# **Central Coast** Local Planning Panel

Central Coast LOCAL PLANNING PANEL MEETING Business Paper 10 December 2020

### **Meeting Notice**

### The LOCAL PLANNING PANEL MEETING of Central Coast will be held remotely - online, THURSDAY 10 DECEMBER 2020 at 2.00 pm,

for the transaction of the business listed below:

#### 1 PROCEDURAL ITEMS

	1.1	Disclosures of Interest
2	CON	FIRMATION OF MINUTES OF PREVIOUS MEETINGS
	2.1	Confirmation of Minutes of Previous Meeting4

#### **3** PLANNING REPORTS

3.1	DA/1505/2018 - 741 Pacific Highway, Kanwal - Boarding house containing 27 boarding rooms and manager's residence	13
3.2	DA 58290/2020 - 5 The Avenue, Kariong - 6 Lot Subdivision and Fast	
	Food Restaurants	183
3.3	DA58026/2020 - 259 Burge Road and 200 Blackwall Road, Woy Woy -	
	Multi Dwelling Housing	402
3.4	DA57766/2019 - 24-28 Campbell Crescent and 26 Campbell Crescent,	
	Terrigal - Demolition of Existing Structures and Construction of 4-storey	
	Residential Flat Building containing 13 Units & 2 Levels of Basement Car	
	Parking	492
3.5	DA/968/2020 - 15-23 Hely Street, Wyong - Use of existing converted	
	shipping container as a cafe	666
3.6	Request to Prepare a Planning Proposal - Sandra Street, Jilliby	

#### 4 GENERAL REPORTS

11	Operation	of the	Contral	Coast L	ocal P	lanning	Panal	in '	2021	•••••	7/2
4.1	Operation	or the	Central	CUast L		anning	ranei	111.4	2021	•••••	142

Donna Rygate Chairperson

Item No:	1.1	Central Coast
Title:	Disclosures of Interest	Local Planning Panel
Department	: Governance	
10 Decembe	r 2020 Local Planning Panel Meeting	
Reference:	F2020/02502 - D14205789	
Author:	Rachel Callachor, Local Planning Panel Support Coordinator	

The NSW Local Planning Panel Code of Conduct states that all panel members must sign a declaration of interest in relation to each matter on the agenda before or at the beginning of each meeting.

#### Recommendation

That Panel Members now confirm that they have signed a declaration of interest in relation to each matter on the agenda for this meeting and will take any management measures identified.

Item No:	2.1	Central Coast	
Title:	Confirmation of Minutes of Previous Meeting	Local Planning Panel	
Department:	Governance		
10 December 2020 Local Planning Panel Meeting			
Reference: F2	020/02502 - D14370061		
Author: Ra	chel Callachor, Local Planning Panel Support Coordinator		

#### Summary

The Minutes of the following Meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, are submitted for noting:

• Local Planning Panel Meeting held on 26 November 2020

#### Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 26 November 2020 are submitted for noting.

#### Attachments

1 MINUTES - Local Planning Panel - 26 November 2020 D14328490

### Central Coast Local Planning Panel

#### **Local Planning Panel**

Minutes of the

#### LOCAL PLANNING PANEL MEETING

Held remotely - online on 26 November 2020

#### **Panel Members**

Chairperson

**Panel Experts** 

Donna Rygate Grant Christmas Greg Flynn

Community Representative/s Mark Elsley

#### Central Coast Council Staff Attendance

Emily Goodworth	Section Manager Major Projects
Alisa Prendergast	Section Manager Development Assessment South
Salli Pendergast	Section Manager Development Assessment North
Robert Eyre	Principal Development Planner Development Assessment South
Ross Edwards	Senior Development Planner Development Assessment North
Susana Machuca	Senior Development Planner Development Assessment South
Carlo Favetta	Senior Development Design Engineer, Engineering Assessment South
Steve Green	Traffic and Transport Engineer, Engineering Assessment South
Rudy VanDrie	Planning Engineer Hydrology, Floodplain Management
Rachel Callachor	Local Planning Panel Support Coordinator
Maggie Rowland	Meeting Support Officer

The Chair, Donna Rygate, declared the meeting open at 2:00pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair read an acknowledgement of country statement.

#### Apologies

#### The Panel noted that no apologies had been received.

#### **1.1 Disclosures of Interest**

### The Panel noted that disclosure forms had been submitted by all members and no conflicts of interest had been identified.

#### 2.1 Confirmation of Minutes of Previous Meeting

The Minutes of the following Meetings of the Local Planning Panel, which have been endorsed by the Chair of those meetings, were submitted for noting:

- Local Planning Panel meeting held on 12 November 2020
- Supplementary Meeting Minutes DA 57145/2019 meeting held on 11 November 2020
- Electronic Determination DA 58327 endorsed 15 November 2020

Moved: Donna Rygate Unanimous

#### **Public Forum**

#### Item 3.1

There were no registered speakers.

#### Item 3.2

Steve Fortey - President, Avoca Beach Community Association (against recommendation) Philip Tinkler (against recommendation)

Ian Carruthers - Avoca Beach Community Association (against recommendation) Roger Johnson (against recommendation)

Sarah Hartley, Town Planner Barker, Ryan & Stewart addressed the Panel and provided responses to enquiries from the Panel.

The following representatives of the applicant were also in attendance to be available to answer questions from the Panel if required: Ian Stewart, Town Planner, Barker, Ryan & Stewart, Paolo Salotto, Architect, Terry Harvey, Development Engineer, Daniel Dhiacou, Development Engineer and Jacob Manners, Ecologist.

#### Item 3.3

Shannon Ness (against recommendation) Michael Leavey - Michael Leavey Consulting - on behalf of applicant

#### Item 3.4

There were no registered speakers.

The Local Planning Panel public meeting closed at 3:03pm. The Panel moved into deliberation from 3:10pm, which concluded at 3:57pm.

#### 3.1 DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events

Site Inspected Yes

Attachment 1	MINUTES - Local Planning Panel - 26 November 2020				
Relevant Considerations	As per Council assessment report				
Material Considered	<ul><li>Documentation with application</li><li>Council assessment report</li></ul>				
Council Recommendation	Approval				
Panel Decision	1 That the Local Planning Panel grant consent to DA/502/2020 - 32-36 Canton Beach Road, 40 Beachcomber Parade, 20W and 25 Yaralla Road, Toukley - Community Facility - Use of the Village Green Precinct for Community Events subject to the conditions detailed in the schedule attached to the report, with replacement to conditions 1.1 and 1.10 as detailed below, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.				
	1.1. Implement the development 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: Applicant

#### Description

Attachment A – Toukley Village Green Precinct and Town Centre Carpark Precinct – Areas for fireworks, General and Major events

#### **Supporting Documentation:**

by Caillin Wiles dated 14/07/2020

Description
Waste Wise Plan, The Village Green prepared by Caillin
Wiles dated 20/08/2020
Event Plan of Management - Letter of Response prepared

1.10. The management, maintenance and operation of the events are to be conducted at all times in accordance with an event plan of management (as detailed within the correspondence titled Event Plan of Management - letter of response prepared by Caillin Wiles dated 14/07/2020). A wet weather plan and security management plan to be prepared and submitted prior

