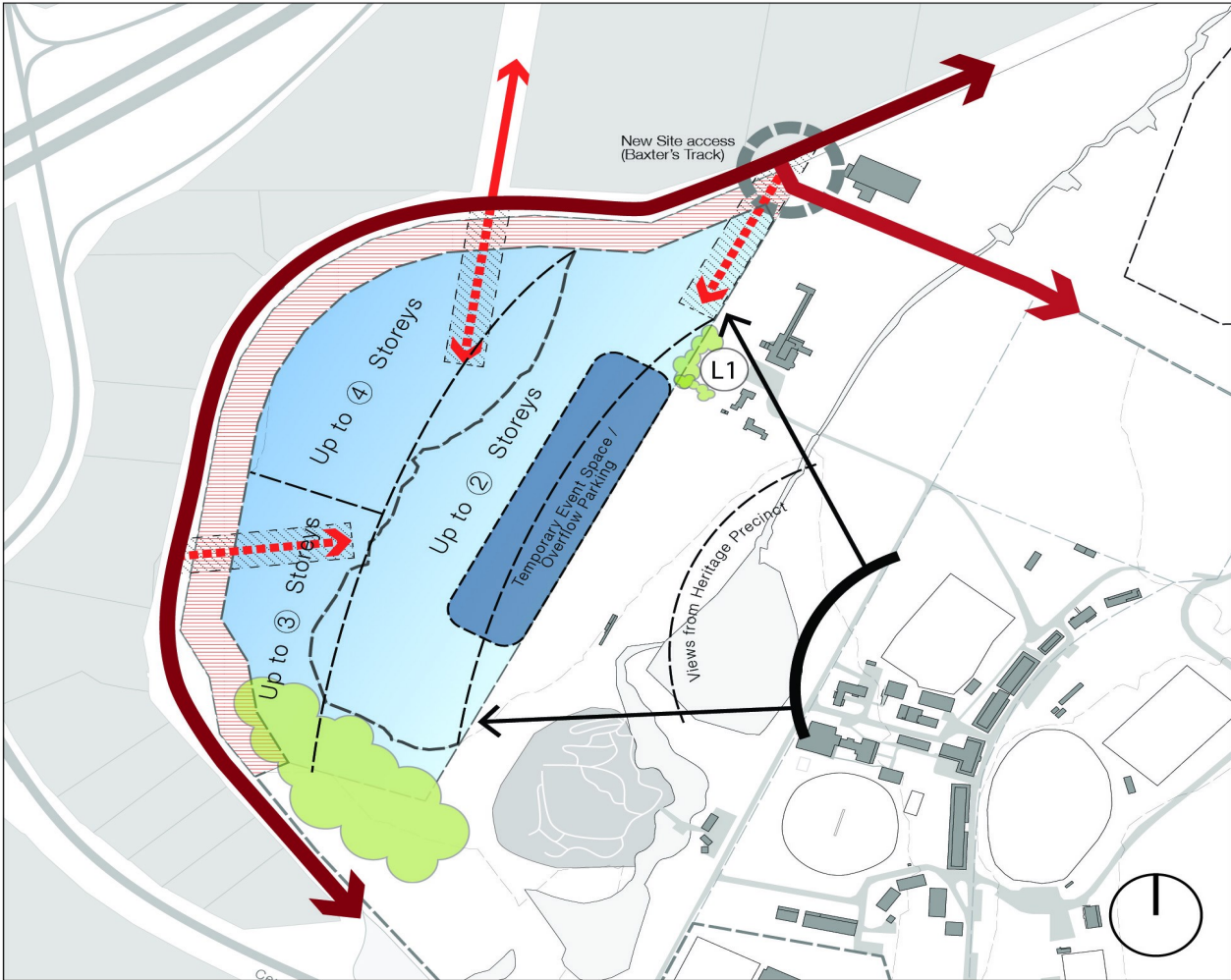
- Special attention to the design and detailing of the ground level, entrances and roofs of new buildings is required, particularly on larger new buildings with a public interface, to reduce the overall scale and bulk;
- Weather protection at entrances is recommended;
- All building windows that receive direct summer sun are required to have appropriate external sun protection;
- All facades, including rear facades must include fenestration (windows). Except for party walls, blank walls are not permitted. Concrete floor slabs are not to be expressed on the external face of the buildings;
- Detailed modelling of parapet walls at the skyline is recommended;
- Subdued colours and materials with low reflectivity are required to minimise the visual impact of buildings as viewed from the Heritage Precinct.

### **Landscape Requirements**

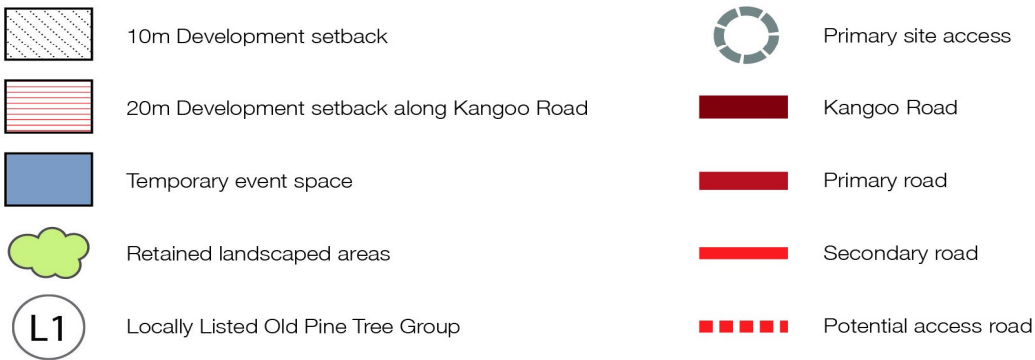
- The character of the remnant indigenous vegetation on the site should be supplemented and extended with local species around the perimeter of the site to provide a landscape setting for the buildings and a buffer to Kangoo Road;
- Additional landscaping features are to be provided as part of the Street Hierarchy principles outlined in Section 2.0, which relate specifically to the quality and design of the streetscape; and
- The assessment of each individual development application within the precinct will take into consideration the quality of the landscape proposed and its integration into the wider open space and landscape network for Mount Penang.

### **Visual Impact**

- All development proposals (including the combination of built form controls, building setback, building heights and screening) must be supported by a detailed visual impact assessment which demonstrates the visual impact of the development is minimised when viewed from the Garden / Festival and Heritage Precincts.



3.4.1 Kangoo Road Commercial Precinct



## 2 - Highway Commercial Precinct

### Existing Character

- The character of Highway Commercial Precinct, which runs along the site's southern frontage to the Central Coast Highway between The Avenue and the Mount Penang Gardens is grassed paddocks with rows of trees that define spaces used for event parking and markets;
- The area of vegetation along the southern frontage of the precinct increases in depth towards the fire station at the junction with The Avenue. Despite this landscape feature the precinct is highly visible from traffic moving along the Central Coast Highway; and
- The precinct plays an important role as it occupies the key gateway to Mount Penang from the south, is the

most visible from passing traffic, and provides an important transition between precincts, including the Heritage Precinct to the north, Festival/ Garden Precinct to the east, Phillip House to the west and Kariong High School to the north, and with which it shares access via Festival Drive.

### Desired Future Character

- The Highway Commercial Precinct plays an important role in defining the character of the entire Mount Penang site, due to its highly visible location along the Central Coast Highway, and gateway from the site's primary entrance at The Avenue. The form, scale, quality and design of development within this precinct will influence perceptions of development and activities throughout the rest of the site, and must therefore be of the highest standard. All development must respond to the various interfaces acting on this precinct; addressing the Central Coast Highway, whilst gaining access from Festival Drive, and responding to the landscapes to the east (Phillip House) and west (Gardens).

### Controls

In general, the following controls apply to all development in the Highway Commercial Precinct.

### Activities and Uses

- Employment uses such as office/commercial, retail outlets, speciality retail, educational institutions, and related ancillary uses are allowed in the Highway Commercial Precinct;
- Active frontages that promote pedestrian activity such as building entrances, display windows are encouraged to animate the building frontage of new festival buildings; and
- Development should be orientated to the surrounding street frontages to provide activity, interest and surveillance. These frontages include the Central Coast Highway (south), Festival Drive (north), and The Avenue (west).

### Access and Car Parking

- The Highway Commercial Precinct is to be accessed via Mount Penang's primary southern access point at the junction of The Avenue and the Central Coast Highway, which is located to the south of the precinct;
- All servicing and parking access is to be gained from Festival Drive along the northern frontage of the precinct. No vehicular access is to be gained directly from the southern frontage to Central Coast Highway;
- Due to the proximity of the Kariong High School, which is located immediately to the north of the precinct, servicing of any retail and commercial properties should be restricted during peak school periods (8am – 9:30am and 2:30pm – 4pm);
- Car parking is provided in designated parking areas at a sufficient scale to meet the requirements of the corresponding land use. The parking is to be provided within the property boundary of that land use, and parking elsewhere in the precinct and site cannot be relied on to meet parking requirements;
- The visual presence of parking areas should be mitigated through the use of landscaped screening, which can also serve as shading elements for surface parking areas;
- Car parking provided at or above ground level must be located behind the building line and screened from view;
- Car park or service entries should be minimised to reduce visual impact;
- Parking provisions is to be in accordance with Council's current parking standards; and
- Car parking to the frontage of Central Coast Highway is discouraged and any parking in this area should ensure its visual presence is minimised.

### Building Heights

- The height of development along the Central Coast Highway frontage (up to 4 storeys) should provide a strong built edge to Mount Penang's southern frontage, stepping up in height from the 2-storey limit along the Festival Drive frontage;
- Variations in building height along the north-south and east-west axis is encouraged, as it provides interest and is likely to create taller elements that create legibility in the streetscape;
- Taller buildings are to be located at the eastern and western edges of the Central Coast Highway frontage to create gateway markers for the site's primary access at The Avenue and the pedestrian connection to Kariong;
- The heights of buildings along The Avenue frontage should be reduced to a maximum of 2 storeys in order to respond to the existing built form and character of the Heritage Precinct to the north;
- Number of storeys for new buildings range from 2- 4 storeys:  
Maximum building height:
  - 2 storey buildings: 9 metres

- 3 storey buildings: 12 metres
- 4 storey buildings: 16 metres
- Any development proposed along the eastern edge should respond to the existing built form and character of the Heritage Precinct to the north.

### **Building Setbacks**

- The height and scale of development in the Highway Commercial Precinct is to be setback from the designated street alignment as indicated on the precinct control drawings:
  - Minimum 20 metres from Central Coast Highway, so that the existing vegetation can be protected and enhanced; and
  - Minimum 10 metres from the secondary street frontages of The Avenue and Festival Drive.

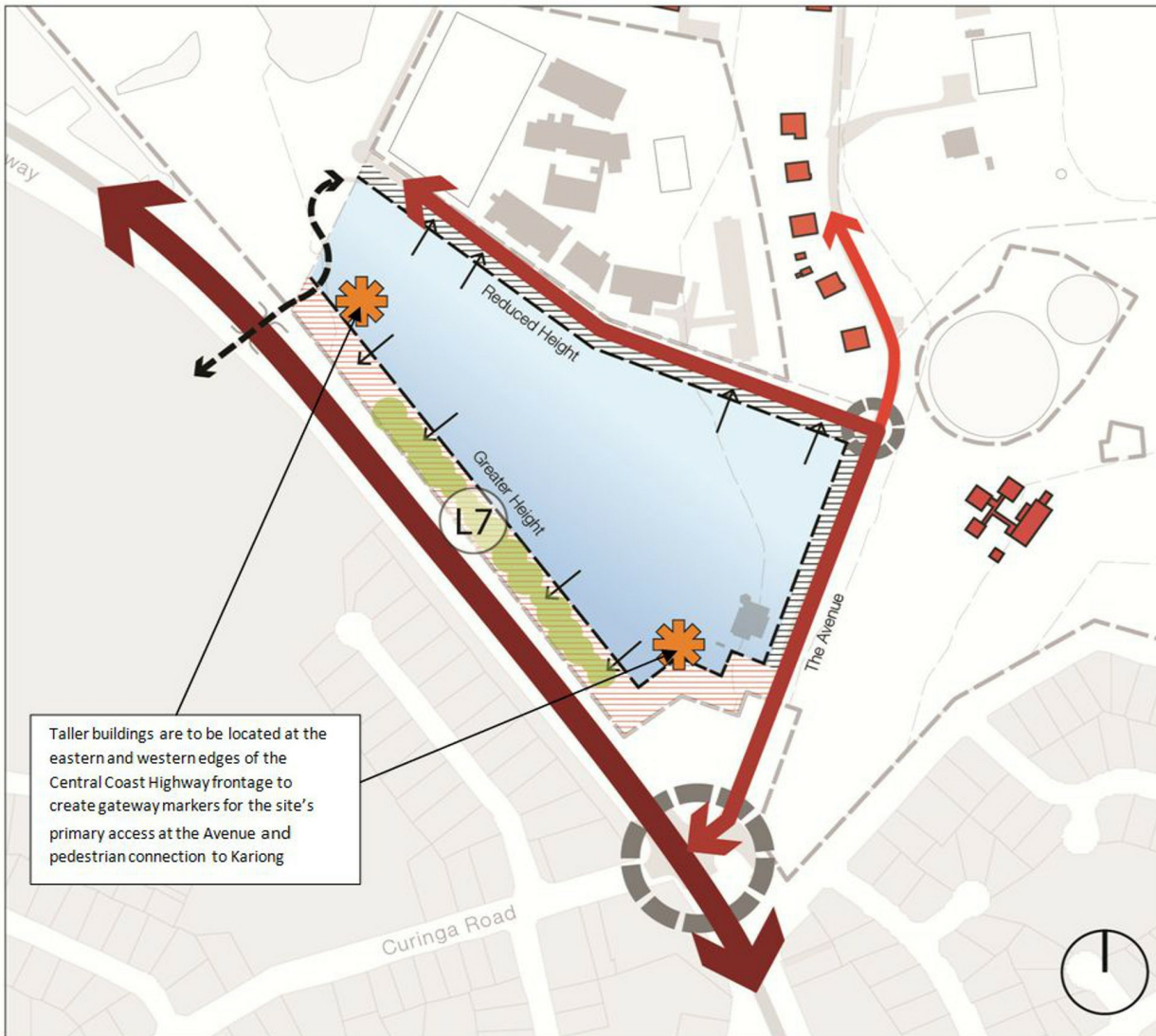
### **Building Expression**

- New Buildings should be designed to minimise the scale and bulk of these buildings. All new buildings require articulation to modulate the facades of the buildings;
- Building elements that modulate the façade of a building are required to create a regular rhythm that breaks-up potentially long facades;
- Special attention to the design and detailing of the ground level, entrances and roofs of new buildings is required, particularly on larger new buildings with a public interface to reduce the overall scale and bulk;
- Multiple building entrances and display windows are encouraged to animate the building frontage of new festival buildings;
- Weather protection at entrances is recommended;
- All building windows that receive direct summer sun are required to have appropriate external sun protection;
- All facades, including rear facades must include fenestration (windows). Except for party walls, blank walls are not permitted. Concrete floor slabs are not to be expressed on the external face of the buildings;
- Detailed modelling of parapet walls at the skyline is recommended, with the use of elevated signage above the parapet or roofline to be avoided;
- The visual prominence of development from the Central Coast Highway should be the subject of view analysis as part of any development applications within the precinct; and
- Building plant should be integrated into the design of the building facade.

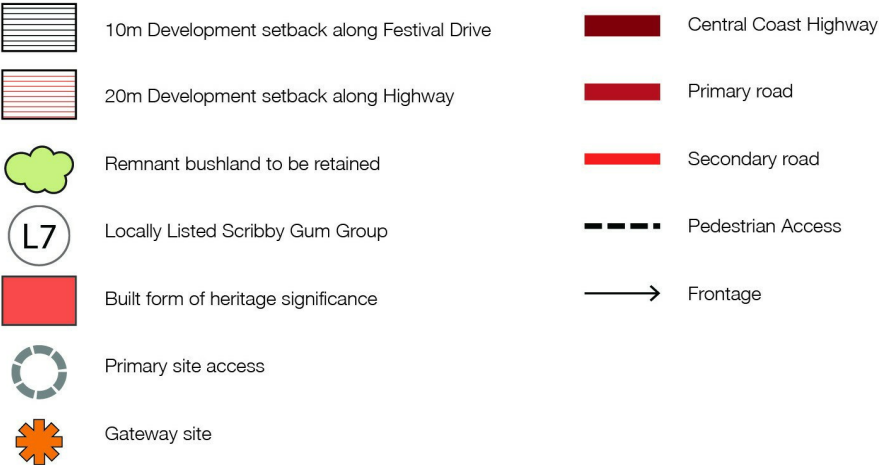
### **Landscape Requirements**

- The character of the remnant indigenous vegetation on the site should be supplemented and extended with local species around the perimeter of the site to provide a landscape setting for the buildings and a buffer to the Central Coast Highway and The Avenue;
- Additional landscaping features are to be provided as part of the Street Hierarchy principles outlined in Section 2.0, which relate specifically to the quality and design of the streetscape;
- The assessment of each individual development application within the precinct will take into consideration the quality of the landscape proposed and its integration into the wider open space and landscape network for Mount Penang; and
- Any development proposals should minimise impact on the locally listed trees and maximise retention of these trees within retained landscape areas.





3.4.2 Highway Commercial Precinct



### 3 - Festival / Gardens Precinct

#### Existing Character

- This precinct forms the central green spine of the site. The gently sloping topography has been formed by Piles Creek, which flows through the Gardens into Brisbane Water National Park, and over time has formed a shallow valley separating the Heritage Precinct from the Festival / Gardens Precinct.
- The landscape in the north of the precinct is characterised by a number of open paddocks, whose boundaries

are defined by rows of vegetation and fence lines. The heritage listed McCabe House is located at the north-western edge of the paddocks, surrounded by groups of mature trees and accessed via McCabe Road.

- The southern half of the precinct features the Mount Penang Gardens, which includes a series of dams, holding ponds and water gardens that are accessed via the kiosk and café on Parklands Road. The topography drops away to the south of the gardens towards the Central Coast Highway.

### **Desired Future Character**

- The precinct is to serve as a festival and events venue where the activities are integrated into the existing landscape, including the Mount Penang Gardens, which will continue to serve as a major attractor for the entire site. Over time the levels of activity within the precinct will expand and contract in order to meet the needs of the festival and event operators. During peak periods access will be gained via Kangoo Road and Baxter's Track, whilst in those periods between events the precinct will reintegrate with those precincts to the east and south.
- Permanent facilities may be developed to support and encourage use of the precinct for festivals and events, and may include new exhibition spaces, pavilions, museum and cultural centre. During event periods temporary structures, such as tents and marquees may be erected within the precincts. Overflow parking areas will be arranged on the paddock areas in the north of the precinct and on designated areas of surrounding precincts.
- The Mount Penang Gardens will continue to feature a rich variety of permanent gardens located along the valley floor of the precinct, which will enhance the site's image when viewed from the Central Coast Highway. The gardens will be focused around a series of water features and an outdoor amphitheatre. Small kiosks and pavilions may be located throughout the gardens. A range of passive recreational uses related to the gardens will be accommodated, and may include temporary garden themed events, or integration into larger events being undertaken throughout the site.
- The design of this precinct will have regard to the environmental effects of noise and wind and will generally limit development adjacent to the water course. A comprehensive water management program based on ESD principles is also to be incorporated into the precincts.

### **Controls**

In general, the following controls apply to all development in the Festival / Gardens Precinct.

### **Activities and Uses**

- The Festival / Gardens Precinct can accommodate a range of land uses and activities associated with exhibitions, cultural festivals, and special events, which may include temporary and permanent garden displays, temporary exhibitions, festivals, entertainment, boating, amusements and rides complementary to the character of the Mount Penang Gardens;
- Other permanent land uses may include specialty retail, food and beverage, cultural and educational activities, such as those currently being undertaken at the Mount Penang Gardens; and
- McCabe Cottage may be used for a range of commercial uses including conference, exhibition, education and accommodation.

### **Access and Car Parking**

- The Festival / Gardens Precinct is to be a pedestrian-priority environment with access for servicing and parking limited to the periphery, including Parklands Road and Baxter Track;
- Access to McCabe House will be taken from the access point at Kangoo Road and Baxter Track, transferring the existing McCabe Road to a pedestrian route through the precinct;
- Permanent car parking is to be provided in designated areas at the periphery of the precinct and in adjacent precincts to protect the amenity of the gardens;
- Overflow parking areas required during major events will be located in the north of the precinct, accessed directly from Kangoo Road via Baxters Track. The configuration and management of this areas must take into consideration the overland flow paths to Piles Creek, existing vegetation and curtilage of McCabe House;
- Additional commuter car parking, which can also serve as overflow parking during major events, is to be located at the southern edge of the precinct, directly abutting the existing commuter parking area at the junction of Kangoo Road and Central Coast Highway;
- Pedestrian access to the precinct is from the eastern (Heritage Precinct) and southern frontages (Central Coast Highway and Southern Commercial Precinct);
- Vehicular access to be taken from the precincts northern (Baxters Track) and western frontages, via Kangoo

Road;

- Additional pedestrian crossing over Piles Creek should be delivered at key points to reinforce the connections between event parking, designated festival areas, the gardens and permanent land uses (kiosk); and
- The visual impact of car parking when viewed from the gardens should be minimised through screening.

### **Building Heights**

- Maximum 9 metres height for new buildings associated with the on-going operation of the Mount Penang Gardens and permanent buildings relating to the running of festivals, exhibitions and events.
- Small viewing towers within the Mount Penang Gardens that exceed this height may be appropriate and will be assessed on their merits, and
- Temporary structures associated with the operation of events, festivals and exhibitions may exceed the designated height limit and will be assessed on their merits, taking into consideration how long the structure will be standing, its location, scale, mass and proximity to the Heritage Precinct.

### **Building Setbacks**

- All new and temporary buildings in the precinct are to be setback from the designated pedestrian paths and street alignment:
- Minimum 5 metres from pedestrian paths;
- Minimum 10 metres from the street alignment; and
- All new buildings in the precinct are to be setback a minimum of 20 metres from the watercourse, subject to the proper assessment of the impact on water quality.

### **Building Expression**

- McCabe cottage is to be conserved in accordance with the Conservation Management Plan; and
- All new and temporary buildings should be designed to be small scale, with generous separation distances from other buildings, footpaths and roads, vegetation and water courses. Single contiguous built forms should be avoided.

### **Building Materials**

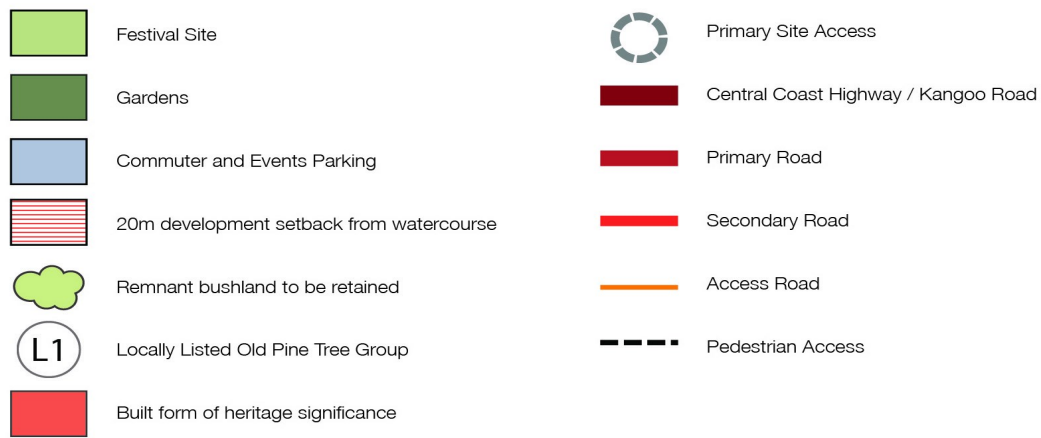
- Lightweight materials such as timber and plywood are preferred for all new and temporary buildings;
- Roof materials should respond to the local architectural vernacular seen throughout the Heritage Precinct to the east, which include galvanised corrugated steel; and
- Verandah posts and external windows and door joinery should be timber.

### **Landscape Requirements**

- The Mount Penang Gardens are to be developed around themed planting and a series of water features ranging from natural ponds, cascading basins to fountain and reflective pools;
- A landscape masterplan for the Festival Garden Precinct should be prepared before any permanent work on the Gardens or the development of new buildings is undertaken, including a Management Plan for Piles Creek and associated water bodies;
- New planting and landscaped zones should be used to reinforce pedestrian routes through the precinct and delineate the areas where overflow event parking and festival activities are to be undertaken; and
- All individual and recurring events, festivals and exhibitions should take into account the rehabilitation of the landscape to its original/existing quality, and include measures to mitigate damage to vegetation, grassed areas and water courses.



3.4.3 Festival / Gardens Precinct



#### 4 - Baxter's Track Mixed Use Precinct

##### Existing Character

- Baxter's Track Precinct occupies the area between the existing Heritage Precinct and the Juvenile Justice Centre. Access to this area will be gained from either The Avenue or Kangoo Road, via Baxter's Track. A range of activities and facilities can be accommodated within this precinct, including an extension of the existing grain and land uses from the Heritage Precinct to the south, sports and recreation activities integrated with the

east, or the festival and event activities from the west.

### **Desired Future Character**

- The future character of this precinct must take into consideration the existing and desired future character of the precincts immediately to the west, east and south, and the Juvenile Correction Centre to the north. Development must be mixed and responsive to the changing needs and operation of the site. Fine grain development must reflect the existing heritage character and built form, whilst any new buildings should be designed to accommodate a range of uses and activities that complement neighbouring precincts; and
- The pattern of development expressed in the Heritage Precinct to the south provides a strong reference for any future development within this precinct, with groups of buildings gathered around a central (village green) space.

### **Controls**

In general, the following controls apply to all development in the Baxter's Track Precinct.

### **Activities and Uses**

- Permanent uses may include specialty retail, commercial, research, temporary accommodation, education, culture and recreation, all of which are associated with the existing activities in the adjacent Heritage and Sports Precincts;
- Temporary uses may include exhibitions and events associated with those activities undertaken at the Festival/Gardens Precinct to the west; and
- Active frontages that promote pedestrian activity such as building entrances, display windows are encouraged to animate the building frontage of new buildings, addressing pedestrian routes through the precinct and new spaces.

### **Access and Car Parking**

- The Baxter's Track Precinct is predominantly a pedestrian environment, similar to the Heritage Precinct, where access for vehicles is limited to the periphery;
- Car parking is provided in designated parking around the periphery of the precinct, the area accessed via The Avenue, Parklands Road and Baxter's Track; and
- Pedestrian and vehicular access to buildings should be separated.

### **Building Heights**

- Number of storeys for new buildings:
  - i. Maximum 2 storeys; and
  - ii. Maximum building height: 9 metres
- Generous floor to ceiling heights are required for new buildings to provide an appropriate scale compatible with the existing heritage buildings located to the south in the Heritage Precinct;
- Temporary structures associated with the operation of events, festivals and exhibitions may exceed the designated height limit and will be assessed on their merits, taking into consideration how long the structure will be standing, its location, scale, mass and proximity to the Heritage Precinct.

### **Building Setbacks**

- All new building in the Baxter's Track Precinct are to be setback from the designated routes by:
  - i. Minimum of 10m from secondary roads, including Baxter's Track;
  - ii. Minimum 5 metres from pedestrian paths; and
  - iii. Minimum 5 metres from the access ways, via Parklands Road and The Avenue.

### **Building Envelope**

- The maximum building depth of new buildings should not exceed 15 metres to ensure a compatible form and scale with the existing heritage buildings; and
- Building layouts should optimise natural light and cross ventilation.

### **Building Expression**

- New Buildings should be compatible in form, scale and expression with the existing heritage buildings located to the south, in the Heritage Precinct. A distinct building expression of pitched roofs, simple, robust materials and detailing that responds to the rural architectural heritage of the area is recommended;
- Building facades with a public interface or fronting village greens and paths should have verandahs along the

length of these facades to provide shade and shelter;

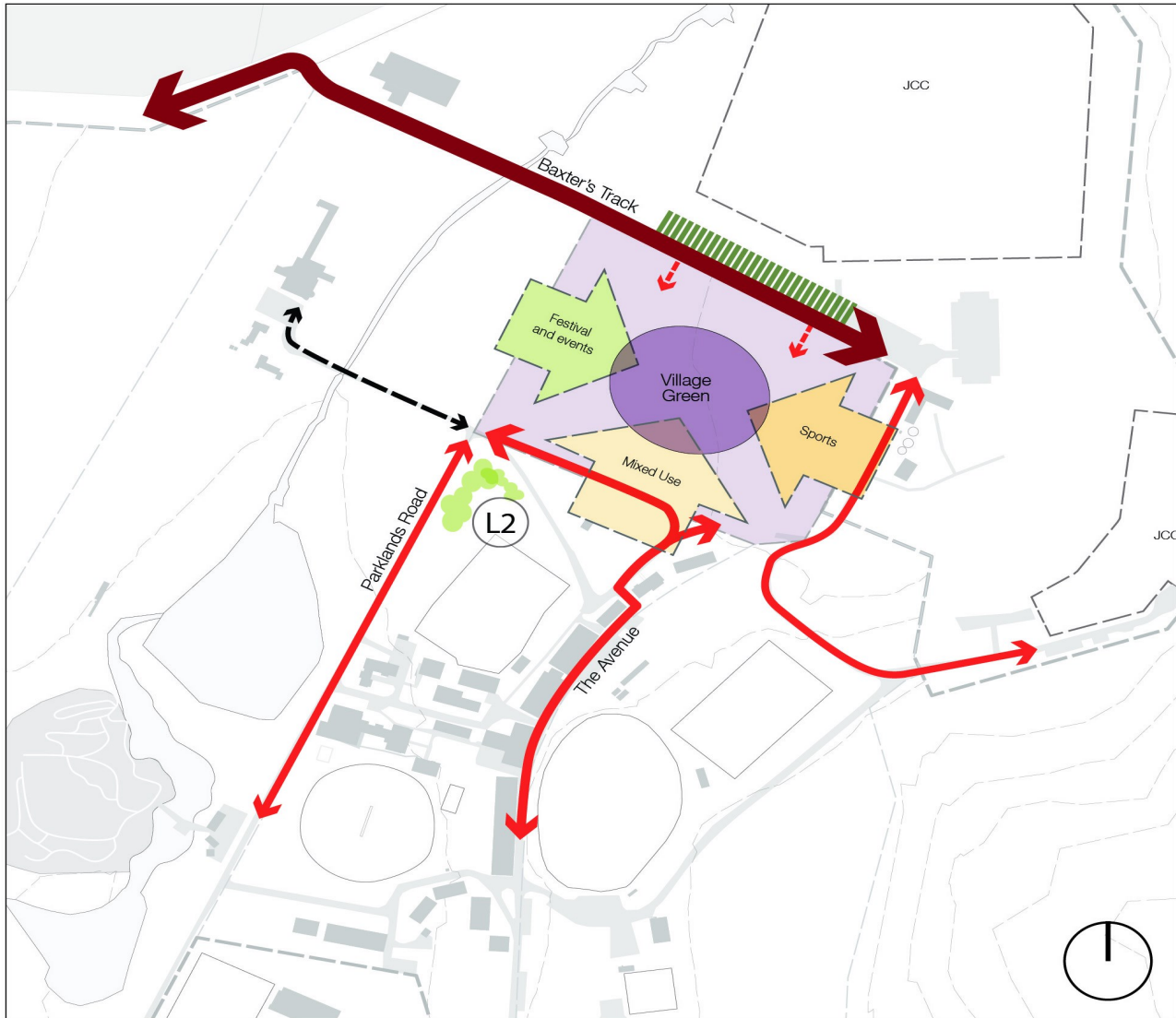
- Weather protection at entrances is recommended;
- Verandahs should be continuous and relate to adjoining buildings in height and width. Verandahs should have hipped or skillion roofs at a shallower pitch than the main roof; and
- Windows and doors should have vertical proportions.

### **Building Materials**

- External walls should be painted, bagged or rendered masonry;
- Lighter muted colours are preferred for external finishes;
- Roofs should be galvanised corrugated steel (unpainted); and
- Verandah posts and external window and door joinery should be timber (painted finish).

### **Landscape requirements**

- The character of the Village Greens in the Heritage Precinct should be reflected in the configuration and design of significant open spaces within the Baxter's Track Precinct;
- Additional landscaping features are to be provided as part of the Street Hierarchy principles outlined in Section 2.0, which relate specifically to the quality and design of the streetscape; and
- The assessment of each individual development application within the precinct will take into consideration the quality of the landscape proposed and its integration into the wider open space and landscape network for Mount Penang.



3.4.4 Baxter's Track Mixed Use Precinct



## 5 - Heritage Precinct

### Existing Character

- The historic core of Mount Penang features a number of large single-storey dormitory buildings which address the narrow ridge that takes in views to Brisbane Water and which defines the eastern boundary of the precinct. Two rows, or fingers of dormitory buildings; run perpendicular from the ridge and around Village Greens No. 1 and No. 2, which are the prominent feature along the western edge of the precinct. All the existing buildings are either orientated towards the views in the east or the village greens to the west. A network of pedestrian

routes provides connections between the clusters of car parking and dormitory buildings, which are accommodated by a range of commercial, recreational, cultural and educational uses.

### **Desired Future Character**

- As the historic and activity centre of the site, the future character of this precinct must respect and enhance the established heritage and landscape values as part of any future development. The existing relationship of the dormitory buildings with the main oval and the village greens is a key feature of the site that should be maintained and enhanced. It is appropriate to make minor modification and extensions to the ridge road to enhance the character and develop the road as the 'minor spine' of the site;
- The historic core of site is to be revitalised as a mixed use precinct incorporating speciality retail, restaurant, and commercial businesses and accommodation. The heritage buildings are to be conserved and refurbished to meet the requirements of potential tenants, and new buildings that complement the heritage and character of the precinct are to be developed to address tree lined paths, gardens and Village Greens;
- The revised Heritage Register Boundary encompasses this precinct and the majority of the adjoining Sports Precinct to the east.

### **Controls**

In general, the following controls apply to all development in the Heritage Precinct.

### **Activities and Uses**

- Allowable uses in this precinct may include speciality retail, commercial, research, temporary accommodation, education, culture and recreation, all of which are to be complementary with the existing uses and activities being undertaken in the precinct and the adjacent Sports Precinct;
- Temporary uses may include exhibitions and events associated with activities undertaken at the Festival and Garden Precinct to the west;
- Active frontages that promote pedestrian activity such as building entrances and display windows are encouraged to animate the building frontage of new festival buildings;
- Active frontages should make up a minimum of 30% of the building frontages addressing the village green, streets and pedestrian routes. Outdoor cafes and restaurants are also encouraged in these locations; and
- Active frontages that promote pedestrian activity such as building entrances, display windows are encouraged to animate the building frontage of new buildings, addressing pedestrian routes through the precinct and new spaces.

### **Access and Car Parking**

- Access to the precinct will be gained via The Avenue and the junction with the Central Coast Highway. Secondary access can be gained via Parklands Road along the western boundary of the precinct, however, this is to be avoided where possible;
- The Heritage Precinct is predominantly a pedestrian environment with limited access for service vehicles;
- Car parking is to be provided in designated parking areas so that the amenity of the pedestrian environment can be maintained;
- Parking spaces should be clustered into groups and located in close proximity to the buildings, avoiding large expanses of surface parking.

### **Building Heights**

- Number of storeys for new buildings:
  - i. Maximum 2 storeys; and
  - ii. Maximum building height: 9 metres
- Generous floor to ceiling heights are required for new buildings in the Heritage Precinct to provide an appropriate scale compatible with the existing heritage buildings.

### **Building Setbacks**

- All new building in the Heritage Precinct are to be setback from the designated routes by:
  - i. Minimum 5 metres from pedestrian paths; and
  - ii. Minimum 5 metres from all vehicular routes (primary, secondary and access)

### **Building Envelope**

- The maximum building depth of new buildings should not exceed 15 metres to ensure a compatible form and



scale with the existing heritage buildings;

- Building layouts should optimise natural light and cross ventilation.

### **Building Expression**

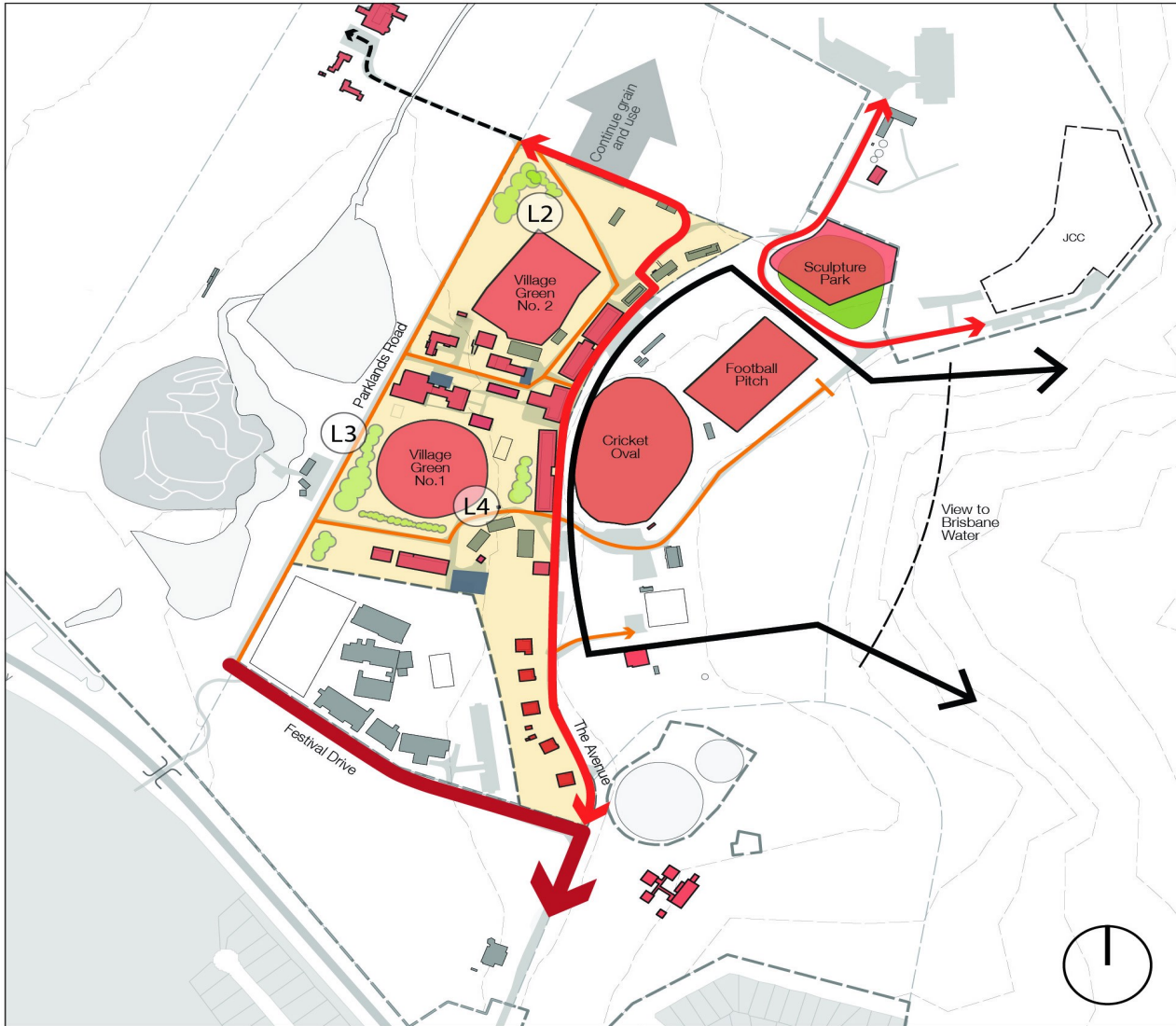
- Existing buildings (dormitories) are to be conserved in accordance with the Conservation Management Plan. Acceptable alternations may include internal alternations, new external openings and rear additions. Alterations and additions must demonstrate compatibility with the existing scale, form and character; and harmony with existing materials and details;
- New buildings and alternations and additions to non-heritage buildings in the heritage precinct should be compatible in form, scale and expression with the existing heritage buildings. A distinct building expression of pitched roofs, simple, robust materials and detailing that responds to the rural architectural heritage of the area is recommended;
- Building facades with a public interface or fronting village greens and paths should have verandahs along the length of these facades to provide shade and shelter;
- Weather protection at entrances is recommended;
- Verandahs should be continuous and relate to adjoining buildings in height and width. Verandahs should have hipped or skillion roofs at a shallower pitch than the main roof;
- Roofs to new buildings should be hipped or Dutch gabled and have a pitch of between 30 degrees and 40 degrees;
- Windows and doors should have vertical proportions.

### **Building Materials**

- External walls should be painted, bagged or rendered masonry;
- Lighter muted colours are preferred for external finishes;
- Roofs should be galvanised corrugated steel (unpainted); and
- Verandah posts and external window and door joinery should be timber (painted finish).

### **Landscape Requirements**

- The Village Greens must be retained in their current location, setting and landscape quality, with buildings orientated towards these spaces and pedestrian routes aligned with their edges;
- Additional landscaping features are to be provided as part of the Street Hierarchy principles outlined in Section 2.0, which relate specifically to the quality and design of the streetscape; and
- The assessment of each individual development application within the precinct will take into consideration the quality of the landscape proposed and its integration into the wider open space and landscape network for Mount Penang.



3.4.5 Heritage Precinct



## 6 - Sports Precinct

### Existing Character

- This area is located below the ridge road in the heart of the site. The position affords a protected easterly aspect with framed views to Brisbane Water. The steep topography has been terraced to accommodate 3 full size sports fields and other recreations facilities including pools and tennis courts. The top oval, framed by some significant planting, has strong formal association with adjoining ridge roads and historical buildings. In the north of the precinct the Sculpture Park is located on the natural sandstone ledges which overlook the

sporting fields and Bushland Precinct.

### **Desired Future Character**

- The Sports Precinct encompasses the existing ovals and sports facilities located to the east of The Avenue, an area that enjoys view to the east and potential integration with the activities being undertaken in the precincts to the west, including Kariong High School. The refurbishment of existing and development of new facilities must be complementary to the needs of the Central Coast to support a range of indoor and outdoor sporting activities, supplemented by the business activities currently being undertaken in the Heritage Precinct (International Football School). The southern lawn will be dedicated to passive recreation, featuring barbeques and a picnic area. Access to the Bushland Precinct to the east is to be gained through this precinct.

### **Controls**

In general, the following controls apply to all development in the sports precinct.

### **Activities and Uses**

- Outdoor uses and activities to be undertaken in the Sports Precinct include organised sports, such as Australian Rules Football (AFL), cricket, tennis, football (soccer), basketball and swimming, as well as passive recreational opportunities for picnic and barbeques; and
- The existing buildings and new facilities will incorporate a range of uses including sport camp accommodation, catering facilities, gymnasiums, clubhouse and a new grandstand.

### **Access and Car Parking**

- The Sports Precinct is predominately a pedestrian environment with limited access for service vehicles, loading and parking;
- Vehicular access will be gained from The Avenue at the junction with Carinya Road,
- Additional vehicular access to designated parking areas and facilities is gained directly from The Avenue, such as swimming pool complex in the north of the precinct;
- Designated pedestrian routes are required to supplement the existing access roads. These will be integrated into the wider site movement network and link with key buildings and facilities in the Heritage and Mixed Use Precincts to the west;
- Car parking is to be provided in designated parking areas along The Avenue, so that they are shared between the Heritage and Sports Precincts; and
- Overflow parking for major events will be provided in the lowers sports field, located in the east of the precinct adjacent to the bushland.

### **Building Heights**

- Number of storeys for new buildings:
  - i. Maximum 2 storey;
  - ii. Maximum building height: 9 metres, so allow indoor sports facilities to be developed within the precinct; and
  - iii. The maximum height for a new grandstand is not to exceed the existing height of the trees on the adjoining embankment to protect views to Brisbane Water from the Avenue.

### **Building Setbacks**

- Any new buildings and structure in the Sports Precinct are to be setback a minimum of 5 metres from any paths or roads;
- The new grandstand is to be setback a minimum of 5 metres from the cricket (main) oval.

### **Building Expression**

- New buildings such as pavilions and kiosks should be small scale with generous pitched roofs and overhangs compatible in form, scale and expression with the existing heritage buildings;
- Outdoor areas, such as verandahs, decks and terraces are encouraged to extend the indoor area and create an interface with the surrounding open spaces;
- More significant developments, such as indoor sports facilities, should be located in the lower (eastern) areas of the site where the impacts on views from The Avenue can be mitigated;
- Alternations and additions to existing non-heritage buildings in the Sports Precinct should not exceed the existing height, and should be compatible with the form, scale, and expression of the heritage dormitory buildings and cottages located in the Heritage Precinct.

## **Building Materials**

### **New Buildings**

- Lightweight materials such as timber and plywood are preferred for pavilions and kiosks;
- Roofs should be galvanised corrugated steel;
- Verandah posts and external windows and door joinery should be timber (painted).

### **Existing Buildings**

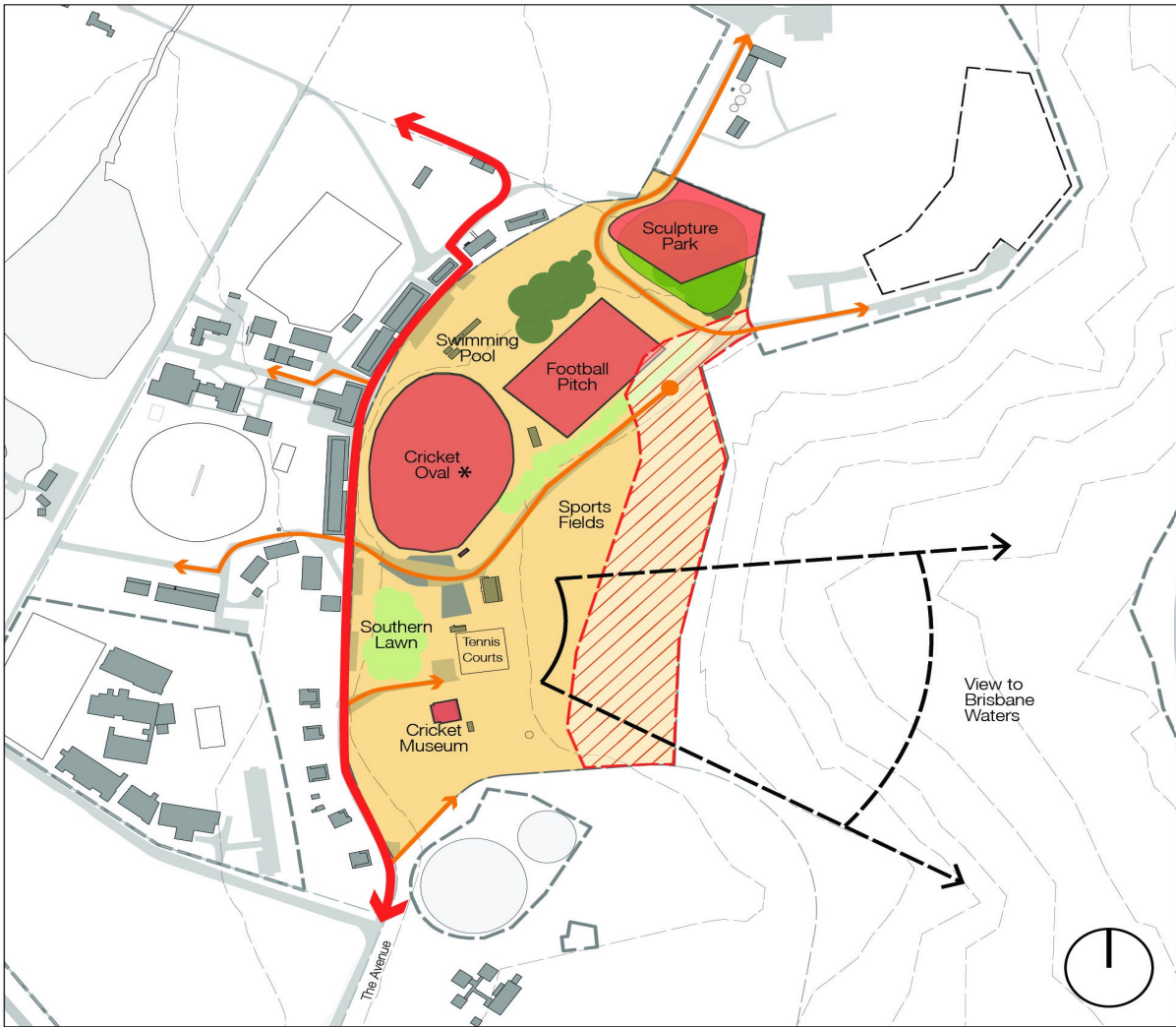
- Alternations and additions to existing non heritage buildings should be consistent with the existing fabric of the buildings and/or use materials as specified for new buildings.

## **Grandstand**

- Lightweight materials such as timber and steel are preferred for the new grandstand;
- The roof may be galvanised corrugated steel or colorbond;
- Subdued colours are recommended to minimise the visual impact of the building when viewed from above and below the escarpment; and
- Non reflective materials and finishes are preferred.

## **Landscape Requirements**

- Screen planting along the high side of the new oval, the grandstand and parking area to screen this area from the historic core is required.



3.1.6 Sports Precinct

- Built form of heritage significance
- Sports Precinct
- Parking
- 100m Bushfire APZ Setback
- Remnant bushland to be retained
- Remnant indigenous bushland to be retained
- Secondary road
- Access road
- \* Cricket oval to be retained and augmented

## 7 - Phillip House Precinct

### Existing Character

- Phillip House precinct is the southern most precinct and is largely isolated from the majority of the site in terms of visual and movement connections, activities and operations. Development opportunities may be limited due to the quality and coverage of native vegetation, retention of Phillip House and the water tanks. Phillip House provides a number of important community services to the children and families on the Central Coast.

### **Desired Future Character**

- Phillip House is the central focus of this precinct. Sitting within a native landscape, surrounded by indigenous vegetation, the property will continue to provide valuable community services to the people of the Central Coast. Any new development around Phillip House will be sensitive to its architectural character, form and siting, to ensure the visual prominence of the existing building remains unaffected when viewed from Old Mount Penang Road. Opportunities for additional development in the north of the precinct for eco-tourism or accommodation associated with activities elsewhere in Mount Penang must pay careful consideration to the risk of bushfires and the potential impact on native flora and fauna.

### **Controls**

In general, the following controls apply to all development in the Phillip House Precinct.

### **Activities and Uses**

- New development allowed in the precinct may include such land uses as eco-tourism accommodation, linked to the Bushland Precinct, or temporary boarding accommodation linked to the activities undertaken in the Sports Precinct; and
- Phillip House and any new associated buildings may incorporate community facilities, such as childcare and counselling services.

### **Access and Car Parking**

- Access to the Phillip House Precinct will be gained from the Central Coast Highway via Old Mount Penang Road;
- All servicing, loading and limited parking will be undertaken in the designated parking areas, located in the grounds immediately surrounding Phillip House;
- Hard surface parking areas should be limited in their size to reduce the visual impact and to better manage rainwater run-off and landscaped areas;
- Access to the potential development site in the north of the precinct will be gained from Old Mount Penang Road, via the shared access point with Phillip House; and
- Pedestrian connections to the Bushland and Sports Precinct, and the remainder of the Mount Penang site can be made to the north.

### **Building Heights**

- Number of storeys for new buildings:
  - i. Maximum 2 storeys
  - ii. Maximum building height: 9 metres, which can accommodate a typical two-storey development or a single storey building with greater internal volumes.

### **Building Setbacks**

New Development:

- Any new buildings are to be setback a minimum of 10 metres from access roads.
- Phillip House:
- Any new buildings within close proximity to Phillip House should be setback a minimum of 20 metres and not be located between Old Mount Penang Road and Phillip House.
- Asset Protection Zones:
- Due to the close proximity of existing and potential development to native vegetation there is a threat of bushfires in this precinct, and throughout Mount Penang, that must be carefully considered and addressed via Bushfire Assessments as part of any development applications.

### **Building Zone**

Generally,

- New development and additions to existing buildings should respect the topography and minimise cut and fill;
- New development within the area will have regard to the shallow soils that are easily eroded with sandstone

close to the surface and resultant drainage problems;

- Any new buildings and structures are to be limited to the building zone indicated on the attached precinct plan;
- To ensure that daylight access is provided to all habitable rooms and to improve energy efficiency and cross ventilation a maximum building depth of 15 metres is required;
- The maximum internal floor area of accommodation cabins or any other new buildings may not exceed 50 square metres. No more than 20 cabins are allowed;
- Alternations and additions to Phillip House should not exceed the existing building height. Additions should not exceed 30% of the internal floor area of the building;
- Any new buildings and structures in the vicinity are to be compatible in form and scale with Phillip House.

### **Building Expression**

– New buildings, such as cabins and associated facilities, should be small in scale buildings with generous pitched roofs and overhangs with simple, robust materials and detailing; and

– New buildings within close proximity of Phillip House should be compatible with the character, form and architectural details of the existing building.

### **Building Materials**

#### New Developments

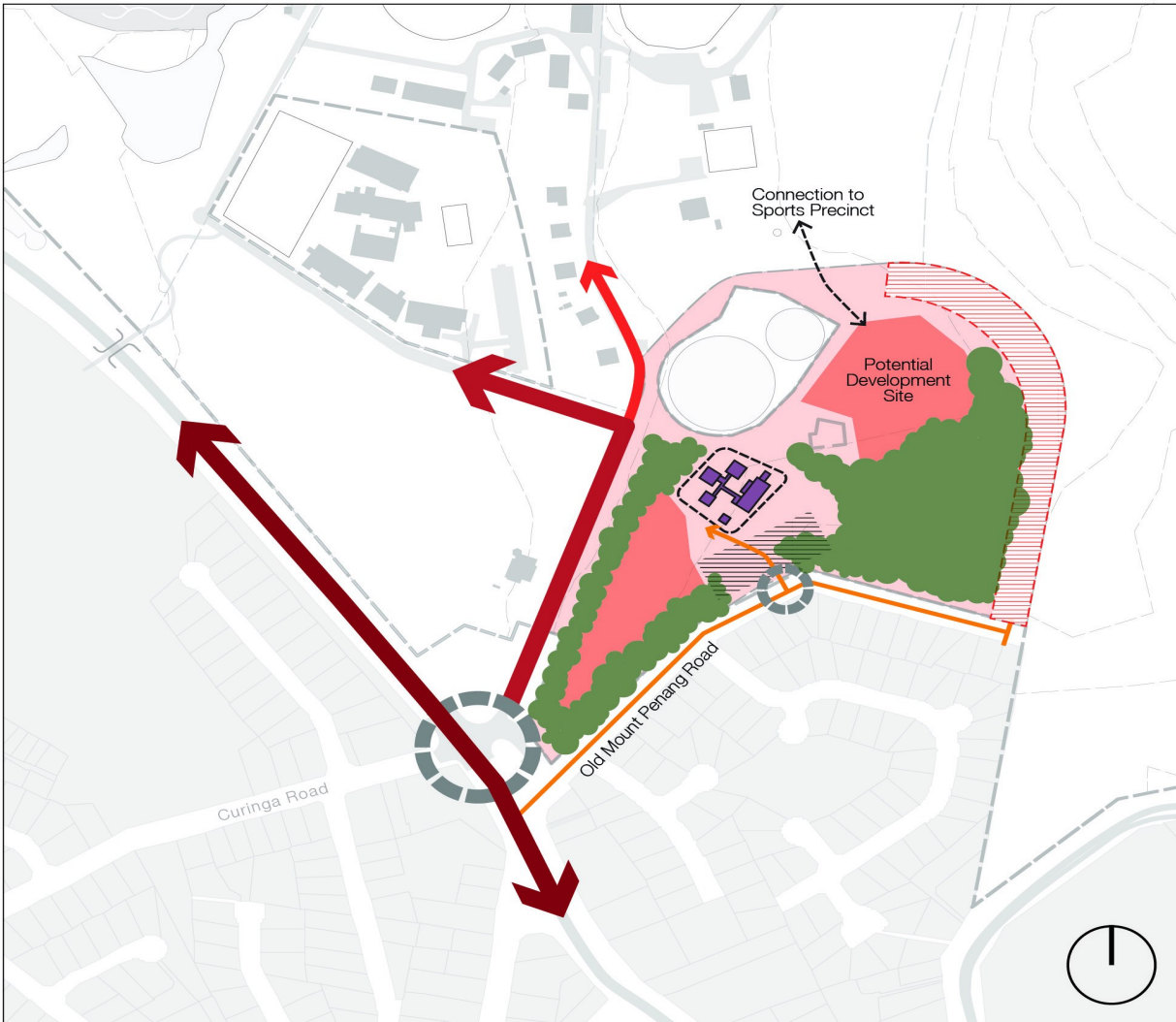
- Lightweight materials such as timber and plywood are preferred for smaller pavilion and cabin developments;
- Roofs should be galvanised corrugated steel should be used throughout the precinct.

#### Phillip House











- Alternations and additions to Phillip House should be consistent with the existing fabric of the buildings and/or use materials as specified for new buildings;
- Roofs should be galvanised corrugated steel; and
- Subdued colours and non-reflective materials and finishes are required.

### **Landscape Requirements**

- Vegetation along The Avenue entrance road is to be retained and supplemented by additional planting in keeping with the existing vegetation.



3.4.7 Phillip House Precinct

-  Potential development site
-  No development zone
-  APZ to be determined as part of future development applications
-  Primary site access
-  Remnant bushland to be retained
-  Moderate significance
-  Central Coast Highway
-  Primary road
-  Secondary road
-  Access road

**8 - Bushland Precinct**



## Existing Character

- Bushland Precinct is located in the east of Mount Penang and features a steeply sloping landscape covered in native vegetation that extends into the Brisbane Water National Park. With the exception of several fire trails the area is completely untouched by development and possesses significant flora and fauna value. In addition, the area has been found to contain Aboriginal archaeological sites.

## Desired Future Character

- The Bushland Precinct will remain an important natural component for both Mount Penang and the entire Brisbane Water area. The separation of this precinct from the remainder of Mount Penang is reinforced by its appearance, natural values and location. There is opportunity to use this area for a range of ecotourism, cultural and educational activities, which may relate to businesses and facilities elsewhere in Mount Penang.

## Controls

In general, the following controls apply to all development in the Bushland Precinct.

## Activities and Uses

- Outdoor uses in the Bushland Precinct may include passive recreation such as bushwalking on established tracks and field studies; and
- New facilities in the precinct may incorporate a range of uses, including a field studies (education/research) centre, cultural or visitor centre, whether for eco-tourism or the activities occurring elsewhere in Mount Penang.

## Access and Car Parking

- Access to the Bushland Precinct will be gained by entering off the Central Coast Highway along The Avenue through the Heritage and Sports Precincts;
- Additional access to fire trails and service routes will be taken from Debenham Road South in the north, and Old Mount Penang Road to the south;
- The precinct is predominately a pedestrian environment with limited access for vehicles. Parking will be located at the periphery of the precinct and shared with those activities being undertaken in the Sports and Heritage Precincts; and
- No designated (hard surface) parking areas are to be provided in the Bushland Precinct.

## Building Heights

- Development is to be limited within this precinct. Where it does occur, the allowable number of storeys for new buildings:
  - i. Maximum 1 storey:
- Maximum building height: 5 metres

## Building Zone

Generally,

- Any new development should respond to the topography and sit above ground on piles or stilts, reducing the need for concrete slabs, and cut and fill techniques to level the site;
- New development within the area will have regard to the shallow soils that are easily eroded with sandstone close to the surface and resultant drainage problems;
- Any new buildings and structures must be the subject of a detailed bushfire risk assessment and appraisal of the local flora and fauna to ensure the risks to the building and the local environment are properly addressed;
- In relation to eco-tourism accommodation a maximum internal floor area of any central facility including visitor reception, dining/ lounge area etc., is not to exceed 100 square metres;
- The maximum internal floor area of accommodation cabins or any other new buildings may not exceed 50 square metres.

## Building Expression

- New buildings, such as cabins and associated facilities, should be small in scale buildings with generous pitched roofs and overhangs with simple, robust materials and detailing;
- Outdoor areas such as verandahs, decks and terraces are encouraged to extend the indoor area;
- Verandahs should have hipped or skillion roofs at a shallower pitch than the main roof.

## Building Materials

- Lightweight materials such as timber and plywood are preferred for pavilions and kiosks;

- Roofs should be galvanised corrugated steel;
- Verandah posts and external windows and door joinery should be timber (natural or painted).

### **Landscape requirements**

- The quality and coverage of the native landscape should be protected as part of any development within this precinct. Any additional planting should carefully consider the native indigenous species selected by a qualified arborist.

## **Reference Documents**

Draft Transport Assessment, AECOM, November 2013. Refer Gosford City Council Document No. 19486945

Water and Sewer Servicing Strategy. ADW Johnson, November 2013. Refer Gosford City Council Document No. 19486945

Roads, Stormwater and Utilities Servicing Strategy, ADW Johnson, November 2013. Refer Gosford City Council Document No. 19486945

Flora and Fauna Assessment, Mount Penang Parklands, Travers Bushfire and Ecology, February 2014. Refer Gosford City Council Document No. 19486945

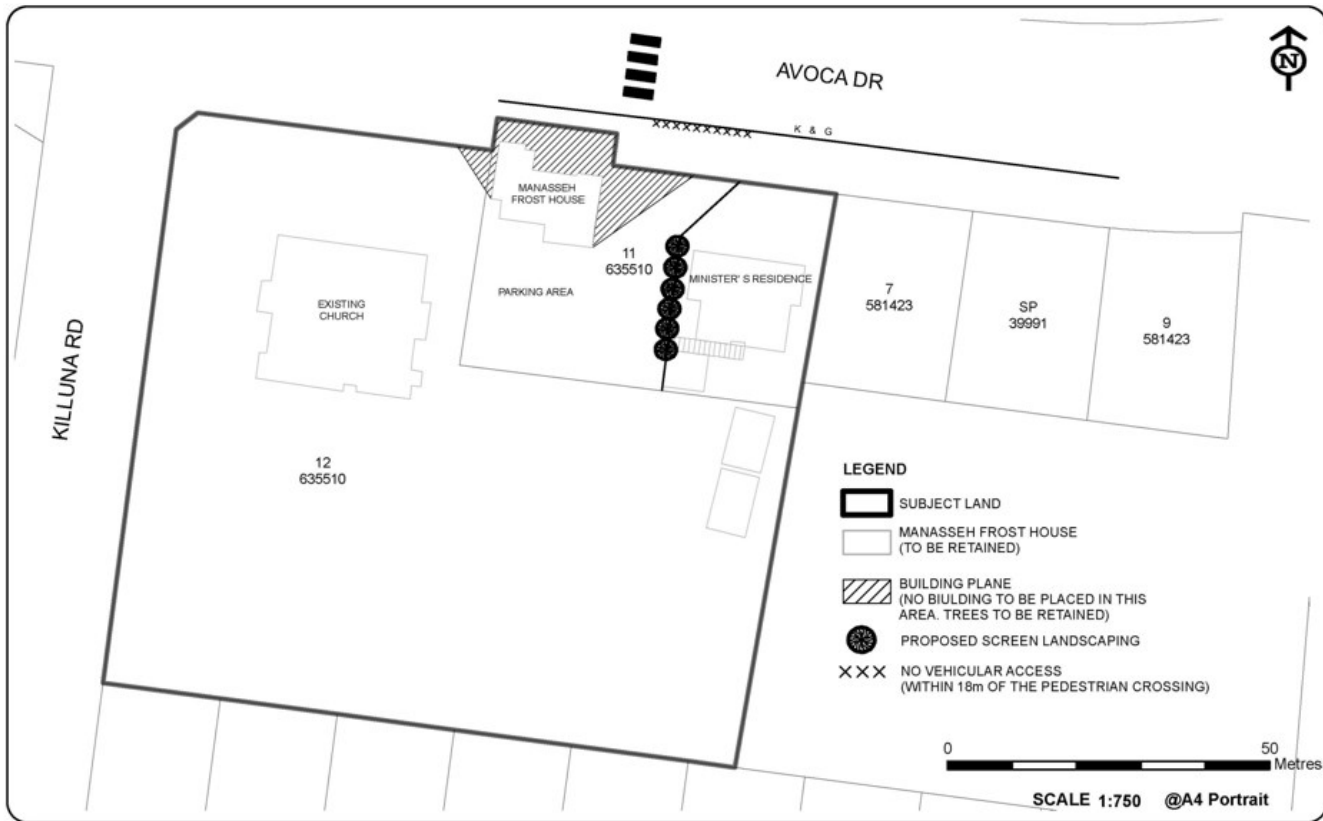
Bushfire Protection Assessment, Mount Penang Parklands, Travers Bushfire & Ecology, February 2014. Refer Gosford City Council Document No. 19486945

## **5.4 Kincumber, Avoca Drive (Manasseh Frost House)**

### **5.4.1 Land to which this Chapter Applies**

Manasseh Frost House is located on part of Lot 112 DP 1124060 (previously Lot 11 DP 635510) Avoca Drive, Kincumber as indicated on the accompanying map.

#### **Accompanying Map**



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### MANASSEH FROST HOUSE

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## 5.4.2 Purpose of this Chapter

The purpose of this chapter is to provide more detailed guidelines for the development of the land having regard to Manasseh Frost House being an item of environmental heritage.

## 5.4.3 Objectives

The objectives of this chapter are as follows:

- a. to protect the historical value of the weatherboard cottage;
- b. to guide restoration of the cottage;
- c. to facilitate traffic management and safety.

## 5.4.4 Specific Requirements

- a. **To protect the historical value of the weatherboard cottage**

*This building is identified as an item of environmental heritage under the Gosford LEP 2014. Clause 5.10 of the LEP provides conservation incentives for heritage items, which enables a particular item to be used for a purpose not necessarily permitted within a zone provided that its use will maintain the historical value of the building (subject to development consent). Alternatively, uses permitted within the R2 Low Density Residential could be considered for the building subject to development consent.*

- i. Any development application for Manasseh Frost House is to be referred to Council's Heritage Committee or to Council's Relevant Heritage Officer for comment.
- ii. Any development on the subject site or on adjoining properties within 10 metres of the weatherboard cottage is to give due consideration to its impact upon the historic building. Any such development is to be designed to be complementary to the architectural appearance of the cottage.
- iii. In order to retain views of the house from Avoca Drive and not diminish its appearance with other structures, no new building is to be located in front of the house within a 45-degree plane projected to the front of the property from the rear corners of the house, as delineated on the map.
- iv. All mature trees located in front of the building and within the 45-degree plane are to be retained.

- v. Alterations and/or additions to the rear of the building are permitted provided they are sympathetic in design to the existing cottage and when viewed from Avoca Drive they are predominantly unable to be seen.
  - vi. Any signage is to be consistent with the architecture of the building and compatible with its heritage character.
- b. **To guide restoration of the cottage**  
*Any restorative works will have to ensure the original character of the cottage is retained whilst implementing current health and building practices. For visual amenity reasons the external facade is considered the most important element to be restored whereas the internal design can be varied.*
- i. The exterior of the dwelling is to be restored to its 1980s character. Records of its appearance at this time are held in Council (reference: Gosford/Wyong History and Heritage Summary and Recommendations, 1986).
  - ii. The internal design and layout is able to be varied to suit the intended use.
  - iii. The building is to generally comply with the provisions of the Building Code of Australia.
- c. **To facilitate traffic management and safety**  
*Currently, the dwelling does not have vehicular access to Avoca Drive, although any future use of the building may require the provision of vehicular access to the site from Avoca Drive. Given the high traffic volumes on Avoca Drive and the location of a pedestrian crossing directly in front of the dwelling, the location of the vehicular access point is limited from a traffic safety aspect.*
- i. The vehicular access point, servicing the building, is to be located a minimum of 18 metres to the east of the pedestrian crossing in Avoca Drive.
  - ii. No right turn into, or out of, the site is permitted from/to Avoca Drive..
  - iii. Any parking spaces provided on site are to be located to the rear of the building.
  - iv. In order to screen the adjoining dwelling from the car park a landscaping strip is to be planted along the dividing fence. The vegetation is to consist of native shrubs that have a mature height of 2.5 metres.
  - v. Now that Manasseh Frost House is located Lot 112 DO 1124060, access is gained via Killuna Road.

## 5.5 Kincumber, The Scenic Road, (Kincumber Fire Station)

### 5.5.1 Land to which this Chapter Applies

This chapter applies to land bounded by Abundance Street, Kincumber to the north and Scenic Road Kincumber to the west, being Lot 4 DP 1115531 (previously the part of Lot 40 DP 10900 fronting The Scenic Road, Kincumber, identified on the map below.



### 5.5.2 Purpose of this Chapter

The purpose of this chapter is to provide more detailed guidelines for the development and use of the land for a Fire Station.

### 5.5.3 Objectives

The objectives of this chapter are as follows:

- a. To provide for the development of the site for the purposes of a Fire Station that is compatible with the size, scale and design of rural residential forms of development that would otherwise be permissible on the land and is sensitive to the scenic character of the surrounding rural area;
- b. To ensure that the development does not adversely affect the principle role of the E3 - Environmental Management/7(c2) zone as a buffer or transition zone between conservation areas and/or urban areas;
- c. To maintain the aesthetic and scenic value of the land and its environmental character;
- d. To ensure that development has regard to the amenity of adjoining properties;
- e. To limit the site coverage and height of the development;
- f. To protect the vegetated character of the site.

### 5.5.4 Specific Requirements

- a. *The 7(c2) Conservation and Scenic Protection (Scenic Protection)/E3 - Environmental Management zone is intended to maintain scenic and conservation values on lands located between urban areas and adjoining land included within the 7(a) Conservation and Scenic Protection (Conservation)/ E2 - Environmental Conservation Zone. Having regard to this and the visually prominent location of the site on a through road to adjoining residential suburbs, the high scenic quality of the surrounding area and the need to consider the amenity of surrounding properties the following must be complied with:*
  - i. a maximum site coverage ratio (including building footprint, any hardstand area, parking and driveway areas), of 35% of the site area;
  - ii. a maximum building floor space of 550m<sup>2</sup>;
  - iii. a maximum building height of 7m;
  - iv. a maximum of 50% of the total building floor space being no higher than 7m;

- v. a minimum building setback from The Scenic Highway site boundary of 10m, a minimum setback of 8.5m from the northern and 6m from the southern and eastern (rear) boundaries.
- b. *The subject site and the surrounding area have a vegetated character, in order to minimise any visual impacts of the development, and retain the character of the area, the following must be complied with:*
  - i. A minimum 8 metre buffer zone along the entire northern boundary of the site adjacent to Abundance Street having no vegetation removal.
  - ii. For selective clearing only in the APZ's as designated in the Bushfire Protection and Attack Assessment prepared by Wildthing Environmental Consultants dated March 2005, aimed at preserving the maximum number of trees permissible across the site in general and particularly along boundaries with neighbouring properties.
  - iii. The architectural style and design of the development to reflect the rural character of the area.
  - iv. The colour and texture of external building materials are to be compatible with the colours, hues and textures of the surrounding natural environment.

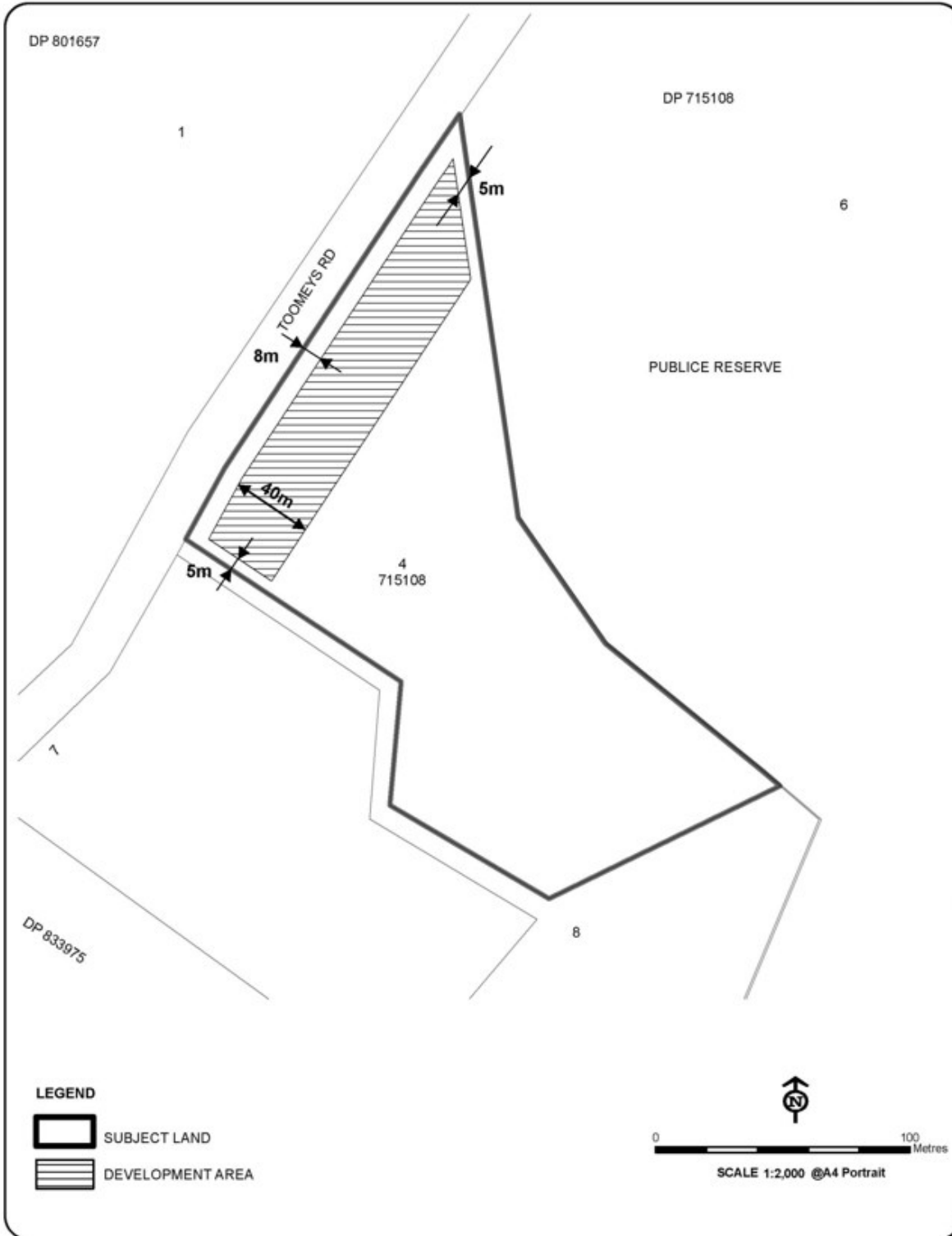
## **5.6 Lisarow, Toomeys Road**

### **5.6.1 Land to which this Chapter Applies**

This chapter applies to Lot 4 DP 715108 Toomeys Road, Lisarow as indicated on the accompanying map.

#### **Accompanying Map**

# TOOMEYS ROAD - LISAROW



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## 5.6.2 Purpose of this Chapter

The purpose of this chapter is to provide more detailed guidelines for the development of the land having regard to the environmental sensitivity of the land

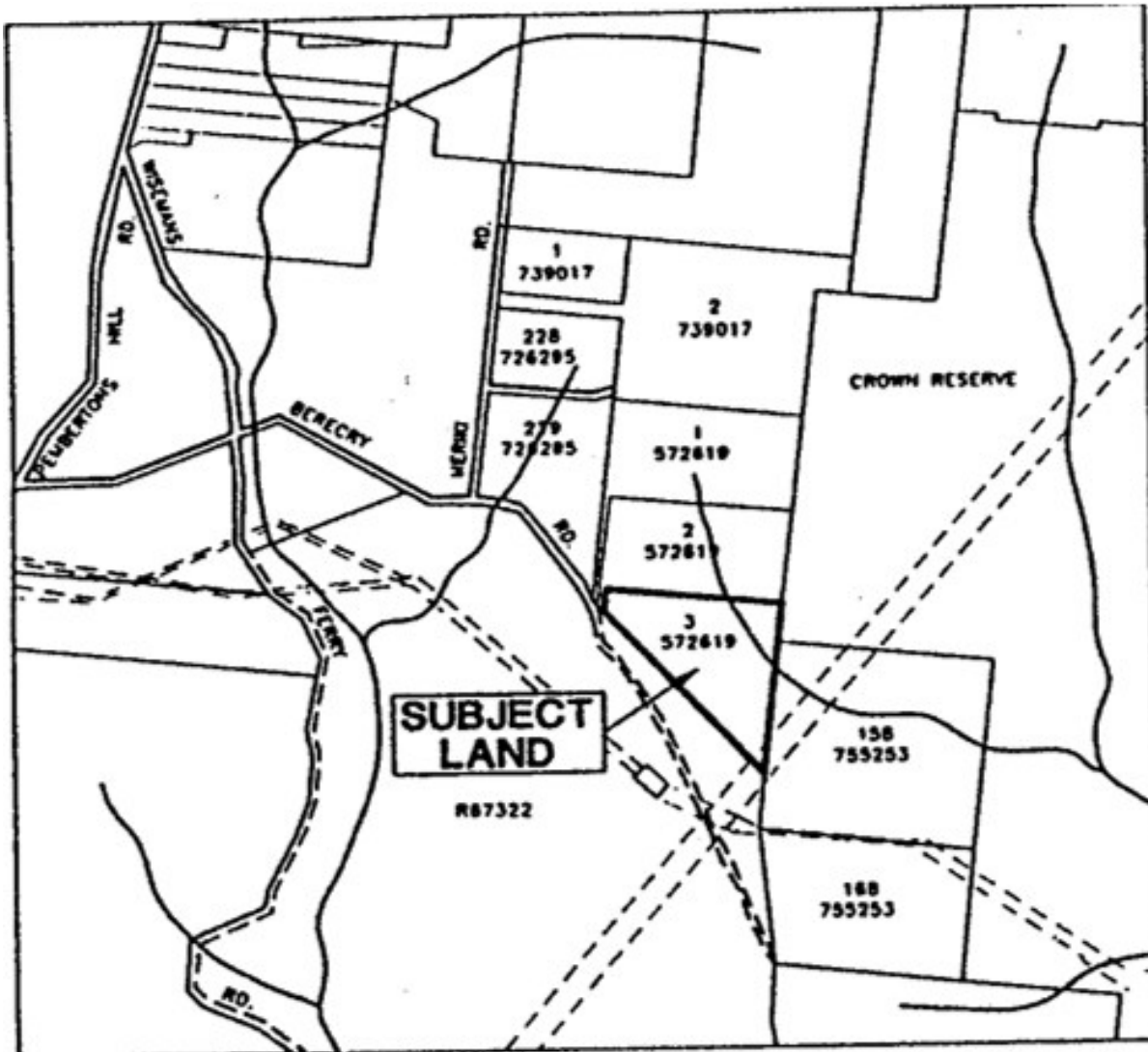
## 5.6.3 Specific Requirements

Any dwelling houses, outbuildings, and other structures are to be located at a minimum of 8.0 metres and a maximum of 40 metres from Toomeys Road, as indicated on the attached map.

## 5.7 Mangrove Mountain, Berecry Road (The Landmark)

### 5.7.1 Land to which this Chapter Applies

This chapter applies to Lot 3 DP 572619 Berecry Road, Mangrove Mountain as identified on the locality map below.



### 5.7.2 Purpose of this Chapter

The purpose of this chapter is to provide more detailed provisions for the development of the land for recreational purposes than those contained within the relevant planning provision.

### 5.7.3 Objectives

- a. To designate suitable areas for building works and ensure that development occurs in a manner that is sensitive to the natural environment.
- b. To protect areas of native vegetation from clearing.
- c. To ensure the protection of Ironbark Creek.

### 5.7.4 Specific Requirements

- a. **To designate suitable areas for building works and ensure that development occurs in a manner that is sensitive to the natural environment**
  - i. Any development of the land is to have regard for the provisions of this chapter.
  - ii. Erosion and Sedimentation Control measures shall be applied for all development in accordance with the Erosion and Sedimentation Control chapter in this DCP, prior to the commencement of work.
  - iii. All major building works are to be located in the designated building areas as shown on the accompanying map.



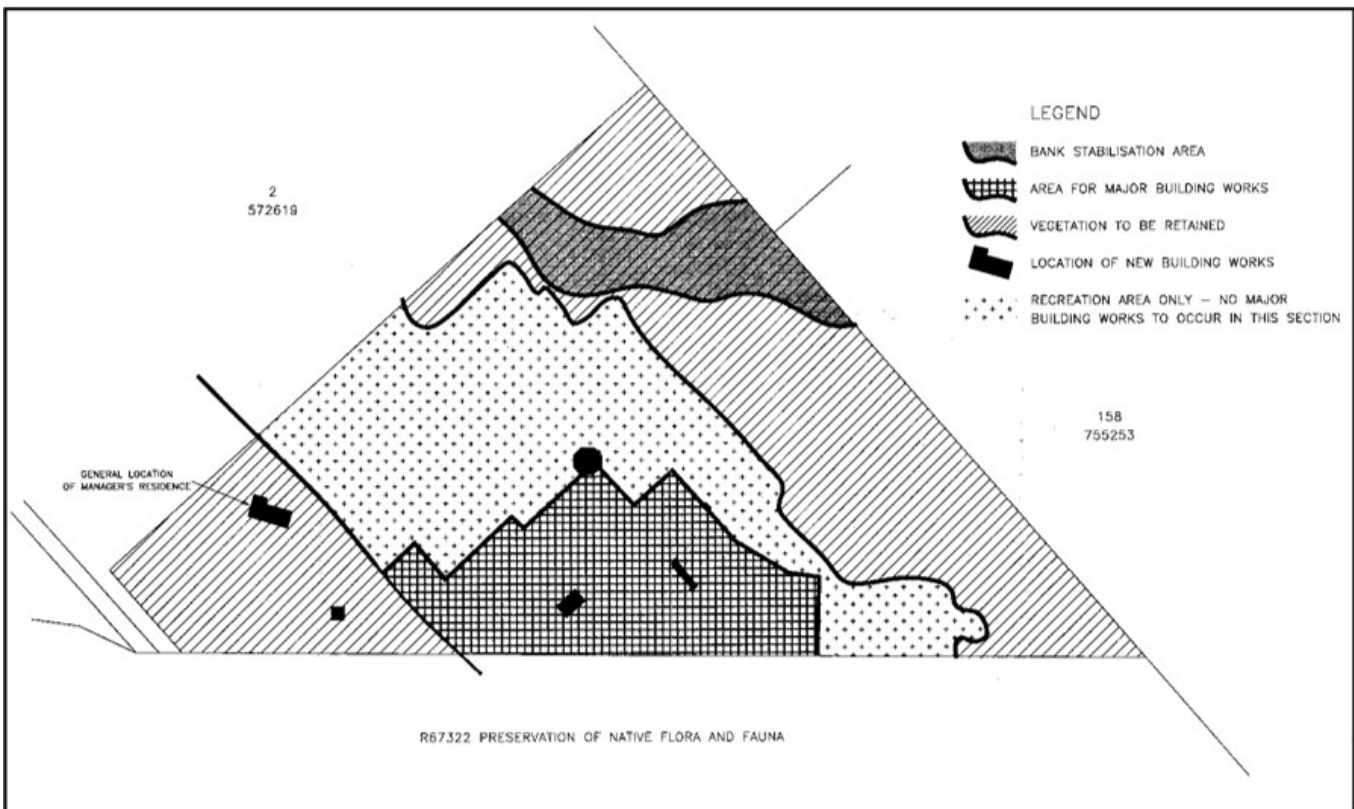
- iv. No major building works are to occur within the recreational or vegetated areas other than the new manager's residence in the north-western section of the site as indicated on the map.
- v. Any bushfire radiation zone in conjunction with any proposed development shall not encroach into any adjoining public reserve, leased land, crown land or National Parks & Wildlife Land.
- vi. Colour and texture of the external building materials are to be chosen so as to be compatible with the colours, hues and textures of the surrounding natural environment. (Council requires that dark hues be used unless otherwise approved). Roof cladding shall be dark and non-reflective.

**b. To protect areas of native vegetation from clearing**

- i. The removal of any trees or understorey from the land must conform with the Preservation of Trees or Vegetation chapter of this DCP and in particular as it relates to the clearing of and underscrubbing of agricultural land.
- ii. No vegetation is to be removed from these areas delineated on the plan other than what is necessary for the erection of the Manager's Residence (and associated landscaping/fire radiation zones), the Aboriginal Studies Centre, or the construction and/or maintenance of recreational facilities of a passive nature (such as bushwalking, mountain bike riding etc.).

**c. To ensure protection of the environmentally sensitive Ironbark Creek**

A minimum buffer zone of 15m is to be provided from the centreline of Ironbark Creek. No building works, earthworks and the like (other than stream-bank stabilisation measures) are to be undertaken in this area.



