

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA59390/2020
Delegation level	Delegated
Property Lot & DP	LOT: 1 SP: 69066 LOT: 2 SP: 69066
Property Address	1 / 10 Stockyard Place WEST GOSFORD NSW 2250 2 / 10 Stockyard Place WEST GOSFORD NSW 2250
Site Area	851 m ² 630 m ²
Zoning	IN1 GENERAL INDUSTRIAL IN1 GENERAL INDUSTRIAL
Proposal	Change of Industrial Use & Signage
Application Type	Development Application - Local
Application Lodged	15/09/2020
Applicant	SAN-AIR Australia Pty Ltd
Estimated Cost of Works	\$ 5,000
Advertised and Notified	25 September 2020 to 19 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

[DA29265/2005](#) (011.2005.00029265.001)

Development Application - Industrial Building - Dust extraction unit to existing factory

Lodged: 07/12/2005 (**Approved under Delegation** : 05/05/2006)

[DA54573/2018](#) (011.2018.00054573.001)

Development Application - Administration Office Addition to Existing Factory Unit

Lodged: 08/06/2018 (**Approved under Delegation** : 20/09/2018)

[CC29265/2005](#) (012.2005.00029265.001)

Construction Certificate - Industrial Building - Dust extraction unit to existing factory

Lodged: 07/12/2005 (**MATRIX COMPLIANT APPROVAL** : 05/05/2006)

[CC54573/2018](#) (012.2018.00054573.001)

Construction Certificate - Administration Office Addition to Existing Factory Unit

Lodged: 06/05/2020 (**Approved by Private Certifier** : 04/05/2020)

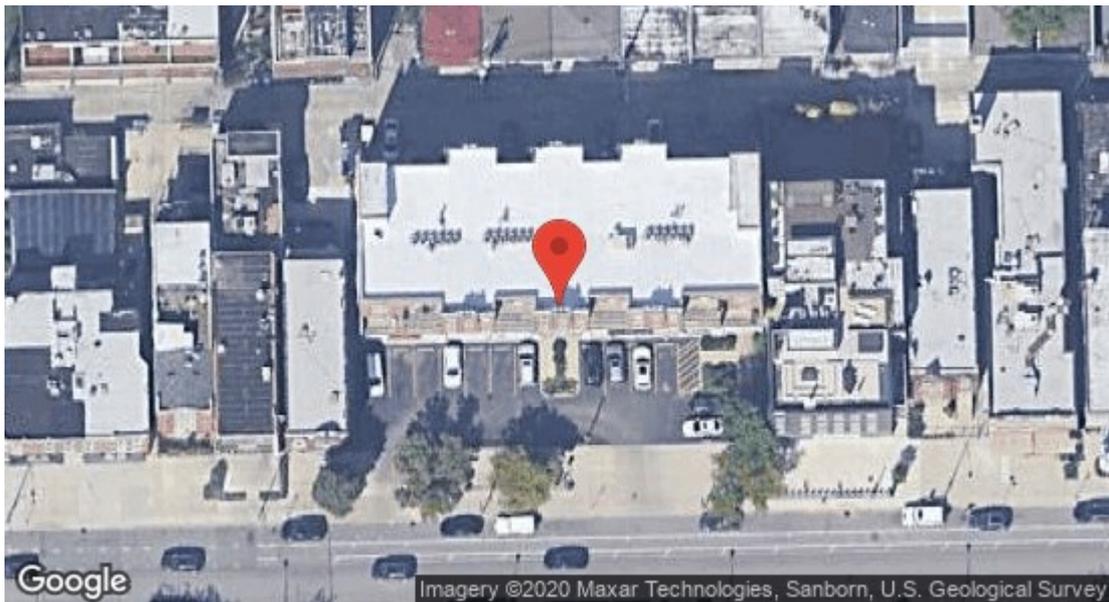
Site & Surrounds

The subject site is a single storey industrial/ warehouse building that forms part of a two (2) unit strata complex located in Stockyard Place West Gosford. The following figures depict the building and its surrounds.

Figure 1 - Subject Site and Surrounding Development



Figure 2 - Unit 2 Subject of Development Application



The Proposal

The proposal involves the use of unit 2 (western unit) with an area of 542 sq.m for a change of use to allow the manufacture of water based essential oil dispersions. There are no building works proposed and no expansion of floor space beyond what currently exists.