Attachment 1	MINUTES - Local Planning Panel - 26 November 2020
	to the commencement of any of the events subject to this consent.
Reasons	<ol> <li>The proposed development is suitable for the site.</li> <li>The proposal is in the public interest.</li> </ol>
Votes	The decision was unanimous
- Caravan	8/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development park comprising 57 long term dwelling sites, 5 short term ites and office/amenities building
Site Inspected	Yes
' Relevant Considerations	As per Council assessment report
Material Considered	<ul> <li>Documentation with application</li> <li>Council assessment report</li> <li>Submissions</li> </ul>
Council Recommendation	Approval as a deferred commencement consent
Panel Decision	That the Local Planning Panel defer determination of the application DA/51358/2007 - 1 Bowtells Drive, Avoca Beach - Integrated Development - Caravan park comprising 57 long term dwelling sites, 5 short term caravan sites and office/amenities building and:
	<i>1 Request the applicant to provide the following information within 4 weeks of the Panel's meeting on 26 November 2020:</i>
	a. Amended Plans:
	<ul> <li>a) Amend sites 53-57 including site containing office and amenities building as follows:</li> <li>The community building comprising the office and amenities is setback from the boundary of a dwelling site a minimum of 10m.</li> <li>A minimum of two long-term dwelling sites within this row are deleted.</li> <li>No more than two dwelling sites are to be attached, in a semi-detached arrangement.</li> <li>A minimum 3m setback is retained between dwelling sites/ semi-detached dwelling sites.</li> </ul>

b) Amend sites 50-52 as follows:

• The deletion of one long-term dwelling site.

• No more than two dwelling sites are attached, in a semi-detached arrangement.

• A minimum 3m setback is retained between dwelling sites/ semidetached dwelling sites.

c) Amend sites 39-41 as follows:

• The deletion of one long-term dwelling site.

• No more than two dwelling sites are attached, in a semi-detached arrangement.

• A minimum 3m setback is retained between dwelling sites/ semidetached dwelling sites.

d) Amend sites 31-38 as follows:

• The deletion of at least one long-term dwelling site.

• No more than two dwelling sites are attached, in a semi-detached arrangement.

• A minimum 3m setback is retained between dwelling sites/ semidetached dwelling sites.

e) Amend sites 25-30 as follows:

• The deletion of at least one long-term dwelling site.

• No more than two dwelling sites are attached, in a semi-detached arrangement.

• A minimum 3m setback is retained between dwelling sites/ semidetached dwelling sites.

Note: The amendments above shall not alter or enlarge the current development footprint.

#### b. Waste Management Plan.

A revised Operational Waste Management Plan is to:

• Delete references and details regarding 120L and MGBs and

• Provide commentary regarding communal bulk waste bin enclosures indicating a minimum 2 x 1100 litre mixed waste bulk bins in two of the communal enclosures and 3 x 1100 litre mixed waste bulk bin in the third communal enclosure.

• Indicate a minimum 2 x 1100 litre recyclables waste bulk bins in each of the three communal bulk waste bin enclosures.

• Confirm that all bulk waste bins are to be serviced weekly by a private commercial waste contractor.

#### c. The concept plans as per attachment 3 of the Assessment Report are to be amended to include floor plans and elevations

Attachment 1	MINUTES - Local Planning Panel - 26 November 2020
	for the whole site and also to demonstrate that habitable floor levels are above the flood standard including freeboard.
	2 Following Council's receipt and assessment of the additional information provided by the applicant, request that Council obtain legal advice in relation to the permissibility of the proposed development.
Reasons	1 There is insufficient information for the Panel to make a decision.
Votes	The decision was unanimous

#### 3.3 DA 56190/2019 - Proposed Multi Dwelling Housing Development, 32-36 Melbourne Street, East Gosford

Site Inspected	Yes				
Relevant Considerations	As per Council assessment report				
Material Considered	•	Council assessment report			
Council Recommendation	Аррі	roval			
Panel Decision	1	That the Local Planning Panel grant consent to DA 56190/2019 - Proposed Multi Dwelling Housing Development, 32-36 Melbourne Street East Gosford subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.			
	2	That Council advise those who made written submissions of the Panel's decision.			
	3	That Council advise relevant external authorities of the Panel's decision.			
Reasons	1	The Panel is satisfied that the proposed development provides sufficient on site parking and will not adversely			

Attachment 1	MINUTES - Local Planning Panel - 26 November 2020				
	affect the traffic movements in the surrounding road network.				
	2 The proposal is satisfactory having regard to the relevant environmental planning instruments, plans and policies.				
	3 The proposal has been considered against the provisions of Gosford Local Environmental Plan 2014 and has been found to be satisfactory.				
	4 There are no significant issues or impacts identified with the proposal under s.4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .				
Votes	The decision was unanimous				

#### 3.4 DA59701/2020 - Change of Use to Community Facility - 124-134 Donnison Street, Gosford

Site Inspected	Yes	
Relevant Considerations	As per Council assessment report	
Material Considered	<ul><li>Documentation with application</li><li>Council assessment report</li></ul>	
Council Recommendation	Approval	
Panel Decision	1 That the Local Planning Panel grant consent to DA59701/2020 - Change of Use to Community Facility - 124-134 Donnison Street, Gosford subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.	
Reasons	1 The proposal is satisfactory having regard to the relevant environmental planning instruments, plans and policies.	
	<ul> <li>The proposal has been considered against the provisions of</li> <li>State Environmental Planning Policy (Gosford City Centre)</li> <li>2018 and Gosford City Centre Development Control Plan</li> </ul>	

Attachment 1	MINUTES - Local Planning Panel - 26 November 2020	
	2018 and has been found to be satisfactory.	
	3 There are no significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.	
Votes	The decision was unanimous	

Item No:	3.1	Control Coast
Title:	DA/1505/2018 - 741 Pacific Highway, Kanwal - Boarding house containing 27 boarding rooms and manager's residence	Central Coast Local Planning Panel
Department:	Environment and Planning	
10 December 2020 Local Planning Panel Meeting		

Reference:	DA/1505/2018 - D14343141
Author:	Janice Wheeler, Senior Development Planner
Manager:	Emily Goodworth, Section Manager, Development Assessment
Approver:	Andrew Roach, Unit Manager, Development Assessment

#### Summary

An application has been received for demolition of existing structures and construction of a boarding house containing 27 rooms and a managers residence. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is required to be determined by the Local Planning Panel a result of the number of submissions. The application is recommended for approval.

Applicant	Smith and Tzannes
Owner	Sofia Karahalios
Application No	DA/1505/2018
Description of Land	Lot 7 DP 23235, 741 Pacific Highway, Kanwal
Proposed Development	Demolition of existing structures and construction of a 27 room boarding house and managers residence
Site Area	1,657m <sup>2</sup>
Zoning	R2 – Low Density Residential
Existing Use	Residential dwelling
Employment Generation Estimated Value	No \$2,827,196.00

#### Recommendation

- 1 That the Local Planning Panel grant consent for the demolition of existing structures and construction of a boarding house containing 27 rooms and a manager's residence subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 2 That Council advise those who made written submissions of the Panel's decision.