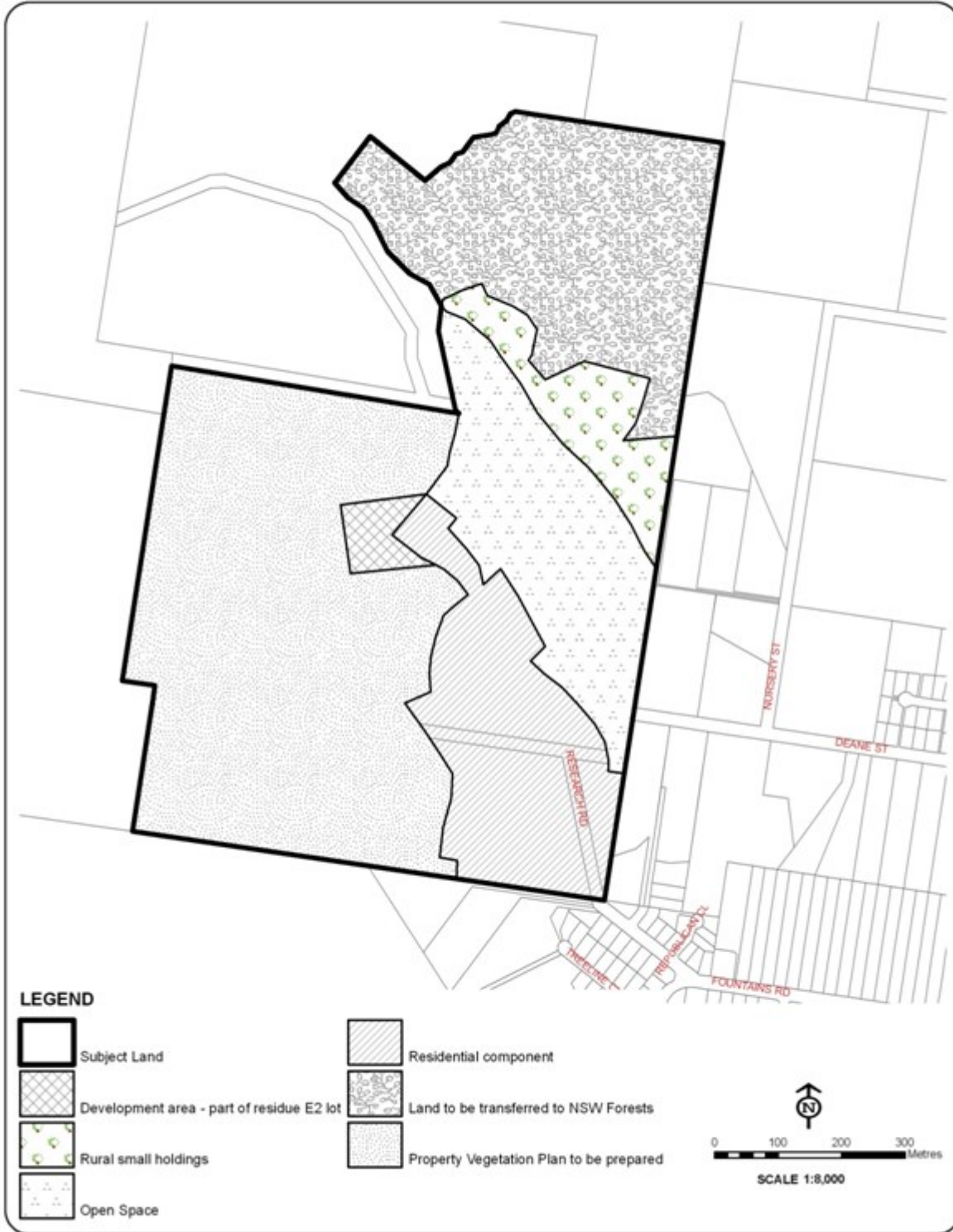
## 5.8 Narara, Gosford Horticultural Institute

### 5.8.1 Land to which this Chapter Applies

This chapter applies to Lot 1 DP 1087535, Research Road, Narara as identified on the attached map.

#### Accompanying Map

Gosford Horticultural Institute Lot 1 DP 1087535 Research Rd, Narara



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**5.8.2 Purpose of Chapter**

The purpose of this chapter is to provide more detailed guidelines for the development and use of the land for a residential subdivision into approximately 120 lots, approximately four rural residential lots to be zoned 7(c2) Conservation and Scenic Protection (Scenic Protection)/E3 - Environmental Management, and one residue rural residential lot to be 7(a) Conservation and Scenic Protection (Conservation)/E2 - Environmental Conservation or other permissible development. As part of the rezoning process the land zoned RU3 - Forestry will be transferred to NSW

Forests and the land zoned RE1 - Public Recreation will be dedicated to Gosford City Council.

### 5.8.3 Objectives

The objectives of this chapter are to:

- a. encourage the orderly development of the residential and rural residential use,
- b. facilitate traffic management,
- c. make provision for environmental protection,
- d. make provision for bushfire protection,
- e. restrict development in flood liable areas and consider flooding and drainage issues and to ensure there is no increase in downstream flooding,
- f. protect items of environmental heritage,
- g. ensure the development is carried out in accordance with best practice management for site development,
- h. ensure on-site contamination is addressed,
- i. provide for additional matters in relation to the residue 7(a) Conservation and Scenic Protection (Conservation)/E2 - Environmental Conservation allotment,
- j. ensure the land is adequately serviced.

### 5.8.4 Specific Requirements of the Chapter a - Orderly Development

#### a - Orderly Development

The land was rezoned as it was surplus to the needs of the Department of Primary Industries, and its development will assist in funding the development of new facilities at its Somersby site. The site is considered "green-fields" in that it is currently being used for rural uses and consideration needs to be given to its orderly development.

- i. The land is to be developed only in accordance with the Gosford Local Environmental Plan 2014 which zones the site to part R2 - Low Density Residential, RE1 - Public Recreation, RU3 - Forestry, 7(c2) Conservation and Scenic Protection (Scenic Protection)/E3 - Environmental Management and 7(a) Conservation and Scenic Protection (Conservation)/E2 - Environmental Conservation;
- ii. That part of the site that is zoned RU3 is to be transferred to Forests NSW for inclusion in Strickland State Forest;
- iii. That part of the site that is zoned RE1 is to be dedicated to Council at no cost for development for open space purposes that are flood compatible (note: due to the value of this land, Section 94 Contributions or equivalent contributions (other than for servicing) will not be levied on the subdivision). Council will be required to develop a Plan of Management for this land;
- iv. All development is to comply with Council's adopted Development Control Plan and policies that may be applicable to all components of the development.

#### b - Traffic Management

The site is located at the end of Research Road within the upper reaches of the Narara Valley. Consideration needs to be given to connection to the existing road network and internal vehicular circulation systems within the subdivision/development to ensure a cohesive and integrated road network that facilitates external flood free vehicular access if possible, public transport, and encourages walking and cycling.

- i. The major vehicular access point to the subdivision/development is to be located at the south eastern corner of the land in the immediate vicinity of the existing terminus of Research Road;
- ii. Improvements to the local road network outside of the site may be required as a consequence of this residential subdivision/development. Such works are to be determined at the Development Application stage and are to be undertaken at no cost to Council;
- iii. All internal roads within the subdivision/development are to be designed in accordance with Council's and the RMS's accepted engineering design standards and relevant Australian Standards and/or Austroads and to be determined at the DA stage;
- iv. Primary access to the rural residential lots is to be provided by way of access over the land to be zoned RE1 - Public Reserve and the design standard of such access is to be determined at the DA stage;
- v. The development application for the subdivision/development of the land is to be referred to the RMS for

comment.

### **c - Environmental Protection**

Investigations have identified threatened species exist on the land. Species include *Syzygium paniculatum* (Magenta Lily Pilly), *Pteropus poliocephalus* (Grey Headed Flying Fox), *Petaurus Australis* (Yellow Bellied Glider), *Miniopterus schreibersii oceanensis* (Large bent-winged bat - eastern subspecies) *Tyto tenebricosa* (Sooty Owl) and *Ninox Strenua* (Powerful owl). Further consideration may be required to be given to impacts on Threatened Species as part of the Development Application process.

- i. The locations of the two *Syzygium paniculatum* (Magenta Lily Pilly) specimens are to be fixed by land survey and plotted on any future development application for subdivision/development;
- ii. A 20 metre exclusion zone is to be created around the *Syzygium paniculatum* specimens, with the details to be determined at the development application stage;
- iii. Any future development application for subdivision/development or future dwellings is to be designed so as to not result in the removal of any hollow-bearing trees or roosting or nesting habitat for threatened owl species;
- iv. Any future subdivision/development layout shall be designed so as to not result in the removal of any actual yellow bellied glider sap trees;
- v. Plant species used for landscaping should be restricted to locally native species appropriate to the locally occurring vegetation types and/or those introduced species that do not have known potential to become environmental weeds;
- vi. External night lighting associated with any future subdivision/development layout will be designed to reduce light spillage into adjacent forested areas;
- vii. A Plan of Management shall be prepared for any future subdivision/development application. The Plan of Management will provide a prescriptive framework for the management of threatened species habitat, weed management, mitigate potential indirect impacts associated with any future subdivision/development and provide strategies for the on-going management of the site;
- viii. Consideration should be given to the retention of any *Toona ciliata* (Red Cedars).

### **d - Bushfire Protection**

The land, including the area proposed for residential subdivision/development and rural residential development, has been mapped as being Category 1 and Category 2 Bushfire Prone Land together with bushfire buffer areas. Due the relative physical inaccessibility of the site (with only one road access) future development needs to have due regard to requirements in relation to bushfire protection. It is noted that a review is being undertaken of a triangular section of land located to the immediate east of the existing access driveway that may need to be taken into consideration in future planning for bushfire protection.

- i. Any future development application is to be referred to the Rural Fire Service for consultation and will be required to comply with any requirements of the RFS;
- ii. Subdivision/development design and layout, is to be designed in accordance with NSW Rural Fire Service Planning for Bushfire Protection 2006 and have regard to the Development Control Practice Notes issued;
- iii. Due to the environmental values of the land, bushfire asset protection zones for Bushfire Prone land shall be measured from the edge of existing areas of remnant native vegetation and will not result in the removal or modification of any remnant vegetation (as required by Council's Environmental Officer).

### **e - Flood Liable Areas, Flooding and Drainage Issues**

Part of the land has been identified as being flood liable (below the 1% Annual Exceedance Probability (AEP) line). The majority of this land is to be dedicated to Council and is only to be used for open space purposes that are flood compatible. Some parts of the rural residential lots may also be flood liable. The site also does not have flood free access, and would be isolated in the event of flooding in the vicinity of Hanlan Street.

- i. Where necessary, land located above the 1% AEP line is to be filled at least 0.5 metre above the 1% AEP flood level to achieve 0.5 metre freeboard;
- ii. Any drainage and/or filling works proposed below the 1%AEP (including access to the E3/7(c2) land in the eastern section of the site) are to ensure that no adverse effect occurs on flood waters both up and downstream;

- iii. The developer is to be responsible for the design and construction of all internal and external drainage works required for the development;
- iv. No residential lots are to be created that are below the 1% AEP line. At the time of subdivision any lots that may be affected by the dam break will have their properties Section 149 Certificate encoded as such.
- v. Catchment flood flows and any flows that may be associated with dam failure are to be contained and passed safely through the developed areas and discharged appropriately in accordance with Council's standards for development. Any increase in stormwater flows are to be retained on site to ensure that there is no chance of increase in downstream flooding;
- vi. Some parts of the land zoned E3/7(c2) are flood liable. An adequate building curtilage to accommodate a rural residential dwelling and associated activities above the Probable Maximum Flood line is to be identified at the time of subdivision/development;
- vii. All landuse activities, including fencing, landscaping etc associated with rural residential living are not to impact on the flow of floodwaters either up or downstream.

**f - Environmental Heritage**

The site has played a significant role in the development of agricultural and horticultural research on the Central Coast. Consultant studies have been prepared in relation to the heritage values of the land. Some buildings and elements on the land have been identified in Gosford LEP 2014 for listing as Heritage Items under Schedule 5 of the Gosford Local Environmental Plan 2014 Council's Heritage Inventory Sheets are required to be updated to include these additional items. This chapter provides further guidelines for these items.

- i. As per the LEP 2014 the following items are listed as items of environmental heritage:

Item	Location
Manager's Cottage, Hen House (former Shower Block) and curtilage	Located in the centre of the site to the west of the existing access road
Former Grafting Shed/Administration Block and curtilage	Two storey weatherboard building located on low side of the existing main access road in the centre of the site
Group of <i>Taxodium distichum</i> (Bald Cypress)	Located at the entrance of the site on the eastern (low) side of the existing main access road
Specimen of <i>Syncarpia glomulifera</i> (Turpentine)	Located on the eastern boundary near the entrance to the site
Group of <i>Araucaria cunninghamii</i> (Hoop Pines)	Located to the west of row of callery pears and on the western side of the existing internal access road
Plantation of <i>Carya illinoensis</i> (Pecan)	Located to the east of the dam wall and south of the dam overflow
Row of <i>Pyrus calleryana</i> (Callery Pear),	Located to the east of the main access road on the flood plain on land to be zoned 6(a)
Type of specimen of <i>Pyrus calleryana</i> (Callery Pear) strain D6	Located to the north west of the main existing building complex
Main Entrance Gate Posts	Located at the main entrance to the site at the terminus of Research Road

- ii. The provisions of Clause 5.10 of the Gosford LEP 2014 are required to be considered in respect to any of the above items of environmental significance in relation to any future Development Applications;
- iii. All heritage items are to be used and managed in accordance with the relevant Heritage Inventory Data sheets held in the office of the Council;
- iv. At the time of subdivision/development, the land upon which stand of *Araucaria cunninghamii* (Hoop Pines) is to be determined and transferred at no cost to Council and to be managed in conjunction with the open space/drainage system and floodplain;
- v. The Main Entrance gates, *syncarpai glomulifera* (Turpentine) and *taxodium distichum* (Bald Cypress) are to be

retained and incorporated into an entrance statement for the subdivision/development, with consideration for interpretative signage.

#### **g - Best Practice Management**

Given the scale of the development, there is opportunity to implement total water cycle management including the integration between stormwater, potable water and possible grey water re-use, as well as rainwater harvesting to water street trees and the like. The site could be used to showcase best practice management and set a leading example of sustainable urban development.

- i. All stages of the development is to be designed in accordance with the Water Cycle Management chapter of this DCP to ensure an integrated approach to water management, nutrient control and embodies best practice water sensitive urban design;
- ii. All stages of development, including site preparation, subdivision/development and building works shall incorporate soil conservation measures to minimise soil erosion and siltation during and upon completion of all works. Measures to be employed are to comply with the Erosion and Siltation Control chapter of this DCP.

#### **h - Site Contamination**

Due to the history of landuse, State Environmental Planning Policy No 55 - Remediation of Land needs to be considered. Preliminary assessments and further site contamination investigations were undertaken, that concluded that the land was suitable for rezoning to residential purposes subject to additional matters as required below.

- i. A Site Remediation Action Plan is to be prepared and implemented in accordance with SEPP 55 - Remediation of Land and the document Managing Land Contamination - Planning Guidelines;
- ii. A Site Validation Report be prepared and implemented in accordance with SEPP 55 Remediation of Land and the document Managing Land Contamination - Planning Guidelines;
- iii. Prior to the issuing of a construction certificate/releasing engineering plans for future subdivision/development works, Council shall be issued with a Site Audit Statement by an accredited Department of Environment and Conservation (former EPA) Auditor stating the land is suitable for its intended uses;

#### **i - Residue E2 - Environmental Conservation Allotment**

The residue 7(a) Conservation and Scenic Protection (Conservation)/E2 - Environmental Conservation lot in the western section of the site has very high environmental and scenic qualities that need to be protected in the long term. There is only a limited area available for the erection of a dwelling and the undertaking of other private landuse activities. The remainder of the lot is to be protected to maintain its environmental and scenic qualities. In addition to other matters specified in this chapter, the following matters apply specifically to this proposed lot.

- i. The dwelling house and associated landscaping/rural residential activities are to be located generally in the location shown on the attached plan;
- ii. A Property Vegetation Plan for the land is to be prepared and agreed to by the Hunter - Central Rivers Catchment Management Authority, Council and the owners in relation to managing and protecting the high environmental qualities of this lot for the long term.

#### **j - Servicing Considerations**

The site is outside of Council's Water and Sewer Service Area and as such is not accommodated in existing infrastructure provision strategies. A preliminary sewer system analysis has been undertaken and options investigated for augmentation of existing Council services to accommodate the development. Further on-going discussions have indicated that the developer will be required to undertake upgrading works for water and sewer.

- i. The developer will be required to pay Council's current water and sewer headworks/ augmentation contributions in accordance with Council's policy;
- ii. The developer will be responsible for the design and construction of water and sewer reticulation within the rezoned area;
- iii. The developer will be responsible for the full cost of connection of the rezoned area to the existing water and sewer system, including upgrading works to water and sewer systems outside of the rezoned area;
- iv. The developer will be responsible for the design and full cost of augmentation works of the existing water and sewerage systems required as a result of demands/loadings generated by the proposed development.

## 5.9 Niagara Park, Siletta Road

### 5.9.1 Land to which this Chapter Applies

This chapter applies to Lots 11 to 14 DP 1111717 Siletta Road, Niagara Park, as shown on the accompanying map.

#### Accompanying Map



#### SILETTA ROAD

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### 5.9.2 Purpose of the Chapter

To provide more detailed guidelines associated with the future development of the land for four (4) rural residential allotments, to ensure that development occurs in a manner that is compatible with the environmental qualities of the area and occurs in a rational manner.

### 5.9.3 Objectives

The general objectives of this chapter are:

- a. to provide additional controls for the subdivision and development of the land given its environmental characteristics, scenic qualities and 7(a) Conservation and Scenic Protection (Conservation)/E2 Environmental Conservation zoning;
- b. to provide additional environmental controls to minimise impact;
- c. to make provision for access;
- d. to specify bushfire mitigation measures;
- e. to validate the Preliminary Site Contamination Assessment.

These objectives shall be achieved through compliance with the specific requirements of the plan as outlined below.

### 5.9.4 Specific Requirements

**a - to provide additional controls for the subdivision and development of the land given its environmental characteristics, scenic qualities and 7(a) Conservation and Scenic Protection (Conservation) / E2 Environmental Conservation zoning:**

**Rationale:** To ensure that the land is developed in a manner that is sensitive to the environmental and scenic qualities of the land.

- i. all building works (dwelling houses, outbuildings, sheds, etc) are to be located within the delineated building envelopes (having areas of approximately 2000m<sup>2</sup>) as shown on the accompanying map;
- ii. all other works associated with the erection of dwelling houses (inclusive of landscaping, effluent disposal areas, bushfire radiation zones, etc) are to be wholly located within the previously cleared areas and on slopes less than 20%;
- iii. on-site tanks are to be installed for the collection of roof waters for domestic use, irrigation and bushfire fire fighting purposes;
- iv. development on the land should minimise the use of impervious materials where possible;
- v. building materials and colours are to be chosen so as to be consistent with the surrounding natural environment and are to be generally dark hues, with non-reflective roofs;
- vi. a landscaping plan is to be submitted at the development application stage for each dwelling house. This plan is to detail the type and location of floral species, and would also need to have regard to bushfire management measures required in the fuel free protection zone. Species that are native to the locality and which are not dependant upon high water volumes, together with species having a high avifauna habitat value, are encouraged;
- vii. development is to have due regard to the Scenic Quality and Character chapters of this DCP.

**b - to provide additional environmental controls to minimise impact**

**Rationale:** *Although the cleared and grazed areas are not of pristine environmental quality and are capable of supporting rural residential development, the land drains into a sensitive creek system (including rainforest vegetation) that has a high habitat value. The imposition of the additional controls shall ensure that impacts are managed on-site and there shall be no detrimental effects both on and off-site.*

- i. no dwelling or effluent disposal area is to be constructed within 50 metres of any rainforest vegetation;
- ii. each rural residential lot is to have a mini-wetland constructed for stormwater and nutrient treatment. This structure is to be located down slope from any dwelling house and effluent disposal areas and may serve the dual purpose of a farm dam. All runoff from the dwelling and effluent disposal area is to be directed into the structure. The structure is to be designed by a suitably qualified engineer and to be sized to accommodate the estimate levels of runoff produced by the development;
- iii. all hollow bearing trees on any part of the land are to be retained;
- iv. stock proof fencing and gates are to be erected along all rural residential allotment boundaries to prevent livestock from entering the land to be zoned RE1 Public Recreation;
- v. natural vegetation may be included within privately owned lots (subject to survey at the time of subdivision). Where this occurs there is to be no disturbance to this vegetation (other than boundary fencing to a rural standard);
- vi. all stages of development, including site preparation, subdivision and building works shall incorporate soil conservation measures to minimise soil erosion and siltation during and upon completion of any such works or development. Measures to be employed are to be in accordance with the Chapters on Erosion and Siltation Control and Water Cycle Management in this DCP.

**c - to make provision for access**

**Rationale:** *the lots are to gain access via Siletta Road. To ensure a regular configuration of lots, and given the shape of the cleared area off Siletta Road, direct access may not be available off Siletta Road. The four lots created may be accessed by a right of carriageway off Siletta Road. Further Council requires free and unencumbered access to the public reserve and retardation basin so it is necessary to create a right of carriageway off Siletta Road.*

- i. at the time of excising off the land to be RE1 Public Recreation, an interim right of carriageway is to be delineated under the Plan of Subdivision to provide access to the RE1 land, creek line and retardation basin;
- ii. Siletta Road is to be upgraded to provide satisfactory access to the allotments. The design standards shall be determined at the time of rural residential subdivision;
- iii. lots off Siletta Road may be served by rights of carriageway to facilitate the regular configuration of allotments



given the shape of the cleared area;

- iv. all internal access ways are to be designed to follow the natural contours of the land where possible;
- v. upon rural residential subdivision, the accessway to the creek line is to be formalised as a right of carriageway;
- vi. the design standard of all internal access ways/rights of carriageway etc shall be determined at the time of rural residential subdivision;
- vii. all roadways and access ways are to be designed to retain all mature trees and hollow bearing trees;
- viii. grass swales are to be constructed along all internal roads and the access ways to control runoff and siltation.

#### **d - to specify bushfire mitigation measures**

**Rationale:** *The land has been identified as being in an area subject to a high bushfire hazard. Subject to on-site measures, this rating does not preclude development for four rural residential allotments off Siletta Road. Many of the fire mitigation measures shall also be subject to the on-going responsibility of future owners.*

- i. dwellings are to be erected in accordance with Australian Standard AS 3959 “Construction of Buildings in Bushfire Prone Areas”;
- ii. a 30 metre fire protection zone is to be maintained around each dwelling. Specific management measures within the zone are dependant upon landscaping and management issues outlined in Appendix One of the Bushfire Threat Assessment at Siletta Road, Niagara Park, as commissioned by Gosford City Council (copy attached – reproduced with permission of Conacher Travers Pty Ltd).
- iii. the cleared paddock areas on private lots are to be maintained in a cleared state through regular mowing, grazing of livestock or the like;
- iv. a minimum corridor width (ie free from vegetation) is to be maintained on the accessway to the creek with a corridor height of 3.5 metres to enable safe access for fire fighting vehicles (note due to moist conditions in the creek line, some variability is allowed);
- v. a turning area for a large non-articulated heavy fire fighting vehicle is to be provided within each rural residential lot;

#### **e - to validate the Preliminary Site Contamination Assessment**

**Rationale:** *Aerial photography indicates that the site has been used for orcharding in the past, and this activity is identified under the Department of Planning’s Planning Guidelines for Managing Land Contamination as a potentially contaminating activity. A Preliminary Site Investigation undertaken by consultants indicated that samples taken were below the NSW Environment Protection Authority’s approved guidelines for residential use. The Preliminary Site Investigation should be validated however prior to the use of the land for rural residential purposes.*

- i. the suitability of the site for rural residential use is to be validated by an accredited site auditor prior to the release of the construction certificate associated with the subdivision.

## **5.10 Pearl Beach Residential Development**

### **5.10.1 Introduction**

Pearl Beach has a special character. It has widely recognised scenic beauty: the beach itself, the headlands, the view of Broken Bay, the surrounding hills of Brisbane Water National Park.

The distinctive asset of Pearl Beach is its natural environment. Within the village is an abundance of trees and shrubs - in the reserves, in the streets and on the private properties, and softening the visual impact of structures on the natural environment. It also has a profusion of bird life within the village. The overall effect is one of natural beauty.

The tree canopy is the intrinsic unifying feature of the area and it is critical that it be maintained.

Pearl Beach is the only village wholly within the area classified by the National Trust of Australia as the Broken Bay

Entrance Landscape Conservation Area, and the unique character of Pearl Beach should therefore be protected. Uncontrolled development will lead to buildings which dominate the landscape at the expense of the natural environment.

Pearl Beach is a vital part of the Gosford City coastal character and the retention of its qualities contributes to the unique characteristics of Gosford City which are highly valued by both residents and visitors.

Of particular concern are the visually prominent areas such as the beachfront, the Green Point headland and the steep lands.

In February 1989, the Pearl Beach Progress Association presented to Gosford City Council the document entitled "Pearl Beach Plan of Management". The document was prepared after comprehensive survey by consultants with contributions by members of the Pearl Beach community, and with wide community consultation. The Plan of Management included many recommendations relating to preserving the special character of Pearl Beach, including the recommendation that there should be a Development Control Plan for the area. In June 1990, Council, by resolution adopted as policy several of the recommendations made in the Plan of Management, including that:

*Council, when considering development applications, have regard to the building bulk of developments as it affects the visual amenity of the street, reserves, neighbours, the general balance between vegetation cover and built form.*

This chapter of the DCP which provides specific controls for Pearl Beach enables Council to implement that policy.

In the event of any inconsistency between this chapter and any other chapters in this DCP, policies and codes that may apply to this village of Pearl Beach, this chapter will prevail unless otherwise specified in this chapter or in the other chapters, policies and codes.

### 5.10.2 Aims of this Chapter

The aims of this chapter are:

- a. To maintain, improve and, where necessary, restore the natural character and the important built environment of Pearl Beach.
- b. To ensure that further development is consistent with the unique qualities and character of Pearl Beach as a significant feature of the Gosford City area.

### 5.10.3 Objectives

The objectives of this chapter are:

- a. To ensure that property owners and authorities recognise the special landscape qualities and significance of Pearl Beach.
- b. To ensure that land is used and developed in a way that is compatible with and respects the natural and built character of Pearl Beach.
- c. To conserve the pattern of vegetation, landscape quality and ecosystems.
- d. To conserve biodiversity and protect and enhance local indigenous wildlife populations and habitats.
- e. To promote the landscaping of properties and encourage the planting and maintenance of native trees, particularly those indigenous to the area, and especially to protect existing tree cover.
- f. To prevent buildings from intruding into the natural environment due to their bulk, height, colour and materials.
- g. To minimise the adverse impact of development on the amenity of the area.
- h. To encourage a high level of urban design which recognises the form and character of the important built and natural context.
- i. To promote the principles of ecologically sustainable development.
- j. To conserve the cultural significance of identified heritage items.

### 5.10.4 Land to which this Chapter Applies

This chapter applies to all properties in the village of Pearl Beach (Figure 1).

- a. The chapter applies to proposals for new buildings and to alterations and additions to existing buildings.
- b. All development proposals must be prepared with consideration to all aspects of this plan.

Note: Certain minor works and activities may be carried out as exempt development (i.e. without need for consent of any type). Other works and activities may be carried out as complying development, in which case a complying development certificate is required. Applicants are advised to consult with the Council's policies on exempt and complying development and under the Environmental Planning and Assessment Act, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Amendments may occur to the planning instrument and to the policies on exempt and complying development from time to time and therefore applicants are advised to consult with Council or the State Government website for SEPP's to obtain the up-to-date information.

The notes within this plan are provided to assist with interpretation. They do not form part of the approved plan and may be changed and added to from time to time.

**Figure 1: Pearl Beach**



### 5.10.5 Protection of Natural Vegetation and Fauna

#### a - Objective

To protect and preserve natural vegetation and fauna, particularly the Koala, within and surrounding the Pearl Beach village, specifically to prevent the degradation of natural vegetation resulting from development due to:

- pollutants enriching the natural soils and waterways
- invasion of weeds into bushland
- mechanical disturbance of soils and vegetation

- damage or loss of natural features, and
- erosion of soils and sedimentation of streams

#### **b - Implementation**

- i. In assessing development applications, Council will have regard to all matters specified in the Erosion and Sedimentation Control Chapter of this DCP.
- ii. An Erosion and Sediment Control Plan is to be lodged with the development application as required in accordance with the Erosion and Sedimentation Chapter of this DCP.
- iii. The wildlife habitat of the Koala is to be protected, particularly the Grey Gum (*Eucalyptus punctata*), which is the Koala's principle source of food.
- iv. In assessing a Development Application, Gosford City Council will take into consideration the following matters:
  - There will be a minimal loss of Koala habitat and density of Grey Gum (*Eucalyptus punctata*) in accordance with SEPP 44.
  - The level of significance of the habitat for Koalas is to be assessed.
  - The threat to the Koala habitat which may result from the development. This is particularly relevant when the site abuts protected bushland areas.
  - Assess the likelihood of Koalas moving through a subject site and its potential as a habitat linking area. The proposal should not result in a barrier to potential Koala movement.
  - Preferred Koala trees are to be used in landscaping.

### **5.10.6 Tree Cover**

#### **a - Objective**

Any development proposal will retain, or replace existing tree cover to ensure the predominant landscape quality of the locality is maintained.

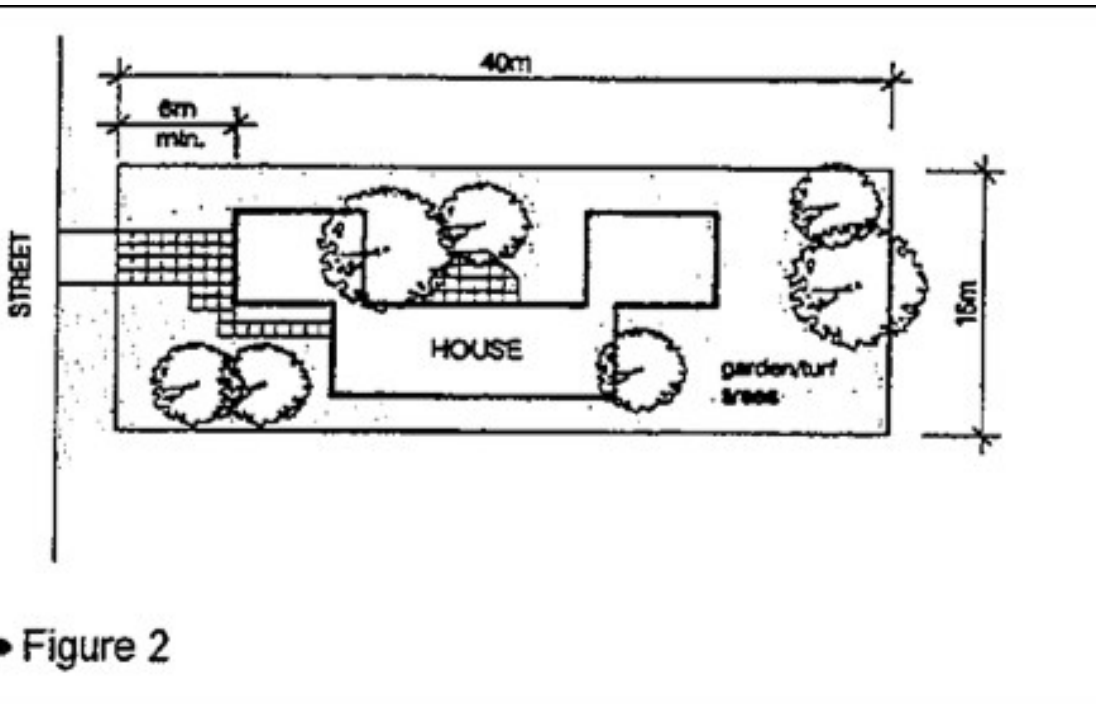
#### **b - Implementation**

- i. Development on a site should be located so as to retain as many existing trees on the site as practicable.
- ii. Where an application for development involves removal of a tree, consideration should be given to the relocation or redesign of such proposals on the development site or neighbouring lot to ensure the preservation of trees. In this regard, it should be noted that threats to feeder root system of large trees will require an impact report from an arborist.
- iii. Where trees are removed by building works, replacement planting of indigenous species with similar growth potential will be required.

### **5.10.7 Site Development**

#### **a - Objective**

- i. Maintain the natural character of the locality by reserving a significant portion of the site for landscaping. Prominence to be given to the natural environment over the built environment.
- ii. Minimise intrusion of buildings into the landscape by distributing landscaped areas in such a way as to screen and break up the bulk of the buildings. Take account of appearance from the street, from surrounding properties, public places and surrounding National Park (Figure 2).
- iii. Sufficient unsurfaced area shall be retained for site absorption of rain water to minimise the effect of run-off on neighbouring properties, on the creek systems and ultimately on the frontal dune and the beach itself.



#### b - Implementation

- i. Site coverage is not to exceed 40% of the total site area.
- ii. The open space area shall not be less than 50% total site area.
- iii. The floor space ratio of the development on the land is not to be more than 0.4:1.
- iv. A balance between hard surfaces and soft landscaping areas is necessary to maintain the bushland character of the area. Hard surfaces should therefore be kept within the range of 10% of the site area.
- v. The maximum site coverage is limited to 300m<sup>2</sup> on any site.

Figure 2 illustrates the application of these criteria.

#### c - Site Disturbance

Site disturbance must be kept to an absolute minimum, trees and ground cover vegetation must be retained and further erosion control measures may be required by Council.

Developments that extensively change natural ground levels, erase natural topography and vegetation, or disrupt natural water run-off and require costly soil stabilisation measures will not be approved.

Council will refuse an application where it considers excessive site disturbance may result.

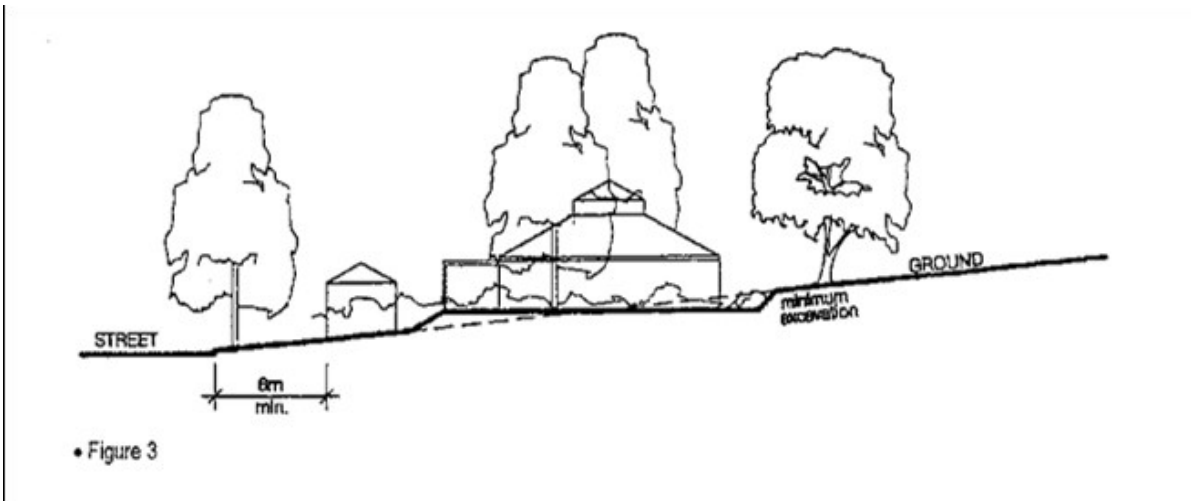
Buildings and driveways will be sited and designed to keep site disturbance to a minimum (Figure 3).

Earthworks shall be no more than one metre cut or one metre depth of fill.

Restoration of all site disturbances will be required prior to occupation of buildings.

#### d - Erosion Control

Council requires details of erosion and sedimentation control measures in accordance with the Erosion and Sedimentation Control chapter of this DCP.



### 5.10.8 Streetscape

#### a - Objective

- i. Development including fences shall be unobtrusive when viewed from the street and be compatible with the character and the scale of any building to be retained on the site and residential development in the immediate vicinity.
- ii. Special consideration must be given to areas of visual prominence such as the beachfront, where highly reflective materials should be avoided, and external materials and colours are by virtue of their prominence, an integral component of the landscape.
- iii. Fences, if required, need to be low profile and unobtrusive.
- iv. Development will be compatible with the classification by the National Trust of Australia of the Pearl Beach Village as part of the Broken Bay Entrance Landscape Conservation Area.

#### b - Implementation

- i. The size and shape of development, the extent of cut and fill, the type and colour of building materials, the design of roofs (in terms of materials, colour, pitch, etc) and the amount and type of landscaping:
  - are to be compatible with the character and scale of surrounding residential development.
  - do not intrude or otherwise impact upon the natural landscape, particularly on the beachfront, hillsides, headlands and on ridgetop locations and adjoining public reserves.
- ii. Textured face brick is to be avoided.

### 5.10.9 Building Setbacks and Building Lines

#### a - Objective

Locate development on a site so as to:

- maintain reasonable and adequate separation between buildings.
- provide sufficient area of soft landscaping.
- enhance streetscape quality.
- retain an impression of openness and space between built elements.
- maintain the residential amenity of the locality.

#### b - Implementation

- i. The building line will be a minimum of six metres from the street and rear boundaries except in the case of a corner block where it will be six metres from the primary street boundary, two metres from the secondary street boundary and subject to Section 5.10.20 of this chapter.
- ii. No carports or garages will be built in the setbacks from the street or streets, so as to ensure an adequate area for planting and screening of houses.
- iii. A dwelling house with a building height of up to 3.8m and any carport, garage, balcony, deck, patio, pergola,

terrace or verandah that is attached to the dwelling house must have a setback from a side boundary of at least the following:

- a. 1m, if the lot has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup>,
  - b. 1.5m, if the lot has an area of at least 900m<sup>2</sup> but less than 1500m<sup>2</sup>,
  - c. 2.5m, if the lot has an area of at least 1500m<sup>2</sup>.
- iv. A dwelling house with a building height of more than 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house must have a setback from a side boundary of at least the sum of:
- a. the amount of the setback specified for the relevant sized lot in subclause 5.10.9b(iii) and
  - b. an amount that is equal to one-quarter of the additional building height above 3.8m.
- v. Buildings, tennis courts, swimming pools, garages, carports and other major building elements shall not be erected between any building line set by Council and a public road.
- vi. Council may vary setbacks from boundaries to address a particular contingency to meet the chapter's objectives, such as established tree preservation.

### 5.10.10 Building Styles

#### a - Objectives

To protect and promote:

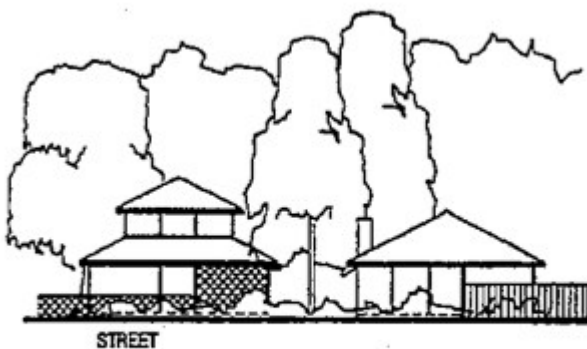
- compatibility with the scale and character of development in Pearl Beach
- the streetscape amenity
- a sympathetic standard of building design.

#### b - Implementation

- i. The form of new buildings shall harmonise with existing development in Pearl Beach as a whole in respect of size, shape and configuration.
- ii. Buildings should be articulated by breaking up the building mass to reduce their apparent size.
- iii. The incorporation of verandahs and other outdoor living areas is an appropriate means to reduce building bulk and contribute to the character of Pearl Beach.

#### c - Sympathetic Development

- i. Proposed development should not disrupt the streetscape or the unity of a group of buildings or cause loss of built heritage and environmental amenity such as adjoining owners' privacy and sunlight (Figure 7).
- ii. New work shall respect view corridors and the scale and form of existing buildings in the street.



• Figure 7

### 5.10.11 External Materials, Colours & Finishes

### **a - Objectives**

Controls regarding external materials, colours and finishes are to protect or promote:

- the streetscape character
- compatibility with the natural environment
- avoidance of undue glare.

### **b - Implementation**

- i. External materials, colours and finishes of new development to complement the natural environment by a limited use of masonry construction and predominant use of materials sympathetic to the natural environment.
- ii. Avoid expanses of highly reflective, brightly coloured materials.
- iii. Relieve paved outdoor areas by planting or other landscaping.
- iv. Surfacing of driveways, car parking areas and other paved areas shall not dominate the street presentation of a development in scale, selection of material or colour.
- v. All external surfaces of a development shall present a unified concept in respect of materials.

Council may impose requirements in relation to materials, colours and finishes as a condition of consent.

## **5.10.12 Privacy**

### **a - Objective**

Development shall be sited and designed to minimise the potential for overlooking neighbours' habitable rooms and recreational areas and provide a reasonable level of privacy.

### **b - Implementation**

Where the objective is not fully achievable due to site or design constraints and overlooking is unavoidable, sympathetic screening is required.

## **5.10.13 Views**

### **a - Objective**

Development to maintain, within reason, the views and outlook of existing buildings.

### **b - Implementation**

- i. Design and site development to adopt the principle of shared view corridors and within reason protect views enjoyed by existing buildings.
- ii. Particular regard shall be given to roof design to minimise environmental impact.

## **5.10.14 Solar Access**

### **a - Objective**

Development should not unreasonably reduce solar access to living and recreational areas on adjacent properties.

### **b - Implementation**

- i. Development shall maintain a reasonable level of sunlight to neighbours' living and recreational space between 9.00am and 3.00pm during the winter solstice, 22 June.
- ii. Site design shall consider building orientation of living and recreational areas and the use of solar energy collectors.

## **5.10.15 Noise**

### **a - Objective**

Development will be designed so that noise levels from outside sources and within buildings minimise transmission to adjacent buildings.

### **b - Implementation**



- i. Noise level, measured at any point of the boundary of a site, shall not exceed 5dBA above background noise level.
- ii. Development shall be designed to achieve separation of noise sources from noise sensitive areas.
- iii. Use may be made of screen barriers or noise mitigation techniques, to Council's approval.

### 5.10.16 Construction Controls

#### a - Objective

To minimise disturbance to neighbours and the environment during construction.

#### b - Implementation

- i. Prepare sites for development in an orderly and environmentally sensitive manner. Tree clearing will not be permitted without prior Council approval.
- ii. Avoid the compaction of tree surrounds on site during construction.
- iii. Provide protection to existing trees retained to avoid construction damage.

### 5.10.17 Landscaping & Stormwater

#### a - Objective

- i. To ensure the predominant landscape quality of the village is maintained and enhanced and decrease stormwater run-off by the inclusion of soft landscaped areas. Retention and planting of indigenous species will include trees, shrubs, ground covers, herbs, ferns and monocotyledons.
- ii. To ensure the natural environment is not threatened by development.
- iii. To avoid curb and guttering.

#### b - Implementation

- i. Landscaped areas are to be effectively distributed on the site to minimise the dominance of buildings.
- ii. Existing trees and trees proposed to be removed are to be indicated in the Development Application.
- iii. A Landscape Concept Plan is to be submitted with each Development Application showing proposals for achieving an informal softening on buildings and paved areas generally and the screening of the development from the side and rear boundaries and particularly from the street.
- iv. Stormwater is to be directed into the sandplain where this is possible to do so. Sites in steeplands may be required to adopt a different method of disposing stormwater.
- v. Street drainage shall be accommodated with shallow spoon drains and groundcover.

#### c - Plant Species Indigenous to Pearl Beach

A general use of the plant species native to Pearl Beach is encouraged. A list of such species is listed as follows:

- Palms (not suitable for planting beneath wires)
  - *Livistona australis* (Cabbage Tree Palm)
- Canopy trees (not suitable for planting beneath wires)
  - *Angophora costata* (Sydney Red Gum)
  - *Eucalyptus botryoides* (Bangalay)
  - *Corymbia maculata* (Spotted Gum)
  - *Eucalyptus paniculata* (Grey Ironbark)
  - *Eucalyptus robusta* (Swamp Mahogany)
  - *Angophora floribunda* (Rough Barked Apple)
  - *Eucalyptus punctata* (Grey Gum)
- Small trees
  - *Allocasuarina torulosa* (Rose or Forest She Oak)
  - *Banksia integrifolia* (Coastal Banksia)
  - *Banksia serrata* (Saw Banksia)
  - *Clerodendrum tomentosum* (Hairy Lolly Bush)
  - *Elaocarpus reticulates* (Blueberry Ash)

- *Syzygium oleosum* (Blue Lilly Pilly)
- *Syzygium paniculatum* (Magenta Lilly Pilly)
- *Hakea dactyloides* (Finger Hakea)
- *Leptospermum polygalifolium* (Lemon Scented Tea Tree)
- *Leptospermum laevigatum* (Coastal Tea Tree)
- Monocotyledons
  - *Lomandra longifolia* (Spiny Headed Mat Rush)
  - *Dianella caerulea* (Blue Flax Lily)
  - *Xanthorrhoea resinifera* (Spear Grass Tree)
- Herbs
  - *Viola hederacea* (Native Violet)
  - *Hydrocotyle laxiflora* (Stinking Pennywort)
  - *Hibbertia vestita* (Hairy Guinea Flower)

### 5.10.18 Alterations & Additions

#### a - Objectives

Alterations and additions shall comply with the objectives and controls contained in this plan.

#### b - Implementation

- i. Alterations and additions to existing structures shall comply with the controls in this plan with regard to height, setbacks, floorspace and built-upon area.
- ii. Where existing buildings are inconsistent with the controls in this chapter, Council may consent to the application where Council is of the opinion that the work is not inconsistent with the aims and objectives of this plan, particularly in respect of ensuring minimisation of the adverse effects on the amenity of surrounding properties.

### 5.10.19 Car Parking

Off street car parking shall not take priority over other provisions of this chapter.

### 5.10.20 Supplementary Provisions

#### a - Objectives

To prescribe those matters which need to be taken into account for development in the defined areas in addition to matters which apply generally throughout this chapter.

#### b - Beachfront Properties in Coral Crescent

- i. The provisions of this sub-section apply to Lots 260 to 290 inclusive in Coral Crescent.
- ii. Properties in a Restricted Development Area and any development on them will be subject to the requirements of that area.
- iii. Council when considering the establishment of building lines for these properties will give due regard to coastal erosion, structural stability, visual amenity of the beach and views from surrounding will be used as a basis for considering coastal erosion and structural stability.
- iv. A structure must not be closer to the beachfront boundary than Council's adopted building line or 50 year hazard line, whichever is most landward as outlined in the 'Broken Bay Beaches Coastal Management Plan', Issue 3, adopted in August 1999. Additionally, where dwellings are set back from the beachfront further than the beachfront boundary, no structure shall be closer to the beachfront than the setback of dwellings in that vicinity.

In applying the last mentioned provision, regard shall be had to the setback generally of the dwellings in the vicinity, not only to the setback of the dwellings in the vicinity closest to the beachfront boundary. "Structure" includes any building, structure, carport or driveway, terrace, deck, pergola, verandah or balcony (whether covered or not at or above ground level) swimming pool or tennis court, but does not include paving at the natural level of the dune.

### **c - Steep Land Properties in Green Point Road, Crystal Avenue, Pearl Beach Drive, Jade Place, Onyx Avenue and Beryl Boulevard**

- i. The provisions of this subsection apply to:
  - *Lots 513-519 Green Point Road*
  - *Lots 523-554 Crystal Avenue*
  - *Lots 106-113 Pearl Beach Drive*
  - *Lots 1-16 DP 239908 Jade Place*
  - *Lots 75-77 Onyx Avenue*
  - *Lots 4-37 Beryl Boulevard*
- ii. These properties are on steep lands and any development on them will be subject to special requirements.
- iii. Council when considering Development Applications on these properties will give regard to:
  - building bulk as it affects the visual amenity of the street, reserves, neighbouring properties and particularly the general balance between vegetation cover and built form.
  - site disturbance, access and erosion control in relation to the topography of the particular site to ensure minimum disturbances as a result of the building activity.
- iv. The external materials, colours and finishes of buildings on these properties and especially their roofs, will need to blend with the surrounding tree and bushland cover on the steep lands so as to conform with the scenic and environmental values referred to in the National Trust's Broken Bay Entrance Landscape Conservation Area.
- v. in respect of lots 523 to 554, the rear building line will be limited by AHD contour determined by Gosford Council.

### **d - Foreshore Properties in Green Point Road and Gem Road**

- i. The provisions of this sub-section apply to:
  - *Lots 496-505 DP 14592 Green Point Road*
  - *Lots 1, 2 and 3 DP 513623 Green Point Road*
  - *Lots 6, 7 and 8 DP 25850 Green Point Road*
  - *Lots 1, 3 and 5 DP 539401 Green Point Road*
  - *Lots 490 to 493 DP 14592 Gem Road*
- ii. These properties are in a Restricted Development Area and any development on them will be subject to the requirements of that area.
- iii. Council when considering the establishment of building lines for these properties will give due regard to the protection and retention of the existing vegetation, especially the Spotted Gums (*Corymbia maculata*) to the views and visual amenity from the beach and Broken Bay and to the retention of views from neighbouring properties.

### **e - Properties Adjoining the Lagoon in Diamond Road, Beryl Boulevard, Coral Crescent and Agate Avenue**

- i. The provisions of this sub-section apply to:
  - *Lots 1-21 DP 224575 Diamond Road*
  - *Lots 230-234 Beryl Boulevard*
  - *Lots 239 and 248-259 Coral Crescent*
  - *Lots 1-8 DP 224576 Coral Crescent*
  - *Lots 200-204 Agate Avenue*
- ii. These properties are adjacent to the Pearl Beach Lagoon. This is a recognised important wetland area and passive recreation resource within the village.
- iii. Council when considering development applications on these properties will give due regard to the protection and retention of the existing vegetation especially to paperbark trees (*Melaleuca quinquenervia*), to the visual amenity from the lagoon and to the setback of structures from the lagoon to avoid encroachment on the natural habitat.

### **f - Flood Prone Land**

- i. The provisions of this sub-section apply to land identified in the Green Point Creek Floodplain Management

Plan (1991) and the Middle Creek Floodplain Management Plan (2008) being located in the floodway or as flood prone land.

- ii. When considering development applications on these properties, Council will give due regard to the requirements set out in the Green Point Creek Floodplain Management Plan (1991) and the Middle Creek Floodplain Management Plan (2008).

Note: Section "f" above should be read in conjunction with the DCP Chapter on Water Cycle Management.

#### **g - Bushfire Prone Land**

- i. The provisions of this sub-section apply to land in Pearl Beach adjacent to the surrounding National Park and bushlands which is assessed on the basis of density of the adjacent bushland, the topography of the area, the aspect of the site and the slope of the site as having a high fire hazard potential.
- ii. In considering development applications in bush fire prone land, Council may require the following to reduce ground fuel and incorporating fire-resistant species:
  - the use of fire retardant materials
  - the installation of fire retardant screens over windows
  - the installation of roof sprinklers and independent water tank support systems
  - the submission of a landscaping plan appropriate to the particular site and fire hazard
  - applicants are advised to study the recommendations in Australian Standard AS3959, "Construction of Buildings in Bushfire Prone Areas".

#### **h - Street Formations**

Council will retain the existing street formations and establish appropriate hydraulic section for road side drainage systems and stabilise the channel by:

- forming suitable cross sections and grades, minimise tree removal and vegetate drainage channels
- using hard structures in the channel base to prevent scouring on steeper non mowable locations
- where appropriate, establishing road side traps to localise silt flow.

#### **i - Environment**

- That the open character of the beach reserve be maintained, existing structures to be retained with further structures not to be considered and planting confined to dune restoration
- that informal boat access should be maintained with vehicles excluded from the beach and/or park, there should be no construction of a formal launching map
- that at the time of repairing of the Mt Ettalong Water Reservoir, the colour be discussed with the Pearl Beach Community.

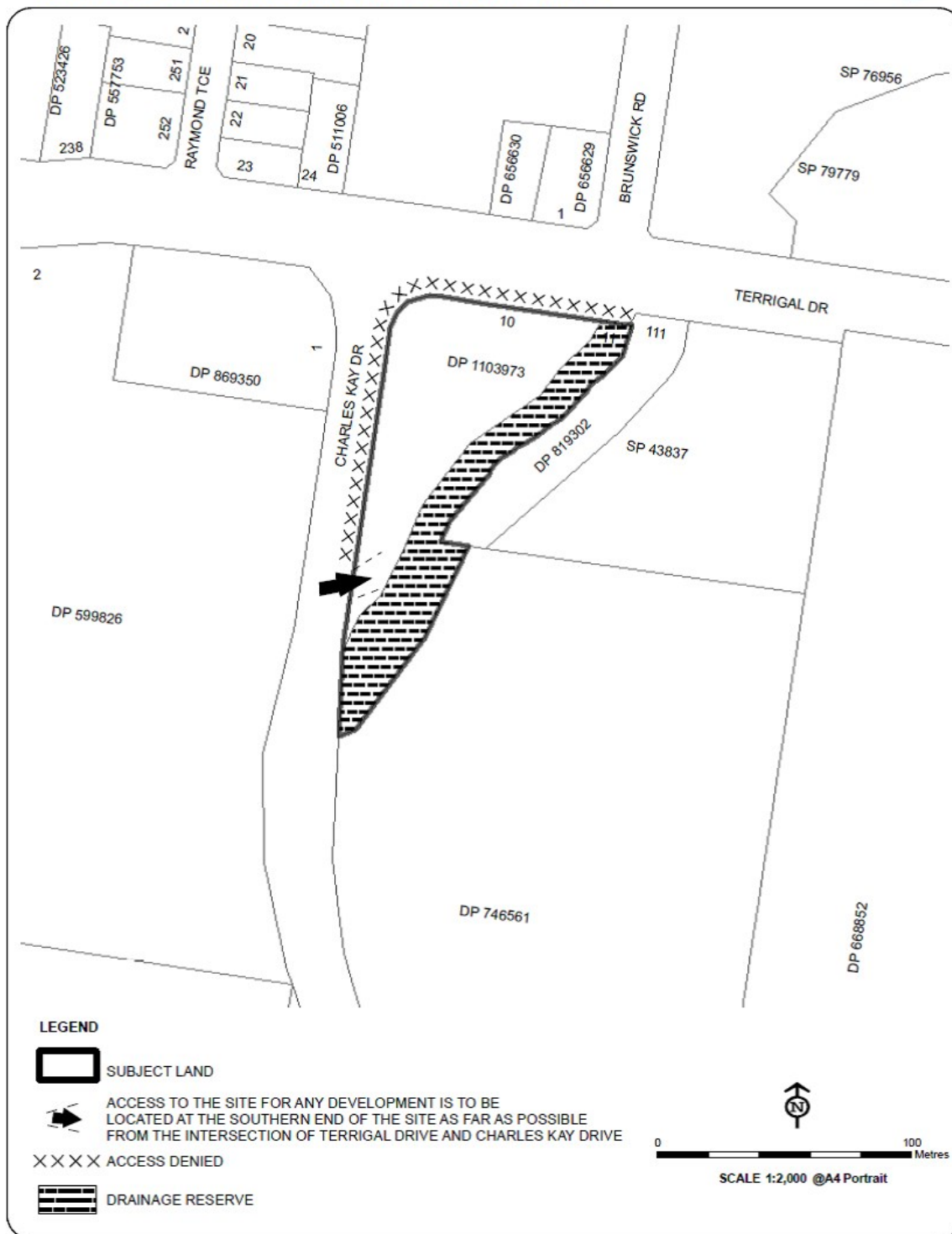
## **5.11 Terrigal, Corner Charles Kay Drive and Terrigal Drive**

### **5.11.1 Land to which this Chapter Applies**

This chapter applies to Lot 10 DP 1103973 corner Terrigal Drive and Charles Kay Drive, Terrigal as identified on the accompanying map.

#### **Accompanying Map**

### CORNER OF CHARLES KAY & TERRIGAL DRIVE



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©2004 Land and Property Information, © 2006 Gosford City Council All Rights Reserved. MAP: R.Fletcher 8/5/2008

### 5.11.2 Purpose of the Chapter

The purpose of this plan is to provide more detailed controls for the development of the land for residential purposes.

### 5.11.3 Objectives

- a. To ensure the land is adequately serviced.
- b. To ensure that building design considerations have regard to the location of the land at the intersection of two major roads.

- c. To ensure that traffic management requirements take account of the location of the land at the intersection of two major roads.
- d. To ensure that all lots covered by this plan are consolidated to facilitate an integrated development.

#### 5.11.4 Specific Requirements

a. **To enable the land to be adequately serviced**

*Rationale: To ensure public health, safety and convenience any proposed development should be connected to Council's water and reticulated sewer system.*

- i. the developer will be required to pay the current applicable water and sewer headworks and augmentation contributions in accordance with Council's Policy at the time of the development of the land;
- ii. design and construction of the water and sewer reticulation within the area is the responsibility of the developer of the land;
- iii. the full cost of connection of the area to the existing water and sewer system is the responsibility of the developer of the land;
- iv. the developer will be responsible for the design and full cost of any augmentation works in both the existing water and sewerage systems that are required as a result of extra loadings from the proposed development.

b. **To ensure that building and landscaping design considerations have regard to the location of the land at the intersection of two major roads.**

*Rationale: The subject land is situated in a prominent, exposed location at the intersection of Terrigal and Charles Kay Drives, Terrigal. Any development should not be prominent so as to "dominate" the intersection and the location in general, and must achieve a high level of visual amenity from the street and other public visible areas. Landscape amenity must be high to very high, with the aim of complementing any proposed development.*

- i. given the prominent open siting of the land, any development should represent a high level of urban design with building frontage, alignment and the height and length of external walls being of appropriate character, variety and visual bulk, together with appropriate quality landscaping and private open space;
- ii. any plans associated with a development application are to be prepared by a qualified and appropriately experienced architect.

c. **To ensure that traffic management requirements take account of the location of the land at the intersection of two major roads**

*Rationale: Terrigal Drive is a main arterial road linking Gosford to some of the eastern coastal areas, and carries a significant proportion of through traffic. Charles Kay Drive also provides an important link with some of Gosford's coastal areas. Due to the location of the subject land at the intersection of the two roads, no auxiliary turning lanes would be available for any proposed development. Access away from the intersection, at the southern end of the subject site, would mitigate any accident potential due to vehicle stopping, slowing and turning movements generated by the rezoning.*

- i. single vehicular access to the site is to be provided as delineated on the attached plan to ensure that there is no traffic conflict at the intersection of the two roads;
- ii. any development application is to be supported by appropriate traffic investigations.

d. **To ensure that all lots covered by this plan are consolidated to facilitate an integrated development**

*Rationale: Individually, the size and configuration of the lots on the subject land would not make an integrated development possible. Consolidation of the lots would allow an integrated development and the opportunity to achieve better design solutions. The requirement for one access point to the site could not be achieved without consolidation of the lots.*

- i. amalgamation of all lots covered by this plan will be required to ensure that the requirements of this plan

are met;

- ii. lodgement of linen plans prior to release of building application will be conditional upon development consent.

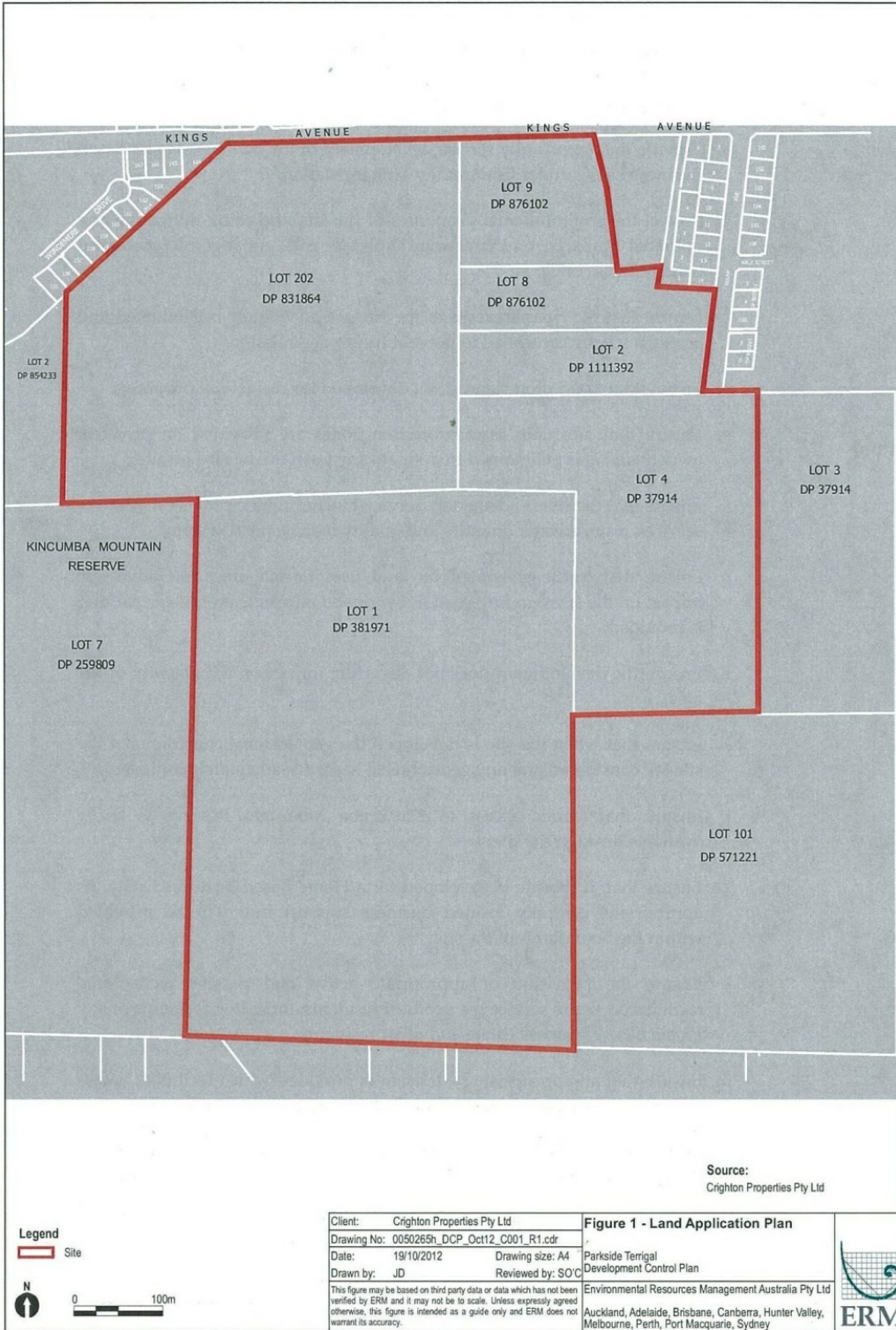
#### **Advice**

1. Constraints to development due to configuration of lots should be noted, and that statutory/development control plan densities may not necessarily be achieved on the subject land.
2. The drainage reserve abutting the site should be noted, as delineated on the attached plan. Consideration should be given to passively incorporating the drainage reserve into any overall site design to encourage an "open" style of development.

## **5.12 Terrigal, Parkside, Kings Ave**

### **5.12.1 Where this Chapter Applies**

This chapter applies to land Lot 2 DP 111392, Lots 8 and 9 DP 87102, Lot 202 DP 831864, Lot 4 DP 37914 and Lot 1 DP 381971 at Kings Ave, Terrigal as indicated on the map below.



### 5.12.2 Purpose of the Chapter

The purpose of this chapter is to provide more detailed guidelines for the subdivision and development of the land to which this chapter applies including providing for the opportunity for the creation of a Home Based Business Estate and associated facilities in a community title subdivision.



### 5.12.3 Objectives

The objectives of this chapter are as follows;

- a. Provide the opportunity for the development of the land as a Home Based Business Estate under Community Title legislation;
- b. Protect the environmental properties of the site, including mitigating any potential impacts on threatened species and endangered ecological communities (EEC);
- c. Ensure that the riparian areas of the site are adequately rehabilitated and access is strictly controlled to prevent future degradation;
- d. Ensure that flood prone land is not developed for residential purposes;
- e. Ensure that adequate asset protection zones are provided on privately owned land and maintained to mitigate any bush fire hazard on site;
- f. Ensure that the site is adequately serviced including the provision of sewer services, a stormwater quantity and quality management system;
- g. Ensure that traffic generated by land uses on the site does not adversely impact on the surrounding road network and adequate on site parking is provided;
- h. Ensure the development does not adversely impact on the amenity of the area;
- i. Ensure that when the site is developed the geotechnical constraints of the site are considered and any geotechnical hazard is adequately mitigated;
- j. Ensure that public access to Kincumba Mountain Reserve is freely available through the site;
- k. Ensure that, if the site is developed for a Home Based Business Estate, an appropriate, centrally located business support hub will be provided within the boundaries of the site;
- l. Ensure the provision of appropriate active and passive recreational facilities on site to service the needs of residents, including residents, including residents of any Home Based Business Estate and other residents;
- m. Ensure that an appropriate pedestrian path is provided which facilitates access to the open space areas on site and the Kincumba Mountain Reserve;
- n. Ensure that any building erected on site will have due regard for site sensitive design issues; and
- o. Ensure that the street network is safe and efficient.

### 5.12.4 General Subdivision Requirements

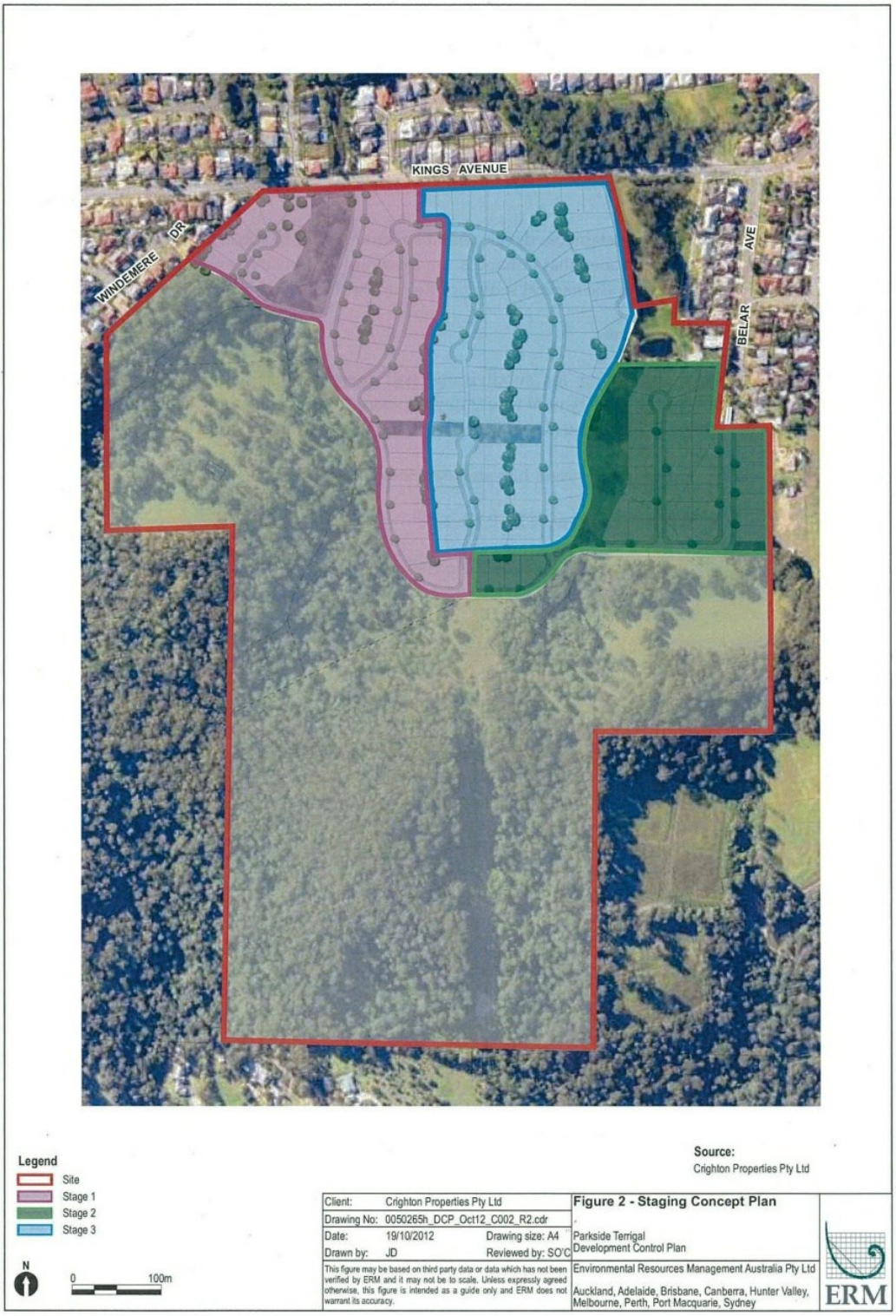
#### 5.12.4.1 Staging Plan

##### Objective

To enable sustainable development consistent with the objectives of the R2, RE1, RE2, and 7(a)/E2 zones that enhances the existing low density residential character and protects the natural setting of Kincumber Mountain Reserve and Terrigal.

##### Requirements

Any application for subdivision shall prepare a staging plan. Figure 2 illustrates the potential future development pattern and staging for the estate and should be considered in conjunction with the following document Parkside@Terrigal October 2012 and associated annexures (GCC Doc No 12538387), and the Single Dwelling and Ancillary Structures, Dual Occupancy Development, Residential Subdivision, Geotechnical Requirements, Water Cycle Management, Carparking and Waste Management chapters of this DCP.



**5.12.4.2 Density and Subdivision Design Objectives**

- a. Provide subdivision lot sizes that meet community and economic needs, whilst ensuring that environmental and social values are safeguarded;
- b. Facilitate greater diversity in housing choice;
- c. Ensure lots are of sufficient size to meet user requirements and to facilitate energy efficiency of the future built

form;

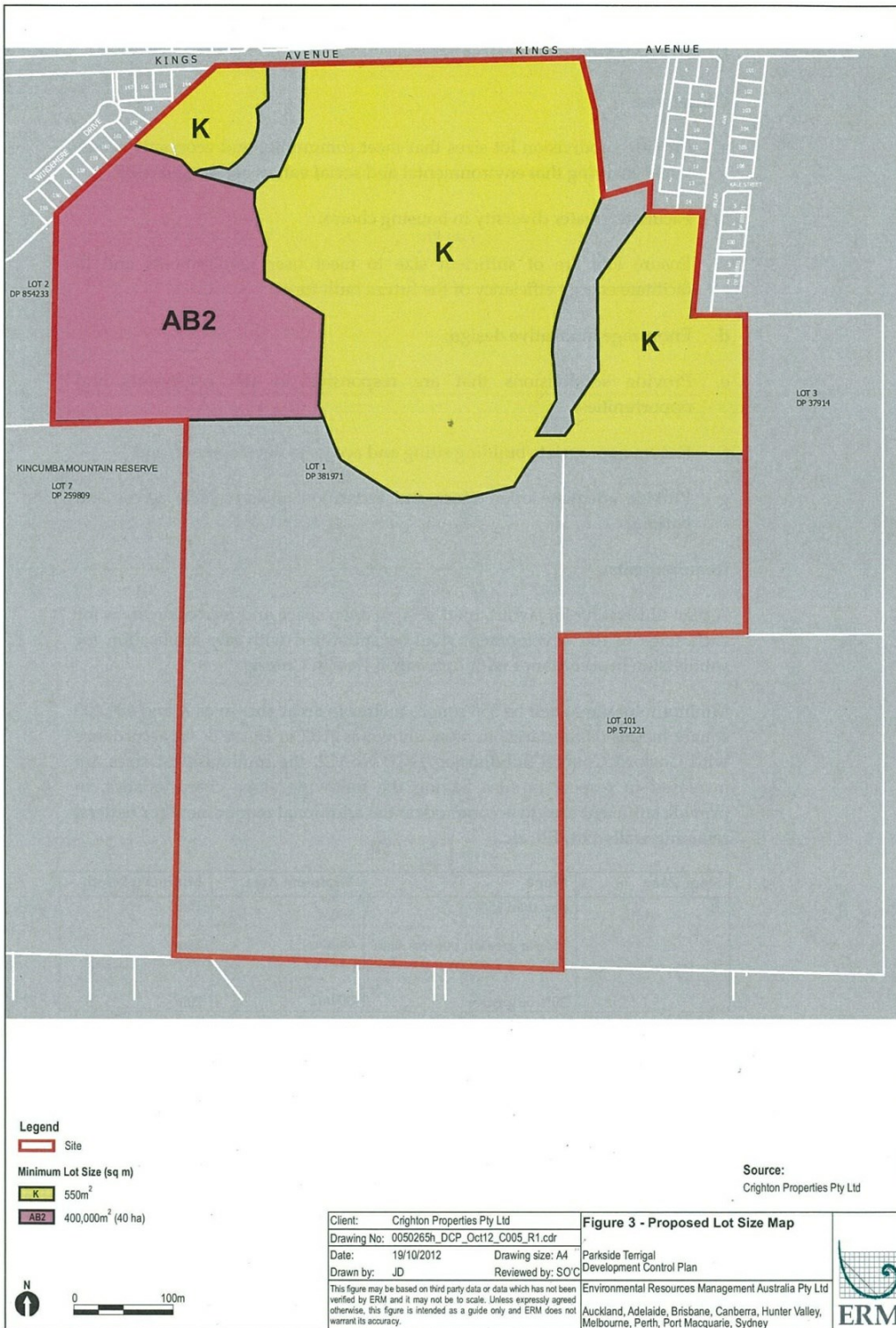
- d. Encourage innovative design;
- e. Provide subdivisions that are responsive to the site constraints and opportunities;
- f. Ensure appropriate building siting and access to development; and
- g. Provide adequate open space and recreation areas, vehicle access and parking.

**Requirements**

A plan illustrating lot layout, road design, open space and recreation areas for each stage of the development shall be submitted with any application in accordance with *Appendix B in Terrigal@Parkside October 2012 (IR 12538387) Design Criteria*.

Minimum lot sizes shall be 550 square metres in areas shown as K and 400,000 square metres (40 hectares) in areas shown as AB2 in Figure 3. In accordance with the Residential Subdivision chapter of this DCP, the minimum lot sizes are to be increased in respect to sites having the following slope characteristics, to provide sufficient area to accommodate the additional requirement for batters, retaining walls, cut/fill, etc.

Slope Zone	Slope	Minimum Area	Minimum Width
K	Less than 15%	550m <sup>2</sup>	15m
	15% or greater, but less than 20%	650m <sup>2</sup>	18m
	20% or greater	800m <sup>2</sup>	20m



### 5.12.4.3 Street Network Objectives

- To provide safe, legible and efficient vehicle access to and within the site;
- To provide a through road system for emergency vehicles, particularly for bushfire protection
- To discourage through traffic from using Belar Ave;
- To create a high quality safe environment for walking and cycling and to link in with the existing network; and

- e. To serve all existing land parcels with a local street that provides connection to the remainder of the site;

**Requirements**

- a. Transport networks are to be designed in accordance with the Transport Networks section of the Residential Subdivisions chapter of this DCP.
- b. A road link is to be provided between the site and the property immediately to the east of the site;
- c. Traffic calming devices are to be installed on all through roads that lead to Belar Ave;
- d. Vehicular access to the site shall be provided in the locations indicated on the transport movement hierarchy plan in Figure 4; and
- e. The Kings Avenue intersection is to be designed to accommodate the expected traffic flows from the estate in a safe and efficient manner.

**5.12.4.4 Pedestrian Network**

**Objective**

To create a pedestrian pathway network that provides safe access to dwellings, open space areas and locations external to the site.

**Requirements**

A pedestrian and cycleway network strategy, generally in accordance with Figure 4 and the Riparian and Buffer Zone Management Plan (see Appendix A Terrigal@Parkside October 2012, GCC Doc No 12538387) prepared by the Conacher Environmental Group dated October 2008 shall be submitted with any subdivision application detailing the following:

- a. A network of pedestrian pathways to be constructed generally within the riparian buffer zones in the western portion of the site;
- b. A network of pedestrian pathways and cycleways around and within the estate;
- c. All structures, bridges, raised platforms and signage, associated with the implementation of the strategy, and
- d. A pathway/trail is to be provided or dedicated to Council as part of the Kincumba Mountain Reserve so that access into the Reserve is available from the site consistent with the Gosford City Council Bike Strategy 2011.



**5.12.4.5 Services**

**Objective**

To set out Council requirements for the provision of infrastructure to the site.

**Requirements**

- a. All new services are to be placed underground;
- b. A water cycle management plan is to be prepared for the site;

- c. The stormwater system is to be designed having regard to Water Sensitive Urban Design (WSUD) principles and the Water Cycle Management chapter of this DCP.
- d. Post development stormwater flows off site are not to exceed the pre development flows up to and including the one in one hundred year storm event;
- e. A sewer strategy is to be prepared which deals with staging and required augmentation, along with funding and delivery of such augmentation. The sewer strategy is to be signed off by Council prior to development consent being issued for the site;
- f. Sewer services to the satisfaction of Council (whether they be downstream upgrades or wastewater treatment and reticulation facilities) must be provided to service the development in accordance with the sewer strategy referred to above;
- g. Augmentation of existing mains and pump stations, if required by the sewer strategy, shall be carried out by the developer at the developer's expense;
- h. Payment of the current water and sewer headworks and augmentation contributions, in accordance with Council's policy;
- i. The Developer is to be responsible for the design and construction of water supply and sewerage works as per the sewer strategy;
- j. The Developer is to be responsible for the full cost of connection to the existing water supply and sewerage systems;
- k. The Developer is to be responsible for the design and full cost of any augmentation works to the existing water supply and sewerage systems that are required as a result of any extra loading from the proposed development. Augmentation works (if any) may need to be completed before Council could allow the connection to the water supply and sewerage systems.

#### **5.12.4.6 Integrated Water Management**

##### **Objectives**

- a. To provide integrated water management infrastructure to the estate in a sustainable and efficient manner;
- b. Reduce nuisance and high level flooding in urban areas and the cost of providing and maintaining flood mitigation infrastructure whilst improving water quality in streams and groundwater;
- c. Make efficient use of water resources and increase awareness of water conservation;
- d. Reduce the erosion of waterways, slopes and embankments and protect the scenic landscape and recreational values of watercourses; and
- e. Protect and restore aquatic and riparian ecosystems and habitats.

##### **Requirements**

- a. An integrated water management strategy shall be prepared and submitted with any application for subdivision over the site. The strategy shall demonstrate compliance best management practices and with the water management cycle objectives detailed in the following documents:
  - Water Cycle Plan prepared by Cardno Pty Ltd dated June 2005 (GCC Doc No 1750336)
- b. The strategy shall demonstrate compliance with the Water Cycle Management chapter of this DCP and the Gosford City Council Water Cycle Management Guidelines. This guideline specifies the following post development pollutant treatment rates for sites draining into the coastal catchments, such as Terrigal Lagoon:
  - Suspended Solids - 80% retention;
  - Total Phosphorus - 45% retention;
  - Total Nitrogen - 45% retention;
  - Gross Pollutants - retention of litter greater than 40mm in size for flows up to 25% of the 1 year ARI peak flow; and
  - No Oil or Grease to be visible downstream of the site for flows up to 25% of the 1 year ARI peak flow.
- c. The strategy shall demonstrate that the implementation of both lot and community based stormwater quality measures in a "treatment train" approach to limit post-developed pollutant loads to appropriate levels.

#### **5.12.4.7 Threatened Species and Endangered Ecological Communities**

## Objectives

To provide habitat for a number of Threatened Fauna Species including the Powerful Owl, Sooty Owl, Eastern Bentwing-bat, Eastern False Pipistrelle,

Greater Broad-nosed Bat, Grey headed Flying-fox, Little Bentwing Bat, Yellow bellied Glider, Yellow-bellied Sheathtail-bat and Eastern Freetail-bat. One Endangered Ecological Community (EEC), the Lowland Rainforest, is also present on the site. Care therefore needs to be taken to ensure that any proposed development mitigates any potential detrimental impacts to these Threatened Species and the EEC.

## Requirements

- a. An Ecological Site Management Plan must be prepared for the site and its recommendations implemented in any development proposed for the site;
- b. An area of approximately 27.2 hectares adjoining the Kincumba Mountain Reserve is to be dedicated to Council, consistent with the terms of the Voluntary Planning Agreement (VPA) and in conjunction with the issue of development consent for subdivision of the land; and
- c. The potential impacts on the rainforest community in the western portion of the site are to be considered in any development application lodged for works on land within 50m of this community.

### 5.12.4.8 Rehabilitation of Riparian Areas

#### Objective

To improve the quality of watercourses, riparian and buffer areas.

#### Requirements

- a. The recommendations of the Riparian and Buffer Zone Management Plan prepared by the Conacher Environmental Group 2008 dated October 2008 must be adopted in any development proposed for the site (see *Appendix A in Terrigal@Parkside October 2012 GCC Doc No 12538387*)
- b. The riparian buffers provided in accordance with the Management Plan referred to above must be exclusive of any asset protection zones required for bush fire management purposes.

### 5.12.4.9 Mitigation of Bushfire Risk

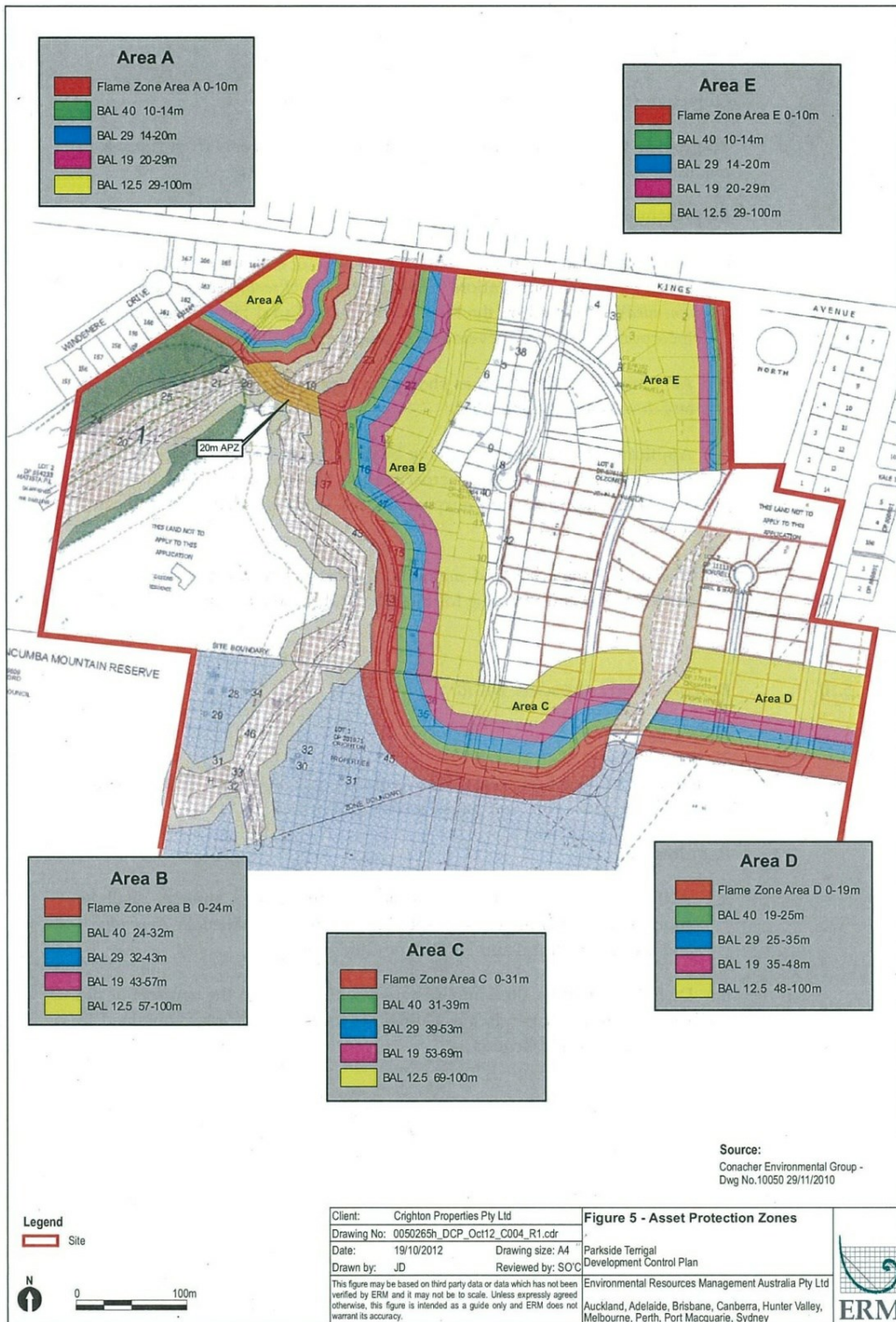
#### Objective

To provide the necessary protection for people and property from the risk of bushfire.

#### Requirements

- a. Asset protection zones (APZ) (see Figure 5) and other requirements specified in the publication "Planning for Bushfire Protection 2006 (or as amended)" prepared by the New South Wales Rural Fire Service must be incorporated into any development proposals for the site;
- b. As a minimum the APZ's as shown on Figure 5 must be provided for in any development application;
- c. Applicants are to ensure that any bushfire protection measures (ie Asset Protection Zones) do not encroach upon any adjoining land zoned for environmental protection purposes or any land intended to be dedicated for public use; and
- d. Selection of materials and methods of construction must have regard to AS3959-2009 and Planning for Bushfire Protection 2006 (or as amended).





### 5.12.4.10 Building and Landscape Design Objective

To identify principles for sustainable building and landscape design so that cut and fill of house sites and public areas is minimised.

#### Requirements

- a. With any application for subdivision, a landscaping strategy shall be submitted in accordance with the design

criteria outlined in Appendix B in Terrigal at Parkside October 2012(GCC Doc No 12538387) and the Architectural and Landscape Guidelines; and

- b. Dwellings shall be sited and designed with regard to the controls of the Architectural and Landscape Guidelines and the principles contained in Appendix B in Terrigal at Parkside October 2012(GCC Doc No 12538387) Design Criteria.

#### **5.12.4.11 Geotechnical Hazards**

##### **Objectives**

- a. To prevent slope instability due to inappropriate land management practices; and
- b. To ensure that cut and fill is minimised in steeply sloping areas of the site to reduce the potential for land slip to occur.

##### **Requirements**

- a. Any development application submitted to Council must be accompanied by the information required in the Geotechnical Requirements chapter of this DCP which specifies Geotechnical Requirements for Development Applications and generally adopt the guidelines set out in this chapter;
- b. Any development application submitted to Council must consider the recommendations contained within the geotechnical analysis carried out for the site by Coffey Geotechnics dated February 2008 (see Appendix C in Terrigal at Parkside October 2012 GCC Doc No 12538387); and
- c. The provisions of the Cut and Fill Restrictions in the Single Dwellings and Ancillary Structures section of this DCP shall be considered in the preparation of any development applications involving earthworks on the site.

#### **5.12.4.12 Development of Flood Prone Land**

##### **Objective**

To identify flood liable land and manage development in flood liable areas.

##### **Requirements**

- a. Land inundated by the one percent probability flood is to be contained within the riparian buffer area. No residential development is to be permitted within the riparian buffer area;
- b. Any development proposed on flood liable land must be compatible with the potential for this land to be inundated or otherwise acceptable mitigation measures must be implemented to ensure that significant damage to buildings and works and/or the obstruction of flood waters does not occur; and
- c. The requirements contained in the Water Cycle Management section of this DCP must be considered when preparing any development application over flood liable land.

### **5.12.5 Requirements for Home Based Business Estate**

Where a Home Base Business Estate is proposed, the following additional requirements will apply.

#### **5.12.5.1 Provision of a Business Support Hub**

##### **Objective**

To ensure that business support will be provided to enhance the success of businesses that may be established on the estate.

##### **Requirements**

- a. A business support hub must be constructed in a central location within the Home Based Business Estate and shall contain conference and meeting facilities, retail and commercial outlets and associated infrastructure;
- b. The business support hub must be constructed and operational within one year of the first dwelling being constructed on site; and
- c. The necessary financial arrangements must be put in place via funding from the Community Association to ensure the ongoing financial viability of the business support hub.