The proposed opening hours are between 7am to 10pm; 7 days per week with 3 staff present at one time. There are 8 car parking spaces on Site that are allocated to the use. Identification signage is proposed for the southern elevation of the building as shown ; replacing the existing identification signage.

Figure 3 - Plan view of Site

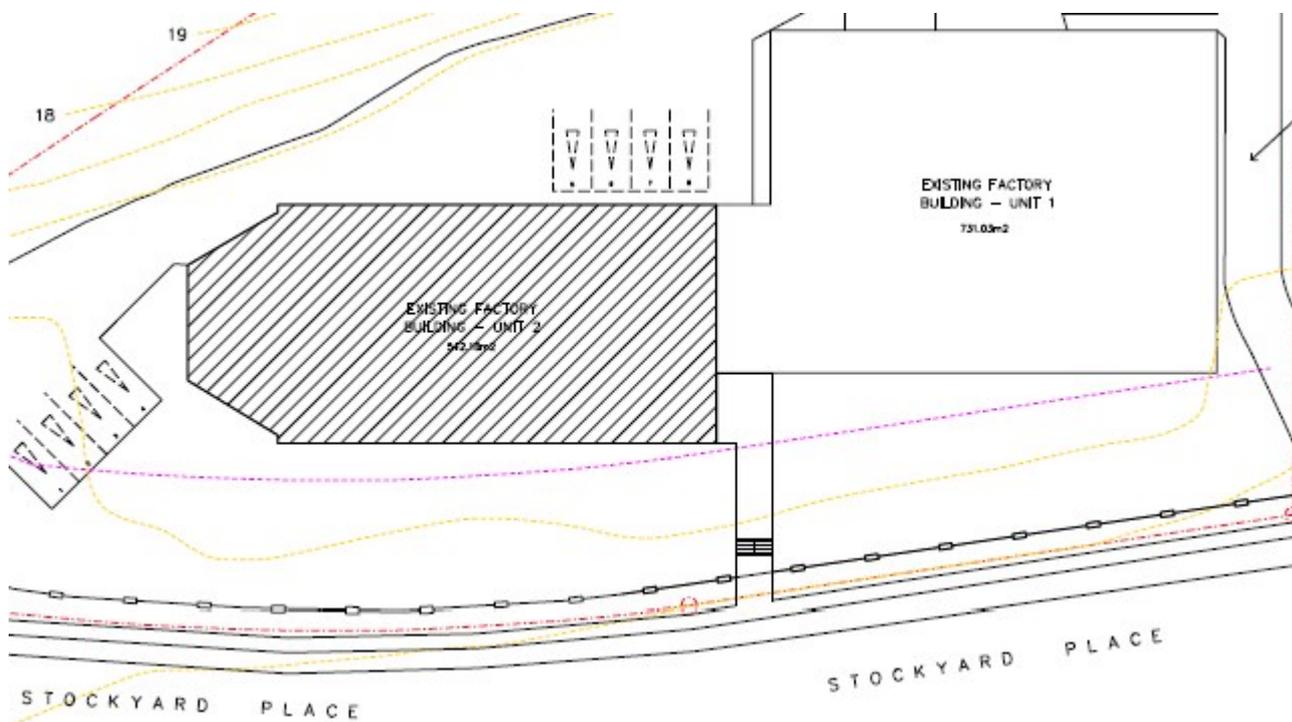


Figure 4 - Internal Layout of Unit 2

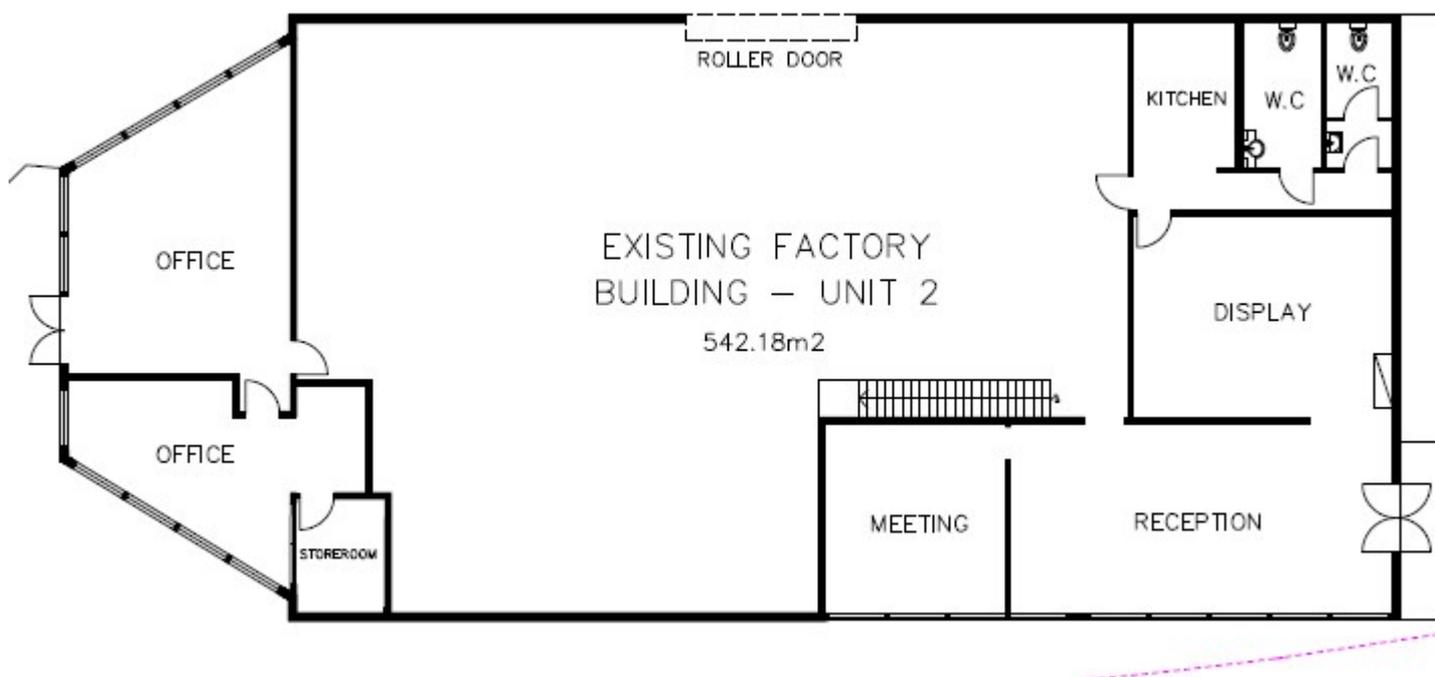
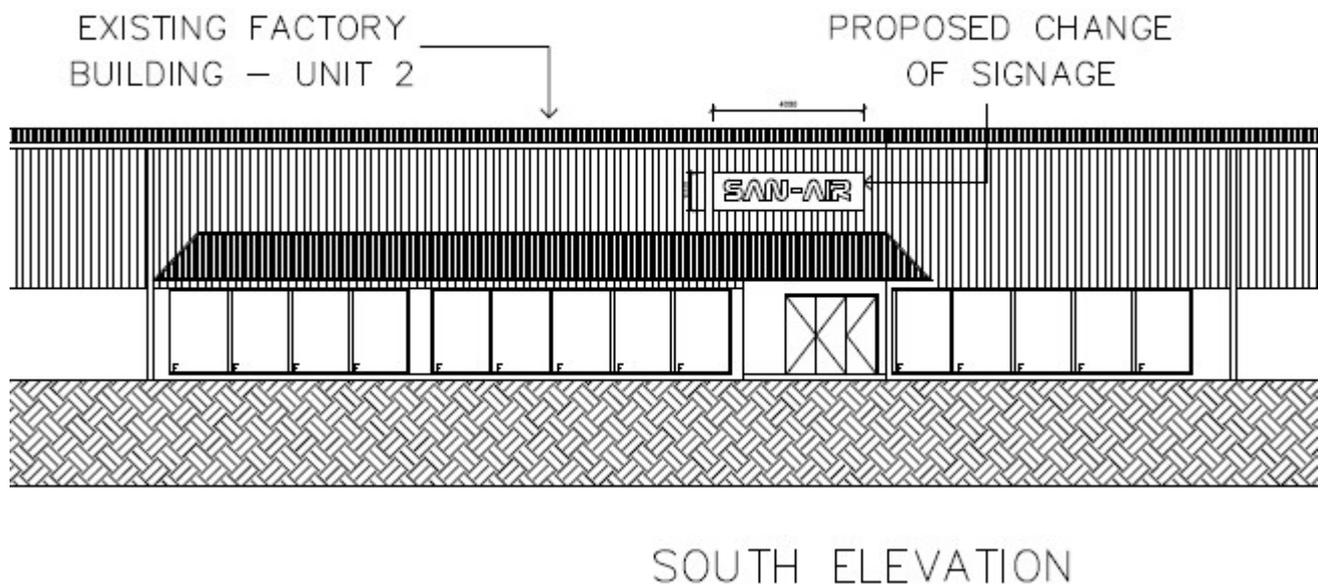