#### 3 That Council advise relevant external authorities of the Panel's decision.

#### Key Issues

- Solar access
- Privacy
- Intensity of use
- Compatibility with surrounding area
- Location and access

#### Precis:

Proposed	Demolition of existing structures and construction of a boarding	
Development	house containing 27 rooms and a Manager's residence.	
Permissibility and	The subject site is zoned R2 Low Density Residential under the	
Zoning	provisions of Wyong Local Environmental Plan 2013. The	
	proposed development is defined as a boarding house which is	
	permissible within the zone with the consent of Council.	
Relevant	Environmental Planning & Assessment Act 1979 (EP&A Act)	
Legislation	Environmental Planning & Assessment Regulation 2000	
	(EP&A Regulation)	
	Environmental Planning and Assessment Act 1979	
	• State Environmental Planning Policy (Infrastructure) 2007	
	State Environmental Planning Policy (Affordable Rental	
	Housing) 2009 (SEPP ARH)	
	• State Environmental Planning Policy No. 55 – Remediation of	
	Land (SEPP 55)	
	• Wyong Local Environmental Plan 2013 (WLEP 2013)	
	Draft Central Coast Local Environmental Plan 2018 (Draft	
	CCLEP 2018)	
	Wyong Development Control Plan 2013 (WDCP)	
Current Use	Residential Development	
Integrated	No	
Development		
Submissions	27 Submissions (including two petitions)	

#### Variations to Policies

Nil

#### The Site

The site is legally known as Lot 7 DP 23235 and commonly known as No. 741 Pacific Highway, Kanwal. The site has an area of 1,657m<sup>2</sup> and a frontage of 18.29m<sup>2</sup> that has access off the Pacific Highway slip road. The side boundaries are 87.5 metres and 92 metres in length. The site is predominantly level with a slight fall from east to west towards the front of the property.

The site is currently occupied by a single storey dwelling house and a detached double garage located within the front setback.



Above – View of site from Pacific Highway Slip Road

#### Surrounding Development

The land to the north, east and south of the site is zoned R2 Low Density Residential under the provisions of *Wyong Local Environmental Plan 2013 (WLEP 2013)*. To the north and west of the site is land zoned R2 Low Density Residential. Land to the east and south of the site is zoned R1 General Residential.



Above – Zoning of the site and surrounding properties

The site is in close proximity to the Pacific Highway and Sparks Road intersection. Development surrounding the site contains a mix of varied residential and commercial uses of land. East of the site is a large parcel of land that has a caravan park use (Oasis Caratel Caravan Park). To the south are residential allotments containing dwelling houses and the Central Coast Animal Hospital. Directly adjoining the site to the North are three dwelling houses.



Above – Aerial photograph of subject site

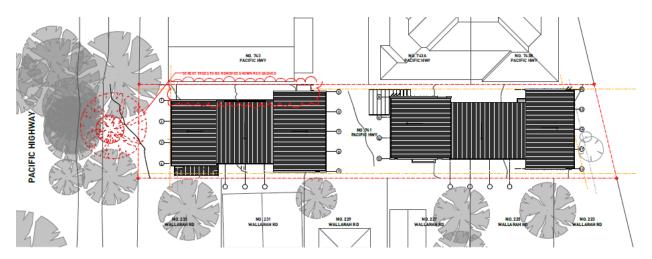
In close proximity to the site is a church, service station, vet, and Kanwal Village Shopping Centre, which includes medical services. The site is located approximately 350 metres from bus stops. These bus stops are serviced by buses travelling to Westfield Tuggerah and the Lake Haven Shopping Centre.

#### **The Proposed Development**

The Development Application seeks consent for the demolition of the existing dwelling house and detached garage and sheds and the construction of a two storey boarding house containing 27 rooms and a manager's residence.

The boarding house is proposed in the form of a series of buildings with communal open space areas located between. An undercroft car parking area is proposed below the front building containing 14 resident car parking spaces and one car parking space for the on-site manager (a total of 15 spaces). A room to accommodate the on-site manager is proposed at the front of the site. Of the 27 rooms, 10 will be single rooms only, bringing the total number of possible lodgers to 45, including the site manager. Each room is proposed to contain a kitchenette and bathroom facilities. A common living room is proposed on the ground floor to cater for residents and has direct access to the common landscaped areas of the site.

The proposal was amended during the assessment phase to provide additional waste storage, additional driveway width, an additional parking space and changes to stormwater arrangements which was in response to concerns raised by Council staff. The site layout is shown below.



Above: Site plan showing development layout



**Above: Rendered Perspective Elevation** 

#### History

The site has a history of residential use.

#### **Pre-Lodgement Meeting/Discussions**

A pre-lodgement meeting was held with Council on 26 June 2018 to discuss the proposal and provide preliminary feedback (PL/117/2018).

#### Assessment

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, the assessment has identified the following key issues, which are elaborated upon for the Panel's information. Any tables relating to plans or policies are provided as an attachment.

#### Wyong Local Environmental Plan 2013 - Permissibility

The subject site is zoned *R2* – *Low Density Residential* under *Wyong Local Environmental Plan* (*WLEP*) 2013. The relevant permissible uses in the zone include *boarding house*.

The following definitions under WLEP are relevant to the proposal and read:

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

#### **Boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and

(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The development is best characterised as a boarding house, which is a form of residential accommodation that is permitted with consent in the R2 zone.

#### Wyong Local Environmental Plan 2013 - Zone Objectives

Having regard for Clause 2.3 of WLEP, the *R2 – Low Density Residential* zone objectives read as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain and enhance the residential amenity and character of the surrounding area.
- To provide a residential character commensurate with a low density residential environment.

3.1

The proposal will assist in providing for the housing needs of the community by providing a form of housing which has been identified as being under supplied within the Central Coast Local Government Area (Social Impact Assessment prepared by Judith Stubbs and Associates).

The proposal will maintain and enhance the residential amenity and character of the surrounding area through the provision of a built form which resembles a two storey dwelling when viewed from the public domain. The proposal provides for a floor space ratio of 0.48:1 and a maximum building height of 7.9 metres, which is consistent with a low-density residential zone. Accordingly, the proposal is considered satisfactory regarding the objectives of the R2 Low Density Residential zone.

#### Wyong Local Environmental Plan 2013 Clause 4.3 - Height of Buildings

Clause 4.3 specifies the building height for the site shall not exceed that indicated on the applicable map. The site is not identified as having a mapped building height therefore clause 4.3 does not apply to the site.

#### Wyong Local Environmental Plan 2013 Clause 4.4 - Floor Space Ratio

Clause 4.4 specifies the floor space ratio (FSR) for the site shall not exceed that indicated on the applicable map. The site is not identified with an LEP FSR having regard for Council's FSR maps. Clause 4.4 does not apply to the site.

#### Wyong Local Environmental Plan 2013 Clause 7.1 – Acid Sulfate Soils

Under clause 7.1, development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map. The land is not identified as containing acid sulfate soils or being within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum.

#### Wyong Local Environmental Plan 2013 Clause 7.9 – Essential Services

This clause requires Council to ensure that services such as water, sewer, electricity, and stormwater drainage and road access can be adequately provided. The application has demonstrated that all these services are adequately provided for the development and adjoining properties.

Road and access - The site is currently serviced via a pipe crossing. Current conditions include an open table drain, street trees, degraded and narrow road pavement, and services. Vehicular access is proposed to the Pacific Highway via a two-way driveway. The proposal will require road construction, tree removal, new driveway crossing and layback, and reinforced concrete footpath in the frontage road reserve. An increased 5.5 metres road pavement (currently approximately 3.0 metres in parts) has been determined as a reasonable upgrade 3.1

to allow concurrent movements in the Pacific Highway. Transport for NSW have reviewed the application and raise no concern in relation to the accessway.