#### **5.12.5.2 Control of Retail and Commercial Uses**

##### **Objectives**

- a. To enhance the economic viability of business support hub; and
- b. Provide a range of small-scale retail, business and community uses that serve the needs of people who live and work in the surrounding neighbourhood.

#### **Requirements**

- a. Any proposal for the development of the business support hub shall be centrally located within the Home Based Business Estate and restricted to a maximum building height of two storeys and a maximum floor area of 600 square metres.
- b. The business support hub shall be owned and managed by the Community Association, and may include, uses such as:
  - Conference rooms;
  - Meeting rooms;
  - Office;
  - Typing/Facilities area;
  - Coffee Shop;
  - Lounge/Multifunction/Function Space;
  - Kitchenette;
  - Store;
  - Toilet Facilities;
  - Additional residential amenity such as pool, gymnasium, library, tennis court; and
  - It may even include child minding facilities and children's play areas.

Nothing in this chapter shall restrict the opportunity for the community association to lease, contract, sublet any or all of these services.

#### **5.12.5.3 Provision of Appropriate Active and Passive Recreation Facilities**

##### **Objective**

To provide access to active and passive recreation facilities on site to enhance the lifestyle associated with living within the proposed Home Based Business Estate.

##### **Requirements**

- a. Passive open space should generally be available for use by members of the public who are not residents of the estate, thereby adding to the recreation assets within the locality;
- b. The riparian buffer zones must have pedestrian pathways constructed within them to provide opportunities for residents and others to walk along these open space areas;
- c. Communal open space facilities must be constructed in close proximity to the business support hub for use by residents and others; and
- d. All active and passive recreation facilities on site must be regularly maintained by the Community Association so that they are available and safe for use by residents and others.

#### **5.12.5.4 Traffic Impacts and Car Parking**

##### **Objective**

To provide safe access to and egress from Home Based Businesses and Associated Facilities and to ensure that adequate on site car parking is provided.

##### **Requirements**

- a. All Home Based Business must have a minimum of one car parking space on site for customer and/or employee use which is not part of a garage or access driveway to or from the site; and
- b. The provisions of the Car Parking chapter of this DCP must be considered in preparing any development application which provides car parking on site.

#### **5.12.5.5 Community Title**

##### **Objective**

To ensure that the site is developed for the intended purpose and that all the necessary controls and funding arrangements are in place.

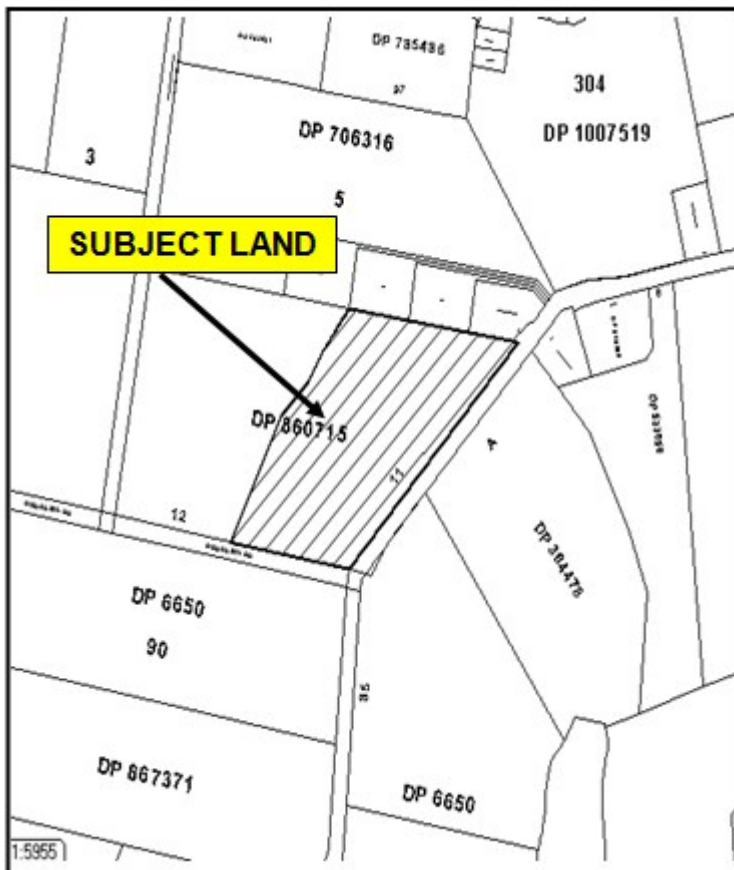
## Requirements

- a. The Home Based Business Estate must be developed under the Community Land Management Act 1989. A Community Management Statement as required under the Act must be prepared which deals with issues such as the operation and funding of the business support hub, waste water management system, open space areas, recreation facilities, asset protection zones, the riparian areas and park land areas on site and the Community Association. In addition, architectural and landscape design controls must specify critical requirements which all developments on site must conform to. Architectural and design controls shall take into consideration the building design principles in Appendix D in Terrigal at Parkside October 2012 GCC Doc No 12538387.
- b. The site must be generally developed in the manner shown on the accompanying plan as a Home Based Business Estate comprising 145 residential allotments varying in area between 550 to 2000 square metres. When each residential lot is developed it must have a home business with a floor area of not less than 30 square metres and not more than 60 square metres; and
- c. The Community Management Statement must be drafted in accordance with the principles outlined in Appendix D in Terrigal at Parkside October 2012 GCC Doc No 12538387 Development Standards.

## 5.13 Terrigal, Scenic Highway (George's Fruit Barn)

### 5.13.1 Land to which this Chapter Applies

This chapter applies to Lot 11 DP 1039852 (previously Lot 11 DP 860715) Scenic Highway, Terrigal, as identified on the map below.



### 5.13.2 Purpose of the Chapter

The purpose of this chapter is to introduce additional controls to improve the overall appearance and functioning of the development.

### 5.13.3 Objectives

- a. to facilitate vehicular access to the site and to ensure development does not have an adverse impact on the existing road network;

- b. to ensure that an adequate number of on-site car parking spaces are available;
- c. to ensure development design and scale is sensitive to the visual and scenic character of the surrounding rural area;
- d. to control advertising materials;
- e. to limit floor space area.

#### 5.13.4 Specific Requirements

**a. To facilitate vehicular access to the site and to ensure development does not have an adverse impact on the existing road network**

*The Scenic Highway is an arterial road which provides a significant link between Avoca Beach and Terrigal. The site is located on the north western side of the Scenic Highway which traverses the ridge between Terrigal and Picketts Valley, forming an important tourist route. Due to its high traffic volumes and poor sight distances, any development application submitted in relation to the site must comply with the following:*

- i. Only one access point permitted to/from Scenic Highway. The northern access shown in the submitted plan is to be deleted and replaced with suitable landscaping.
- ii. Provision of AUSTRROADS Type B intersection in Scenic Highway for right turning vehicles into the development (pavement widening and line marking to enable a passing bay).
- iii. Provision of AUSTRROADS left turn deceleration lane, including 15 metres taper, at Avoca Drive for the entry driveway.
- iv. Provision of a "Type 3" entry/exit driveway (6m entry and 4m-6m exit with a minimum separation of 1 to 3m) in accordance with the RTA Guidelines for Traffic Generating Development.

These requirements will improve the existing traffic situation by allowing through vehicles to pass vehicles stopped/slowing to turn right/left respectively into the development and reduce the rear-end accident potential.

**b. To ensure that an adequate number of car parking spaces are available on-site**

*The area currently available for on-site car parking and manoeuvring is inadequate. To ensure that sufficient, well designed parking provisions are available on-site, the following must be complied with:*

- i. Any increase in floor space must also result in an increase in the number of car parking spaces, in accordance with the Car Parking Section of this DCP, ie. one (1) space to be provided for every 30m<sup>2</sup> gross floor area.
- ii. The layout and design of car parking facilities is to be in accordance with the Car Parking Section of this DCP.
- iii. Delineated car parking spaces must not encroach onto the existing road reserve, with landscaping to be provided between the spaces and the road reserve.

**c. To ensure development design and scale is sensitive to the visual and scenic character of the surrounding rural area**

*Having regard to the location of the building on a visually prominent site and the high scenic quality of the surrounding area, the following issues must be complied with:*

- i. Any new buildings are not to encroach any closer to the road reserve than the existing buildings and must be located no less than 15 metres from the front property boundary.
- ii. Any development application must ensure that the style and scale of the development reflects the rural nature of the area.
- iii. The colour and texture of external building materials are to be compatible with the colours, hues and textures of the surrounding natural environment.

**d. To control advertising materials**

*The site is visually prominent and current advertising arrangements are haphazard and not complementary to the rural nature of the area.*

- i. Any advertising materials should be minimised and co-ordinated in order to improve the overall appearance of the development and make it more sympathetic with its rural environment.

**e. To limit floor space area**

*Having regard to the surrounding rural environment, the bulk and scale of the fruit barn should be limited so as to not dominate the surrounding land uses nor detract from amenity.*

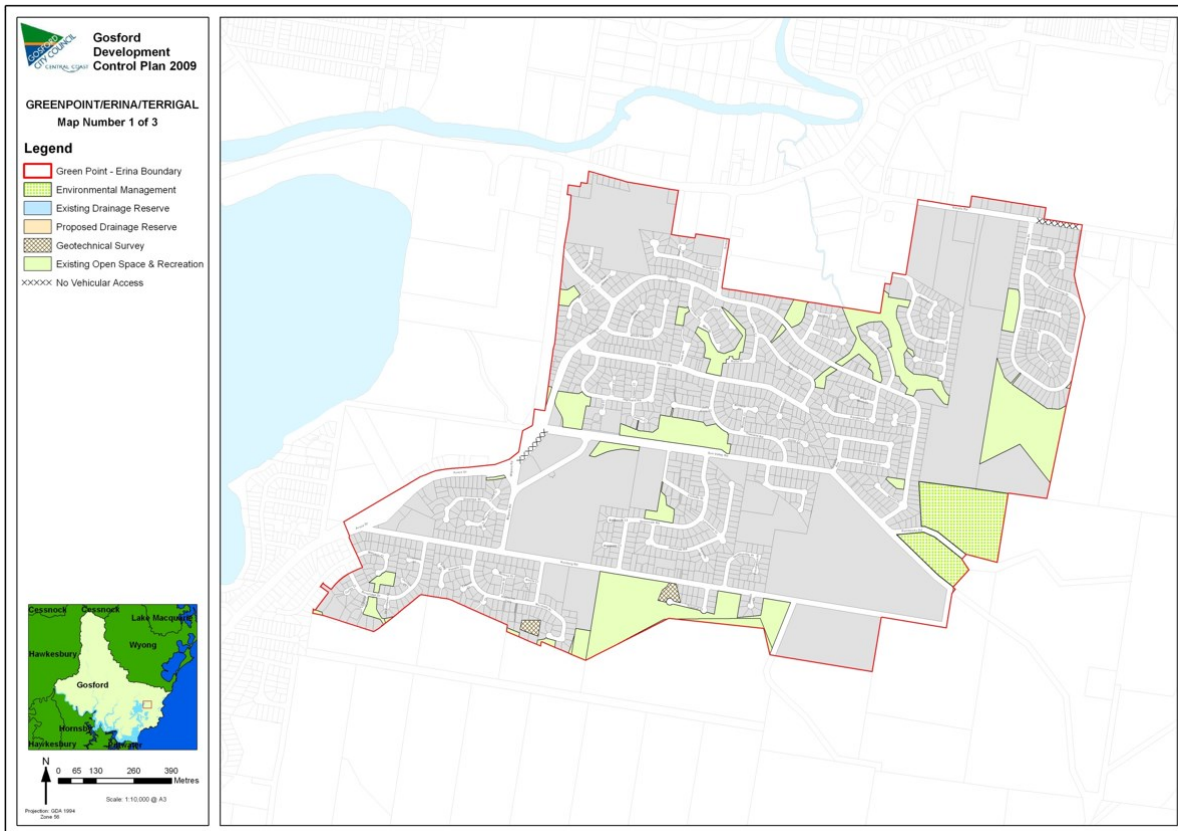
- i. Any proposal to increase the floor space area must result in a gross floor space of the building not exceeding 475m<sup>2</sup>.
- ii. On 4 June 2002 Council resolved (Minute No. 129/2002) that it will not consider any further requests for additional floor area in relation to this development.

## 5.14 Various Suburbs: Erina/GreenPoint/Terrigal, Kariong, Kincumber, Lisarow/Niagara Park, Narara, and Springfield

### 5.14.1 Where this Chapter Applies

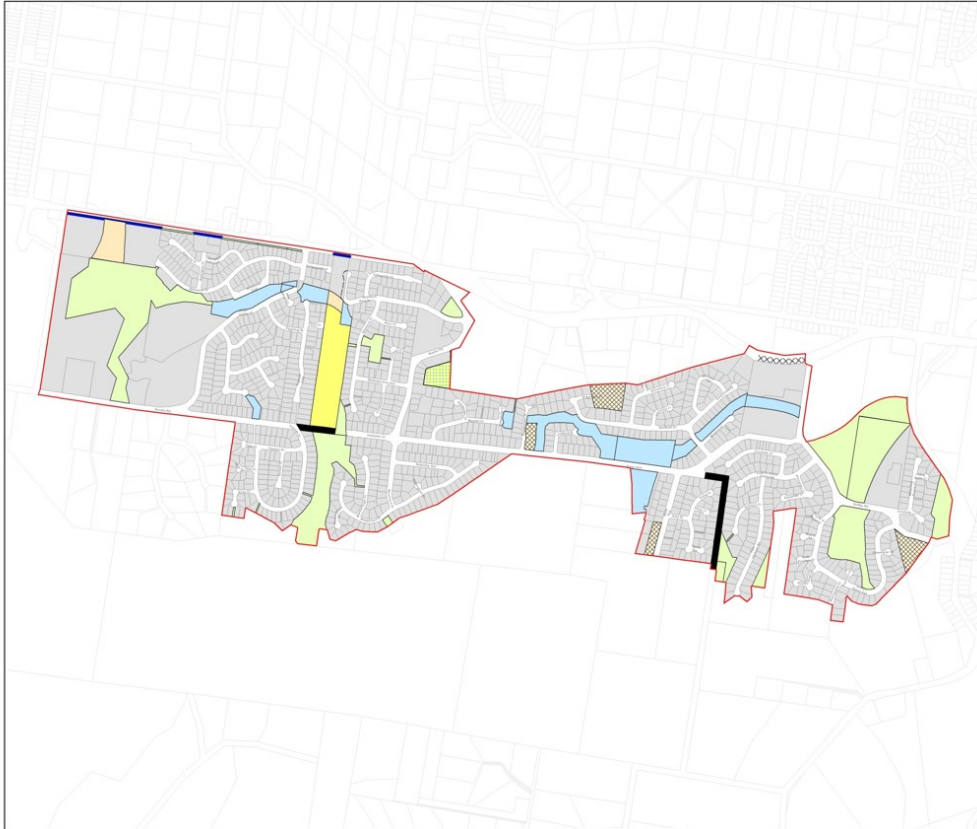
This Chapter applies to land as outlined by a bold black line on the accompanying maps.

#### Accompanying Maps



**Legend**

- Erina-Terrigal Boundaries
- Environmental Management
- Proposed Open Space Reserve
- Existing Drainage Reserve
- Proposed Drainage Reserve
- Geotechnical Survey
- Existing Open Space & Recreation
- Closed Road
- No Vehicular Access
- Landscape Buffer 5m Wide
- Indicative Road Layout



Green Point/Erina/Terrigal Map 3 of 3

TERRIGAL - MOBBS ROAD



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**Gosford Development Control Plan 2009**

**KARIONG**

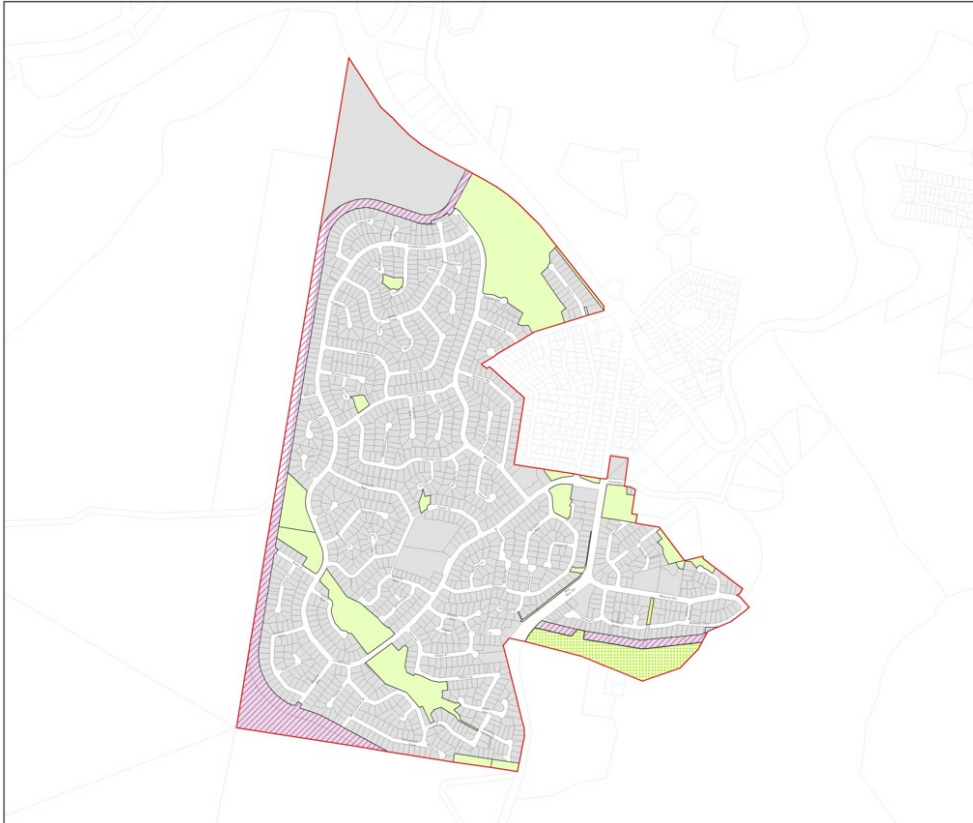
**Legend**

- Kariong Boundary
- Environmental Management
- Fire Retardation Zone
- Proposed Open Space Reserve
- Existing Drainage Reserve
- Existing Open Space & Recreation



Scale 1:10,000 @ A3

Projection: GDA 1994 Zone 56



**Gosford Development Control Plan 2009**

**KINCUMBER**

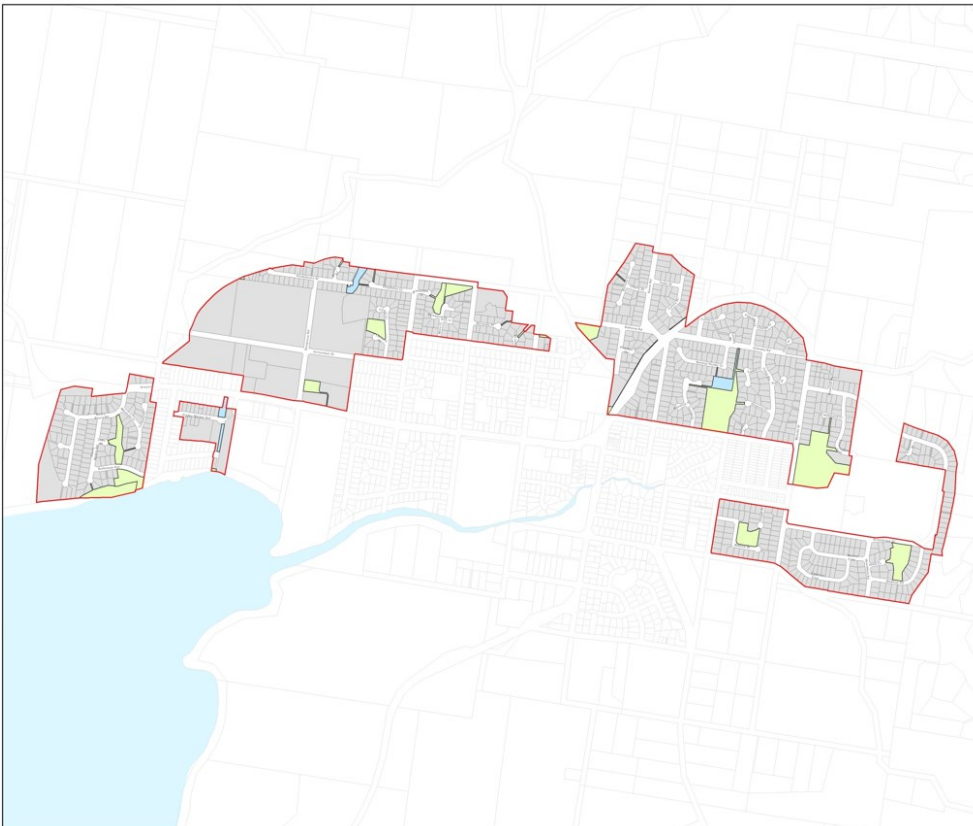
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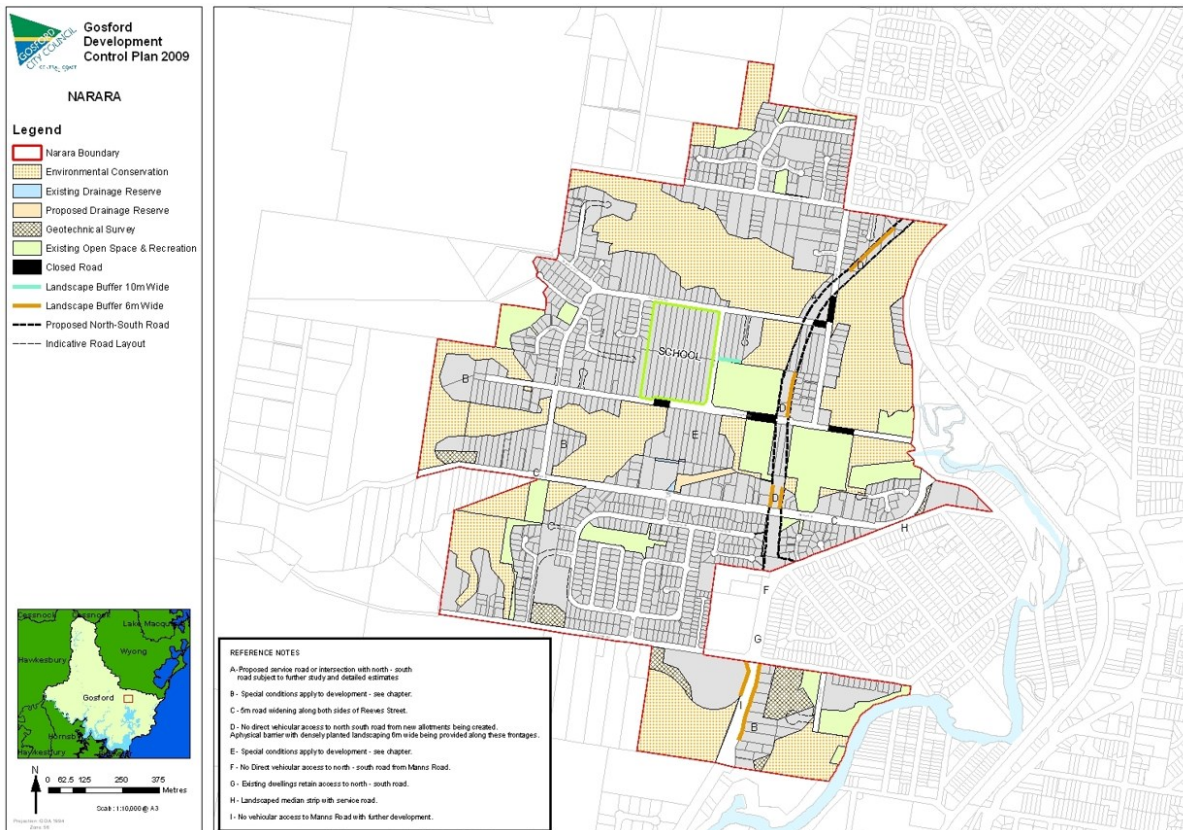
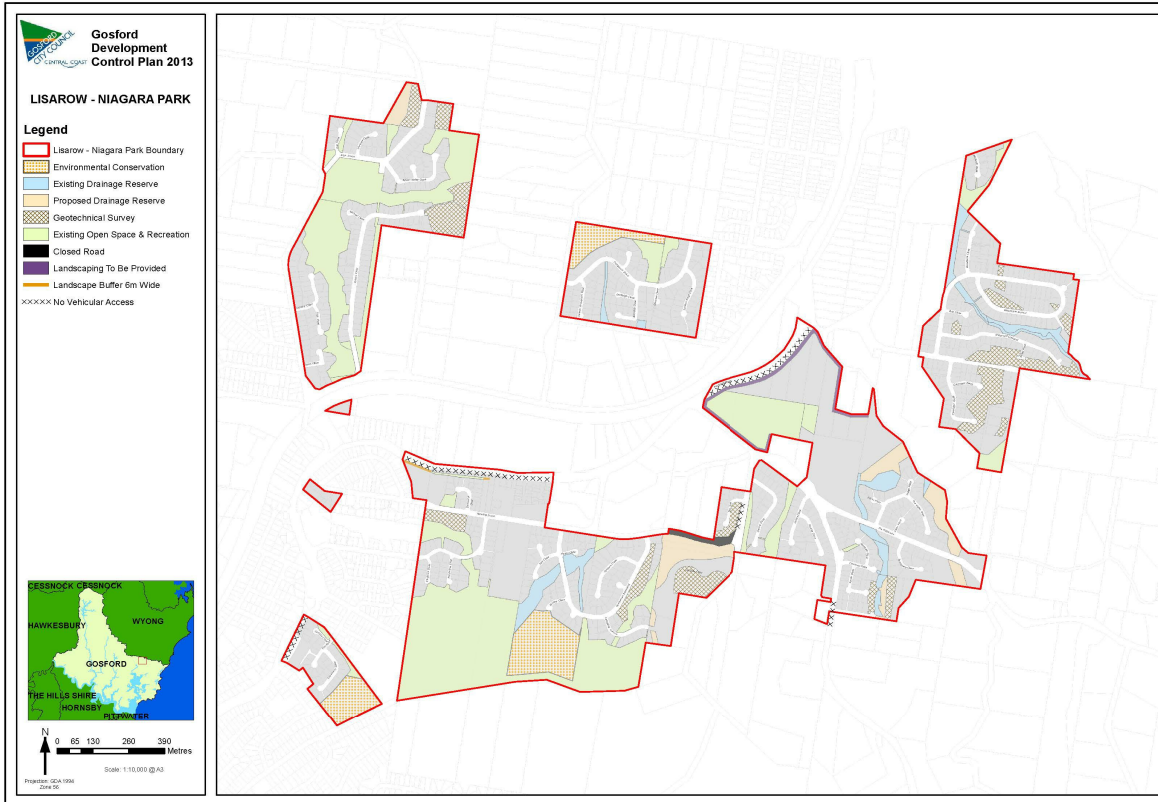
- Kincumber Boundary
- Existing Drainage Reserve
- Existing Open Space & Recreation



Scale 1:11,000 @ A3

Projection: GDA 1994 Zone 56





### 5.14.2 Objectives

- a. Encourage orderly development of urban land in the most economic and unconstrained manner.
- b. Enhance the residential amenity as a living environment, having regard to the local environment and life styles of people.
- c. Provide for the accommodation of adequate community and recreation facilities and services.

- d. Encourage maximum desirable utilisation of the land for residential purposes in close proximity to community, recreation and transport facilities.
- e. Encourage multi-unit type development in the R1 General Residential zone to take advantage of developable land, the natural setting and reducing the land cost component of housing.
- f. Integrate areas with the existing suburban and rural settlement patterns.
- g. Facilitate the flow of through traffic along arterial and sub-arterial routes with minimum disruption to residential areas.
- h. Protect and preserve any attractive or significant features of the environment, eg retain prominently located trees.
- i. Facilitate the flow of stormwater along drainage lines and retarding basin area.
- j. Minimise any likely adverse effects of development.
- k. Provide a system of pedestrian footpaths integrated with areas of open space, playgrounds and passive recreational uses.
- l. To ensure that development takes account of the existing physical constraints of the land;
- m. To promote development in harmony, rather than in conflict, with the environment.
- n. To achieve the desired future character of the area.

### 5.14.3 Environmental Protection

#### 5.14.3.1 Geotechnical Investigation

There are some steep areas of land which Council has identified on the maps in this chapter as requiring geotechnical investigation before development may proceed. These areas may require particular works or particular forms of building construction.

Applicants may be required to submit a report from a qualified Geotechnical Engineer. The report should outline the measures necessary to ensure the safe development of the land without adverse impact on the development, the site or on land in the vicinity.

Where consent is granted for development of land identified as subject to geotechnical constraints, Council may impose conditions relating to the recommendations of the Geotechnical Engineer.

#### 5.14.3.2 Flood Prone Land

Where land is flood prone applicants will be required to submit a report from a qualified Hydraulic Engineer. The report should outline the measures necessary to ensure the safe development of the land without adverse impact on the development, the site or on land in the vicinity.

Where consent is granted for development of land identified as subject to hydrological constraints, Council may impose conditions relating to the recommendations of the Hydraulic Engineer.

#### 5.14.3.3 Tree Preservation

In determining a development application, Council is required to consider:

- the effect of that development on the landscape or scenic quality of the locality; and
- whether any trees or other vegetation on the land should be preserved.

Existing trees should be preserved wherever possible. The siting and layout of a development at the initial concept stage should consider the location of trees with a view to their preservation.

All applications for development (other than for the use of an existing building) should indicate the location of existing vegetation and should note the measures to be taken to protect existing vegetation against damage and destruction during construction.

The changing of ground level around existing trees should be avoided wherever possible. If it is not feasible to

maintain existing ground levels, any changes in ground levels around trees should be supplemented by retaining walls to hold back cut and fill areas from the natural surface level around trees. In the case of filling around a tree trunk, extreme care should be taken to retain the flow of air and water to the root system.

## 5.14.4 Subdivision

### 5.14.4.1 Introduction

The detailed design of lot and road layouts shall take into consideration the privacy, aspect, solar access and orientation of future dwellings on proposed allotments.

### 5.14.4.2 Rural Type and Size Allotments

In respect of residential zoned land, subdivision approval shall not be granted to rural type and size allotments except for:

- Exclusion of an existing dwelling site from the remainder of the land parcel;
- Staging of a residential subdivision (with an overall plan of subdivision being submitted for approval at the same time); or
- Minor boundary adjustments.

Any approval will require the necessary contributions to be paid, services made available and road/drainage works to be carried out to a residential standard of development.

### 5.14.4.3 Services

- Underground electricity and telephone is required.
- Trafficable fire fighting access trails being formed around residential areas to a minimum of four (4) metres and with lockable gates provided at points of entry.
- Satisfactory arrangements are to be made for the provision of water and sewer services and payment of water and sewer contributions under the Water Supply Authorities Act.
- Construction of utility services including sewer, water, power and drainage in areas of significant vegetation should be avoided where possible as such activity will result in clearing and subsequent weed infestation and deterioration of native species.

## 5.14.5 Roads

### 5.14.5.1 Road Hierarchy

A functional road hierarchy exists for the area. This consists of:

Arterial Roads - These roads cater for through traffic and have no direct access from the release area development. Intersections with local roads are to be controlled by the use of relevant traffic control facilities ie traffic signals, roundabouts or channelisation.

Collector Roads - are to provide access within the release area and to the district centre. These roads would carry traffic with an origin or destination within the area.

Local Roads - All roads are to be fully constructed. The location of some roads are generally fixed because of property boundaries, ownership patterns, limited access points or physical constraints, while other internal roads may be varied to make best use of the local topography and vegetation.

### 5.14.5.2 Construction

Minor cul-de-sacs are to have "rolled" type kerbs; with a maximum longitudinal grade of 16%. A maximum of 15 lots (including corner lots) are to have frontage to a minor cul-de-sac. Footpaths are to be provided along the length of one side of all roads constructed by the developer, whether or not these are delineated on the map.

To improve street landscaping, the developers are to provide street tree planting in consultation with Council's Open Space and Leisure Services. The emphasis being to provide a landscaped harmony within each street and a variety between different streets.

### 5.14.5.3 Amendments to Proposed Roads

The subdivisional roads shown on the map have been designed to cater principally for the subdivision of land to create allotments for the erection of detached dwelling-houses as it is expected that dwelling-houses will be the predominant

type of development. However, Council recognises that there may be need for changes to the proposed road pattern in the future.

To approve a change in the location of any roads, Council would need to be satisfied that:

- the roads provide for a safe movement system (e.g. proximity of intersections);
- intersections are safely designed (e.g. adequate sight distance);
- other property owners are not unduly disadvantaged by the change (eg existing substantial buildings on other land are avoided);
- road planning does not cut off options for future development of adjoining rural land; and
- drainage paths are adequately maintained.

For changes to the proposed road system which Council considers minor, Council write to affected property owners and consider any comments of those persons before determining the application.

Changes to the proposed road system should be discussed with Council's planning officers at an early stage before lodging a formal development application.

## 5.14.6 Green Point/Erina/Terrigal

### 5.14.6.1 Mobbs Road

This clause applies to Lot 10 DP 825303 Mobbs Road, Terrigal. It is proposed to create nine (9) residential lots fronting Mobbs Road with the residue lot remaining E3 Environmental Management. A more detailed plan of the site is shown on the accompanying map labelled Terrigal - Mobbs Road (Green Point/Erina/Terrigal Map 3 of 3).

Guidelines for the development of the land having regard to the protection of the existing vegetation and the provision of suitable stormwater treatment and services, are set out below.

#### a. ***protection of remnant bushland***

- i. The future dwelling-house on the residue 7(c2) Conservation and Scenic Protection (Scenic Protection)/E3 Environmental Management zoned lot is to be located within the building envelope shown on Map 3 of 3 . It is to be sited clear of the existing stand of trees and is not to have an adverse affect on them.
- ii. A vegetation/bushland management plan is to be submitted with the application for subdivision. This plan is to be prepared by a suitably qualified expert.
- iii. The vegetation/bushland management plan is to demonstrate how the aesthetic and environmental value of the vegetated area will be enhanced. It is to provide the following details:
  - measures to be taken to protect the native vegetation and minimise the removal of this vegetation during the installation of necessary stormwater infrastructure;
  - strategies to be employed to remove any noxious weeds and establishing a weed free vegetation assemblage.

#### b. ***on-site stormwater detention***

- i. All lots are to be developed with independent on-site stormwater detention facilities.
- ii. The proposed drainage line, servicing all the lots, is to be connected to the existing pipeline in the drainage easement through adjoining Lot 911 DP 1001849, Dorchester Court. A secondary flowpath is to be formalised within this easement to accommodate flows collected within the proposed subdivision.
- iii. Catch drains with a capacity to collect 1% AEP runoff should be constructed along the southern boundary of the rear lot to direct overland stormwater flows into the existing drainage pipeline.
- iv. The dam is not to be used for on-site detention of stormwater. It is to be removed or suitably maintained and fenced for safety reasons.

#### c. ***adequate servicing***

- i. Payment of the current water and sewer headworks and augmentation contributions.
- ii. Developer is to be responsible for the design and construction of water supply and sewerage works to all

proposed lots.

- iii. Developer is to be responsible for the full cost of connection of lots to the existing water and sewerage systems.
- iv. Developer is to be responsible for the design and full cost of any augmentation works to the existing water and sewerage systems that are required as a result of any extra loading from the proposed development.

#### **5.14.6.2 Terrigal Drive**

This clause applies to Lot 1 DP 656616, Terrigal Drive, Terrigal and is located between the residential streets of Flakelar Crescent and Salisbury Drive.

The southern part of the lot (approximately 2.8 ha) is required for open space purposes. The land is predominantly vegetated and steeply sloping to Worthing Creek headwaters and forms a buffer between the original Stratford Park residential area and the Landcom subdivisions to the west. This vegetated area links to the existing public reserve to the south that leads up into the Kincumba Mountain Reserve.

#### **a. Ecological Value of the Land**

The ecological value of the land is set out below:

- i. The land supports a substantial stand of Blackbutt (*Eucalyptus pilularis*). This species is poorly conserved on a state-wide basis within conservation reserves. The land also supports a well developed understorey comprising a number of native species, although weed species are present.
- ii. The vegetation on the land forms one of the last viable corridors linking Kincumba Mountain Reserve with the Rumbalara/Katandra Reserve system via Worthing Creek. The former corridor has been irreversibly fragmented by the construction of Erina Fair and Tarragal Glen. The value as a wildlife corridor could be enhanced if the Worthing Creek drainage reserve was actively managed as a wildlife corridor.
- iii. There are a number of threatened species listed under the Threatened Species Conservation Act, 1995 known to occur in the immediate area. Threatened species likely to utilise the corridor include the Yellow-bellied Glider, Stephens Banded Snake and several bird species.
- iv. The land is steeply sloping with some sections comprising slopes of over 20%. Any development of the land without detailed and extensive application of erosion and sediment control could result in substantial sedimentation of the downstream creek system.
- v. Current best management practice is to retain native vegetation within creek lines for its biodiversity value and as a natural erosion and sedimentation control.
- vi. The vegetation forms a significant visual barrier between the Stratford Park Estate and the Landcom Estate.

One of the Principles of Ecologically Sustainable Development requires:

*"conservation of biological diversity and ecological integrity - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration".*

In accordance with this principle the site should be retained as public open space on the basis of the poor conservation status of the dominant tree species present, its value as a wildlife corridor, its value as a threatened species habitat, the steepness of the land, the need to retain surviving riparian habitat and its aesthetic value.

### **5.14.7 Narara**

#### **5.14.7.1 Road Widening**

The properties on both sides of Reeves Street are affected by future road widening proposals. Five (5) metres of land fronting Reeves Street is required for the widening of the road for the future upgrading associated with the proposed East-West by-pass road from Somersby to Gosford. This road widening land is to be dedicated to the Council when property is subdivided.

#### **5.14.7.2 Urban Development (other than the construction of a single dwelling-house)**

#### **a. General**

Where a subject lot abuts any public road reserve and that road is not formed, constructed, tar sealed, kerb and guttered, Council, if granting development consent, will attach a condition requiring the upgraded construction of the public road along the frontage of the subject lot to the aforementioned standard. (Note: Some exceptions to the above may apply in the areas marked "B" and "E" on the map where other conditions for development may apply.)

#### **b. Development Area "B"**

Areas marked "B" on the accompanying map rely on a private right-of-way (ROW) for access from the kerbed road to the lots. These ROW systems have a limited carrying capacity. Council, if granting development consent for further urban development, other than the construction of a single dwelling-house, will attach a condition requiring the upgrading of the ROW access and any culverts/bridges (as deemed necessary) to Council's standards. Exceptions to the above apply to Lot 45 DP 2038, which has frontage to Cross Street.

#### **c. Development Area "E"**

The area marked "E" on the map has some potential for further urbanisation. The same conditions apply as outlined in paragraph **a** above, except that no kerb and gutter will be required.

### **5.14.7.3 Corner Fountains Road and Pandala Road**

#### **a. Objectives**

- i. Encourage orderly development of urban land in the most economic and unconstrained manner.
- ii. To ensure that development takes account of the existing physical constraints of the land.
- iii. To promote development in harmony, rather than in conflict, with adjoining uses.

#### **b. Development Requirements**

Requirements for the development of Lots 14-17 Sec D DP 1509 and Lot 1 DP 313904 having regard to ensuring the compatibility with adjoining land uses, are set out below.

- i. An acoustic report, from a qualified acoustic engineer, that addresses measures to ensure that noise from the adjoining existing community centre and amenities block will not adversely impact on the amenity of future residents.
- ii. If any noise amelioration measures involve the construction of an acoustic fence or barrier, an assessment will also be required of the overshadowing impact on the adjoining Narara Community Centre.
- iii. Details of visual screening and landscaping measures to be provided within the 10 metre landscape buffer between the existing amenities building and future residential land.
- iv. An assessment of the impact of floodlighting from the adjoining open space on the amenity of future residents, and any measures that may be required to reduce any adverse impacts.

## **5.14.8 Springfield**

### **5.14.8.1 Clearing**

Some clearing of existing vegetation will be necessary to accommodate the proposed development particularly in the Eucalypt Forest on the slopes facing Wells Street and Noorumba Road. This existing vegetation represents an important visual amenity to the overall development.

#### **Development Guidelines**

- Clearing during subdivision construction should be limited to potential building sites, or dead or dangerous trees.
- Mature trees should be retained along common rear boundaries where space permits.
- Juvenile trees rather than large mature trees should be retained along front and side boundaries. These trees are more likely to survive and not cause interruption to buildings on small blocks. These will eventually form

canopy cover reinforcing streetscape character and aid in reducing the overall visual impact of the development.

- Any tree felling that must occur should be done so that the direction of fall is away from vegetation to be retained, particularly in allotments backing onto reserves.

#### **5.14.8.2 Fencing**

The erection of fencing places restriction on potential regrowth of natural vegetation following development and imposes a geometrical pattern. In addition, fencing at the rear of allotments backing into reserves invites degradation of vegetation through disposal of refuse and the like into areas where it cannot be seen.

#### **Development Guidelines**

- Encourage mounding and/or planting along allotment boundaries.
- For allotments backing onto reserves, encourage mounding, planting, open mesh fencing.
- Create a minimum 10 metre wide maintenance zone between allotments and proposed reserves. This zone should be grassed with tree planting serving as a protective buffer between housing and vegetation.

#### **5.14.8.3 Visual Impact**

Subdivision will create impacts on visual character through the loss of vegetation and development. Detailed treatment of the edge of the residential development along Wells Street is important.

#### **Development Guidelines**

- Retention of pockets of vegetation along Wells Street will aid in reducing visual impact and improve residential amenity. Reinforcement planting along the road reserve will complement any retained vegetation.
- Retention of mature trees towards the rear of proposed allotments combined with street tree planting will enhance local visual values and reinforce the reduction of regional visual impacts through screening of the development particularly on the mid-slope to upper slope zones.
- Establish a minimum 5 metre wide planting zone between Wells Street and the development. Such area is to be dedicated to Council as public reserve.

#### **5.14.8.4 Existing Land Use / Ownership and Future Development**

The size and location of existing allotments and dwellings limits the potential to optimise the layout for new subdivision works. Consequently there will be some reduction in lot yield.

The fragmented ownership pattern may also cause staging and implementation problems.

#### **Development Guidelines**

- Encourage flexible subdivision and dwelling densities to offset reduced lot yields caused by the existing ownership pattern.
- The preferred subdivision pattern should have regard to the overall development layout but should also take into account possible staging and implementation problems.
- Temporary access roads may be permitted where they will assist in overcoming staging requirements of different land owners.
- In areas where road locations are critical, negotiations between land owners may be necessary at the subdivision stage to achieve an optimum subdivision layout.

#### **5.14.8.5 Drainage**

There are two defined watercourses running through the area covered by this chapter which drain into Erina Creek. These catchments are small in relation to the overall catchment area of the creek. However, the watercourse potentially can provide a means of reducing sediment and nutrient loads into Erina Creek.

#### **Development Guidelines**

- Watercourses should not be developed for housing and should be incorporated into public drainage or open space reserves.
- Vegetation along existing watercourses should be retained.
- Sediment and nutrient traps should be incorporated into drainage systems.
- Formalised drainage works within the defined watercourses should be kept to a minimum.
- Maintain the existing artificial wetland on the corner of Noorumba Road and Wells Street as a retention sink for sediment and nutrients.

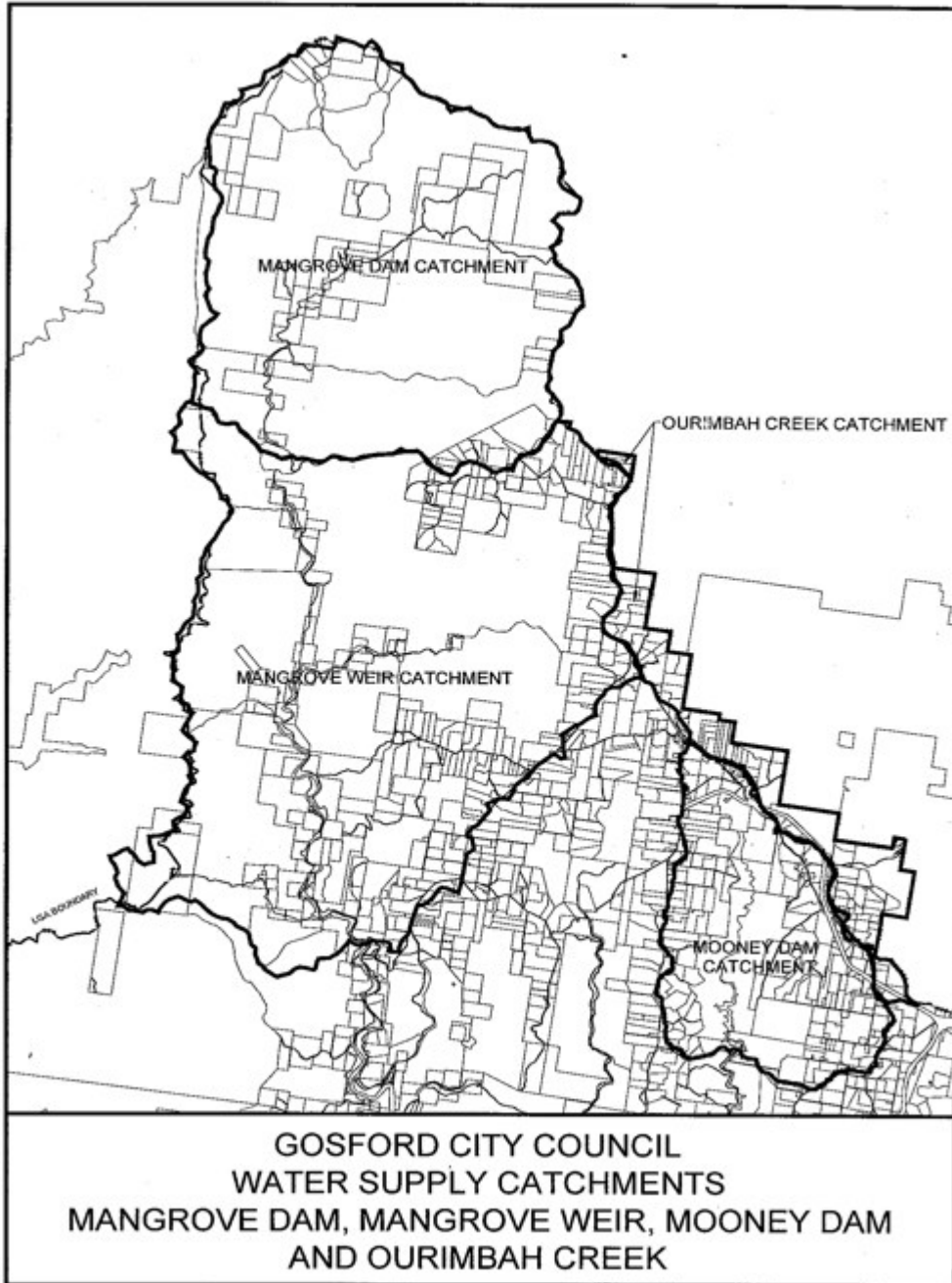


## 5.15 Water Supply Catchment Area Development

### 5.15.1 Where this Chapter Applies

This chapter applies to land within the Mangrove Dam, Mangrove Weir, Mooney Dam and Ourimbah Creek Water Supply Catchment areas as shown on the map attached to this chapter.

#### Accompanying Map



### 5.15.2 Purpose of the Chapter

This chapter is designed for the guidance of the developer. It sets out the types of land uses which Council considers may be incompatible with the Mangrove Dam, Mangrove Weir, Mooney Dam and Ourimbah Creek Water Supply Catchment areas and identifies the detailed information Council requires to be submitted to assess the impact of any proposed development within these catchments.

### 5.15.3 Objectives

The objectives of this chapter are to ensure land use and development within Water Supply Catchment Areas are of a standard that have zero impact on the quality of the Central Coast Water Supply.

### 5.15.4 Application of the Chapter

The following land uses and development will be required to provide detailed information to substantiate zero impact on the quality of the Central Coast Water Supply.

- Agriculture
- Boarding Houses
- Business Premises
- Camping Grounds
- Caravan Parks
- Cemetery
- Child Care Centres
- Composting and related facilities
- Educational Establishments
- Extractive Industries
- Hazardous Storage Establishment
- Hospitals
- Hotel or Motel Accommodation
- Industry
- Information and Education Facilities
- Landscape and Garden Supplies
- Light Industry
- Liquid Fuel Depot
- Mines
- Offensive Storage Establishment
- Recreation Area
- Recreation Facilities - indoor, major or outdoor
- Registered Clubs
- Rural Industries using chemical or biological products
- Service Stations
- Shops
- Stock and Sale Yards
- Timber and Building Supplies
- Tourist and Visitor Accommodation
- Vehicle Body Repair Workshop
- Vehicle Repair Shop
- Warehouse or Distribution Centre
- Waste Management Facility

### 5.15.5 Rezoning or Development Applications

Any applications submitted to Council for the land uses referred to in Clause 5.15.4 of this chapter shall be accompanied by a comprehensive Statement of Environmental Effects which addresses the following;

- a. Conceptual details of the proposed building drainage, sewage treatment and effluent irrigation system(s).

Conceptual details of how human wastes will be handled, including treatment and disposal details for equivalent tenement loading.

- b. Details of how other wastes will be handled, including drainage plans, treatment and disposal details including the concentration of Biological Oxygen Demand (BOD), Suspended Solids (SS), salts and nutrients in the waste.
- c. Groundwater Protection Report to ensure that there will be no impact on the groundwater quality from the development. A report based on the National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia, minimum Level 2 Assessment is required.

The report is to include the likely impact on water supply bores in the vicinity and the need to safeguard them. Groundwater shall be protected from the impacts of any contaminated surface waters.

- d. Surface Protection Report. This is needed to ensure that any surface runoff, including polluted storm water runoff from the proposed development is contained, before treatment and disposal on the property, to ensure that no pollutant is allowed to discharge from the property.
- e. Health implications of effluent disposal site(s) in relation to human activity and water supply bores.
- f. A Water Quality Plan in accordance with ISO 9001 to ensure that there is zero impact on the existing environment during all stages of the development and for the life of the development.
- g. An Environmental Management Plan (ISO 14000) to show how the treatment and disposal systems are operated, maintained, monitored, inspected and tested. This would include consideration of wet weather storage, mechanical/electrical breakdowns, etc.
- h. A Sediment Control and Erosion Plan for all stages of the development and for the life of the development.
- i. Surface runoff shall not compromise the Natural Resource Management Ministerial Council (NRMMC), National Water Quality Management Strategy Guideline document for Fresh and Marine Waters, Section:
  - Protection of Aquatic Ecosystems;
  - Primary Industries;
  - Recreational Water Quality and Aesthetics;
  - Drinking Water.
- j. The retention of existing native vegetation and the encouragement of that vegetation be re-established along the creek lines.

### **5.15.6 Exemptions**

For minor developments, or minor extensions/alterations to existing development; exemption from providing any of the information required in Section 5.15.5 of this chapter may only be given in writing by the relevant Water Authority. Applicants are encouraged to consult with the relevant Water Authority prior to lodging any application for development within the water supply catchment areas. The Applicant shall require the concurrence of the local Water Authority and be subject to compliance with conditions specified by the Water Authority.

## **5.16 West Gosford, Temporary Use of Gosford Racecourse**

### **5.16.1 Where this Chapter Applies**

This chapter applies to Lot 4 DP 775631 Racecourse Road, West Gosford as indicated on the map below.



under the 2005 State Government Floodplain Development Manual. This information should be taken as **preliminary only** and is subject to verification by computer modelling being undertaken within the current project and which does not include sensitivity analysis under climate change.

Overland flooding can also occur from the surrounding catchment but would not have the same effect as main stream flooding from Narara Creek due to the shorter duration, smaller catchment and therefore lesser flood flows. There may be potential during extreme events (1% and above) for vehicles to float due to the depth of water in the southern section of the site and the inability for practical access to and from the site.

To retain efficient dispersal of floodwaters flood flows must not be compromised through the site.

### **5.16.5 Specific Requirements - Flooding**

These requirements are in addition to the requirements of the Water Cycle Management chapter of this DCP and apply specifically to Lot 4 DP 775631 Racecourse Road, West Gosford.

- a. Any development is to be in accordance with the current Floodplain Management Map held by Council for this area.
- b. No development is to be constructed in the floodway or medium – high hazard areas of the floodplain.
- c. The proposed development should not create cumulative impacts upstream or downstream or within the flood storage area of Narara Creek.
- d. Development must not result in significant impact of the conveyance of floodwaters.
- e. No filling of the land is permitted that would reduce flood storage capacity.
- f. All “temporary use” development must:
  - Be able to be removed prior to the onset of a flood; or
  - Must be able to be shown to withstand a 1% flood event and not create blockage, become debris or create damage either on site or down stream of the flood event.
- g. Interchange of floodwaters is not to be impeded.
- h. A Site Specific Evacuation Plan must be provided addressing the following matters:
  - Site Access and Emergency Exit Locations
  - All weather car parking, access and egress
  - Proposed hours of operation for event
  - Lighting
  - Flood Warning System
  - Vehicle and people evacuation plan, considering appropriate warning times, the nature of the event, vehicle instability due to buoyancy
  - Proposed plan for removal of structures/vehicles/people etc if site unattended (for example out of event hours)
  - Stability of structures unable to be removed in the event of a flood
  - Environmental management matters relating to temporary toilet and shower facilities, display items (including gas bottles), garbage etc in the event of a flood
  - Any other matter required by Council

### **5.16.6 Background - Traffic and Transport**

The subject site is located at the intersections of the Central Coast Highway, a major distributor road and Racecourse Road. Roads and Maritime Services are concerned with any potential traffic generating impacts future developments may have on this intersection.

### **5.16.7 Specific Requirements - Traffic and Transport**

- a. The subject site has a common boundary with the Central Coast Highway (HW30) that is declared as a Controlled Access Road. Direct access across this common boundary is restricted.
- b. Any development application must be accompanied by a Traffic Management Plan (TMP). The TMP should fully assess the implications of any event including the impact on the adjacent arterial road network.
- c. Any development application must be referred to Roads and Maritime Services for comment and advice.

### 5.16.8 Other Controls Applying to this Site

In addition to the provisions of this DCP the provisions of the following chapters also apply to the site to the extent that the land use is for the purpose specified, or the development of the land involves the matter specified.

- Chapter 2.1 Character
- Chapter 2.2 Scenic Quality
- Chapter 6.3 Erosion and Sedimentation Control
- Chapter 6.4 Geotechnical Requirements
- Chapter 6.7 Water Cycle Management
- Chapter 7.1 Carparking
- Chapter 7.2 Waste Management
- Chapter 7.3 Public Notification of Development Applications
- Chapter 7.4 Complying Development Conditions

Where the provisions of the following chapters conflict with those in this chapter, the provisions of this chapter shall prevail.

## 5.17 Yattalunga

### 5.17.1 Land to which this Chapter Applies

This chapter applies to land bounded by and adjoining Avoca Drive, Elvys Avenue and Davistown Road as shown on the map below.



### 5.17.2 Purpose of this Chapter

The purpose of this chapter is to provide more detailed controls than what are available under Gosford LEP 2014.

### 5.17.3 Objectives

To guide rural subdivision and further development of this area having regard to:

- a. preservation of native flora/fauna habitats;
- b. protection of existing stands of visually prominent vegetation;
- c. existing flood prone areas;
- d. areas subject to effluent disposal and other physical constraints;
- e. the preservation of habitat trees; and
- f. the existing soil conditions.

To ensure that non rural-residential uses in the area have regard to:

- a. the visual/scenic qualities of the area;
- b. the vehicle access and traffic impacts of development.

#### **5.17.4 Specific Requirements**

##### **a - Flooding and Urban Capability**

Filling or development is prohibited within the identified 1% AEP floodplain. However, within the R2 zone along the Davistown Road frontage, filling is also prohibited but development of existing blocks is permitted to a prescribed floor level on piers so as to allow the free flow of overland runoff. Floor levels for buildings proposed adjoining the floodplain (or those within the R2 zone) must be set at a minimum of 500mm above the 1% AEP design flood level. The approximate 1% AEP line is shown on the accompanying plan and is based on the findings of the Yattalunga Urban Investigation Zone Trunk Drainage Study (January 1994) produced by Webb, McKeown and Associates Pty Ltd.

Development Applications shall take into account major limitations to development in this area due to prolonged waterlogging and high water tables. Development in the 7(a) Conservation and Scenic Protection (Conservation)/E2 Environmental Conservation zone is only permissible in the areas marked on the accompanying map.

##### **b - Non Rural - Residential Development**

Development Applications for existing or proposed non rural-residential development shall take into account the following matters:

- i. A general set back from the road frontage (Avoca Drive) of a minimum of 30 metres (excluding road widening) with this area being used exclusively for landscaping or access purposes.
- ii. Architectural design and building scale which is in keeping with the rural character of the area.
- iii. A signage system where all signs are contained on one structure and of a design which reflects the rural character of the area.

##### **c - Flora/Fauna**

Development Applications for existing or proposed non rural/rural - residential development shall be sensitive to the natural environment and restrict tree clearing to the building platform and associated accessway and immediate surrounds. Specific development areas within the E2 zone adjoining Elvys Avenue are indicated on the accompanying plan.

Three "old man" Eucalypts have been identified within the 7(a) Conservation and Scenic Protection (Conservation)/E2 zone and these must be retained. Council is to identify the exact location of these trees; their approximate location is indicated on the accompanying plan.

##### **d - Effluent Disposal**

Development Applications for future development shall take into account the following matters:

- i. The requirements of the Local Government Act 1993 with regard to effluent disposal.
- ii. The unsuitability of on-site effluent disposal in areas of moderate to high soil limitations.

##### **e - Vehicle Access**

Development Applications for properties fronting Avoca Drive shall take into account the need for safe access onto and off Avoca Drive. In this regard proposed driveway locations will need to be referred to Council's Development Traffic Committee for endorsement.

#### **5.17.5 Explanatory Notes to Provisions of this Chapter**

Studies completed as part of the determination of the appropriate zones for Yattalunga have highlighted a number of issues that need to be included in a Development Control Plan to ensure that any new development will have minimal impact on the existing character of the area. Issues highlighted in the studies and included in this chapter relate to the protection of existing stands of vegetation, flood characteristics, site constraints due to waterlogging and bushfire hazard. Each of these issues is discussed below and the specific requirements relating to these issues are provided in this chapter of the DCP.

##### **a - Protection of Existing Stands of Vegetation**

Large areas of the Yattalunga site have been cleared of the native vegetation, the remaining vegetation consists of the swamp palm and swamp mahogany forests, blackbutt forests and low closed forests. The swamp mahogany forest is a very important vegetation community on the Central Coast being the only consistent winter flowering canopy tree

and which produces copious amounts of nectar and pollen. The swamp palm forest is part of a contiguous vegetation unit which connects with the Yattalunga Ridge. It serves as a faunal movement corridor between the different habitats. As indicated on the accompanying plan, these areas are to be preserved. Both these forests are susceptible to exposure if the surrounding forest is removed. A 50 metre buffer forest be kept immediately surrounding this area.

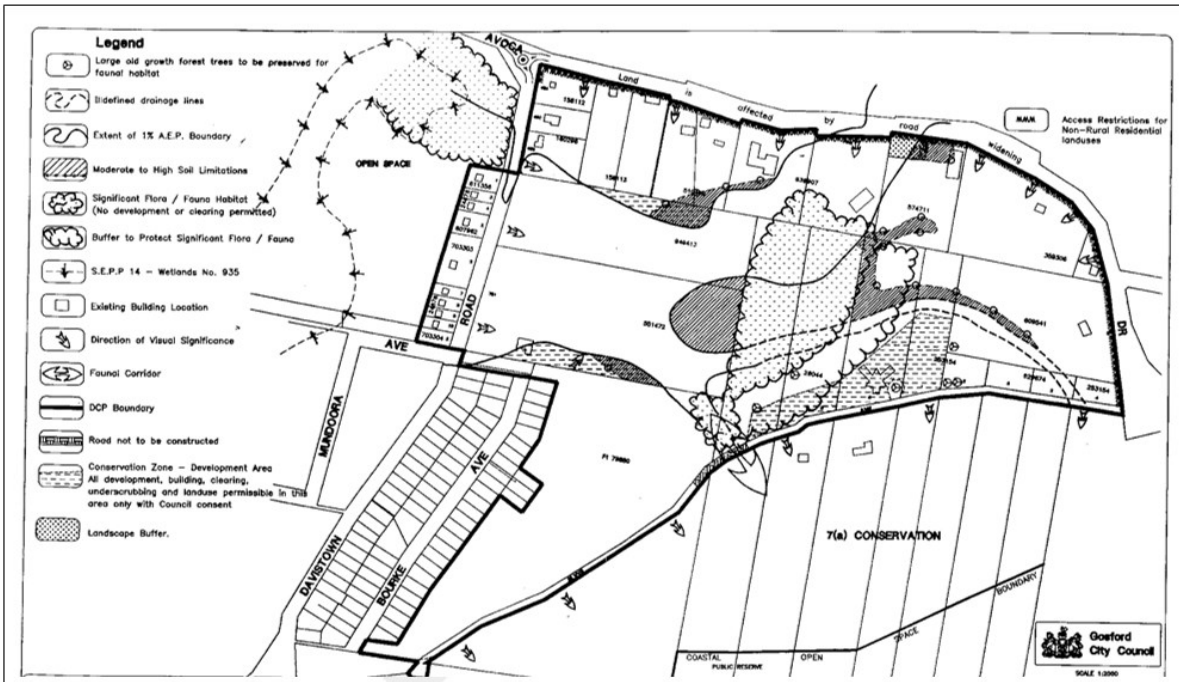
**b - Flooding Characteristics and Urban Capability**

It has been identified that a large area of the Yattalunga Investigation Zone is affected by the 1% AEP floodplain. No filling or development is permitted within the identified 1% AEP floodplain. However, within the R2 zone adjoining Davistown Road, filling is prohibited but development is permitted to a minimum floor level on piers so as to allow for overland runoff. Floor levels within the area covered by this chapter must be set at a minimum of 500mm above the 1% design flood level. Lot 2 DP 703303 contains flood prone land which may be required for the future conveyance of water for a second culvert under Davistown Road. There are also major limitations to development in this area due to prolonged water logging and high water tables. On-site effluent disposal is also unsuitable due to the soil conditions in this area.

**c - Treatment of Non-Residential Development**

The 7(c2) Conservation and Scenic Protection (Scenic Protection)/E3 Environmental Management zone permits a range of non-residential uses such as nurseries, educational establishments and convalescent hospitals. The properties that front Avoca Drive are the most attractive for these types of uses due to their high exposure to passing traffic. It is important that such uses respect the rural area in which they are located. Building design should be of a low scale with significant areas being provided for landscaping. Buildings should be of a type that blends in with the rural landscape and signage should also be of materials and scale which are in keeping with the rural landscape.

**Map**



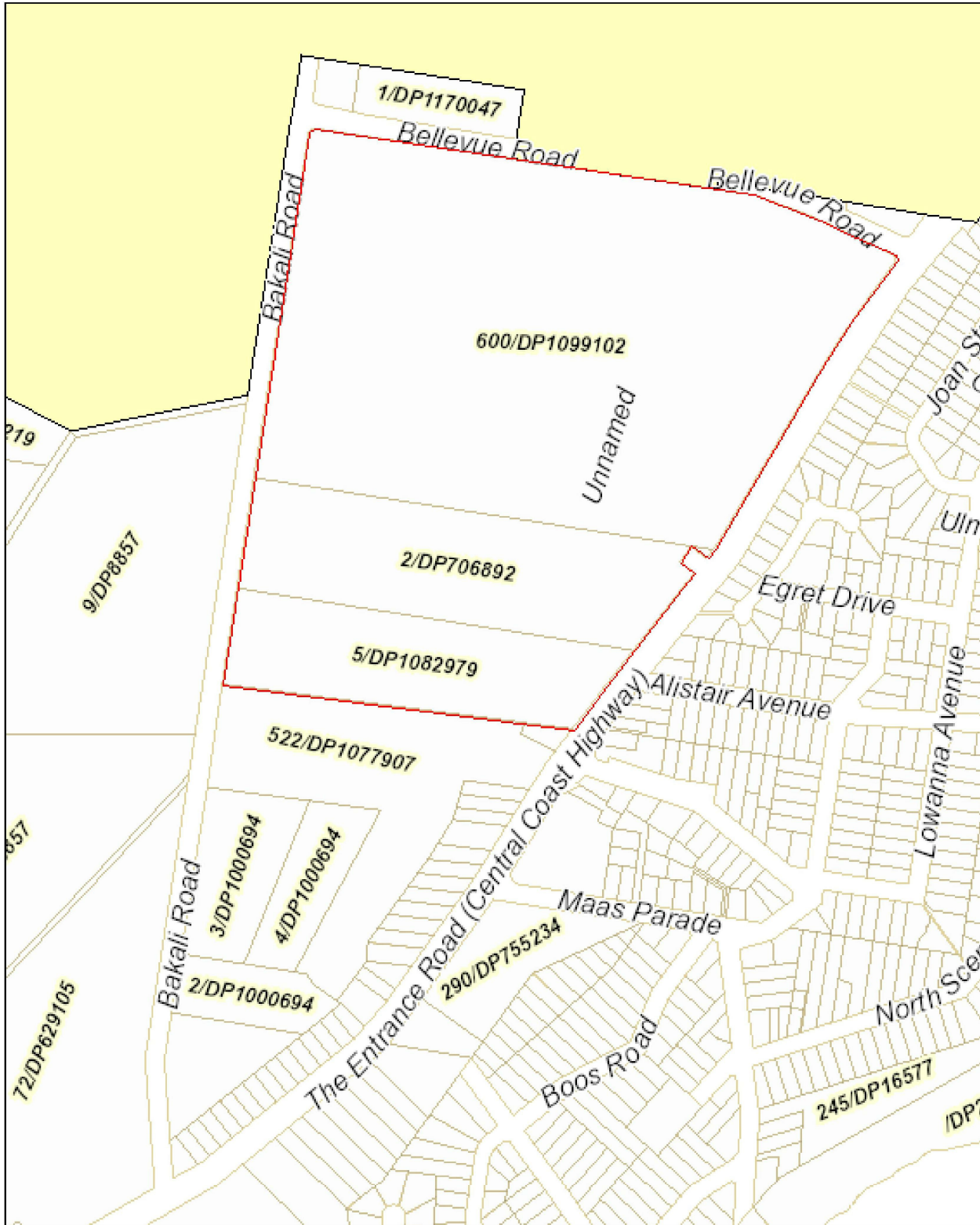
**5.18 Forrester's Beach**

**5.18.1 Land to which this Chapter Applies**

This chapter applies to Lot 600 DP 1099102, Lot 2 DP

706892, Lot 5 DP 1082979 Central Coast Highway, Forrester's Beach as shown on the map below.





### 5.18.2 Aim of this Chapter

To provide development guidelines for the assessment of development applications relating to this land.

### 5.18.3 Objectives of this Chapter

- a. To enable development to proceed in a manner which is sensitive to the environmental characteristics of the site and its environs;
- b. To protect the environment of Wamberal Lagoon from any adverse effects of development;
- c. To ensure development is designed in accordance with water sensitive urban design guidelines;

- d. To ensure development is not adversely impacted by stormwater flows;
- e. To facilitate vehicular access to the site and to ensure development does not have an adverse impact on the existing road network;
- f. To provide a visual buffer along the Central Coast Highway frontage of the land.

## **5.18.4 Development Controls**

### **5.18.4.1 Environment**

#### **a - Objectives**

To enable development to proceed in a manner which is sensitive to the environmental characteristics of the site and its environs;

To protect the environment of Wamberal Lagoon from any adverse effects of development;

To ensure development is designed in accordance with water sensitive urban design guidelines.

#### **b - Development Control**

- i. The development of the land is not to increase runoff beyond the pre-development discharge rates.
- ii. On-site stormwater detention ponds are to be provided to restrict runoff rates to pre-development flows.
- iii. The on-site stormwater detention ponds are to be designed as natural wetlands so as to remove any nutrients from the water before it leaves the site.
- iv. In order to prevent eutrophication and sedimentation of Wamberal Lagoon caused by development and runoff from the subject land, nutrient filter measures must be implemented to filter nutrients so as to prevent them from entering Wamberal Lagoon. Details must be provided with the development application.
- v. The stormwater detention ponds are to be designed to also allow for water infiltration which will allow replenishment of groundwater.
- vi. Include measures to maintain the infiltration of stormwater runoff to the subsoil zone on Lot 2 DP 706892, Lot 5 DP 1082979. The details should include a geotechnical report advising of the soil's capacity to accept proposed stormwater infiltration on the site.
- vii. A geotechnical report is to accompany the development application for subdivision which addresses geotechnical constraints and specifies guidelines for pavements, footings and earthworks.
- viii. All vegetation identified in the E2 Environmental Conservation zone on the LEP applying to this land must be retained including understorey vegetation. No building works are to be undertaken in this area. Consideration of the potential impact of development on these areas is to be addressed in the Development Application.
- ix. With regards to water sensitive urban design, consultation is to occur with the NSW Office of Water and the Water, Floodplains and Coast Group of the Office of Environment and Heritage.

### **5.18.4.2 Drainage**

#### **a - Objective**

To ensure development is not adversely impacted by stormwater flows.

#### **b - Development Control**

- i. All development is to be designed using the principles outlined in the Chapter relating to Water Cycle Management including flooding and drainage requirements.
- ii. All new development is not to adversely impact adjoining properties or impede defined overland flow paths.
- iii. With the potential for increased rainfall intensities beyond the 1% AEP and a possible blockage of the existing channel across Lot 2 DP 706892 and Lot 5 DP 1082979, any new residential development should ensure there is a well defined secondary flow path and flood free access throughout the site.
- iv. A detailed hydraulic assessment is required of the existing drainage arrangement where a pipeline runs from the northern end of the channel on Lot 2 DP 706892 to a pond on Lot 600 DP 1099102.
- v. All drainage channels, overland flow paths and stormwater detention ponds are to remain in private ownership and be maintained to the standard at which they are approved.

### **5.18.4.3 Traffic Access**

#### **a - Objective**

To facilitate vehicular access to the site and to ensure development does not have an adverse impact on the existing

road network.

**b - Development Controls**

- i. Direct vehicular access to the Central Coast Highway from individual residential lots is denied.
- ii. All vehicular access to the Central Coast Highway is to be via the existing access point on Lot 2 DP 706892.
- iii. The existing intersection is to be upgraded to the satisfaction of the Roads and Maritime Service.
- iv. As part of the initial development application for subdivision of the subject site the developer shall prepare a Masterplan identifying land to be subdivided/developed and all vehicular access proposed to the subject site. This Masterplan shall be supported by a Traffic Impact Study to identify likely traffic impacts and subsequent road upgrade requirements. The study shall be prepared in accordance with the *RTA Guide to Traffic Generating Developments 2002*.
- v. Provision is to be made in any internal road system for a connection to the adjoining land to the south.

**5.18.4.4 Visual Buffer**

**a - Objective**

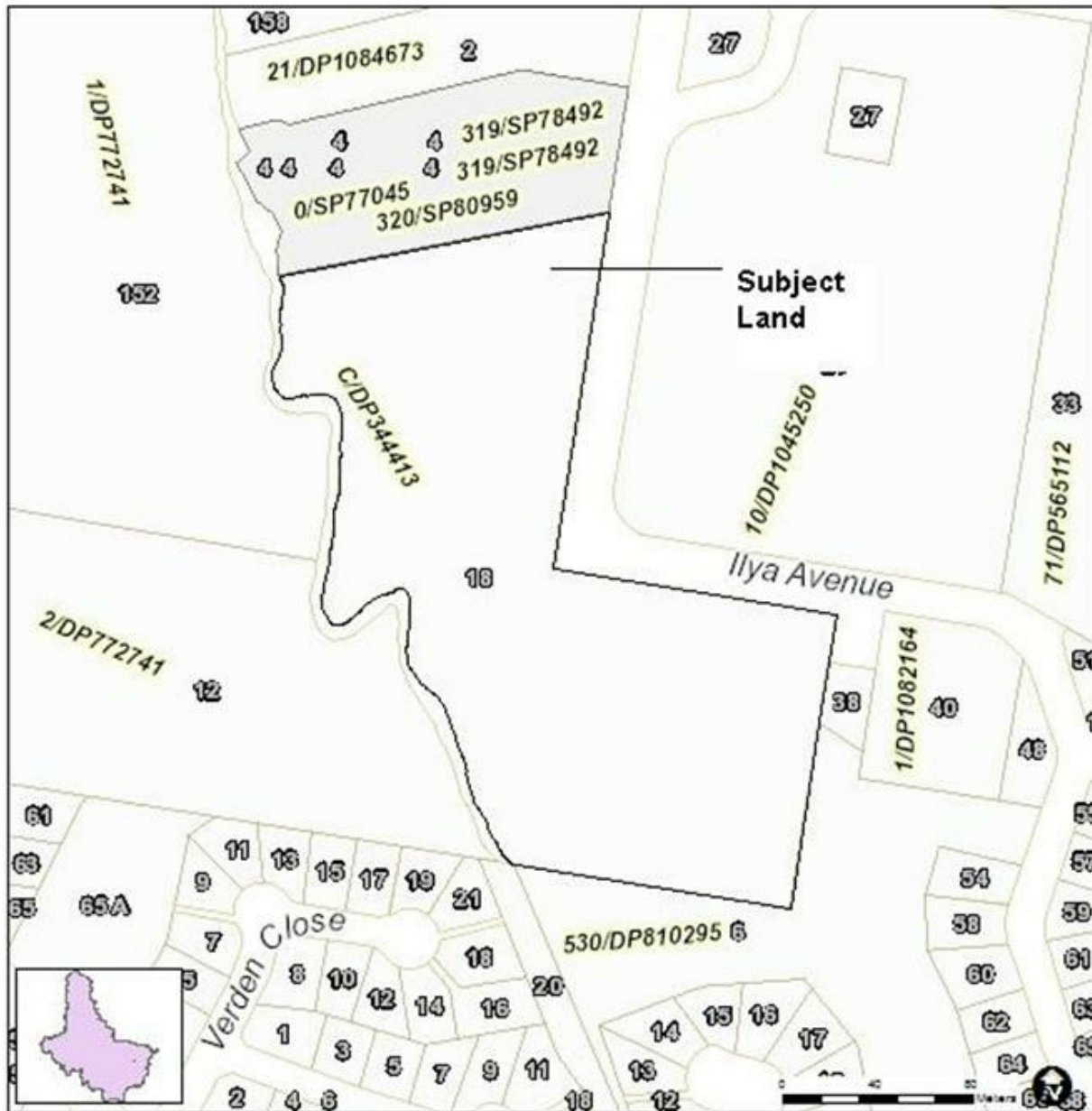
To provide a visual buffer along the Central Coast Highway frontage of the land.

- i. A landscape and visual buffer 5 metres in width is to be provided along the frontage with the Central Coast Highway and located wholly on the subject land. Details are to be provided with the development application for subdivision and are to involve landscape elements and decorative fencing.

**5.19 Erina -18 Ilya Avenue (Erina Leagues Club)**

**5.19.1 Land to which this Chapter Applies**

This plan applies to Lot C DP344413 18 Ilya Avenue Erina.



### 5.19.2 Purpose of the Chapter

The purpose of this DCP is to provide more detailed guidelines for the development and use of the land for mixed use development that includes, but is not limited to, a registered club and complementary business land uses.

### 5.19.3 Objectives

The objectives of this chapter are to:

- encourage the orderly development of the site for the Erina Rugby League Football Club and complementary business land uses.
- facilitate traffic management.
- make provision for environmental protection.
- make provision for bushfire protection.
- control development in flood liable areas to minimise the effects on surrounding properties.
- identify site contamination issues.

### 5.19.4 Specific Requirements

#### a. Orderly Development

- i. The land is to be developed only in accordance with the amending Local Environmental Plan that provides for the rezoning of part of the site to B5 – Business Development Zone under the Gosford Local

Environmental Plan 2014.

- ii. Development in the creek corridor is to be generally limited to vegetation management, drainage works, landscape rehabilitation and associated and improvements (i.e. boardwalks, seating, picnic shelters and the like).
- iii. All development is to generally comply with Council's adopted Development Control Plans and policies. Note: where the provisions of adopted DCP's and policies conflict with those of this DCP, the provisions of this DCP shall prevail.

**b. Desired Character & Built Form**

- i. All development on the site shall generally comply with the relevant zoning, floor space ratio and height mapping controls contained in the Gosford Local Environmental Plan 2014 and any subsequent amending Local Environmental Plan.
- ii. Building heights shall be generally in accordance with attached plan.
- iii. The development footprint is to be generally restricted to the area identified on attached plan.
- iv. Conserve natural and scenic characters of the property.
- v. Building facades are to be articulated for visual interest and to complement the streetscape.
- vi. All signage is to be integrated to complement the built form; to provide appropriate business identification; and to assist visitors with way finding.

**c. Services Considerations**

- i. The developer shall be required to pay the current water and sewer headworks / augmentation contributions in accordance with Council's Policy.
- ii. The developer is responsible for the design and construction of water and sewer reticulation systems within the site.
- iii. The developer is responsible for the full cost of connection of proposed development within the site to Council's existing water and sewer reticulation systems.
- iv. The developer shall be responsible for the design and full cost of any specific downstream augmentation works to the existing water and sewer reticulation systems are required as a result of additional loads / demands from proposed development.
- v. The developer is to comply with waste minimisation strategies.
- vi. The development is to comply with the Chapter in the Council's DCP for Controls for Site Waste Management.

**d. Environmental Protection**

- i. Future development shall have regard for the Erina Leagues Vegetation Management Plan (VMP) prepared by Conacher Environmental Group dated June 2013 (DN 14491555 available from Council).
- ii. The building footprint shall generally comply with the vegetation setbacks listed in the VMP.

**e. Mitigation of Bushfire**

- i. Future development shall be in accordance with the NSW Rural Fire Service's 'Planning for Bushfire Protection Guidelines' 2006.
- ii. Bushfire fuel management will not be undertaken within vegetation management areas. Bushfire Asset Protection Zones (APZ) or defendable spaces for the proposed development are to be located within the proposed development areas. Reference should be made to the Conacher Environmental Group Bushfire Assessment Report (DN 11496980 available from Gosford City Council) for bushfire requirements. These requirements are reflected in attached plan.
- iii. Future developments will need to comply with the requirements of Planning for Bush Fire Protection 2006 and Australian Standard 3959-2009 Construction of buildings in bush fire-prone lands in the planning and construction stages of any development.

**f. Development on Flood Prone Land**

- i. Any drainage and/or filling works proposed below the 1%AEP shall be designed to cause minimal

effects on surrounding properties.

- ii. The developer is to be responsible for the design and construction of all internal and external drainage works required for the development.
- iii. Earthworks below the 1% AEP shall be generally in accordance with the 'Site analysis of pre to post development contours' plan attached or DN 14463229 available from Council. Any increase in these levels as part of the development of the land will necessitate the preparation of new flood study to confirm that there is no increase in flood impacts on adjoining and nearby properties and also to that the development complies with Council's standards for flooding (see "Site Analysis of pre to post development water depth" plan attached or DN14153587 available from Council).
- iv. Vehicle access areas on western edge of proposed development shown on 'Site analysis of pre to post development contours' to meet flood access requirements with regard to depth of water over access way.

**g. Traffic Impacts and Car Parking**

- i. Major vehicular access points to the development shall be located to ensure safe access to the Ilya Avenue and limit congestion along the local road network.
- ii. All internal roads within the development are to be designed in accordance with Council's and the Roads and Maritime Service (RMS) accepted engineering design standards and/or relevant Australian Standards be determined at the DA stage.
- iii. The provisions of DCP for Car Parking and/or relevant RMS guidelines must be considered in preparing any development application which provides car parking on site.
- iv. The developer shall prepare a Masterplan identifying land to be subdivided/ developed and all vehicular access proposed for the subject site. The Masterplan shall be supported by a Traffic Impact Study to identify likely traffic impacts and subsequent road upgrade requirements. The study shall be prepared in accordance with the RTA Guide to Traffic Generating Developments 2002 and is to include but not be limited to the following:
  - Identify all relevant vehicular traffic routes and intersections for access to/from the subject area.
  - Current traffic counts for all of the above traffic routes and intersections.
  - The anticipated additional vehicular traffic generated.
  - The distribution on the road network of the trips generated from the proposed development. Predicted traffic flows are shown diagrammatically to a level of detail sufficient for easy interpretation.
  - Consideration of the traffic impacts on existing and proposed intersections and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development. The study shall also give consideration to the cumulative traffic impacts of other proposed and approved developments in the area.
  - Consideration of the impacts of construction traffic on the road network in the vicinity of the development and measures to minimise any identified impacts.
  - Any other impacts upon the regional and state road network including consideration pedestrian, cyclist and public transport facilities and provision for service vehicles.
- v. No access to the subsequent development is to occur from the unmade road located on the eastern boundary of the land.

**h. Site Remediation**

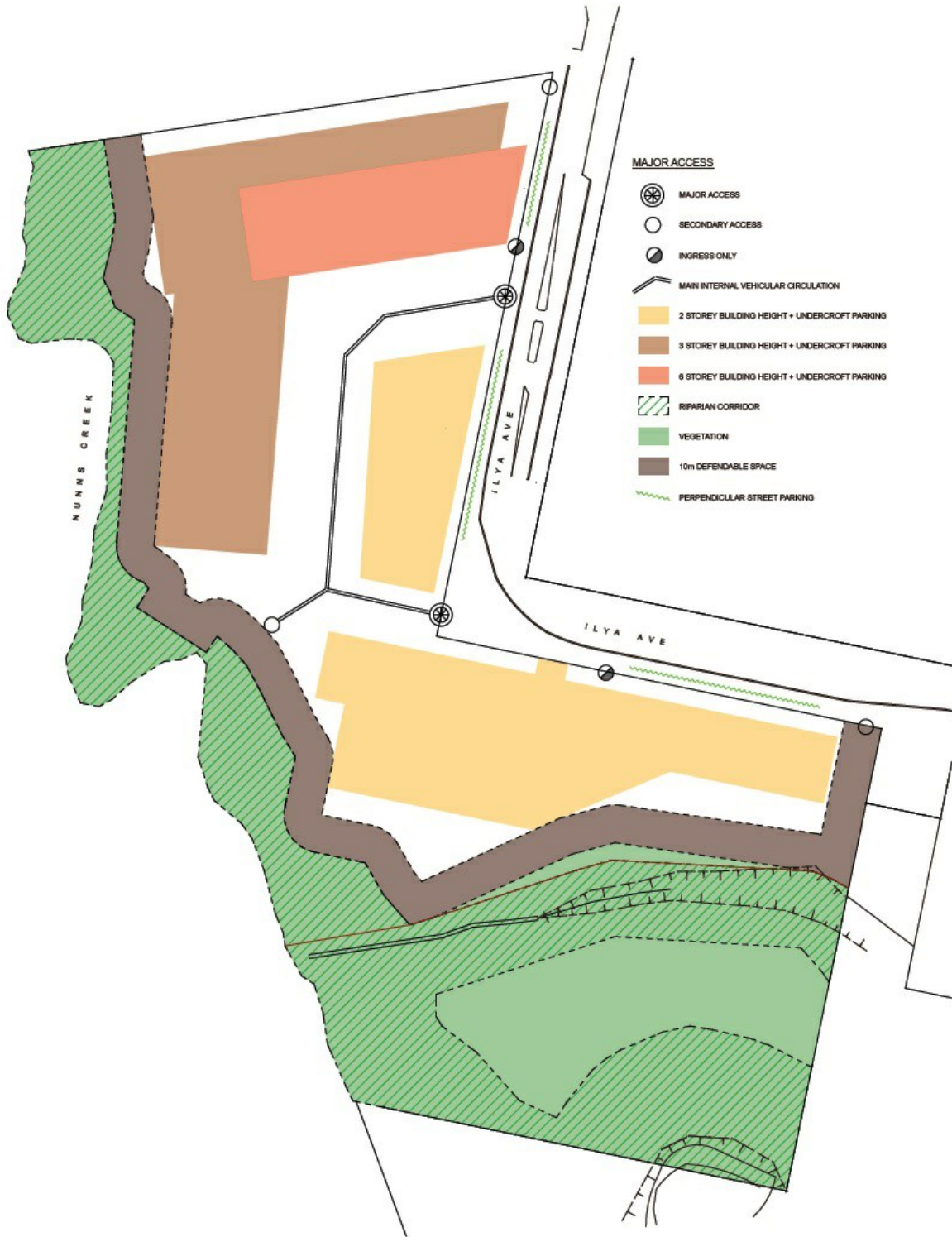
- i. The findings and recommendations of the Report on Preliminary Contamination Assessment, prepared by Douglas Partners (DN 13124753 available from Council) should be taken into consideration for future development of the site.
- ii. A contamination assessment shall be submitted with a development application for development of the site in accordance with the DCP. The detailed contamination assessment should aim to fully characterise site contaminant conditions and be undertaken with reference to the NSW EPA's endorsed guidelines. Note: Subsequent development applications will not require a contamination assessment. Minor development applications may not require a contamination report, subject to Council's discretion.

- iii. Dependant on the findings of the contamination assessment a remediation action plan may be required as part of a construction environmental management plan to address the anthropogenic inclusions (mainly construction waste materials) identified in the “uncontrolled filling” area and also filling mounds or at the ground surface scattered throughout the site. It is expected that this plan would set out a framework of assessment, segregation, validation and then either on-site reuse or off-site disposal of these materials.

#### **5.19.5 Other Controls Applying to this Site**

In addition to the provisions of this chapter of the DCP, the provisions of the more general chapters of Council’s DCP will also apply.