Figure 5 - Elevation Showing Proposed Sign Location



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

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 Environment Plan applies to the proposal. There are no conflicts between the provisions of the draft LEP and the development application.

Permissibility

The subject sites LOT: 1 SP: 69066 is zoned IN1 GENERAL INDUSTRIAL, LOT: 2 SP: 69066 is zoned IN1 GENERAL INDUSTRIAL. The proposed development is defined as which is permissible in the zone with consent of Council.

general industry

means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity

State Environmental Planning Policies

There are no State Environmental Planning Policies relevant to this application.

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 IN1 General Industrial

The objectives of the IN1 zone are:

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

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

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
3.7.7.1 - Flush Wall Sign	Max advertising area required	6 sq.m	4 sq.m.	Yes	Yes
	If illuminated, max height above ground required	N/A	N/A	n/a	n/a
	Individual skeleton letters advertising area required	18 sq.m	4 sq.m	Yes	Yes
	Total area of flush wall signs on same wall required	4 sq.m	4 sq.m.	Yes	Yes
3.11.7 - Parking and Loading	Min loading area/dock for truck vehicles required	8m x 3.5m	8m x 3.5m	Yes	Yes

West Gosford 8: Employment Centres - Desired

The development application involves no building works and therefore no character matters apply

Chapter 2.2 Scenic Quality

The visual and scenic impact has been assessed and the development is considered to be consistent with the objectives of scenic quality. The proposed development does not unreasonably contribute to the loss of characteristics of the natural or built environment, nor does it unreasonably dominate the local area.

7.1 Car Parking

Development Type	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
Industrial - industrial floor space	Min car spaces	7	8	Yes	Yes

7.2 Waste Management

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

Planning Agreements

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

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
Liquid Trade Waste	No response received within timeframe
Waste Service (Garbage)	Supported, subject to conditions
Water and Sewer Assessment	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

Original Lodged Plans, CM9 Doc No 14186365

Supporting Documents for Binding with consent

Waste Management Plan, CM9 Doc No14171678

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
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Assessing Officer:	Brian McCourt Town 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 by: CMT Architects

Drawing	Description	Sheets	Issue	Date
DA1.01	Site Plan	1 of 3	B	8/9/20
DA1.02	Ground Floor Plan	2 of 3	B	8/9/20
DA1.03	South Elevation	3 of 3	B	8/9/20

Supporting Documentation:

Title	Prepared by	Date
Waste Management Plan	CMT Architects	8/9/20

- 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.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

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

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

3. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 3.1 All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 3.2 Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the Plumbing and Drainage Act 2011.

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

4. ONGOING OPERATION

- 4.1 Store all waste generated on the premises in a manner so that it does not pollute the environment

- 4.2 Transport all waste generated on the premises to a facility which is licensed to receive that material
- 4.3 Locate the approved waste storage enclosure / area as indicated on Project / Drawing Number 1.02 Revision B, dated 8 September 2020, prepared by CMT Architects
- 4.4 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 4.5 Mixed and recyclables waste to be serviced by a private commercial waste contractor at a determined frequency to ensure waste storage capability at all times
- 4.6 Hours of operation to be 7.00am to 10.00pm 7 days per week
- 4.7 A total of 8 carparking spaces being made available for the use.

5. PENALTIES

- 5.1 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
- 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).