Water and sewer – The site has access to mains water and sewer. The proposed development is located within the Zone of Influence (ZOI) of the 150mm uPVC sewer main within the subject property. The development is required to comply with Council's "Policy for Building Over or Adjacent to Sewer Mains". The retaining structure along the southern boundary will require suitable design detail in accordance with the above. A 750mm radial clearance has been provided for all sewer sidelines servicing properties fronting Wallarah Road.

The proposed development is located outside the Zone of Influence (ZOI) of the water main servicing the area. An additional water hydrant may be required fronting the site through the existing 250mm AC water main.

The development will require a Section 307 Certificate under the *Water Management Act 2000.* (Condition of consent 2.2)

Stormwater Management - The Applicant has submitted revised concept stormwater drainage plans by Beveridge Williams (refer Project No. 1801936, Revision F, dated 5/9/2019). These plans are inconsistent with the latest revised site plans, however are adequate to demonstrate that a compliant outcome is achievable. Stormwater is to be directed to a proposed kerb inlet to the Pacific Highway access road on the southern boundary.

An on-site stormwater detention and drainage system is required to control the rate of runoff leaving the site. The detention system must attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100-year average reoccurrence interval (ARI) design storms. *(Condition of consent 2.5)* 

Accordingly, the proposal is satisfactory regarding clause 7.9 of WLEP. Design detail for building in proximity to sewer, any water service adjustments and the On-Site Detention (OSD) are required via conditions of consent.

#### State Environmental Planning Policy (Infrastructure)

The site has frontage to the Pacific Highway slip road, as such the proposal is 'development with frontage to a classified road' and is subject to the requirements of Clause 101 of SEPP Infrastructure. The application was referred to Transport for NSW for comment, who have provided in principle support subject to acoustic, access safety and storm water management requirements (refer to comments under external referrals below).

Clause 101 specifies that consent must not be granted unless the consent authority is satisfied that:

• where practicable and safe, vehicular access to the land is provided by a road other than the classified road

There is no alternative access than onto the Pacific Highway slip road, although it is considered that the slip road is a very low traffic volume road and access can be safely achieved.

• the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of the design of the vehicular access to the land, the emission of smoke or dust from the development, or the nature, volume or frequency of vehicles using the classified road to gain access to the land

Construction impacts are appropriately managed through conditions of consent.

• the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

It is anticipated that the masonry and concrete construction design of the development can sufficiently ameliorate traffic noise for the development, subject to appropriate glazing. This has been verified by an Acoustic Report prepared by PKA Acoustic Consulting submitted with the development application.

Provision of noise attenuation measures in accordance with the Acoustic Report and having regard for the NSW Road Noise Policy 2011, prepared by the department previously known as the Department of Environment, Climate Change and Water, is required via a condition of consent. This will require that internal noise objectives for all habitable rooms with windows comply with the Building Code of Australia. *(Condition of consent 2.10, 2.12, 5.11, 5.12)* 

#### State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 3 of the SEPP relates to Boarding houses and Clause 26 stipulates that the provisions of the SEPP apply to land within an R2 zone. Clause 27 however, stipulates that Division 3 only applies for the purposes of boarding houses in an R2 zone in the Sydney region where they are located within an accessible area. The SEPP provides a definition of accessible area as follows:

#### accessible area means land that is within:

(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or

(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or

3.1

(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

Sydney region is defined as follows:

Sydney region means the region having that name declared under section 4 (6) of the Act.

#### Note—

The Sydney region means land within the following Local Government Areas: Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany, Burwood, Canada Bay, Camden, Campbelltown, Canterbury, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby, Wollondilly, Woollahra and Wyong.

Although the proposal is within 400 metres walking distance of a bus stop (Wallarah Road), the bus stop is not serviced regularly enough to meet the requirements of the definition of accessible area. The development relies upon bus stops that are more than 400 metres walking distance (such as the one on Walker Avenue) in order to achieve hourly frequency of service.

Accordingly, the provisions of Division 3 do not apply to the site. Development for the purpose of a boarding house is permissible in the R2 Low Density Residential zone under the provisions of WLEP 2013 and the proposal does not rely on the provisions of SEPP ARH 2009 for permissibility. A merit assessment that aligns with the assessment criteria identified within SEPP ARH 2009 has been undertaken. A summary of that assessment has been included within Attachment **2**.

#### State Environmental Planning Policy No. 55 – Remediation of Land

In accordance with the provisions of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land* the consent authority must not consent to the carrying out of any development on land unless it has considered if the land is contaminated and if so, after remediation, if it will be suitable for the intended purpose. The subject site has a history of residential use and is unlikely to be contaminated.

Conditions of consent are recommended in relation to the removal and disposal of asbestos encountered during the demolition phase. The proposal is considered satisfactory with regard to SEPP No. 55 – Remediation of Land.

#### State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The Department has developed an alternative process for the BASIX assessment of large boarding house developments (i.e. those designed to accommodate more than 12 people or with a gross floor area of more than 300m<sup>2</sup>). The alternative assessment process allows the thermal comfort of a large boarding house development to be assessed at a later stage (i.e. the Construction Certificate stage) against the Section J requirements of the *Building Code of Australia* (BCA). (Condition of consent **2.11**)

#### **Draft Central Coast Local Environmental Plan 2018**

Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP) was exhibited from 2 December 2018 until 28 February 2019 and will replace the planning instruments relating to the former Local Government Areas. Under the provisions of Draft CCLEP, the site retains its R2 Low Density Residential zoning. There are no additional or amended clauses or provisions warranting further discussion.

#### Wyong Development Control Plan 2013 (WDCP)

#### Chapter 2.4 Multiple Dwelling Residential Development of WDCP 2013

As there is no specific chapter for boarding house development types, the proposal has been assessed having regard for the requirements of Chapter 2.4 – Multiple Dwelling Residential Development for guidance as the most relevant development type specified by the DCP. The proposal is considered satisfactory in this regard.

#### Chapter 2.11 Parking and Access of WDCP 2013

A detailed discussion of car parking is contained in the Section 4.15 assessment discussion below.

Of the 27 boarding rooms, 10 rooms will be single occupancy rooms. As such the total number of beds is 45 + manager. The DCP requires 1 space per 5 beds. This equates to 9 spaces. The proposal provides 15 spaces, including an accessible space and a manager's space. There is sufficient parking to accommodate a service vehicle. The proposal includes 6 secure motorbike spaces and 6 secure bicycle parking spaces. The proposal provides all the required visitor spaces, and in this regard does not rely upon street parking.

The proposed development complies with council's car parking requirements.

#### Chapter 3.1 Site Waste Management of WDCP 2013

The proposal has been assessed against the provisions of Chapter 3.1 of WDCP 2013 and additionally the Wyong Shire Council Waste Control Guidelines.

A suitable Waste Management Plan was submitted with the application in accordance with the DCP and was reviewed by Council's Waste Management Assessment Officer who found

waste servicing of the site and the Waste Management Plan to be satisfactory subject to conditions of consent. Detailed comments are provided within the waste discussion under Clause 4.15 matters discussed below.