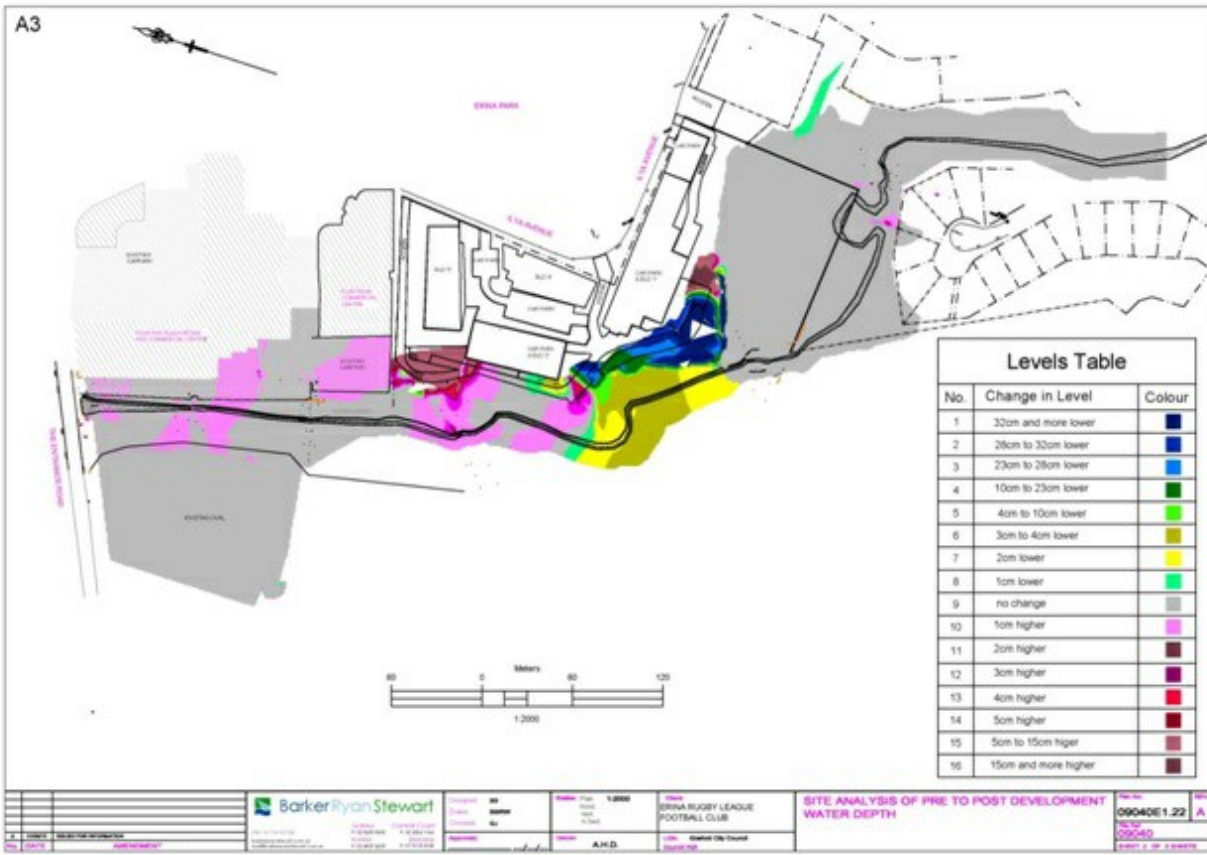
#### **Accompanying Maps**



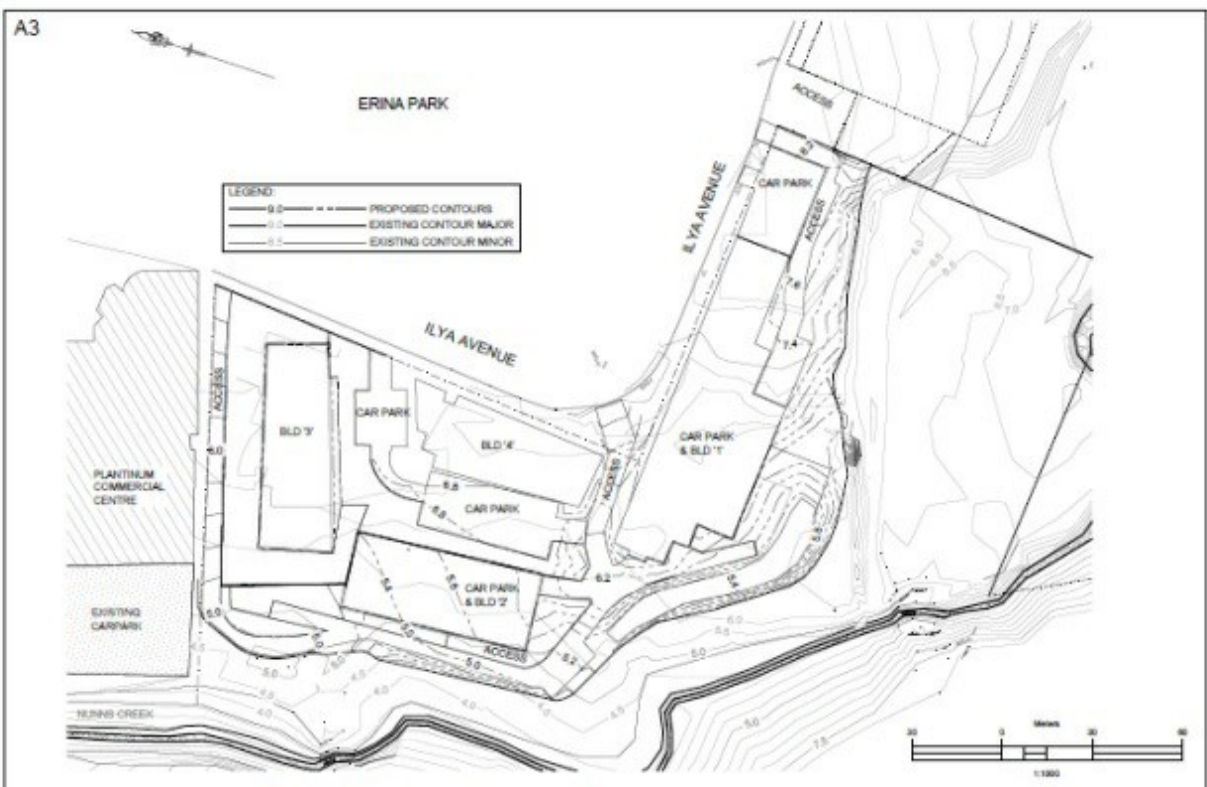
ERINA RUGBY LEAGUE FOOTBALL CLUB  
DEVELOPMENT CONTROL PLAN No. x

1:1000





		Project: 09 Client: ERINA RUGBY LEAGUE FOOTBALL CLUB Date: 11/01/2018 Scale: 1:2000 Author: A.H.D. Title: SITE ANALYSIS OF PRE TO POST DEVELOPMENT WATER DEPTH	Plan No: 09040E1.22 City: 09040 Date: 11/01/2018 Sheet 1 of 1 sheets
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		Project: 09 Client: ERINA RUGBY LEAGUE FOOTBALL CLUB Date: 11/01/2018 Scale: 1:1000 Author: A.H.D. Title: SITE ANALYSIS OF PRE TO POST DEVELOPMENT PROPOSED CONTOURS	Plan No: 09040E1.21 City: 09040 Date: 11/01/2018 Sheet 1 of 1 sheets
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5.20 Marana Road, Springfield

### 5.20.1 Land to which this Chapter Applies

This chapter applies to part of Lot 3912 DP 1143985 Marana Road, Springfield as shown on the map below.



### 5.20.2 Aim of this Chapter

To provide development guidelines for the assessment of development applications relating to this land.

### 5.20.3 Objectives of this Chapter

- a. To enable development to proceed in a manner which is sensitive to the environmental characteristics of the site and surrounding land;
- b. To locate the additional lots and associated building envelopes in the generally cleared areas at the southern

part of the land;

- c. To protect the bushland in the northern part of the land from any adverse effects of development;
- d. To ensure the land is adequately serviced;
- e. To ensure the land is not contaminated from past agricultural uses.

#### **5.20.4.1 Lot Layout**

##### **a. Objectives**

To enable development to proceed in a manner which is sensitive to the environmental characteristics of the site and surrounding land.

To locate the additional lots and associated building envelopes in the generally cleared areas at the southern part of the land.

##### **b. Development Controls**

- i. The lot layout and associated building envelopes are to be generally in accordance with those indicated on the attached map.

#### **5.20.4.2 Environment**

##### **a. Objectives**

To enable development to proceed in a manner which is sensitive to the environmental characteristics of the site and surrounding land.

To protect the bushland in the northern part of the land from any adverse effects of development.

##### **b. Development Controls**

- i. The bushland on the northern part of the subject land is to be placed under a section 88B restriction pursuant to the Conveyancing Act, 1919 as to use and managed under a Bushland Management Plan that would be enforced under Section 88E of the Conveyancing Act, 1919
- ii. A Bushland Management Plan is to be prepared for the bushland at the northern part of the subject land as indicated in the attached map and be submitted with the development application for subdivision.
- iii. The Bushland Management Plan is to be based on a detailed flora and fauna assessment of the area. It is to include how the area will be managed from the impact of the edge effects.
- iv. The implementation of the Bushland Management Plan is to be undertaken by a qualified person.
- v. The Bushland Management Plan is to be in force for a period of ten (10) years from the date of the registration of the subdivision.

#### **5.20.4.3 Servicing**

##### **a. Objectives**

To ensure the land is adequately serviced.

##### **b. Development Controls**

- i. Connection to the reticulated water supply system would be subject to the following conditions at a future subdivision stage:
  - The developer shall be responsible for provision of individual water services to each of the proposed lots

from Marana Road frontage and for determining the size of such services, as well as provision of any additional infrastructure (private internal pump systems) necessary to ensure sufficient pressure to operate internal fixtures within proposed dwellings. All works shall be carried out in compliance with AS/NZ S 3500. {Note: Council's minimum level of service (pressure) is only available at the road frontage to the development site. The developer shall be responsible for determining whether additional infrastructure is required to service each lot}.

- Payment of the current water headworks and augmentation contributions, in accordance with Council's policy.
  - The developer shall be responsible for the full cost of the design and construction of all works necessary to service the proposed subdivision in accordance with Council Policy.
- ii. As a consequence, any further development (subdivision / additional dwellings) of Lot 3912 DP 1143985 Marana Road will require the developer to install sewer mains which comply with WSAA Sewer Design Code standards. The following conditions would apply:
- The developer shall be responsible for the full cost of the design and construction of sewer mains to service the proposed subdivision.
  - Payment of the current sewer augmentation contributions, in accordance with Council's policy.
- iii. Any of the above servicing requirements are not to be contrary to the Deed of Release and Indemnity executed in 2010 under the Land Acquisition (Just Terms Compensation) Act 1991.

#### **5.20.4.4 Land Contamination**

##### **a. Objectives**

To ensure the land is not contaminated from past agricultural uses.

##### **b. Development Controls**

- i. Intrusive contamination investigation and testing is to be undertaken as part of the subdivision assessment to confirm the site's contamination status. This investigation is to be based on and take into account the recommendations of the "Report on Preliminary Site Investigation for Contamination", Douglas Partners, May 2014.

#### **5.20.4.5 Bushfire**

##### **a. Objectives**

To ensure the proposed development satisfies the acceptable solutions for access in Planning for Bushfire Protection 2006.

##### **b. Development Controls**

- i. Provide a 6.5 metre wide sealed driveway to allow for two way traffic to the point where access is only to two dwellings
- ii. A turning circle with a minimum 12m outside radius is to be provided on site.

#### **Accompanying Map**



**5.21 Somersby - Wisemans Ferry Road/Peats Ridge Road (Somersby Fields site)**

**5.21.1 Land to which this Chapter Applies**

This DCP chapter applies to Lot 41 DP 1046841 Wisemans Ferry Road/Peats Ridge Road Somersby as shown on the map below.



### 5.21.2 Purpose of Chapter

The purpose of this chapter is to provide for additional provisions for the development of the land as an environmental lifestyle subdivision and allow an additional transmission tower within the environmental contextual setting of the land, and its relation to surrounding landuses. It is proposed to create six (6) environmental lifestyle lots of approximately 3 ha each (using lot averaging provisions) on the E3 land, one residue E2 lot, and lots associated with the excision of the existing/future transmission tower(s).

The land is in a unique situation given that it was previously identified as being a regionally significant extractive resource (for clay- shale) within a preferred location for extractive industries in the Somersby region. However it is also located in close proximity to a primary school, dwelling houses being used for rural living purposes and a clustering of “community” orientated activities. The Minister for Planning previously refused a Development Application for the sand mine and the land is now excluded for use as a commercial extractive industry.

The land also has valuable environmental characteristics, including known threatened species and their habitat, and other constraints to development. These DCP provisions are required to ensure there is a balance between development and environmental values can be achieved.

There also needs to be some flexibility at the development application stage in relation to the general siting of dwelling houses, clearing works required for bushfire protection, access to dwellings, effluent disposal areas and the like. Where required, assessment of future components of the Development Application will be required to be supported by relevant specialist technical studies as may be necessary.

### 5.21.3 Objectives

The objectives of this chapter are to:

- Encourage the orderly development of the land for rural living environmental lots and;
- Make provision for the protection of the environment (including threatened species) and natural resources; and
- To make provision for aboriginal archaeological heritage; and
- Make provision for bushfire protection; and
- Make provision for access arrangements; and
- To ensure the land is adequately serviced and nutrients are managed; and

- Ensure satisfactory site remediation during the development stage; and
- To make provision for the development of the SP2 component of the land; and
- Delineate conceptual information for the development of the land.

## 5.21.4 Specific Requirements

### a. Orderly Development

- The land is to be developed only in accordance with the amending Local Environmental Plan that provides for the rezoning of the land to E3 Environmental Management, E2 Environmental Conservation and SP2 Infrastructure and the Development Control provisions in this chapter;
- The total dwelling yield is seven (7) dwellings, being six (6) lots on the E3 component and one residue E2 dwelling site;
- The subdivision of the E3 component of the land is to incorporate lot averaging provisions as provided for within the amending LEP. The lot averaging yield is in the vicinity of 3 hectares per allotment;
- The land to be zoned SP2 Infrastructure is only to be developed for the purposes of infrastructure (transmission towers) and does not have dwelling entitlements;
- Development is to be generally in accordance with the concept plan attached to these DCP provisions, referenced “Project: Proposed Rural Rezoning”, “Plan Title: Concept Subdivision Plan to Support Planning Proposal” “Project No 190016P SK 003 Rev I”, with the exception of the centralised access road (note: the subsequent revised concept plan submitted during consultation, showing the internal access road and primary access onto Peats Ridge Road for Lots 26 and 27 is not supported);
- All development is to generally comply with Council’s adopted Development Control Plans and Policies. Note: where provisions of adopted DCPs conflict with the provisions of this DCP chapter, the provisions of this DCP chapter will prevail.
- Nothing in these DCP provisions implies that the existing airstrip is a legal entity nor possesses relevant approvals.

### b. Environmental Protection and Natural Resources

- Future development of the land is to be supported by an Assessment pursuant to Part 5A of the Environmental Planning and Assessment Act, 1979 with particular emphasis on threatened species known to exist on the land, which include: Somersby Mintbush (*Prostanthera junonis*), Spreading Guinea Flower (*Hibbertia procumbens*), *Darwinia glaucophylla*, Eastern Pigmy Possum, Red crowned Toadlet, Giant Burrowing Frog, Little Lorikeet, Little and Common Bentwing Bat, Eastern Freetail-bat, Grey-crowned Babbler, Gang-Gang Cockatoo and Grey-headed Flying foxes
- The subdivision is to occur in the manner shown on the attached concept plan and in accordance with these DCP chapter provisions, and where best case environmental outcomes can be achieved;
- Dwellings, access to dwelling sites, effluent disposal areas, landscaping areas etc are to be sited to minimise the removal of existing native vegetation where possible and subject to appropriate assessment;
- The dwelling to be located on the proposed E2 allotment is to be located as close as possible to the proposed E3 land to minimise impact
- Creation of a Covenant (Restriction(s) as to User(s)) under appropriate legislative provisions binding the existing and future owner(s) and Council to provide for:
  - A minimum of 50 metre area to protect the core habitat area for *Prostanthera junonis* sub-population 6A, adjacent to Peats Ridge Road (with the exception of a restricted area for emergency access only, the appropriate location of which is to be determined at the Development Application stage);
  - An environmental protection area in the central section of the proposed E3 land (note the access way/road shown in the Concept Plan is not endorsed for the purposes of this DCP).
  - An environmental protection area on the majority of the E2 lot (other than an area required to accommodate a dwelling house and curtilage, including bushfire radiation/asset protection zone and effluent disposal area located adjacent to the E3 land) to ensure the on-going maintenance

and protection of the environmental values of this lot (note: not shown on concept plan);

- The Restriction as to User is to be created prior to the registration of the Plan of Subdivision
  - No development (other than emergency access) is to occur in the areas to be protected
  - Future subdivision will be subject to Section 5A assessment with particular emphasis on *Prostanthera junonis* Sub-population 6A.
  - Residual bushland areas, including the bushland located on the E2 and E3 zoned land (even if not identified as containing threatened species, but containing vegetative support to these areas) will be subject to on-going ecological management, as supported by an appropriate Plan of Management to be submitted as part of the Development Application for subdivision. The Plan of Management is to be to the satisfaction of Council and demonstrate that harm minimisation, mitigation and avoidance are integral components in the long term environmental management of the E2 and E3 sections of the land;
  - Any variations sought to the requirements for the Restriction as to User is to be considered at the Development Application stage and to be supported by relevant studies that provides demonstrable improvements to environmental outcomes and having regard to legislative provisions such as the Threatened Species Conservation Act.
- vi. Consideration is to be given to the reuse of extractive material gained during the excavation stage of any proposed development (including construction of accessways, dwelling houses etc);
- vii. The erection of a hangar on the E2 component of the land is not considered suitable and would be subject to separate Development assessment on its merits;
- viii. The erection of any dwelling, landscaping, clearing, earthworks, effluent disposal area etc on both the E3 and E2 components are to have regard to proximity to natural vegetation and to minimise edge effects into significant bushland areas. Effects and minimisation of impacts are to be addressed in the Plan of Management outlined above.

**c. Aboriginal Archaeological Assessment**

- i. A Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW is to be undertaken at the Development Application stage for the subdivision in relation to the location of site works associated with access, erection of dwellings, vegetation and land disturbance for bushfire, effluent disposal etc;
- ii. Should the Due Diligence Archaeological Assessment identify that there is potential impact upon aboriginal cultural heritage due to the proposed development, the proponent must investigate, assess and report on the harm that may be caused. An Aboriginal Cultural Heritage Assessment report will be required to support any application to detail assessment and recommendations for actions to be taken before, during and after an activity to manage and protect objects and places. Where harm can not be prevented or avoided and to support any application made to OEH for an AHIP, the following documents must be referenced:
- Aboriginal cultural Heritage Consultation Requirements for Proponents (2010)
  - Code of Practice for the Archaeological Investigations of Aboriginal Objects in New South Wales (2010) (information available at <http://www.environment.nsw.gov.au/licences/achregulation.htm>)
- iii. Consultation in relation to Aboriginal Archaeology is to be undertaken with all interested groups, including Darkinjung Local Aboriginal Land Council and Guringai Tribal Link.

**d. Bushfire Protection**

- i. All future development is to comply with the requirements of Planning for Bushfire Protection, 2006 and to be supported by appropriate reports prepared by a bushfire consultant;
- ii. Roads/accessways are to be provided in accordance with design the specification set out in Section 4.1.3(1) of Planning for Bush Fire Protection, 2006. Where accessways/rights of carriageway are to be provided these are to be to the satisfaction of the NSW Rural Fire Service and to incorporate measures for the safe transit and passage of fire tankers, whilst having regard to the minimisation of the removal of vegetation and impact on threatened species, and environmental amenity;
- iii. Asset Protection Zones are to be provided in accordance with Table A2.4 of Planning for Bushfire Protection, 2006. Where Asset Protection Zones may affect areas of threatened species habitat,



compensatory “offset” type revegetation of alternative areas may be an appropriate outcome to satisfy environmental objectives;

- iv. All dwellings, Asset Protection Zones and accessways/rights of carriageways are to be sited to minimise the need to remove vegetation to satisfy bushfire requirements and will be subject to detailed assessment at the Development Application stage for subdivision;
- v. The residue E2 zoned lot is to have proposed access provided by way of extension of the proposed internal access serving the E3 lots, to provide a clear and direct exit path from the lot away from the main bushfire hazards to the east, north-east and south-west
- vi. The provision of a secondary emergency access route from the eastern end of the proposed accessway (by way of a private right of way) out onto Peats Ridge Road from either proposed Lot 26 or 27 is to be considered at the DA stage and subject to detailed investigations in relation to impacts upon vegetation, scenic quality, traffic access and safety on Peats Ridge Road.

**e. Access Arrangements**

- i. Only one primary vehicular access point is to be provided to the site via Marabunga Road and then on to Wisemans Ferry Road. This is to be sited in the western section of the land, to the general north-east of the consolidated transmission tower/s.
- ii. Intersection treatments at the access point onto Marabunga Road, and at the intersection of Wisemans Ferry Road and Marabunga Road are to be considered at the DA stage for the subdivision and to meet required engineering standards, with any upgrading costs to be met by the applicant;
- iii. Internal roads/rights of carriageways are to be designed to be located away from the central environmentally sensitive area of the land (that is to be protected by way of a Restriction as to User and these DCP provisions), with engineering standards to be determined at the Development Application stage;
- iv. In addition to (iii) above, all internal accesses/rights of carriage ways are to be designed and sited so as to minimise impacts on vegetation, in particular threatened species, contribute to the environmental living amenity and have regard to the amenity of dwelling envelopes with alternate engineering standards (drainage swales etc) (subject to satisfaction with NSW Rural Fire Service requirements) and to be determined at the DA stage;.
- v. The main street address for any allotment, including the residue E2 lot, is not to be Peats Ridge Road. Primary access for lots is to be gained from the internal access system within the E3 component.
- vi. One emergency ingress/egress point is to be provided onto Peats Ridge Road, the final siting of which is to be determined having regard to the assessment undertaken under relevant environmental assessments and having regard to traffic safety and functioning onto Peats Ridge Road.

**f. Servicing Considerations**

- i. Any Development Application for subdivision will be required to be supported by an On-site Wastewater Management Plan in accordance with the methodology recommended in the Environment and Health Protection Guidelines – On-site Sewage Management for Single Households. The Report will include:
  - an overview of the soil and landscape (topography, geology, groundwater, vegetation, rock outcrops) features across the area, taking into account the degree and location of constraints that could affect the siting, design, sizing, installation and maintenance of on-site sewage management systems
  - a description of the extent and nature of any environmentally sensitive areas, including endangered ecological communities, creeks, bores and dams, and the potential for impacts upon these
  - collection of information on groundwater vulnerability, the nature of any aquifers, the location of bores, watertable heights, and the nature and extent of any groundwater quality and use
  - an assessment of potential impacts and cumulative impacts over time of establishing on-site sewage management systems within the planning proposal area
  - a recommendation for the most appropriate sewage treatment system and disposal method
  - where effluent disposal systems may have an adverse impact on threatened species habitat or

areas of significance, compensatory areas for revegetation may be considered and are to be incorporated into the overall Plan of Management

- ii. A Nutrient Management Plan is to be prepared to support any Development Application for subdivision to demonstrate that all nutrients generated by development can be managed and contained on-site, effectively managed without causing environmental effect, and that there is no net increase in nutrients entering water catchments, having regard to parts of the land being located in Ourimbah Creek and Mooney Mooney Creek Catchment areas.
- iii. A suitable, centralised area is to be identified within the public road reserve off the primary public road access (Marabunga Road ) for a centralised garbage bin service associated with the development, to the satisfaction of Council's waste contractor. This facility is to be appropriately screened/landscaped consistent with a rural living type subdivision.
- iv. It should be noted that a conventional garbage service may not be available within the subdivision (depending on the requirements of Council's contract waste provider).

**g. Site Remediation and Land Stability**

All development is to comply with the Preliminary Contamination Assessment report, prepared for ADW Johnson Pty Ltd by Coffey Environments Australia Pty Ltd dated 17 October 2014. Specific requirements of this Report include:

- i. The site should be kept secure to minimise the potential for further illegal dumping;
- ii. A Phase 2 Contamination Assessment, including sampling and laboratory analysis, is to be carried out to support the Development Application to quantify the risks posed by the exposure pathways identified in the Report;
- iii. An Environmental Management Plan to be implemented during construction of the building envelopes in order to manage on-site fill and to account for unexpected contamination issues;.
- iv. Parts of the land have been identified as being subject to immediate high hazard slope instability. Future development may be required to be supported by appropriate geotechnical investigations to be support development, to be submitted at the Development Application stage.

**h. Development of SP2 Zoned Land**

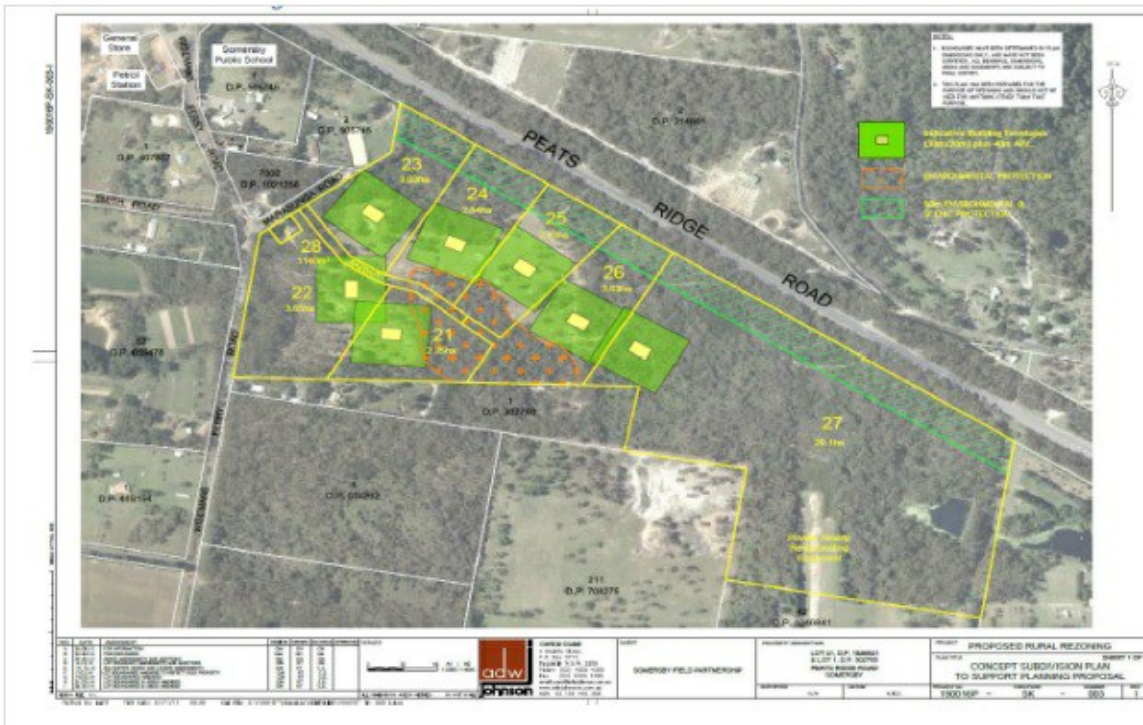
- i. The development of land to be zoned SP2 Infrastructure is to be for transmission towers only and subject to the relevant approvals;
- ii. The erection of any transmission tower is to be in accordance with relevant statutory provisions and comply with all necessary Australian Standards;
- iii. Transmissions towers are to be located on that part of the site to be zoned SP2 Infrastructure (note: due to map scaling issues and aerial photography distortions there may be some limited flexibility/variation as to the location of the zone line in relation to the existing tower. In this instance the general tenets of Clause 5.3 of Gosford Local Environmental Plan 2014 will be used to inform the location of subdivision boundary);
- iv. The creation of allotments associated with the transmission towers do not have the entitlement for the erection of a dwelling house to be erected upon them;
- v. The erection of any transmission tower/s is to have regard to the visual amenity and character of the adjoining environmental living subdivision and surrounding lands.

**i. Conceptual Development**

- i. Development is to generally occur in accordance with the provisions of these DCP provisions and the attached conceptual subdivision plan in relation to the location of dwelling envelopes, areas of environmental protection and the like;.
- ii. The road shown dissecting the area (see plan below) in the central part of the site (orange spots) which contains significant environmental habitat is not to be constructed, with alternative access arrangements being considered at the time of subdivision through the creation of roadways, rights of carriageway, etc as may be appropriate.

- iii. Council will give consideration to variations to these provisions only where it can be clearly demonstrated that improved environmental outcomes can be achieved through detailed site assessment and development planning having regard to threatened species, remnant bushland, visual and scenic quality, access arrangements, bushfire considerations, dwelling house locations, effluent disposal areas and other matters as may be relevant. Such amendments would need to be supported by relevant assessments such as those required under the Threatened Species Conservation Act (Part 5A assessment, Species Impact Assessment if required) or other detailed studies as may be relevant;
- iv. The development application for the subdivision is to be supported by an appropriate Plan of Management for On-site Vegetation to encapsulate the provisions of this DCP, including off-sets areas, compensatory revegetation/plantings on the site having particular regard to threatened species and their habitats, and other bushland areas, more detailed design and siting issues associated with dwelling houses, access (including emergency access), bushfire radiation zones, effluent disposal areas, potential aboriginal archaeological sites and the like but only where no practical alternative exists and appropriate approvals/permits are obtained. This Plan of Management is to be prepared in consultation with Council and to have regard to issues raised by government agencies. Once finalised, the Plan of Management is to inform final details to be specified in the covenant binding the existing/future owner(s) and Council under the appropriate legislation and to be registered prior to the release of the Subdivision Certificate.

Note: location of Proposed Lot 28 (containing the existing transmission tower/possible future tower), may be at variance to the LEP as made due to the scale of mapping. Reliance should be made on the LEP plan, rather than this DCP plan. Full construction of the length of the centralised access road is not supported as contained in these DCP provisions).



## 5.22 East Somersby

### 5.22.1 Somersby - East of M1 Freeway

Comprising the Lot 12 DP 263427 Reeves Street and Lot 41 DP 771535 Goldsmith Road (Northern Precinct) and Lot 4 DP 261507 Debenham Road (North), (Southern Precinct), Somersby.

These DCP provisions will come into effect on the date of the making of the amending Local Environmental Plan as it relates to Lot 12 DP 263427 Reeves Street and Lot 41 DP 771535 Goldsmith Road (Northern Precinct) and Lot 4 DP

261507 Debenham Road North (Southern Precinct), Somersby.

The applicant has submitted some information to-date, that should also be used in the assessment of future Development Applications, however this may need to be supplemented by further information under these DCP provisions and further consultation/investigations to satisfy government agency consultation for future Development Applications. This also may occur on a site by site basis as development/subdivision proceeds.

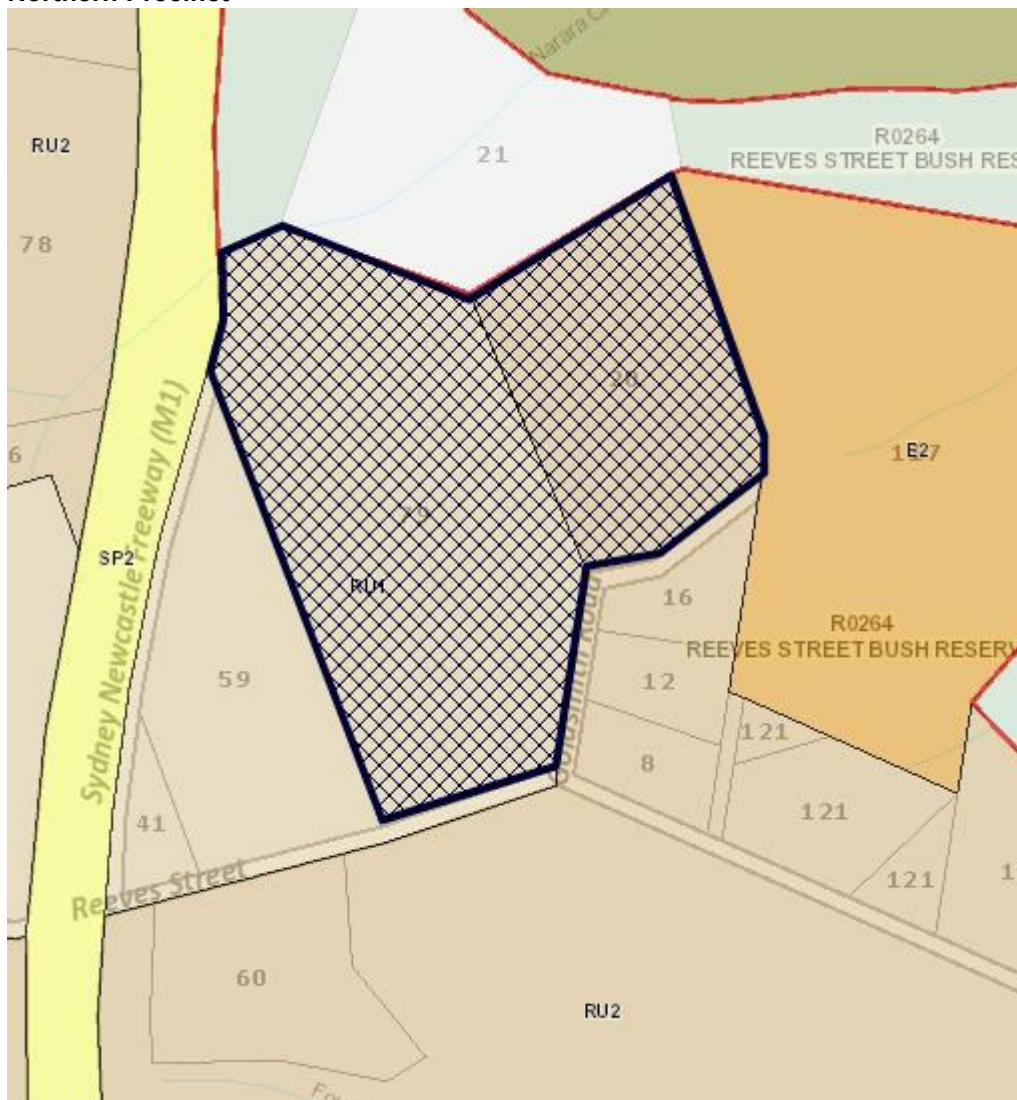
These DCP chapter amendments also reflect Council's resolution of 24 November 2015, that have resulted in Lot 2051 DP 559231 Debenham Road, Somersby, not being included in the proposal.

### 5.22.2 Land to which this chapter applies

This DCP Chapter applies to both the northern and southern precincts of land to the east of the M1 at Somersby, which has been the subject of a planning proposal and will be subject to an amending Local Environmental Plan for three lots. The LEP provisions will rezone the land to E2 Environmental Conservation and E3 Environmental Management, to better reflect its environmental values and to allow for low key “environmental” and “lifestyle” subdivision in appropriate locations as a result of listing in Schedule 1 of Gosford Local Environmental Plan to allow land subdivision into a specified number of allotments. The LEP will still also rezone the land from RU1 and RU2 to E2 and E3.

The **northern precinct** is to be zoned E2 Environmental Conservation and E3 Environmental Management, as amended under Gosford Local Environmental Plan 2014. It is located off the Somersby end of Reeves Street and comprises Lot 12 DP 263427 (the rear section of which is to be zoned E2) and E3 Environmental Management over the remainder of Lot 12, and also for the whole of Lot 41 DP 771535 (see map below).

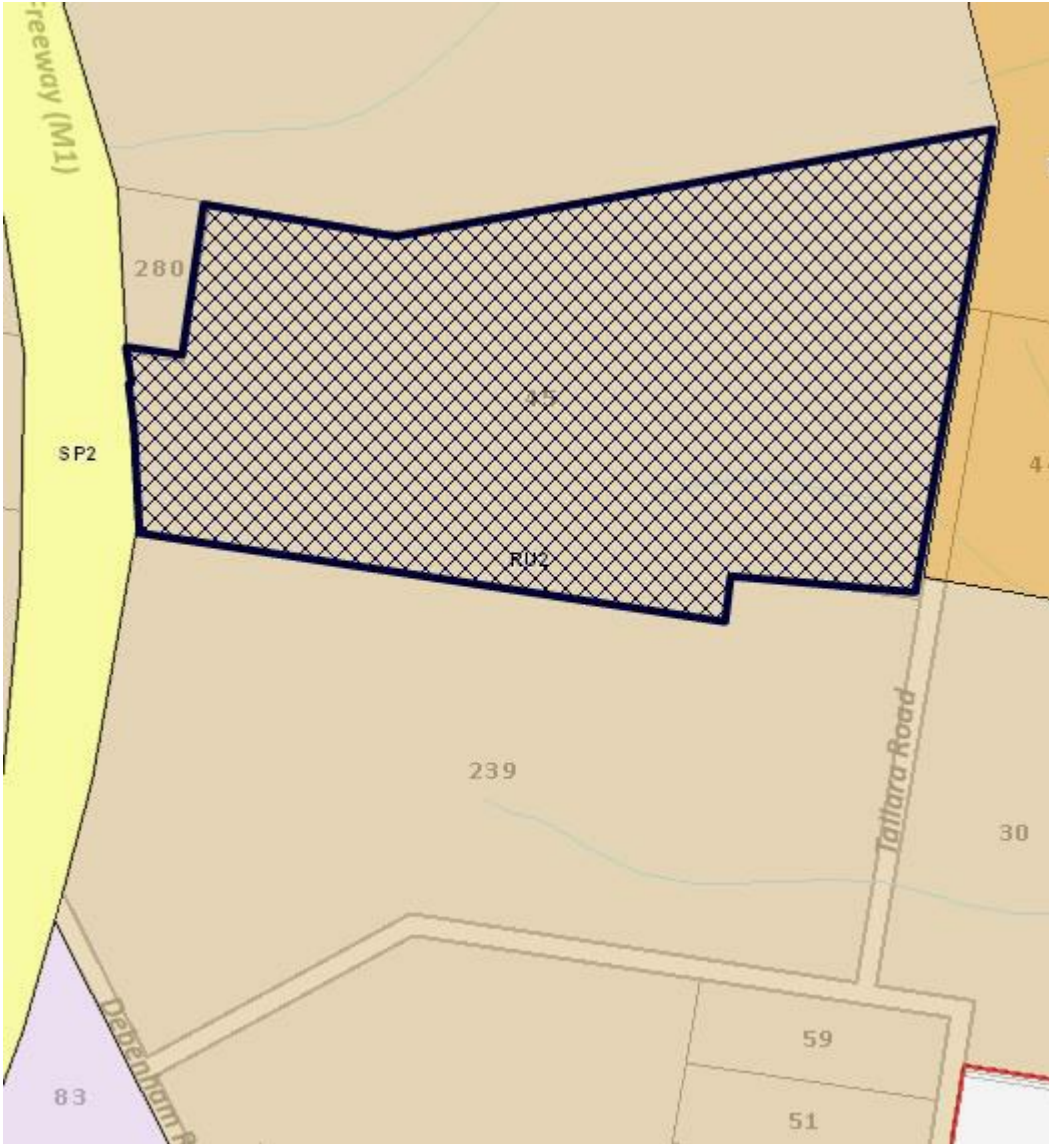
#### Northern Precinct



(Note: different scale to map for southern precinct)

The **southern precinct** is generally located off Debenham Road at Somersby and is to be zoned E2 Environmental Conservation under Gosford LEP 2014. It comprises of land on the eastern side of M1, off Debenham Road, and as a consequence of Council's resolution of 24 November 2015, now consists of one lot, being Lot 4 DP 261507 Debenham Road North. Two other lots that were subject of the original planning proposal (being Lot 3 DP 260507 and Lot 2051 DP 559231 Debenham Road) were removed at the request of the owners or their representatives, after the public exhibition period.

**Southern Precinct**



(Note: different scale to map for northern precinct)

**5.22.3 Proposed LEP Provisions**

In addition to rezoning the land to E2 Environmental Conservation and E3 Environmental Management, amending Local Environmental Plan provisions are also proposed to list the allotments and their development potential in Schedule 1 Additional Permitted Uses. This is to specify the total number of dwelling structures (existing, approved, new, etc) to a total of 16 dwellings over both the northern and southern precincts as per the table below:

<b>Northern Precinct</b>	
Lot 41 DP 771535, Goldsmith Road Somersby	5 allotments (including one allotment with the existing dwelling house)

Lot 12 DP 263427, Reeves Street, Somersby	7 lots (including one residue E2 lot with a dwelling entitlement, and two existing dwelling structures on the E3 component)
<b>Southern Precinct</b>	
Lot 4 DP 261507, Debenham Road North, Somersby	4 lots towards the Debenham Road frontage or located within cleared areas provided NSW RFS requirements can be satisfied)

Development on all parts of the precincts is to be designed to minimise impacts on corridors linking Brisbane Water National Park to Ourimbah State Forest and Jiliby State Conservation Area and other proposed reserve/conservation areas, together with other more sensitive parts of the land. All development is comply with Section 79(c) of the Environmental Planning and Assessment Act, and where required, gain appropriate/relevant approvals and concurrences from state government agencies.

For all dwellings located in the southern precinct (ie on Lot 4 DP 261507), their location is to be as close as possible to the Debenham Road frontage and/or confined to previously cleared/disturbed areas. This is to minimise the effects of development on that part of the land that has higher environmental and conservation values and to minimise edge effects to strategic biodiversity corridors.

#### 5.22.4 Purpose of the Chapter

The purpose of this chapter is to provide for additional provisions for the development of the land as a rural lifestyle and environmental living “type” subdivision in select locations. This is to take into consideration the location of the land, its unique locational setting, inappropriateness of previous zonings, its range of environmental values, new zonings and listing in Schedule 1 for land subdivision and future erection of dwelling houses. The site, in particular the southern precinct, is in a key location in the midst of a broad tract of corridor connectivity.

The amending LEP provisions will allow greater environmental protection over the majority of the lot in the southern precinct, whilst allowing subdivision in less sensitive areas at the rate specified in Schedule 1 for land subdivision and consequent erection of dwellings. This protection is best achieved through LEP zoning and listing in Schedule 1 Additional Permitted Uses. At the DA stage, Council could contemplate the creation of Restriction as to Users, Vegetation Management Plans, Voluntary Conservation Agreements etc (in consultation with OEH) where necessary to give greater statutory and management control than that afforded by the DCP provisions alone where required.

The amending LEP and DCP provisions recognise the unique situation of the land, its generally high environmental and scenic qualities and its physical segregation from the bulk of rural and resources lands to the west of the M1. The land also drains away from the bulk of rural and resource lands, with it draining to the east towards the city centre.

Although the land is in a favourable position in terms of accessibility, it has valuable environmental and scenic characteristics, including known threatened species and their habitat, archaeological sites, creek lines and a variety of vegetation and soil types that need consideration in the future subdivision and erection of dwelling houses. Hence these DCP provisions are required to ensure a balanced development/environment can be achieved.

There also needs to be flexibility at the development application stage in relation to the general sitting of dwelling houses, clearing works required for bushfire protection, access to dwellings, effluent disposal areas, landscaping and the like which can be achieved through the statutory planning framework approach..

Consultations with relevant state agencies will still be required at the DA stage as part of due diligence assessment of development applications.

The applicant has already provided some information to Council which can be used to supplement and further inform DA assessment where required, however is not to be used to pre-empt any DA approvals.

#### 5.22.5 Objectives

The objectives of this chapter are to:

- a. Encourage the orderly development of the land for rural living and environmental lifestyle lots and;
- b. Environmental Protection - make provision for the protection of the environment (including threatened species, ecologically endangered habitat, aboriginal archaeology and watercourses), and
- c. To make provision for aboriginal archaeological heritage; and
- d. Make provision for bushfire protection; and
- e. Make provision for access arrangements; and
- f. To consider Servicing and Water Management Considerations, and
- g. To consider issues associated with Land stability and Site Remediation, and
- h. To clarify provisions in relation to Crown roads and Adjoining lands, and
- i. To consider issues in relation to the compatibility between the existing Gosford Quarry operations, other uses and proposed dwellings

These requirements are addressed under Specific Requirements as outlined below in Section 5.22.6 items a to i.

### 5.22.6 Specific Requirements

- a. **Encourage the orderly development of the land for rural living and environmental lifestyle lots**

#### Explanation:

Some of the allotments have already been developed for dwelling houses (existing/ approved/not legalised) and some of the land is currently vacant. Under the revised approach to the LEP a total of 16 dwellings (including established structures) can occur, with the bulk of dwellings located in the less constrained northern precinct.

#### Requirements:

The land is to be developed only in accordance with the amending Local Environmental Plan that provides:

- for the rezoning of the northern precinct from RU1 Primary Production and RU2 Rural Landscape to generally E3 Environmental Management with one residue E2 Environmental Conservation lot, with the total number of dwellings/lots specified in Schedule 1 of the amending LEP: Dwellings in this component of the proposal are to be generally interspersed throughout the area and to be located in areas that minimise the removal of vegetation, including habitat trees, ensure satisfactory on-site waste disposal, design access to avoid environmentally sensitive areas and stagger dwelling alignments to facilitate a rural residential amenity and create adequate curtilage areas for the erection of dwellings, provision of on-site services, landscaping, access and maintenance of environmental values and address any additional matters that may be determined through detailed DA assessment.
  - for the rezoning of the southern precinct, comprising Lot 4 DP 261057, from RU2 Rural Landscape to E2 Environmental Conservation, the total number of lots/dwellings is specified in Schedule 1 of the amending LEP. Dwellings on this lot are to be located in areas that minimise the removal of vegetation, including habitat trees, ensure satisfactory on-site waste disposal, ensure dwellings are located as close to Debenham Road as possible, and with appropriate road setbacks and maintenance of frontage vegetation to protect the relatively natural setting of parts of Debenham Road North alignment. Dwellings are to be sited in less sensitive areas, previously disturbed and/or cleared areas, and to consider consultations undertaken with relevant government agencies at the time.
  - The listing of the rezoned lots in Schedule 1 of Gosford Local Environmental Plan 2014 to allow subdivision into a specified number of allotments (as per 5.x.b Proposed LEP Provisions).
  - Concept plans as submitted as part of the planning proposal application are indicative only and not ratified by the amending LEP provisions or this DCP. The location of all dwellings will be subject to detailed consideration by Council and relevant state agencies as part of the DA assessment process.
  - All development is to generally comply with Council's adopted Development Control Plans and Policies. Note: where provisions of adopted DCPs conflict with this DCP, then the provisions of this DCP will prevail.
- b. **Environmental protection - make provision for the protection of the environment (including threatened species, ecologically endangered habitats, aboriginal archaeology and watercourses)**

**Explanation:**

Parts of the sites may possess significant vegetation, including some areas of Ecologically Endangered Communities. This vegetation may provide suitable habitat for a range of threatened and non-threatened flora and fauna species. The following threatened species may be present on the land: Somersby Mintbush (*Prostanthera junonis*), Spreading Guinea Flower (*Hibbertia procumbens*), Leafless Tongue Orchid (*Cryptostylus hunteriana*), Eastern Pigmy Possum, Red crowned Toadlet, Giant Burrowing Frog, Little Bentwing Bat, Glossy Black-Cockatoo, Powerful Owl, Sooty Owl as well as endangered ecological communities Duffys Forest EEC and Coastal Upland Swamps EEC. There are also recordings of the Adams Emerald Dragonfly (*Archaeophya admasi* Fraser) also called the Horned Urfly identified in the general area (source: NSW DPI) which is listed as an endangered species. Any species assessment should include an assessment of this species. It is noted that the two lots removed from the proposal would have a greater propensity for threatened species than the remaining lots, due to their closer proximity and features.

The land may have multiple threatened species constraints and uncertainty exists in relation to aboriginal archaeological sites and cultural heritage values. Hence a balanced development/environment approach is required for future development of the land to ensure it is undertaken in a sustainable manner without unacceptable environmental impact.

As the land is not suitable for Biocertification Processes (as identified by the Office of Environment and Heritage), environmental issues need to be given detailed consideration at the DA stage and further appropriate assessments undertaken as may be required and development processes/outcomes responsive to these assessments. This could result a range of other provisions (not related to landuse Planning and zoning alone) to implement these measures to the satisfaction of Council and in consultation with government agencies to ensure more significant areas are retained through the DA process

**Requirements:**

- Future development of both precincts at the subdivision stage is to be supported by an Assessment pursuant to Part 5A of the Environmental Planning and Assessment Act, 1979 with particular emphasis on threatened species known to exist on the land, which may include: Somersby Mintbush (*Prostanthera junonis*), Spreading Guinea Flower (*Hibbertia procumbens*), Leafless Tongue Orchid (*Cryptostylus hunteriana*), Eastern Pigmy Possum, Red crowned Toadlet, Giant Burrowing Frog, Little Bentwing Bat, Glossy Black-Cockatoo, Powerful Owl, Sooty Owl and the Adams Emerald Dragonfly as well as endangered ecological communities Duffys Forest EEC and Coastal Upland Swamps EEC.
- The subdivision and subsequent erection of dwellings and ancillary activities is to occur in the manner in accordance with these DCP provisions, in consultation with state agencies as may be required, to demonstrate that best case environmental outcomes can be achieved.
- Dwellings, access to dwelling sites, bushfire protection measures (including asset protection zones and access/emergency access requirements), effluent disposal/nutrient treatment areas, landscaping areas and boundary fencing etc are to be sited to minimise the removal of existing native vegetation where possible and subject to appropriate assessment.
- For both precincts, consideration is to be given to the creation of appropriate legally binding mechanisms, such as Covenants (Restriction(s) as to User(s)) under appropriate provisions, Vegetation Management Plans, Plans of Management, Voluntary Planning agreements, Voluntary Conservation Agreements and the like binding the existing and future owner(s) and Council to provide for:
  - i. The protection of Duffys Forest EEC, Coastal Upland Swamps EEC, known or potential areas of *Prostanthera junonis* and other known or identified locations of threatened species and their habitats, however excluding any areas that may be required to accommodate dwelling house envelopes/curtilages, where delineated as acceptable;
  - ii. Where necessary, areas of threatened species are required to be disturbed as justified through an assessment under Part 5A or a Species Impact Statement, to provide access to supportable dwelling envelopes (including bushfire radiation zones/access required for bushfire, effluent disposal areas, etc) and as may be identified in the subdivision applications, compensatory planting and native revegetation



is to occur on other parts of the site to create a “like for like” situation in relation to the protection and retention of threatened species and their habitats. These areas are to be appropriately managed in accordance with these DCP provisions and to be to the satisfaction of Council.

- iii. Restriction as to Users and/or other methods as outlined are to address threatened species locations (both known and as may be identified through the Part 5A process or Species Impact Statement) and areas of aboriginal archaeological sites and cultural values (see part c below). The purpose of these measures is to ensure the on-going protection in perpetuity as may be required, or appropriately licensed (eg Permits to Destroy Aboriginal Archaeological Sites). These measures are to employ the “maintain or improve” principle as advocated by the Office of Environment and Heritage.
  - iv. Restriction as to Users and/or other methods as outlined are to address threatened species locations (both known and as may be identified through the Part 5A process or Species Impact Statement) and areas of aboriginal archaeological sites and cultural values (see part c below). The purpose of these measures is to ensure the on-going protection in perpetuity as may be required, or appropriately licensed (eg Permits to Destroy Aboriginal Archaeological Sites). These measures are to employ the “maintain or improve” principle as advocated by the Office of Environment and Heritage.
- Methods to be used to ensure the long term sustainability of remaining environmental values are to be to satisfaction of Council, in consultation with relevant government authorities and to demonstrate harm minimisation, mitigation and avoidance are integral components in the long term environmental management of the land. These measures are to be completed and/or satisfactorily progressed to Council’s requirements prior to the release of the Subdivision Certificate by Council or the issuing of the Occupation Certificate, whichever occurs first.
  - It should be noted that the need for further environmental assessments for the erection of individual dwellings and their curtilage on individual allotments, may be required depending on the location of dwelling houses and site disturbance which would be determined at the time of the applications and on a case by case basis
  - All development, including effluent disposal areas, clearing works etc is to be setback a minimum of 40 metres to any 1st order watercourses and be in accordance with the NSW Office of Water “Guidelines for Riparian Corridors on Waterfront Land” and may constitute a controlled activity and require approval under the Water Management Act and the Water Management (General) Regulation 2011.
- c. **To make provision for aboriginal archaeological heritage**

**Explanation:**

An Aboriginal Archaeological Assessment Report was submitted as part of initial documentation relating to the proposed rezoning. Advice from the Office of Environment and Heritage indicates that this is insufficient to enable a full assessment of the proposal. The applicant may choose to confine detailed analysis to areas where specific development and disturbance is likely to occur, provided the remainder of this DCP is satisfactorily complied with and Council is satisfied with the locations of the proposed dwelling envelopes and extent of investigations.

**Requirements:**

- A Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW is to be undertaken at the Development Application stage for the subdivision in relation to the location of site works associated with access, erection of dwellings, vegetation and land disturbance for bushfire, effluent disposal etc, on all allotments to be created.
- Should the Due Diligence Archaeological Assessment identify that there is potential impact upon aboriginal cultural heritage, the proponent must investigate, assess and report on the harm that may be caused. An Aboriginal Cultural Heritage Assessment report will be required to support any application to detail assessment and recommendations for actions to be taken before, during and after an activity to manage and protect objects and places. Where harm cannot be prevented or avoided and to support any application made to OEH for an Aboriginal Heritage Impact Permit (AHIP), the following documents must be referenced:
  - Aboriginal cultural Heritage Consultation Requirements for Proponents (2010)
  - Code of Practice for the Archaeological Investigations of Aboriginal Objects in New South Wales (2010) (information available at [www.environment.nsw.gov.au/licences/achregulation.htm](http://www.environment.nsw.gov.au/licences/achregulation.htm)). (Note: These are OEH legislative requirements)

- Consultation in relation to Aboriginal Archaeology is to be undertaken with all interested groups, including Darkinjung Local Aboriginal Land Council and Guringai Tribal Link.
- Any provisions in relation to the protection of Aboriginal Archaeological heritage are to be incorporated into restrictions as users, Plans of Management, etc or other methodologies required under item b above in relation to environmental protection.

d. **Make provision for bushfire protection**

**Explanation:**

Concerns are raised by the NSW Rural Fire Service in relation to the proposal, however these may be more readily addressed with development in the southern precinct on Lot 4 DP 261507 generally confined to cleared, previously disturbed areas and in proximity to the Debenham Road frontage. There still may be access issues, and the creation of public roads is not an acceptable solution. The NSW RFS will require further consideration in relation to the proposal given the need for compliance with Planning for Bushfire Protection 2006, particularly with regard to:

- Access
  - Provision of alternative/secondary access as required in Section 4.1(c) where dwellings are located more than 200 metres from a main road;
  - Provision of through access as required in Section 4.1.3(1) where these are more than 200 metres long.
  - Provision of public roads rather than shared right of ways as required in 4.1.3(2) where access is to more than three dwellings (note: this may require variation for Lot 4 DP 261057 Debenham Road for environmental reasons and subject to satisfactory alternative arrangements).
- Separation from the hazard and provision of defendable space
  - Grouping of rural residential dwellings into clusters as required by Section 4.1.1(b) to allow for the establishment of APZs around a group of relatively clustered dwellings.

**Requirements:**

- Tallara Road is not to be used for the primary access route for Lot 4 DP 261507 Debenham Road North.
- Suitable accessways (but not public roads) are to be provided in accordance with design specification set out in Section 4.1.3(1) of Planning for Bush Fire Protection, 2006. Where accessways/rights of carriageway are to be provided these are to be to the satisfaction of the NSW Rural Fire Service and to incorporate measures for the safe transit and passage of fire tankers, however have regard to the minimisation of the removal of vegetation and impact on threatened species.
- Asset protection zones are to be provided in accordance with Tables A2.4 of Planning for Bushfire Protection, 2006. Where asset protection zones may affect areas of threatened species habitat, compensatory “offset” type revegetation of alternative areas may be an appropriate outcome to satisfy environmental objectives. These would need to be detailed to the NSW Rural Fire Service, Office of Environment and Heritage and to Council’s satisfaction as part of the DA process.
- All dwellings, asset protection zones and accessways/rights of carriageways are to be sited to minimise the need to remove vegetation to satisfy bushfire requirements and will be subject to detailed assessment at the Development Application stage for subdivision and in consultation with the NSW Rural Fire Service.
- The residue E2 zoned land in the Northern Precinct, being part of Lot 12 DP 263427 Reeves Street, is to have proposed access provided by way of extension of proposed internal access serving the E3 component, to provide a clear and direct exit path from the lot away from the main bushfire hazards.
- The provision of secondary emergency access routes are to be considered at the Development Application for Subdivision stage and subject to detailed investigations in relation to impacts upon vegetation/areas with high conservation values, scenic quality and traffic access and safety for both emergency and occupant vehicles.
- Where any compensatory plantings are required having regard to bushfire requirements, these are to be included in the requirements of these Development Control Plan provisions and encapsulated through appropriate Management Plans, Conservation Agreements and the like and to be to the satisfaction of the NSW Rural Fire Service, Office of Environment and Heritage and Council.

e. **Make provision for access arrangements**

**Explanation:**

Traffic generation, including access onto Debenham Road (or its extension) for proposed lots is to be considered at

the DA stage for subdivision.

**Requirements:**

- Only one primary vehicular access point is to be provided to Lot 4 DP 261507 in the southern precinct, and to be sited so as to minimise adverse traffic functioning and safety on to Debenham Road. Access requirements are also to consider impact on threatened species, visual and scenic qualities and aboriginal archaeological sites and are to be considered at DA stage for the subdivision.
- No direct vehicular access is permitted onto the M1 Freeway.
- General consideration for other access points for the remainder of the precincts are to include:
  - Type of road frontage
  - Sight distances
  - Intersections
  - Potential conflicts and how to address these
- Intersection treatments at the access points onto any primary road access and the engineering standards for internal access ways are to be determined at the Development Application for Subdivision stage.
- All internal access/rights of carriage ways throughout both precincts are to be designed and sited so as to minimise impacts on Aboriginal sites, significant vegetation (including habitat trees), in particular endangered ecological communities and threatened species and populations, contribute to the rural living amenity and have regard to the amenity of dwelling envelopes with alternate engineering standards (drainage swales etc) (subject to satisfaction with NSW Rural Fire Service and Council requirements) and to be determined at the Development Application for Subdivision stage.
- The western unmade section of Kowara Road located between Lot 2051 DP 559231 and Lot 3 DP 261507 Debenham Road North (that are not the subject of these DCP provisions as these lots have been excluded from the proposal), is not to be constructed to provide access or emergency access for the remaining land in the southern precinct.

f. **To consider Servicing and Water Management Considerations**

**Explanation:**

The land is located outside of Council's Water and Sewer Service Area and as such reticulated water and sewer is not available to the land. The land is not required to connect to these services. All waste water and nutrient generation is required to be treated on-site.

**Requirements:**

- The Development Application/s for subdivision will be required to be supported by an On-site Wastewater Disposal Feasibility Report in accordance with AS 1457.2000 On-site Domestic Wastewater Management and the Environment and Health Protection Guidelines on-site Management for Single Households. This is to support each application for a dwelling house and to identify the suitability of any proposed on-site disposal of waste water and potential impacts on waters that may flow into areas of high environmental sensitivity, watercourses and the like. The report will be required to identify suitable Primary and Reserve Land Application Areas for individual lots which would be required to be identified on all proposed site plans as restricted areas specifically for On-site Waste Water Management.
- The Report will target areas where dwellings are proposed to be located in accordance with requirements of these DCP provisions and include:
  - an overview of the soil and landscape (topography, geology, groundwater, vegetation, rock outcrops) features across the area, taking into account the degree and location of constraints that could affect the siting, design, sizing, installation and maintenance of on-site sewage management systems.
  - a description of the extent and nature of any environmentally sensitive areas, including endangered ecological communities, creeks, bores and dams, and the potential for impacts upon these and any mitigation measures that may offer more suitable outcomes (note: pump out systems will not be permissible).
  - collection of information on groundwater vulnerability, the nature of any aquifers, the location of bores, watertable heights, and the nature and extent of any groundwater quality and use and any mitigation measures that may be employed to minimise impact.
  - an assessment of potential impacts and cumulative impacts over time of establishing on-site sewage

management systems where dwelling houses are to be focused.

- a recommendation for the most appropriate sewage treatment system and disposal method.
- where effluent disposal systems may have an adverse impact on threatened species habitat or areas of significance, compensatory areas for revegetation may be considered and will need to be encapsulated in relevant Vegetation Management Plans, Conservation Agreements, Restrictions as to Users as required under these DCP provisions and to be to the satisfaction of Council and OEH.
- An integrated Nutrient Management plan addressing nutrients generated by development of the three lots and/or the erection of individual dwellings is to be prepared to support the development (noting that Lot 3 exists in isolation in the southern precinct). Application for subdivision/s to demonstrate that all nutrients generated by any subdivision (or component thereof over the 3 lots) can be managed and contained on the particular site the subject of an application, and to ensure that there is no increase in nutrients entering water catchments, having regard to parts of the land being located in the headwaters/tributaries of Narara Creek, together with forming part of the Somersby Reservoir Supply Zone.
- Any development must not increase the volume of stormwater discharge from the any part of the land the subject of a particular application and comply with the provisions of Council's DCP provisions for Water Cycle Management.
- Where direct public road access is not available, appropriately located, accessible, screened common garbage bin area is to be proved that is acceptable to Council's contract garbage service provider.

**g. To consider issues associated with Land Stability and Site Remediation**

**Explanation:**

A small section of medium slope instability in the north-eastern corner of Lot 41 DP 771535 Goldsmith Road has been identified as being of medium slope instability, however should be able to remain clear of physical site development. The applicant has also undertaken a Preliminary Site Analysis report, prepared by GHD, dated February 2015. As such, the DCP requires:

**Requirements:**

- Compliance with the requirements and recommendations of the East Somersby Landuse Unit Trust Somersby East Rezoning Phase 1 Contamination Site Assessment report, Revision 0, undertaken by GHD dated February 2015, including:
  - Further inspection of Lot 4 DP 261507 when site inspection access can be granted.
  - Removal of general rubbish illegally dumped on properties. Inspection should be undertaken for potential asbestos containing materials should also be undertaken within these areas.
  - Undertake soil sampling in the portions of the site currently and historically used for agricultural purposes to assess the potential impact from herbicide or pesticide use (Phase 2 Report, including sampling and laboratory analysis that may be posed). Targeted sampling is to be undertaken in accordance with the findings of the GHD Report.
  - Undertake a hazardous buildings and materials survey of structures on the land which may be demolished as part of the redevelopment.

**h. To clarify provisions in relation to Crown roads and Adjoining Lands**

**Explanation:**

It is noted that the northern extension of Goldsmith Road in the northern precinct and the western section of Kowara Road in the southern precinct are designated as crown lands, however are not formally constructed.

**Requirements:**

- No impacts are to occur on adjoining Council, crown or Darkinjung land as a result of any components of the development, with details to be demonstrated at the Development Application stage or to Council's satisfaction at the subdivision stage.
- If any crown roads are required to be constructed or upgraded to Council standard for the purposes of gaining access to a Council approved subdivision (note: this is not supported), then that road section should be transferred to Council under Section 151 of the Roads Act 1993. Any road construction is to be undertaken to Council's satisfaction, to be at no cost to Council and land transferred at no cost to Council.

- The change in zoning should not result in any additional requirements for the management of the Crown Estate, such as increased bushfire mitigation measures within the Crown Estate or any other adjoining lands. It is not available to adjoining landowners for such measures or to facilitate developments on adjoining privately owned lands. Crown estate lands must not be relied upon to implement or facilitate private land developments and associated activities.
- Land to the immediate north of Lot 4 DP 261507, being Lot 481 DP 1184693, and to part of the west of Lot 4, being Lot 468 DP 729969 were formerly crown lands. These have now been transferred to the Darkinjung Local Aboriginal Land Council. The principles of these provisions (ie development not reliant upon works upon adjoining land being created as a result of approved land subdivision) would equally apply to these two lots.

i. **To consider issues in relation to the compatibility between other land uses and proposed dwellings**

**Explanation:**

Lands in the northern precinct may be subject to dust, noise etc from adjoining agricultural operations on land that is zoned RU1 Primary Production. Land in the southern precinct may be subject to existing and/or future affectation from industrial activities in Somersby Business Park. The location of dwellings needs to consider their relationship to adjoining and other landuses in the area that may affect amenity.

It is noted that the M1 may also affect amenity in terms of background traffic noise, however this is not considered a major constraint to development and would need to be considered in the context of other possible noise/amenity affectation.

**Requirements:**

- Any future Development Application for subdivision and/or dwellings in the northern precinct are to be supported by a statement addressing potential landuse conflicts between the environmental lifestyle living lots and any adjoining agricultural operations.
- Any future dwellings in the southern precinct are to consider potential impacts of the existing and any possible extensions to the Somersby Business Park in relation to effects on amenity.



## Part 6 Environmental Controls

### 6.1 Acid Sulfate Soils

#### 6.1.1 What are Acid Sulfate Soils

Potential acid sulfate soils are waterlogged soils containing a layer that is rich in iron sulfides. The layer of soil may be clay, loam, or sand and is usually dark grey or greenish grey and soft in texture. These soils form naturally in organically rich waterlogged sediments, in which bacteria convert sulfate from saline water and iron from the sediment into iron sulfides. The formation of iron sulfides has been occurring for 10,000 years and is still occurring today.

When potentially acid sulfate soils are exposed to oxygen, due to excavation or lowering of the water table, the pyrite is oxidised to form a sulfur mineral and sulfuric acid (actual acid sulfate soils).

The sulfuric acid produced by oxidation of iron sulfides affects soil and water and can severely damage the environment. Both plant and aquatic life can be affected by this process. In the soil, this mix can make soil so acidic and toxic that few plants can survive. Furthermore, in some situations, brought about by a combination of weather and hydrology, fish and crustaceans are not able to avoid the sulfuric acid leachate and massive kills over entire estuaries may result.

Sulfuric acid leachate can corrode engineering works and infrastructure such as culverts, bridges and weirs. The precipitation of iron hydroxide/oxide flocs from acidic rich waters can cause the blocking of drains, wells and the reduction of aquifer recharge.

Acid sulfate soils are generally found in:

- Coastal lowlands, embayment and estuarine floodplains;
- Areas where the level of land is below 5 metres Australian Height Datum;
- Bottom sediments of estuaries.

#### 6.1.2 Land to which this Chapter Applies

This chapter applies to the land identified as Classes 1, 2, 3, 4, & 5 on the maps marked Acid Sulfate Soils Maps held by Council and referred to in Clause 7.1 of the Gosford LEP 2014.

#### 6.1.3 Purpose of the Chapter

To provide more detailed guidelines associated with acid sulfate soils to those provided in Clause 7.1 of the Gosford LEP 2014.

#### 6.1.4 Aims and Objectives

The aims of this chapter are to:-

- To ensure effective management of areas containing Acid Sulfate Soils.
- To provide guidance to landowners, consultants and the general community on the procedures involved in the management of areas containing Acid Sulfate Soils.
- To ensure that activities located within an area of Acid Sulfate risk are identified.
- To require a preliminary Acid Sulfate Soil Assessment be undertaken to clarify the extent of risk.
- To require, where necessary, an Acid Sulfate Soil Management Plan to be prepared where the nature of development poses potential Acid Sulfate Soil Risk.

#### 6.1.5 Development Application Procedure

Step 1 Check Clause 7.1 of the Gosford LEP 2014 and the Development Control Plan 2013 - Acid Sulfate Soils maps. These maps introduce various classes of land and determine whether a Development Application is necessary.

Step 2 If the Gosford LEP 2014 and the Development Control Plan 2013 - Acid Sulfate Soil Maps held by Council identify that a Development Application is required, there are two options. Either:

- (a) A suitably qualified professional is required to carry out a preliminary soil assessment to determine the extent of acid sulfate soil. Details are provided in Section 6.1.9 of this chapter and the Office of Environmental Heritage (OEH) Guidelines.
- (b) Assume that the soils within the site of the proposal contain acid sulfate soil and by-pass this step and carry out step 3.

Step 3 Engage a suitably qualified professional to prepare an Acid Sulfate Soil Management Plan for all proposals which will disturb/expose acid sulfate soils or potential acid sulfate soils.

It should be noted if the applicant chooses Option (a) in Step 2, depending on the results of the investigation, an Acid Sulfate Soils Management Plan may still be sought.

### **6.1.6 Assessment - Acid Sulfate Soil Planning Maps**

This chapter of the Gosford DCP 2013 refers to Acid Sulfate Soil Planning Maps held by Council. In conjunction with Clause 7.1 of the LEP and this chapter of the DCP development consent is required for specific works in five principal land classes as outlined in the LEP.

The onus is on the landowner, contractor and proponent of any works to check which class their land falls within and whether a Development Application is required under these or any other planning provisions. Land not classified on the maps may still require development consent in accordance with another provision of the LEP. Check with Council to determine whether a development application is required prior to commencing works.

### **6.1.7 What types of Development require Council's consent?**

The following activities, works, development and the like are subject to the need to obtain development consent if the land falls within classes 1 to 5 inclusive and the relevant criteria are met:

- Agricultural related works
- Agriculture
- Flood mitigation works
- Foundations
- Works that may alter groundwater levels
- Construction or maintenance of existing drains
- Buildings and structures
- Construction of roads
- Aquaculture ponds
- Sand and gravel extraction
- Dewatering of dams, wetlands or quarries
- Landforming works
- Engineering works
- Construction of artificial waterbodies (including canals, dams and detention basins)
- Excavation Works

### **6.1.8 Preliminary Soils Assessment**

Where it is proposed to carry out any of the activities which are subject to the need to obtain development consent the application must be lodged with either a Preliminary Soils Assessment or Acid Sulfate Soil Management Plan.

A Preliminary Soils Assessment must be undertaken by a suitably qualified person and include the matters outlined in the OEH Guidelines.

All applicants have the opportunity to assume that the soils within the site of their proposal contain Acid Sulfate Soil and by-pass the need to undertake a preliminary soil assessment. However, this will necessitate an Acid Sulfate Soil Management Plan to be undertaken in accordance with Section 6.1.9.

### **6.1.9 Soil Management Plan**

All Development Applications for proposals which will disturb Acid Sulfate Soils must include a Acid Sulfate Soil Management Plan prepared in accordance with the OEH Guidelines, as amended from time to time.

### **6.1.10 Joint Applications**

Where a development involves, or may impact upon a number of properties in the one locality, a joint development application for the work and its ongoing maintenance is encouraged by Council. This will include the preliminary soil assessment and/or management plan outlined in Sections 6.1.8 and 6.1.9. Development where this should apply would include maintenance of a new and/or existing drain that traverses more than one property or flood mitigation works which may impact upon a specific area.

### **6.1.11 Drainage Management Plans**

Where a property contains a series of drains or works which would require development consent for each individual section, the owner is encouraged to submit a drainage management plan for the whole property. This plan would form part of the development application. Such a management plan would cover all the drains on that specific property, including their maintenance and rehabilitation details, as needed.

Council encourages this approach by landowners as it promotes better overall management of the property and provides Council with a more complete overview of the location, ongoing maintenance and interaction of such drains.

A property owner who has prepared a drainage management plan may also enter into a joint application; however, the applicant should be aware that in the case of a joint development consent any amendment to the drainage management plan would require the written support of each landowner involved in the consent.

### **6.1.12 Determination by Council**

In the case of a joint application or a drainage management plan Council will determine the application in accordance with the provisions of this chapter. Where development consent is given, no further development application will be required for those works provided any ongoing maintenance and management is carried out in accordance with the terms and conditions of the consent. For example: if an approved drain is to be deepened, widened, extended etc and the original consent did not allow for that work, then development consent would be required. However, if the applicant continued maintaining the drain in accordance with the consent, no further application would be required.

Any applicant working under a joint development consent or drainage management plan is encouraged to contact Council's Governance and Planning Department if there are any questions as to the terms and conditions of a consent.

New owners of property should also contact Council's Governance and Planning Department as terms and conditions of a development consent issued by Council apply to the property. When a property is bought or sold the consent stays with the property. The new owner must comply with the consent or where an amendment is sought; have support, in writing, of all the joint applicants.

In deciding whether to grant consent to the application, Council shall take into consideration the likelihood of the development resulting in the oxidation of acid sulfate soils and the adequacy of any Management Plan.

## **6.2 Coastal Frontage**

### **6.2.1 Land to which this Chapter Applies**

This chapter applies to all land within the City of Gosford which is affected by identified coastal processes and hazard for the section of coastline from Forresters Beach to Patonga as indicated on the attached maps.

This chapter outlines the controls applying to development on land seaward of the Coastal Hazard Line. For the purposes of assessment of development, the design life of any dwelling or dwelling houses is taken to be 35 years.

### **6.2.2 Purpose of Chapter**

This chapter provides guidance for the development of the land that has frontage to a coastal beach or cliffs for the purpose of minimising the risk from coastal hazards.

### **6.2.3 Relationship to other documents**

This chapter is to be read with other relevant Chapters of this Development Control Plan and the Gosford Local Environmental Plan 2014. In the event of any inconsistency between this Chapter of the DCP and another section,



Chapter 6.2 of the DCP prevails.

The provisions of this Chapter are to be read in conjunction with:

- Gosford Beaches Coastal Zone Management Plan (2015)
- Council's Landslip Risk Mapping (2015)
- Open Coast and Broken Bay Beaches Coastal Processes & Hazard Definition Study 2014
- Guidelines for Preparing Coastal Zone Management Plans (2013)
- NSW Sea Level Rise Planning Guidelines: Adapting to Sea Level Rise (2010)
- State Environmental Planning Policy (Exempt & Complying Development) (2008)
- Avoca Beach Storm Wave Inundation Study (2007)
- State Environmental Planning Policy No.71 – Coastal Protection (2004)
- Cliffline Hazard Definition Study for Tudibaring Headland (1996)
- NSW Coastal Policy (1997)
- NSW Coastal Protection Act (1979)

#### 6.2.4 Objectives

The objectives of this chapter are as follows:

- a. To ensure people and assets are safeguarded from risks associated with coastal hazards
- b. ensure coastal processes are investigated and documented prior to and during the lodgement of any development application; and
- c. to ensure development is appropriate for the site when having regard to the results of coastal, geotechnical and structural investigations and other consideration for development

#### 6.2.5 Terminology used in this Chapter

'Coastal building line' is shown in the DCP Mapping at the end of this Chapter. These lines have been defined based on which of the following are in the most landward position:

- 2050 Zone of Slope Adjustment (adjusted to incorporate Council's latest sea level rise projections); or
- General allowable setback from the seaward cadastral boundary for beachfront property being 6m for single storey dwellings and 10m for multi storey structures; or
- Previous (existing) building lines.

'Coastal Hazard Areas' comprise lands subject to coastal inundation and/or where piling is required into 2100 stable foundation zone and/or the medium to high risk cliff stability areas.

These areas are mapped in this chapter and/or the *Cliffline Hazard Definition Study for Tudibaring Headland* (1996).

Inundation levels are defined in the *Open Coast & Broken Bay Beaches Coastal Processes and Hazard Definition Study* (2014). For properties adjacent to Avoca Lagoon entrance inundation information is based on the *Avoca Beach Storm Wave Inundation Study* (2007).

'Design storm event' an event with an average recurrence interval (ARI) of approximately 100 years.

'Developable land area' is land within the Coastal Hazard Area and landward of the coastal building line.

'Severely impacted land parcel' is land where the developable land area is less than 250m<sup>2</sup> (excluding setbacks) landward of the coastal building line.

'Specialist coastal engineering report' is prepared by a suitably qualified chartered practicing engineer able to demonstrate coastal engineering experience. This report is to be prepared in accordance with the Engineers Australia Code of Ethics and Sustainability Charter.

#### 6.2.6 Exempt and Complying Development

Under the NSW planning system, certain low impact or routine development can be carried out as Exempt or Complying development. However, the operation of this system is limited according to the location, development type, and compliance with certain standards.

Generally, Complying Development may not be carried out on lands within the Coastal Hazard Area on the basis of the 'sensitivity' of the land. Therefore, proposals for development within the Coastal Planning Area which are not identified as Exempt Development require the submission to Council and approval of a Development Application. Applicants should confirm with Council staff the requirements applying to the subject land before undertaking any development.

### **6.2.7 Coastal Building Line**

A coastal building line now applies to coastal frontage areas in order to minimise coastal hazard impacts, including erosion, inundation and wave run-up, on property and development. All new development must be constructed landward of this coastal building line.

The coastal building line applies an acceptable level of risk and a reasonable balance of a range of factors including:

- The increased coastal hazard risk over time due to the projected impacts of climate change. The building and infrastructure asset life needs to be considered in this context.
- The potential for piled foundations to increase hazards on neighbouring properties (which may not be piled).
- Public safety and access issues on all lands.
- Beach amenity, landscape character and view sharing considerations.
- Coastal risks of storm surge, coastal erosion and gradual sea level rise are excluded by many general insurance policies in Australia. Any impacts on neighbours would also not be covered.
- Provision of access and services to properties.
- Geotechnical qualities.
- Challenges in property remediation following an erosion event.

The objective of the Coastal Building Line is:

- i. No new development to be founded seaward of the coastal building line identified in the DCP Mapping;
- ii. Equity in redevelopment of coastal frontage properties by applying consistent setbacks for new DA's in Coastal Hazard Areas;
- iii. Where new development is to be protected by an existing DA-approved seawall or terminal revetment then standard setbacks will apply for areas landward of that seawall once the seawall has been constructed.

### **6.2.8 Development Provisions**

#### **6.2.8.1 Subdivision and Lot intensification**

- a. Council will not permit the subdivision of land that creates any allotment entirely seaward of the Coastal Hazard Line (excluding access handles).
- b. Any subdivision proposal that creates an allotment of land where part of the site is seaward of the Coastal Hazard Line must demonstrate that buildings are able to be accommodated on the site landward of the Coastal Hazard Line.
- c. Newly created allotments of land shall not create 'severely affected lots'.
- d. Council will not permit intensification (increased density) either through development of change of use on existing buildings that are seaward of the Coastal Hazard Line.

Note: Intensification is the creation of additional dwellings on the lot.

#### **6.2.8.2 All Development**

- a. Council will not permit new buildings or any built structures to be constructed on, over or below the land which has been identified seaward of the coastal building line except where provided by clause 6.2.9 Development Exemptions.
- b. All structures constructed within a designated Coastal Hazard Area shall:
  - i. be compatible with the coastal hazards identified;
  - ii. be founded landward of the coastal building line;
  - iii. not give rise to any increased coastal hazard;

- iv. be designed to not be damaged by the designated hazard;
  - v. give consideration to the effects of larger events than the designated hazard;
  - vi. be constructed in a manner which overcomes any problem from the coastal hazards of run-up and inundation; and
  - vii. be set back as far landward as practicable.
- c. Council will not permit the redevelopment of existing buildings within the Coastal Hazard Area unless the foundation design is demonstrated to have been constructed to withstand designated coastal processes and is certified by a coastal and structural engineer.
- d. Council may permit renovations to existing buildings seaward of the coastal building line if it is demonstrated that works will not increase the level of coastal hazard.
- e. Council will permit cantilevering and engineered design seaward of the coastal building line provided the following is satisfied:
- i. Building footings must be entirely founded landward of the coastal building line.
  - ii. The structure must not project seaward of a line drawn from the closest corner of the closest neighbouring dwellings either side of the subject lot; the aim being to align with existing buildings' setbacks to provide equity and consistency;
- f. In areas subject to coastal inundation within a Coastal Hazard Area, minimum building floor levels shall be designed to overcome flooding and storm inundation by including an additional freeboard of 0.5m above the 1% AEP maximum wave inundation level.
- g. Maintenance of existing buildings is permitted, provided that the maintenance work does not change the size, scale, or the building footprint of the structure.
- h. Building, foundation and structural design shall take into account storms greater than the design storm event and that erosion/run-up/inundation may exceed the design storm event.
- i. All foundations shall be designed to withstand the effects of larger storm events than the design storm event. Building footings including strip-footings and/or isolated pier construction are to be designed to ensure safe bearing below or beyond the calculated zone of reduced foundation capacity;
- j. Where structural consideration of coastal forces is required the engineer shall take into account the forces generated by coastal processes, possible dune slumping, loss of support, slope readjustment, changing water table as well as the normal structural and foundation considerations. Foundation design shall extend beyond the reduced foundation capacity zone of influence.
- k. In areas of high or moderate cliff instability risk within a Coastal Hazard Area, a geotechnical engineer site assessment will need to demonstrate that the position of the building on the site and its design has taken into account any expected foundation impediments (Reference *Cliffline Hazard Definition Study for Tudibaring Headland* 1996).
- l. Any sand excavated during building works requires approval by Council to be reused in other beach locations. It should be demonstrated to Council that the sand is clean and free of deleterious matter.

### 6.2.8.3 Severely Impacted Land Parcels

To improve development potential of the lots severely impacted by coastal hazards, exceptions to Council's street and side boundary setbacks may be considered.

The eligibility of severely impacted land parcels and application of setback relaxations is identified in Table 1. The proponent is required to provide a surveyors certificate to Council in support of any development application to determine and confirm eligibility.

Table 1: Application of relaxed setbacks for properties defined as severely impacted land parcels.

Area behind CBL	Road setback (Ground floor)	Road setback (1st floor)	Side setbacks	
			One Storey	Two Storey
<150m <sup>2</sup>	0m	0m	1 x 0.9m	0.9m / 0.9m

150-175m <sup>2</sup>	0m	1.5m	1 x 0.9m	0.9m / 0.9m
175-200m <sup>2</sup>	0m	3.0m	0.9m / 0.9m	0.9m / 1.25m
200-225m <sup>2</sup>	0m	6.0m	0.9m / 0.9m	0.9m / 1.25m
225-250m <sup>2</sup>	0m	6.0m	0.9m / 0.9m	1.25m / 1.25m

### 6.2.9 Exemptions to the Coastal Building Line

Exemptions to the coastal building line may only be considered where in the first instance, the applicant has demonstrated that a building cannot be founded landward of the coastal building line. Where this can be demonstrated the following exemptions may be considered.

- a. Development may be founded seaward of the coastal building line where geotechnical engineering advice demonstrates reduced recession/future erosion potential on the subject site and the ability to safely construct the structure in line with the provisions of this DCP.
- b. Existing buildings which have been identified as being seaward of the coastal building line will be allowed to be redeveloped on the same footings only where foundation design is known to have been previously constructed to withstand designated coastal processes and is certified by a coastal and structural engineer as being able to support the proposed structure. Any development application must also provide evidence that the proposed development will not give rise to any increased hazard.
- c. Where the coastal building line is not perpendicular to the side property boundary of the proposed development, the beachfront foundation alignment may be adjusted provided that the alignment does not move seaward (on average) from the position of the mapped coastal building line.
- d. Ancillary structures may be permitted forward of the coastal building line where the applicant demonstrates that the ancillary structure will not give rise to coastal erosion or increase the risk to property and life.

### 6.2.10 Information to be supplied with a Development Application

The following information is to be supplied to Council upon application for development approval in Coastal Hazard Areas:

- a. For proposed development within designated Coastal Hazard Areas:
  - i. a specialist coastal engineering report that details considerations in line with the provisions of this Chapter. For properties on Wamberal Beach the report must apply and consider the Alternate Empirical Approach (Watson, 2006). This report is to be prepared in accordance with the Engineers Australia Code of Ethics and Sustainability Charter;
  - ii. a geotechnical report indicating the sub-strata at the coastal building line alignment, landward extent of footings and the type of foundations required.  
If geotechnical engineering advice is being used to demonstrate reduced recession/future erosion potential on the subject site then substrata must also be described at the seaward portion of the subject land parcel.  
In areas of moderate or high risk cliff stability the geotechnical report must detail the nature of the risks and how they can be mitigated;
  - iii. a structural engineering report addressing the coastal hazards up to the 100yr event and events of greater magnitude. Structural engineering reports shall detail materials of construction, principal dimensions of the main structural elements, top and bottom levels of foundations, floor levels and footing location relative to surrounding land;
  - iv. plans showing the location of the coastal building line on the site;
  - v. proponents will generally be required to facilitate the registration of a dealing on the title of land in a form required by Council (such as a 'positive covenant', 'restriction on use' and/or indemnity) prior to the commencement of works or a use. This will be prepared by Council's solicitor at the cost of the registered proprietor;
  - vi. for areas that have been identified as being subject to coastal inundation, the coastal and structural engineering reports shall give consideration to runoff levels and minimum floor levels of the buildings to overcome flooding and storm inundation within the economic lifespan of the development must be

included (considering Councils current sea level rise projections at the time of application).

- b. For proposed development on parcels mapped as being severely affected, the following additional information is required:
  - i. a surveyors certificate confirming the developable land area (landward of the coastal building line) to determine application of relaxations as shown in Table 1.
  - ii. clear definition of the proposed foundation alignment against the coastal building line to ensure the design does not move seaward (on average) from the position of the mapped coastal building line.

## **Coastal DCP Mapping**

### **Avoca Beach**



Note: It is recommended that planning line positions be specified from the GIS version of this map (i.e. do not scale planning line positions off this Figure).

**Gosford City Council**

### Chapter 6.2 Coastal Frontage Mapping Avoca Beach

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## MacMasters - Copacabana Beach



Note: It is recommended that planning line positions be specified from the GIS version of this map (i.e. do not scale planning line positions off this Figure).





**Chapter 6.2 Coastal Frontage Mapping**  
**MacMasters - Copacabana Beach**

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**Forrester's Beach**



**Legend**

-  Coastal Building Lines (CBL)
-  Piling Required
-  Geotech Required
-  Lots Potentially affected by Coastal Inundation


Note: It is recommended that planning line positions be specified from the GIS version of this map (i.e. do not scale planning line positions off this Figure).



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### Chapter 6.2 Coastal Frontage Mapping Forrester's Beach

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**Ocean - Umina Beach**



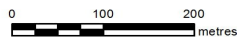


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## Chapter 6.2 Coastal Frontage Mapping Ocean - Umina Beach



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Patonga Beach



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### Chapter 6.2 Coastal Frontage Mapping Patonga Beach



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Pearl Beach



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### Chapter 6.2 Coastal Frontage Mapping Pearl Beach

0 100 metres

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**Putty Beach**



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### Chapter 6.2 Coastal Frontage Mapping

#### Putty Beach

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### Terrigal - Wamberal Beach



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### Chapter 6.2 Coastal Frontage Mapping Terrigal Wamberal Beach

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## 6.3 Erosion Sedimentation Control

### 6.3.1 Where this Chapter Applies

This chapter applies to any activity that involves, or could involve:

- disturbance of, or placing fill on, the soil surface, and/or changes to the contours of the land; or

- changing the rate and/or volume of runoff flowing over land or directly/indirectly entering receiving waters.

It covers the whole process of development and construction, from initial planning to final site stabilisation.

### **6.3.2 Purpose of this Chapter**

Council's goal is to help achieve a healthy, productive and diverse catchment. Erosion of soil as a result of disturbance or mismanagement of land is inconsistent with this goal.

### **6.3.3 Objectives**

The objectives of this chapter are:

- To prevent land from being degraded by soil erosion or unsatisfactory land and water management practices.
- To protect streams and waterways from being degraded by erosion and sediment caused by unsatisfactory land and water management practices.
- To promote and protect biodiversity.

