

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA59458/2020
Delegation level	Delegated
Property Lot & DP	LOT: 0 SP: 41816
Property Address	12 Karalta Road ERINA NSW 2250
Site Area	4,809 m ²
Zoning	B5 BUSINESS DEVELOPMENT
Proposal	Fit Out & Use as Golf Driving & Simulation Range
Application Type	Development Application - Local
Application Lodged	16/09/2020
Applicant	Foreplay Golf Pty Ltd
Estimated Cost of Works	\$ 30,000
Notified Only	16 September 2020 to 08 October 2020
Submissions	Nil
Disclosure of Political Donations & Gifts	No
Recommendation	Approval, subject to conditions

Assessment

This application has been assessed using the heads of consideration specified under Section 4.15 of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans.

Background

The site has been subject to a large number of development applications of various proposals including establishments of use for commercial premises, shops uses and shop fit outs, recreation premises and educational establishment. The most recent use is for a retail clothes shop.

Site & Surrounds

The site is located on the northern side of Karalta Road between The Entrance Road and Karalta Lane. Adjoining development comprises of commercial areas in all directions, Erina Oval is located to the south east of the site. The topography is flat land.

The site contains a commercial complex made up of two (2) buildings which house 14 strata commercial premises, the remainder of the site serves carparking purposes. The proposal will concern shop nine which includes 200m² of existing floor space and a single car space dedicated to staff parking.

The site is not identified as being "bushfire prone land" on Council's bushfire maps.



The Proposal

The proposed development is concerned with the use and fit out of the site for a recreation facility (indoor). The facility is described as a golf simulation range and will include:

- Installation of three (3) golf simulation bays complete with synthetic grass matting, safety netting and golf simulators
- Installation of wall business identification sign
- Retention of reception bay, staff room and toilets
- Existing mezzanine area retained as office space

Operation of the facility will consist of the following:

- hours of operation 10am to 10pm 7 days a week
- maximum of 20 people on site including 2 staff at any one time
- sale of pre-packaged food and drinks

Applicable Planning Controls

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

Environmental Planning & Assessment Act 1979 - Section 4.15
Local Government Act 1993 - Section 89
State Environmental Planning Policy (Coastal Management) 2018
State Environmental Planning Policy No. 64 - Advertising and Signage
Draft Central Coast Local Environmental Plan
Gosford Local Environmental Plan 2014
Gosford Development Control Plan 2013

Draft Environmental Planning Instruments

The following draft Environmental Planning Instruments apply to this application:

Draft Central Coast Local Environmental Plan

The application has been assessed under the provisions of the *Draft Central Coast Local Environmental Plan* (draft CCLEP) in respect to zoning, development standards and provisions.

Under the draft CCLEP the proposal is to be located on land which will remain to be zoned B5 Business Development.

The assessment concluded the proposal is consistent with the draft CCLEP.

Permissibility

The subject site is zoned B5 BUSINESS DEVELOPMENT under Gosford Local Environmental Plan 2014. The proposed development is defined as a recreation facility (indoor) and is permissible in the zone with consent of Council.

State Environmental Planning Policies

State Environmental Planning Policy (Coastal Management) 2018

The provisions of State Environmental Planning Policy (Coastal Management) 2018 require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within the mapped coastal management areas.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

State Environmental Planning Policy No 64 - Advertising and Signage

Notwithstanding the proposed signage complying with Exempt and Complying Development provisions the proposed signage has been assessed against the objectives of SEPP 64, including the eight (8) criteria specified by Schedule 1. The proposal deemed consistent with the policy's aim to ensure that signage is compatible with the desired amenity and visual character of the area, is of a high quality design and finish, and found to be satisfactory.

Gosford Local Environmental Plan 2014

The Gosford LEP 2014 was considered during assessment of this application. There are no variations in relation to the proposed development.

Zone B5 Business Development

The objectives of the B5 zone are:

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To ensure that development is compatible with the desired future character of the zone.
- To provide and protect land for employment-generating activities.
- To encourage the location of business and other premises requiring large floor plates in appropriate locations to ensure they do not sterilise commercial or residential areas.
- To recognise the importance of business lands at Erina and locations supporting Gosford City Centre at West Gosford and Wyoming.
- To recognise small isolated business and commercial areas located throughout Gosford.
- To recognise the range of service activities located in business areas that support business development.
- To ensure that business areas are not sterilised by residential development.

In this instance, it is considered that the proposal is consistent with the stated objectives of the zone and consistent with the principles of Ecologically Sustainable Development as specified within the Local Government Act 1993.

Gosford Development Control Plan 2013

The Gosford DCP 2013 was considered during assessment of this application. There are no variations in relation to the proposed development.

Erina 8: Main Road Centre - Desired

The proposal includes minor alterations to the façade which concerns signage, there are no aspects of the proposal deemed to have significant impact to the character of the area as it will remain in uniformity with existing shop frontages.

7.1 Car Parking

The Gosford DCP 2013 does not stipulate specific car parking requirements for land use defined as a recreational facility (Golf Simulation) and therefore the RTA Guidelines for Traffic generating Developments apply to calculate the car parking requirements of the subject site.