#### Chapter 3.6 Preservation of Trees or Vegetation of WDCP 2013

Chapter 3.6 has limited application to development applications. The assessment in relation to tree preservation is contained within the assessment of Natural Environment under Clause 4.15 matters discussed below.

#### Any planning agreement

There are no planning agreements applicable to the application.

#### **Relevant Regulations**

There are no specific matters under the Regulation that require further discussion.

### Likely Impacts of the Development (built environment, natural environment, economic and social impacts)

#### Built environment

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of the relevant planning controls and the submissions received.

The immediate surrounding locality can be described as having a mixed residential character and the proposed boarding house is not inconsistent with this character. The proposed built form is two storey and any windows or balconies on the side elevations have been designed to limit overlooking. The impacts of the development are largely focused internally to the site.

The front building presents to Pacific Highway (and the public domain) and is commensurate in scale with a two storey dwelling and provides suitable planting within the front setback landscaped area to soften the appearance of the development. The proposal is suitable with regard to the context and setting of the subject site and is considered to be in keeping with the character of the area.

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of the relevant planning controls following.

#### <u>Accessibility</u>

The proposal provides an accessible residential parking space that is in accordance with AS/NZS 2890.6 (2009) – "Off-street parking for people with disabilities". The proposal provides accessible pathways from the street to the building entry, ground floor accessible apartments and communal open space areas.

#### Traffic and transport

A traffic impact assessment prepared by Traffix dated 18 December 2018 was submitted with the development application. The traffic report has been reviewed by Council's Traffic and Transport Engineer. In accordance with the *RMS Technical Direction (TDT 2013/04a)* the proposal will generate approximately 15 AM peak hour trips and 9 PM peak hour trips. It is considered that this number of additional trips will not have a significant impact on the surrounding road network.

Comments provided following consultation with Transport for NSW indicate no objection to the proposed development, provided the following matter(s) are addressed:

- All vehicles to be able to enter and exit the site in a forward manner.
- The driveway should be a minimum of 5.5 metres wide to allow for vehicles entering and exiting the property at the same time.

The proposal has been assessed and is compliant with these requirements.

#### Internal access and parking

The Applicant has submitted site plans by Smith & Tzannes and a traffic impact assessment by Traffix. These documents indicate the provision of a total of 15 on site spaces.

Wyong DCP Chapter 2.11 Parking and Access requires 9 spaces for the boarding rooms, 1 space for the manager and 1 service space, a total of 11 spaces are required. The proposal provides all the required spaces, and in this regard does not rely upon street parking. 15 spaces (including one accessible space) are provided as part of the proposal. The proposed undercroft provides parking in an efficient manner.

The proposed off-street car parking dimensions, vehicle manoeuvrability and internal driveway grades comply with AS/NZS 2890.1 (2004) - "Off-street car parking". A Vehicle Turning Path Plan by Beveridge Williams (refer Project No. 1801936, Revision B, dated 10/9/2019) has been submitted. This plan confirms that the driveway crossing width will achieve safe manoeuvring.

#### External works and road infrastructure

The development site is currently serviced via an existing gravel vehicle access driveway and off-street parking is provided along the northern boundary. Access is currently facilitated via a pipe crossing. The frontage of the site contains an open table drain, street trees, degraded and narrow road pavement, and services.

The revised proposal seeks access for the development via a new driveway access crossing.

The development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's *Civil Works Specification Design Guidelines 2018*. Vehicular access is proposed to the Pacific Highway via a two-way driveway. The proposal will require road construction, tree removal, new driveway crossing and layback, and reinforced concrete footpath in the frontage road reserve. An increase of road pavement to 5.5 metres (currently approximately 3.0 metres in parts) has been determined as a reasonable upgrade to allow concurrent movements in the Pacific Highway. This is required by conditions of consent **2.4** and **2.5**.

Council's tree officers have reviewed the impacts of the slip road upgrade on trees within Council's road reserve. The impacts are determined to be satisfactory (refer to discussion under environmental impacts below).

The applicant's submitted traffic report concludes that the proposed development will not have an adverse impact upon the surrounding road network, and this position has been reviewed and is supported by Council's Traffic & Transportation Engineer.

Car parking rates for boarding houses are less than those required for other residential uses, and as such boarding house uses have a higher reliance upon transport facilities such as footpaths and public transport. Bus stops are located on Wallarah Road, Pacific Highway and Walker Avenue as indicated on the below images:



Above: Distance to bus stop – Pacific Highway



Above: Distance to bus stop – Wallarah Road and Walker Avenue

The slip road and the length of Wallarah Road from No. 233 to No. 217 does not contain a footpath. It is considered that the reliance upon public transport generates a nexus to providing a footpath for safe all-weather access to public transport.

Having reviewed safe access to public transport (bus stops), it has been determined that there is no opportunity for a pedestrian refuge for safe crossing of Wallarah Road in proximity to the roundabout to access the bus stop on Pacific Highway without significant changes to lane configuration or realignment of the kerbs. This would be a costly exercise and does not provide safe crossing that would be supported by the roads authority. An existing median fence to prevent pedestrians crossing Wallarah Road west of the signals currently exists, and the desired pedestrian movement is to the signalised crossing to the east in the vicinity of 205 Wallarah Road.

To achieve an appropriate pedestrian connection to services and public transport, approximately 350 metres of concrete footpath on the service road and Wallarah Road is required. Traffic controls and a road occupancy licence will be required to undertake the work, as the works are occurring on a Transport for NSW road. This provides the site with a safe all- weather link to shops, club, chemist & transport.

Council's assets section has advised that there are no scheduled footpath upgrades in this location. It has been confirmed that Transport for NSW do not have plans for upgrade/intersection works in this location. As such, the provision of additional footpath to provide a safe pedestrian link to public transport is required via *conditions of consent 2.4*.

#### Location and access to facilities

3.1

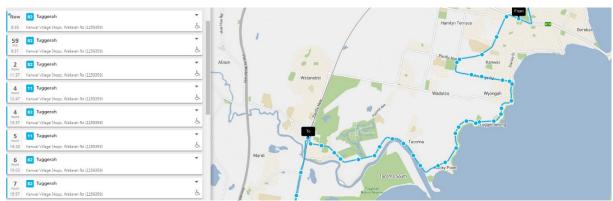
The site is located within walking distance of Kanwal Village shopping centre, which includes services such as takeaway food and liquor, butcher, pharmacy and medical centre. Additionally, on the northern side of Wallarah Road in proximity to the Walker Avenue intersection at 191 Wallarah Road, is Wyong District Youth and Community Centre and Morrie Breen Oval.

The site is also located within suitable walking distance of bus stops with regular services that provide access to Wadalba shopping village, that provides a variety of services including large supermarkets, take away food and liquor, pharmacy and Wadalba Sports Complex.

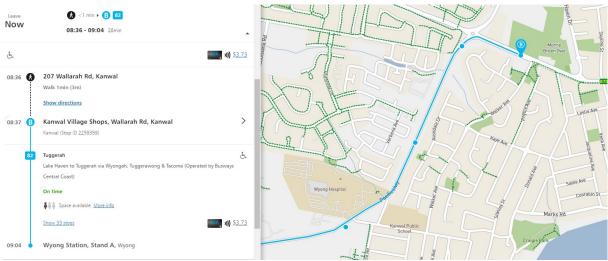


#### Above: Bus route from Kanwal Village Shopping Centre to Wadalba

Bus services provide regular connection to Wyong Town Centre/ Train Station and Tuggerah shopping centre.