### **6.3.4 Intent**

Under this chapter, Council will implement and enforce a uniform set of regional soil conservation and stormwater management standards. They will control planning and management of all forms of private and public development or activities within the area.

It is proposed to improve land and water management by application of these principles:

- to conserve tree and vegetation cover on land through control of the location, timing, extent and nature of clearing.
- to minimise erosion of soil through control of surface water flow paths and volumes across disturbed sites.
- to intercept and contain erosion products on disturbed sites by requiring installation of sediment traps or equivalent measures. This will avoid transfer of mobilised sediment and other pollutants to adjoining land and watercourses.
- to ensure prompt and effective stabilisation of disturbed land through control of the location, timing, extent and nature of rehabilitation and landscaping measures.

### **6.3.5 Erosion and Sediment Control Plans**

#### **6.3.5.1 Preamble**

The Erosion and Sediment Control Plan (ESCP) and schedule of works implementation plays an integral part in the planning and design stage of a development or project.

An ESCP is essential for any development with potential to cause soil erosion and sedimentation. The greater the potential for these impacts the more detailed the plan. For example, a small development may require a simple sketch with accompanying notes but a large complex development would need a comprehensive plan, documentation and design/construction data.

An ESCP, developed to the Soils and Construction Managing Urban Stormwater Standards (Landcom 2004) standards, will be required to gain development consent or building approval. The ESCP must be approved before commencement of site works.

Effective erosion and sediment control on a site can only be achieved by planning and implementing measures as a part of the construction proposal.

#### **6.3.5.2 Aims of an Erosion and Sediment Control Plan**

- To demonstrate that appropriate controls are planned
- To address all aspects of site disturbance, erosion, sediment control
- To address site rehabilitation for the duration of the project
- To provide a mechanism for any remaining exposed soil to be treated and for ongoing site maintenance
- To cover the contingency of change or delay in the project implementation, activity or work scope.

#### **6.3.5.3 Erosion and Sediment Control Strategy**

For major proposals that are staged over an extended period Erosion and Sediment Control Strategies may be

required in addition to staged Erosion and Sediment Control Plans and schedules of works implementation. The fundamental issues are:

- Erosion control measures need to be applied within the site to minimise erosion.
- Acknowledge that some erosion will occur, and to take steps to intercept and retain sediment within the work site.

#### **6.3.5.4 Erosion and Sediment Control Plans**

If required, the ESCP should be prepared by a suitably accredited or experienced practitioner. It can be a "stand alone" document or incorporated into a site management or construction plan that shows drawings and notes that site personnel can fully interpret. Such plans are not limited to erosion and sediment control, but may also address other water quality and/or quantity issues during the construction and operational stages of an activity.

"An ESCP is an evolutionary document and should not be compared to an engineering plan. The latter shows a system of works which have fixed locations. In contrast, the ESCP is liable to show conceptual locations of various systems (e.g. sediment fences, sediment traps, sediment basins) which need to be formally located at the commencement of construction in line with commonsense and best construction practice. Further refining of the plan will need to be done as the works progress and in anticipation or response to prevailing weather conditions"....P Dwyer (1997)

#### **6.3.5.5 Broad Structure of Erosion and Sediment Control Plans**

The degree of detail supplied by the proponent to Council depends on:

- the scale of the activity
- the complexity of the site characteristics
- the sensitivity of the adjoining environment.

Where an Erosion and Sediment Control Plan is required it should be prepared in accordance with the broad structure set out below. The ESCP must be submitted to Council with all necessary supporting information to allow a critical review and approval.

- a. Site Characteristics including:
  - Locality plan (1:1000 Scale)
  - Existing contours data
  - Catchment area boundaries
  - Principal geographic features
  - Critical natural areas (eg., wetlands)
  - Location and limitations of major soil types
  - Location, nature and condition of existing trees and vegetation
  - Soil subsidence
  - Climatic data including rainfall and storm events.
  
- b. Clearing and Disturbance of Site including:
  - Nature and extent of trees and vegetation to be cleared
  - Scheduling and time of proposed disturbance
  - Final site contours data
  - Identify areas of cut and fill, location of soil stockpiles and spoil/tree and vegetation dumping proposals.
  
- c. Existing and Proposed Drainage Patterns including:
  - Catchment boundaries
  - Existing watercourses flowing through or adjacent to the site
  - Location and extent of impervious surfaces
  - Location and capacity of the proposed temporary and permanent site drainage or stormwater system.
  
- d. Erosion Control Practices including:
  - Location, design criteria and construction details of temporary and permanent structural and vegetative measures

- Scheduling details
- Monitoring and maintenance details.

e. Sediment Control Practices including:

- Location, construction details and design criteria of temporary and permanent structural and vegetative measures
- Scheduling details
- Monitoring and maintenance details.

f. Rehabilitation Program including:

- Location of temporary and permanent revegetation sites
- Materials and species selection
- Application and planting methods
- Types and rates of fertilisers and other soil ameliorants
- Mulching details
- Scheduling details
- Monitoring and maintenance details.

#### 6.3.5.6 Plan Variations

An ESCP needs to demonstrate that appropriate controls have been planned to minimise erosion and soil movement both on and off the site. The plan needs to include specifications and or calculations which illustrate that the control measure has design criteria and a completed capacity that exceeds the calculated output anticipated from the catchment during the proposed project or stage.

Review and variation to the original ESCP may be required for each stage within an extensive or long term project. However where site conditions necessitate plan modification, changes must be endorsed by Council.

#### 6.3.5.7 Further Information

Due to the range of developments undertaken and the varying characteristics of individual sites, the location and combination of erosion and sediment control measures must be specifically designed for each individual development. This chapter outlines the basic control methods to be used. Because of the diversity of site problems, use or promotion of prescriptive or model ESCPs to suit all site situations for the submission of Development Applications is not encouraged.

It is also recommended that:

- a. In complex situations the designer of the ESCP refers to the following:
  - Urban Erosion and Sediment Control (DLWC, 1992)
  - Soil and Water Management for Urban Development (D of H 1993)
  - Urban Erosion and Sediment Control Field Guide, (DLWC 1992)
  - Pollution Control Manual for Urban Stormwater, (SPCC 1989)
  - Glossary of Terms Used in Soil Conservation (SCS 1986)
  - Erosion and Sediment Control Standard Diagrams (DLWC 1997)
- b. Expert advice on the preparation of ESCPs is available from Council.

### 6.3.6 Requirements

#### 6.3.6.1 Coverage

- a. This chapter relates to all private and public building works, developments, subdivisions and activities subject to the assessment and consent of Council under the provisions of Parts 4 or 5 of the Environmental Planning and Assessment Act 1979 and/or under the Local Government Act 1993 for any proposal or practices which will or could involve:
  - the disturbance of or placement of fill on the soil surface, and/or result in change to the contours of land
  - change in the rate and/or volume of runoff flowing over land or directly or indirectly entering in "waters".



- b. To satisfy the requirements of the chapter on erosion and sediment control a proponent shall either:
- prepare and implement an Erosion and Sediment Control Plan; or
  - implement erosion and sediment control measures specified in (or attached to) the development application or activity specification.

The requirements for an ESCP or control measures depend on the area to be disturbed and the type of activity as set out in the table below.

Area of Disturbance (m <sup>2</sup> )	Nominal Type of Activity	Scope of Works
<250	House extensions, small driveways, garages	No Erosion and Sediment Control Plan required, except for environmentally sensitive and very steep areas, but proponents are expected to follow the general principles of the code of practice
250 - 2500	Houses, long driveways, commercial and industrial development, small subdivisions, small medium/high density housing, small civil works	Erosion and Sediment Control Plan and a Landscape Plan with their associated schedule of works implementation required
>2500	Large medium/high density housing, large civil works, commercial and industrial development, large subdivisions	Erosion and Sediment Control Plan and a Soil and Water Management Plan and a Landscape Plan with their associated schedule of works implementation required

Source after Landcom 2004 Soils and Construction - Managing Urban Stormwater

#### 6.3.6.2 Compliance Responsibility

The proponent is responsible for the full cost of all work required complying with this chapter, as determined by Council. Off site damage resulting from the activity is also the responsibility of the proponent.

All erosion and sediment control measures or works and rehabilitation measures must conform to or exceed the specifications or standards set out in Soils and Construction - Managing Urban Stormwater, Landcom (2004).

Works must be executed so as to disturb as little of the site as possible, and stabilise the site as quickly as possible. A staged Erosion and Sediment Control Plan and/or strategy is required for proposals scheduled to be undertaken over more than one year.

An approved Erosion and Sediment Control Plan with associated schedule of works for implementation shall demonstrate:

- that selected measures have a design life that exceeds the project or stage,
- a capacity to manage the anticipated output from the catchment.

If the site disturbance is greater than 2500m<sup>2</sup>, the proponent will have all construction and maintenance associated with erosion and sediment control measures regularly inspected and supervised by personnel who have appropriate training and/or demonstrated knowledge in erosion and sediment control.

#### 6.3.6.3 Community Awareness/Promotion of Erosion and Sediment Control Best Practice

Council staff, contractors and those of other public authorities/utilities who operate within the Council area will be encouraged and expected to implement these requirements.

Council shall lead the community in erosion and sediment control or land rehabilitation by adhering to this Chapter in all works including the management, construction and maintenance of road, drainage, footpath, quarries and excavation or filling.

Council will set up a mechanism to implement, monitor and audit compliance. Council will support environmental education and training that promotes Erosion and Sediment Control requirements.

- a. Council will set up a mechanism to:
  - implement, monitor and audit compliance
  - to improve process efficiency
  - to assist the industry develop best practice in erosion and sediment control
  - and report to the community on implementation.
- b. Council shall set up a mechanism to survey, map and rank all sub catchments within current and future urban zones (down to third order stream level). This data will be used to determine priority hazard areas for potential erosion and sedimentation. Council will determine the period to implement this assessment.

#### **6.3.6.4 Variations to Requirements**

Council can vary approval requirements under this chapter in the following circumstances:

- On allotments sized less than 450 square metres. In these circumstances an on-site determination of suitable erosion and sediment control measures or negotiated contribution to other catchment works by the proponent will be made. This is required before formal plan submission where the small size of the allotment makes on-site control impractical.
- On very large allotments (greater than 5000 square metres) and/or rural situations. Here only minimum erosion and sediment control measures might be required, provided the proposed activity is surrounded by an appropriately wide vegetative filter strip and the intent of clause 6.3.6.5 is satisfied.

#### **6.3.6.5 Planning and Designing Works**

An Erosion and Sediment Control Plan shall be approved by Council. This plan will contain a schedule of works implementation that addresses all aspects of site or tree and vegetation disturbance, runoff, flow rate change, erosion and sediment control and site rehabilitation for the duration of the project. Council will review the plan annually. However it will be modified by the proponent as required, to achieve erosion and sediment control throughout the life of the development or activity. (Refer to Section for detail on Erosion and Sediment Control Plans).

Submitted plans should follow the general principles of Total Catchment Management and Ecologically Sustainable Development as applied by Council's development policy for the specific catchment area.

Council Policy requires an Erosion and Sediment Control Plan and associated schedule of works implementation where required, to be technically assessed by an accredited person or organisation before approval is granted. The Plan and/or schedule may be approved before or with all domestic, commercial and industrial building works, development, subdivision or activity proposals.

Earthworks (including site clearing for the erection of a structure for which development consent is not required) must not commence before any construction certificate or other approval is issued. The extent of disturbance shall be shown on the ESCP. The disturbed ground must not reach further than 3 metres from the outermost projection of the approved building or structure or land required for permanent access or car park.

Approved runoff and erosion control works must be installed before any work on the approved development begins.

#### **Councils and Public Authorities Categories**

##### **a. Erosion and Sediment Control Principles**

Principles of erosion and sediment control applied in all planning and design activity shall comply with the Regional Policy and Code of Practice Erosion and Sediment Control. Where appropriate they will incorporate the following:

- i. Erosion and sediment control measures, where required, will be integral components of all job design and costing
- ii. No work shall be carried out on public or private land unless accompanied by measures which minimise soil erosion and prevent sediment escaping from the site at levels greater than those allowed by the EPA.
- iii. Trees and vegetation shall not be removed before approval to commence works on any stage of the development. The only exceptions are for survey purposes or other activity allowable under CI 5.9 of

Gosford LEP 2014 and the Preservation of Trees or Vegetation chapter of this DCP.

- iv. Disturbance to trees and vegetation and land at a works site will be minimised. Clearing and earthworks extent and timing shall be matched to development stage and conform to an approved schedule of works.
- v. Trees and vegetation removed at an approved activity site shall be reused on site either as a log or chip form, with saleable product salvaged and debris disposed of at an approved landfill site.
- vi. Any native trees, vegetation or tree of significance that is outside the approved works area but within the development site boundary must be identified on the approved plan and protected by barrier fencing or a strategy that achieves the same end.
- vii. Run on water from land surrounding the activity site shall be intercepted and diverted to a stable waterway or disposal area, where appropriate and legal.
- viii. Erosion control practices are to be implemented across the site. Sediment trapping measures are to be located at least at all points where site stormwater can enter constructed stormwater inlet pipes or leave the activity or development site.
- ix. Topsoil shall be stockpiled in mounds less than 1 metre high (where revegetation by the contained seed source is proposed) and protected with sediment control measures. It will generally be respread to a depth of 100 mm on all exposed areas, after final land shaping. Stockpiles will not be located on a nature strip, footpath, roadway, kerb, access or within a drainage line without Council permission.
- x. Stockpiled material that is scheduled to remain undisturbed for more than one month will be surface stabilised within 14 days of placement or within an approved period. Surplus topsoil can be removed from site. Excess subsoil or spoil may be retained onsite in approved areas, top soiled and stabilised or removed from the site.
- xi. Access to and within the construction site shall be controlled, where practical, vehicle and plant entry/exit to the site will be restricted to a single, well defined all weather access. Vehicular operation within the construction site must be limited to approved areas by placement of operational boundary markers.
- xii. Trenches shall be backfilled, compacted, capped with topsoil and surfed or sown with approved seed within 24 hours of inspection. The proponent is encouraged to arrange the common placement of utilities for minimum open trench time.
- xiii. All disturbed areas shall be progressively stabilised so that no area remains an erosion hazard for more than 14 days (or another approved period) after earthworks cease.

b. Reserves

Council shall prepare and implement an approved management plan on public reserves it administers. The plans will incorporate erosion and sediment control measures and proposals for undertaking clearing for the purpose of bushfire protection, removal of noxious weeds or known vermin harbour.

### Building Construction Category

- (a) All building applications, where the project involves site disturbance, excavation or filling must be accompanied by details of the proposed method of erosion and sediment control on the building site. Industrial and commercial building allotments require the submission of a more detailed Erosion and Sediment Control Plan with associated schedule of works implementation.
- (b) The consent authority may require an Erosion and Sediment Control Plan with associated schedule of works implementation and/or compliance with this chapter during erection of a building for which development consent is not required.

### Non-Urban Areas Category

- (a) This clause applies to agricultural activities within the Council area and it requires that:
  - All agricultural activities are to be undertaken in a manner that minimises the potential for erosion and sedimentation to occur.
  - All agricultural activities must conform to the standards of erosion and sediment control recommended

by the Department of Land and Water Conservation.

- (b) This section of the Code of Practice applies to forestry and native tree and vegetation management activities undertaken within Council area and it deems that:
- All forestry and native tree/vegetation activities shall conform to the standards of erosion and sediment control as recommended by the the relevant government agency.
  - The exclusions and exemptions that apply within the Native Vegetation Conservation Act (1997) or on State Forest, national forest, timber reserve or flora reserve within the meaning of the Forestry Act (1916), are excluded from the requirements of the Code. National Parks, historic sites, nature reserve or game park reserves within the meaning of the National Parks and Wildlife Act (1974) are also excluded.
- (c) On large building allotments or in non-urban areas, Council will determine the appropriate soil and water management plan requirements in consultation with the proponent. Where the work site is located near sensitive sites or areas such as a watercourse, drainage line or bush land, the proponent shall supply details of erosion and sediment control measures to be undertaken for Council approval.

#### **6.3.6.6 Training**

Council shall assist in disseminating information to industry/staff and the wider community on erosion and sediment control.

Council and Authority employees will be adequately trained to allow adoption of workplace practices that minimise erosion and prevent sediment from the activity sites entering adjoining land and "waters".

The proponent will train employees adequately to allow adoption of workplace practices that minimise erosion and prevent sediment from activity sites entering adjoining land and "waters". The proponent should encourage site sub-contractors to be aware of and implement the requirements for Erosion and Sediment Control enforced within the Local Government Area.

#### **6.3.6.7 Tree and Vegetation Management**

- (a) Approved management or removal of site tree/vegetation shall comply with:
- The principles of erosion and sediment control stated within Clause 6.3.6.5 (Planning and Designing of Works)
  - Clause 5.9 of Gosford LEP 2014
  - The Preservation of Trees or Vegetation chapter of this DCP
  - Relevant State Government legislation or regulation.
- (b) The Erosion and Sediment Control Plan will incorporate a schedule of works that illustrates the on-site tree/vegetation management to be undertaken by the proponent.

#### **Councils, Public Authorities and Land Subdivision Categories**

- (a) There shall be no soil disturbance or exposure, including the removal of tree or vegetation, before the approval of an Erosion and Sediment Control Plan unless exempt under Gosford LEP 2014 and the Preservation of Trees or Vegetation chapter of this DCP. In some villages and rural areas clearing of native tree/vegetation will be subject to State regulation as well as the local LEP.
- (b) Offences against the provisions of the Gosford Local Environmental Plan 2014 that involve the unauthorised injury, removal or destruction of trees or clearing of vegetation, can be prosecuted under the provisions of the Environmental Planning and Assessment Act 1979.
- (c) Approved engineering plans for a land subdivision shall allow a 5 metre maximum vegetation clearing distance from the edge of any essential construction activity, but a 3 metre operating distance is preferred by Council. Where other legal requirements occur the set back distance may be different from that stated in this Code.
- (d) Multi-staged subdivisions shall only have sufficient area approved at each stage to allow progressive development to be undertaken.
- (e) Approval of land clearing undertaken on private or public lands for an activity or development will be subject to the installation of adequate runoff, erosion and sediment control measures.

- (f) Any nominated trees cleared will be replaced according to conditions contained in Clause 5.9 of Gosford LEP 2014 and the Preservation of Trees or Vegetation chapter of this DCP.

#### **6.3.6.8 Soil Erosion and Sediment Control**

While carrying out any approved work covered by this chapter, the proponent must minimise erosion on-site and retain sediment eroded by water or wind on the development site. This will involve as many of the principles and practices listed below as required to meet this objective:

- (a) Installation and maintenance of the erosion and sediment controls set out in the approved Erosion and Sediment Control Plan, and the associated tree/vegetation clearing and works implementation schedule.
- (b) Use of water runoff detention and sediment interception measures, where required. These will reduce flow velocities and prevent disturbed material (including topsoil, sand, aggregate, road base, spoil or other sediment) escaping the site or entering any adjacent lands or receiving waters.
- (c) For a proposal with a disturbed area greater than 5 hectares, the proponent must demonstrate that runoff frequency or peak downstream of the development will not be increased.
- (d) Sediment detention basins will be installed if total sediment volume calculated for the proposal catchment exceeds 150 cubic metres in the design Annual Recurrence Interval (ARI) 5 year storm event. These basins must be maintained until consent conditions are fulfilled.
- (e) Where the subsoils within the development site contain more than 10% dispersible soils material, the proponent will capture and treat all runoff to a level specified by the EPA before discharge to receiving waters.
- (f) Wind erosion mitigating practices and associated sediment interception structures must be applied to the land to reduce wind erosion where required.
- (g) Appropriate water and wind erosion control measures will be in place before land is disturbed and maintained until effective land stabilisation is completed.
- (h) The proponent must control vehicular access to prevent sediment being tracked onto adjoining land and roads. Aggregate and any construction site sediment on sealed roads will be thoroughly swept and removed to prevent this material entering the drainage system. Runoff from access surfaces must drain into an approved sediment trap device, and be treated where required, before release from the development site.

#### **Councils, Public Authorities and Land Subdivision Categories**

- (a) A sediment fence and/or similar trapping measure will be installed within the property boundary and downslope of any cleared and/or disturbed area, to prevent sediment and other debris leaving the site.
- (b) Erosion and sediment control practices are to be implemented across the site, while sediment trapping measures are to be located at all points where stormwater can enter constructed stormwater inlet pipes or leave the activity site. Design values for erosion, sediment control and stormwater works will be at an Annual Recurrence Interval (ARI) as set out in the following table.

#### **6.3.6.9 Runoff Water Control**

During the implementation of any approved work covered by this chapter, the proponent must retain sediment eroded by water on the development site. This can be achieved by carrying out as many of the following principles and practices as are required to meet this objective:

- (a) Intercept and divert all uncontaminated runoff around all areas to be disturbed. Alternatively runoff can be directed through these areas in a controlled manner.
- (b) Where Council decides water quality control works are necessary, it can accept them into open space calculations. Council may also accept non-structural measures for addressing water quality, such as a Section 94 contribution to stream bank protection/stabilisation or even community educational measures.
- (c) Connect all roof drainage to Council's stormwater management system immediately after the installation of roof material. Where this stormwater management system is not available, downpipes must discharge away from the building site onto a stable area within the property boundary. Install measures to control runoff from the downpipe discharge area to manage erosion and sedimentation.
- (d) Control all runoff from the proposed development likely to cause flooding or erosion of downstream watercourses with appropriate drainage, channel or detention works. These works can be located above, within or below the approved development site.

- (e) Ensure all drainage conduits and related structures are completed before they are commissioned. This includes all energy dissipaters and sediment

#### **6.3.6.10 Construction Site Management**

- (a) There shall be minimal site disturbance. Site excavation will be designed and located to minimise cut and fill requirements. Measures to provide flow dissipation and scour protection within channels and at all pipe outlets must be installed.
- (b) No tree or vegetation shall be removed before Council approval to commence works on any stage of the development.

### **Councils, Public Authorities and Land Subdivision Categories**

#### **(i) Roads and Access Tracks**

- (a) Priority for road shoulder stabilisation shall be determined by Council on the basis of a completed erosion hazard survey. Ranking will be reviewed annually.
- (b) Road shoulders and table drains beside sealed roads:
- Where slope gradients of table drains are generally less than 5% and construction of kerb and guttering is impracticable, drainage will be by progressive installation of grassed table drains shaped to facilitate maintenance mowing. Road shoulders and table drains shall be compacted, ideally topsoiled, and grassed during reshaping so as to direct the surface runoff, without erosion, into the drainage system.
  - If slope gradients of table drains are generally greater than 5% and construction of kerb and guttering is impracticable, road shoulders and table drains will be drained by progressive implementation of appropriate erosion control measures and vegetated where possible.
- (c) Maintenance mowing of road shoulders, table drains, batters and other surfaces must leave a stable vegetative cover no shorter than 75mm.
- (d) Routine grading beside sealed road shoulders shall be limited to essential pavement edge maintenance. Where appropriate, program of grassed road edge maintenance mowing, or the application of equivalent stabilising measures shall be implemented.
- (e) Maintenance of unsealed roads and shoulders shall be carried out so as to include sediment trapping sumps/devices within the length of the table drain or in association with minor culvert structures.
- (f) Where possible, a single access (3 to 5 metres width per lane) shall be provided to and within the construction site. After formation, the entry/exit surfaces shall be covered as needed by a layer of geotextile and 200 mm deep aggregate of greater than 40mm diameter or other approved materials. This will protect temporary access from surface erosion during building activity.

#### **(ii) Cut and Fill Batter Management**

- (a) Road construction, or access track and infrastructure construction shall disturb the minimum amount of land needed to implement the activity.
- (b) A diversion and/or catch drain shall be installed to direct the water to a stable outlet if the catchment area above any batter exceeds 2000 square metres, or the slope gradient exceeds 20% and the flow of runoff is sufficient to scour batters.
- (c) Fill batters must be sited to avoid encasing established trees where possible.
- (d) All cut or filled batters shall be effectively stabilised or revegetated as soon as possible after formation.

#### **(iii) Drainage**

- (a) Where proposed activities are predicted to increase stormwater runoff volume and rate, the proponent will provide appropriate drainage. This will include energy dissipation and/or detention measures to prevent channel erosion and minimise adverse ecological impacts or flooding within the site or the catchment.
- (b) The ARI I in 5 year storm event must be used as the minimum design criteria for minor drainage conduits for all urban runoff works. Flooding hazard zones shall exist where the stream has a calculated annual exceedence probability (AEP) greater than 1%.

- (c) Run on water from land surrounding the activity site is to be intercepted and guided from the area to be disturbed to a stable waterway or disposal area, where appropriate and legal.
- (d) Erosion and sediment control practices are to be implemented across the site, while sediment trapping measures are to be located at least at all points where stormwater can enter constructed stormwater inlet pipes or leave the activity or development site.

**(iv) Drain Maintenance**

- (a) Channel maintenance shall be carried out, as required, to restore water carrying capacity. Clearing of excess trees and vegetation to maintain channel capacity shall, where possible use selective trimming to leave a short, dense, living ground cover that will continue to stabilise the channel banks/bed and provide a sediment or nutrient trapping measure.
- (b) Council's preferred option during drainage system upgrades or restoration is to establish the channel as a grassed open drain instead of closed pipe or concrete lined channel if possible.
- (c) Where easement width and soil conditions permit, Council shall at least follow the construction and maintenance guidelines contained in the NSW Department of Planning's publication "Better Drainage" (1993).
- (d) Removal of dead trees from channel banks shall be by cutting the trunk close to the ground and leaving the root mass undisturbed.
- (e) Excess or undesirable trees/vegetation in drainage lines will be poisoned only if other methods of control are impractical and after obtaining appropriate permits.

**(v) Dredging**

Dredging or excavation of a major channel to maintain water carrying capacity will be carried out after approval under appropriate legislation. The work shall be carried out with due regard for problems associated with contaminated sediment and / or possible acid sulphate soil material and without unnecessary damage to stabilising riparian trees and vegetation.

**(vi) Quarries**

Quarries shall be operated and maintained so as to prevent sediment moving off site onto adjoining land or "water". Existing quarries must be progressively rehabilitated to minimise future soil erosion hazard.

**Building Construction Category**

**(i) Roads and Access Tracks**

- (a) Access track and infrastructure construction shall disturb the minimum amount of land necessary.
- (b) Where possible, a single access (3 to 5 metres width per lane) shall be provided to and within the construction site. After formation, the entry/exit surfaces shall be covered as needed by a layer of geotextile and 200 mm deep aggregate of greater than 40mm diameter or other approved materials to provide temporary access protection from surface erosion during building activity.
- (c) Aggregate and accumulated or deposited construction site sediment on sealed roads must be thoroughly swept and removed to prevent this material entering the drainage system.

**(ii) Turf Filter Strips**

- (a) A turf filter strip shall be installed and maintained along the road nature strip/footpath area adjacent to street kerbs (or along the downslope boundary). It is to act as a final filter for the runoff leaving the property. Any exposed soil on the footpath and allotment shall be seeded or otherwise revegetated to limit runoff water and sediment.
- (b) In areas where the property is adjacent to bushland, care is needed to prevent the spread of turf grasses or hydro-mulch material beyond the rehabilitated area. Use of tree mulch or sterile seed/grass stock or native seed/seedling may be preferable to pasture species or couch turf in such locations.

**(iii) Sediment Control**

- (a) A sediment fence shall be installed to provide a temporary barrier or filter geotextile structure that captures sediment from sheet flow runoff. It will be located within and/or along the downslope boundary of any construction site or upstream of a turf filter strip or native trees/vegetation. Generally sediment

fencing is restricted to small catchment areas with a slope length of less than 60 metres, and away from concentrated flow paths.

- (b) Sediment traps will be installed to provide a temporary sediment control measure to intercept and retain sediment laden runoff in an excavation and/or an embankment located at all points where stormwater can leave a construction site or enter a drainage system. On sites with highly dispersible or erodible soil Council requires runoff within sediment traps to be filtered or flocculated before the water is released to the environment.

**(iv) Roof Water Disposal**

- (a) All roof guttering and downpipes shall be installed and connected to Council's drainage system or other approved drainage system immediately after roof material fixing. If this connection cannot be made immediately, then on site sediment control devices must be installed to receive and mitigate roof water runoff
- (b) Where no Council drainage system is provided, the roof stormwater shall be discharged away from the building site onto a stable vegetated area within the property with sediment control devices installed.

**6.3.6.11 Services and Utilities Management**

Site disturbance for the installation of services and utilities will be minimised. Site excavation shall be designed and located so as to keep cut and fill requirements to a minimum.

- (a) The proponent is encouraged to use common placement of utilities with minimum trench open time.
- (b) If a trench requires drainage by pumping out during construction, the water must be contained for filtration or flocculation, prior to release to receiving waters.

Trenches shall be backfilled, compacted, capped with topsoil and surfed or sown with approved seed within 24 hours of service installation.

**6.3.6.12 Rehabilitation**

The proponent will carry out progressive land surface stabilisation on all disturbed areas until the site is satisfactorily rehabilitated, and where appropriate, landscaped to the satisfaction of Council.

- (a) All disturbed areas shall be progressively stabilised and/or revegetated across the site. No completed area is to remain exposed to erosion for more than 14 days or another approved period. Installed temporary sedimentation control measures are to be maintained until the area stabilisation is complete and then decommissioned.
- (b) If the sowing of seed is used as a primary rehabilitation measure on disturbed ground, additional erosion and sediment control measures must be carried out. These can include turf stripping or sediment fences. They will be maintained until an effective 70% vegetative ground cover has established over the completed area.
- (c) The removal or management of trees/vegetation within Council area shall be consistent with the Gosford LEP 2014 and the Preservation of Trees or Vegetation chapter of this DCP.

**6.3.6.13 Topsoil and Stockpile Management**

- (a) Topsoil will only be stripped from approved areas to a predetermined depth. It must be stockpiled separately from subsoil for re use during site rehabilitation and landscaping, or removal if there is an excess. Subsoil spoil not required may be removed or placed on site, in approved areas, shaped to appropriate land contours, topsoiled and stabilised by the proponent.
- (b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored at least 2 metres clear of any drainage line or easement, natural watercourse, footpath, kerb, road surface or established tree. Stockpiles must have measures in place to retain such materials on the stockpile
- (c) Topsoil shall be stockpiled in mounds less than 1 metre high (where revegetation by the contained seed source is proposed). It will be protected with sediment control measures and respread on all exposed areas to a depth of at least 100 mm on slopes flatter than 1:4. The minimum depth will be 50 mm on slopes up to 1:2, after final land shaping.
- (d) Stockpiled material that is scheduled to remain undisturbed for more than one month shall be surface stabilised within 14 days of placement or within an approved period.
- (e) Stockpiles of erodible building materials or soils will not be located on a nature strip, footpath, roadway, kerb,



access, or Public Reserve and within 2 metres of a watercourse, without Council approval.

- (f) The land adjoining the stockpile shall be protected from degradation by the implementation of erosion and sediment control measures such as a diversion drain, sediment fence, geotextile or other approved devices.

#### **6.3.6.14 Erosion and Sediment Control Maintenance**

All erosion and sediment control measures must be maintained at workable capacity or condition until permanent rehabilitation measures are fully operational.

- (a) All erosion and sediment control measures, including permanent sediment traps, shall be maintained as per the schedule of works within the approved Erosion and Sediment Control Plan (or as required). At least 70% of their design capacity is to be operational until they are decommissioned.
- (b) Decommissioning of erosion and sediment control measures must comply with the schedule of works within the approved Erosion and Sediment Control Plan. Material held in sediment control measures on decommissioning shall be either stabilised in situ or removed to an approved disposal site. All structural materials used to construct temporary erosion and sediment control measures are to be dismantled and removed from the site on decommissioning.
- (c) All site debris and unused construction material must be removed from the site or protected from erosion before the site is vacated.

#### **6.3.15 Environmental Performance Bond**

Council may require the proponent to lodge a bond. This is to ensure effective erosion and sediment control measures and rehabilitation works are implemented and maintained. The bond can be required for any activity deemed by Council including the following situations:

- Proposals adjacent to environmentally sensitive areas
- Proposals with a disturbed area greater than 5 hectares
- Proposals involving exposure/disturbance of the land surface within the bed and banks of a watercourse
- Proposals involving exposure/disturbance of the land surface for periods greater than 6 months

Before works are implemented Council may require the payment of a security bond by administrative divisions or proponents to ensure effective erosion and sediment control measures and rehabilitation. Activities associated with adjoining sensitive environments, extractive industry or substantial development may attract this environmental performance bond charge.

- (a) The bond will be a suggested minimum of \$3,000 per hectare of disturbed land, at a 30 June 2008 dollar value. It will change in line with Consumer Price Index at 1st July each year.
- (b) When the project is complete the bond will be released in full if all the development consent conditions have been implemented and maintained and site rehabilitation is complete.
- (c) Council has the right to undertake any erosion and sediment control work, on or off site, deemed necessary for the benefit of the community, without notice to the proponent. The cost of this work may be recovered from the lodged security bond or by further legal action.

#### **6.3.6.16 Legislative Responsibilities**

The proponent is responsible for satisfaction of all legislative requirements associated with the activity approval. Council will consider necessary action to be taken under relevant legislation if approved erosion and sediment control measures are not carried out. Options include: the charging of a reinspection the forfeit or partial loss of an environmental bond, the issuing of stop work notices or other legal action

#### **6.3.6.17 Restoration of Damage**

If the proponent or their agents cause damage to any structure or surface that is the responsibility of Council while carrying out works to comply with this chapter, repairs will be at the proponent's cost.

#### **6.3.6.18 Exempt Works**

The following situations are exempt from this Code of Practice:

- (a) Emergency Situations - This policy does not apply to land uses and/or activities such as emergency flood mitigation or to emergency bushfire backburn operations. It also does not apply to other such specific land

uses more appropriately addressed by separate policies. However, after the emergency situation has passed, remedial measures should be undertaken to address any erosion hazard and to rehabilitate the site in a manner consistent with the Code of Practice Erosion and Sediment Control;

- (b) Bushfire Management - Trails and tracks for bush fire prevention and control can be constructed and maintained provided they comply with the appropriate Council Bush Fire Prevention and Control Policy and the relevant NSW Government Guidelines for Fire Trail Construction and Maintenance, or a Plan prepared in accordance with section 41 A of the Bush Fires Act(1949); and
- (c) Clause 5.9 of Gosford LEP 2014 - Removal or management of trees/vegetation within the site must be consistent with Clause 5.9 of Gosford LEP 2014 and the Preservation of Trees or Vegetation chapter of this DCP. This may contain conditions that override clauses this chapter. For example, the proponent needs no additional approval to disturb the activity site for final rehabilitation, except on land outside their administration, such as footpath or nature strip, etc.

## Appendix A - Legal Requirements

Failure to comply with the requirements of this Chapter may result in action being taken by Council, or another responsible authority, under relevant legislation. Proponents need to be aware of the extensive amount of legislation relating to the protection of soil, water, habitat and land resources of the NSW environment.

Farrier, D. (1993) "The Environmental Law Handbook Planning and Land Use in NSW" (2nd Edition), provides a useful account of the relevant legislation which can be summarised as follow

- (a) **Environmental Planning and Assessment Act 1979** The State's planning and development processes are primarily controlled by this Act. It requires the preparation of Environmental Planning Instruments (Part III), such as Local Environment Plans (LEPs) and the undertaking of environmental impact assessments in the form of EISs or SEEs (under Parts IV or V). The potential for soil erosion and other landscape impacts have to be considered by the consent authority when making approval decisions (Section 90(1) g & ml) administered by the Department of Planning and Infrastructure (DOP&I).
- (b) **Environmental Offences and Penalties Act 1989** provides for the imposition of penalties for serious pollution offences in three tiers, up to \$1 million. Administered by the Environment Protection Authority (EPA).
- (c) Clean Waters Act 1970 forbids all activities which result in water pollution, except where they are carried out in accordance with a licence issued under Section 16. Such pollution includes soil sediments. Administered by the Office of Environment and Heritage (OEH).
- (d) **Soil Conservation Act 1938** provides for the conservation of soil resources and for the mitigation of erosion. It allows prosecution of developers and landholders where action or failure to act caused soil erosion or land degradation (Secdon.15A,18 or 22). The Protected Lands provisions (Section 21 C) require the issuing of an authority under the Act prior to disturbance of trees/vegetation within steeply sloping terrain, in riparian lands or in otherwise sensitive lands.
- (e) **Local Government Act 1993** places responsibility with local Councils to properly protect, restore, enhance and conserve the environment, which has an indirect bearing on the development approval and Council operations. Administered by the Department of Planning and Infrastructure (DoP&I).
- (f) **Catchment Management Act 1989** objective is to bring about the co-ordinated and sustainable use and management of land, water, trees, vegetation and other natural resources on a catchment basis. It relies on voluntary Cupertino of the community and government, rather than a regulatory approach.
- (g) **Rivers and Foreshores Improvement Act 1948** provides for the protection and improvement of protected waters (i.e., most rivers, lakes, In lagoons and estuaries) and the associated protected lands, (i.e., beds, banks, shores and land within 40 metres these waters. A permit is required under this Act for any activity that may interfere with the flow of these protected waters or for any excavation or removal of material from protected lands.
- (h) **Crown Lands Act 1989** any activities occurring on Crown Lands or lands adjoining, have to be authorised under this Act, generally through a licence, lease or reserve. Activities must be in accordance with the Principles of Crown Land Management which stress the protection of soil, water and other environmental values (Section 11).
- (i) **Coastal Protection Act 1979** provides for the protection, maintenance and restoration of the environment of the coastal region. Consent or concurrence under this Act is required where there is no existing environmental

planning instrument or where a significant engineering or mining project is involved. It applies over the coastal zone which generally includes the beach front, estuaries and adjoining wetlands, and offshore areas to 3 nautical miles.

- (j) **Other Legislation** various other legislation relating to specific land uses provides for the protection of soil and landscape resources including the Mining Act 1992, Forestry Act 1916, Pesticides Act 1978, Environmentally Hazardous Chemicals Act 1985 and the Waste Disposal Act 1970; Threatened Species Conservation Act 1995; National Parks and Wildlife Act 1974; Native Vegetation Conservation Act 1997; Roads Act Regulation 1993; and Fisheries Management Act 1994.
- (k) **Relevant Government Policies** A number of NSW Government policies also provide for the protection of soil and landscape resources and influence the decision making process of NSW Government agencies. Important relevant policies and regulations include:
- SEPP No.14 Coastal Wetlands
  - SEPP No.19 Bushland in Urban Areas
  - PPP New 9A 1 Littoral Rainforest
  - Total Catchment Management (TCM) Policy
  - NSW State Rivers and Estuaries Policy
  - NSW State Wetlands Policy
  - NSW State Coastal Policy
  - NSW State Soils Policy
  - NSW State Tree Policy

### Penalties For Non Compliance

The Clean Waters Act (1970) is the most likely legislation to be breached regarding sedimentation off site by a proponent from an approved development / activity site. Breaches of this Act incur penalties under the Environmental Offences and Penalties Act (1989) through a three tier charge system. The fines may be imposed by Courts after action is taken by the Office of Environment and Heritage (OEH) or a "third party". Council has powers to act by delegated authority of the OEH to impose Tier 3 "on the spot" infringement penalties.

In order to improve the community awareness of this penalty system, the following outline is provided as at July, 1997 and is subject to future revision by the State Government.

- (a) **Tier 1 Offences** are the most serious offences and typically involve deliberate or negligent actions which result in significant harm to the environment. Such offences can result in fines for corporations up to \$1,000,000 or for individuals up to \$250,000 and/or 7 years' imprisonment.
- (b) **Tier 2 Offences** typically involve serious or significant offences under the Clean Air or Clean Waters Acts. These offences can result in fines for corporations up to \$125,000 plus \$60,000 each day the offence continues and for individuals up to \$60,000 plus \$30,000 each day the offence continues.
- (c) **Tier 3 Offences** are those of a more minor nature which incur a maximum on the spot fine of \$600 and order to rectify the problem.

## 6.4 Geotechnical Requirements For Development Applications

### 6.4.1 Where this Chapter Applies

This chapter applies to all Land in Gosford LGA.

### 6.4.2 Purpose of Chapter

The purpose of this chapter is to provide more detailed guidelines for the submission of Geotechnical Reports to support Development Applications.

### 6.4.3 Objectives

The objectives of this Chapter are:

- a. To provide a management strategy for development in areas within the City identified as having a landslip potential.
- b. To establish guidelines relating to the development of quarry areas within the City.

- c. To provide guidelines on the content and form of geotechnical reports submitted to Council.

#### 6.4.4 Specific Requirements

##### 6.4.4.1 Terminology

For the purpose of this chapter the following terminology will apply:

Geotechnical reports to be prepared by a “**geotechnical engineer**”, in this context a “Geotechnical Engineer” means any geotechnical engineer and/or engineering geologist who is listed on the National Professional Engineer’s Register, Level 3 (NPER-3), or a current Member of the Australian Geomechanics Society, with a minimum of five years practice as a geotechnical engineer, or engineering geologist, advising on building works in regions of the Sydney Basin underlain by the Hawkesbury Sandstone and Narabeen Group [in particular the Terrigal Formation & Patonga Claystone] geological strata, or who is able to demonstrate considerable relevant experience with similar geology.

The Geotechnical Engineer shall also be covered by appropriate professional indemnity insurance with a cover of at least \$10,000,000 and provide the Council with proof of the currency of such insurance policy[s] as and when required by Council.

Where the Geotechnical Engineer is employed by a company, or other corporate entity, the signatory of the report shall be deemed to be the Geotechnical Engineer defined above.

“**Geotechnical Report**” means a report by a Geotechnical Engineer as defined above in accordance with Table R1.

“**Post Development Report**” means a report by the Geotechnical Engineer confirming that the completed development has been constructed in accordance with the requirements of the geotechnical report and that no unforeseen ground conditions have been encountered which could impact on the stability of the land [or related land] and/or structures on the land or related land.

##### 6.4.4.2 Landslip Hazard Assessment Matrix

When assessing Development Applications Council will consider the slip potential of a site by reference to plans held by Council and labelled **Landslip Maps** or by reference to the following Matrices [Tables M1 & M2] noting that the following geotechnical abbreviations have been used to describe the geological strata in the tables.

Abbreviation	Geological Strata
Rh	Hawkesbury Sandstone
Rnp	Patonga Claystone
Qs	High level aeolian sand
Qd, Qhd & Qhbr	Dune and Barrier Sands
Rnt	Terrigal Formation
Rnt – s	Terrigal Formation – sandstone sequences
Rnt – m	Terrigal Formation – mudrock sequences
Qa	Alluvium, swamp and estaurine deposits

**Table M1 – Low & Medium Hazard Areas**

CATEGORY		Category 1 Low Hazard Area	Category 2 Medium Hazard Area
GENERAL DESCRIPTION		<p>Areas not susceptible to significant landslip hazard; instability not expected unless major site changes occur.</p> <p>Often represented by low slope profiles in stratified rocks and nearly flat in alluvial deposits.</p>	<p>Land areas of potential landslip hazard and possible soil creep on a moderately steep soil covered slope. Instability may occur during and after extreme climatic conditions.</p> <p>Represented by relatively steeper topography in stratified rocks and low slope profiles in alluvial deposits.</p>
IMPLICATIONS FOR DEVELOPMENT		<p>Good engineering and conventional building/development practices usually sufficient for safe development in these areas.</p>	<p>Restrictions on nature and extent of development [especially earthworks] may be required.</p>
IDENTIFICATION CRITERIA	Rh	<p>Slopes between 0° and ≤ 18° in plateau areas.</p> <p>At least 25 metres from any prominent cliff line.</p>	<p>Slopes &gt; 18° and ≤ 23°.</p> <p>In proximity [within 25 metres] of cliff lines.</p>
	Rnt Rnt-s Sandstone sequences.	<p>Slopes between 0° and ≤ 12½°.</p> <p>At least 100 metres from any prominent cliff line.</p>	<p>Slopes &gt; 12½° and ≤ 22°</p> <p>In proximity [within 25 metres] of cliff lines.</p>
	Rnt-m Mudstone sequences.	<p>Slopes between 0° and ≤ 10°.</p> <p>At least 100 metres from any prominent cliff line.</p>	<p>Slopes &gt; 10° and ≤ 18°.</p> <p>In proximity [within 25 metres] of prominent cliff lines.</p>
	Rnp	<p>Slopes &gt; 0° and ≤ 5°.</p>	<p>Slope &gt; 6° and ≤ 12°.</p>
	Qa & Qd Qhd & Qhbr	<p>Slopes &gt; 0° and ≤ 5°.</p> <p>And</p> <ul style="list-style-type: none"> <li>At least 50m away from a lake shore or river flat, and</li> <li>At least 60m away from a beach.</li> </ul>	<p>Slope &gt; 5° and ≤ 18° and where groundwater &gt; 3m below surface.</p> <p>Slope &gt; 5° and ≤ 24° and where groundwater &lt; 3m below surface</p> <p>Or within 50m of lake shore/river flat.</p>
	Qs [deeper than 2 metres]	<p>Slopes &gt; 0° and ≤ 5°</p> <p>And at least 25m away from a cliff area.</p>	<p>Slopes &gt; 5° and ≤ 18° and where groundwater &gt; 3m below surface.</p> <p>Slope &gt; 5° and ≤ 12° and where groundwater &lt; 3m below surface.</p> <p>Or within 25m of a cliff area.</p>

**Table M2 – High & Immediate High Hazard Areas**

CATEGORY		Category 3 High Hazard Area	Category 4 Immediate High Hazard Area
<b>GENERAL DESCRIPTION</b>		<p>Land areas susceptible to soil creep, landslip and rockfalls due to steep slope profiles in stratified formations and proximity of land to cliff areas and alluvial deposits.</p> <p>Localised known areas of landslip and/or rockfalls may occur within the area. Commonly seepage problems occur in the area.</p>	<p>Land areas where there is evidence of active or past landslips, or areas where quarries, excavations/filling/erosion have created potentially unstable slopes during climate extremes, or areas of coastal and bluff instability, or rock face failures.</p> <p>Category also includes areas that are highly susceptible to landslip, rockfalls, or excavation instability to steep slope and/or geological formations which inherently give rise to instability. More than one type of hazard is also usually present.</p>
<b>IMPLICATIONS FOR DEVELOPMENT</b>		<p>Significant restrictions on nature and extent of development [especially earthworks and drainage] usually required.</p> <p>The risk associated with development in these areas are often higher than normal.</p>	<p>Unsuitable for development unless localised areas can be re-rated to Category 3 or better.</p> <p>Any development usually subject to substantial restriction.</p>
<b>IDENTIFICATION CRITERIA</b>	<b>Rh</b>	Slopes > 23° and ≤ 33° and in proximity [within 10 metres] of cliff lines.	Slopes > 33°. Prominent cliff areas or coastal bluff areas.
	<b>Rnt</b> <b>Rnt-s</b> Sandstone sequences	Slopes > 22° and ≤ 29°. In proximity [within 10 metres] of cliff lines.	Slopes > 29°. Prominent cliff or coastal bluff areas.
	<b>Rnj-m</b> Mudstone sequences	Slopes > 18° and ≤ 24° and in proximity [within 10 metres] of cliff lines.	Slopes > 24°. Prominent cliffs or coastal bluff areas.
	<b>Rnp</b>	Slopes > 12° and ≤ 18°	Slopes > 18° and cliff or bluff areas.
	<b>Qa &amp; Qd</b> <b>Qhd &amp; Qhbr</b>	Slopes > 18° and ≤ 27° and where groundwater is > 3m below surface. Slopes > 12° and ≤ 15° and where groundwater > 3m below surface And at least 60m from a beach.	Slopes > 27° and where groundwater > 3m below surface. Slopes > 15° and where groundwater < 3m below surface. Beachfront areas and within 60m of beach.
	<b>Qs</b> [deeper than 2 metres]	Slopes > 18° and ≤ 27° and where groundwater > 3m below surface. Slopes > 12° and ≤ 15° and where groundwater < 3m below surface. And at least 25m from a cliff area.	Slopes > 27° and where groundwater > 3m below surface. Slopes > 15° and where groundwater < 3m below surface. Or within 25m of a cliff area.

Where this assessment indicates that a lot has a Hazard Category of 2 or above Council may require that the Development Application be supported by a report on the site [and adjoining lots] geotechnical conditions, stability and impact of development on the stability prepared by a recognised Geotechnical Engineer.

Where this assessment indicates that a lot, or part of a lot has a Hazard Category of 3, or above, Council will require that the Development Application be supported by a report on the site [and adjoining lots] geotechnical conditions, stability and impact of development on the stability prepared by a recognised Geotechnical Engineer.

Where this assessment indicates that a lot has a Hazard Category of 4, a Development Application will only be considered if the proposal is supported by a comprehensive report on the site [and adjoining lots] geotechnical

conditions, stability and impact of development on the stability prepared by a recognised Geotechnical Engineer.

### 6.4.4.3 Geotechnical Reports

Where a report from a recognised Geotechnical Engineer is required by Council to support a Development Application the level of report required will be in accordance with the following Table R1.

**Table R1**

HAZARD CATEGORY	LEVEL OF GEOTECHNICAL REPORT REQUIRED
Category 1	Not required unless the development is of extensive proportions and/or a major structure is proposed.
Category 2	A Class 2 [see Table R2] geotechnical report required prior to site development.
Category 3	A Class 1 [see Table R2] geotechnical report [i.e. detailed geotechnical investigation] prior to development. A “post development report” also required.
Category 4	Comprehensive geotechnical investigation and a Class 1 [see Table R2] geotechnical report is required before consideration of any development. A “post development report” also required.

**Table R2 – Minimum Information in Geotechnical Report**

The following information is to be included at each level of report:

ITEM	DESCRIPTION	REPORT	
		Class 1	Class 2
1	A description of the Assessment process adopted and the work undertaken to provide the assessment [See Note 1]	✓	✓
2	A site description, including vegetation, bedrock outcrops, site seepage & groundwater, existing development, etc.	✓	✓
3	Description of site substrata and identification of the geological formations present in accordance with standard geological practice [e.g. Terrigal Formation (Rnt) of the Narrabeen Group]	✓	✓
4	The depth to weathered bedrock over the site generally and within the building area in particular.	✓	✓
5	The site slopes observed [expressed in degrees] and maximum site slope. Delineation of site into areas of common slope and measured slope angles in the various areas.	✓	✓
6	A site plan indicating relevant geological features & location of proposed development on the land relative to those features [preferably at a scale of 1:200].	✓	
7	At least one geological section through the site and proposed development [preferably at a scale of 1:200]	✓	
8	Logs of boreholes put down to determine depth of soil/weathered rock strata. The borehole to penetrate the site strata to bedrock and at least one borehole to be within the building area of the site.	✓	
9	A “Risk Assessment” of the various parts of the land in accordance with the Australian Geomechanics Society Guidelines – March 2000 or as subsequently amended, delineation of the land into areas where different degrees of risk are determined, together with a site classification in accordance with As 2870- 1996 [or latest amended edition].	✓	✓
10	A statement of the effect of the proposed site development on the site, and adjoining land, stability.	✓	✓
11	An assessment of the stability of the land immediately surrounding and above/below the site and possible effects of instability [e.g. a rock fall] on the adjoining/nearby land on the site.	✓	✓

12	<p>A descriptive Geotechnical Report which includes:</p> <ul style="list-style-type: none"> <li>Sufficient detailed information and recommendations for a structural engineer and/or civil engineer to provide a design for the development to accommodate any instability, or potential instability, considered to affect the land and/or related land.</li> <li>A table providing the specific data required in items 3, 5 &amp; 9 in the format set out in Table R3.</li> <li>Any items that are required to be inspected by the Geotechnical Engineer during the course of construction together with details of any further geotechnical studies required at the site.</li> </ul>	✓	✓
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✓ Denotes item required for the Class of Geotechnical Report indicated.

**Note 1 - Assessment Process**

The assessment process shall normally include at least:

- a. Study of geological and topographic maps of the area supplemented by the Consultant’s experience in the area.
- b. Consideration of the information made available by the Client about the site and its surrounding area, [including previous instability, building distress, and drainage problems] and the development proposals.
- c. Visual appraisal of the site and the surrounding areas, including signs of instability, soil and rock exposures, seepage and vegetation.
- d. Collection of basic topographic and geological measurements at the site, viz: slope angles, substrata, bedrock type & depth, etc.] and production of a documented sketch geological model of the site.
- e. Consideration of the effects of high rainfall and adverse climate & seismic conditions.

**Table R3 - Geotechnical Report Data**

<b>Assessed by:</b>		<b>Assessment date:</b>	
<b>Lot No:</b>	<b>Street No:</b>	<b>Street:</b>	
		<b>Suburb:</b>	
<b>SITE DATA</b>		<b>Land Area 1*</b>	<b>Land Area 2*</b>
Site Classification [AS 2870]:			
Land slope [degrees]:			
Geological abbreviation of underlying bedrock type:			
Description of surficial soil:			
Type of Stability Risk [e.g. landslip, rockfall, etc.]:			
Risk Assessment [e.g. low, moderate, etc]:			
Geotechnical Inspections required during construction? [yes/no]:			
Risks from adjoining land:			

**Notes:**

- 1. Additional land area columns to be added where site has more than two fundamental slopes.
- 2. One of the land areas described must contain the area within which building works are proposed.

**6.5 On-site Effluent and Greywater Disposal**

**6.5.1 Where this Chapter Applies**

This chapter applies to all residential development where effluent and/or wastewater is disposed of on the subject



site.

## 6.5.2 Purpose of Chapter

The purpose of this chapter is to provide detailed guidelines for the installation of on-site effluent disposal systems in unsewered areas and the disposal of greywater in sewerred areas. These guidelines set out the requirements for on-site sewage systems that safely recycle or dispose of all wastes, pathogens and nutrients totally within the subject site.

## 6.5.3 Objectives of Chapter

The objectives of this Chapter are as follows:

- a. To protect the health of people through proper on-site disposal of effluent and waste water.
- b. To protect the natural environment from improper methods of on-site effluent and waste water disposal.
- c. To specify the requirements of suitable on-site sewage disposal systems and waste water recycling systems.

## 6.5.4 Specific Requirements

### 6.5.4.1 Information required to accompany Permit to Install Applications for On-Site Sewage Management Systems and Greywater Treatment Systems

Under the provisions of Chapter 7, Part 1, Section 68 - Local Government Act 1993 and Local Government (General) Regulation 2005 Part 2 an application to install or alter an on-site sewage management system must be approved by Council.

An application for an On-Site Sewage Management System and Greywater Treatment System must be accompanied by the following documentation:

- i) An On-Site Wastewater Disposal Report in accordance with AS1547:2000 On-site Domestic-Wastewater Management and the Environment and Health Protection Guidelines On-site Sewage Management for Single Households prepared by a recognised, practising professional i.e. geotechnical engineer or similar suitably qualified and experienced in the field of on-site wastewater disposal.
- ii) An accurate site plan at a suitable scale indicating the location of all improvements on the property. The site plan is to indicate the location of septic tank/s, sewage delivery lines and land application area (LAA). The site plan is to accurately indicate buffer distance setbacks from those features identified in the Environment & Health Protection Guidelines On-Site Sewage Management for Single Households.
- iii) Plumber details i.e. name, address and license number.
- iv) An accurate internal/external drainage diagram and on-site wastewater disposal system layout.
- v) New South Wales Health Certification for the proposed on-site sewage management facility.
- vi) Copy of a system maintenance agreement from an accepted service contractor.
- vii) An application for an Approval to Operate under the provisions of the Local Government Act 1993, Section 68 and the Local Government (General) Regulations 2005.
- viii) Any other additional information required by Council to enable assessment of the application.

### 6.5.4.2 Protect the health of people through proper on-site disposal of effluent and waste water

**Rationale:** The improper disposal of sewage and waste water has the potential to adversely affect the health and well-being of residents on the subject site and on adjoining land. Untreated sewage and waste water causes offensive odours, contributes to the spread of disease via micro-organisms present in the waste and attracts insects and vermin. Consequently, human contact with such organic waste should be controlled.

An on-site sewage management system and waste water system must address the following criteria:

- (i) The design must be appropriate to the site and soil conditions with approval by Council of the system.
- (ii) The design is to be consistent with its function and use.
- (iii) The treatment of effluent and waste water appropriate to the intended loading of the system.
- (iv) The conveyance of sewage to a suitable area for disposal appropriate to the intended loading of the land application area.
- (v) The management of liquid and solid inputs so as to not affect the viability and sustainability of the system.

- (vi) The maintenance of the system to enable operation in accordance with the manufacturer's specifications, NSW Health's accreditation and Council approvals

#### **6.5.4.3 Protect the natural environment from improper methods of on-site effluent and waste water disposal**

**Rationale:** The improper disposal of sewage and waste water has the potential to degrade the soil and vegetation in the affected area. Native flora generally grow in low nutrient soils therefore, wet conditions along with excess nitrogen and phosphorous can be detrimental to their health. Polluted runoff can also contaminate waterways and consequently the flora and fauna that inhabit these environments including oyster farms.

An on-site sewage management system or waste water system must address the following criteria:

- (i) The design is to be consistent with its function and use.
- (ii) The design must be appropriate to the site and soil conditions having considered the potential for mass movement or slope failure.
- (iii) The provision of adequate erosion and sedimentation controls before, during and after construction or installation.
- (iv) The installation of appropriately position diversion drains around the land application area.
- (v) The maintenance of the system to enable operation in accordance with the manufacturer's specifications, NSW Health's accreditation and Council approvals.
- (vi) The selection of areas for the disposal of effluent must take into account the local climate, surface and groundwater hydrology, soil characteristics and vegetation type.
- (vii) Effluent disposal areas to be a distance of 100 metres from any sensitive environments such as wetlands, watercourses or any species or community listed under the Threatened Species Conservation Act 1995 and/or the Environment Protection and Biodiversity Conservation Act 1999. Where a buffer distance of 100 metres is not obtainable further treatment or disposal methods will be considered.
- (viii) Recommended buffer distance setbacks for on-site systems as detailed in Table 5 of The Environment and Health Protection Guidelines. A detailed supportive commentary and justification is required to be included to support any variations
- (ix) All dwellings located close to waterways where oyster growing occurs must have a system that retains all nutrients and pathogens on site.

#### **6.5.5 What other standards apply?**

- NSW Department of Health System Accreditation and approval conditions.
- Gosford City Council On Site Sewage Guidelines and Policies. (These will be constantly updated to include new technologies and developments.)
- AS/NZS 1547:2000 (On-Site Domestic Wastewater Management) – On-Site Sewage Management for Single Households.
- This combined Australian New Zealand Standard provides minimum standards for designing, maintaining and installing disposal systems.
- Environment and Health Protection Guidelines for On-site Sewage Management for Single Households (1998).

The Guidelines produced by the NSW Department of Local Government also provide direction for the design, installation and maintenance of disposal systems.

- AS/NZS 3500.5:2000 National Plumbing and Drainage Domestic Installations. (This combined Australian New Zealand Standard provides minimum standards for the design and installation of sanitary plumbing and drainage within buildings.)

#### **6.5.6 Suitable on-site sewage disposal systems and greywater treatment systems**

**Rationale:** The improper disposal of on-site sewage and greywater has the potential to adversely affect the health and well being of residents on the subject site and on adjoining lands. New South Wales Health accredited on-site sewage management systems ensure treatment of on-site wastewater is disposed of in an environmentally satisfactory manner.

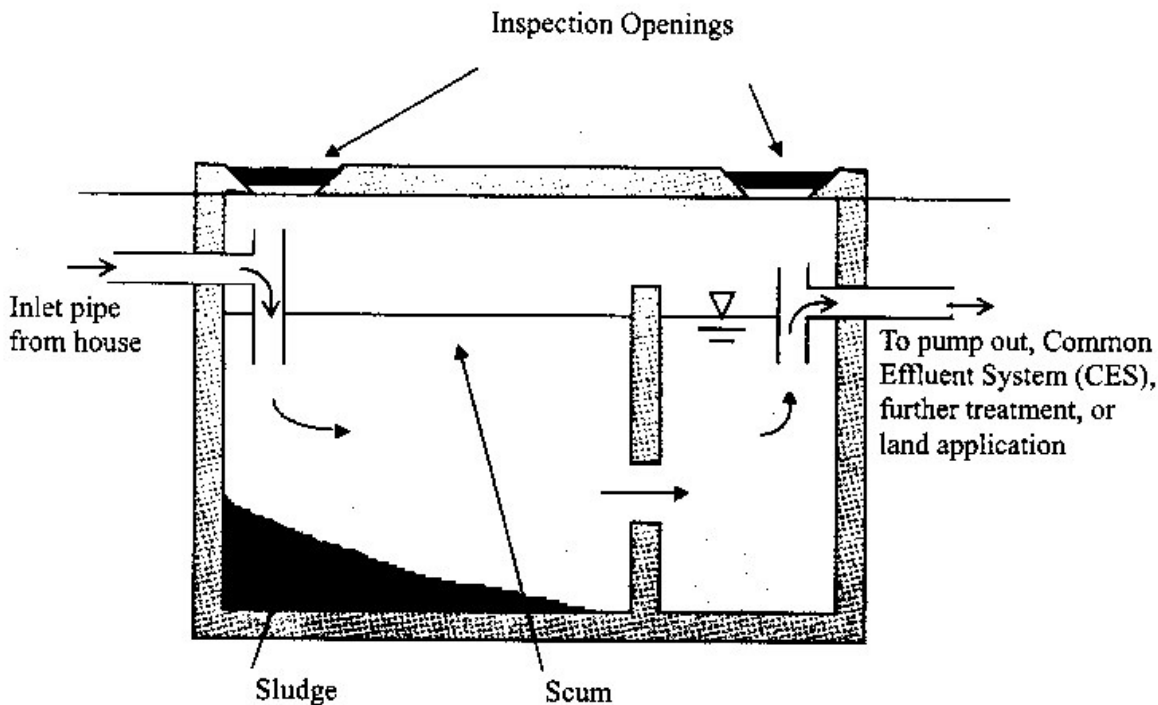
### 6.5.6.1 Septic tanks with Absorption Systems

Traditionally, in unsewered areas effluent from dwellings has received primary treatment in a conventional septic tank before being absorbed in underground trenches. This system has relied on the soil completing the treatment process as the effluent moves through the strata. Not all soils or sites are suitable for absorption trenches, particularly in village areas with small blocks and soils with poor soil structures. In some areas, Council has had to provide a pump-out system whereby the effluent is pumped out by a road tanker, transported and treated at one of Council's sewage treatment works.

Even on large allotments, the soils must have the correct characteristics to satisfactorily treat the effluent. Unsuitable landscapes may cause effluent to reach the surface and/or groundwater and adversely affect receiving water bodies. Certain landscapes within Gosford LGA do not have the characteristics necessary to treat effluent from septic tank systems without having a cumulative adverse impact on the receiving environment.

Areas of this nature may be limited in terms of development density, due to the environmental characteristics and the outlined objectives.

**Figure 1: Cross-section of Septic Tank**



The wastewater from a septic tank is not disinfected and has high nutrient levels therefore it poses a health risk and is environmentally hazardous. As the discharge is hazardous all primary treated effluent is disposed of below ground. It is therefore important to maintain and monitor your LAA to ensure that water from the trench or transpiration area does not resurface.

For Council to be able to approve the installation of a septic tank the applicant must supply the NSW Health's certificate of accreditation. In addition the tank itself must clearly indicate the day, month and year of manufacture, the manufacturers name or registered trademark and the capacity of the unit in litres.

#### **Do I need a filter in my septic tank?**

To ensure that solids do not reach the LAA an approved in tank filter must be installed in such a manner to enable easy removal for cleaning on a regular basis. A number of in tank filters are currently available on the market. The preferred type device is a conical filter that has an aperture of not greater than 1mm and is fitted to the outlet square of the tank. It is recommended that the filter be cleaned at six monthly intervals.

#### **Soil absorption systems**

There are two types of soil absorption systems commonly used to dispose of effluent from a septic tank. They are

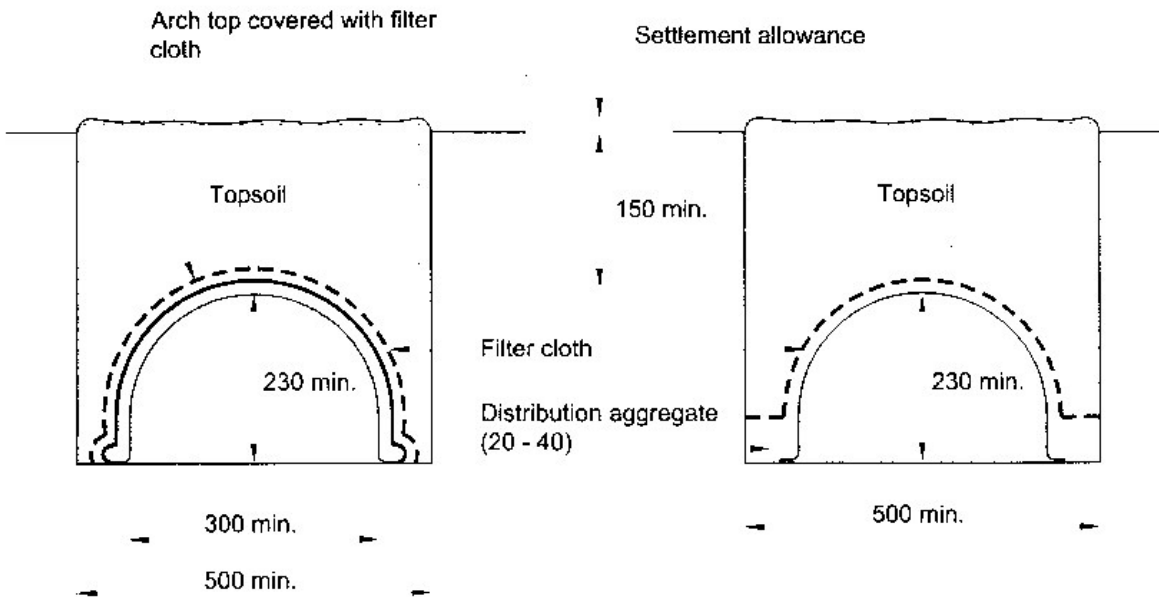
Absorption Trenches and Evapo-transpiration areas. These are outlined below.

**How does an absorption trench work?**

The absorption or sullage trench receives primary treated effluent from the septic tank. The role of the trench is to evenly discharge this effluent to the subsoil. The subsoil then filters the effluent as it percolates through. It is therefore essential that the permeability of the soil in the LAA meets the requirements outlined under AS 1547:2000 On-Site Domestic-Wastewater Management and the Environment & Health Protection Guidelines On-site Sewage Management for Single Households. In addition, if a seasonal or permanent water table is within 1.2 metres of the surface of the proposed LAA the land is not suitable for absorption trenches. If the site conditions are not within these parameters the effluent may impact on the health and amenity of the environment.

A depiction of a typical absorption trench is shown in Figure 2 below.

**Figure 2: Typical Absorption Trench Design**



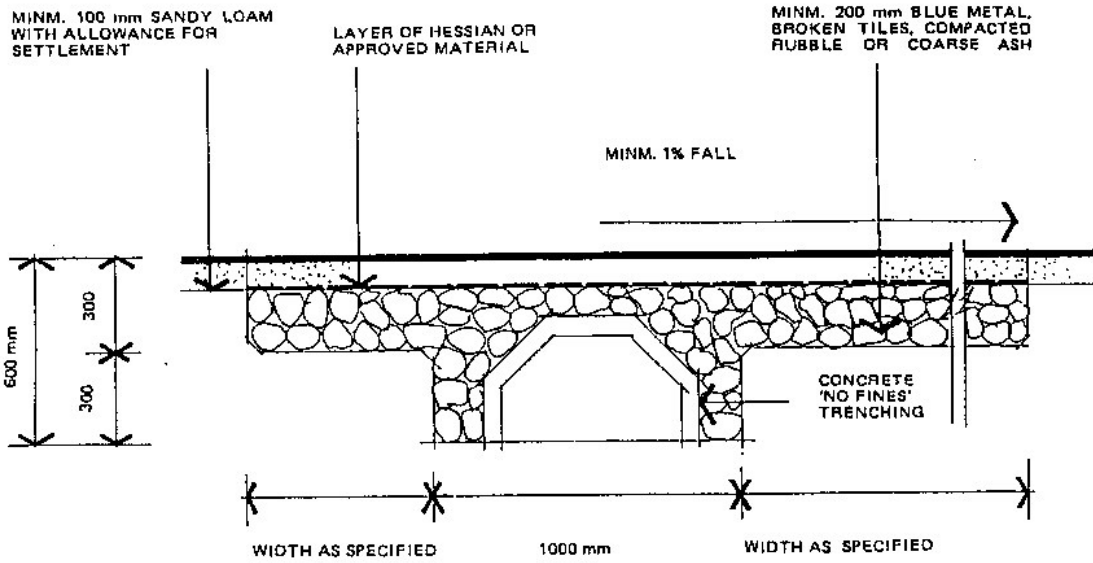
**How does an evapo-transpiration area work?**

An Evapo-transpiration Area (ETA) is a LAA of a predetermined size that is surrounded on all sides by impervious bunding usually consisting of clay. The base of the ETA is also lined with impervious clay.

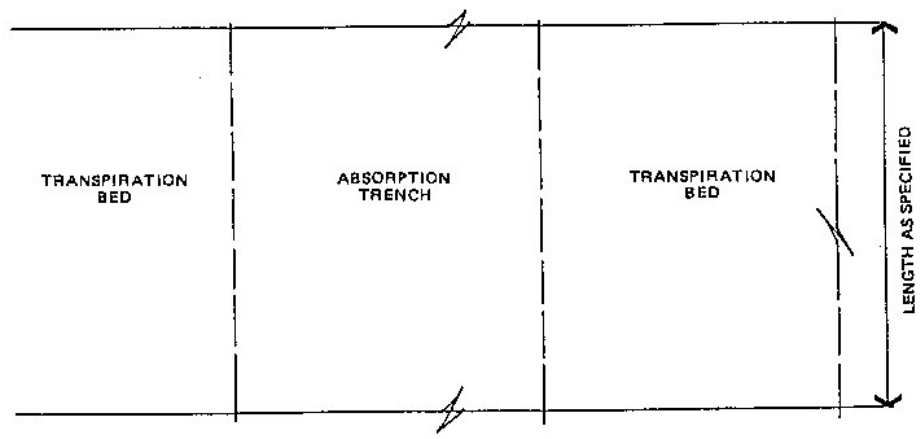
Across the high side of the bed is a distribution trench which discharges along its length to the bed of the ETA. The base of the bed has a minimum cross fall of 1%. On top of the base is a layer of 40mm to 50mm diameter stones. Over this is laid geo-textile fabric on which sandy loam is placed. This top layer is then planted out with a nutrient tolerant grass.

The effluent enters the ETA via the distribution trench and from there into the bed. The hydraulic content of the effluent is evaporated or transpired by the grass into the atmosphere.

**Figure 3: Standard Detail of an Evapo-Transpiration Area**



SECTION



PLAN

- NOTES:— Drainage disposal areas (absorption trenches and transpiration beds) are to be constructed to the sizes and in positions specified on Drainage Layouts.
- The absorption trench is to be located in the transpiration bed in the position indicated on the layouts and the bottom of the transpiration beds are to be level throughout.
- Drainage disposal areas are to be finished with sufficient sandy loam to allow for settlement and after settlement are to have minimum fall necessary to shed surface water. The natural ground forming the lower side of the bed is to be graded level. Impervious retaining walls may be required to achieve this objective.
- Any concentrated flow of surface water is to be diverted clear of drainage disposal area to Council satisfaction.
- Disposal areas should be turfed as soon as possible following construction. Turfing of disposal areas is to be carried out at the time of construction of disposal areas when directed.

**6.5.6.2 Septic Tank with amended soil cell**

A patented system of on site effluent treatment uses a septic tank and soil cell that is passive and may allow for a reduced disposal area.

Used extensively in Western Australia good quality effluent results from the low maintenance amended soil cell a possible option for small and difficult sites close to sensitive features.

### 6.5.6.3 Effluent Pumpout Systems

Septic tank effluent pumpout systems are not on-site systems as such, but are included here for the information of applicants whose on site system has failed and no alternative on-site wastewater disposal option exists. Pumpout systems will not be approved to create new subdivisions and must satisfy the following:

1. Must be within established collection areas.
2. The effluent pumpout truck must be able to safely park kerbside to the property without obstructing pedestrians and/or passing traffic.
3. In most areas a collection well of 4,000 litres with a 75mm suction line and booster pump if necessary is satisfactory.

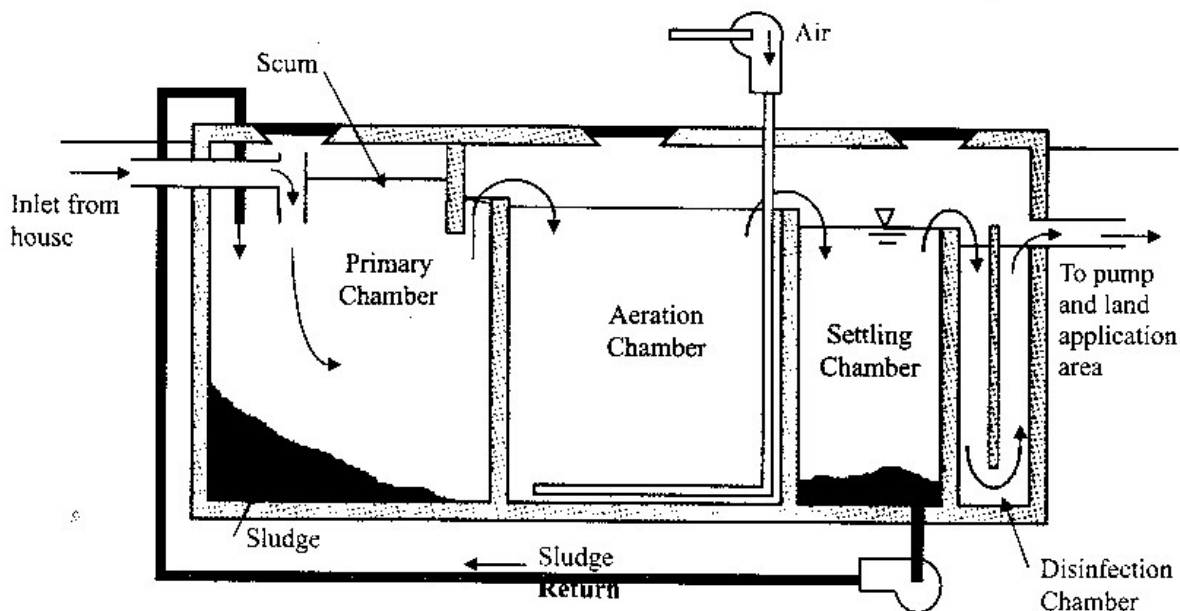
**NOTE:** It is Councils intention to systematically reduce instances of pump-out systems.

### 6.5.6.4 Aerated Wastewater Treatment Systems

#### How does an AWTS work?

The aerated wastewater treatment system (AWTS) is an alternative to the conventional septic system. This effluent is treated to a level known as secondary treatment with the effluent undergoing disinfection by chlorination or ultra violet light in various chambers of a tank to remove bacteria and other micro-organisms.

**Figure 4: Aerated Wastewater Treatment System**



This level of treatment allows the effluent to be spray irrigated above ground or discharged in a shallow sub surface bed in most situations without any major health risk.

Because the effluent is treated to a higher standard than the conventional septic tank, it contains fewer potential harmful pathogens and as such its impact on the health and amenity of the local environs is not as great.

The exception is when an AWTS is not regularly maintained. Without regular maintenance by a suitable qualified person, significant public health and pollution problems can eventuate.

#### What size does my aerated wastewater treatment system have to be?

All AWTS are required to have NSW Health Accreditation. All AWTS accredited in NSW have a 10 person capacity (expressed as a 10 EP system). An AWTS of this size will cater for most residences. Should your situation require a system greater than 10 EP a special design would be required. This is covered later in this chapter under alternative systems.

#### Does my aerated wastewater treatment system need a filter?

As with septic tank absorption systems a filter is required to be installed to all AWTS to restrict solids and sludge from finding its way to the disposal nozzles whether they be sprayers, drippers or the like. Should solids find their

way to these nozzles they will block causing localised inundation of the disposal area and irrigation pump burn out. It is also essential to ensure that the filter does not block as blockage will also result in the same problems.

### **Disposal options for aerated wastewater treatment systems. What is surface irrigation?**

Surface irrigation utilises a specific area of your land. The irrigation being the LAA area through the site assessment process has been chosen as the most appropriate space to dispose of effluent on the site. Within this area is laid the distribution line that comes from the outlet of the AWTS. Along this line is a series of sprayers, drippers or soaker attachments that discharge the treated effluent.

The most common method of application for surface irrigation is by sprayers or sprinklers. Sprayers or sprinklers are usually low pressure devices. To ensure effluent does not detrimentally effect the environment and public health the spray head plume radius of the device should not exceed 2 metres and with a plume height not greater than 400mm. Irrigation areas are restricted areas not to be used for recreational purposes. Surface spray areas must be suitably signposted to restrict access.

This standard ensures that the prescribed buffer distances outlined in the Gosford City Council On Site Sewage Guidelines protect the environment and public health.

In addition to the standard sprinkler used for surface irrigation, alternative designs will be assessed. The Gosford City Council Guidelines specify a specific type of pulsating pop up sprinkler that is acceptable. The effluent is either absorbed by the soil, taken up by vegetation or evaporated.

Surface irrigation of effluent has drawbacks particularly when the LAA is inadequate to deal with the effluent or where the prevailing conditions are not favourable. Poor soil, land slope, overland water flow and inclement weather may cause effluent to leave both the LAA and the site. The wayward effluent is discharged into the receiving environment causing cumulative effects.

Surface irrigation may be restricted by excessive site gradients.

**NOTE:** On smaller sites, sites where little recreation area is available and sites unable to achieve the EHP Guidelines sub-surface irrigation will generally be required in order to provide the maximum health and environmental safeguards .

### **What is sub-surface disposal?**

As its name describes subsurface disposal is the method of discharging effluent below the ground to deal with sewage on site.

The system entails an arrangement of plastic irrigation pipes designed to discharge effluent evenly along their length (pressure compensating line). The pressure compensating line is similar to that used in agricultural applications for irrigation. The difference however is the inclusion of chemicals to inhibit root intrusion into the pipe work and bacterial growth inside the line. Pressure compensating line used for effluent disposal can be identified by a pink stripe along its length whilst agricultural irrigation line is identified by a purple stripe.

The principle of AWTS sub-surface disposal (SSD) is similar to that of an ETA in that the effluent is evaporated from the ground and transpired by the vegetation on the surface area. It is essential that the pressure compensating line is situated at the right depth being 100-150mm below the surface. As an ETA is a closed disposal system there is no loss of effluent outside the LAA however SSD does allow the export of effluent from the LAA through percolation.

In New South Wales the technology of discharging effluent from an AWTS below the ground is a recent occurrence. Prior to this all AWTS effluent was spray irrigated in a designated disposal area. For some sites this produced problems in being able to dispose of effluent in an environmentally responsible manner due to the likelihood of effluent leaving the site or effecting sensitive areas.

Subsurface irrigation may be restricted by excessive site gradient.

### **6.5.6.5 Recirculating Sand Filters**

### What is a Recirculating Sand Filter?

A recirculating sand filter (RSF) is an enhanced effluent treatment device that is situated between a septic tank or an AWTS and the land application area. They are usually constructed utilising a container such as a large concrete or reinforced plastic tub. The tub is filled with a specified grade of sand to the level of the outlet manifold. The manifold has outlet or orifice shields placed over the openings from which the effluent is pumped. The manifold is covered with either a courser sand grade or pea gravel to enhance and protect the system (figure 6). An RSF is required to have NSW Health accreditation.

### How does a sand filter work?

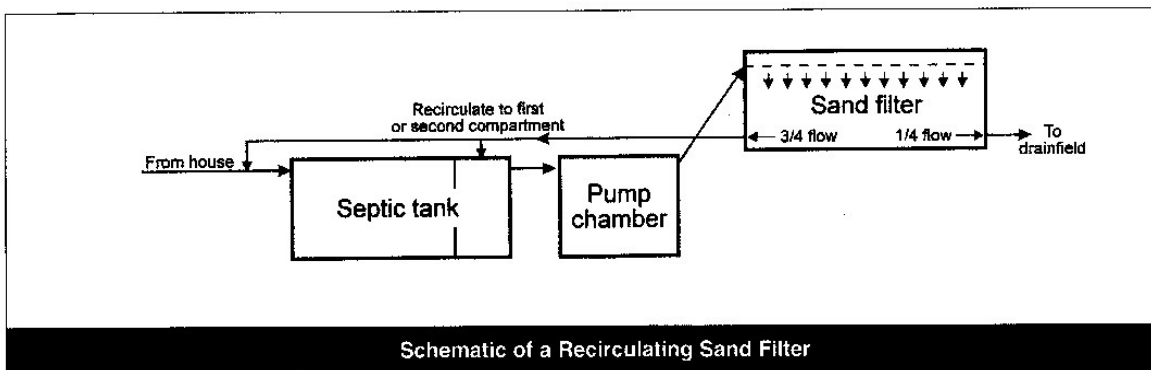
Effluent from the treatment tank is pressure dosed by a pump over the surface area of the sand filter. The effluent then percolates through the sand. A percentage of this effluent is returned to the pump chamber and then reapplied to the sand filter. This gives the device its name. The remaining effluent is conveyed to the land application area for disposal.

Sand filters are a system to enhance the quality of effluent that is produced. Sand filters under normal conditions will decrease nitrogen by converting nitrates into nitrogen gas.

Denitrification from this process can also lead to decreased phosphorous levels. In addition sand filters promote the growth of aerobic bacteria due to the filter's environment. A food source (nutrient rich effluent) for the bacteria is supplied to the bacteria on a regular basis throughout the day. Aerobic bacteria are essential in dealing with the treatment of e-coli and faecal coli forms present in the effluent.

Like most effluent treatment systems sand filters require regular maintenance.

**Figure 6: Sand Recirculating Filter**



### 6.5.6.6 Composting Toilets

There are two types of composting toilets currently available in New South Wales dry composting and wet composting. They function with a no flush toilet pedestal or alternatively with moisture from cistern flushing.

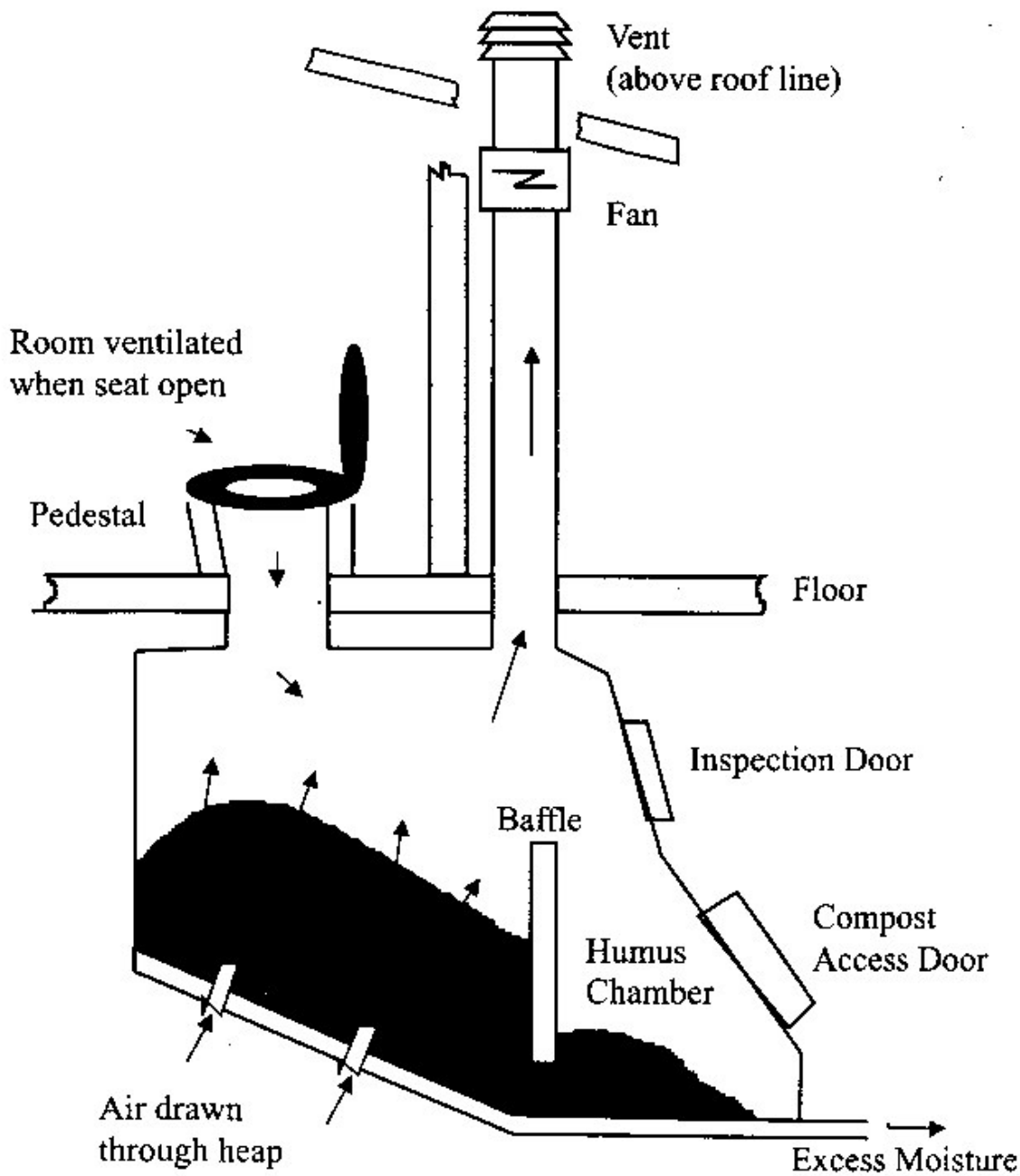
In these systems, toilet wastes pass from the pan down a chute and into a chamber similar in size to a conventional septic tank. All faecal matter and other compostable matter produced in the dwelling such as toilet paper, may be disposed of to this system where it is broken down into compost by natural decomposing organisms. When fully broken down the compost may be used in gardens but must be buried and covered.

A fan connected to a vent pipe produces negative air pressure within the composting chamber. The fan aims to draw odours away from the toilet pan and evaporate excess liquid from the composting chamber in dry composting toilets.

A cross section of a composting toilet is depicted in figure 7.