The RTA identifies no conclusive relationship between parking demand and size and nature of recreation facilities however comparisons have been drawn from surveys conducted by the RTA on particular recreation facilities and other similar facilities, these include:

- Squash courts: 3 spaces per court
- tennis courts: 3 spaces per court
- bowling alleys: 3 spaces per alley

In this instance Council deems it acceptable to apply a parking requirement of 3 spaces per golf bay which is in line with other similar recreation uses listed above. As the proposal proposes a total of 3 golf bays a total of 9 car spaces is required to accommodate customer parking demand. The shop associated with the proposal currently has a single car space allocated for staff and approximately 65 shared car spaces on site available as shared common property which is expected for use by customers. It is also expected that peak demand for carparking will be outside normal business hours which avoids potential car parking conflicts with existing shops on site.

Furthermore as the proposal only relates to the use of existing floor space rather than the creation of additional floor space it can be reasonably expected that the proposal will not generate car parking demand that is significantly in excess of that generated by the previous use of the site as a retail shop which amounted to parking requirements of 7 car spaces. In this instance the proposal is expected to generate a minor increase in parking demand however this will be mitigated by peak periods being outside of normal business hours, the proposal is therefore considered acceptable in terms of meeting car parking requirements.

7.2 Waste Management

Waste Management Plan submitted. A condition has been included in the development consent.

Development Contribution Plan

The proposed development is a development type that is not subject to section 7.11 or 7.12 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

Referrals

Internal Referral Body	Comments
Building	Supported, without conditions
Food Surveillance	Supported, subject to conditions

Political Donations

During assessment of the application there were no political donations declared by the applicant, applicant's consultant, owner, objectors and/or residents.

Public Submissions

The development has been notified in accordance with the provisions of Gosford Development Control Plan 2013. There were no submissions received in relation to this proposal.

Conclusion

This application has been assessed against the heads of consideration of Section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate

conditions, the proposed development is not expected to have an adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

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

Plans for Stamping

Plans, CM9 Doc No. D14181044

Supporting Documents for Binding with consent

Waste Management Plan, CM9 Doc No. D14195995

Recommendation

- A. Council as consent authority grant consent to the development application as detailed in the body of this report, subject to the conditions attached.
- B. In accordance with Section 4.53(1) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.

Recommendation:	Approval, subject to conditions
Assessing Officer:	Cade Tracey Trainee Development Planner
Recommendation Reviewed by:	Robert Eyre Peer Review Complete - Principal

Conditions

1. PARAMETERS OF THIS CONSENT

1.1 Approved Plans and Supporting Documents

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

Architectural Plans

Drawing	Description	Sheets	Issue	Date
-	Floor plan	-	-	undated

Supporting Documentation:

Title	Prepared by	Date
Waste Management Plan	Matthew Prendergast	August 2020

- 1.2 Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.3 This consent is to apply only to shop 9 of 12 Karalta Road.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1 All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- Site investigation for the preparation of the construction, and / or
 - Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - Demolition

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1 All conditions under this section must be met prior to the commencement of any works.
- 3.2 Appoint a Principal Certifier for the building work:
- The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au

3.3 Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- a. more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b. friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

4. DURING WORKS

4.1 All conditions under this section must be met during works.

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

- 7.00am and 5.00pm Monday to Saturday

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

4.3 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.

4.4 Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.

4.5 Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.

4.6 Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

5.1 All conditions under this section must be met prior to the issue of any Occupation Certificate.

5.2 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.

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

5.4 Submit to Council the Food Premises Registration Form. The Form is available on Council's website <https://www.centralcoast.nsw.gov.au/council/forms/registration-food-premises-online-form>

- 5.5 The fit-out of the food premises is to comply with the NSW Food Act 2003, NSW Food Regulation 2015, Australia New Zealand Food Standards Code and Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises for all food handling and storage areas, including liquor areas. (615)
- 5.6 One sink is to be designated as a hand wash facility. The hand wash facility is to be kept clear at all times, be provided with warm running water through a common mixing spout, soap and single use towels or other means of effectively drying hands that are not likely to transfer pathogenic microorganisms to the hands.
- 5.7 Install coving to the wall and floor intersections in the food handling and storage areas. Coving is to be of minimum 25mm radius and integrated into the floor finish.

6. ONGOING OPERATION

- 6.1 Do not use any flashing light, animated or reflective or moving parts, iridescent or fluorescent colours or materials on the external surface of any advertising sign. The colours exhibited on the sign must be in keeping with the amenity of the surrounding area.
- 6.2 Do not erect third party advertisement on or in conjunction with the proposed development.
- 6.3 Restrict the hours of operation of the use to those times listed below:
- Weekdays 10am to 10pm
 - Weekends 10am to 10pm
 - Public Holidays closed

Any variation to these hours is subject to the prior consent of Council.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b. Jemena Asset Management for any change or alteration to the gas line infrastructure

- c. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e. Central Coast Council in respect to the location of water, sewerage and drainage services
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- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
 - Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
 - Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
 - Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: www.centralcoast.nsw.gov.au

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).