Above: Bus route from Kanwal Village Shopping Centre to Wyong and Tuggerah



Above: Alternative direct bus route from Kanwal Village Shopping Centre to Wyong and Tuggerah

#### <u>Drainage</u>

The site falls gently to the street. The Applicant has submitted revised concept stormwater drainage plans by Beveridge Williams (refer Project No. 1801936, Revision F, dated 5/9/2019). These plans are inconsistent with the latest revised site plans, however are adequate to demonstrate that a compliant outcome is achievable. Stormwater is to be directed to a proposed kerb inlet to the Pacific Highway access road on the southern boundary.

An on-site stormwater detention and drainage system is required to control the rate of runoff leaving the site. The detention system must attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100-year

average reoccurrence interval (ARI) design storms. Design detail for the OSD is required via *condition of consent 2.5*)

#### Water and sewer

The site has access to mains water and sewer. As previously discussed, the proposed development is located within the Zone of Influence (ZOI) of the 150mm uPVC sewer main within the subject property. The development is required to comply with Council's "Policy for Building Over or Adjacent to Sewer Mains".

The proposed development is located outside the Zone of Influence (ZOI) of the water main servicing the area. An additional water hydrant may be required fronting the site through the existing 250mm AC water main.

The development will require a Section 307 Certificate under the *Water Management Act 2000.* (*Condition of consent 2.2*)

#### Waste disposal

The applicant has provided waste collection details for the proposal that are contained on the services plan Dwg No. 17-067 DA–A–800, REV E dated 12 October 2020 prepared by Smith and Tzannes, and within the waste management plan revision B dated 16 September 2019.

The proposal has been assessed against the provisions of Chapter 3.1 of WDCP 2013 and additionally the Wyong Shire Council Waste Control Guidelines, that require 5 x 360 litre mixed waste garbage bins for weekly servicing by Council and 2 x 360 litre and 2 x 240 litre recyclables waste garbage bins for fortnightly servicing along with 2 x 240 litre green waste garbage bins for alternate fortnightly servicing.

The plans submitted indicate an appropriately sized waste storage enclose for the required number of bins, that is screened from view within the development, street and neighbouring properties. The waste storage area is located within the carpark, and the bins are presented to the street on the day of collection. This arrangement has been vetted by Council's waste officer and is included within **condition of consent 6.20**.

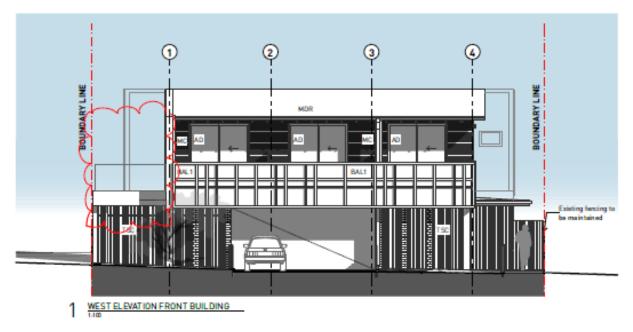
Waste estimations within the waste management plan for construction waste are adequate for development of the type and scale proposed.

#### Locality and streetscape

The proposal will not adversely impact on the character and amenity of the locality and streetscape. The scale, form, and character of the development when viewed from the street is considered acceptable within the locality having regard for the R2 zoning of the site.

The design and appearance of the development is of a high design that is purpose specific and has a modern architectural appearance which is satisfactory within the future character of the streetscape. The form and scale of the development when viewed from the street is compatible with that envisaged for the site under the R2 zoning. The proposal provides a design that clearly identifies the residential entry and minimizes impacts of car parking by incorporating undercroft parking that is screened from view and recessed behind the upper level.

The proposal maintains the 6 metre street setback of the directly adjoining residential dwelling and is compatible with the prevailing streetscape setbacks for the vicinity. The undercroft car park area is located 7.5 metres from the street boundary. The built form is well articulated and composed, includes a suitable materials palette and has considered the relationship to surrounding properties and the opportunities presented by the location of the site.



#### Above: Western (street) elevation

#### Privacy, overlooking and boundary treatments

The nearby dwellings to the north and south of the site are the most sensitive of potentially affected neighbouring properties that are most likely to be impacted by overlooking and privacy impacts from the future occupants of the development.

To the north of the site are three single storey dwellings known as 743, 743A and 743B Pacific Highway. At the ground floor, the carpark is located on the boundary with 743. The boundary is treated with a solid masonry wall of one storey in height, which shields the neighbour from acoustic and visual privacy impacts. For the rear building, the development generally located common open space area in the vicinity to neighbouring private open space. In this way, the

3.1

development is responding to the existing development pattern and rhythm of built form and open space of the neighbouring property.

The built form setbacks respond to the orientation of boarding rooms. Where boarding rooms are oriented to the side boundary, the setback is increased, with built form being a 3 metre setback to balcony spaces and 4.5 metres to boarding rooms. The screening of balconies and the recess of the side oriented boarding rooms is such that viewing is limited to the roof of the single storey neighbouring properties at 743 and 743B Pacific Highway.

The four first floor boarding rooms facing the rear caravan park are substantially setback and include screened balconies. They are also located within a landscaped area.

To the south of the site are six properties known as 233, 231, 229, 227, 225 and 223 Wallarah Road. All the properties have north facing rear private open space areas. The only exception to this is 231 Wallarah Road, that has a narrow north setback with the building located towards the rear of the lot, and that operates as a veterinary clinic, not a residential dwelling.

At the ground floor, the primary access to the boarding house is located along the common boundary with 233, 231 and 229 Wallarah Road. The access includes an accessible ramp with compliant grades. These grades are generally aligned to the existing ground levels along the boundary and do not result in any significant cut or fill. The common boundary with the remainder of the properties includes deep soil planting of 1.5 metres width, with the 'side' presentation to boarding rooms being located a minimum distance of 1.7 metres from the boundary.

At the first floor, the refinement of the design has reduced the extent of elevated walkways, and these are appropriately screened to achieve privacy to neighbouring properties. First floor balconies are oriented to the front, rear or northern side boundary and are additionally screened or have blade walls to limit overlooking.

Overlooking potential has been minimised in the design through the orientation of dwellings, internal layouts and balconies, to avoid conflict. All side boundary facing balconies limit overlooking as they are flanked by boarding rooms and are recessed within the façade and include screened balustrades.

Through the revision of the design, impacts to neighbouring properties have been reduced by a reduction in the building length for the front building, increased landscape area, a reduction in building height for the front building, reduction in number of side facing boarding rooms in the front building, improved access ramp and a reconfiguration of access stairways that increases setbacks to the southern boundary.

The development incorporates deep soil planting around the perimeter of the site that allows for landscaping that incorporates small trees of an appropriate scale for the development that assist in breaking view lines. Upon review of the landscape plan, two additional trees are to be provided within the rear boundary landscaped area. The landscape plan is to be

updated to reflect planting in the locations identified on the site plan, via *condition of consent 2.12.* 

#### **Overshadowing**

3.1

Shadow diagrams have been prepared for the development between 9:00am and 3:00pm, for 21 June (midwinter) in order to demonstrate a worst-case scenario for solar access and shadow impact on the shortest day of the year.