**Figure 7: Composting Toilet**





These systems treat only toilet wastes with all other liquid wastes from the shower, kitchen and laundry (sullage wastes or grey water) must be disposed of via a separate greywater system. These systems discharge to subsurface disposal areas such as absorption trenches or evapo-transpiration areas. The dry composting toilet itself produces only a small amount of liquid wastes where operated in accordance with the manufactures specifications.

**6.5.6.7 Chemical Toilets**

Chemical toilets are only considered as a temporary means for receiving human wastes i.e. building sites, sporting events, outdoor concerts, special events etc. Chemical toilets are required to be securely anchored to prevent tipping over. Chemical toilets will not be approved as a permanent method for on-site wastewater disposal.

**6.5.6.8 Other alternative systems**

Increasing awareness of environmental issues has seen significant changes to domestic effluent disposal in the last decade. This trend is likely to continue with new products coming onto the market.

As such certain installations are not described in the above information. This does not mean that Council will not assess an application for an alternative system. However it does mean that Council must assess the proposal on its merits.

In such cases the applicant must provide designs and reports by suitably qualified professionals in the field of effluent disposal, demonstrating how the system will meet all relevant standards and legislation and the objectives of this Chapter.

### **Swimming pool backwash**

Swimming pools must not be backwashed to on-site sewage systems as the system will be flooded and organisms in the tank killed by chlorine.

### **Accreditation of waste treatment devices**

Clause 43 of the Local Government Approvals Regulation 1999 provides that Council cannot approve an application to install an “off the shelf” waste treatment device unless the Council is satisfied that the device has been accredited by the Director General of the NSW Department of Health.

## **6.5.7 Greywater reuse in sewerred single domestic premises**

Greywater is composed of variable quantities of components of wastewater which may come from the shower, bath tub, spa bath, hand basin, laundry tub, clothes washing machine, kitchen sink and dishwasher. Greywater therefore is those components of sewage which do not come from a toilet or urinal. Greywater contains impurities and micro-organisms derived from household and personal cleaning activities. Because of high potential of greywater to contain pathogenic micro-organisms and other materials it is considered by health authorities to be a potentially infectious and polluting waste which people normally want to eliminate from the inside of their homes. It is an accepted practice and community expectation in sewerred areas that wastewater is drained to a sewer to promote sanitation and hygiene in the home.

### **Greywater Treatment Systems:**

There is now available in the market place greywater treatment systems that have been accredited by NSW Department of Health. These systems treat water to a quality that allows water reuse to toilets, clothes washing and hand held watering of gardens and lawns.

An application to install a greywater treatment system must be submitted to Council for assessment and approval. An Approval to Operate must be issued by Council prior to the greywater system being operated.

### **Greywater Diversion:**

Diversion of untreated greywater through a system of pipes, tanks or patented devices must follow NSW Health Department guidelines which states disposal or irrigation areas must be a sub-surface system placed a minimum of 100mm deep with suitable buffer distances from boundaries, dwellings and sensitive features. Greywater diversion devices must not be installed where an existing on-site sewage management facility is operating without a Permit To Install being issued by Council.

An Approval to Operate must be issued by Council prior to the operation of the system.

### **Greywater disposal by bucket from a washing machine:**

During periods of drought this method may be acceptable to Council with a policy being reviewed and determined from time to time according to water supply conditions.

The NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises are a reference guide for greywater diversion and greywater treatment.

## **6.5.8 Site and Soil Investigation**

### **6.5.8.1 Residential land category assessment**

All existing systems within the Gosford City Council local government area have been classified as to the risk they pose to health, amenity and their likely effect on the environment.

To determine the requirements specific to residential development not exceeding a capacity of 10 persons per system per allotment including subdivision of land and building work an assessment will need to be undertaken in accordance with AS 1547:2000 On-site Domestic-Wastewater Management and the Environment & Health Protection

## Guidelines On-site Sewage Management for Single Households.

Generally a residential site will be initially assessed by Councils Technical Officer in accordance with AS 1547:2000 On-site Domestic Wastewater Management and the Environment & Health Protection Guidelines On-site Sewage Management for Single Households on submission of the application form and fee.

In the case of high, medium and most low risk sites or commercial industrial situations Council will require a report from a consultant who is suitably qualified for this type of work.

Gosford has some sites that are steep and/or may be susceptible to land slip where irrigation is proposed. In these cases a report from a Geotechnical Engineer will be required.

### **6.5.8.2 Commercial, tourist and agricultural developments and residential developments with occupancies greater than 10 persons assessment**

On-site sewage management systems proposed for developments of this nature must produce effluent quality of at least a secondary standard.

A development application for development within these categories will require a report addressing the following heads of consideration:

- Outline the type and configuration of system proposed for the development including tank capacities, the method of construction of tanks and the like.
- Provide information including calculations as to how the system will cater for the proposed loading. The information must reference hydraulic and solid capacities in the system design.
- Provide a water balance analysis for the site.
- Provide nitrogen and phosphorous balances i.e. nutrient balances.
- Advise of the expected influent quality.
- Advise of the proposed outputs of the treated effluent prior to disposal in the LAA.
- Advise of any adverse chemical or biological inputs into the system and how the treatment device will process these inputs and achieve the accepted effluent quality.
- Demonstrate that the on-site sewage management systems meet the objectives of this Chapter and related legislation.
- Provide a design including sizing calculations and construction methods regarding the LAA.
- Detail the mitigative measures proposed regarding protection of the system in the event of flood if the land is susceptible.
- Submit a report from a suitably experienced geotechnical engineer or other suitably qualified, practising professional in the field of commercial on-site wastewater disposal to indicate the feasibility of the site and soil to accept and dispose of effluent in the form outlined in Gosford City Council Guidelines.

## **6.6 Preservation of Trees or Vegetation**

### **6.6.1 Introduction**

#### **6.6.1.1 Land to which the Chapter Applies**

This chapter applies to all land in the Gosford City Local Government Area except land covered by Clause 5.9(8) of Gosford Local Environmental Plan (LEP) 2014 and land covered by Acts other than the *Environmental Planning and Assessment Act* relating to tree or vegetation removal.

#### **6.6.1.2 Purpose of this Chapter**

The purpose of this chapter is to prescribe, in conjunction with the provisions of Clause 5.9 of Gosford DLEP 2014 or the provisions of any other relevant planning instrument when development consent or a tree works permit from Council is required for the actions of ringbarking, cutting down, topping, lopping, removal, injuring or willfully destroying species of tree(s) or other vegetation.

#### **Note**

If tree(s) or other vegetation are not covered by this plan, development consent or a permit granted by Council is not required to undertake the above actions.

#### **6.6.1.3 Aims of the Chapter**

- a. To specify the species or types of tree(s) or vegetation that require development consent or a tree works permit granted by Council for their ringbarking, cutting down, topping, lopping, removal, injuring or wilful destruction.
- b. To provide a framework for the protection of trees and native vegetation in Gosford City Local Government Area.
- c. To protect and enhance the environmental amenity, special landscape characteristics, unique vegetation qualities and ecological values of Gosford City Local Government Area;
- d. To outline a series of requirements and guidelines related to miscellaneous matters associated with the operation of this Chapter.

#### 6.6.1.4 Objectives of the Chapter

- a. To preserve the amenity of the Gosford City Local Government Area through the preservation trees and other vegetation.
- b. To define Council's responsibilities and requirements with respect to the protection, retention and replacement of trees and native vegetation.
- c. To ensure proper consideration is given to trees and vegetation in planning, designing and constructing development.
- d. To minimise unnecessary injury to, or destruction of, trees and vegetation.
- e. To facilitate the removal of undesirable exotic plants, noxious weeds, dangerous trees and other inappropriate plantings.
- f. To specify the requirements for the submission of sufficient and relevant information by those who wish to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation.

#### 6.6.1.5 Application of the Chapter

A **Tree Works Permit** will be required for the ringbarking, cutting down, topping, lopping, pruning, removal, injuring or willfully destroying of tree(s) (as defined in the Definitions Section of this plan) that is ancillary to the consented use of the land.

**Development consent** will be required from Council for the ringbarking, cutting down, topping, lopping, pruning, removal, injuring or willfully destroying of vegetation and tree(s) that is not ancillary to the consented use of the land nor is part of a development application for a development permitted with the consent of Council in the zone that applies to the land.

A **Complying Development** certificate is taken to satisfy any requirement for a permit or development consent to remove or prune a tree or other vegetation if the tree or vegetation:

- a. is within 3m of the proposed development, and
- b. is less than 6 metres high, and
- c. is not listed on Council's Significant Tree Register.

**Heritage Trees** - Development consent is required from Council for the ringbarking, cutting down, topping, lopping, removal, injuring or wilful destruction of trees listed as a heritage item or are located within a heritage conservation area.

**Significant Trees** - Proposals for the ringbarking, cutting down, topping, lopping, removal, injuring or willful destruction of listed Significant Trees require a Tree Works permit. All applications must be supported by a detailed arborcultural report that is to consider and discuss all options (unless Council is satisfied it is a risk to human life or property). If consent is to be granted a report is to be forwarded to senior management for determination. Refer to Council's Significant Tree Register.

See link below.

[www.gosford.nsw.gov.au/environment/trees/significant\\_tree\\_register](http://www.gosford.nsw.gov.au/environment/trees/significant_tree_register)

**Exempt Tree Removal and Pruning** - Council consent may be assumed for removal and/or pruning of the following:

- a. trees within three (3) metres of an approved building (measured one (1) metre above ground level and between the face of the wall and the part of the trunk nearest the building), providing the tree species is not a threatened

species or not listed on Council's Significant Tree Register or Heritage Item;

- b. dead trees or pruning of dead branches;
- c. tree species listed in Appendices 1 or 2;
- d. branches directly overhanging the roofline of an approved building (in accordance with Australian Standard AS4373);
- e. branches within 1m around electricity and/or telecommunication wires.

### 6.6.2 Definitions

**Approved building** - A building or part of a building which has been approved by Council under the Environmental Planning and Assessment Act or Local Government Act, or has otherwise been lawfully constructed, but doesn't include:-

- a. A manufactured home, movable dwelling or associated structure;
- b. A temporary structure within the meaning of the Local Government Act;
- c. Any structures included in the list of "exempt development".

**Clearing** is defined as cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, underscrubbing or burning native vegetation.

**Native Vegetation** means any of the following types of **indigenous vegetation**: trees (including any sapling or shrub, or any scrub), understorey plants, **groundcover** (being any type of herbaceous vegetation) or plants occurring in a **wetland**.

**Tree** Long lived woody perennial plant greater than 3m in height with one or relatively few main stems or trunks.

### 6.6.3 Application Matters

#### 6.6.3.1 Information Requirements

The following information is required to be submitted:

- a. with an application for those activities requiring a development application; and
- b. with a Tree Works Application, if upon review of the Tree Works Application, Council's Tree Management Officers consider such information is necessary for the assessment of the application.

#### 6.6.3.2 Tree Locations and Schedule

*Tree Locations & Schedule* is required when a Development Application involves works which may affect trees on the property, and/or trees within 5m of the proposal on an adjoining property.

An accurate *Tree Locations & Schedule* is necessary as it can form the basis of a tree removal/retention condition of consent.

A *Tree Locations & Schedule* locates, identifies and provides basic data on existing trees on and adjacent to a site. It must include all trees that maybe affected by proposed buildings, access, services and bushfire asset protection zones.

The *Tree Locations & Schedule* is to indicate the proposed action of the identified trees (remove or retain). Crown spread of trees is to be drawn on the plan and shown as a dashed line for trees to be removed, or an unbroken line for trees to be retained.

All trees are to be plotted (by land survey) and numbered on a Development Applications; Site Analysis plan, Survey plan and Landscape plan. The tree schedule (sample below) can be on the plan or attached to the applications documentation. The number of each tree on the plan is to correspond with the numbered tree schedule and the tag of each tree on site.

#### Sample tree schedule corresponding to survey plan

No	Botanical Name	Common Name	Height (m)	DBH (mm)	Action
----	----------------	-------------	------------	----------	--------

1	Eucalyptus punctata	Grey Gum	12	600	Remove
2	Corymbia maculata	Spotted Gum	22	700	Retain
3	Eucalyptus robusta	Swamp Mahogany	18	900	Retain

### 6.6.3.3 Arborist's Report

An Arborist's Report provides technical comment on specific tree-related issues, particularly regarding the health and condition of trees and can include recommended strategies for retaining and protecting trees close to proposed developments.

An Arboriculture Report can provide supporting evidence of defects in trees to justify an application for removal.

For development proposals an arboricultural report must consider Section 2 of *Australian Standard Protection of trees on development sites AS 4970-2009* and is required when:-

- More than ten (10) trees (over 3m in height) are nominated for removal;
- Works are to occur within 5m of trees to be retained, that have a DBH (Diameter at Breast Height) greater than 500mm;
- As requested by Council's Tree Assessment Officer.

An Arboricultural Report must be prepared by a qualified arborist suitably experienced and competent in arboriculture, having acquired through training, qualification (minimum Australian Qualification Framework (AQF) Level 5, Diploma of Horticulture (arboriculture) *where deemed necessary by the Assessing Officer.*

### 6.6.3.4 Flora and Fauna Impact Assessment Report

Where the clearing of trees and native vegetation is proposed a Flora & Fauna Impact Assessment Report that addresses Section 5A of the *Environmental Planning and Assessment Act 1979* may be required.

The Flora & Fauna Impact Assessment Report is to be prepared in accordance with *Flora and Fauna Survey Guidelines: Lower Hunter Central Coast Region (2002) (Lower Hunter Central Coast Regional Environmental Management Strategy)* or any guidelines prepared by the NSW State Government for assessment of matters under the *Threatened Species Conservation Act 1995*.

## 6.6.4 Assessment Criteria

The following provides the basis by which Council will assess Development Applications or Tree Works Permit Applications.

### 6.6.4.1 Assessment Criteria for a Development Application and Tree Works Permit Applications

- a. Whether sufficient supporting information (as per 6.6.3) has been provided.
- b. Whether the development has an impact on:-
  - (i) native flora and fauna and its habitat, and
  - (ii) threatened species, critically and endangered ecological communities, populations and their habitats, and
  - (iii) regionally significant vegetation and
  - (iv) a habitat corridor, waterways, riparian land or wetland.
- c. Whether the development is designed, sited and managed to avoid potential adverse environmental impacts;
- d. If a potential adverse environmental impact cannot be avoided, has the development;
  - (i) been designed and sited so as to have minimum adverse impact, and
  - (ii) incorporated effective measures so as to have minimal adverse impacts, and
  - (iii) mitigated any residual adverse environmental impact through the restoration of any existing disturbed or modified area on the site.

- e. Whether the trees or other vegetation contributes to the natural or desired character of the area as identified in the Character chapter in this DCP;
- f. Has considered the provisions of relevant legislation and relevant Council plans and policies;
- g. Whether the trees or other vegetation forms part of a heritage item, or is within a heritage conservation area.
- h. The potential hazard to persons or property in the context of;
  - (i) the structural soundness of the particular tree, and/or
  - (ii) the characteristics and history of the particular species, and/or
  - (iii) such other conditions such as ground conditions, building proximity, etc which may give rise to a hazardous situation.
- i. The vitality, condition and useful life expectancy (ULE) of the tree in respect to the practicality of remedial actions;
- j. The existence of potential for visual or sight hazard as a result of proximity to a roadway, intersection or a driveway, where pruning is inappropriate;
- k. The demonstrated need for reasonable solar access to dwellings, solar appliances and cloths drying areas;
- l. The replacement or pruning of a tree given its location or proximity to utility lines such as overhead power wires, sewer pipes, etc;
- m. Whether the tree is an ornamental of fruiting variety and is no longer fulfilling its original purpose in the location in which it had been planted;
- n. Species which by natural propagation methods are likely to create a threat to the landscape environment;
- o. Any additional or replacement planting which has been or is to be undertaken on the land;
- p. Whether removal or pruning of trees has been proposed to minimize impacts on better quality trees to be retained;
- q. Whether the establishment and/or maintenance of a Bushfire Asset Protection Zone has been supported by a report from the Rural Fire Service or qualified bushfire consultant.
- r. Provided that no significant hazard or other safety issues also apply, the following shall not generally be considered as valid reasons to remove a tree:
  - (i) Leaf drop (into gutters and downpipes – pools, lawns and the like);
  - (ii) To increase natural light;
  - (iii) To improve street lighting of private property;
  - (iv) To enhance views;
  - (v) To reduce shade;
  - (vi) To reduce fruit, resin or bird droppings on cars;
  - (vii) Minor lifting of driveways, brick fences and paths by tree roots;
  - (viii) To erect a fence;
  - (ix) Bushfire hazard control which has not been verified by Council;
  - (x) Potential damage to sewer mains unless supported by written expert advice and only where reasonable alternatives are not feasible (e.g.: relocate, sleeving);
  - (xi) Termite damage to trees unless supported by written expert advice from a qualified pest controller and only where reasonable alternatives are not feasible (eg: treatment of pest).

#### **6.6.4.2 Underscrubbing subject of a Development Application**

Where an application for tree or other vegetation removal consisting of underscrubbing is made the following conditions will be included:

- a. Underscrubbing is to be carried out with the use of rubber tyred machinery only;
- b. Provision for exclusion zones for intermittent or permanent watercourses;
- c. Provision for retention of all trees greater than 3 metres in height;

- d. Substantial clumps of vegetation to be retained in cleared areas. These will be required to be fenced off to prevent intrusion by stock and/or machinery;
- e. Fallen timber is to be recycled (such as through chipping, grinding, mulching), and left on site or otherwise removed from the site for an approved recycling process. Temporary windrows or heaps are to be placed across contours and be a minimum of 20 metres from any vegetation which is to be retained;
- f. No vegetation is to be pushed into those areas of no disturbance (exclusion zones), particularly drainage lines;
- g. Removal of noxious weeds (see Appendix 2) is to be by hand implements only in those areas to be retained (i.e. in the exclusion zones);
- h. Windbreaks will not be permitted to be incorporated into the clearing scheme except where identified in an approved Rehabilitation Plan;
- i. All erosion control measures to be in place prior to clearing;
- j. If there is to be a time lapse between clearing and sowing or planting, then a suitable cover crop shall be required to be planted.

## 6.6.5 General Provisions

### 6.6.5.1 Tree Protection on Development Sites

Council recommends that *Australian Standard - Protection of trees on development sites AS4970, 2009*, be used for guidance in regard to integration between trees and construction. The document is considered to describe the best practices for planning and protection of trees on development sites.

### 6.6.5.2 Tree Replenishment

Where trees are proposed for removal or there are no other existing canopy trees on site, Council expects a degree of tree replenishment to occur where practical. Each site should contain tree(s) capable of achieving a minimum height of 10 metres. Where sufficient existing canopy trees are to be retained, tree replenishment is not expected. All applications for tree removal should nominate and locate tree replenishment. Where opportunities exist for street tree planting or for sites with limited area to support trees, street tree planting on the adjoining road reserve is to be considered. Council may also condition consent to address tree replenishment.

### 6.6.5.3 Undesirable Species and Noxious Weeds

These are plants that have undesirable characteristics such as the potential to invade bushland areas, or that have brittle and dangerous wood, or that are declared noxious weeds.

Noxious weeds are those plants declared under the *Noxious Weeds Act 1993*. Removal or control of declared noxious weeds on private land is the landowner's responsibility. See Appendix 1 for listed Undesirable species and Appendix 2 for declared Noxious Weeds.

### 6.6.5.4 Evidence for Dead and/or Dangerous Vegetation

Except for specified emergency situations, expert advice should always be obtained with respect to dead or dangerous trees to confirm their condition and to ensure that they do not provide habitat for threatened species.

Where a dead or dangerous tree is removed due to obvious instability or hazard, (e.g. following storm damage), evidence of the tree's condition should be retained for a period of at least six (6) months after the event and produced at Council's request if needed. Such evidence should include:

- photographs of the tree in situ, and
- a report by a suitably qualified and experience person, or
- a written statement from the State Emergency Service, if the Service carried out the works.

### 6.6.5.5 Buffer Zones

The implementation of prescribed buffer zones to protect critically and endangered ecological communities, regionally significant vegetation, rainforests, wetlands, creeks, riparian vegetation and any significant natural environmental feature may be applied by Council under any consent granted for the clearing of native vegetation. Prescribed buffer widths will be determined by Council based on site characteristics including but not limited to the following;

- Existing native vegetation;
- Soils and geology;
- Topography;
- Aspect;



- Scale of the development proposal;
- Extent of any existing weed infestation or disturbance.

#### 6.6.5.6 Bushland Management Plans

Bushland Management Plans may be applied by Council under any consent granted for the clearing of native vegetation to protect and manage critically and endangered ecological communities, regionally significant vegetation, rainforests, wetlands, creeks, riparian vegetation and any significant natural environmental feature.

## Appendices

### APPENDIX 1 - Undesirable Species in Gosford City

Botanic Name	Common Name
Cupressus macrocarpa 'Brunniana Aurea'	Brunnings Golden Cypress
Cinnamomum camphora	Camphor Laurel
Erythrina species	Coral Tree
Ficus elastica	Rubber Tree
Lantana camara	Lantana
Ligustrum ovalifolium	Narrow Leaved Privet
Ligustrum lucidum	Broad Leaved Privet
Pinus radiata	Radiata Pine
Phyllostachys spp	Bamboo
Ricinus communis	Castor Oil Plant
Robinia pseudoacacia	Black Locust/False Acacia
Salix spp. (all species except S.stricta)	Willows
Schefflera actinophylla	Umbrella Tree
Syagrus romanzofianum	Cocos palm (formally Arecastrum romanzofianum)
Tecoma stans	Tecoma
	Non-native fruit trees

### APPENDIX 2 - Noxious Plants

As declared Noxious by the order of the Minister for Agriculture and gazetted in accordance with the Noxious Weeds Act 1993.

Botanical Name	Common Name
Acacia karoo	Karoo Thorn
Ageratina adenophora	Crofton Weed
Ageratina riparia	Mistflower
Alternanthera philoxeroides	Alligator Weed
Cambomba spp. (not Cabomba furcata)	Cabomba (not Pink Cabomba)
Cenchrus incertus & Cenchrus longispinus	Spiny Burr Grass
Centaurea nigra	Black Napweed
Centaurea maculosa	Spotted Napweed
Cestrum parqui	Green Cestrum
Chromolaena odorata	Siam Weed
Chrysanthemoides monilifera subsp. monilifera	Boneseed
Chrysanthemoides monilifera subsp. rotunda	Bitou Bush
Cuscuta campestris.	Golden Dodder
Eichornia crassipes	Water Hyacinth
Emex australis	Spiny Emex
Equisetum spp.	Horsetail
Gymnocoronis spilanthoides	Senegal Tea Plant
Harrisia spp.	Harrisia Cactus
Hieracium spp.	Hawkweed

Hypericum perforatum	St Johns Wort
Kochia scoparia (not K scoparia subsp. Tricophylla)	Kochia
Lagarosiphon major	Lagarosiphon
Ludwigia peruviana	Peruvian Water Primrose
Lycium ferocissimum	African Boxthorn
Miconia spp	Miconia
Nassella tenuissima syn Stipa	Mexican Feather Grass
Opuntia spp.	Prickly Pear
Orobanche spp	Broomrape
Parietaria judaica	Pellitory/Asthma Weed
Parthenium hysterophorus	Parthenium Weed
Pistia stratiotes	Water Lettuce
Rubus fruticosus (agg. spp.)	Blackberry
Salvinia molesta	Salvinia
Sorghum x alnum	Columbus Grass
Sorghum halepense	Johnson Grass
Sporobolus indicus var major	Giant Parramatta Grass
Toxicodendron succedaneum	Rhus Tree
Ulex europaeus	Gorse
Xanthium spp.	Burrs - Noogoora, California, Bathurst, Cockle

### APPENDIX 3 - Regionally Significant Vegetation

<b>Regionally Significant Vegetation (Comparable Communities and Sub-Communities in Gosford LGA)</b>	<b>Vegetation Community Description (Bell 2004)</b>
Coastal Headland Gully Scrub	E51e
Coastal Headland Low Forest	E51c
Coastal Headland Shrubland	E51b
Coastal Narrabeen Ironbark Forest	E6b
Coastal Narrabeen Moist Forest - Acacia regrowth	E6aiii
Coastal Narrabeen Moist Forest - Basalt variant	E6aiii
Coastal Sand Banksia Scrub	E50b
Coastal Sand Foredune Scrub	E50a
Coastal Sand Wallum - Heath	E34ai
Coastal Sand Wallum - Heath - intermediate variant	E34aii
Coastal Headland Paperbark Scrub	E51d
Coastal Sand Beach Spinifex	E53
Estuarine Mangrove Scrub	E47
Hawkesbury Dwarf Apple Woodland	E28
Katandra Hawkesbury Woodland	E26b
Killcare Hawkesbury Woodland	E26c
Narrabeen Coastal Peppermint Forest	E22c
Sandstone Ranges Gully Rainforest	E2
Somersby Plateau Forest	E26d
Swamp Paperbark Thicket	E100
Tumbi Spotted Gum Ironbark Forest	E15ai
Tumbi Spotted Gum Ironbark Forest - Acacia regrowth	E15aii
Wamberal Low Open Heath Forest	E101

Bell S.A.J. (2004) *The Natural Vegetation of the Gosford Local Government Area, Central Coast, New South Wales: Vegetation Community Profiles* Unpublished Report to Gosford City Council, April 2004, Eastcoast Flora Survey.

## 6.7 Water Cycle Management

### 6.7.1 Land to which Chapter Applies

This chapter applies to all development in the City of Gosford that requires consent.

### 6.7.2 Purpose

The purpose of this plan is to minimise the impact of development on the natural predevelopment water cycle. This will lead to more sustainable outcomes that will protect the environment.

The water cycle (or hydrological cycle) refers to all the processes and forms that water undertakes as it is used within the built and natural environment. Important water aspects include:

- Stormwater (including groundwater)
- Water-borne pollutants
- Wastewater
- Flood waters
- Water supply
- Water dependant ecosystems

This chapter of the DCP has been prepared to facilitate the application of the following principles of Water Sensitive Urban Design (WSUD), Integrated Water Cycle Management (IWCM) and Flood Mitigation in the LGA:

1. Maintain and restore natural water balance whilst reducing the cost of providing and maintaining water infrastructure in a sustainable and efficient manner.
2. Reduce risk to life and damage to property by restricting and controlling building and other development so that it minimises risks to residents and those involved in rescue operations during floods.
3. Reduce nuisance and high level flooding and the cost of providing and maintaining flood mitigation infrastructure whilst improving water quality in streams and groundwater.
4. Reduce potable water demand by using stormwater as a resource.
5. Protect and enhance natural water systems (creeks, rivers, wetlands, estuaries, lagoons and groundwater systems).
6. Protect and enhance the water quality, by improving the quality of stormwater runoff from the urban catchments.
7. Integrate stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.

### 6.7.3 Objectives

The objectives of this chapter are to:

- Provide direction and advice to applicants in order to facilitate WSUD, IWCM and Flood Mitigation within the development application process
- Provide design principles that will assist development to meet the purpose of this chapter of the DCP.
- Provide objectives and performance targets for specific water management elements including water conservation, retention / detention, stormwater quality, and flooding caused by Local Overland Flooding, Mainstream Flooding or Storm Surge..

### 6.7.4 Relationship to other Plans

This chapter of the DCP is to be read in conjunction with:

- Gosford City Council Water Cycle Management Guidelines.
- State Environmental Planning Policy - Building Sustainability Index: (BASIX) 2004
- NSW Government Floodplain Development Manual.

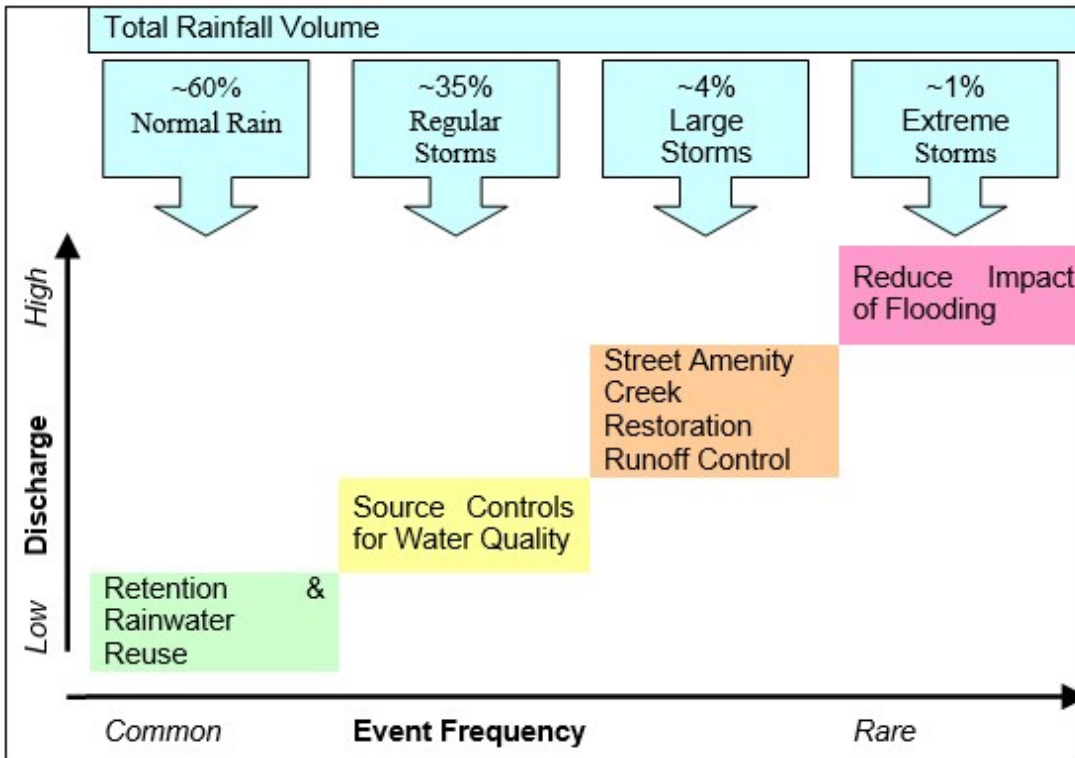
- Water Management Act 2000.

### 6.7.5 Background

- Urbanisation has led to increased stormwater flows in urban creeks and the consequent impact on flooding, creek degradation and public safety.
- Stormwater management has traditionally been focused on conveying stormwater runoff safely away from developed areas through pipes and drains. With progressive development, natural waterways in urbanising catchments have become increasingly taxed in their ability to convey the significant increases in quantity and rate of stormwater runoff generated, with bank erosion and increased frequency of flooding the obvious symptoms (ARQ 2006, p.1-1). Continued increase in the size of pipes and channels is not ecologically sustainable or financially sustainable, and it can lead to even greater levels of hazard.
- In recognition of this issue Council has adopted *Water Sensitive Urban Design* (WSUD) as a new way of thinking for managing stormwater management (Argue 2004). It recognises:
- Flooding and stormwater runoff that can cause risk to life and damage to property, as the issue of first importance.
- Rainfall mobilises significant quantities of sediment, heavy metals, hydrocarbons and nutrients, which must be appropriately managed before it enters urban waterways and recreational receiving waters.
- Stormwater runoff is a valuable, readily available resource, which, when properly managed, can replace significant quantities of mains water.
- Fundamental to the principles of WSUD is that of *source control* of stormwater. It is through controlling stormwater runoff at the source, whether that source is the massive roof area of a commercial development or the carriageway of a major road or the site of a typical residential development, that the objectives of WSUD are achieved.
- This plan seeks to use *source control* to replicate, as practically as possible, the pre-development water cycle of the development site. The objective is to retain part of the runoff from rainfall events on site and redirect it to better mimic the natural water cycle. The retained water can be redirected for domestic use, industrial use, or the natural processes of infiltration, percolation, evaporation, or transpiration. The remaining surface runoff leaving the development site will then better mimic the predevelopment runoff in terms of quantity, rate and water quality.

Water cycle management focus changes depending on the size or frequency of storm events, as shown below in Figure 1, which provides the scope for this plan.

### Figure 1 - Water Cycle Management Focus Areas



### 6.7.6 Water Cycle Management Plan

#### 6.7.6.1 Intent

All developments that require consent will be required to demonstrate compliance with the targets in Table 1.

**Table 1 Development Control Targets Matrix**

Development Control Targets	Development Types						
	Pools & Spas	Alterations & Additions in excess of 50m <sup>2</sup>	Single Dwellings & Dual Occupancy	Medium and High Density Residential Development	Group homes, seniors housing, emergency facilities	Commercial, Industrial	Subdivisions (Urban & Rural)
Water Conservation	Covered by BASIX					✓	X
Retention	✓	✓	✓	✓	✓	✓	✓
Stormwater Quality	X	X	✓	✓	✓	✓	✓
Onsite Detention	X	X	X	✓	✓	✓	✓
Local Overland Drainage	✓	✓	✓	✓	✓	✓	✓
Flooding	✓	✓	✓	✓	✓	✓	✓

#### 6.7.6.2 Objective

The Water Cycle Management Plan (WCMP) is required for all developments with the exception of exempt developments and is to demonstrate compliance with the development control targets listed in Table 1 and described throughout this chapter.

#### 6.7.6.3 Application Requirements

Applicants are encouraged to discuss development proposals with Council’s Development Assessment staff at an early concept stage, prior to lodgement of a development application. This pre-lodgement discussion will assist in

identifying and addressing any matters that may otherwise increase processing time. The following matters are to be taken into consideration during the preparation of WCMPs:

- safety – public safety and OH & S considerations; and
- maintenance – development of maintenance and monitoring regime for the management of WSUD elements.

Requirements for Water Cycle Management information required in support of a Development Application vary for different scales of proposed development, and the mechanism or approach adopted in the determination of management elements required to comply with applicable development control targets. The options available to proponents of different types / scales of development are described below.

### **Type 1 - Smaller Scale Developments**

Type 1 - Smaller Scale Developments includes the following development:

- Alterations, additions, ancillary structures & second storey additions with regard to all works to any existing building or development where the net proposed development area is equal to or greater than 50m<sup>2</sup> for other than exempt development. After 01/03/2007 (date of operation of the superseded DCP 165 - Water Cycle Management), each site will be restricted to a one-off development approval of less than 50m<sup>2</sup> not requiring rainwater tanks. Once the combined total of all applications submitted after the date of operation of this plan reaches 50m<sup>2</sup> then the requirements of this chapter of the DCP shall be applied.
- Single residential dwellings & dual occupancy
- Medium Density or High density developments that create less than 10 dwellings or involve the development of 2000m<sup>2</sup> of land or less.
- Rural subdivisions that create less than 10 lots.
- Urban subdivisions that create less than 10 residential lots or involve the development of 2000m<sup>2</sup> of land or less.
- Industrial / Commercial Development that involves the development of 2000m<sup>2</sup> of land or less.

Proponents of developments in the Type 1 category are required to demonstrate compliance against applicable stormwater targets through one of the following options:

- adoption of Council's **Deemed to Comply** criteria, as outlined in Section **6.7.6.3.1** or
- submission of a detailed **WCMP Strategy**, as described in Section **6.7.6.3.2**

### **Type 2 - Significant Developments**

Type 2 - Significant Development includes the following development:

- Medium Density or High density developments that create equal to or more than 10 dwellings and / or involve the development of 2000m<sup>2</sup> of land or more.
- Rural subdivisions that create equal to or more than 10 lots.
- Urban subdivisions that create equal to or more than 10 residential lots and / or involve the development of 2000m<sup>2</sup> of land or more.
- Industrial / Commercial developments including alterations or additions that exceed 2000m<sup>2</sup>.

Development applications for all Type 2 developments require the preparation and submission to Council of a detailed **WCMP Strategy**. Guidance on the scope and content of a WCMP Strategy is presented in Section **6.7.6.3.2**.

#### **6.7.6.4 Deemed to Comply**

Proponents of small-scale developments may avoid the requirement for site stormwater modelling by adopting one of the following 'deemed to comply' solutions:

#### **Standard Design Parameters for Deemed to Comply solutions**

Standard design parameters for Deemed to Comply solutions are provided in the following chapter.

#### **Supporting Information**

If a deemed to comply solution is adopted, the following information (if applicable) should be submitted as part of the development application:

- Site plan showing roofed, other impervious areas, topography and the location of easements & underground

services,

- Drainage plan showing catchments, drainage systems, and discharge point including calculations of runoff (with and without blockage),
- Overland runoff flow paths (across the site and beyond the site boundaries clearly shown)
- Setback distances from buildings to infiltration devices and drainage easements,
- Demonstrate setback distances from buildings to top of bank of creeks,
- Water Saving Target: demonstrate compliance
- Retention target: Show rainwater tank/s, infiltration devices, and any stormwater capture, storage and slow release devices (including a table showing sizes, and details for each, along with calculations which demonstrate achievement of stormwater capture volumes and replenishment times for each device and for the overall site.
- On Site Detention Target: Detail the OSD device including size, outlet control and configuration, along with calculations which demonstrate the achievement of the predevelopment peak flowrates
- Stormwater quality target: Show location of each landscaping pollution retention measure (including a table showing calculations, sizes, and details for each; along with a table showing calculations of the overall Site Discharge Index).
- Local Overland Drainage Target: Show raised floor levels, cut & fill, overland flow paths, and discharge points.
- Flooding Targets: Show details of applicable targets, including: floor levels, flood impacts, access & parking (if applicable).
- BASIX certificate for residential developments,
- for commercial and industrial sites a summary of water conservation measures to be applied on site, including an estimate of total water demands and expected savings associated with water conservation measures / alternative water sources , as well as detail on how water demands will be managed and monitored,
- plans and cross-sectional drawings of stormwater treatment systems, showing inlets, outlets and overflow points (these may be prepared from standard drawings, with site-specific levels and dimensions included).

Further assistance in the preparation of a Deemed to Comply Solution is outlined in this chapter of the DCP and contained within the supporting documents:

- HECREMS (2007) Practice Notes

#### **6.7.6.5 WCMP Strategy**

Discussions with Council are encouraged at an early stage in the development application process to discuss and agree on the overall design approach before a detailed WCMP Strategy is prepared. The intent is to have the locality analysis available so that parameters can be agreed rather than providing the analysis only at the development application stage, thus saving time and costs associated with revisions and major modifications.

The aim of the consultation process is to provide direction and guidelines to the applicant, and to provide advice on Council's requirements. The level of consultation required will largely depend on the size and the complexity of the development.

#### **Water Sensitive Urban Design Strategy**

A WCMP Strategy is a written report and associated plans detailing potable water saving and stormwater / flooding management measures that are to be implemented on the site. The strategy is to include, at a minimum, the following detail:

- **Background information** - Summarise any background information available, including previous studies, concurrent studies, mapping data.
- **Site context** – identify catchments, drainage lines and receiving environments (both within and downstream of the site). Characterise the ecological values of the site and its receiving environments.
- **Proposed development** - Describe the proposed development at the site, including site boundaries, proposed land uses, densities, population, infrastructure, development staging.
- **Water Cycle Management objectives** - Identify the Water Cycle Management (including flooding / overland flow) objectives and targets that apply to the proposed development.
- **Constraints and opportunities** - Identify the key constraints and opportunities for water management on the site, including flooding. This should include the identification of natural watercourses and other sensitive

environments within the site that should be preserved and/or remediated by the development.

- **Best planning practices** – the capital and life-cycle costs of infrastructure required to meet Water Cycle Management targets can be minimised by considering site planning opportunities early in the planning process.
- **Water conservation** - This section should demonstrate how the potable water conservation targets will be met, and how potable water will be supplemented with roofwater, treated stormwater and/or wastewater.
- **Stormwater management** - This section should demonstrate how the WCMP stormwater quality targets will be met. It should include stormwater quality and flow modelling results and identify the location, size and configuration of stormwater treatment measures proposed for the development.
- **Integration with the urban design** - The WCMP Strategy should outline how management elements will integrate with the urban design.
- **Costs** - Prepare capital and operation and maintenance cost estimates of proposed water cycle management measures. Both typical annual maintenance costs and corrective maintenance or renewal/adaptation costs should be included.
- **Operation and Maintenance Plan** – should outline inspection and maintenance requirements to ensure proposed measures remain effective.

Assistance in the preparation of a WCMP Strategy is contained within the supporting documents:

- HECREMS (2007) Practice Notes

Modelling parameters for the determination of the size and configuration of WSUD elements must be in accordance with the guidance titled:

- MUSIC Modelling Guidelines for New South Wales (eWater, 2009)

Guidance on meeting the DCP objectives is contained in the supporting technical guidelines of the Gosford City Council's DCP 2013.

- Managing Urban Stormwater: Treatment Techniques (IPWEA, 2008)
- Australian Runoff Quality (Engineers Australia, 2005)

## 6.7.7 Development Control Targets

### 6.7.7.1 Water Conservation Target

#### 6.7.7.1.1 Intent

Reduce potable water demand by 40%

#### 6.7.7.1.2 Recommended Application

Specify water saving devices and potable water substitution option, where applicable, for new developments.

#### 6.7.7.1.3 Deem to Comply

Any SEPP BASIX 2004 (BASIX) affected development is to demonstrate compliance with BASIX. Further information on details of types of development requiring a BASIX Certificate or to produce a certificate for your proposed development go to [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

Developments not affected by BASIX: a water saving target of 40% (consistent with the BASIX requirement), this must include the following:

- Ensure any water use fittings demonstrate minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme. Minimum WELS ratings are:
  - 4 star dual-flush toilets
  - 3 star showerheads
  - 4 star taps (for all taps other than bath outlets and garden taps)
  - 3 star urinals
  - Water efficient washing machines and dishwashers are to be used wherever possible.
  - Incorporate dual reticulation for toilet flushing, laundry, irrigation. Development within the Gosford CBD will be required to provide dual plumbing throughout.

**Example applications: Runoff recycling in nursery, Erina**





**Recycled greywater - water from showers is treated and reused for toilet flushing at Terrigal Surf Life Saving Club**



**Harvested stormwater used in public open space, Kogarah, Sydney**



### **6.7.7.2 Retention Target**

#### **6.7.7.2.1 Intent**

To mimic the natural catchment hydrology from all development sites, in terms of:

- *Quantity*: the annual volume of stormwater reaching natural creeks and waterways.
- *Rate*: the peak flow rates leaving the site
- *Response*: the time it takes for rain to runoff the site.

In technical terms the intent is to mimic the pre-development runoff losses such that the post-development and pre-development runoff hydrographs are similar in terms of volume, peak and shape for the full range of design events.

#### **6.7.7.2.2 Objective**

Capture and retain runoff from impervious surfaces (whether roof, paving or road carriageway), retain it for a relatively long time, and slowly release it elsewhere in the water cycle within 7 days.

### 6.7.7.2.3 Recommended Application

The Stormwater Retention Volume may be adapted to individual site constraints, provided that the required volume from all impervious areas is captured before leaving the site. Management of captured stormwater will involve:

- Rainwater capture (from roof areas), storage (in rainwater tanks) and reuse (for domestic or industrial purposes )
- Stormwater capture (from external impervious areas), storage (in landscaping features, such as terraced gardens, bioretention - raingardens, or stormwater tanks) and slow release (through the natural processes of infiltration, percolation, evaporation, or transpiration)

### 6.7.7.2.4 Deemed to Comply

Show on the Water Cycle Management Plan the Stormwater Retention Volume, which can be calculated by the formula below, or interpolated from Table 2, with the exception of pools and outdoor spas.

$$V = 0.01A(0.02F)^2$$

$V$  = Stormwater Retention Volume (m<sup>3</sup>)  
 $A$  = Total Site Area (m<sup>2</sup>)  
 $F$  = Fraction Impervious (%)

Show locations of each rainwater or stormwater capture device to treat each impervious area (whether rainwater tanks, stormwater tanks, raingardens, or soak away areas). Overflows from each device should preferably be via a suitably designed "natural" overland flow path.

Include a table summarizing sizes and details for each, along with calculations which demonstrate achievement of stormwater capture volumes and replenishment times for each device and for the overall site. Refer to example retention calculations below.

Installation of following require:

- a pool only - rainwater tank with a minimum volume of 2.0m<sup>3</sup> (2000L).
- an outdoor spa - rainwater tank with a minimum volume of 1.0m<sup>3</sup> (1000L)
- a pool and an outdoor spa - rainwater tank with a minimum 2.5m<sup>3</sup> (2500L)hav

**Table 2 Stormwater Retention Volume Target (m<sup>3</sup>)**

Total Site Area (m <sup>2</sup> )	50000	0	20	80	180	320	500	720	980	1280	1620	2000
	10000	0	4.0	16	36	64	100	144	196	256	324	400
	5000	0	2.0	8.0	18	32	50	72	98	128	162	200
	2000	0	0.8	3.2	7.2	13	20	29	39	51	65	80
	1500	0	0.6	2.4	5.4	9.6	15	22	29	38	49	60
	1000	0	0.4	1.6	3.6	6.4	10	14	20	26	32	40
	900	0	0.4	1.4	3.2	5.8	9.0	13	18	23	29	36
	800	0	0.3	1.3	2.9	5.1	8.0	12	16	20	26	32
	700	0	0.3	1.1	2.5	4.5	7.0	10	14	18	23	28
	600	0	0.2	1.0	2.2	3.8	6.0	8.6	12	15	19	24
	500	0	0.2	0.8	1.8	3.2	5.0	7.2	9.8	13	16	20
	400	0	0.2	0.6	1.4	2.6	4.0	5.8	7.8	10	13	16
		0	10	20	30	40	50	60	70	80	90	100
	<b>Fraction Impervious (%)</b>											

**Table 3 Rainwater reuse plumbing options**

Proportions of Household Water Usage		Rainwater reuse plumbing options			
		Outdoor Only	Toilet & Laundry	Hot Water	Entire House
Outdoor	20%	✓	✓	✓	✓
Toilets	20%	✗	✓	✓	✓
Laundry (cold)	10%	✗	✓	✓	✓
Hot Water	25%	✗	✗	✓	✓
Kitchen & Bath	25%	✗	✗	✗	✓
<b>Total</b>	<b>100%</b>	<b>20%</b>	<b>50%</b>	<b>75%</b>	<b>100%</b>

**Notes**

- For the purposes of this DCP household water usage is assumed to be related to the size of the roof area (including covered pergolas and awnings). For a typical dwelling the water use is 1000 litres per day for a roof area of 200m<sup>2</sup>. On this basis, **the assumed water use per square metre of roof area is 5 L/day or 35 L/week.**
- Higher levels of rainwater reuse help ensure that there will be adequate volume available in the rainwater tank to help retain the roof runoff without the tank overflowing.
- Retro-fitting an entire house to rainwater can be very cost-effective as it does not require dual-plumbing.
- The rainwater tank must be sized to have a rainwater storage volume not less than that required by any BASIX certificate issued for the development, and configured in accordance with the requirements of that certificate.
- For the calculation of infiltration during the storm event, the design storm is assumed to be a 30mins duration event.

**6.7.7.2.5 Examples Retention Volume Calculations**

- (1) A house on a 800m<sup>2</sup> block with a roof area of 250m<sup>2</sup> and an external paved area of 150m<sup>2</sup>. The rainwater tank is plumbed to outdoor taps, toilets and the washing machine. External retention is proposed by directing runoff from paved areas into a terraced garden (Size 12m<sup>2</sup>; Soil: sandy loam; raised sides to temporarily contain runoff).

Retention volume required	= 50% impervious on 800m <sup>2</sup> block (Table 2)
	= 8000 L
Rainwater reuse over 1 week	= 35 L/m <sup>2</sup> x 250m <sup>2</sup> x 50% (Table 3)
	= 4375 L
Balance to be retained on site by infiltration or slow release	= 8000 - 4375
	= 3625 L

- This scenario shows that a volume of 3625 litres must be retained on site, assuming that a rainwater tank of at least 4375 litres usable capacity is available.
- The proposed landscaping of the site includes a terraced garden that will also act as an above ground retention storage, infiltration device and water quality treatment device.

Infiltration volume during the ½ hour storm	= 200mm/hr x ½ hr x 12m <sup>2</sup>
	= 100 x 12 = 1200L
Balance of retention to be stored and slowly released after the storm	3625L - 1200L
	= 2425L
Ponding Depth required in garden	= Volume / Area
	= 2425L / 12m <sup>3</sup>
	= 202mm

- (2) A house on a 600m<sup>2</sup> block with a roof area of 260m<sup>2</sup> and an external paved area of 100m<sup>2</sup>. The rainwater tank

is plumbed to the entire house (outdoor, toilets, laundry, hot water, bathroom and kitchen).

Retention volume required	= 60% impervious on 600m <sup>2</sup> block (Table 2)
	= 8600 L
Rainwater reuse over 1 week	= 35 L/m <sup>2</sup> x 260m <sup>2</sup> x 100% (Table 3)
	= 9100 L
Balance to retained on site by infiltration or slow release	= 8600 - 9100 < 0

- This scenario shows that household rainwater reuse provides an adequate retention volume, providing that the tank size is at least 8600 litres.

- (3) A factory on a 2000m<sup>2</sup> block with a roof area of 1200m<sup>2</sup> and an external paved area of 400m<sup>2</sup>. The rainwater tank plumbed to toilets and bathroom facilities and the factory identified an opportunity for potable water replacement as part of an industrial process, whereby the water use has been estimated at 6000 L/day.

Retention volume required	= 80% impervious on 2000m <sup>2</sup> block (Table 3)
	= 51000 L
Rainwater reuse over 1 week	= 6000 L/day x 5 days (working week)
	= 30000 L
Balance to be retained on site by infiltration or slow release	= 51000 - 30000
	= 21000 L

- This scenario shows that a volume of 21000 litres must be retained on site by infiltration or slow release, assuming that a rainwater tank of at least 30000 litres usable capacity is available.

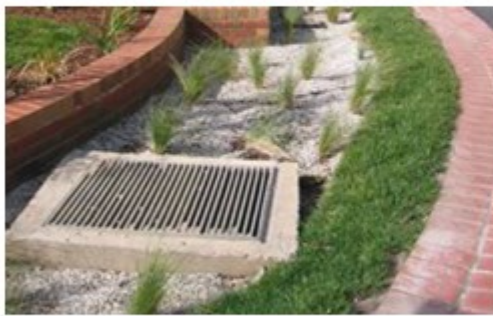
**Example applications:**



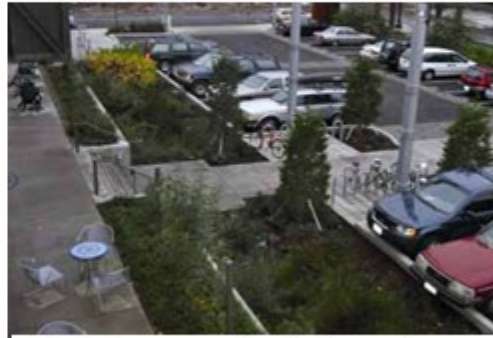
Initial planning of the building footprint should allow adequate space for rainwater tanks.



Planter box bio-retention system, Sydney



Example of how to safely increase the ponding



Planter boxes can treat stormwater from paved areas, USA

### 6.7.7.3 Stormwater Quality Target

#### 6.7.7.3.1 Intent

Improve the quality of stormwater runoff, which will also improve the health of creeks and waterways, and enhance urban amenity.

#### 6.7.7.3.2 Objective

Achieve the following minimum reductions in total pollutant load, compared to untreated runoff from the developed impervious areas of the site:

- 80% reduction in Solids: suspended solids and gross pollutants (grit, sediment, leaves, grass clippings, litter)
- 45% reduction in Nutrients: total phosphorus and total nitrogen

#### 6.7.7.3.3 Recommended Application

One Water Sensitive Urban Design concept involves landscaping practices that take advantage of natural site features to slow runoff and prevent the discharge of pollutants. The most effective way to treat stormwater runoff is through landscaping measures that are integrated into the site. These include:

- Rainwater water tanks to treat roof areas, for further information refer to HCCREMS (2007) Practice Note 4
- Infiltration and retention devices , for further information refer to HCCREMS (2007) Practice Note 5,
- Permeable paving , for further information refer to HCCREMS (2007) Practice Note 6
- Using crushed gravel or other treatments instead of paving
- Vegetated filter strips, vegetated swales, soak areas, rock basins or channels, raingardens, ponds, wetlands, and contour banks, for further information refer to HCCREMS (2007) Practice Note 4
- Sand/gravel filters for runoff from car parks and driveways
- Reducing the area of paving (for example, driveway strips)

The Site Discharge Index (SID) provides a very general indicator of the extent to which a development proposal will create unmanaged flows from impervious surfaces. If all runoff from impervious surfaces on a site will be managed by suitable stormwater source controls, the SID will be 0.0. The greater the area of impervious surface that is not managed by stormwater source controls, the higher the SID will be (up to a maximum of 1.0 on a site that is totally covered by impervious surfaces).

The SID is calculated by dividing the impervious area directly connected to the street drainage system (i.e. impervious area runoff which is not managed by an acceptable stormwater source control) by the total site. Refer to HECREMS (2007) Practice note 11 for further information regarding the SID. Figure 1 & 2 illustrate the SID calculation.

Landscaping measures must be placed and sized according to the amount of impervious area being treated. For each 100m<sup>2</sup> of impervious area then the following treatment options are considered to achieve the targets :

- 2m<sup>2</sup> of engineered bioretention device/rain garden/ or proprietary system,
- 4m<sup>2</sup> of depressed soak area/rock basin/pond/ or wetland,
- 7m<sup>2</sup> of garden/lawn/grass swale/vegetated filter strip (at <1% slope), or
- 15m<sup>2</sup> of garden/lawn/grass swale/vegetated filter strip (at <5% slope).
- 25m<sup>2</sup> of garden/lawn/grass swale/vegetated filter strip (at <20% slope).

Based on area ratios from pollutant removal efficiency graphs for various types of stormwater treatment measures in DECC (2007d)

Other types of stormwater treatment devices will be considered. However the pollutant removal efficiency of such devices will have to be adequately demonstrated by independent testing. Pollutant removal efficiencies claimed by manufacturers of proprietary devices are not considered sufficient without independent testing.

For Subdivisions landscaping measures must be provided to treat impervious areas within the road reserve, including road carriageways, footpaths, and driveway aprons. Consideration should be given to:

- *Streetscape landscaping*: planting of water efficient native vegetation and street trees for amenity and shade.
- *Footpaths* should be set back near the property boundary if a WSUD treatment is proposed along the edge of the road carriageway

#### 6.7.7.3.4 Deemed to Comply

Compliance with the water quality target for all developments must be demonstrated on the Water Cycle Management Plan as follows:

- Site Discharge Index: To reduce the directly connected impervious area to 10% or less
- Details of appropriately placed and sized landscaping measures to treat the runoff from impervious areas.

Figure 1 - Typical detached dwelling with no stormwater source controls - HECREMS (2007)

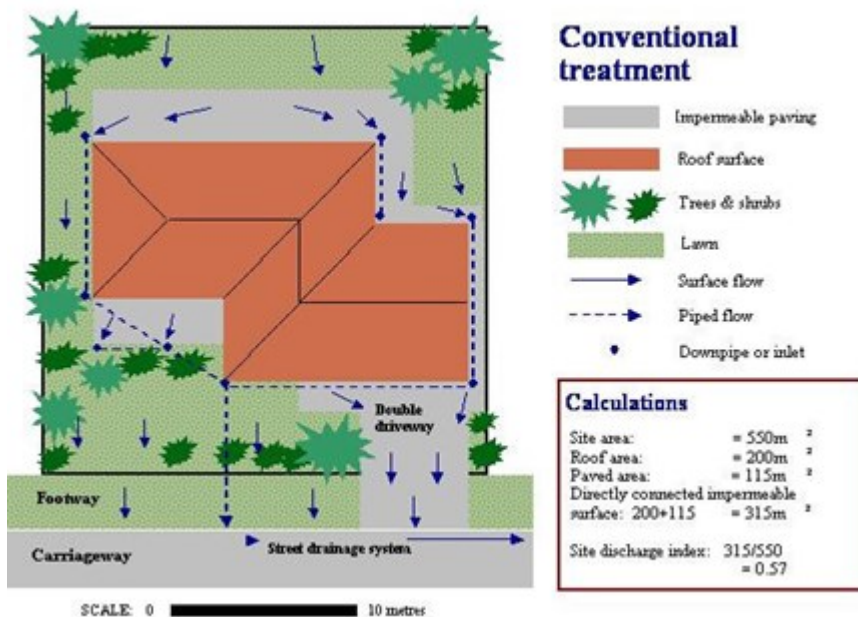
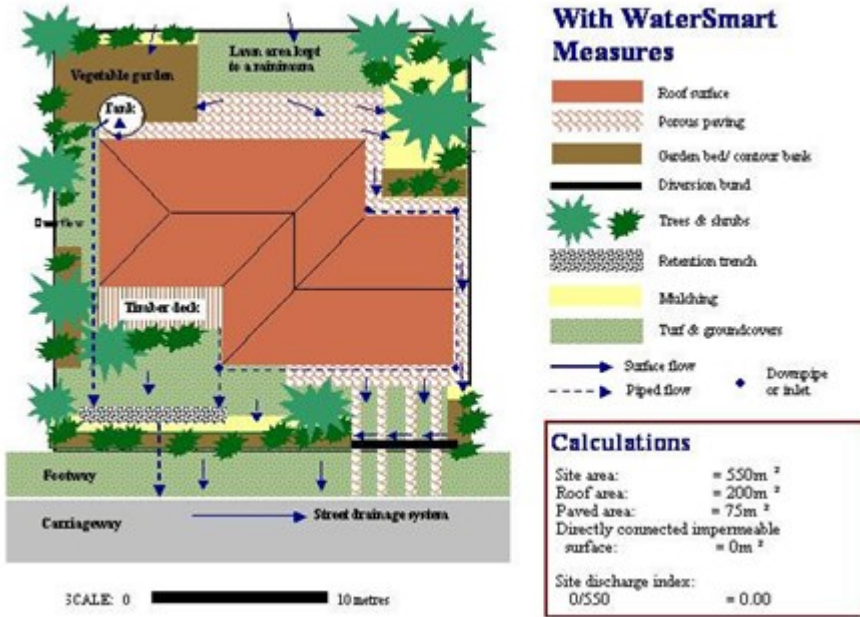


Figure 2 - Stormwater source controls applied to the same site - HECREMS (2007)



Example applications:



Large gaps between pavers can treat runoff at the source



Rock channel, Sutherland NSW



Grass swale, Bowral NSW (5 years old)



Raingardens in car-park, New Zealand

6.7.7.4 Onsite Detention Target

6.7.7.4.1 Intent

To protect downstream properties and infrastructure from increased stormwater flows from new development.

6.7.7.4.2 Objective

- Ensure future development does not increase the impact of rainfall events.
- Stormwater management design that demonstrates a consideration for the existing capacity of the public drainage system.

#### **6.7.7.4.3 Recommended Application**

On-site Stormwater Detention (OSD) shall be provided where required by Council in conjunction with a proposed development.

OSD will not be required on alterations, additions, ancillary structures, second storey additions, single dwelling & dual occupancies, except where:

- the volume of total retention storage provided does not correspond to the requirements in Section 6.7.7.2, in such instances the OSD system shall meet the short fall of retention volume and have a Permissible Site Discharge (PSD) of 8L/s, or
- it is required under a specific Council Plan of Management or other Council Plan.

OSD will be required for all other developments, except where:

- the development is located at a point within the catchment considered by Council not to warrant OSD, or
- an OSD system has been previously constructed to accommodate the proposed development, or
- the applicant undertakes a detailed total catchment analysis proving that the proposed development has no effect on properties and infrastructure down stream or upstream of the catchment. The study shall be undertaken by a Certified Practicing Engineer - The Institution of Engineers Australia, or
- the development is in a rural area and the following measures are implemented
  - all runoff from rural buildings, tracks and paved areas is to be discharged into absorption trenches or onto heavily vegetated areas so as to prevent an increase in the rate of runoff into streams / drainage systems.
  - all runoff is to be controlled so that it causes no nuisance or concentration of flow to watercourses or neighbouring properties.
  - inclusion of other WSUD solutions that can be reasonably demonstrated to address stormwater flow and water quality issues to the required level.
  - all runoff is to be controlled so as to prevent erosion.

Regardless of the points above, where Council considers development may adversely impact upon areas of environmental importance, drainage infrastructure or as deemed necessary, Council may determine that stormwater detention is required.

#### **6.7.7.4.4 Demonstrated Compliance**

A stormwater detention report and accompanying plans shall be prepared by a person accredited as below, and submitted with the development application.

The following general parameters apply to the design of the OSD:

- Limit post development flow from the proposed development site to less than or equal to predevelopment flows for all storm events up to and including the 1% YEP storm event;  
Predevelopment coverage shall be taken as the natural vegetation that would normally occur on the entire site with no impervious areas. Appropriate infiltration rates for the natural vegetated state and underlying soils shall be applied and provided in the calculation report;
- A maximum of 50% of the Volume of Rainwater/Stormwater Retention Tanks can be claimed as part of the OSD Volume;
- A Runoff Routing method is to be used for developments;
- Where no road pipe drainage system exists, the maximum permissible site discharge (PSD) from a development to either the kerb and gutter or table drain shall be 30 litres/sec unless otherwise advised by council's Engineer; 'Discharged water shall not be concentrated onto adjoining properties, unless through a formalised (legal) drainage system;
- Site controls will sometimes overflow. Council requires that overland flows must be adequately directed so as to not to cause intensification, concentration or inappropriate flow over neighbouring properties;
- Additional Subdivision parameters include:
- OSD shall be designed as either a single device serving all lots and other impervious areas (including roads,



- paths and other hard stand) or as single devices servicing each separate lot and road system;
- A maximum of 50% of the total volume of rainwater tanks can be claimed a part of the OSD volume subject to a Positive Covenant and Restriction-as-to-User being placed on the title of the lots requiring a minimum size rainwater tank be installed with building works or further development;
- Where OSD is proposed on a lot basis the requirement to construct the OSD system can be deferred subject to a Positive Covenant and Restriction-as-to-User being placed on the title of the lots requiring OSD facilities complying with these provisions to be constructed at the time of each allotment's development;
- Wherever possible Council will prefer the construction of privately owned community detention systems;
- Site controls will sometimes overflow. Council requires that overland flows must be adequately directed so as not to cause intensification, concentration or inappropriate flow over neighbouring properties;
- To the extent possible, OSD and drainage design should be integrated with other WSUD measures, such as landscaping, road design, development layouts, provision of habitat, recreational open space, etc.

All design is to conform to best engineering practice, Australian Standards and OH&S requirements, and shall be undertaken by a person who retains one of the following standings:

- Practising Civil Engineer with appropriate qualifications and experience to be eligible for Membership to the Institution of Engineers Australia; Surveyors Certificate of Accreditation in On-site Detention and Drainage Design (Institute of Surveyors, NSW and the Association of Consulting Surveyors, NSW).

#### **6.7.7.5 Local Overland Drainage Target**

##### **6.7.7.5.1 Intent**

To manage local overland drainage problems.

##### **6.7.7.5.2 Objective**

To effectively manage local overland drainage problems which may occur throughout urban areas and fall outside the definition of flooding.

Note that overland flows in the 100 Year Average Recurrence Interval Event in excess of 0.5m<sup>3</sup>/s or greater than 0.3m deep are defined as flooding whereby flooding targets would also apply (section 6.7.7.6).

##### **6.7.7.5.3 Recommended Application**

- All finished floor levels above the finished surrounding ground levels are to comply with the minimum standard as set out in the Building Code of Australia to protect against any shallow water depths.
- Cut and/or fill is minimised on the site.
- Overland runoff generated by rain is to be directed into flow paths that follow the natural land slope to mimic the pre-development state as much as possible, which poses the least threat to residents<sup>2</sup>. The overland flow paths must not adversely affect adjoining properties. Overland flow paths must be shown on the Water Cycle Management Plan. They must not be obstructed by parked cars, retaining walls, landscaping, and where side passages are used they are to be kept clear of obstructions such as hot water heaters, air conditioners, solid fencing, rainwater tanks or garbage bins.
- Driveways: must not interfere with function of longitudinal drainage, and must not provide spillway for stormwater runoff (either into the property if the road is higher, or on to the road if the road is lower).
- Minimum setbacks must be observed between buildings and watercourses (refer to Section 6.7.9)

##### **6.7.7.5.4 Demonstrating Compliance**

The following must be shown on the Water Cycle Management Plan:

- All floor levels complying with the minimum requirements of the Building Code of Australia.
- Adequately sized clear overland flow paths, including special attention where the driveway connects to the public road.
- Details of cut and/or fill.
- Show location of all stormwater discharge points including overland flowpaths.

#### **Figure 3 - The difference between greenfield and local velocity - HNFMSC (2006a)**

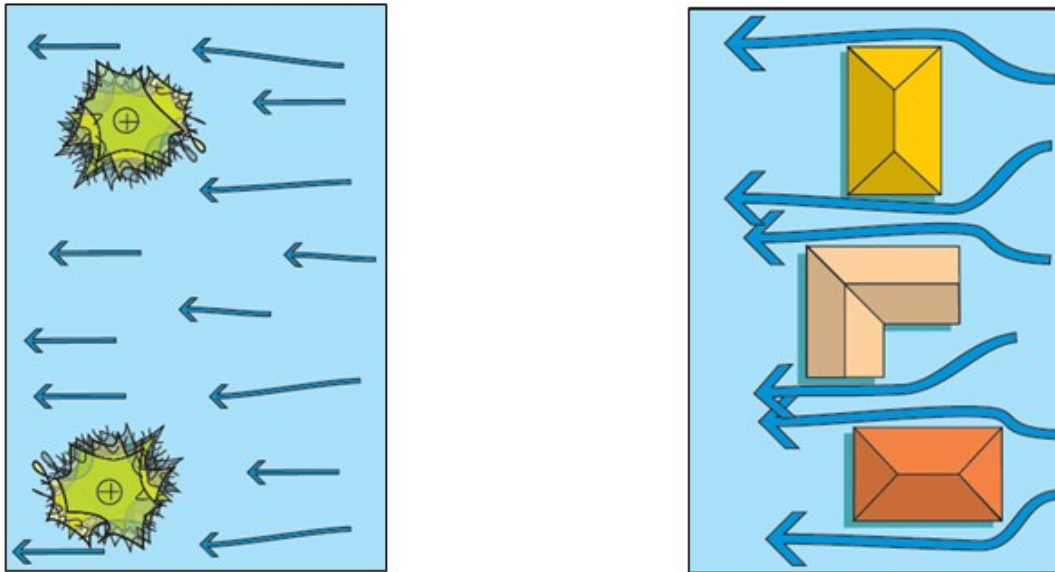


Figure 3 Illustrates, prior to development (left) there are few obstructions to concentrate flows. However following development (right) may concentrate flows and increase velocities, which may lead to local drainage problems.

**Reference**

<sup>2</sup> HNFMSC 2006b, p.61

**6.7.7.6 Flooding Targets**

**6.7.7.6.1 Intent**

To reduce the impact of flooding on flood prone property.

**6.7.7.6.2 Objectives**

- To reduce private and public losses resulting from floods.
- To enable safe access or evacuation of people to the existing public road network during flooding.
- To maintain the existing flood regime and flow conveyance capacity.
- To avoid significant adverse effects on the floodplain environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of any river bank or watercourse.
- To limit land uses to those compatible with flow conveyance function and flood hazard.

**6.7.7.6.3 Recommended Application**

Council has identified flood planning areas adjacent to significant creeks and waterways. These areas can be viewed on Council's Development Constraints web portal ([www.gosford.nsw.gov.au/gis](http://www.gosford.nsw.gov.au/gis)). Council is able to provide Flood Planning Levels (FPLs) in these areas on enquiry.

However many areas subject to flooding have not yet been assessed. In these areas, Council will request a flood study to determine the effects of a proposed development on flooding or conversely, the effect of flooding on a proposed development. Flood studies will be required for any type of development where the development occurs in a floodplain or in areas of where overland flow is suspected.

Flood studies must be prepared by suitably qualified civil engineers. Both the 100 year ARI and PMF flood events must be adopted to assess the effects of flooding on the proposed development site and adjacent properties. In certain circumstances, it may be necessary to assess the effects from lesser storm events.

The hydraulic component of the analysis shall be undertaken in accordance with the current version of the Australian Rainfall & Runoff. Unless it can be demonstrated that it is not applicable, flood studies shall be prepared using a fully dynamic 1 or 2 dimensional computer model to determine the flood extents and hazards. The model chosen shall be calibrated against a recorded storm event if available. All input parameters and assumptions made must be clearly described and justified. A hard copy of the report, including all results, results summary table, and all the relevant information must be submitted with the application. This information is to include the following information plan form

for the pre-developed and post-developed scenarios:

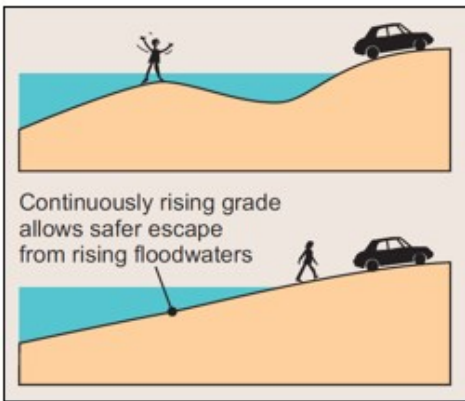
- Flood profiles/extents for the full range of events for total development including all structures and works (such as revegetation/culvert crossings).
- Water surface contours.
- Velocity and depth product contours.
- Delineation of flood hazard categories relevant to individual floodplains.

**6.7.7.6.4 Demonstrating Compliance**

If flood related development controls apply then the Water Cycle Management Plan must demonstrate compliance with the relevant flood control targets as listed in tables 4 & 5 below.

- Flood related development controls may apply for any development on flood prone land (up to the PMF) for the purposes of: subdivision of land, earthworks, the erection of a building, the carrying out of a work, or flood mitigation works
- Flood related development controls will not apply for development for the purposes of residential accommodation (other than group homes and seniors housing) on land that is flood prone but is not in the flood planning area. (i.e. land that is above 1% AEP flood level + 0.5m freeboard but below the PMF)

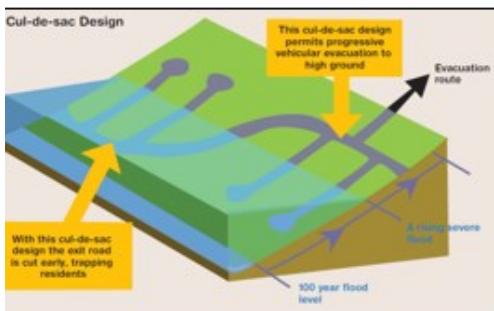
**Example applications:**



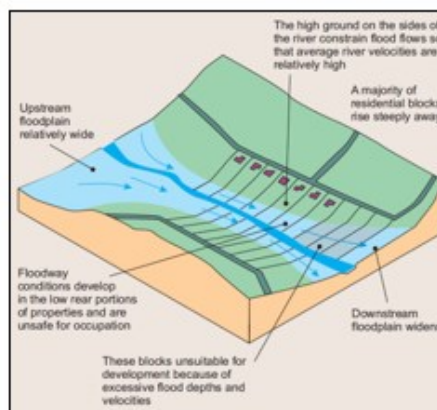
**Safer escape from rising floodwaters<sup>3</sup>**



**Raising the slab on waffle pods is effective in reducing the possibility of the house being inundated by overland flooding<sup>4</sup>**



**Examples of both good and bad designs for evacuation<sup>5</sup>**



**Location of development in floodway areas<sup>6</sup>**

**Table 4 Flood Control Target Matrix**

Development	Development Types					
Control Targets	Pools & Spas	Residential Buildings (Rural)	Residential Buildings (Urban)	Group homes, seniors housing, emergency facilities	Commercial, Industrial	Subdivisions (Urban & Rural)

Floor levels	-	B	B	A	B	-
Flood Impacts	C	C	C	C	C	C
Subdivisions	-	-	-	-	-	D
Access & Parking	-	E	-	F	E	E
Fencing	-	G	G	G	G	G

### A - Floor Levels

**Floor levels** whether habitable or non-habitable, are to be at or above the PMF flood level.

### B - Floor Levels

**Habitable floor levels** are to be above the FPL for all new structures.

*Rare floods will still occur, possibly well above the FPL, which may cause significant damage for some types of development. If the consequences of are likely to be high then consider raising floor levels well above the FPL.*

Concession for building additions: where the existing habitable floor level is below the FPL then a one-off addition may be considered up to:

- 40m<sup>2</sup> if the existing residential floor level is less than 500mm below the FPL, or
- 20m<sup>2</sup> if the existing residential floor level is greater than 500mm below the FPL, or
- 10% increase in floor area for commercial or industrial additions

**Non-habitable floor levels:** Garage, laundry, or public toilets/sporting amenities to have floor levels at least 300mm (desirable 500mm) above surrounding finished ground level. Materials, equipment or contents are not to be stored below the FPL unless they are flood compatible, capable of withstanding the forces of floodwater, debris and buoyancy, and not prone to causing pollution or an environment hazard.

### C - Flood Impacts

#### Floodplain Risk Management Plan

If the subject land falls within the area of an existing Floodplain Risk Management Plan then the development must comply with specific conditions of the plan.

#### Flood Impacts

The development must not:

- Affect the safe occupation of any flood prone land.
- Be sited on the land such that flood risk is increased.
- Adversely affect flood behavior by raising predevelopment flood level by more than 10mm.
- Result in an increase in the potential of flooding detrimentally affecting other development or properties.
- Significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain.
- Significantly and detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of any riverbank or watercourse.
- Be likely to result in unsustainable social and economic costs to the flood affected community or general community as a consequence of flooding (including: damage to public property and infrastructure, such as roads, stormwater, water supply, sewerage, and utilities).
- Be incompatible with the flow of floodwaters on flood prone land (considering any structures, filling, excavation, landscaping, clearing, fences, or any other works).
- Cause or increase any potential flood hazard (considering the number of people, their frailty, as well as emergency service and welfare personnel).
- (iii) Building components
- Limit use to that which is compatible with the level of flood hazard (considering likelihood and consequences of flooding).
- Building components located below FPL are to maintain strength and durability when wet, facilitate easy cleaning after inundation, and resist the forces of floodwater, debris and buoyancy<sup>7</sup>
- All *electrical fixtures* (including meter box) to be above the FPL

- The *sewer gully* trap is to be located at or above the 100 year ARI flood level (without freeboard). All other internal sewer fixtures (floor waste, WC pans, rim of shower, bath, laundry tub, and basins) are to be located at least 150mm above this level.
- Free standing Rainwater tanks are to be elevated above 100 year ARI flood level (without freeboard) or anchored to resist buoyancy and impact forces.
- (iv) Local Overland Flooding
- If any part of the land is affected by Local Overland Flooding<sup>8</sup> then hydraulic calculations (by a skilled flood specialist) will be required as follows:
  - Along all overland flowpaths that convey significant overland flows ( $\geq 0.5\text{m}^3/\text{s}$  or deeper than 0.3m). Flow depths, velocities and flow rates and must be shown on the Water Cycle Management Plan.
  - Overland flow paths shall be designed to limit 100y ARI flood velocities to a maximum of 2 metres per second. This may require the provision of regular drop structures (such as rough placed rock weirs) to reduce velocities.
  - Flow conveyance along these overland flowpaths may be achieved through a combination of the following: naturally functioning streams, open channels incorporating natural features (i.e. pool & riffle sequences consisting of reeds, rocks and native vegetation), stream buffer zones, and swales. Details must be shown on the Water Cycle Management Plan.
  - Pipes are typically prone to blockage. A minimum 50% blockage factor shall be applied to all pipe and culvert capacities as part of hydraulic calculations. As such pipes are considered appropriate for managing low flows, with the bulk of flood flows travelling safely overland.
  - Overland flowpaths must not be obstructed by parked cars, retaining walls, landscaping, and where side passages are used they are to be kept clear of obstructions such as hot water heaters, air conditioners, fencing, rainwater tanks, and garbage bins.
  - Where significant overland flow crosses a property boundary ( $\geq 0.5\text{m}^3/\text{s}$  or deeper than 0.3m), flow-through fencing (pool type fencing) is to be provided in the bottom part of the fencing to a height required to pass the flow. The width and height of flow-through fencing shall make allowance for 50% blockage. The overland flow paths shall be dispersed where possible to limit the concentrated impact on downstream or down slope properties.
  - Significant overland flow paths may be classified as creeks, whereby minimum setbacks must be observed between buildings and watercourses (refer to Section 6.7.9)
- (v) Filling
- Filling is not to be undertaken within the Flood Planning Area without Council's approval, including any cut and fill works on site.
- Filling of the land within the Flood Planning Area is not permitted unless:
  - It is allowable as part of an adopted Floodplain Risk Management Plan
  - Or it can be demonstrated (by a skilled flood specialist) that the cumulative effect of filling the area would not raise the flood level by more than 10mm and that the land can be considered 'flood fringe'
- Unless a Floodplain Risk Management Plan for the catchment has been adopted, which allows filling to occur, filling in flood prone areas is not permitted unless a report from a suitably qualified civil engineer is submitted to Council that certifies that the development will not increase flood affectation elsewhere.
- Filling of individual sites in isolation, without consideration of the cumulative effects is not permitted. The NSW Government's Floodplain Development Manual states that a case by case decision making approach cannot take into account the cumulative impact of flooding behaviour, and associated risks, caused by individual developments. Any proposal to fill a site must be accompanied by an analysis of the effect on flood levels of similar filling of developable sites in the area.
- Any filling proposal must include adequate provision for drainage of surface water erosion and siltation control and be so placed and graded as to prevent the shedding of surface water direct to adjoining properties.
- (vi) Sea Level Rise
- For low-lying land below RL 4.0m AHD the development applications must assess the ongoing viability of the land, including the viability of road access to the land, associated with the adopted sea level rise figure for planning purposes of +0.9m by the year 2100, assuming a design life for the development. This will be particularly relevant for low-lying coastal or estuarine development.

## D - Subdivisions

- Consideration of the increased potential flood damage consequences should the lots be developed in future associated with large floods, up to and including the Probable Maximum Flood.<sup>9</sup>

- The development is not to exacerbate flood levels, velocities or flow distributions at any other location, including a consideration of the cumulative impact of incremental development, should all the lots be fully developed in future.
- Significant flows on road carriageways should be avoided to prevent compromising traffic ability, access and evacuation. Special consideration should be given in the following cases<sup>10</sup> :
- *Roads in drainage depressions*: are likely to be liable to flooding. Care should be taken not to compromise traffic ability, access and evacuation.
- *Roads that are on grade*: can develop high velocity flows, which need to be checked to see that they will not wash cars and people away and will not cause flotation.
- *Roads running across the contours*: are likely to be cut at points where they cross a creek or drainage lines, therefore need to be designed to ensure people and cars will not be at risk of being caught in floodwaters.
- *Roads that follow ridges*: run-off will need to be shed off at regular intervals and directed through or between lots via drainage swales or engineered overland flow paths.
- Stormwater should be shed from road carriageways as quickly and diffusely as possible, to reduce flood hazard. Where kerbs are not required then vegetated edge strips and associated swales can be an effective solution, as well as greatly assisting in the achievement of water quality targets, and providing an attractive streetscape.<sup>11</sup>
- Subdivision of land will not be permitted for the purpose of creating additional lots within the flood planning area.

### **E - Access and Parking in 100 year ARI Flood Event**

All access roads and driveways, and external parking areas to be above the 100 year ARI Flood Level (FPL less 0.5m) to provide the ability to safely receive and evacuate occupants or contents without having to cross floodwaters in most flood events (assuming 50% blockage of any pipes, culverts or bridges). For rural subdivision refer to section 6.7.11.

### **F - Access and Parking in PMF Event**

All access roads and driveways, and external parking areas to be above the PMF to provide the ability to safely receive and evacuate occupants or contents without having to cross floodwaters of any depth in all flood events, assuming 50% blockage of any pipes, culverts or bridges of any size.

### **G - Fencing**

- Fencing within a floodway will not be permissible except for security/ permeable/ open type/ safety fences of a type approved by Council. Fencing in certain areas may also be restricted by current Floodplain Risk Management Plans.
- Council will require a Development Application for all new solid (nonporous) and continuous fences above 0.6m high, within the 100 year ARI storm event extents unless otherwise stated by exempt and complying development provisions which may be incorporated into in State Environmental Planning Policies or Councils Environmental Planning Instruments from time to time. An applicant will need to demonstrate that the fence would create no impediment to the flow of floodwaters. Appropriate fences must satisfy the following:-
- An open collapsible hinged fence structure, or flow through fencing (pool type fencing) is to be provided in the bottom part of the fencing to a height required to pass the flow. The width and height of flow-through fencing shall make allowance for 50% blockage;
- Other than a brick or other masonry type fence (which will generally not be permitted); or
- A fence type and siting criteria as prescribed by Council.
- Other forms of fencing will be considered by Council on merit.

### **References**

<sup>3</sup> Taken from HNFMSC (2006b, P.44)

<sup>4</sup> Taken from HNFMSC (2006a, P.78)

<sup>5</sup> Taken from HNFMSC (2006b, P.86)

<sup>6</sup> Taken from HNFMSC (2006b, p.71) <sup>7</sup> Helpful guidance on building materials can be found in reference HNFMSC 2006a.

<sup>8</sup> Refer to definition in Definition section of DCP.

<sup>9</sup> HNFMSC 2006b, p.92.

<sup>10</sup> HNFMSC 2006b, p.106.

<sup>11</sup> HNFMSC 2006b, p.104.

## **6.7.8 Development Identified as Drainage Black Spots on the Peninsula**

### **6.7.8.1 Objectives**

- To indicate areas having drainage problems which cannot be readily overcome.
- To ensure that more intensive development does not exacerbate the drainage problem in identified "black spot" areas.

### **6.7.8.2 Recommended Application**

Drainage "black spot" areas, which are identified under this Chapter are shown on the maps held by Council:

- Land in the vicinity of Cogra Road, Rothwell Street, Moana Street and Angler Street Woy Woy as shown on Map 1, held by Council.
- Land in vicinity of Shephard Street, Glenn Street and Carpenter Street Umina as shown on Map 5, held by Council.

### **6.7.8.3 Deemed to Comply**

The Council has determined by engineering investigation that the nature of the situation and the problem is such that:

- It is unlikely that public funds will be available in the foreseeable future to carry out the works necessary to overcome the problem.
- It would not be appropriate to allow development to occur and seek contributions to future works, as these could not relate to the existing problem which would be exacerbated.

The Council has determined that the appropriate strategy to address the problem is for it to exercise its discretion to refuse any development application which would have the effect of increasing rainfall run-off from the site, until such time as the necessary work can be funded and carried out, unless the developer undertakes to provide the necessary infrastructure to deal with the existing problem as well as the compounding effect of the development.

In areas where no underground drainage exists the use of on-site detention will not be considered a satisfactory solution, unless the outflows can be conveyed directly to a drainage system shown to be capable of carrying the flow without detriment to adjacent property.

In areas where no underground drainage exists absorption trenches will not be considered a satisfactory solution if they are unable to absorb the extra full storm flow from the development up to and including the 1% AEP flood event.

On receipt of any application, which would be subject to the Chapter, the Council, will give the applicant the opportunity to:

- Withdraw the application; or
- Provide the drainage works required to overcome the problem of any increased flow or problems caused by the increased flow as a result of the development proposal, to Council's satisfaction, and prior to the determination of the application.

If either of these actions is not taken, the application will be formally determined under the provisions of the Environmental Planning and Assessment Act 1979.

This chapter will not apply in respect to an area identified under 6.8.2 above where drainage works have been carried out to the satisfaction of the Council to overcome the existing drainage problem.

## **6.7.9 Setback to Creeks, Rivers and Lagoons**

### **6.7.9.1 Objective**

To provide appropriate setbacks from creeks, rivers and lagoons in order to maintain ecological corridors, public access and drainage easements.

### **6.7.9.2 Deemed to Comply**

Where a building is to be located adjacent to a creek, waterway or lagoon, the building shall be set back from the

creek, waterway or lagoon such that:

- For further development of greenfield sites, setbacks are to be determined during the planning process to ensure that land inundated by the 1% AEP flood including freeboard will not be developed. As well as this criterion, access shall be provided along the creekbanks to enable further maintenance and ongoing public accessibility along the reserve areas. At least six metres width between the top of the bank of the creek and the property boundary shall be provided. (See Figures No. 4 & 5)
- For development proposals in existing subdivided areas, the following provisions shall apply:
  - For minor creeks defined as creeks with a catchment area of less than 7.5 hectares:
    - If no easement exists over the minor creek the setback shall be 4 metres.
    - If an easement exists over the creek, the normal building restrictions alongside an easement would apply.
    - Where appropriate, the applicant may create and pipe the easement in order to remove the setback requirement. All pipework shall be to a Council approved design and construction specifications. Such works will also require the consent of other relevant Government authorities.
  - For major creeks having a catchment area larger than 7.5 hectares a setback is to be provided to allow for:
    - Future adequate waterway construction
    - A 4m wide vehicular and machinery access along the waterway for maintenance where a suitable easement does not exist.
    - An overbank floodway to pass a minimum of the 1% AEP design flood.
    - Adequate landscaping to the bank area.
    - See Setback Figure 6.

Where the future waterway does not have an approved design, the setback shall be a minimum of 6 metres on each side of the creek from the top of the natural bank of the creek. Where banks of the creek have been filled without authorisation, the Council may determine a larger setback as considered appropriate. (See Figure 7)

The setback to be provided shall enable a hydraulically satisfactory waterway alignment to be retained or created. Setbacks, which when examined in relation to adjoining or nearby properties, cause sharp changes in direction or constrictions to flow will not be permitted.

In addition to the above requirements, if the land is subject of a Floodplain Management Plan, the setback of the buildings will also need to adhere to any controls specified in the Management Plan.

It is desirable that a "Drainage Reserve" be created over all major creeks, including the area required for access and landscaping. Access to creeks may also require easements for access to ensure access is retained.

Setbacks from the top of the bank of the creek shall apply to properties adjoining public reserves where the land is flood liable up to the 1% design flood event.

A developer may, subject to approval by Council, prepare engineering plans for a reach of a major creek and incorporate the provisions described above into the proposal. The setback shall then be provided to a varied distance as suitable providing the engineering works are carried out during development.

Subdivision of land adjacent to major and minor creeks shall take into account the need to provide setbacks as described in this Chapter.

Setbacks from creeks and lagoons shall also be affected by other regulatory authorities i.e. Department of Environment, Climate Change & Water with regard to the Controlled Activity provisions of the Water Management Act 2000, and the Department of Primary Industries with regard to the NSW Fisheries Management Act. Details of the affections should be sought by the applicants from these authorities or authorities that supersede these authorities.

#### **Figure 4 - Setback from watercourse**





Figure 5 - Setback from watercourse



Figure 6 - Setback from watercourse

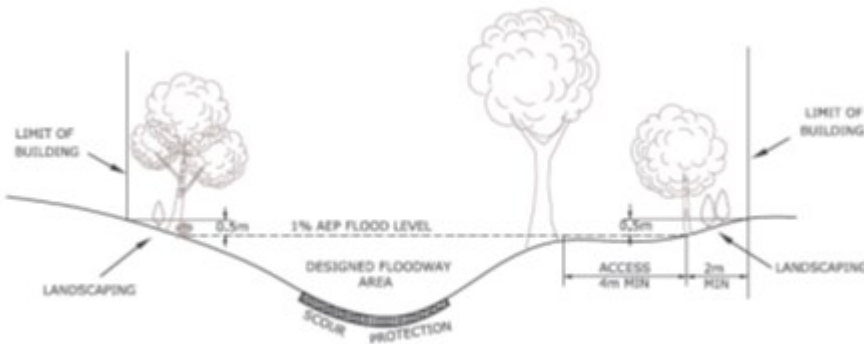
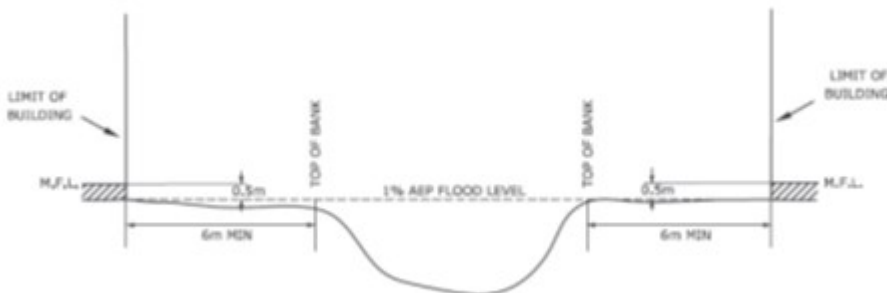


Figure 7 - Setback from watercourse



**6.7.10 Building Adjacent to Drainage Easement / Stormwater Pipes**

**6.7.10.1 Objective**

Ensure the integrity of the stormwater drainage systems, natural watercourses and any structures built in the near vicinity is maintained.

### **6.7.10.2 Recommended Application**

In general no buildings/structures or overhanging structures will be permitted over a drainage easement of Council stormwater pipe/culvert.

### **6.7.10.3 Deemed to Comply**

Council requires the construction of piers when building near to a drainage easement/Council stormwater pipe. Before building approval will be granted, full engineering details of the proposed piers and beams for all footings within the influence region of the drainage easement are to be submitted to Council by a suitably qualified practising Structural Engineer.

No excavation is permitted within 2 metres of any drainage easement unless approval has been granted by the Director City Services.

### **Depth of Piers**

All piers along the drainage easement boundary/Council stormwater pipe shall have a minimum depth equal to the level of the invert of the stormwater pipe or culvert. The pier depth may be decreased by 500mm for each increment in distance of 1 metre from the boundary of the easement, or at an angle equal to the natural repose of the soil (saturated) as determined by a qualified practising Structural/Geotechnical Engineer.

Where an easement contains an existing watercourse or open drain to a depth greater than 1.5 metres the pier depth shall be determined as 0.5 metres below the actual invert of the open drain or watercourse.

Where a drainage easement is at present unpiPED or proposed to be piped but there is not a detailed design for the proposal to pipe an easement a depth to the invert of a future pipeline of 1.5 metres shall be assumed unless otherwise specified by Council.

### **Engineering Details Required**

The Consulting Engineer is to certify on the submitted plans that the piers are adequate to support the structure in the event of the easement/Council stormwater pipe being excavated along or within the easement boundary.

At the completion of construction of the piers and beams, a Certificate of Compliance will be required from the Consulting Engineer stating that all work has been carried out in accordance with the approved engineering plans.

The following information is to be shown on the plans:

- Plan view of proposed building(s) in the region of the drainage easement and the
- extent of any excavation also showing pier locations and depths.
- Boundary of drainage easement of plan view.
- Limits of the Zone of Influence on plan view.
- Typical sections across Zone of Influence from the drainage easement.
- Section across Zone of Influence at the closest point between the drainage easement and foundation if it is different to the typical cross section.
- Engineering details of structural elements suitably dimensioned.

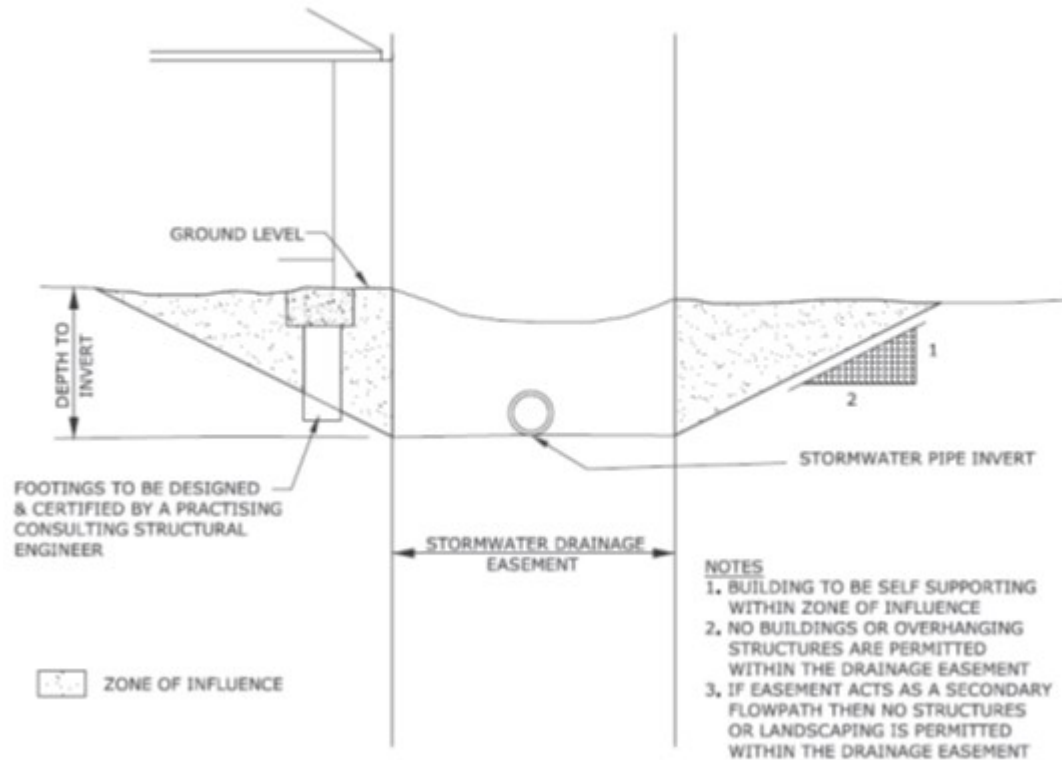
If the applicant proposes to modify the Zone of Influence from the standard, the following signed certification by the applicant's engineer is required:

- "I certify that the footings of this building as designed are adequate to support and protect the building from damage in the event that disturbance or settlement occurs within the Zone of Influence."

A typical section showing the zone of influence is shown in Figure 8, attached below.

### **Figure 8 - Building adjacent to a drainage easement**

**TYPICAL SECTION**  
NOT TO SCALE



**6.7.11 Providing Access to Rural Properties Affected by Flooding**

**6.7.11.1 Objective**

To provide safe access and/or evacuation routes to and from rural properties to a public road during a 1% AEP flooding event

**6.7.11.2 Deemed to Comply**

A qualified and experienced Consultant shall identify the following for the 1% AEP flood event affecting the property(s):

- the extent of the floodplain;
- the flood levels;
- mainstream and overbank velocities and depths over the floodplain along the proposed access route.

The Consultant report is to provide details of proposed pedestrian and vehicular access above the 1% AEP flood, it is desirable that at least 0.5 metre freeboard be provided. The site plans shall show the proposed location and floor level for dwelling(s), which shall be outside the 1% AEP floodplain.

The creek crossing shall be designed so that the construction of the creek crossing and its approaches must not raise flood levels for the 1% AEP event by more than 10mm (Council's standard) at the adjoining property boundaries and this must be certified by a competent practising hydraulics engineer. The designed crossing shall not have a significant detriment to the creek environment and should incorporate environmental protection measures as appropriate.

**Alternative Option 1 Requirements**

If the standard requirements are considered to be unreasonable *by the Council*, then the Council may use its discretion to resolve that the following requirements could replace the standard requirements.

- A qualified and experienced Consultant shall identify the following for the 1% AEP flood event affecting the property(s):

- the extent of the floodplain;
  - the flood levels;
  - mainstream and overbank velocities and depths over the floodplain along the proposed access route.
- The Consultant shall design the access which shall be covered by up to a maximum depth of 200mm in the predicted 1% AEP flood level.
  - The creek crossing shall be designed so that the construction of the creek crossing and its approaches must not raise flood levels for the 1% AEP event by more than 10mm (Council's standard) at the adjoining property boundaries and this must be certified by a competent practising hydraulics engineer. The designed crossing shall not have a significant detriment to the creek environment and should incorporate environmental protection measures as appropriate.
  - Velocities shall not exceed the safe levels for car access through floodwaters.
  - Flood depth indicators and delineation guide posts including flood warning signs shall be installed over the extent of the 1% AEP floodplain to identify the alignment of the access and depth of floodwaters over the road access. The signage shall warn people not to cross the access when covered by floodwaters.
  - The access driveway is to be sealed over the full extent of the 1% AEP floodplain to prevent erosion and siltation of the creek.
  - An alternative all weather, informal, practicable access is required to higher ground above the PMF event. Therefore the Consultant shall determine the flood flow and level for the PMF event and show the level on the subdivision plan.
  - A message will be placed on the Section 149 certificate notice for the property advising that the access is constructed to a level below Council's flood standards.

### **Alternative Option 2 Requirements**

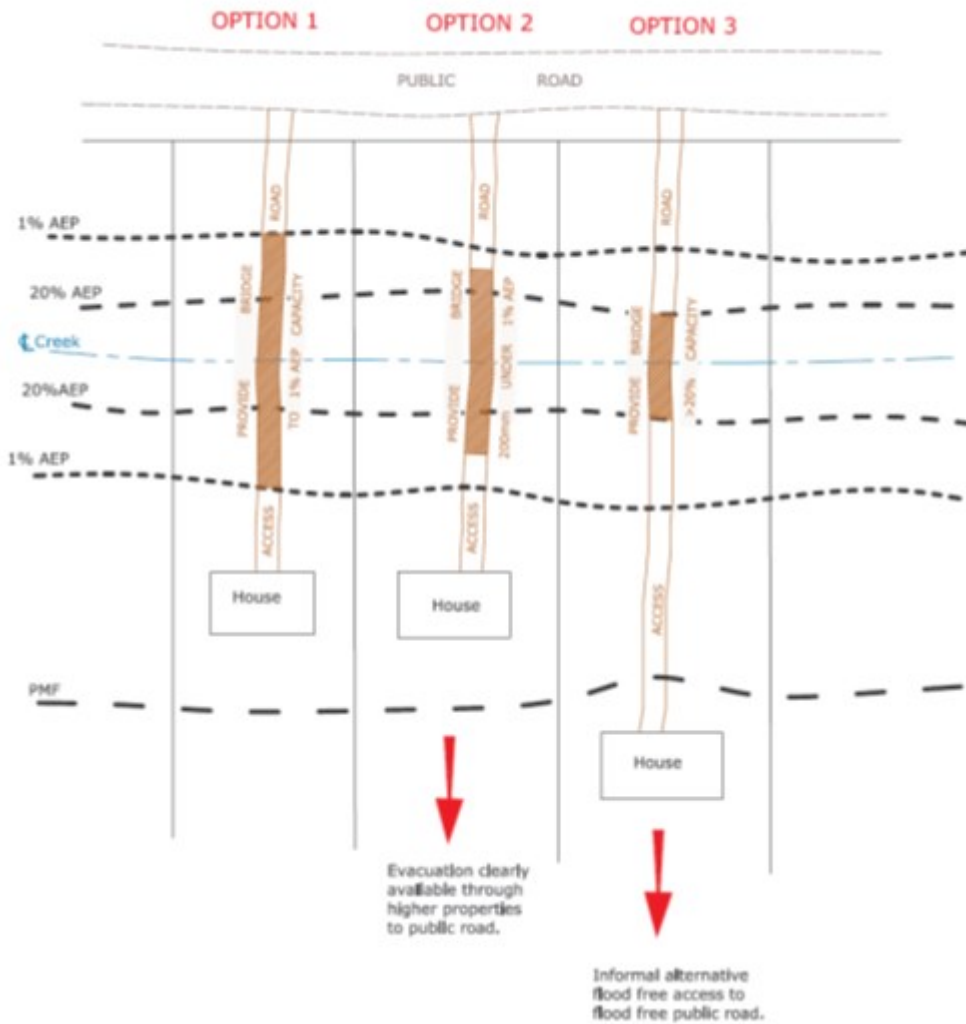
If the above access requirements are found in specific circumstances to be very unrealistic and/or environmentally insensitive *by the Council* and also if Council does not have any proposal to upgrade its adjoining public roads to higher flood free standards, then the Council may use its discretion to resolve that the following requirements could replace the standard requirements.

- A qualified and experienced Consultant shall identify the following for the 1% AEP flood event affecting the property(s):
  - the extent of the floodplain;
  - the flood levels;
  - mainstream and overbank velocities and depths over the floodplain along the proposed access route.
- The Consultant shall determine the storm durations and flood levels for the PMF, 1%, 2%, 5% and 20% AEP events for Council's consideration.
- Dwelling(s) shall be located on land above the PMF and the extent is to be shown on the subdivision plan.
- Where the 1% AEP storm duration is less than 2 hours the proposed access is to be constructed to the highest of either the 20% AEP flood level or to the Council's adjoining road flood frequency.
- Where the access proposed is to be below the 20% AEP flood event or the 1% AEP storm duration exceeds 2 hours then an alternative *practicable* all weather informal access is required via adjoining property(s) to high ground and to a flood free public road. The access to be *informally* arranged.
- Flood depth indicators and delineation guide posts including flood warning signs shall be installed over the extent of the 1% AEP floodplain to identify the alignment of the access and depth of floodwaters over the access road. The signage should warn people not to cross the access when covered by floodwaters.
- The creek crossing shall be designed so that the construction of the creek crossing and its approaches must not raise flood levels for the 1% AEP event by more than 10mm (Council's standard) at the adjoining property boundaries and this must be certified by a competent practicing hydraulics engineer. The designed crossing shall not have a significant detriment to the creek environment and should incorporate environmental protection measures as appropriate.
- A message will be placed on the Section 149 certificate notice for the property advising that the access is constructed to a level below Council's flood standards and that the property does not have safe flood free access up to Council's standard. Access may therefore be denied in severe flood events. Alternate access shall be arranged to higher ground through adjoining property.
- Alternative access methods for emergency services should also be considered close to the proposed

dwelling(s), i.e. a helicopter landing area.

- The access driveway is to be sealed over the full extent of the 1% AEP floodplain to prevent erosion and siltation of the creek.

**Figure 9 - Illustration of the three rural access strategies**



## 6.7.12 Helpful Resources

### 6.7.12.1 Water Smart Practice Notes

Water Smart Practice Notes provide the detail to apply the best-practice guiding principles and requirements of some of the targets within this plan. They are available on-line from the Hunter Central Coast Regional Environmental Management Strategy (HCCREMS) website:

[http://www.hccrems.com.au/RESOURCES/Library/Water/HCCREMS\\_WaterSmart-PracticeNotes-07.aspx](http://www.hccrems.com.au/RESOURCES/Library/Water/HCCREMS_WaterSmart-PracticeNotes-07.aspx)

1	The WaterSmart Home	706kb PDF
2	Site Planning	1Mb PDF
3	Drainage Design	508kb PDF
4	Rainwater Tanks	786kb PDF
5	Infiltration Devices	606kb PDF
6	Paving	574kb PDF
7	Landscape Stormwater Measures	863kb PDF
8	Water Efficient Landscape Practices	978kb PDF
9	Wastewater Reuse	464kb PDF
10	Groundwater	444kb PDF
11	Site Discharge Index	1Mb PDF

### 6.7.12.2 Estimation of soil infiltration Rates

Hydraulic conductivity can be roughly estimated by digging a test hole on site, filling with water, and measuring time it takes for the water level to fall a certain depth (in mm/hr). Note that this method will certainly over-estimate the actual hydraulic conductivity, given that water can infiltrate through both the bottom and the sides of the hole. However it will certainly give an indication of whether the soil type is unsuitable for infiltration. More accurate measurements of hydraulic conductivity can be made by laboratory testing, or by more advanced in-situ test methods<sup>12</sup>.

Hydraulic conductivity ranges for common soils are as follows:

**Table 6 Soil Properties**

Soil Type	Hydraulic Conductivity	Distance to Footings
Sandy soils	> 180mm/hr	1 metre
Sandy clays	from 3.6mm/hr to 180mm/hr	2 metres
Medium clays	from 3.6mm/hr to 3.6mm/hr	4 metres
Heavy clays	< 3.6mm/hr	5 metres

Soils with a hydraulic conductivity in the range of 100-400mm/hr are often capable of managing runoff from small-moderate storms without overflow. The optimum soil type is loamy sand.

Soils with a hydraulic conductivity less than 50mm/hr are not able to effectively manage storm runoff; however ponded water will still eventually soak away.

Sandy soils may have a very high initial porosity (hydraulic conductivity) of up to 2000mm/hr. However they are prone to surface clogging - especially by clays and silts during construction.

**6.7.12.3 Specification for rain-garden or bioretention filter media**

The preferred filter media type is loamy sand. Filter media should (FAWB 2008, p.35):

- Be well graded and contain no gaps in the particle size range.
- Have a particle size distribution (% w/w) of:
  - Clay & silt <3%
  - Very fine Sand 5-30%
  - Fine sand 10-30%
  - Medium-course sand 40-60%
  - Coarse sand 7-10%
  - Fine Gravel <3%
- Contain less than 5% w/w of organic matter and less than 100 mg/kg of phosphorus (to avoid leaching of nutrients).
- Not be hydrophobic
- Not contain dispersive clays
- Be free of rubbish, toxicants, declared plants and local weeds

Biofilters will experience a drop in hydraulic conductivity immediately following construction, mainly due to compaction. However infiltration capacity will recover due to plant activity, provided the system is not overloaded with silt. Plants with large diameter roots are better than those with fine roots at maintaining infiltration capacity.

**6.7.12.4 Specification for selection of plants**

Some plants are much better at removing nutrients than others. The filter media is important for the removal of solids (total Suspended Solids and Gross Pollutants) and for the health of the plants:

- Native plant species that are suitable for use in stormwater management measures can be found in Practice Note 7
- Water efficient landscaping practices and species can be found in Practice Note 8.
- A mix of species is preferred to promote biodiversity
- The majority of plants should be made up of plants that are efficient at Nitrogen removal, such as Carex species, Juncus species, Melaleuca species, or Goodenia ovata. The remainder can be chosen for aesthetic or biodiversity outcomes.
- Plants are essential to maintain hydraulic conductivity
- Species with thick roots help, such as Melaleuca species
- The effect grows with time as the plants are established
- Higher density planting results in less weed invasion and lower maintenance.

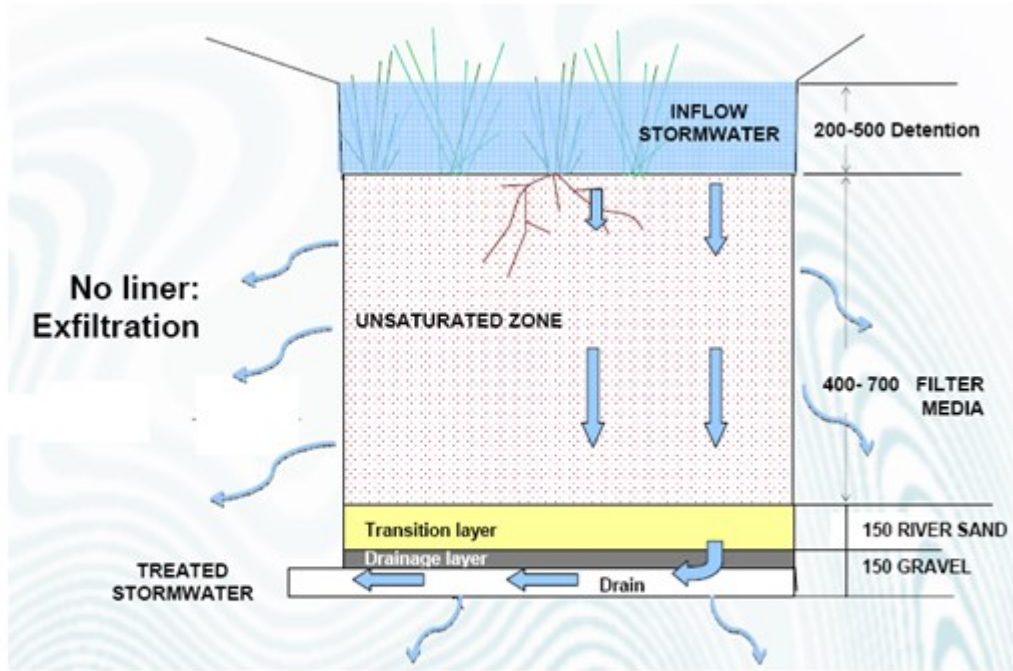


Figure 10 - An unlined system is much better for flow management. An sub-soil outlet at the base is required when the hydraulic conductivity of the surrounding soil is less than 50mm/hour (FAWB 2008, p.17).

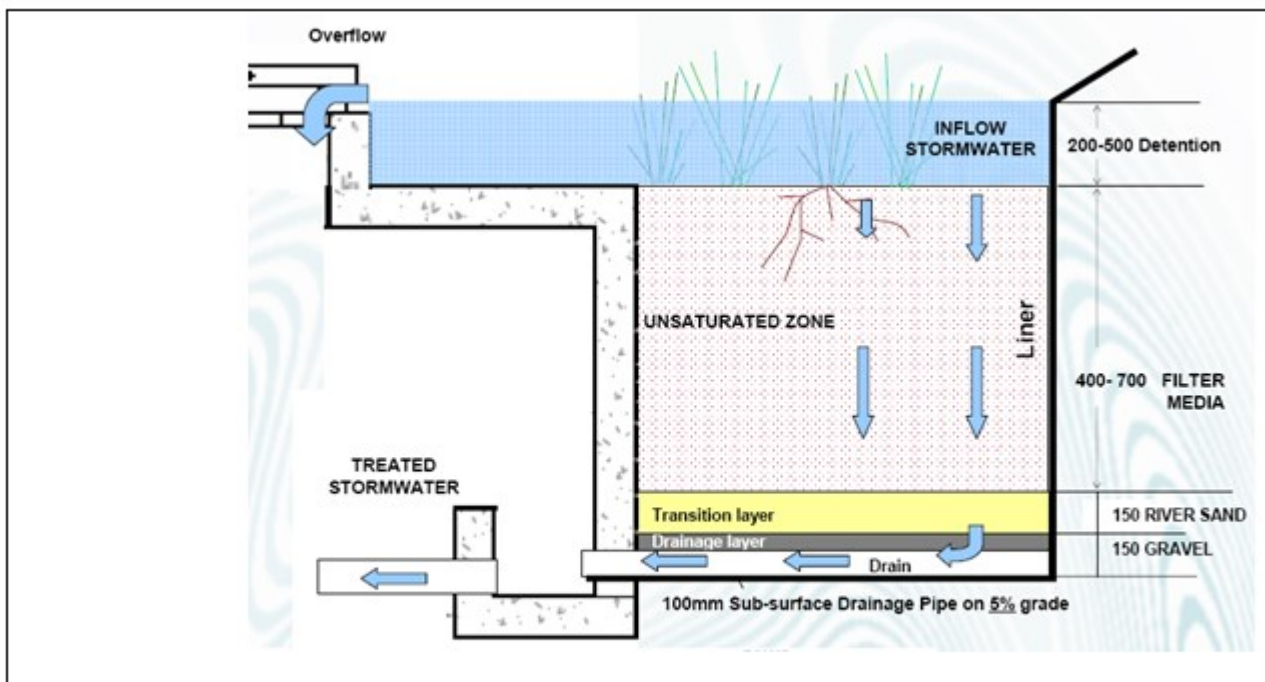


Figure 11 - A lined system is not as efficient as an unlined system, but is required if an infiltration device is to be located close to infrastructure or buildings (FAWB 2008, p.17).

**Reference**

<sup>12</sup> Appendix A in Argue (2004). A much more reliable in-site measurement of hydraulic conductivity can be found in Appendix B of FAWB (2008).

**6.7.13 References**

Argue, J. R. (2004) *Water Sensitive Urban Design: Basic Procedures for Source Control of Stormwater, A Handbook for Australian practice*, First Edition, University of South Australia in collaboration with Stormwater Industry



Association and Australian Water Association, Adelaide, SA, November 2004.

ARQ (2006) *Australian Runoff Quality - A guide to Water Sensitive Urban Design*, Wong, T. H. F. (ed.), The Institution of Engineers, Australia, Crows Nest, NSW.

ARR (1987) *Australian Runoff and Runoff - A guide to Flood Estimation*, Pilgrim, D. H. (ed.), The Institution of Engineers, Australia, Barton, ACT.

Austrroads (2003) *Guidelines for treatment of stormwater runoff from the road infrastructure*, Prepared by Parsons Brinckerhoff and Ecological Engineering P/L for Austrroads Inc., Sydney. NSW.

AGO (2007) *Climate Change Adaptation Actions for Local Government*, Report by SMEC Australia to the Australian Greenhouse Office, Department of the Environment and Water Resources, Commonwealth of Australia, Canberra, ACT, 2007.

BOM (1994) *Bulletin 53: The Estimation of Probable Maximum Precipitation in Australia: Generalised Short-Duration Method*, (as amended in January 2003), Bureau of Meteorology, Commonwealth of Australia, Canberra, 1994.

Bren, L., Dyer, F., Hairsine, P., Riddiford, J., Sirrwardhena, V. & Zieholtz, C. (1997) *Controlling sediment and nutrient movement within catchments*, CRC for Catchment Hydrology, Industry Report 97/9, Melbourne, VIC.

Clausen, J. (2007) *Towards "Fair" Asset Management*, Morrison Low & Associates, Auckland, New Zealand.

CMA (2007) *Hunter-Central Rivers Catchment Action Plan*, Hunter-Central Rivers Catchment Management Authority, NSW, January 2007.

CSIRO (2007) *Climate Change in Australia - technical report 2007*, Commonwealth Scientific and Industrial Research Organisation, Bureau of Meteorology and other various authors.

DECC (2007a) *Practical Consideration of Climate Change - Flooplain Risk Management Guideline*, NSW Department of Environment & Climate Change, NSW, 25 October.

DECC (2007b) *Managing urban stormwater: urban design*, NSW Department of Environment & Climate Change in association with the Sydney Metropolitan Catchment Management Authority, consultation draft, October 2007.

DECC (2007c) *Managing urban stormwater: an integrated approach*, NSW Department of Environment & Climate Change in association with the Sydney Metropolitan Catchment Management Authority, consultation draft, October 2007.

DECC (2007d) *Managing urban stormwater: Treatment Techniques*, NSW Department of Environment & Climate Change in association with the Sydney Metropolitan Catchment Management Authority, consultation draft, 2nd edition, October 2007

DEUS (2004) *Integrated Water Cycle Management Guidelines for NSW Local Water Utilities*, Department of Energy Utilities and Sustainability, Sydney, NSW, October 2004.

DIPNR (2005) *Floodplain Development Manual: the management of flood liable land*, Department of Infrastructure Planning and Natural Resources, NSW Government, gazetted May 2005.

FAWB (2008) *Advancing The Design of Stormwater Biofiltration*, Facility for Advancing Water Biofiltration, Melbourne, June

GCC (2007a) *DCP 165 - Water Cycle Management*, Gosford City Council, Amendment 1, Gosford, NSW, March 2007.

GCC (2007b) Water Cycle Management Guidelines for DCP 165, Gosford City Council, Gosford, NSW, March 2007.

GCC (2007c) Gosford City Council Integrated Water Cycle Management Study - Phase 2: IWCM Sub-Plan, Report by MWH for Gosford City Council, Sydney, NSW, July 2007.

GWCWA (2007) WaterPlan 2050: A long-term water supply strategy for the Central Coast, Gosford-Wyong Councils' Water Authority, Wyong, NSW, May 2007.

HCCREMS (2007) Water Smart Planning Provisions: for the Hunter Central Coast Region, Second revised edition, Hunter and Central Coast Regional Environmental Management Strategy (Subsequently HCCREMS), Thornton, NSW, May.

HCCREMS (2008) Position Paper: Adoption of a Regionally Consistent Planning Level in Response to Climate Change Induced Sea Level Rise, Hunter and Central Coast Regional Environmental Management Strategy, Director's Forum, Thornton, NSW, 26 June.

HNFMSC (2006a) Reducing Vulnerability of Buildings to Flood Damage: guidance on building in flood prone areas, Hawkesbury-Nepean Floodplain Management Steering Committee, Sydney, NSW, June.

HNFMSC (2006b) Designing Safer Subdivisions: guidance on subdivision design in flood prone areas, Hawkesbury-Nepean Floodplain Management Steering Committee, Sydney, NSW, June.

HNFMSC (2006c) Managing Flood Risk Through Planning Opportunities: guidance on land use planning in flood prone areas, Hawkesbury-Nepean Floodplain Management Steering Committee, Sydney, NSW, June.

IPCC (2007) 'Climate Change 2007: The Physical Science Basis. Summary for Policymakers.' Contribution of Working Group 1 to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, 5 February 2007.

IPWEA (2008) Condition Assessment and Asset Performance Guidelines: Preamble Document, IPWEA (Australia) and NAMS Group (New Zealand).

LGSA (2006) Are Councils Sustainable? Independent Inquiry into the Financial Sustainability of NSW Local Government, Local Government and Shires Associations of NSW, March 2006.

NSW Health (2007) Guideline: Rainwater Tanks where a Public Water Supply is Available - Use of, Document No. GL2007\_009, Sydney, NSW, 6 June 2007.

Melbourne Water (2005) WSUD Engineering Procedures: Stormwater, Prepared by Ecological Engineering, WBM Oceanics and Parsons Brinkerhoff for Melbourne Water, CSIRO Publishing, Collingwood, VIC.

UPRCT (2003) Water Sensitive Planning Guide for the Sydney Region, Upper Parramatta River Catchment Trust, Parramatta, NSW.

UPRCT (2004) Water Sensitive Urban Design Technical Guidelines for Western Sydney, Upper Parramatta River Catchment Trust, Parramatta, NSW.



## Part 7 General Controls

### 7.1 Car Parking

#### 7.1.1 Introduction

##### 7.1.1.1 Where this Chapter Applies

This chapter applies where development occurs within the City of Gosford and a need is thereby created for on-site car parking.

##### 7.1.1.2 Purpose of this Chapter

The purpose of this chapter is to ensure that sufficient, well designed on-site parking provisions are made in all new developments and when changes occur to the existing use/development of premises. It provides details of Council's requirements and guidelines for the planning and design of on-site car parking facilities which satisfy the demand resulting from the development of the site.

##### 7.1.1.3 Objectives

The objectives of this chapter are as follows:

- a. To facilitate traffic management and safe traffic movement.
- b. To establish an appropriate environmental quality for parking facilities associated with site development
- c. To provide parking facilities which are convenient and sufficient for the use of service groups, employees, and visitors.
- d. To ensure that a balance is achieved between the needs of the proposed development and its use, and that of vehicular and pedestrian traffic.

#### 7.1.2 Implementation

##### 7.1.2.1 General Principles

In determining the car parking requirements for a development proposal, the following principles shall be followed:

- a. The minimum standards as set out in this chapter;
- b. The likely demand for on-site parking to be generated by the development;
- c. The availability of public transport in the vicinity to service the likely demands to be generated by the development;
- d. Traffic volumes on the surrounding street network, including, where relevant, likely future traffic volumes;
- e. The probable mode of transport of the users of the development;
- f. The likely peak usage times of the development.
- g. The provision of alternative private transport arrangements (eg courtesy buses to licensed premises at no charge to users).

##### 7.1.2.2 Variations and Compliance

- a. On site parking will be required in accordance with the standards of this plan except where good cause can be shown as to why strict compliance is unnecessary.

Requests for variation must be supported by information and data to substantiate that an alternative standard is appropriate. Except for minor variations, this information should take the form of a Traffic Impact Statement and/or Parking Needs Survey carried out by suitably qualified consultants.

- b. Compliance with the provisions of this plan will not necessarily constitute sufficient reason for consenting to a development application. Each application must be treated on its individual merits in relation to the general principles (refer paragraph 7.1.2.1) and the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979.
- c. For developments incorporating different categories of uses, a separate calculation will be made for each component. Parking needs will be calculated on peak time. However, where peak demands for each land use

component of the development are staggered, and this can be demonstrated to the satisfaction of the Council, a reduction in the total number of spaces required may be accepted.

#### **7.1.2.3 Existing Development**

1. Where an existing building is to be replaced by a new building which has a floor area not exceeding the floor area of the existing building and no change of use is proposed, no additional parking is required to be provided. Any existing parking on the site, up to the number of spaces required under this plan for the existing development, or any requirement of the consent for the existing development, must be maintained on the site.
2. Where an existing building is to be replaced by a new building,
  - i. having a floor area greater than the existing building and / or
  - ii. which will have a different use and/or
  - iii. where renovations, alterations or additions create potential to generate additional visitor and customer demand;

car parking is to be provided as calculated under this chapter for the new building area and use.

#### **7.1.2.4 Change of Use**

- a. Where the use of an existing building is to be changed, the Council will require that additional car parking (if any) be provided on the basis of the difference between the requirements for the approved/authorised existing use and the proposed use.
- b. Notwithstanding subclause 7.1.2.4.a nothing in this plan shall be applied to require that additional parking is required for the conversion of existing business/office floor space to either retail or restaurant land use in the Gosford Regional City Centre. This saving provision only applies to the Gosford Regional City Centre because of the Gosford Parking Loan Rate which applies to this area.

#### **7.1.2.5 Renovation of Existing Buildings**

Nothing in this chapter requires the provision of additional parking where an existing building is being renovated for its existing use.

#### **7.1.2.6 Cash Contribution in Lieu**

- a. In a number of commercial centres, a cash contribution may be required or accepted in lieu of the provision of all or some of the car parking requirement being provided on the site.

The centres where cash contributions are required are listed in **Appendix A** of this chapter.

- b. The sum payable in respect of a parking space in each of the centres identified is determined periodically by the Council. Details can be obtained by reference to the appropriate Section 94 Contribution Plan for the provision of Car Parking.

In the following commercial centres, no less than two thirds of the calculated parking requirement is to be provided on site, the balance is to be provided by way of cash s94 contribution.

- Terrigal
- Woy Woy

The two thirds is to be calculated on the total number of spaces required after allowance (if any), for existing development under clause 7.1.2.3 or any similar adjustment.

#### **7.1.2.7 Car Parking with Persons with Disability**

Provision is to be made for persons with disability in the provision of car parking facilities, and in accordance with Australian Standard AS 2890.6.2009

- a. Where car parking is provided in excess of five (5) spaces, provision shall be made for parking for persons with a disability at the rate of one (1) space per one hundred (100) or part thereof of car spaces provided. A higher proportion of such spaces may be required for uses which are likely to generate a higher demand for such facilities.

- b. The location of spaces designated for persons with disability should be close to an entrance to a building or facility with access from the car space by ramps and/or lifts in accordance with Australian Standard AS 1428.1 and Part D3 of the Building Code of Australia.
- c. Car spaces provided under this provision shall be kept or made available for use by persons with disability as required.
- d. In any residential development, consideration should be given to providing garages in accordance with the dimensions for class 4 spaces under AS 2890.1. This would provide flexibility in making such facilities available for occupants with disability, or if not so used, provide domestic storage space.

### 7.1.3 Car Parking Requirement for Specific Land Uses

#### 7.1.3.1 Definitions

The definitions of the various types of land use and other terms used are to be those used in Gosford LEP 2014 applying to the land. In the absence of an appropriate definition within those instruments, the definition (if any) in the Model Provisions (Environmental Planning and Assessment Act 1979) is to be used. In other instances it is expected that the commonly understood meaning of the terminology will apply.

In the table "Schedule of Requirements" a reference to parking requirements for:

- i. Resident Manager/Caretaker includes any owner, manager, caretaker or other employee for whom "live-in" accommodation is provided on the premises.
- ii. Employee or staff includes the number of staff on the site at any one time during peak operating period, with provision for overlap where shifts are involved.
- iii. Except where otherwise indicated, a rate per square metre of floor area shall be calculated on the basis of gross floor area.

#### 7.1.3.2 Schedule of Requirements

Land-Use	Parking Requirement	Notes
<b>A. Residential</b>		
Dwellings	Dwellings less than 125m <sup>2</sup> - 1 car parking space Dwellings greater than 125m <sup>2</sup> - 2 car parking spaces	One space to be covered (ie carport or garage) set back a minimum of six (6) metres from the frontage of the site.
Dual Occupancy	Dwellings less than 125m <sup>2</sup> - 1 car parking space Dwellings greater than or equal to 125m <sup>2</sup> - 2 car parking spaces	One space to be covered (ie carport or garage) set back a minimum of six (6) from the frontage of the site.

Land-Use	Parking Requirement	Notes
<p>Multi Dwelling Housing/Residential Flat Building</p>	<p><b>1. Assigned Parking Numbers</b></p> <p><b>Medium density residential development is to provide the following minimum numbers of onsite assigned parking:</b></p> <p>* 1.5 car spaces per dwelling, rounded up to the next whole number; or</p> <p>* 1 car space per dwelling within 400m of a train station;</p> <p><b>2. Assigned Visitor Parking</b></p> <p>Visitor spaces, calculated on the basis of 0.2 spaces per dwelling, rounded up to the next whole number, must be provided on site and clearly marked for use by visitors only.</p> <p>In the area defined as the Peninsula (ie Booker Bay, Blackwall, Ettalong, Umina, Woy Woy) visitor parking and service vehicle access may be provided on the existing street where:</p> <p>* development contains less than 4 units, or</p> <p>* unrestricted on-street parking is safely available within 60m of the development;</p> <p>Visitor Parking spaces are not to be located between the front building line and the front boundary to a street.</p>	
<p>Shop-Top Housing</p>	<p>1 car space per dwelling</p>	

Land-Use	Parking Requirement	Notes
<b>B. Casual Accommodation</b>  Hotel (Pub) or Motel Accommodation/Tourist and Visitor Accommodation	1 space per accommodation unit, plus 1 space for every 2 persons employed in connection with the development and on duty at any one time.	Reception Office to be located so that entering vehicles travel at least 16m (measured along the centre of the driveway) before being required to stop.  Restaurants etc associated with the development and open to the general public, will require additional parking at the rate for that use in that locality. (See Part C)
Tourist and Visitor Accommodation (as Backpacker Accommodation)	1 space for each 5 occupants/lodgers plus 1 space for any resident manager, plus 1 space for each 2 employees.	Applies to uses where the accommodation is directed to travellers, a majority of whom do not use private motor vehicles.
Hospital	1 space per 2 beds and 1 space per 2 employees	
<b>C. Recreation</b>  Pub / Registered Club	1 space per 10 m <sup>2</sup> of gross floor area up to 5000m <sup>2</sup> (including outside seating areas)  1 spaces per 20m <sup>2</sup> of gross floor area over 5000m <sup>2</sup> (including outside seating areas)	Accommodation where provided shall require parking at the appropriate rate under Part B.
Restaurants, food and drink premises	The rate applicable to shops where the site is within a centre as listed in Appendix B of this chapter, or elsewhere at the rate of 1 per 16m <sup>2</sup> floor area. Outdoor dining areas require additional parking at the rate applicable for restaurants.	Premises with a drive through facility generally associated with businesses like KFC or McDonald's require a minimum of 30 spaces.
<b>D. Commercial</b>  Office Premises	1 space per 30m <sup>2</sup> gross floor area in the B5 Enterprise Corridor at Erina, elsewhere 1 space per 40m <sup>2</sup> gross floor area.	
Medical Centres / Health Consulting Rooms	3 spaces per surgery or consulting room, plus 1 space for each professional practitioner and other staff present at any one time. The rate applicable to office premises applies to where the site is a centre listed in Appendix E of this chapter.	

Land-Use	Parking Requirement	Notes
Service Stations	1 car parking space per 2 staff plus 3 car parking spaces per work bay plus 1 car parking space per 25sqm of retail convenience store plus 1 space per 16 sqm of food and drink premises including any area for outside dining	
Vehicle repair station and vehicle body repair workshop	3 spaces per 100m <sup>2</sup> gross floor area or 3 spaces per work-bay whichever is the greater.	
Vehicle Sales or Hire Premises	1.5 spaces per 200m <sup>2</sup> site area used for this purpose, plus 6 spaces per service bay or 1 space for every 2 persons employed in connection with the use.	
Drive-In Liquor Outlet	2 spaces plus 1 space per person employed in connection with the use and on duty at any one time.	These spaces to be exclusive of the driveway area used for queuing and service to customers in their vehicle. Driveways to be a minimum of two lanes width, one way circulation. Refer RMS Guidelines.
Bulky Goods Premises	1 space per 45m <sup>2</sup> gross floor area.	
Shops	a) In the B3 Commercial Core or B4 Mixed Use Zone 1 space per 40m <sup>2</sup> gross floor area, b) In any other situation 1 space per 30m <sup>2</sup> gross floor area,	
Markets	1 car parking space per 18sqm	This provision does not apply to approved markets operated by a community organisation for charitable purposes.
Plant Nursery/ Landscape & Garden Supplies	1 space per 30m <sup>2</sup> gross floor area of any building used for the retailing of plants and associated products, plus 1 space per 45m <sup>2</sup> for outdoor areas used for display purposes associated with retail sales, plus 1 space per 200m <sup>2</sup> for areas used exclusively for propagation or storage, whether indoor or outdoor.	Plant Nurseries not retailing or open to the general public are considered as Agriculture.
<b>E. Industrial</b>	1 space per 100m <sup>2</sup> of industrial floor space 1 space per 300m <sup>2</sup> for warehouse/bulk stores/self storage units. 1 space per 40m <sup>2</sup> for ancillary office space. 1 space per 30m <sup>2</sup> for ancillary retail space.	The need for additional car parking for future change of use from a warehouse bulk store should be considered



Land-Use	Parking Requirement	Notes
<b>F. Community Facilities</b>		
Place of Public Worship and Place of Public Entertainment (not elsewhere mentioned)	1 space per 20m <sup>2</sup> gross floor area, or 1 space per 10 seats, whichever is the greater.	
Child Care Centres	1 space per person employed in connection with the use, plus a temporary stand area at the rate of 1 car for each 6 children (a minimum of 5 temporary stand spaces).	The temporary standing area is to be designed so that vehicles can enter or leave the site moving in a forward direction and without conflicting with other traffic/parking movements.
Educational Establishments	1 space per 1 staff place 1 space per 10 year 12 students	
<b>G. Other Uses</b>	Not specified	The Roads and Maritime Services guidelines will be applied to developments of a minor nature including extensions etc, however for a major proposal the application is to be supported by a Traffic Impact Statement with recommendation as to the appropriate provision for on-site car parking.

### 7.1.3.3 Bicycle Parking Facilities

- a. Provision is to be made for cyclists via the installation of bicycle parking facilities in accordance with Australian Standard AS 2890.3.
- b. Classes of facilities are defined in **Appendix C** of this chapter.
- c. The dimensional requirements for on-site parking facilities and access to parking spaces for all classes of facilities are to be set out in accordance with AS 2890.3.

## 7.1.4 Design Criteria

### 7.1.4.1 Location of On Site Parking

- a. Parking facilities are to be located so that their use is encouraged and evident from the street, particularly visitor and customer parking.
- b. Parking spaces for employees and for longer duration parking should be located more remotely from the street.
- c. So as to achieve an acceptable level of amenity and a satisfactory relationship between adjoining land uses, the location of the parking area(s) within the site shall have regard to:
  - i. Site conditions such as slope and drainage;
  - ii. The relationship of the building to the parking area; and
  - iii. The proximity of the parking area to any neighbouring residential areas.

### 7.1.4.2 Parking Spaces and Driveway Standards

- a. The dimensional requirements for on-site car parking spaces and driveways giving access to parking spaces shall generally be as set out in accordance with the Australian Standard - AS 2890.1 except where the requirements are specifically defined in this plan.
- b. The grade on any driveway within a development site shall not exceed 1 in 5 (20%) provided that a transitional grade not exceeding 1 in 10 (10%) shall be provided for a distance of 3 metre at either end of the grade which exceeds 1 in 10.
- c. The minimum dimension for a covered car space (i.e. carport or garage) serving a residential development shall

be:

- i. 3m x 6m clear internal dimension, except where there is a physical restriction to both sides of the space, in which case the width of the space shall be not less than 3.2m.
  - ii. The minimum clear internal dimension of a double garage will be 6m x 6m, excluding any engaged piers, ducting, stairs, splays or any protrusions.
- d. Where a covered car space is provided in association with a residential development, at or near right angle to the driveway or from a curved driveway from which access is gained, the following minimum dimensions shall apply:

Minimum clear width of opening	Minimum distance of outside edge of driveway from opening		
	Driveway not greater than 12% slope	Driveway greater than 12% but not greater than 20% slope	Driveway greater than 20% slope
2.6m	6.5m	7.0m	7.5m
2.8m	6.0m	6.5m	7.0m
3.3m	5.5m	6.0m	6.5m
3.7m	5.0m	5.5m	6.0m

provided that:

- i. the edge of any driveway adjacent to a property boundary shall be measured not less than 0.2m from the boundary.
  - ii. a driveway shall not be less than 3m wide. This may be reduced to 2.7m provided 0.3m either side remains unobstructed.
  - iii. the slope of a driveway for the purpose of this subclause shall be the maximum gradient within the vicinity of the car parking space into which the vehicle will be required to make a turning movement.
  - iv. the car parking space shall be of such width that the vehicle shall come to rest in the centre of the space.
  - v. a driveway which has a slope greater than 12% shall have a surface treatment which minimises wheel-skid in wet conditions.
- e. Where a covered space is not at or near right angles to the driveway from which vehicles gain access, the requirements for driveway widths, minimum openings, etc, shall be assessed on its merits.
- f. Development plans are to show the following information:
- i. vehicular swept paths and dimensions of clear manoeuvring areas;
  - ii. a longitudinal section through the centre line of the driveway from the kerb to the proposed garages, showing grades and suitable transition at changes of grade;
  - iii. drainage pits and pipes.
  - iv. a pavement design prepared by a suitably qualified engineer.

#### 7.1.4.3 Loading/Unloading

- a. On-site loading and unloading facilities shall be provided for all business, commercial, industrial, office, retail and storage uses and any other use where comparatively regular deliveries of goods are made to or from the site and as may be required by Council.
- b. The number of loading docks provided shall be determined having regard to the scale and type of use proposed. In this regard full details of the anticipated volume and frequency of deliveries shall be supplied with each development application.
- c. All loading docks are to be used solely for loading and unloading purposes. No waste products or merchandise are to be stored in the loading dock. The loading dock may be used for the purpose of loading and unloading of waste products to a garbage collection vehicle.
- d. Loading Bays shall comply with AS 2890:2002:
- e. The provision of adequate on-site turning facilities will be required for commercial vehicles.

The location of loading docks which involve the reversing of vehicles either to or from a road, other than a local access lane will not be supported.

Under no circumstances will Council permit the reversing of vehicles onto a Main or Arterial Road or designated future by-pass route.

- f. The provision of adequate manoeuvring area to allow safe and convenient turning movements from the street/road onto access driveways/road within the site.  
The type and size of delivery vehicles is to be submitted with the development application and will be specifically approved for use with the development.

If "B" type train vehicles are proposed to be used Council will require adequate on-site access, turning and loading facilities and nomination of proposed access routes over public roads.

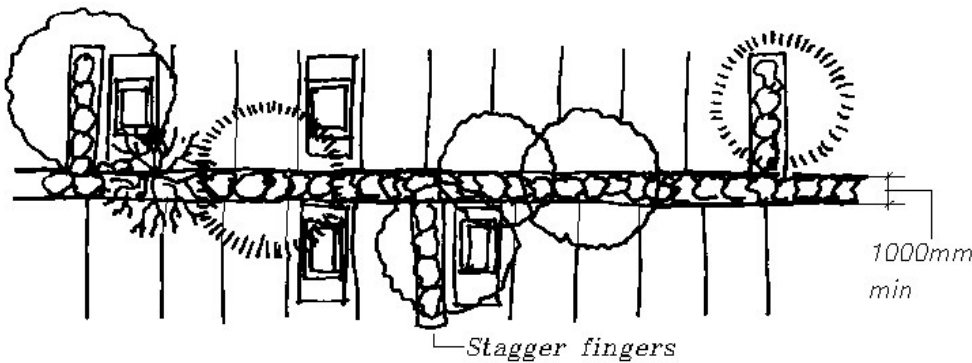
#### 7.1.4.4 Landscaping

- a. Landscaping is to be provided so that there is sufficient planting to achieve a satisfactory appearance of parking areas, particularly those with large areas of bitumen, and to provide shade.
- b. A minimum area of 2.5m<sup>2</sup> per car space is required for landscaping within a car park area. This requirement is in addition to the requirement of landscaping around the perimeter of the site.

The vegetation is to be selected so that, at maturity, 50% of the area of the parking spaces is under shade at midday in mid-summer.

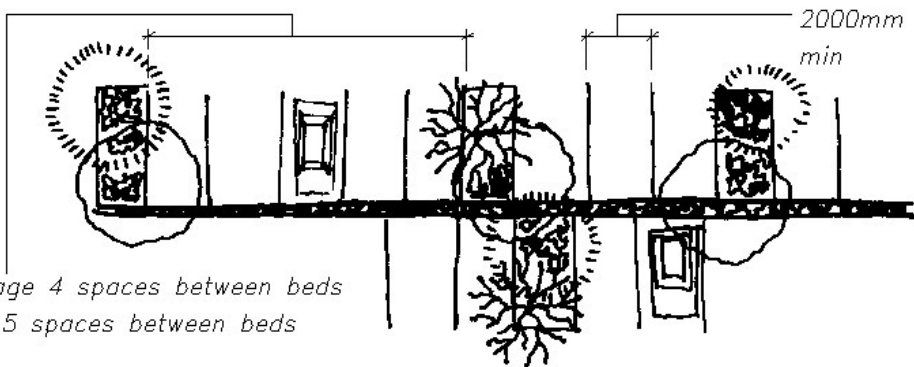
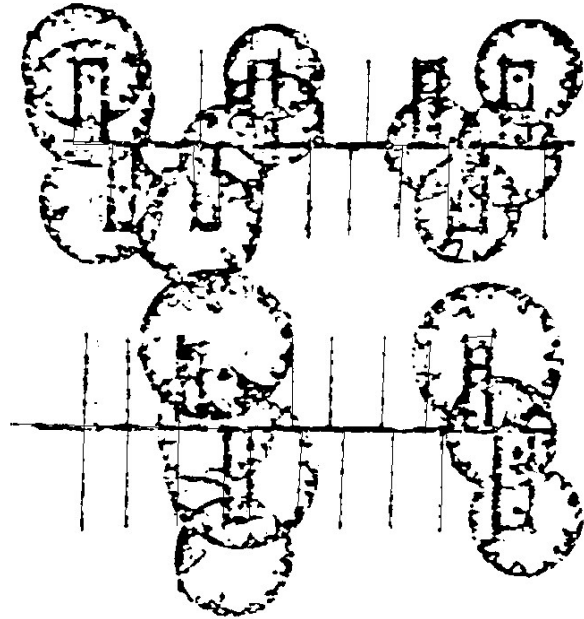
- c. *Arrangement of Planted Area*

- i. Planting strips between aisles of parking bays:



Minimum bed width 1000mm. Fingers can be reduced to 600mm width if tree guards are used. Fingers are not required to extend full depth of parking bay planting areas.

- ii. No planting strip between aisles of parking bays



Minimum bed width 2000mm.  
Minimum 2 shade trees/bed.  
Space beds to create a variety of spaces and to group the planting into clumps of trees rather than establishing a grid of trees.

- d. Plants used for landscaping car park areas should, whenever possible, be:

- Native to the region,
- Suitable for the eco-climate produced within the car park
- able to provide foliage at the appropriate height/spread to avoid creating sight distance in security problems, and be able to provide shade to vehicles and pavement areas,
- species which will not damage car surfaces by dropping of fruit etc.

A list of plants suitable for use in car parks is included in **Appendix D** of this chapter.

#### 7.1.4.5 Directional Signs and Marking

- a. Clear and precise marking of a parking area is of prime importance in the prevention of choking of the aisles and for the general ease of use of the facility. Details of all proposed signposting and marking for parking areas are to be submitted with the building application for council's approval.
- b. Entry/Exit points must be clearly marked so as to avoid any confusion. Within the car park, signs should be located at regular locations so that drivers wishing to leave the car park may do so by the most efficient route. Signposting should be easily seen and understood.
- c. One-way markings must be clearly set out on the pavement in such a manner as to be easily legible and understandable to the users of the car park.
- d. In certain situations, the installation of signs to Council's satisfaction may be required over and above the normal requirements.
- e. Experience has shown that yellow paint is difficult to see under adverse lighting conditions. It is considered that white paint is the most suitable colour for use as a pavement marking.
- f. All parking bay delineation, arrows and other information for the driver, painted on the pavement are to be

marked using white paint. Delineation should not be less than 75mm or greater than 100mm wide.

## 7.1.5 Construction Requirements

### 7.1.5.1 Standards

All driveways, vehicle manoeuvring areas, and car parking spaces are to be properly constructed, graded, drained and sealed with an impervious all weather material.

- a. The works are to be maintained to a satisfactory standard throughout the term of development and/or use of the land for which the facilities are provided.
- b. Kerb and gutter crossings are to be constructed to Council standards. They are to conform to the levels of the road drainage system. In no case is any crossing to obstruct the flow of water along the gutter.
- c. Vehicle crossings over the footpath and gutter crossings may be constructed by Council or a private contractor.
- d. A written application is to be made to Council for approval to construct by private contractor.
- e. Grades of areas to be used by vehicular traffic are to be equal to or below the maximums shown below in accordance with AS 2890.1-2004

### 7.1.5.2 Structure Parking

- a. Generally, bay sizes, driveways, access, circulation, pedestrian access, drainage and landscaping requirements are to comply with the guidelines described elsewhere in this document, particularly Australian Standard AS 2890.1.
- b. Design specification requirements:

Loading	AS 1170 SAA Loading Code
Steel Structure	AS 1250 SAA Steel Structures Code
Concrete Structure	AS 1480 SAA Concrete Structures Code
	AS 1481 SAA Prestressed Concrete Code
Fire Rating	Building Code of Australia
Ventilation	Building Code of Australia

### 7.1.5.3 Access/Egress to Streets

- a. The entry and exit requirements for parking areas may vary in relation to:
  - the size of vehicles likely to enter the proposed development,
  - the volume of traffic on the streets serving the proposed development,
  - the volume of traffic generated by the proposed development.
- b. The standards recommended by the NSW Roads and Maritime Services for traffic generating developments are adopted for the purpose of this Plan.
- c. Gradients of ramps and access driveways should be in accordance with Australia Standard AS 2890.1.
- d. Parking areas are to be designed to enable egress to the street in a forward direction.

## Appendices

### Appendix A

#### List of Centres referred to under clause 7.1.2.6

#### Areas where a Contribution Plan exists for the payment of a s94 contribution in lieu of the provision of on-site parking

Avoca Beach  
 East Gosford  
 Ettalong  
 Terrigal  
 Umina  
 Woy Woy

## Appendix B

### List of Centres referred to in Schedule under clause 7.1.3.2

Centre	Land Zoned B1 Neighbourhood Centre or B2 Local Centre located:
Avoca Beach	in the vicinity of Avoca Drive and Ficus Avenue
Copacabana	at Del Monte Place and Pampas Avenue
Daleys Point	at Empire Bay Drive and Peridon Avenue
East Gosford	south of Althorpe Street
Erina	within the main building known as Central Coast Fair
Ettalong	at Ocean View Drive, Memorial Avenue, Picnic Parade
Forresters Beach	adjacent to Forresters Beach Road
Green Point	at Avoca Drive, Bayside Avenue, Orana Street
Kincumber	at Avoca Drive, Bungoona Road
Niagara Park	at Washington Avenue
Saratoga	at Village Road
Terrigal	in the vicinity of The Esplanade, Church Street, Campbell Street
Umina	in the vicinity of West Street
Wamberal	in the vicinity of The Entrance Road, Gheri Avenue
West Gosford	at Brisbane Water Drive
Woy Woy	at Blackwall Road and in the vicinity of Deepwater Plaza
Wyoming	at the Pacific Highway, Renwick Street, Kinarra Avenue
Gosford	land within the B3 Commercial Core and B4 Mixed Use Zone

## Appendix C

### Classes of Bicycle Parking Facility referred to under clause 7.1.3.3

Facility class	Security arrangements	Surveillance	Application
1	Bicycles are stored in a completely enclosed individual locker such that the bicycle is protected from and hidden from view. A unique key is provided.	Direct surveillance is not normally required but lockers should be located in a reasonably well lit public place to deter vandalism.	All-day parking where owner continues on to a remote location eg as a public transport commuter. The facility is exposed to the general public and no close surveillance is available.
2	Bicycles are stored in a secure communal compound, protected from the weather but not necessarily from view, and accessed via an attendant or by use of duplicate keys. Compounds have rails or fixtures where bicycles can be secured with the owners lock. Entrance gates are self closing and self locking.	Where available to the general public or in large workplaces or institutions, some level of direct surveillance (Note 1) may be necessary to ensure that there is no theft among users.	All-day parking where the owner may continue on to a remote location eg as a public transport commuter; or to a nearby location eg a workplace or school; and some surveillance can be provided so as to ensure satisfactory operation.
3	Bicycles are locked to a support rail to which there is open access. The rail is designed so that it supports the whole bicycle and the frame and both wheels can be locked to it using the owner's own chains and locks.	If to be used as a long-term parking facility, direct surveillance will be required (Note 1). Short-term facilities in well lit and highly visible public places may achieve a reasonable level of security without direct surveillance (Note 2).	Short-term parking on-street or off-street at eg shopping centres without direct surveillance, or for longer-term parking at eg workplaces or schools, where direct surveillance is provided.

- Notes:
1. Direct surveillance means either constant surveillance, or at least consistent surveillance at critical times, by an interested person, e.g. a paid attendant as part of other regular duties, who has a view of the bicycle parking facility adequate for the purpose.
  2. Wherever practicable, Class 3 facilities should be located where there is some passing pedestrian traffic. This will provide a form of supervision which may reduce the likelihood of theft and vandalism.

## Appendix D

### List of plants referred to under clause 7.1.4.4

#### Suitable Plants for Landscaping Car Parks

E = Evergreen

D = Deciduous

N = Native

I = Imported

#### Shade Trees

Angophora Floribunda (Rough Bark Apple) 12-20m EN  
 Callistemon Viminalis (Bottlebrush) 3 - 9m EN  
 Calodendrum Capense (Cape Chestnut) 9 - 15m EI  
 Celtis Australis (Nettle Tree) 9 - 15m DI  
 Eucalyptus Botryoides (Mahogany Gum) 12 - 25m EN  
 Eucalyptus Cladocalyx (Sugar Gum) 15 - 30m EN  
 Eucalyptus Gummifera (Bloodwood) 12 - 30 m EN  
 Eucalyptus Haemastoma (Scribbly Gum) 9 - 15 m EN  
 Eucalyptus Leucoxydon (Whitewood) 9 - 15m EN  
 Eucalyptus Mannifera Subsp Maculosa (Red Spotted Gum) 6 - 18m EN  
 Eucalyptus Robusta (Swamp Mahogany) 9 - 15m EN  
 Eucalyptus Scoparia (Willow Gum) 9 - 15m EN  
 Eucalyptus Sideroxydon "Pink" (Pink Flowered Iron Bark) 9 - 15m EN  
 Fraxinus Oxycarpa (Desert Ash) 9 - 15m DI  
 Fraxinus "Raywoodii" (Claret Ash) 9 - 15m DI  
 Gleditsia Triacanthos (Honey Locust) - 9 - 15m DI  
 Sapium Sebifrum (Chinese Tallow) 8m DI  
 Tristania Conferta (Brush Box) 9 - 30m EN  
 Ulmus Procera (English Elm) 30m DI  
 Ulmus Parvifolia (Chinese Elm) 9m EI

#### Screen Planting

Acacia Fimbriata (Fringed Wattle) 2.5 - 3.5m EN  
 Acacia Floribunda (Gossamer Wattle) 3 - 8 m EN  
 Acacia Howiltii (Sticky Wattle) 3 - 8 m EN  
 Acacia Longifolia (Golden Wattle) 4 - 5 m EN  
 Acacia Spectabilis (Mudgee Wattle) 3 m EN  
 Acacia Terminalis (Cedar Wattle) 15m EN  
 Banksia aemula (Wummam Banksia) 3m EN  
 Banksia Ericifolia (Heath Banksia) 2.5 - 4 m EN  
 Banksia Spinulosa (Hairpin Banksia) 1 - 5 m EN  
 Callistemon "Kings Park Special" 3 - 4 m EN  
 Callistemon Salignus (Pine Tips) 2 - 8 m EN  
 Callistemon Viminalis "Dawson River" 5m EN  
 Casuarina Glauca (Swamp Oak) 12m EN  
 Casuarina Torulosa (Forest Oak) 15m EN  
 Dodonaea Viscosa (Sticky Hopbush) 2 - 5 m EN  
 Grevillea "Honey Gem"

Grevillea "Ivanhoe"  
 Grevillea "Hookeriana"  
 Grevillia "Porinda Blondie"  
 Grevillia "Rosmarinifolia"  
 Hakea Saligna (Willow Leaf Hakea) 3 - 6 m EN  
 Leptospermum Laevigatum (Coastal Tea Tree) 4m EN  
 Leptospermum Petersonii (Lemon Scented Tea Tree) 4m EN  
 Melaleuca Armillaris (Honey Myrtle) 4 - 8m EN  
 Melaleuca Bracteata (Revolution Green) 2m EN  
 Melaleuca Ericifolia (Swamp Paperback) 3 - 5m EN  
 Melaleuca Hypericifolia 4 - 6 m EN  
 Melaleuca Nesophila (Showy Honey Myrtle) 4mEN  
 Pittosporum Undulatum (Sweet Pittosporum) 8m EN

### Ground Covers

Clivea Miniata (Bush or Kaffir Lily)  
 Grevillea "Porinda Royal Mantle"  
 Grevillea Juniperina "Trinerva"  
 Grevillea Laurifolia Laurel Leaf Grevillia  
 Grevillea Obtusiflora "Little Thicket"  
 Grevillea Obtusifolia Gingin Gem  
 Grevillea Gaudichaudii  
 Hardenbergia Violacea (Native Sasparilla)  
 Juniperus Conferta (Shore Juniper)  
 Leptospermum Juniperinum Horizontalis (Prickly Tea Tree)  
 Myoporum Parvifolium (Creeping Boobialla)

## Appendix E

### List of Centres referred to in Schedule under clause 7.1.3.2

Erina	within the main building known as Central Coast Fair
Gosford	Gosford CBD in B3 and B4 zones
Umina	in the vicinity of West Street
Woy Woy	at Blackwall Road and in the vicinity of Deepwater Plaza

## 7.2 Waste Management

### Introduction

#### 7.2.1 Name of Chapter

This Chapter is titled Waste Management.

#### 7.2.2 Site Waste Minimisation and Management

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise. Government and society alike are exposed to the issue of managing the increasingly large volumes of waste generated by our society.

Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following (moving from most desirable to least desirable):

- avoiding unnecessary resource consumption
- recovering resources for reuse
- recovering resources for recycling or reprocessing



- disposing of residual waste (as a last resort).

The building and construction industry in particular is a major contributor to waste, much of which is still deposited to landfill. The implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes.

Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include:

- reduced costs
- improved workplace safety
- enhanced public image
- compliance with legislation such as the Protection of the Environment Operation Act 1997 that requires waste to only be transported to a place that can lawfully accept it.

### **7.2.3 Purpose of this Chapter**

#### **7.2.3.1 Aims**

This Chapter aims to facilitate sustainable waste management within the Gosford Local Government Area in a manner consistent with the principles of ESD.

#### **7.2.3.2 Objectives**

The objectives in pursuit of sustainable waste management include:

#### **Waste minimisation**

- To assist applicants in planning for suitable waste management, through the preparation of a waste management plan.
- To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
- To minimise demolition waste by promoting adaptability in building design and focusing upon end of life deconstruction.
- To encourage building designs, construction and demolition techniques in general which minimise waste generation.
- To maximise reuse and recycling of household waste and industrial/commercial waste.

#### **Waste management**

- To assist applicants in planning for sustainable waste management, through the preparation of a waste management plan.
- To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.
- To provide guidance in regards to space, storage, steep narrow allotments, amenity and management of waste management facilities.
- To ensure waste management systems are compatible with collection services.
- To minimise risks associated with waste management at all stages of development.

#### **7.2.4 Types of Development Covered**

This Chapter applies to the following types of development that may only be carried out with development consent or a complying development certificate.

- demolition
- construction
- change in use

A Waste Management Plan is required to be submitted to Council for all developments as detailed and in accordance with the Gosford City Council Development Application Guide.

### **7.2.5 The Development Approval Process**

### **7.2.5.1 Development that Requires Consent**

When determining a development application under Section 79C of the *Environmental Planning and Assessment Act, 1979* (as amended) (The Act), Council must consider the contents of this Chapter.

Compliance with the minimum provisions herein does not, however, necessarily mean that an application will be approved, as each application will be considered on its merits.

It is accepted that optimum waste minimisation and management will necessitate site specific and sometimes unique solutions. As a result, Council may approve on its merits an application that proposes a variation to the controls, provided it can be demonstrated that the objectives herein will be achieved.

### **7.2.5.2 Complying Development**

The Council or an accredited certifier must have regard to the provisions of this Chapter in issuing a complying development certificate.

### **7.2.5.3 Exempt Development**

Preparation of a Waste Management Plan is not required for exempt development (as defined by Council). However, persons carrying out exempt development are encouraged to minimise the generation of waste in the construction and operation of any such use or activity and deal with any waste generated in accordance with the objectives herein.

### **7.2.5.4 State Significant Development/Major Projects**

The Major Projects State Environmental Planning Policy establishes the Minister (or by delegation the Department of Planning and Infrastructure) as the consent authority for development categorised as Major Projects/State Significant Development.

Council will liaise with the Department of Planning (representing the Minister for Planning and Infrastructure) to ensure appropriate outcomes in respect of waste minimisation and management.

The minimum requirements for such forms of development will be compliance with the aims and objectives of this Chapter.

### **7.2.5.5 Departures from the Controls of this Chapter**

Council may approve variations to the provisions herein in accordance with the principles of merit-based assessment.

Any request for variation to the provisions must be in writing and comprise part of the application. The request shall clearly demonstrate that:

- the aims and objectives are met, and
- compliance with the relevant provisions is unreasonable or unnecessary in the circumstances of the case.

## **7.2.6 Enforcement**

This Chapter is enforced through the development assessment and approval process of Section 79 of The Act.

Subsequent non-compliance with approvals is pursued under Section 121B, Part 6 of the Act, by way of the issue of relevant orders requiring compliance and subsequent legal action for non-compliance.

## **7.2.7 The Responsible Authority**

Council or an accredited certifier (as defined under the *Environmental Planning and Assessment Amendment Act, 1979*) is responsible for enforcing the observance of the provisions of this Chapter.

## **7.2.8 Use and Interpretation of this Chapter**

This section outlines how to interpret and apply the provisions herein for the planning and designing of site waste minimisation and management.

### **7.2.8.1 Abbreviations**

A list of abbreviations has been adopted. The relevant abbreviations are detailed below.

<b>BCA</b>	Building Code of Australia
<b>CC</b>	Construction Certificate
<b>DA</b>	Development Application

<b>DCP</b>	Development Control Plan
<b>EPA</b>	Environment Protection Authority
<b>ESD</b>	Ecologically Sustainable Development
<b>GCC</b>	Gosford City Council
<b>LGA</b>	Local Government Area
<b>MGB</b>	Mobile Garbage Bin
<b>MUD</b>	Multi-unit Dwelling
<b>SEE</b>	Statement of Environmental Effects
<b>The Act</b>	Environmental Planning and Assessment Act, 1979 (as amended)
<b>WMP</b>	Waste Management Plan
<b>DECC</b>	Department of Conservation

#### **7.2.8.2 Summary Guide to Using This Chapter**

This Chapter shall be generally used as follows:

##### **Read Section 1 - Introduction**

This section provides a background to waste minimisation and management, details aims and objectives of waste minimisation and management associated with local development and the application of the Chapter.

##### **Read Section 2- Submission Requirements**

This section provides specific advice in respect of information to accompany submission of a Development Application (DA) and highlights the requirements of a Waste Management Plan.

##### **Read Section 3 and 4 - Assessment Criteria/Controls**

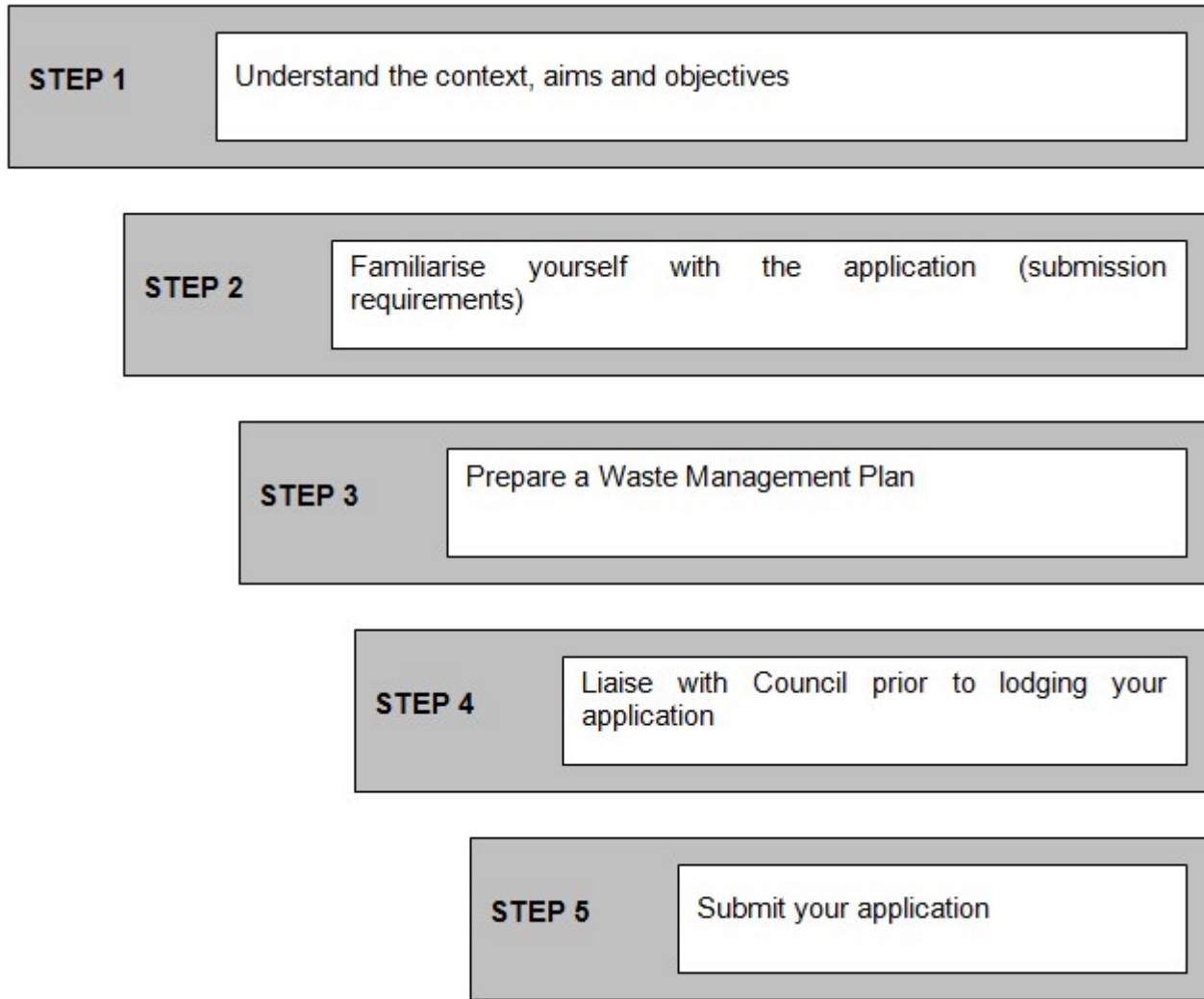
These sections detail the criteria/controls Council will consider in assessing the adequacy of the Waste Management Plan, in addressing the principles of sustainable waste management. Section 3 details general criteria and controls for all demolition and all constructions, while Section 4 adds additional criteria and controls for specific types of constructions.

##### **Read the Appendices - Further Information**

This section provides useful information in interpreting this Chapter, understanding the waste minimisation and management environment and documenting the central submission requirement – a Waste Management Plan.

#### **7.2.8.3 Steps in the Preparation and Submission of an Application**

The actions involved in preparing and submitting a development application, which satisfactorily addresses waste minimisation and management obligations are summarised in the following chart.



## Submission/Application Requirements

### 7.2.9 Documentation to be Submitted to Comply with the Requirements of this Chapter

All applications for development, including demolition, construction and the ongoing use of a site/premise, must be accompanied by a Statement of Environmental Effects (SEE). This Statement is to include a WMP as the central document of compliance with this Chapter's requirements.

In addition to submission of a WMP (as part of the SEE), the waste management facilities proposed as part of the development, shall be clearly illustrated on the plans of the proposed development, accompanying the development application (DA).

### 7.2.10 Waste Management Plans

A Waste Management Plan (WMP) outlines measures to minimise and manage waste generated during:

- demolition
- construction
- ongoing use of the site/premises.

In doing so, the WMP nominates:

- volume and type of waste and recyclables to be generated
- storage and treatment of waste and recyclables on site
- disposal of residual waste and recyclables
- operational procedures for ongoing waste management once the development is complete.

The WMP highlights the method of recycling or disposal and the waste management service provider.

**Appendix A** provides a template for the compilation of a WMP.

## **7.2.11 Submission of WMP**

### **7.2.11.1 Development Generally**

A WMP must be submitted for all types of development including demolition, construction and ongoing use of the site/premises; including local development, integrated development and state significant/major project development (as defined by the Environmental Planning and Assessment Act and Amendments). More details are required in WMPs for larger and more complex developments. The amount of supporting information and diagrams also increases.

Where a DA is required, with or without the need for a Construction Certificate (CC), a WMP must be submitted at development application stage. Where only a CC is required, a WMP shall be submitted at the construction certificate stage. Maximum waste minimisation and management benefits are achieved when the WMP is considered from the earliest stages of the development. It is for this reason that a WMP is required with the earliest approval application.

### **7.2.11.2 Complying Development**

A Waste Management Plan (WMP) is required for development identified as Complying Development in accordance with Council's adopted Exempt and Complying Development criteria. Site waste minimisation and management must be carried out in accordance with an approved WMP and dockets retained on site to show to where any construction and or demolition waste has been transported.

### **7.2.11.3 Exempt Development**

A WMP is not required in association with Exempt Development carried out in accordance with Council's adopted Exempt and Complying Development criteria.

However, a person carrying out exempt development should seek to minimise the generation of waste in the construction and operation of any such use or activity and deal with any waste generated in accordance with the objectives herein.

## **7.2.12 Waste/Recycling Generation Rates**

In the absence of project specific calculations, the rates specified in Appendix B Waste/Recycling Generation Rates and Council's current rate of provision of services to residential properties can be used when compiling a WMP.

## **7.2.13 Demolition of Buildings or Structures**

### **7.2.13.1 General**

The demolition stage provides great scope for waste minimisation. Proponents are actively encouraged to consider possible adaptive reuse opportunities of existing buildings/structures, reuse of materials or parts thereof.

### **7.2.13.2 Aims**

The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities.

### **7.2.13.3 Objectives**

- Optimise adaptive reuse opportunities of existing building/structures.
- Minimise waste generation.
- Ensure appropriate storage and collection of waste.
- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.

### **7.2.13.4 Controls/Requirements**

- A completed Waste Management Plan (WMP) Appendix A shall accompany the demolition application.
- Pursue adaptive reuse opportunities of buildings/structures.
- Identify all waste likely to result from the demolition, and opportunities for reuse of materials. Refer to Table 1.
- Facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.
- Reuse or recycle salvaged materials onsite where possible.
- Allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, truck and operator access and handling

requirements).

- Provide separate collection bins or areas for the storage of residual waste.
- Clearly 'signpost' the purpose and content of the bins and storage areas.
- Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
- Minimise site disturbance, limiting unnecessary excavation.

When implementing the WMP the applicant must ensure:

- Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval.
- Any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act (1997).
- Waste is only transported to a place that can lawfully be used as a waste facility.
- Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Workplace and Safety legislation administered by WorkCover NSW.
- Evidence such as weighbridge dockets and invoices for waste disposal or recycling services is retained.

#### Note

Materials that have an existing reuse or recycling market should not be disposed of in a landfill. Refer to Council's website or contact Council for details. Figure 1 provides a list of some potential reuse/recycling options. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

Material	Reuse/recycling potential
Concrete	Reused for filling, levelling or road base
Bricks and Pavers	Can be cleaned for reuse or rendered over or crushed for use in landscaping and driveways
Roof Tiles	Can be cleaned and reused or crushed for use in landscaping and driveways
Untreated Timber	Reused as floorboards, fencing, furniture, mulched or sent to second hand timber suppliers
Treated Timber	Reused as formwork, bridging, blocking and propping, or sent to second hand timber suppliers
Doors, Windows, Fittings	Sent to second hand suppliers
Glass	Reused as glazing or aggregate for concrete production
Metals (fittings, appliances and wiring)	Removal for recycling
Synthetic Rubber (carpet underlay)	Reprocessed for use in safety devices and speed humps
Significant Trees	Relocated either onsite or offsite
Overburden	Power screened and used as topsoil
Garden Waste	Mulched, composted
Carpet	Can be sent to recyclers or reused in landscaping
Plasterboard	Removal for recycling, return to supplier

**Table 1: Examples of demolition materials and potential reuse/recycling opportunities**  
(based on the Combined Sydney Regional Organisation of Councils Model DCP 1997)

When calculating the tonnages the following conversion table may be used for 1m<sup>3</sup> of material:

One Cubic Metre	Tonnes (Estimate Only)
Excavation Material	1.0
Bricks	1.3
Concrete	2.3
Timber	1.6
Metals	3.0

## 7.2.14 Construction of Buildings or Structures

### 7.2.14.1 General

Attention to design, estimating of materials and waste sensitive construction techniques and management practices can achieve significant rewards in managing waste.

### 7.2.14.2 Aim

The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities.

### 7.2.14.3 Objectives

- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate collection and storage of waste.
- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.
- Optimise adaptive reuse opportunities of existing building/structures.

### 7.2.14.4 Controls/Requirements

- A completed Waste Management Plan WMP shall accompany the application.

#### Note

The type of construction determines whether a development application, construction certificate or complying development statement is required. In all cases a WMP must be completed. Maximum waste minimisation and management benefits are achieved when the WMP is considered from the earliest stages of the development.

- Estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in the table in Appendix B Waste/Recycling Generation Rates for a guide.
- Identify potential reuse/recycling opportunities of excess construction materials.
- Incorporate the use of prefabricated components and recycled materials.
- Arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage.
- Consider returning excess materials to the supplier or manufacturer.
- Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets, truck and operator access and vegetation).
- Arrange contractors for the transport, processing and disposal of waste and recycling. Ensure that all contractors are aware of the legal requirements for disposing of waste.
- Promote separate collection bins or areas for the storage of residual waste.
- Clearly 'signpost' the purpose and content of the bins and storage areas.
- Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
- Minimise site disturbance and limit unnecessary excavation.
- Ensure that all waste is transported to a place that can lawfully be used as a waste facility.
- Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, OEH or WorkCover NSW.

## 7.2.15 Dual Occupancy and Secondary Dwellings

### 7.2.15.1 General

The design of waste and recyclables storage areas within the home and property affect ease of use, amenity, the movement and handling of waste for the life of the development.

### 7.2.15.2 Aim

To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.

### 7.2.15.3 Objectives

- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate collection and storage of waste.

- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping

#### 7.2.15.4 Controls/Requirements

- A completed Waste Management Plan shall accompany the application.

#### Note

The type of construction determines whether a development application, construction certificate or complying development statement is required. In all cases a WMP must be completed. Maximum waste minimisation and management benefits are achieved when the WMP is considered from the earliest stages of the development.

- Plans submitted with the WMP must show:
  - The location of an onsite waste/recycling storage area for each dwelling, that is of sufficient size to accommodate Council's waste, recycling and garden organic bins having a Council Collection service frequency of once per week. Indicative bin sizes are shown in **Appendix C Indicative Bin Sizes**.
  - An identified kerbside for the collection and emptying of Council's waste, recycling and garden waste bins.
- Waste containers are to be stored in a suitable location so as to avoid vandalism, nuisance and adverse visual impacts.
- Where possible, the waste/recycling storage area should be located in the rear yard or garage and minimise the distance of travel to the collection point.
- The waste storage area is to be easily accessible and have unobstructed access to Council's usual collection point.
- Consideration should be given to providing sufficient space within the kitchen (or an alternate location) for the interim storage of waste and recyclables.
- The placement of bins for collection at the nominated collection point should ensure that adequate traffic, pedestrian safety and access is maintained.

#### Note

It is the responsibility of dwelling occupants to move bins to the identified collection point no earlier than the evening before collection day and return the bins to their storage area no later than the evening of collection day. Bins are to remain in their on-site storage area at all other times.

## 7.2.16 Residential Development (Residential Flat Buildings, Multi Dwelling Housing)

### 7.2.16.1 General

The design of waste and recycling storage areas within the unit and property affects ease of use, amenity, access, movement and handling of waste for the life of the development. Multiple households within the property increase challenges with regard to waste volumes, ease of access and operation of waste sorting and removal systems. Resources such as the Better Practice Guide for Waste Management in Multi-Unit Dwellings (produced by former Department of Environment and Climate Change NSW now NSW Office of Environment and Heritage) may be used to inform design solutions of multi-unit dwellings except for the technical requirements covered by this chapter.

### 7.2.16.2 Aim

To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage, access and collection facilities for waste, and quality design of waste facilities.

### 7.2.16.3 Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management systems are as intuitive for occupants as possible and are readily accessible.
- Ensure appropriate resourcing of waste management systems, including satisfactory servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing onsite storage, and removal services.

### 7.2.16.4 Controls/Requirements

- A completed Waste Management Plan WMP shall accompany the development application.
- **Plans submitted with a development application must show:**



- Consideration of a location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling.
- The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council's waste, recycling and garden waste bins.
- The layout of bulk bins within storage areas/rooms including space between the bins. Bulk bins are not to be placed at the kerbside.
- The location of any garbage chute(s) and interim storage facilities for recyclable materials.
- The location of any service rooms (for accessing a garbage chute) on each floor of the building.
- An identified collection point for the collection and emptying of Council's waste, recycling and garden waste bins, for a once a week collection service unless otherwise approved by Council.
- The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).
- The traced path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, working height, pavement type and strength and grade. See Appendix H - Waste Management Servicing.
- Systems should be designed to maximise source separation and recovery of recyclables.
- Waste management systems should be designed and operated to prevent the potential risk or injury or illness associated with the collection, storage and disposal of wastes.
- **Residential developments having 18 units or less:**
  - Unless there are special circumstances MGB's will be serviced in line at the kerbside, once per week by a waste truck. Its bin lifting arm is located on the left hand side of the truck.
  - Bin storage area or enclosures are not to be located in basements of buildings 3 storeys or less and are to be located at front of the development and serviced appropriately.
  - The use of mobile bins on an individual or shared basis is determined whether there is sufficient allotment width and kerbside space, number of bins and space between them (approximately 1m for bin and space), driveway width and landscaping. Bin stacking is not permitted. MGB's should be presented at the kerbside provided there is sufficient allotment width and kerbside space available. Allow 1m per bin when calculating space availability. Bin stacking is not permitted.
  - If allotment width and kerbside space is not sufficient then the following options may be available:
    - Shared bins with a twice per week service with bins presented at kerbside by caretaker or residents
    - Shared bins that are serviced by the waste contractor as part of a wheel out and wheel back service
    - The above options must be discussed with Council's Waste Section prior to the lodgement of a development application.
  - If wheel out wheel back service is required the following requirements need to be complied with:

**Table 3: Wheel Out and Wheel Back Criteria**

Issue	Criteria
Distance to enclosure	The enclosure will be within 6m of the front boundary
Slope	Level or up to a 1 to 8 grade
Obstructions	The pathway will be free of obstructions eg overhanging bushes
Indemnity	Where entry within the site is necessary to provide the waste and recycling collection service the owner is required to provide an indemnity to Council and Council's contractors

- Return of Bins
- If mobile bins need to be moved from on-site storage areas to the kerbside for collection purposes, it is the responsibility of the residents or agents of the owners' corporation to move the bins to the collection point no earlier than the evening before collection day and then return the bins to their storage areas no later than the evening of collection day. Bins are to remain in their on-site storage areas at all other times.
- **Residential Developments greater than 18 units:**
  - Waste collection requires an on-site storage point accessible by waste collection vehicle, collection services on a once per week basis.

- The design of on-site storage collection area or room are to comply with the access and engineering, occupational health and safety requirements of Appendix H - Waste Management Servicing.

The following minimum collection and storage facilities shall be provided:

- Consideration of an indoor waste/recycling cupboard (or other appropriate storage space) for the interim storage of a minimum one day's garbage and recycling generation, in each dwelling.
- Residential Developments must include communal waste/recycling storage facilities designed in accordance with **Appendix D Waste Recycling/Storage Rooms in Multi-Unit Dwellings**
- Residential Developments in the form of townhouses and villas must include either individual waste/recycling storage areas for each dwelling or a communal facility designed in accordance with **Appendix D Waste Recycling/Storage Rooms/Areas in Multi-Unit Dwellings**
- The waste/recycling storage area(s) or room(s) must be of a size that can comfortably accommodate separate garbage, recycling and garden waste containers with the appropriate spacing as required by Appendix D Waste Recycling/Storage Rooms/Areas in Multi-Unit Development.
- Residential Developments over 18 units must provide for bulk bin collection service. All bulk bins are to be stored and serviced within the property.