Above: Shadow diagrams for the proposal midwinter at intervals of 9am, midday and 3pm

The impact of the proposal on solar access for the adjoining properties has been considered with regard to the relevant solar access control within Wyong Development Control Plan – Chapter 2.4 – Multiple Dwelling Residential Development which states the following:

"New development shall have due regard for maintaining solar access to adjoining properties and not cause overshadowing. At least 75% of required private open space areas on adjoining lands shall receive at least three hours unobstructed sunlight between the hours of 9am and 3pm on June 21."

The required area of open space on adjoining lands for dwellings in an R2 zone is stipulated in clause 4.3 of Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development of Wyong Development Control Plan which states the following:

*"ii)* Lots with a width greater than 10m wide at the building line 24m<sup>2</sup>

- iii) Minimum dimension 3m
- iv) Is not steeper than a 1:50 gradient"

There are six low density residential properties to the south of the site that are impacted by the development. These properties are identified as 233, 231, 229, 227, 225 and 223 Wallarah Road. All the properties have north facing rear private open space areas. The only exception to this is 231 Wallarah Road, that has a narrow north setback with the building located towards the rear of the lot, and that operates as a veterinary clinic, not a residential dwelling.

The applicant has undertaken a solar access analysis (Smith & Tzannes, Shadows – Winter Solstice (Prop) Rev C dated 22/06/2020). This analysis indicates some impact on the adjoining properties to the south of the site however all adjoining properties with the exception of 231 Wallarah Road, will receive solar access to large areas of private open space at mid-winter, and greater than compliance with 100% of the required private open space on adjoining lands receiving over three hours of unobstructed sunlight between 9am and 3pm on 21 June.

#### Air quality

Dust suppression and control during demolition, earthworks and construction can be achieved by requiring the adoption of appropriate measures to minimise emissions into the surrounding environment. There is minimal potential for any uncontrolled or unmanaged air pollution, odour, fumes or other air quality impacts associated with the development on the site.

The car park is naturally ventilated, and all boarding rooms have openable windows that provide access to natural ventilation. All accessways and corridors are open to the air.

#### Noise and vibration

An acoustic report has been provided by the applicant to address the acoustic impact of the development.

Council's Environmental Health Officer has reviewed the proposal and advises that the development, subject to noise attenuation through materials of construction as recommended by the acoustic report, should achieve acceptable acoustic amenity for the development and adjoining development.

In order to achieve an appropriate privacy outcome, a new acoustic boundary fence of a suitable graffiti resistant material shall be located inside the property boundary for the length of 233, 231, and 229 Wallarah Road. The fence shall be a height of 1.8 metres above the finished level of the access ramp. (*Condition of consent 5.16*)

The operation of all plant in combination is required to not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the nearest affected residence and property boundary. (*Condition of consent 6.23*)

#### Safety, security and crime prevention

The principles of Crime Prevention Through Environmental Design (CPTED) have been considered within the design of the proposed development.

The design has appropriate regard for the principles of CPTED through employment of the following strategies:

- Surveillance the proposal addresses the street, and the ground floor of the development and building access point are at the same level as the street. Particular attention has been given to limiting "blind spots" within the front setback treatment to limit concealment opportunities. Passive surveillance of the street and communal open space area is achieved by boarding rooms and the managers residence addressing these spaces. CCTV cameras will be required via *condition of consent 5.17*.
- Access control clearly marked and gated access points and way finding, security doors to car parking and pedestrian entry, and secure mailboxes. Each 'pod' of boarding rooms has a separately keyed access, as an additional measure of safety, and to encourage social interaction within the dedicated ground floor spaces. Fire stairs are exit only in order to ensure surveillance and monitored movement of people within the development.
- Space management the proposal will be managed by an on-site manager and is re-inforced by the plan of management for the boarding house. The on site manager will ensure appropriate management of common areas. Plant areas are accessed via secure keyed access.

Having regard for the principles of CPTED and safer by design, the proposal adequately discourages anti-social behaviour and minimises the opportunities for criminal activities. The recommendations of NSW Police have been incorporated within **conditions of consent 2.13 and 5.17 and 6.24**.

#### Overall built environment impacts

The proposal is acceptable having regard for the character and amenity of the locality and streetscape. The scale, form and character of the development are acceptable within the locality.

A thorough assessment of the proposed development's impact on the built environment has been undertaken having regard for *SEPP ARH* and the provisions of WLEP 2013 and WDCP and built environment impacts are reasonable within the context of the site.

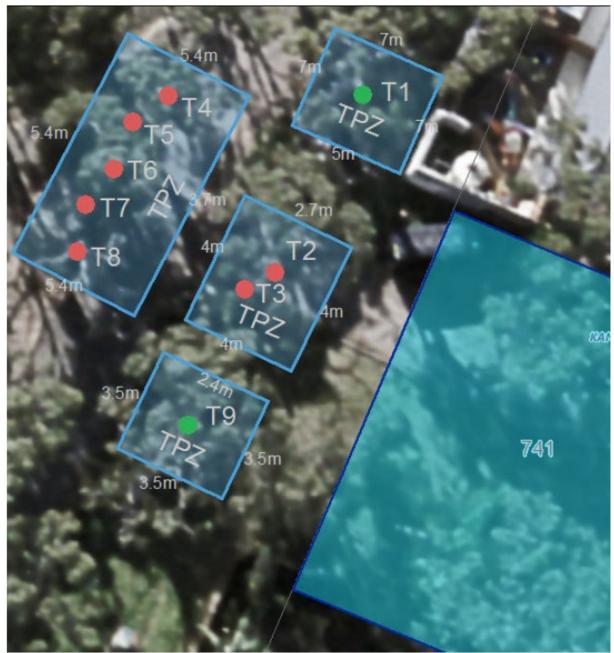
#### Natural environment

The proposal has identified two street trees that are required to be removed in order to facilitate the driveway access to the development. These trees are T2 and T3 on the image below. In order to achieve safe manoeuvring within the Pacific Highway service road, road works are required to be undertaken. These road works include widened road pavement, footpath and kerb and channel.

In providing the required infrastructure within the road reserve, a number of trees within the road reserve will be impacted. Council's tree assessment officer has undertaken an

3.1

assessment of impacts to street trees, and identified additional trees that would be impacted and require removal. These trees are T4, T5, T6, T7, T8 on the image below. These trees are in decline. On this basis their removal is considered appropriate subject to replacement street tree planting. The removal of street trees and the replacement planting is required via **conditions of consent 2.4, 3.12, 4.8 and 4.9**)



Above: Aerial image showing trees

Water quality

3.1

The application documentation has adequately detailed water quality facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality* –

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# 3.1 DA/1505/2018 - 741 Pacific Highway, Kanwal - Boarding house containing 27 boarding rooms and manager's residence (contd)

A Guide to Water Sensitive Urban Design prior to entering Council's stormwater drainage system.

#### Ground water

The proposal requires minimal excavation and construction is unlikely to encounter ground water issues. It is accepted that appropriate construction methods can address this issue.

#### Economic impacts

The development is likely to result in positive economic impacts through the provision of a variety of cost-effective housing and employment generation for the construction of the building.

#### Social impacts

The potential social impacts of the proposal have been discussed in consideration of submissions received against the proposal. The application has been reviewed by Council's Social Planner in consideration of the submitted Social Impact Assessment and Plan of Management and no objection was raised subject to recommended conditions.