The following location and design criteria shall apply to collection and storage facilities:

- Townhouse and villa developments with individual waste/recycling storage areas are to be located and designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.
- Consideration should be given to providing an unobstructed and Continuous Accessible Path of Travel (as per Australian Standard 1428 Design for Access and Mobility - 2001) from the waste/recycling storage area(s) or room(s) to:
  - the entry to any Adaptable Housing (as per Australian Standard 4299 Adaptable Housing - 1995)
  - the principal entrance to each residential flat building
  - the point at which bins are collected/emptied.

In instances where a proposal does not comply with these requirements, Council will consider alternative proposals that seek to achieve a reasonable level of access to waste/recycling storage area(s) or room(s), provided there are no obstructions such as, barrier kerb, steps, grills, columns and the like.

- Communal waste storage areas should have adequate space to accommodate and manoeuvre Council's required number of waste and recycling containers.
- Each service room and storage area must be located for convenient access by users, be well ventilated and well lit.
- Where site characteristics, number of bins and length of unobstructed street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins must be collected onsite. Bins that are collected onsite are to be collected either from their storage point located inside the property boundary and as close as possible to a property entrance.
- Where bins cannot be collected from a kerbside location the development must be designed to allow for on-site access by garbage collection vehicles (of dimensions detailed at **Appendix E Garbage Truck Dimensions for Residential Waste Collection**). In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles. Refer Appendix H - Waste Management Servicing.
- Should a collection vehicle be required to enter a property, access driveways and internal roads must be designed in accordance with Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002, for heavy rigid vehicles.
- If Council waste collectors and/or waste collection vehicles are required to enter a site for the purpose of emptying bins, then site specific arrangements must be in place.
- If mobile bins need to be moved from normal storage areas to the kerbside for collection purposes, it is the responsibility of the residents or agents of the owners' corporation to move the bins to the collection point no earlier than the evening before collection day and to then return the bins to their storage areas no later than the evening of collection day. Bins are to remain in their on-site storage areas at all other times.
- Residents should have access to a cold water supply for the cleaning of bins and the waste storage areas.

Storage areas should be constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer.

- The design and location of waste storage areas/facilities should be such that they compliment the design of both the development and the surrounding streetscape.
- Developments containing four or more storeys should be provided with a suitable waste storage area for the transfer of waste and recyclables from each storey to waste storage/collection areas.
- Garbage chutes must be designed in accordance with **Appendix F Garbage Chutes**, the Building Code of Australia and Better Practice Guide for Waste Management in Multi-Unit Dwellings (DECC). Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.

The following management responsibilities shall be addressed:

- Agents of the owners' corporation must take responsibility for the management of waste and recyclable materials generated upon the site. Arrangements must be in place in regards to the management, maintenance and cleaning of all waste/recycling management facilities.
- Traffic warning devices including mirrors, lights, and signage may need to be installed to reduce the frequency of accidents.
- Internal management must provide for temporary storage areas and the transporting waste/recyclables from one area to another eg lifts, forklifts, tractors, trucks and the like.

## Indemnity

Council will require indemnity for all waste collectors and/or waste collection vehicles that are required to enter a site to collect waste. The indemnity will be against claims for loss or damage to the pavement or other driving surface, liabilities, losses, damages and any other demands arising from any on-site collection service. This will be required to be undertaken by the creation of a S88B instrument under The Conveyancing Act, 1946 with all costs being met by the applicant. This is to occur prior to occupation certificate.

## 7.2.17 Commercial Developments and Change of Use (Shops, Offices, Food Premises, Hotels, Motels, Licensed Clubs, Education Establishments, Entertainment Facilities and Hospitals)

### 7.2.17.1 General

Council does not provide a commercial collection service. However a waste management plan is required to be submitted in accordance with the following requirements as of this section. Commercial premises are predominantly serviced by a commercial waste operator although some minor servicing is provided (check with Council). A Waste Management Plan is required.

A range of non-residential uses present an array of unique waste minimisation opportunities and management requirements. Flexibility in size and layout is often required to cater for the different needs of multiple tenants as well as future changes in use.

### Note

Storage and disposal of liquid waste, such as oils and chemicals, are not covered by this Waste Management Chapter.

### 7.2.17.2 Aim

To ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling); and to ensure appropriate well-designed storage and collection facilities are accessible to occupants and service providers.

### 7.2.17.3 Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management systems are as intuitive for occupants as possible and readily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and

ensure optimum hygiene.

- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

#### 7.2.17.4 Controls/Requirements

- A completed Waste Management Plan (WMP) shall accompany the application.

##### Note

The nature of the development or change in use will determine whether a development application or construction certificate is required. In all cases a WMP must be completed. Maximum waste minimisation and management benefits are achieved when the WMP is considered from the earliest stages of the development.

- Plans submitted with the WMP must show:
  - The location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants.
  - The location of temporary waste and recycling storage areas within each tenancy. These are to be of sufficient size to store a minimum of one day's worth of waste.
  - An identified collection point for the collection and emptying of waste, recycling and garden waste bins.
  - An identified collection point for the collection and emptying of waste, recycling and garden waste bins.
  - The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).
  - The on-site path of travel for collection vehicles (if collection is to occur on-site).
- There must be convenient access from each tenancy to the waste/recycling storage room(s) or area(s). There must be obstruction free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).
- All bulk bins are to be stored and collected within the property.
- Every development must include a designated waste/recycling storage area or room(s) (designed in accordance with **Appendix G Commercial/Industrial Waste and Recycling Storage Areas**).
- Depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy.
- All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of waste and recyclables that are generated.
- Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents don't leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s).
- Arrangements must be provided in all parts of the development for the separation of recyclable materials from general waste and for their transfer to the main waste/recycling storage room/area. For multiple storey buildings, this might involve the use of a goods lift.
- The waste/recycling storage room/area must be to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described in **Appendix B Waste/Recycling Generation Rates**) between collections.
- The waste/recycling storage room/area must provide separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.
- The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.
- Waste management facilities must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- The size and layout of the waste/recycling storage room/area must be capable of accommodating reasonable future changes in use of the development.
- A waste/recycling cupboard must be provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.
- Premises that discharge trade wastewater must do so only in accordance with a written approval from the Gosford City Council. In this regard an application for approval is required to be obtained from Council prior to

the commencement of any works. Trade waste water is defined as "any liquid and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic waste water (eg from hand basins, showers and toilets)."

- Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.
- Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
- Any garbage chutes must be designed in accordance with the requirements of Appendix F Garbage Chutes, the Building Code of Australia and Better Practice Guide for Waste Management in Multi-Unit Dwellings (DECC). Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.
- Traffic warning devices including mirrors and lights should be considered to reduce the likelihood of accidents occurring.
- Community sharps containers should be installed in appropriate circumstances.

## **7.2.18 Mixed Use Developments (Residential/Non-Residential)**

### **7.2.18.1 General**

Council only provides a residential collection service and does not operate a commercial collection service. The commercial component of the development is required to be submitted in accordance with the following requirements.

Where residential and commercial land uses occur within the one building or development the waste management will necessitate a balancing of variable demands, including preservation of residential amenity.

### **7.2.18.2 Aim**

To ensure new developments and changes to existing development are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure that appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

### **7.2.18.3 Objectives**

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management facilities are safely and easily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

### **7.2.18.4 Controls/Requirements**

A completed Waste Management Plan and Waste Management Strategy shall accompany the application.

The controls at Section 7.2.16 Residential Developments apply to the residential component of mixed-use development must be designed for Council's residential collection service. Private waste contractors are not permitted to collect residential waste.

The controls at Section 7.2.17 Commercial Developments apply to the non-residential component of mixed-use development.

Mixed Use development must incorporate separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.

The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict. Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses. For

example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.

Separate residential and commercial waste management systems are needed to minimise conflict arising from inappropriate vehicular movement. Servicing waste trucks should operate outside of peak traffic times and not when residents are sleeping.

Separate enclosures are required for commercial and domestic waste to avoid unauthorised usage.

## **7.2.19 Industrial**

### **7.2.19.1 General**

Council does not have an industrial collection service however a waste management plan and waste management strategy is required to be submitted.

Industrial developments typically produce a diverse range of waste products. Some of these waste products may be hazardous and require compliance with established laws/protocols that are additional to this chapter. Other waste products are similar in nature to commercial and domestic waste streams. Mixing waste products limits potential reuse and recycling opportunities and may distribute toxic material through a larger volume of wastes.

### **7.2.19.2 Aim**

To ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

### **7.2.19.3 Objectives**

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management facilities are as intuitive for occupants as possible and readily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

### **7.2.19.4 Controls/Requirements**

A completed Waste Management Plan (WMP) shall accompany the application.

- Plans submitted with the WMP must show:
  - The location of designated waste and recycling storage room(s) or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 4 streams, paper/cardboard, recyclables, general waste, industrial process type wastes.
  - The on-site path of travel for collection vehicles.
  - Evidence of compliance with any specific industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the Protection of the Environment Operations Act 1997.
  - There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).
  - Every development must include a designated general waste/recycling storage area or room(s) (designed in accordance with Appendix G Commercial/Industrial Waste & Recycling Storage Areas), as well as designated storage areas for industrial waste streams (designed in accordance with specific waste laws/protocols).
  - Depending upon the size and type of the development, it might need to include separate waste/recycling storage room/area for each tenancy and/or larger waste producing areas.
  - All tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of all the waste streams and recyclables which are generated on site.
  - Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed

bins with securely fitted lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s).

- Arrangements must be in place in all parts of the development for the separation of recyclable materials from general waste including the movement of recyclable materials and general waste to the main waste/recycling storage room/area.
- The waste/recycling storage room/areas must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.
- The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.
- Waste management storage rooms/areas must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- A waste/recycling cupboard must be provided for each and every kitchen area in the development. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.
- Premises that discharge trade wastewater must do so only in accordance with a written approval from Gosford City Council. In this regard an application for approval is required to be obtained from the Council prior to the commencement of any works. Trade waste water is defined as 'any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic waste water (eg from hand basins, showers and toilets)'.
- Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
- Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols should be observed.

## Appendices

### Appendix A - Waste Management Plan Template

Applicant and Project Details (All Developments)	
Applicant Details	
Application No.	
Name	
Address	
Phone number(s)	
Email	
Project Details	
Address of development	
Existing buildings and other structures currently on the site	
Description of proposed development	
<p><i>This development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as council, OEH or WorkCover NSW.</i></p>	
Contact Name (in Block Letters)	
Signature	
Date	

### Demolition (All Types of Developments)

Address of development: \_\_\_\_\_

Refer to Section 7.2.13 of the DCP for objectives regarding demolition waste.

most favourable  least favourable

	Resue	Recycling	Disposal	
<b>Type of waste generated</b>	<b>Estimate Volume (m3) or Weight (t)</b>	<b>Estimate Volume (m3) or Weight (t)</b>	<b>Estimate Volume (m3) or Weight (t)</b>	<b>Specify method of on site reuse, contractor and recycling outlet and /or waste depot to be used</b>
Excavation material				
Timber (specify)				
Concrete				
Bricks/pavers				
Tiles				
Metal (specify)				
Glass				
Furniture				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste e.g. asbestos (specify)				
Other (specify)				

**Construction (All Types of Developments)**

Address of development: \_\_\_\_\_

Refer to Section 7.2.14 of the DCP for objectives regarding construction

most favourable  least favourable

	Resue	Recycling	Disposal	
<b>Type of waste generated</b>	<b>Estimate Volume (m3) or Weight (t)</b>	<b>Estimate Volume (m3) or Weight (t)</b>	<b>Estimate Volume (m3) or Weight (t)</b>	<b>Specify method of on site reuse, contractor and recycling outlet and /or waste depot to be used</b>
Excavation material				
Timber (specify)				
Concrete				
Bricks/pavers				
Tiles				
Metal (specify)				
Glass				
Plasterboard (offcuts)				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				



Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste (specify)				

**Ongoing Operation (Residential, Multi Unit, Commercial, Mixed Use and Industrial)**

Address of development: \_\_\_\_\_

Show the total volume of waste expected to be generated by the development and the associated waste storage requirements.

	Recyclables		Compostables	Residual waste*	Other
	Paper/ cardboard	Metals/ plastics/glass			
Amount generated (L per unit per day)					
Amount generated (L per development per week)					
Any reduction due to compacting equipment					
Frequency of collections (per week)					
Number and size of storage bins required					
Floor area required for storage bins (m2)					
Floor area required for manoeuvrability (m2)					
Height required for manoeuvrability (m)					

\* Current “non-recyclables” waste generation rates typically include food waste that might be further separated for composting.

<b>Construction Design (All Types of Developments)</b>
Outline how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques of the development (refer to Section 3.2 7.2.14 of the DCP):
Materials
Lifecycle



<b>Space</b>	
Size and location(s) of waste storage areas	
Recycling bins placed next to residual waste bins	
Space provided for access to and the manoeuvring of bins/equipment	
Any additional facilities	
<b>Access</b>	
Access route(s) to deposit waste in storage room/area	
Access route(s) to collect waste from storage room/area	
Bin carting grade not to exceed 10% and travel distance not greater than 100m in length	
Location of final collection point	
Clearance, geometric design and strength of internal access driveways and roads	
Direction of traffic flow for internal access driveways and roads	
<b>Amenity</b>	
Aesthetic design of waste storage areas, including being compatible with the main building/s and adequately screened and visually unobtrusive from the street	
Signage – type and location	
Construction details of storage rooms/areas (including floor, walls, doors, ceiling design, sewer connection, lighting, ventilation, security, wash down provisions, cross & longitudinal section showing clear internal dimensions between engaged piers and other obstructions, etc)	

## Appendix B - Waste/Recycling Generation Rates

### Construction Waste

The following construction waste estimates are applicable for renovations and small home building

- Timber 5-7% of material ordered
- Plasterboard 5-20% of material ordered
- Concrete 3-5% of material ordered
- Bricks 5-10% of material ordered
- Tiles 2-5% of material ordered

Source: Waste Planning Guide for Development Application, Inner Sydney Waste Board, 1998

### Ongoing Operation

Premises type	Waste generation	Recyclable material generation
Multi-Unit Dwelling	120L/unit/week	120L/unit/week
Backpackers' Hostel	40L/occupant space/week	20L/occupant space/week
Boarding House, Guest House	60L/occupant space/week	20L/occupant space/week
Food premises:	80L/100m <sup>2</sup> floor area/day	Variable
Butcher	80L/100m <sup>2</sup> floor area/day	Variable
Delicatessen	80L/100m <sup>2</sup> floor area/day	Variable
Fish Shop	240L/100m <sup>2</sup> floor area/day	120L/100m <sup>2</sup> floor area/day
Greengrocer	10L/1.5m <sup>2</sup> floor area/day	2L/1.5m <sup>2</sup> floor area/day
Restaurant, Café	240L/100m <sup>2</sup> floor area/day	240L/100m <sup>2</sup> floor area/day
Supermarket	80L/100m <sup>2</sup> floor area/day	Variable
Takeaway food shop		
Hairdresser, Beauty Salon	60L/100m <sup>2</sup> floor area/week	Variable
Hotel, Licensed Club, Motel	5L/bed space/day 50L/100m <sup>2</sup> bar area/day 10L/1.5m <sup>2</sup> dining area/day	1L/bed space/day 50L/100m <sup>2</sup> bar area/day 50L/100m <sup>2</sup> dining area/day
Offices	10L/100m <sup>2</sup> floor area/day	10L/100m <sup>2</sup> floor area/day
Shop less than 100m <sup>2</sup> floor area	50L/100m <sup>2</sup> floor area/day	25L/100m <sup>2</sup> floor area/day
Shop greater than 100m <sup>2</sup> floor area	50L/100m <sup>2</sup> floor area/day	50L/100m <sup>2</sup> floor area/day

Showroom	40L/100m <sup>2</sup> floor area/day	10L/100m <sup>2</sup> floor area/day
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NOTE: 120L/unit/week is equivalent to 0.12m<sup>3</sup>/unit/week.

Sources: Adapted from *Waverley Council Code for the Storage and Handling of Waste*.

## Appendix C - Indicative Bin Sizes

### MOBILE GARBAGE BINS (MGB's)

Bin Type	Height	Depth	Width
120 Litre Bin	940mm	560mm	485mm
240 Litre Bin	1080mm	735mm	580mm

### BULK BINS

Bin Type	Height	Depth	Width
1.1m <sup>3</sup>	1300mm	1100mm	1200mm
1.5m <sup>3</sup>	1200mm	1300mm	2000mm

These dimensions are only a guide and differ slightly according to manufacturer, if bins have flat or dome lids and are used with different lifting devices.

## Appendix D - Waste Recycling/Storage Rooms/Areas in Residential Developments

### Building Code of Australia

Waste/recycling storage rooms must be constructed in accordance with the requirements of the *Building Code of Australia (BCA)*.

### Location and Appearance

Waste/recycling storage rooms/areas must be integrated into the design of the overall development and such rooms be located behind the front building line. Rooms in a basement location are not permitted in a building of 3 storeys or less. Materials and finishes visible from outside should be similar in style and quality to the external materials used in the rest of the development.

Waste/recycling storage rooms must be located and designed in a manner that reduces adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties. The location and design of the room should minimise adverse impacts associated with:

the proximity of the room to any dwellings

- the visibility of the room
- noise generated by any equipment located within the room
- noise generated by the movement of bins into and out of the room
- noise generated by collection vehicles accessing the site; and
- odours emanating from the room.

### Size

Waste/recycling storage rooms/areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.

### Layout

The gradient of waste/recycling storage rooms/areas floors for servicing purposes must be 3% or less and the gradient of any associated access ramps must be 1.8 or less sufficiently level enabling access for the purpose of emptying containers can occur in accordance with WorkCover and NSW Occupational Health and Safety requirements.

Waste/recycling storage rooms/areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.

## Waste Enclosure Requirements for up to 18 Multi-unit Dwellings

Enclosures are to be a maximum dimension of 4m x 2.5m.

The dimensions of the enclosure are based on the following;

- Length = 0.65m x No. of units
- Depth/Width = 1.5m for 1 row and 2.5m for 2 rows between engaged peers or other obstructions within the enclosure

Residential developments up to 6 units may store their bins in their garage or courtyard or provide individual or shared bins in an enclosure.

Residential developments of 7 to 12 units may store their bins in their garage or courtyard or provide individual or shared bins in an enclosure.

Internal resident access to the enclosure shall have a gradient not exceeding 10% and should not exceed 100m in length.

Access between the bin enclosure and the kerbside is to be free of obstructions.

Waste enclosure requirements for Multi-unit Dwellings greater than 18 units:

Enclosure dimensions for the following bulk bin types

Bin Type	Depth/Width	Length
1.1m <sup>3</sup>	1.35 x No. of rows plus No. of 1m corridor spaces	1.45 x No. of bins
1.5m <sup>3</sup>	1.55 x No. of rows plus No. of 1m corridor spaces	2.25 x No. of bins

### Indemnity

Council will require an indemnity against claims for loss or damage to the pavement or other driving surfaces against liabilities, losses, damages and any other demands arising from any on site collection service.

This will be provided prior to the issue of an occupational certificate together with the creation of an instrument.

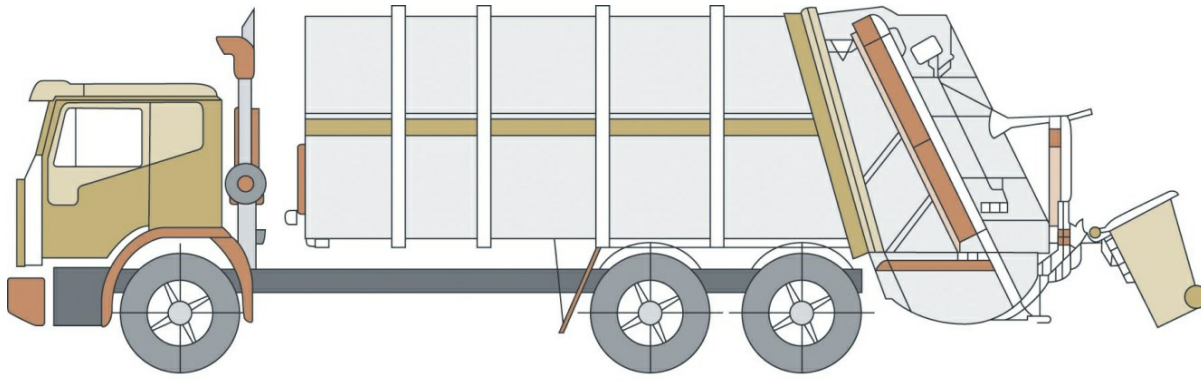
## Appendix E - Garbage Truck Dimensions for Residential Waste Collection

This page includes information regarding the dimensions of garbage trucks that are typically used for the collection of residential waste. Developments that require Council garbage trucks to enter the site for the collection of residential waste must be designed to accommodate on-site truck movement.

Requirements regarding vehicle turning circles and driveway width/gradient are contained in *Australian Standard 2890.2 2002/Planning Facilities — off street commercial vehicles*.

It is recommended that an applicant speak with Council's Waste Services Coordinator in regards to the design of development proposals that involve garbage trucks entering the site. Services will not be provided where there are undue risks and must meet the following truck specifications.

Typical Council Garbage Truck used for Domestic Waste Collection	
Length overall	12.5 metres
Width overall	2.5 metres
Operational height	4.0 metres
Travel height	4.0 metres
Weight (vehicle and load)	22.5 tonnes
Turning Circle	25.0 metres



rearloader garbage truck

### Example of a Council garbage truck

Source of diagram: Better Practice Guide for Waste Management in Multi-Unit Dwellings, former DECC 2008.

## Appendix F - Garbage Shutes

### Garbage chute design

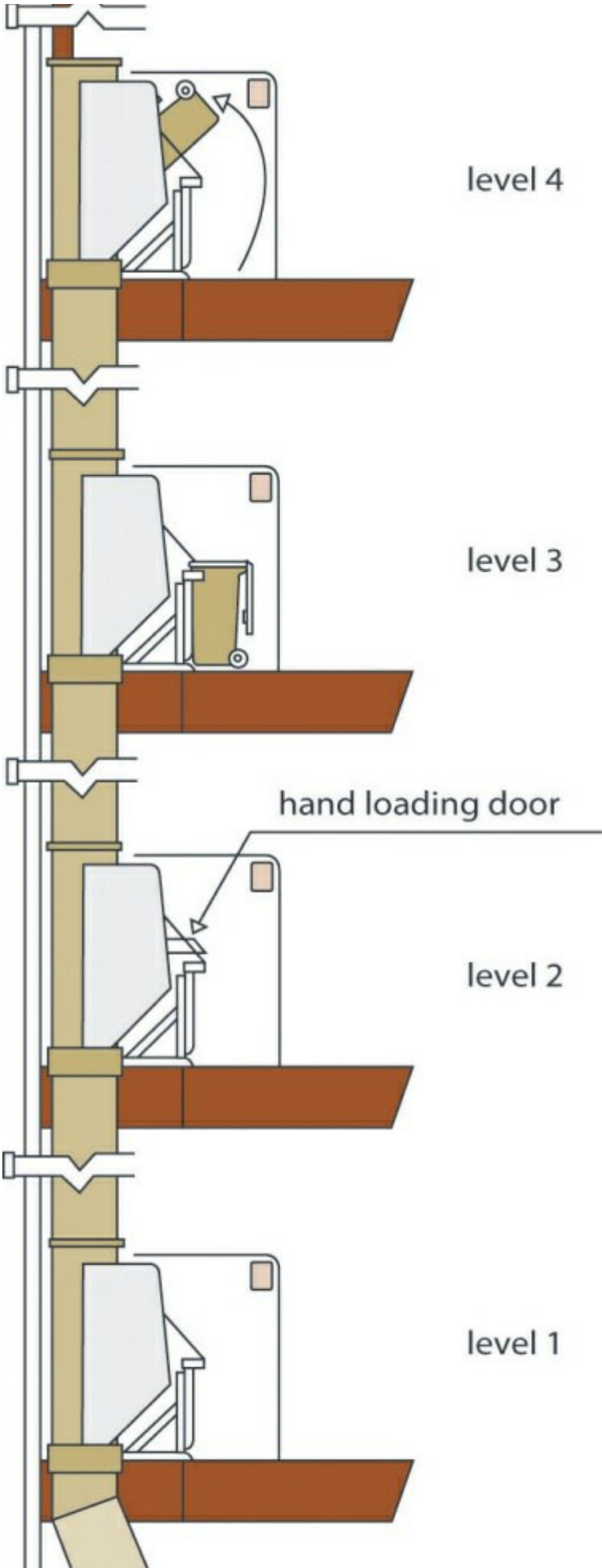
- Garbage chutes must be constructed in accordance with the requirements of the *Building Code of Australia (BCA)*.
- Garbage chutes must be located and insulated in a manner that reduces noise impacts.
- Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.
- Chutes, service openings and charging devices must be capable of being easily cleaned.
- Chutes must be cylindrical and should have a diameter of at least 500mm.
- There must not be any bends (or sections of reduced diameter) in the main shaft of the chute.
- Internal overlaps in the chute must follow the direction of waste flow.
- Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.
- A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
- The upper end of a chute should extend above the roofline of the building.
- The upper end of a chute should be weather protected in a manner that doesn't impede the upward movement of air out of the chute.

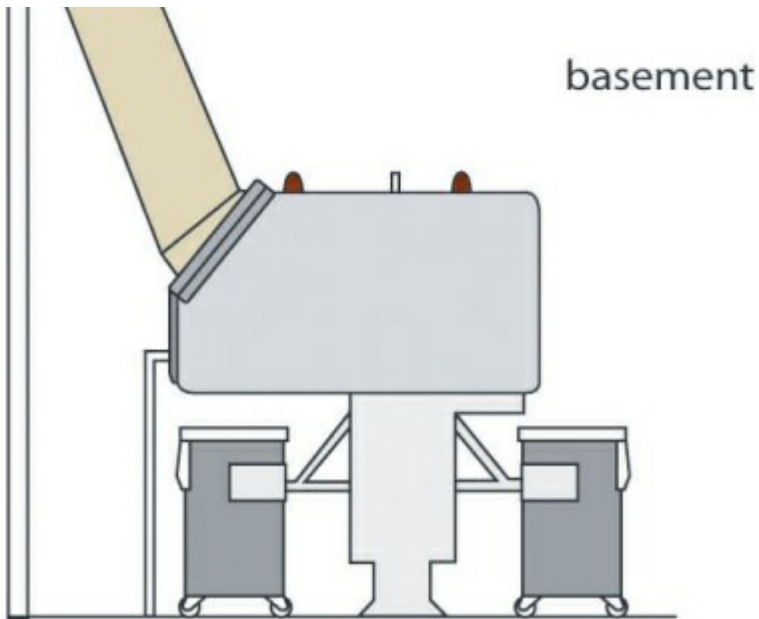
### Garbage chute service room design

- The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room.
- The charging device for each service opening must be self-closing and must not project into the main chute.
- Branches connecting service openings to the main chute are to be no more than 1m long.
- Each service room must include containers for the storage of recyclable materials. Signage regarding the materials that can be recycled should be displayed near these containers.
- Each service room must be located for convenient access by users and must be well ventilated and well lit.
- The floors, walls and ceilings of service rooms must be finished with smooth, durable materials that are capable of being easily cleaned.
- Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute and the types of materials which should be deposited into recycling bins.

### Management

- Garbage chutes are not to be used for the disposal of recyclable materials. Signage to this effect should be displayed near service openings.
- Arrangements must be in place for the regular maintenance and cleaning of garbage chutes and any associated service rooms, service openings and charging devices.
- Arrangements must be in place for the regular transferral of recyclable materials (which are stored in service rooms) to the main waste/recycling storage room.





*Example of a garbage chute system*

Source: *Better Practice Guide for Waste Management in Multi-Unit Dwellings, former DECC, 2008.*

## **Appendix G - Commercial/Industrial Waste and Recycling Storage Areas**

### **Building Code of Australia**

- Waste/recycling storage areas must be constructed in accordance with the requirements of the Building Code of Australia (BCA).

### **Location and appearance**

- Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes that are visible from outside should be similar in style and quality to the external materials used in the rest of the development.
- Waste/recycling storage areas must be located and designed in a manner that reduces adverse impacts upon neighbouring properties and the streetscape. The location and design of the areas should minimise adverse impacts associated with:
  - the proximity of the area to dwellings
  - the visibility of the area
  - noise generated by any equipment located within the area
  - noise generated by the movement of bins into and out of the area
  - noise generated by collection vehicles accessing the site; and
  - odours emanating from the area.

### **Size**

- Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.
- Waste/recycling storage areas must be able to accommodate separate general waste bins and recycling bins which are of sufficient volume to contain the quantity of waste generated (at the rate described in **Appendix B**) between collections.

### **Layout**

- The gradient of waste/recycling storage area floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements.
- Within waste/recycling storage areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.



### **Access: waste/recycling collection**

- The development must be designed to allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction and so collection vehicles do not impede general access to, from and within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.
- Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities on-site.
- Access for the purpose of emptying waste/recycling storage containers must be able to occur in accordance with WorkCover NSW Occupational Health and Safety requirements.

### **Access: general**

- In commercial development, public buildings and industrial development, there must be convenient access from each tenancy to the waste/recycling storage area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage area(s).
- Arrangements must be in place so that the waste/recycling storage area is not accessible to the general public.
- Vermin must be prevented from entering the waste/recycling storage area.

### **Surfaces**

- Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within.

### **Doors/gates**

- Doors/gates to waste/recycling storage areas must be durable. There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use. All doors/gates are to open from both inside and outside the storage area and must be wide enough to allow for the easy passage of waste/recycling containers.

### **Services**

- Waste/recycling storage areas may be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers.
- The floor must be graded so that any water is directed to a water authority approved drainage connection located upon the site. Prior approval from Council is required before connection to Council's sewer system.

### **Signage**

- Waste/recycling storage areas must include signage that clearly describes the types of materials that can be deposited into recycling bins and general garbage bins.

### **Management**

- Arrangements must be in place for the regular maintenance and cleaning of waste/recycling storage areas. Waste/recycling containers must only be washed in an area which drains to a water authority approved drainage connection. Prior approval from Council is required before connection to Council's sewer system.
- The *Better Practice Guide for Waste Management in Multi-Unit Dwellings* gives detailed information about waste recycling/storage rooms and facilities. The Guide was substantially reviewed in 2007 and is available on the Office of Environment and Heritage NSW website ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)). Further updates will be published as further information from social research and waste stream audits becomes available.

## **Appendix H - Waste Management Servicing**

### **Access and Engineering**

In meeting the service requirements for a development greater than 18 units, access and engineering requirements will be met by adopting the Australian Standards AS2890.1 – 2004 and AS2890.2.2002, as amended.

For developments over 18 units a waste truck will enter and exit a development in a forward manner to service bulk waste and recycling bins from the enclosure. The applicant needs to demonstrate that there is sufficient clearance

free of any obstructions including adjacent buildings, overhanging trees and landscaping. The applicant needs to demonstrate that the servicing grades are satisfactory.

### **Indemnity**

Council will require an indemnity against claims for loss or damage to the pavement or other driving surfaces against liabilities, losses, damages and any other demands arising from any on site collection service.

This will be provided prior to the issue of an occupational certificate together with the creation of an instrument.

### **Demonstrating access**

A truck turning template needs to be used to trace the SWEPT truck turning path for a HRV Council truck having a turning radius of 12.5m. The AUSTROADS template as shown in the figure will enable this requirement to be achieved.

### **Intermediate collection points**

Intermediate collection points may be needed for larger developments where residents have to walk more than 70m to unload their waste, recyclables or garden organic material. For this to be managed properly, a person such as a janitor or caretaker is required to collect this material and take it to the major servicing area.

Special equipment may be required, in which case qualified staff need to be employed to address OH & S issues e.g. fork lift equipment to lift bins.

### **Uses for the truck turning template**

The traced truck path may also be used for situations such as:

- Entry into/out of the development showing entrance splays, external road, connection etc.
- 3 point turns.
- Truck manoeuvring within a development.
- Cul-de-sac design.

### **Grades**

Gradients must be 3% or less for the following:

- Floor within the enclosure
- For bulk bin roll out pads
- Truck servicing grades comprising a distance of 13m which includes the truck length and the bulk bin manoeuvring area

Ramp gradients will be 1 in 8 or less and meet the requirements of:

- AS2890.2 including bottoming out

### **Internal road widths**

Internal roads will be wide enough to enable cars to pass a HRV servicing waste.

### **Internal road strength**

The internal road will be of industrial road strength capable of withstanding a loading of at least 22.5 tonnes garbage truck.

### **Road surface**

The internal road surface travelled by the waste truck will be of concrete construction to minimise tyre scuffing of a turning waste truck.

### **Vertical height restrictions**

A clear internal vertical height of 4m is required that is free of obstructions including roof piping or electrical wiring, road humps and any other obstructions restricting waste truck movement.

### **Contingency plans**

The applicant will provide written advice on any contingency plans should there be a breakdown of transporting equipment e.g. a replacement fork lift alternatives where internal lifts are provided, garbage chutes etc.

### **Other matters**

Movement of the bulk bins

If bulk bins are to be moved from one area to another then advice on the method of transporting these bins is to be provided e.g. tractor, fork lift, lifts etc

### **Security gates**

If the truck needs to enter the development then truck access through the security gate needs to be arranged with the contractor prior to occupation of the development eg keys or security codes.

### **OH&S Requirements**

In assessing a development application Council has a duty to care in ensuring that OH&S concerns are addressed. Satisfactory planning is needed to minimise the risk of personal injury or damage to public property when addressing common law and regulative standards or policies. Some of these are listed below.

- OH&S Act 2000.
- OH&S Regulations 2000.
- Collection of Domestic Waste - WorkCover Document.
- Council's Integrated Management System (IMS).

Matters relating to safety, health and indemnity considerations included:

### **Satisfactory sight distance**

A satisfactory sight distance is necessary to minimise the potential of injury to pedestrians from contact with on-coming vehicles. Effective sight distance standards need to comply with AS 2890.2.

Some acceptable solutions to minimising risk include introducing:

- Mirrors
- Internal traffic signals
- Effective signage

### **Manoeuvring of bins**

The manual manoeuvring of bins may cause injury if bin lifting is required or excessive heavy bulk bins are pushed/hailed. Some of the acceptable solutions are as follows:

Maximum bulk bin size: The maximum bulk bin size used will be 1.5m<sup>3</sup> or less to minimise personal injury associated with pushing/dragging bulk bins.

Wheel in wheel back service: The standards addressing obstructions, slope and distance need to meet the criteria discussed for 18 units or less.

Lifting of bins: Mechanical bin lifters may need to be used for lifting waste/recyclable mobile bins into the bulk bins.

### **Transporting bulk bins**

The transporting of bulk bins excessive distances or from one level grade to another need to be performed using appropriate equipment e.g. forklift, tractor etc. Where bulk bins are transferred to a different floor level then a special lift may need to be providing and contingency plans provided for any potential breakdown.

### **Health**

Provision for ventilation within a waste enclosure is needed to plan against unsatisfactory waste odours.

### **Indemnity**

Council will require an indemnity against claims for loss or damage to the pavement or other driving surfaces against

liabilities, losses, damages and any other demands arising from any on site collection service. This will be provided prior to the issue of an occupational certificate together with the creation of an instrument.

## 7.3 Notification of Development Proposals

### 7.3.1 Introduction

#### 7.3.1.1 Objectives of the Chapter

The aim of this Chapter is to identify requirements for the notification and advertising of development and other applications by:

- enabling potentially affected persons to be notified of development applications and approvals;
- enabling consideration of comments from potentially affected persons;
- assisting Council's, or any other relevant Consent Authority's, assessment of development proposals; and
- identifying the administrative procedures for notification of applications and consents.

#### 7.3.1.2 Application of this Chapter

In circumstances where there may be any inconsistency between the requirements contained in this Chapter and any other, the provisions of this Chapter shall apply.

#### 7.3.1.3 Glossary

**Adjoining property** means land that shares a common property boundary with the subject site.

**Council** means Central Coast Council.

**Consent Authority** has the same meaning in the Environmental Planning and Assessment Act, 1979 (EP&AAct 1979)

**Development Application (DA)** means an application made to a consent authority, generally Council, to enable development to be carried out in accordance with Part IV of the EP&AAct 1979.

**Petition** means a written submission that is signed by three (3) or more people and provides the objectors name and address, whether lodged electronically or in a physical format.

**Submission** means a written response received by Council as a result of the public notification of a Development Application which includes the objectors name and address, whether lodged electronically or in a physical format.

## 7.3.2 Notification of Development Proposals

### 7.3.2.1 Where these Provisions Apply

The public notification provisions contained in this Chapter apply to:

- development applications for local development including development under s.78A (3)-(6) of the EP&AAct 1979 and
- integrated development under s.91 of the EP&AAct 1979. (except nominated integrated development);
- review of determination' requests under s.82A of the EP&AAct 1979;
- applications for amendments to existing development consents under s.96(1A) and s. 96(2) of the EP&AAct 1979.
- development consents; and
- issuing of complying development certificates by Council.

The Chapter does not apply to development applications for:

- designated development;
- advertised development;

- state significant development and state significant advertised development;
- other advertised development including nominated integrated development.

The above categories of development will be notified in accordance with the relevant provisions of the Environmental Planning and Assessment Regulation 2000 (EP&AR 2000).

### **7.3.2.2 Land Owners to be Notified – General Coverage**

- a. Where required by this plan, written notice of a development application received will be sent to the owners of land adjoining the land which is the subject of the application (except where land is held in common ownership with the subject land). This includes persons who own land that share a common property boundary with the site and land directly on the opposite side of a creek, road, pathway or similar thoroughfare.
- b. Where adjoining land is within an adjoining Local Government Area (LGA), notification will be sent to the Council of that LGA.
- c. Where adjoining or neighbouring land is owned under Strata Title or Community Title, notification shall be sent to the Manager or Secretary of the Owners Corporation or Association. In these cases it is the responsibility of the Manager or Secretary of the Owners Corporation or Association to make residents aware of the development proposal.
- d. The Council will not separately notify the tenants of adjoining or neighbouring land of applications received. However, tenants or any member of the public may make a submission to Council on a development proposal.
- e. Where adjoining or neighbouring land is owned by more than one person, a notice to one owner will satisfy the requirements of this Chapter.
- f. Notification will be sent to the mailing address details within Council's Name and Address Register.

### **7.3.2.3 Applications Requiring Notification**

- a. Notification or advertising will be required for development applications for a development of a type listed in the Notification Table (Appendix A).
- b. In instances where a proposed land use is not mentioned in the Notification Table and/or Council is of the opinion a proposal will have little or no environmental impact, public notification will not be required.

### **7.3.2.4 Public Interest Notification**

Where the Council or other consent authority considers that any development application or proposal may impact the amenity of an area or be of significant community interest, the Council or other consent authority may notify surrounding land owners, relevant interest groups, organisations or agencies.

### **7.3.2.5 Form of Notice**

- a. The written notice to be forwarded by Council or other consent authority under this Chapter shall contain the following information:
  - i. the applicant's name;
  - ii. the application number;
  - iii. the description of the land and address to which the application relates including street address and any known and commonly used property name;
  - iv. a description of the proposal;
  - v. the officer dealing with the application or other appropriate contact;
  - vi. the time within which written submissions will be considered;
  - vii. an invitation to inspect plans and documents and details of when and where such plans may be inspected; and
- b. Development applications that are required to be notified under this policy shall be published on Council's website.

### **7.3.2.6 Exhibition of Applications**

- a. Plans, models and any written material submitted with a development application that has been notified will be available for inspection during office hours by any person free of charge for the period identified and from the date of notice.
- b. A copy of plans (other than floor plans) will be made available on request subject to payment of the fee established by Council for copying of development application plans and the copyright of the plans being protected.
- c. Where a notified development application is accompanied by a written request to justify the contravention of a development standard under cl. 4.6 of the relevant Local Environmental Plan, the written request shall be exhibited with the application and copies made available.

### **7.3.2.7 Form and Timing of Submissions**

- a. The period of notice for any development application will be as listed in the Notification Table (Appendix A) or as otherwise specified under the Environmental Planning and Assessment Regulation 2000 (EP&AR 2000) and EP&AAct 1979.
- b. Submissions on development applications must be made in writing and lodged with the Council within the period specified in the notice (the exhibition period).
- c. Any person may make a written submission within the specified time period. Submissions must clearly state the grounds on which the submission is being made i.e.: the reasons for support or objection to the proposal.
- d. Council or other consent authority may provide an extension of time to lodge a submission to a person who requests such extension within the specified time period. Any extension granted will be on the basis that the timing of determination of the development application is not unreasonably affected.
- e. Council provides no guarantee that submissions received after the end of the exhibition period will be considered where no extension to the exhibition period has been sought and granted.
- f. The preferred method of lodgement of submissions is online via Council's Website at [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au) Use of this method of lodgement enables the publishing of the submission attachment only with the name and personal details on the form not being published. Note that all submissions are published to Council's website.
- g. Submissions will also be received by hand or mail.
- h. Submissions must be received by 5.00pm on the last day of the notification/submission period.

### **7.3.2.8 Acknowledgement of Receipt of Submissions**

All submissions received within the specified time period that have provided a mailing address, will be acknowledged in writing by Council. In the case of any petition received, only the person identified as the main proponent or the first addressee will be acknowledged.

### **7.3.2.9 Consideration of Submissions**

- a. Council will consider all submissions received within the specified period in its assessment of the relevant development application.
- b. Anonymous submissions may be given less weight (or no weight) in the consideration of the application.
- c. Council will not provide applicants with copies of submissions made by others except as required under the Government Information (Public Access) Act, 2009, and in the prescribed manner.

### **7.3.2.10 Notification of Proposals Amended Prior to Determination**

- a. An applicant may amend a development application prior to the determination of the application. In these instances if the original development application was notified or advertised Council will, prior to Council's determination of the development application, readvertise and/or re-notify:

those persons previously notified of the original development application;

those persons who made submissions to the original development application; and

- b. The notification period for an amended development application is the same as the original notification.
- c. Irrespective of “a” above, if in the opinion of Council or staff with the appropriate delegated authority the amendments are minor, or will result in no additional impacts, the amendments will not require re-advertisement or re-notification.

### **7.3.2.11 Notice of Determination**

Council will give notice of the determination of an application to each person who made a submission and to the person identified as the main proponent of any petition received.

This notification is in addition to the public notification prescribed in cl.124 and cl.137 of the EP&AR 2000 to confirm the validity of a development consent or a complying development certificate pursuant to s.101 of EP&AAct 1979.

### **7.3.2.12 Request for Review of a Determination**

- a. Development Applications Generally

Under s. 82A of the EP&AAct 1979, an applicant may request Council or other consent authority to review its determination of a development application. If Council decides to undertake the review, then it will notify all those persons who were notified of the original application.

*Note: The submission of the s.82A request does not guarantee that the application will be approved. Assessment of the original application and additional information submitted will be based on the merits of the proposal; therefore the original determination may be upheld.*

### **7.3.2.13 Section 96 Applications**

Section 96 of the EP&AAct 1979, provides that Council may, on application being made by the applicant or any other person entitled to act on a consent, subject to and in accordance with the EP&AR 2000, modify the consent if it is satisfied that the proposed modification is of minimal environmental impact, and it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

#### **7.3.2.13.1 Examples of the Different Types of Section 96 Modifications**

1. Section 96(1) - Modifications involving minor error, misdescription or miscalculation such as:
  - approved development where dimensions of plans may be incorrect;
  - description of development may be incorrect, such as, “Hairdressing Salon” should have read “Hairdressing and Beauty Salon”.
2. Section 96(1A) - Modifications involving minimal environmental impact such as:
  - alterations to room layout for dwelling, dual occupancy, commercial buildings;
  - changes to car parking layout for dual occupancy, residential flat building, and commercial building;
  - minor change to external facade, roofline, window positions, building finishes (including colours).
3. Section 96(2) - Other modifications such as:
  - internal and external alterations which may impact on privacy or solar access to adjoining properties, such as relocation of a courtyard in a dual occupancy;
  - substantial alterations to larger developments, which do not significantly change the development, such as increased floor space to a warehouse;
  - alteration to the number of lots in a subdivision.

#### **7.3.2.13.2 Circumstances where Public Notification of Modification Applications is Required**

- a. Public notification of applications lodged under s.96(1) is not required.

- b. Public notification of applications lodged under s.96(1A) will generally not be required unless Council or staff with the appropriate delegated authority is of the opinion it may impact on an adjoining property and submissions were received to the original application.
- c. Public notification of applications lodged under s.96(2) will generally not be required unless Council or staff with the appropriate delegated authority is of the opinion it may impact on an adjoining property and submissions were received to the original application.
- d. Where Council considers that notification is necessary, Council will notify any owner of adjoining land.

### 7.3.3 Other Matters

#### 7.3.3.1 Complying Development Certificates

Cl. 137 of the EP&AR 2000 prescribes the public notification requirements to confirm the validity of a Complying Development Certificate pursuant to s.101 of the EP&AAct 1979.

When Council issues a Complying Development Certificate, it will notify in accordance with cl.137 of the EP&AR 2000.

#### 7.3.3.2 Advertisement of Consents and Certificates

Council will publish the following information in a local newspaper and on Council's website on a regular basis:

- a. development consents issued;
- b. complying development certificates approved by Council; and
- c. Building Certificates (s.149A – s.194G EP&AAct 1979) for unauthorised works.

### Appendix A - Notification Table

Development within a heritage conservation area Development within a heritage conservation area Type of Notification	Notice in Newspaper	Notice to Adjoining Owners	Submission Period
Advertisements and Advertising Structures on land zoned residential, or on land adjoining land zoned residential	Yes	Yes	14 days
Amusement Centre/Entertainment Facilities	Yes	Yes	14 days
Boarding House	Yes	Yes	21 days
Change of Use in Industrial and Business Zones	No	Yes	N/A
Child Care Centres	Yes	Yes	21 days
Crematoriums/cemeteries	Yes	Yes	14 days
Commercial Building within a commercial zone	No	No	N/A
Commercial Building Work – new or alterations and additions where adjoining land zoned residential or existing residential development	No	Yes	14 days
Demolition	No	No	N/A
Drug Rehabilitation Facilities	Yes	Yes	21 days
Dual Occupancy – including alterations and additions	Yes	Yes	14 days
Dwelling houses, ancillary development or additions- where setback, site coverage, floor space ratio and building height requirements are complied with.	No	No	N/A
Dwelling houses ancillary development or additions - where setback or site coverage or floor space ratio or building height requirements are not complied with or where in the opinion of Council the proposal may have undue impact on the amenity of surrounding properties	No	Yes	14 days



Development within a heritage conservation area Development within a heritage conservation area Type of Notification	Notice in Newspaper	Notice to Adjoining Owners	Submission Period
Educational Establishment excepting proposals in a business, industrial or special use zone	Yes	Yes	21 days
Food and drink premises located on footpaths excepting proposals in a business, industrial or special use zone	Yes	Yes	14 days
Funeral chapel, funeral home excepting proposals in a business, industrial or special use zone	Yes	Yes	14 days
Group Home	Yes	Yes	14 days
<i>Development involving a heritage item</i>	Yes	Yes	14 days
<i>Development within a heritage conservation area</i>	Yes	Yes	14 days
Home Industry, home business	No	Yes	14 days
Hospital if proposed on land zoned residential or land adjoining land zoned residential	Yes	Yes	21 days
Hostel	Yes	Yes	14 days
Industrial Building Work excepting proposals in a business or industrial zone	No	Yes	14 days
Internal Fit Outs/Alterations	No	No	N/A
Land Subdivision– resulting in 1 to 9 lots (except where as a result of approved development)	Yes	Yes	14 days
Land Subdivision– resulting in 10 or more lots (except where as a result of approved development)	Yes	Yes	21 days
Non-residential uses in residential zones	No	Yes	14 days
Place of Public Worship excepting proposals in a business, industrial or special use zone	Yes	Yes	21 days
Private waterfront developments (including jetties, boat ramps etc.)	No	Yes	21 days
Pub	Yes	Yes	21 days
Residential Flat Building/Multi Dwelling Housing – including alterations and additions	Yes	Yes	21 days
Secondary Dwellings where setback and building height requirements are complied with	No	No	N/A
Secondary Dwellings where setback and building height requirements are not complied with	No	Yes	14 days
Seniors Living	Yes	Yes	21 days
Sex Services Premises & Restricted Premises	Yes	Yes	14 days
Shop-Top Housing	Yes	Yes	21 days
Subdivision of an approved Dual Occupancy	No	No	N/A
Strata Subdivision of Existing Building	No	No	N/A
Telecommunication Facilities	Yes	Yes	14 days
Tourist and visitor accommodation except in a business or special use zones	Yes	Yes	14 days
All other Development	Yes	Yes	14 days

## 7.4 Complying Development Conditions

### 7.4.1 Where this Chapter Applies

This chapter applies to all development that is declared by an Environmental Planning Instrument, applicable to the City of Gosford, to be Complying Development.

A person may carry out Complying Development if the Development is carried out in accordance with a Complying Development Certificate for the land and the provisions of this Chapter.

### 7.4.2 Purpose of this Chapter

The purpose of this chapter is to provide specify conditions applicable to Complying Development Certificates.

### 7.4.3 Objectives

The objectives of this chapter are:

- a. To provide specific conditions applicable to the carrying out of Complying Development.
- b. To ensure that any Complying Development will comply with all development standards applicable to the development and is consistent with Council's plans and policies.

### 7.4.4 Specific Requirements

#### 7.4.4.1 Before Work Begins

- a. Two days before any site works, building or demolition begins, the applicant must forward a *Notice of Work and Appointment of Principal Certifying Authority (Form 7 of the Environmental Planning & Assessment Act Regulations)* to the Council, and inform the adjoining owners in writing that work will commence.
- b. Before any site works, building or demolition begins, the applicant must:
  - i. notify the Council of the name, address, phone number and licence number of the builder; and
  - ii. erect a sign at the frontage of the property with the builder's name, licence number, site address and consent number; and
  - iii. provide a temporary toilet on-site if access to existing toilet facilities is not adequate; and
  - iv. protect and support any neighbouring land or buildings; and
  - v. protect any public land or place from obstruction, inconvenience or damage due to the carrying out of the development; and
  - vi. prevent any substance from falling onto any public land or place; and
  - vii. pay any Section 94 contributions if required by a contributions plan applying to the land; and
  - viii. comply with any other conditions prescribed by the Environmental Planning and Assessment Act Regulations.

**Note:** This item does not impose a requirement on an applicant if it is complied with by the builder.

- c. Any structures designed within the Zone of Influence of a Council sewer or water main must be in accordance with Council's Guidelines for Building Over/ Near Sewer and Water Mains.

Where concrete encasement of sewer or water mains is required by the Guidelines, the applicant must have Engineering plans detailing the proposed encasement stamped and approved by Council's Water and Sewer Section prior to the commencement of any work.

- d. Any structure designed within the zone of influence of a Council stormwater easement or stormwater line must be in accordance with Council's Guidelines for Building Near Stormwater Easements and Lines.

A structure is not to be erected over any Council stormwater easement or stormwater drainage line.

- e. Where sewer is not available, before any site works, building or demolition begins the applicant must obtain approval from Council for any installation, construction or alterations of an on-site sewerage management facility.

#### 7.4.4.2 Site Management

- a. Erosion and Siltation control measures shall be undertaken in respect to any part of the land where the natural surface is disturbed or earthworks are carried out in accordance with the Erosion and Sedimentation Control chapter of this DCP.

Erosion and Sedimentation Control in accordance with the Erosion and Sedimentation Control chapter of this DCP must be in place prior to the commencement of work.

- b. The street number of the property is to be prominently displayed in an appropriate location.
- c. Water Cycle Management shall be designed and installed in accordance with the Water Cycle Management chapter of this DCP and Council's Water Cycle Management Guidelines.
- d. Building materials must not be stored on Council's footpath or grass verges and a suitable sign to this effect should be erected adjacent to the street alignment. No construction work is to take place on the footpath.

#### **7.4.4.3 Drainage**

- a. The land surrounding any structures must be graded to divert surface water to the street or Council's drainage system. It must be clear of existing and proposed structures and adjoining premises.
- b. Where the gradient of the land restricts the disposal of water to Council's street drainage system or to an inter allotment drainage system, an on-site disposal system is to be provided. For dwellings the system is to be designed by a practising engineer experienced in hydraulics and must cater for a 1:20 AEP storm event. Dwelling additions and outbuildings may be connected to an existing stormwater disposal system where such a system exists on site.

#### **7.4.4.4 Hours of Work**

Any clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials is to be carried out between the following hours of work.

Mondays to Fridays – 7.00am to 6.00pm

Saturdays – 8.00am to 4.00pm

No work is to be carried out on Sundays or Public Holidays.

#### **7.4.4.5 Survey Certificate**

- a. The following survey certificates must be given to the Principal Certifying Authority for all single dwelling houses at the following stages:
  - i. On completion of the floor slab formwork or footings before concrete is poured, detailing the location of the structure to the boundaries of the site; and
  - ii. At completion of the lowest floor, confirming that levels are in accordance with the certificate (Levels must relate to the datum on the certificate).
- b. The owner of the property is to ensure that any structure is constructed:
  - i. to meet the setback requirements of the approved plans; and
  - ii. to be located within the confines of the lot

#### **7.4.4.6 Site Access**

Where kerb and gutter is already provided:

- a. Driveways are to be a minimum of 500mm clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utilities infrastructure, including Council drainage structures, unless prior approval is obtained from the relevant authority.
- b. Driveways are to be sited a minimum of 6 metres from road intersections.
- c. All existing levels on the road footpath area are to be maintained and no cut or fill material is to extend beyond the road reserve boundary.
- d. Garage floor slab level is to be located at the normal 6 metre building line and must not exceed 1140mm above or 910mm below the existing adjacent top of kerb level. Other building line setbacks will require a driveway

design within the property to ensure that the maximum driveway gradient of 1 in 4 is not exceeded and a minimum 2.5m transition in grade is provided.

- e. A separate application must be submitted to Gosford City Council for the construction of a vehicular crossing within the road reserve.

#### **7.4.4.7 External Finishes**

The external colours and finishes of the building are to be chosen having due regard to the streetscape and the surrounding natural environment. Dark, lower reflective materials are to be used unless the dominant streetscape dictates the use of lighter colours.

## Appendix 1 Definitions

### **Absorption Capacity**

An estimation of the capacity of the landscape to absorb developments without its character being significantly changed or its scenic quality reduced.

### **Access Corridor (ROW)**

A private road which carries lowest volume of traffic, providing direct access to a small number of allotments. Vehicle, pedestrian and recreation use is shared, with pedestrians having priority.

### **Access Street**

A minor road which carries a low volume of traffic, providing direct access to a limited number of allotments.

### **Active Solar Energy Systems**

Systems which combine the sun's energy with local climatic conditions to achieve thermal comfort inside buildings with the use of mechanical devices. An example is sub-floor heating which uses a pump to circulate hot water from a tank through the floor and back to solar collectors.

### **Advertised Development**

Has the same meaning as in the Environmental Planning and Assessment Act 1979 (the Act) & Regulations.

### **Advertisement**

A sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

### **Advertising structure**

is defined in Gosford LEP 2014

### **Advertising Display Area**

The area of an advertisement or advertising structure used for signage, and includes any borders of, or surrounds to, the advertisement or advertising structure, but does not include safety devices, platforms or lighting devices associated with advertisements of advertising structures.

- a) In the case of an advertising structure with more than one surface area - the sum of those areas.
- b) The advertising display area of an advertising structure that contains advertising on two or more sides is to be calculated separately for each side and is not the sum of the display areas on all sides.

### **Advisory Sign**

A sign or notice which directs attention to a parking area, pedestrian or vehicular entrances and exits or the like.

### **Ancillary Structures and Outbuildings (containing habitable floor space)**

Studios, pool cabanas, tennis court facilities and the like which are separate/detached from the dwelling.

### **Ancillary Structures (containing non-habitable floor space)**

Garages, Carports, sheds and the like.

### **Annual Exceedance Probability (AEP)**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

### **Aquifer Storage and Recovery (ASR)**

The process of recharging water into an aquifer for the purpose of storage and subsequent withdrawal. Injection of recycled water into aquifers for storage, which may be recovered later to meet water demands.

### **Australian Height Datum (AHD)**

A national surface level datum corresponding to mean sea level.

## **Australian Runoff Quality (ARQ)**

A Guide to Water Sensitive Urban Design. A Guide to the integrated management of urban stormwater.

## **Average Recurrence Interval (ARI)**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Awning**

An awning is a predominantly horizontal structure that projects over a footpath from the host building to provide weather protection for pedestrians.

## **Awning Fascia Sign**

A sign on the fascia of an awning or verandah.

## **Awning Sign - Above**

A projecting sign on top of an awning.

## **Awning Sign - Below**

A sign attached to the underside of an awning.

## **Baseline Annual Pollutant Load**

Is the expected post development pollutant load for a given pollutant that would be discharged from the site over the course of an average year if no stormwater reuse or treatment measures were applied.

## **Baseline Mains Water Consumption**

Is the expected average daily mains water consumption that would be generated by the development if no water conservation measures were applied.

## **BASIX**

BASIX Certificate The Building Sustainability Index (BASIX).

## **BCA**

The Building Code of Australia.

## **Bed and Breakfast Accommodation**

Tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling:

- a) meals are provided for guests only, and
- b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- c) dormitory-style accommodation is not provided.

Note: See clause 5.4 of Gosford LEP 2014 for controls relating to the number of bedrooms.

## **Berth**

An area of water allocated for the wet storage of vessels attached to pontoon and allowing for walk-on access to the vessels.

## **Biological uptake**

Take-up of gas or fluid through a cell membrane.

## **Blackwater**

Wastewater that contains human faecal content, and other waste not considered to be Greywater, (see definition of greywater below).

## **Boat Ramp**

An inclined impervious surface used for the manual launching of small vessels, but does not include a slipway.

## **Boatshed**

is defined in Gosford LEP 2014

## **Building Envelope**

Defines the limits for the siting and height of any dwelling and/or outbuildings

## **Building Identification Sign**

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

## **Building Line**

is defined in Gosford LEP 2014

## **Building Wrap Advertisement**

An advertisement used in association with the covering or wrapping of:

- a) a building or land, or
- b) a building that is under construction, renovation, restoration or demolition, but does not include a wall advertisement.

## **Business Identification Sign**

A sign:

- a) that indicates:
  - i) the name of a person or business, and
  - ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include an advertising relating to a person who does not carry on business at the premises or place.

## **Business Premises**

is defined in Gosford LEP 2014

## **Catchment**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Check Banks/Dams**

Flow spreaders constructed across a channel to decrease velocities and promote uniform flows over a wider length.

## **Class of Advertising Structure**

A class of advertising structure, together with the appropriate description of an advertising structure specified in Clause 3.7.5 of this plan.

## **Clinical Waste**

Any waste having the potential to cause infection, which has been generated by medical, nursing, dental, veterinary, pharmaceutical, or other related activities and includes infectious substances, pathogenic substances, pharmaceuticals and pharmaceutical residues, cytotoxic substances and wastes from the production and preparation of pharmaceutical products. Special arrangements need to be made for this type of waste.

## **Collection Area**

The location where garbage or recyclable material is transferred from a building's storage containers to a collection vehicle for removal from the site.

## **Collection Point**

Is a point in respect of multi-residential premises, in the area designated as the waste storage area or, where no

suitable area is designated, in a position to be determined by the Manager.

### **Collector Road**

A minor road linking access streets to major roads, possibly providing bus routes and giving road access to allotments.

### **Colloidal Particles**

Particles that remain suspended in a solution (i.e. fail to settle out).

### **Communication Facilities**

A structure, building, work or place used primarily for transmitting or receiving signals for the purposes of communication and includes for example but not exclusively radio masts, towers and satellite dishes”, but excludes such development listed as Exempt in Council's planning instrument.

### **Community Facility**

is defined by Gosford LEP 2014

### **Community Jetty and Wharf**

A jetty or wharf structure fronting foreshore or public reserve land or waterfront freehold land as identified by a broken heavy shaded line on the attached map where there is a public benefit and community need for both areas and serving at least seven (7) property owners for a standard length jetty.

### **Community land**

Has the same meaning as in the Local Government Act 1993.

### **Complying Development**

Has the same meaning as in the Act.

### **Compostable Material**

Vegetative material capable of being converted to humus by a biological decay process.

### **Contaminated Waste**

Is a waste that has the potential to cause injury, infection or offence. Sources include medical, nursing, dental, veterinary, pharmaceutical and similar facilities engaged in treatment, investigation, teaching or research. Domestic sources include sharps and associated medical waste generated as a result of home based treatment of a medical condition (such as those associated with a diabetes sufferer or dialysis patient. Special arrangements need to be made for this type of waste.

### **Council**

Gosford City Council.

### **Cultivation**

Is the mechanical preparation of the soil required for the growing of crops or pasture.

### **Deed High Water Mark**

Is the position of mean high water mark defined by the registered survey plan for an allotment, and is shown or referred to in the relevant Certificate of Title.

### **Design Flow**

Calculated flow rate used to size engineering structures to a defined standard.

### **Designated Development**

Has the same meaning as in the Act.

### **Destroy**

Any activity leading to the death, disfigurement or mutilation of a tree.



## **Detention**

Detention devices capture and temporarily store stormwater runoff during major (infrequent) storm events. Stormwater is then discharged to the drainage system at a controlled rate. Detention devices act to mitigate potential downstream flooding impacts.

## **Detention Time (wetlands)**

The time it takes for a 'parcel' of water to flow from the inlet of a wetland system to the outlet. Detention time is never a constant.

## **Detracting Elements**

Elements which reduce the overall scenic quality of a landscape by excessive contrast with more harmonious elements, by being isolated and conspicuous, locally out of character, or be degrading or obscuring the natural cultural elements of the scheme.

## **Development Area**

Development Area refers to the combined area of all proposed work listed with a development application.

## **Dieback**

Is a general term for a significant decline in tree health and numbers, especially native trees, caused by a variety of stress-related agents including insect attack, disease, nutrient enrichment, altered drainage and pollution.

## **Discharge**

The volume of flow passing a predetermined section in a unit time.

## **Dispersible Soil**

Is structurally unstable. In water it will break down into its constituent particles (clay, silt and sand). Highly dispersible soils are highly erodible and are associated with high exchangeable sodium and low soluble salt concentrations. In the absence of better defining criteria, soils that contain > 10% dispersible material can disperse and need flocculation. Soil dispersability can be determined by laboratory tests,

## **Display**

Includes the erection of a structure for the purposes of display and the use of land, or a building on land for the purposes of display.

## **Domestic**

In relation to any class of development, means development which is carried out incidentally to the occupation of a dwelling-house.

## **Draw down**

The use of water from a storage tank (or system) that then provides available storage for the next rainfall event.

## **Dual pipe plumbing**

Secondary internal plumbing that separates drinking water supply from the supply to toilet cisterns and laundry cold taps as well as external supply at a point external to the building.

## **Dwelling**

is defined by Gosford LEP 2014

## **Earth Bank and Channel**

A bank is a ridge or embankment of compacted earth. A channel is an excavated earth drainage ditch or path used to intercept and direct runoff to a desired location.

## **Ecologically Sustainable Development (ESD)**

Has the same meaning as in the Act.

## **Ecosystem**

A system of interacting living organisms together with their physical environment. The boundaries of what could be called an ecosystem are somewhat arbitrary, depending on the focus of interest or study. Thus the extent of an ecosystem may range from very small spatial scales to, ultimately, the entire Earth

### **Effective Warning Time**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

### **Erosion and Sedimentation Control Plan (ESCP)**

Is a plan showing how potential erosion and sedimentation on a given site resulting from approved building works, development or activity will be minimised or controlled.

### **Environmentally Sensitive Land**

In relation to the Erosion and Sedimentation Control chapter of this plan is land that is steeper than 18 degrees of slope; liable to degradation due to erosion, sedimentation, salinity/acidity, inundation by sand, soil or water, invasion by exotic vegetation; or native vegetation and wetlands.

### **Exempt Development**

Development as permitted under the Gosford LEP 2014.

### **Existing Advertisement**

In relation to an advertising structure means a lawfully consented to advertisement which was in existence on a building or parcel of land and includes an advertisement which has been consented to by Council, but not yet erected, prior to and as of the "appointed day" associated with this plan.

### **Extended Detention (wetlands)**

Volume above wetland normal (permanent/semi-permanent) water level and the overflow weir height in a treatment element (e.g. wetland, bioretention basin, infiltration basin).

### **External Surfaces**

Includes external walls and any cladding thereon, doors, fences and any other surface visible from the exterior of the structure concerned.

### **Extreme Flood**

Means an estimate of the probable maximum flood, which is the largest flood likely to ever occur.

### **Fascia Sign**

A sign on the fascia of an existing awning or verandah.

### **Filtration Media**

Soil media that retain pollutants as stormwater passes through it. If "amended", it has been modified by the addition of organic carbon in the form of decomposed plant material.

### **First Flush Diverter**

Device for directing initial roof water collected during a rainfall event away from storage as it may contain a high concentration of pollutants.

### **Flood**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

### **Flood Awareness**

Is an appreciation of the likely effects of flooding and knowledge of the relevant flood warning and evacuation procedures.

### **Flood Compatible Building Components**

Means a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage.

## **Flood Compatible Materials**

Include those materials used in building which are resistant to damage when inundated.

## **NSW Floodplain Development Manual 2005**

Refers to the NSW Floodplain Development Manual 2005 (as amended) published by the NSW Government

## **Flood Evacuation Strategy**

Means the proposed strategy for the evacuation of areas within effective warning time during periods of flood as specified within the State Emergency Service Operational Plan, the relevant FRMP, by advices received from the State Emergency Services (SES) or as determined in the assessment of individual proposals.

## **Flood Fringe**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Flood Planning Area**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Flood Planning Level (FPL)**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Flood Prone**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Floodplain Risk Management Plan (FRMP)**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Floodplain Risk Management Study (FRMS)**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Flood Storage**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Flood Study**

Is a comprehensive technical investigation of flood behavior that defines the variation over time of flood levels, extent and velocity for flood events of various severities, up to and including the PMF.

## **Floodway**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Floor**

The space within a building which is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above.

## **Floor Space**

In relation to a building or work involving a single dwelling, includes all wall thicknesses, ducts, vents, staircases and lift wells, storage areas, and total deck or terrace areas in excess of 30m<sup>2</sup> but does not include; unroofed swimming pools, parking accommodation for a maximum of 2 vehicles, any access to the parking spaces, recreational structures (e.g. Cabanas, open decks to 30m<sup>2</sup>/awnings, gazebos etc).

## **Floor Space Ratio (FSR)**

Refer to clause 4.4 & 4.5 of Gosford LEP 2014

## **Flush Wall Sign**

Attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300mm from the wall.

## **Foreshore**

Any land immediately above and adjacent to the mean high water mark.

## **Foreshore Building Line**

A line fixed by Council on the water side of which a building may not be erected except as may be provided by this plan.

## **Freeboard**

A factor of safety expressed as a height above the flood used to determine the minimum floor level.

## **Freestanding Advertisement**

An advertisement that is displayed on an advertising structure that is mounted on the ground on one or more supports.

## **Garbage and Recycling Room**

A room where garbage and recycling receptacles are stored, awaiting reuse or removal from the premises.

## **Garbage Chute**

A duct in which deposited material descends from one level to another within the building, due to gravity.

## **Garden Organics**

Vegetative matter including trees, branches, shrubs, cuttings, lawn clippings and untreated timber and wood products.

## **Greywater**

Includes bath, shower and laundry wastewater as well as hand basins. Greywater does NOT include toilets or kitchen sinks. Greywater does not contain human excreta.

## **Gross Floor Area**

is defined by Gosford LEP 2014

## **Gross Pollutant Trap (GPT)**

A structure used to trap large pieces of debris (> 5 mm) transported through the stormwater system.

## **Ground Level (Existing)**

is defined by Gosford LEP 2014

## **Ground Level (Finished)**

is defined by Gosford LEP 2014

## **Ground Level (Mean)**

is defined by Gosford LEP 2014

## **Habitable Room**

A room used for normal domestic activities, and

- a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play room, family room and sun room,
- b) excludes a bathroom, laundry, water closet, pantry, walk in wardrobe, corridor, hallway, lobby, photographic dark room, clothes drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

## **Hard Engineering**

Engineered devices, typically using concrete, steel, bitumen etc to convey, treat or hold water and wastewater. They can be purpose designed and built in-situ, or be proprietary products purchased from commercial suppliers.

## **Hazardous Waste**

Any waste that; because of its physically, biologically or chemically damaging properties, is capable of causing a danger to the life or health of any living thing if it is released into the environment. Special arrangements need to be made of this type of waste; and/or - is, or contains, a substance described in the Protection of the Environment Operations Act 1997.

## Height

In relation to a free standing advertisement or structure means the vertical distance between the topmost point of the advertising structure and the ground level immediately below.

## Heritage Item

is defined in Gosford LEP 2014

## Heritage Map

Means the Gosford LEP 2014 Heritage Map.

## High Hazard Floodway

Potential for structural damage. Evacuation by trucks difficult. Possible danger to life and limb. Social disruption and financial losses could be high.

## Identification Sign

A sign used to identify a site, building, building use or tenant.

## Illuminated Sign

A sign which is internally or externally lit by artificial lighting whether that lighting is integral to or separate from the sign, including signs that have flashing or sequenced lighting, spotlighting, directional, projected or laser lighting.

## Industry

is defined in Gosford LEP 2014

## Injury

Damage to a tree and includes:

- a) lopping and topping,
- b) poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone,
- c) cutting and tearing of branches and roots that is not carried out in accordance with accepted arboricultural practices, does not qualify as "pruning" or is done for invalid reasons,
- d) ringbarking, scarring the bark when operating machinery, fixing objects (e.g. signs) by nails, staples or wire, using tree climbing spikes in healthy tree marked for retention (except for access to an injured tree worker), or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches,
- e) damaging a tree's root zone by compaction, excavation or asphyxiation (including unauthorised filling, construction of raised garden beds or stockpiling of materials).

## Jetty

is defined in Gosford LEP 2014

## Lane

An external space which is uncovered and open to the sky and which provides permanent pedestrian and/or vehicle connections through the city fabric at all hours.

## Landscape Plan

Is a plan showing the location, type and quantity of vegetation and structural elements to be placed on the site to gain visual amenity and screen section of the site from public view or use.

## Level Spreader

A level spreader is an excavated outlet constructed at zero grade and level across the outlet.

## **LGA**

Local Government Area.

## **Local Distributor**

A road linking access streets to major roads, providing bus routes and giving restricted access to allotments.

## **Local Overland Drainage**

Means minor inundation by local runoff. Local overland drainage problems invariably involve shallow depths (less than 0.3m) with generally little danger to personal safety. More significant inundation is classed as flooding, whereby flooding development controls will apply.

## **Local Overland Flooding**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Lopping**

Cutting between branch unions or at internodes on young trees.

## **Low Hazard Floodway**

Should it be necessary, people and their possessions could be evacuated by trucks. Able-bodied adults would have little difficulty wading. Damage potential would be low.

## **Mains Water**

Treated drinking quality water supplied by Council's Water Authority through a piped system. (see also potable water).

## **Maintenance**

Is the work required to retain a structure in continuous safe service to the standard and dimensions to which it was originally constructed.

## **Major Alteration and Addition**

Any alteration or addition where the area of the building – the subject of the application – equals or exceeds 40% of the floor area of the existing building when measured to the outside surface of the building walls. This includes areas of the existing building such as kitchens and bathrooms when these are included in the works within the application.

## **Mean High Water**

is defined in Gosford LEP 2014

## **Mean Low Water**

The average height of all low tides.

## **Merit Approach**

Is an approach, the principles of which are embodied in the FDM which weighs social, economic, ecological and cultural impacts of land use options for different flood prone areas together with flood damage, hazard and behaviour implications, and environmental protection and well being of the State's rivers and floodplains.

## **Minimum Floor Level (MFL)**

Lowest floor level specified for structures within flood liable areas.

## **Mooring**

is defined in Gosford LEP 2014

## **MUSIC**

The acronym used for the Model for Urban Stormwater Improvement Conceptualisation software developed by the Cooperative Research Centre for Catchment Hydrology to model urban stormwater management schemes.

## **NatHERS or equivalent**

NatHERS is a computer simulation tool for rating the thermal performance of houses across Australia. The Energy Management Task Force is responsible for delivering a NatHERS compliance protocol. Any software or paper checklist which passes under this protocol is deemed “NatHERS or equivalent”.

### **Nominated Integrated Development**

Has the same meaning as in the Act.

### **Non-habitable room**

Spaces of a specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.

### **North Point**

In any discussions relating to orientation of a dwelling or part thereof, a reference to ‘north’ is a reference to true solar north and not magnetic, or compass north.

### **On-site Stormwater Detention (OSD)**

Temporary storage of stormwater generated within the site so as to restrict the discharge leaving the site to a pre-determined rate.

### **Open Space Area**

That part of a site not occupied by any building and which is predominantly landscaped by way of planting of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building erected on that site, but does not include so much of the site area as is used for driveways and parking areas.

### **Painted Wall Sign**

Painted onto a wall of a building.

### **Park**

In relation to a vehicle, includes stand or wait.

### **Parking Space**

A space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

Car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

### **Passive Solar Energy Systems**

Systems which combine the sun’s energy with local climate characteristics, to achieve thermal comforts inside buildings without the use of mechanical devices. In a passive system, the building itself is a solar collector, as well as a heat storage and transfer medium.

### **Perimeter and Banks Channels**

Are earthen structures that collect and divert runoff and have a level spreader (level sill) outlet to prevent erosion at the discharge point.

### **Permissible Site Discharge (PSD)**

The maximum rate at which water can be released from a site to the off-site stormwater system or waterway.

### **Pole or Pylon Sign**

Erected on a pole or pylon independent of any building or other structure.

### **Pond**

An artificial open water body.

### **Pontoon**

A floating structure used for access to the water or to a vessel.

## **Porte Cochere**

A porch, often used in hotel development, large enough for vehicles such as tourist coaches to pass through.

## **Potable Water**

is defined by Gosford LEP 2014

## **Principal Certifying Authority (PCA)**

Principal Certifying Authority (PCA) is a person or group accredited as a certifier under the Environmental Planning and Assessment Act 1979 in the relevant Discipline, and can be either Council or a registered private certifier. The PCA is responsible for:

- a) overseeing site construction works;
- b) ensuring that the relevant development consent conditions are being complied with;
- c) ensuring each stage of construction has been duly certified by the appropriate qualified professional;
- d) issuing an Occupation Certificate prior to building occupation or commencing use of the development.

## **Premises**

With regard to an advertisement means any of the following:

- a) a building of any description of any part of it and the appurtenances to it,
- b) a manufactured home, moveable dwelling and associated structure,
- c) land whether built on or not,
- d) a tent,
- e) a swimming pool,
- f) a ship or vessel of any description (including a houseboat).

## **Private Open Space**

is defined by Gosford LEP 2014

## **Probable Maximum Flood (PMF)**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Probable Maximum Precipitation (PMP)**

is defined in the NSW Floodplain Development Manual 2005 (as amended)

## **Projecting Wall Sign**

A sign projecting in either horizontal or vertical direction from the wall of a building.

## **Prominent Tree**

Trees with a girth greater than 500mm or that contribute substantially to the landscape character, amenity or biodiversity values of their locality.

## **Prune (or Pruning)**

Activities as specified in Australian Standard AS4373 - 2007 Pruning of Amenity Trees.

## **Public Land**

Has the same meaning as the Local Government Act 1993.

Means any land (including a public reserve) vested in or under the control of the council, but does not include:

- a) a public road, or
- b) land to which the Crown Lands Act 1989 applies, or
- c) a common, or
- d) land subject to the Trustee of Schools of Arts Enabling Act 1902, or
- e) a regional park under the National Parks and Wildlife Act 1974.



## **Public Place**

A public road, bridge, jetty, wharf, road-ferry, public reserve, public bathing reserve, public baths, public swimming pool or other place which the public are entitled to use.

## **Public Reserve**

Has the same meaning as in the Local Government Act, 1993.

## **Public Wharf or Jetty**

Is a jetty or wharf constructed for public use.

## **Rainwater Tanks (Roofwater Tank)**

A tank designed for the storage of rainwater gathered on the land on which the tank is situated.

## **Real Estate Sign**

An advertisement that only contains a notice that the land, place or premises to which it is affixed to is for sale, letting or auction, together with the particulars of the sale, letting auction, or Agents details.

## **Receiving Waters**

Means either

- a) natural water bodies, including rivers, streams (perennial or intermittent), flowing in natural channels with natural beds or in artificially modified channels, lakes, lagoons or wetlands, either naturally formed or artificially modified, or tidal waters, including, bays estuaries or inlets, or
- b) constructed water bodies including waterways, channels, canals, dams, ponds or wetlands, lakes, bays or inlets no matters whether they are permanently or intermittently inundated with water.

## **Recreational Facility (Indoor)**

is defined in Gosford LEP 2014

## **Recreational Facility (Major)**

is defined by Gosford LEP 2014

## **Recreational Facility (Outdoor)**

is defined by Gosford LEP 2014

## **Recyclable**

Capable of being reprocessed into usable material.

## **Remove**

To cut down, take away or transplant a tree or vegetation from its place of origin.

## **Retention**

Refers to procedures and schemes (such as rainwater tanks) whereby stormwater is held on-site for considerable periods causing water to continue in the water cycle rather than via direct discharge to a drainage system.

## **Ria Coast**

Coast which has been flooded by rising sea level often with drowned valleys.

## **Reliable Access**

During a flood means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time and without a need to travel through areas where water depths increase.

## **Road Opening Request**

Application to undertake works within Council road reserve requiring approval under Section 138 of the Roads Act 1993.

## **Roof sign**

A sign above parapet level of a building on the uppermost structural elements and attached to lift motor and plant rooms.

### **Sea Level Rise**

Long term changes in relative sea level caused by either thermal expansion, or ice melt.

### **Second Storey Addition**

Building construction above an existing building development - either attached or detached, directly above or offset from the existing building.

### **Sediment**

Means both mineral or organic material that is being, or has been moved from its site of origin by transporting agents such as water, wind and gravity to a lower position in the catchment, either above or below sea level.

### **Sediment basin**

Area where velocities are slowed and coarse sediments settle out of stormwater.

### **Sedimentation**

The deposition of sediment, usually in locations such as a channel, along a fence, in an area of low slope or a sediment trap, dam or water body. The process of particles settling out of a water column.

### **Shareway**

A minor road which carries a low volume of traffic, providing direct access to a limited number of allotments. Vehicle, pedestrian and recreation use is shared, with pedestrians having priority.

### **Signage**

is defined by Gosford LEP 2014

### **Significant Tree**

Trees that are listed on Gosford City Council's Significant Tree Register.

### **Silhouette**

A building outline viewed against the sky.

### **Site**

The lot(s) of land on which a building stands or is to be erected.

### **Site Area**

is defined by Gosford LEP 2014

### **Site Coverage**

is defined by Gosford LEP 2014

### **Slipway**

Any inclined structure, usually in the form of two supported parallel rails, on which a wheeled cradle is run to draw a vessel out of the water by means of a powered or manual winch, block and tackle, or the like.

### **Soft Engineering**

Deliberate use of plants, natural edged ponds, waterways and wetlands to achieve specific drainage and/or treatment functions that might traditionally have been addressed using hard engineering structures.

### **Soft Landscaping**

Refers to landscaping measures that do not include hard surface, including permeable/porous pavement.

### **Soil Erosion**

The wearing away of the soil surface material by wind, water or gravitational effects. Natural rates of erosion are accelerated by some human activities.

## **Soil and Water Management Plan**

Describes the planned measures to be undertaken at an activity site which will mitigate soil transport and control pollution by sediment or nutrient to downslope lands and receiving waters.

## **Solar Collectors**

Any building element or appliance specifically designed to capture or collect the sun's rays for the benefit of the occupants e.g. windows including clerestory (or highlight) windows, solar hot water collector panels, photovoltaic (solar-electricity) cells/panels.

## **Special Promotional Advertisement**

An advertisement of a temporary nature for an activity or event of a civic or community nature.

## **State Significant Development**

Has the same meaning as in the Act.

## **Storey**

is defined in Gosford LEP 2014

## **Stormwater**

All surface water runoff from rainfall, predominantly in urban catchments. With regard to Stormwater Harvesting & Retention Systems, stormwater includes all rainwater except that which falls upon roofs.

## **Stormwater Tank**

A tank designed to capture and store runoff from paved or other ground surfaces - used for Stormwater Retention or Harvesting Purposes.

## **Storm Surge**

The temporary increase, at a particular locality, in the height of the sea due to extreme meteorological conditions (low atmospheric pressure and/or strong winds). The storm surge is defined as being the excess above the level expected from the tidal variation alone at that time and place.

## **Street Alignment**

The boundary between land allotments and a street or lane.

## **Street Frontage Height**

The vertical distance measured in metres at the centre of the street frontage from the average of the street levels at each end of the frontage or the parapet level of the frontage. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the facade is situated. No part of the facade is to be less than 80 per cent of the height.

## **Survey Plan**

In relation to the Water Cycle Management chapter of this DCP is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Policy.

## **Temporary Sign**

An advertisement of a temporary nature which:

- a) announces any local event of a religious, educational, cultural, social or recreational character or relates to any temporary matter in connection with such an event; and
- b) does not include advertising of a commercial nature except for the name(s) of an event's sponsor(s).

Must not be displayed earlier than 21 days before the day on which the event is to take place and must be removed within 7 days after the event.

*The display Temporary Sign(s) in the form of banners or the like across public roads and public places are prohibited, in accordance with Council's resolution of 12 April 1994, (Min No 299/94) except as permitted under Council Policy T4.03 - Erection of Street Banners adopted by Council on 26 August 1997 (Min No 251/97).*

## **The Act**

Environmental Planning and Assessment Act, 1979 (as amended).

## **The Minister**

Minister of Planning.

## **The Regulation**

Environmental Planning and Assessment Regulation, 2000 (as amended).

## **Third Party Advertisement**

An advertising structure displayed on a parcel of land or premises which does not relate to the lawfully consented use of the property.

## **Through-site link**

An enclosed or partly enclosed arcade within development that has a public character, provides right of way and are open and accessible at each end.

## **Topping**

Cutting away part of the entire tree canopy leaving a trunk and stubbed main branch

## **Top Hamper Sign**

Attached to the transom of a doorway or display window of a building.

## **Total Phosphorus load (TP load)**

Is the average yearly load (generally in kilograms per year) for total phosphorus.

## **Total suspended solids load (TSS load)**

Is the average yearly load (generally in kilograms per year) for total suspended solids.

## **Trade Waste**

Liquid waste from a commercial/industrial enterprise.

## **Treatment Train**

A series of treatment processes designed to collectively meet a prescribed water quality objective (e.g. vegetated swales used in conjunction with a wetland system).

## **Tree**

A perennial plant with at least one self supporting wood or fibrous stem, being of any species whether indigenous, exotic or introduced which is 3 metres or more in height or is a mangrove indigenous to the area of Gosford.

## **Under awning sign**

A sign located below or otherwise supported from the underside of an awning.

## **Undesirable Species**

Vegetation that has characteristics which may be poisonous to humans or stock, or pose a threat to native vegetation through weed infestation, bushland invasion etc as listed in the Preservation of Trees or Vegetation Chapter of this DCP.

## **Vegetation**

Plants consisting of species of ground cover, understorey, shrub and tree (not covered by definition of 'tree') their subcomponents consisting of branches, limbs, trunks, stems, roots.

## **View**

An extensive or long range prospect of particular objects or geographic features.

## **Vista**

A view along a street terminated by a building or structure such as an obelisk.

## Visual Sensitivity

This is a qualitative estimation of the sensitivity of a particular place to changes in its visual character when taking into consideration the number of viewers experiencing it, its visibility and its character. For example, the Brisbane Water escarpment has a high visual sensitivity because of its visibility from many points.

## Volume Reduction Equipment

Devices, which reduce the volume of waste or recyclable material, including compressing devices such as compactors and balers, and shredding, pulverising or crushing devices.

## Walkway

A structure which provides pedestrian access between the shore and a pontoon.

## Waste

Includes:

- (a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, consistency or manner as to cause an alteration in the environment; or
- (b) any discarded, rejected, unwanted, surplus or abandoned substance; or
- (c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance; or
- (d) any substance prescribed by the regulations to be waste.

## Waste Activity

means a waste generating or storage activity specified in the Protection of the Environment Operations Act 1997 as requiring a licence.

## Waste Management Plan

A plan prepared by or on behalf of applicants for development approvals costing more than a million dollars or generating over 20 tonnes of demolition or construction waste. By using it the applicant demonstrates what the waste strategy is and how waste avoidance, source separation, reuse and recycling are achieved.

## Waste Storage and Recycling Area

A designated area or a combination of designated areas upon the site of a development. This is for the housing of approved containers to store all waste and recyclable material likely to be generated by the development's occupants.

## Waters

In relation to the Erosion and Sedimentation chapter of this DCP means any river, stream, lake, lagoon, swamp, wetlands, unconfined surface water, natural or artificial watercourse, dam or tidal waters (including the sea), or part thereof, and includes water stored in water mains, water pipes and water channels and any underground or artesian water, or any part thereof.

## Water Balance - Developed

Refers to the relative balance between water use, wastewater and stormwater generation associated with the proposed development and the use of alternative water supplies as well as runoff, infiltration and evapotranspiration under developed conditions, that reduces the effect of the development upon natural run-off, infiltration, evapotranspiration, groundwater soil salinity and stream quality as well as water supply.

## Water Balance - Natural

Refers to the relative balance between runoff, infiltration and Evapotranspiration under natural (pre-development) conditions that establish the pre-development groundwater, soil salinity and stream flow characteristics.

## Water Quality Element

Any element such as swale, bioretention basin, proprietary product etc incorporated into a design that provides water

quality functions such as nutrient removal etc.

## **Water Recreation Structure**

is defined in Gosford LEP 2014

## **Water Sensitive Urban Design (WSUD)**

An integrated conceptual approach to urban planning and design that aims to minimise the hydrological effect of urban development on the surrounding environment through explicit consideration of the whole water cycle. Generally will involve specialists in engineering, landscaping, ecology, urban planning, wetlands, and others as needed to address multiple engineering, environmental and community objectives.

## **Waterfront Development**

Any development which is carried out within or on the foreshores or below the mean high water mark. It includes a jetty, slipway, boat ramp, boatshed, pontoon, walkway, wharf, mooring pile, marina, groyne, sea wall, retaining wall, reclamation, dredging, berthing area, levitator, davit, swimming pool/enclosure or other similar development.

## **WCM Guidelines**

Water Cycle Management Guidelines for Gosford City Council.

## **Wharf**

is defined in Gosford LEP 2014

## **Window Sign**

Attached to, or displayed on, the shop window.