It is acknowledged that boarding houses are an important source of accommodation and the need for affordable and low-cost housing on the Central Coast is high. The provision of a mix of affordable housing is of social benefit rather than social impact.

## Suitability of the Site for the Development

The site is accessible to public transport and facilities and the proposed development provides important social benefits in the provision of purpose-built affordable housing.

Although the development is two storeys in height and is higher than existing low scale directly adjoining structures within the site context, the building form is considered compatible with the accepted future character of R2 zoned land. The architectural design and treatment of the building will present well on all facades.

The design of the proposed development is in an appropriate form and layout that suitably balance the opportunities and constraints of the site. There are no significant site constraints or hazards that would render the location of the development as unsuitable. The building form will sit comfortably within the streetscape.

#### Submissions

In accordance with DCP 2013 – Chapter 1.2 Notification of Development Proposals, the application was notified between 17 January 2019 and 8 February 2019. As a result of amended plans the application was re-notified between 24 May 2019 and 14 June 2019 and again between 24 July 2020 and 21 August 2020. Submissions were received as follows:

- First notification period 13 submissions and two petitions.
- Second notification period six submissions
- Third notification period six submissions.

The general issues raised in relation to the proposal are included below:

Submission	Response
COVID19 concerns for public health in high density living situations	This is a community wide impact that is not limited to high density living or boarding house uses. The proposal includes a number of communal areas of the site that allow residents to maintain distance in a social setting.
The area is zoned 'low density residential'. 29 Units in one block is not low density.	The development is defined as a 'boarding house' within Wyong Local Environmental Plan 2013. A Boarding house is a permissible use within the R2 Low Density Residential zone. Having regard for the size of the lot (1657m2) and the nature of nearby and adjoining development to the north, the built form is not inconsistent with the character of the area. Whilst the density of a boarding house use is more dense than other uses permitted within the R2 zone, it is a scheduled permitted use and is anticipated by the zoning.
Narrow access road is poorly maintained and not wide enough for two-way traffic	It is considered that the additional traffic generated by the development can be catered for in the existing road network. The state of the current road surface of the Pacific Highway service road is an existing situation which will not be significantly worsened by the proposed development. The road pavement is to be re- aligned with half width construction required. The re-alignment of the road pavement will widen the road for the length of the road frontage,

	however the Service Road will not be increased to dual carriageway. The limited width of the existing road carriageway is considered a deterrent to traffic utilising the road to avoid traffic congestion on the Pacific Highway and will ensure that the Road is predominantly used for local traffic servicing the properties in the area.
No capacity for on street parking, lack of visitor parking	The proposal exceeds the required number of parking spaces for a boarding house use. On this basis, there is capacity for visitors to be accommodated on site.
Safety entering the service road	It is considered that the additional traffic generated by the development can be catered for in the existing road network. The application was referred to TfNSW, who have raised no objection to the proposal.
There are no footpaths	Footpaths are required to be provided via conditions of consent.
Request screening of all windows facing our property	Where privacy impacts have been identified, appropriate screening is proposed.
Service Road needs to be upgraded for two- way traffic, additional maintenance is required, and new footpaths are required	It is considered that the additional traffic generated by the development can be catered for in the existing road network. The state of the current road surface of the Pacific Highway service road is an existing situation which will not be significantly worsened by the proposed development.
	The road pavement is to be re- aligned with half width construction required. The re-alignment of the road pavement will widen the road for the length of the road frontage, however the Service Road will not be increased to dual carriageway. The limited width of the existing road

	carriageway is considered a deterrent to traffic utilising the road to avoid traffic congestion on the Pacific Highway and will ensure that the Road is predominantly used for local traffic servicing the properties in the area.
Health concerns from mosquito viruses as a result of parking in the road reserve.	Standing water within the vicinity of the site is not directly related to the proposal. The proposal provides greater than compliant number of parking spaces and does not rely upon the road reserve for parking.
Waste management is inadequate. Insufficient street frontage for bin collection.	The proposal has been amended to provide adequate waste servicing that is in accordance with Council's waste guidelines. The development will require 5 x 360 Litre shared mixed Mobile Garbage Bins (MGB's) serviced weekly, 2 x 360 litre and 2 x 240 litre shared recyclable MGB's serviced fortnightly and 2 x 240 Litre green waste MGB's serviced fortnightly. The maximum number of bins to be presented for kerbside collection for the development at any one time will be nine, given the servicing of green waste and recycling bins on alternate weeks. The proposal therefore requires 9 metres of frontage for the kerbside presentation of bins. The proposal provides sufficient frontage, and the realignment of the road pavement and provision of kerb and channel will increase the road width.
Increase in crime and antisocial behaviour, security concerns	A safer by design assessment has been undertaken and the application has been reviewed by NSW Police. The purpose-built design has been designed to minimise opportunities for crime and the plan of management includes measures for screening intended residents.

Impacts to services (water and electricity) during peak usage times	The applicant will be required to make an application to the electricity supply authority for connection of the development. The electricity supply authority will determine whether a substation will be required.
	It is anticipated that the development will not place a significant further demand upon the available water service. Any water and sewer work required by Council as the Water Supply Authority will be detailed to the applicant in a notice issued under Section 306 of the <i>Water</i> <i>Management Act 2000.</i> The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.
Building over the sewer main makes maintenance difficult	The development is required to comply with Council's "Policy for Building Over or Adjacent to Sewer Mains". The construction design of the retaining structure along the southern boundary will need to be made in accordance with the above. A 750mm radial clearance has been provided for all sewer sidelines servicing properties fronting Wallarah Road.
Impacts to available winter sun of neighbouring properties	The impact of the proposal on solar access for the adjoining properties has been considered regarding the relevant solar access control within Wyong Development Control Plan – Chapter 2.4 – Multiple Dwelling Residential Development The applicant has undertaken a solar access analysis that indicates some impact on the adjoining properties to the south of the site however, the extent of impact is compliant with relevant DCP controls.

# DA/1505/2018 - 741 Pacific Highway, Kanwal - Boarding house containing 27 boarding rooms and manager's residence (contd)

	Refer to 4.15 discussion.
Impacts to available North Easterly breezes for neighbouring properties	Having regard for the subdivision arrangement and the relationship of the development to neighbouring structures, it is considered that the proposal will not result in a substantial reduction in access to north easterly breezes due to the oblique angle and the spaces between buildings.
Noise impacts from the development to neighbouring properties	The acoustic impact of the proposed development has been considered as part of the assessment of the application. This assessment also considered the findings and recommendations of the acoustic assessment prepared by PKA Acoustic Consulting. The Plan of Management (PoM) contains reasonable hours of use of recreational areas and the communal room (restricting their use beyond 8.30pm) which is considered reasonable in terms of mitigating any impacts on the amenity of the surrounding neighbourhood.
	Conditions of consent are recommended requiring compliance with the PoM and <i>Boarding Houses</i> <i>Act 2012</i> which will result in the boarding house being required to operate in a manner that does not significantly impact upon residential amenity.
	The acoustic assessment also considered noise generation from the car park area of the development. The assessment concluded that noise generation in this area can be properly mitigated subject to operational restrictions and monitoring of the car park area.

Privacy impacts from the development to neighbouring properties	Privacy impacts of the development have been considered in detail above. The design incorporates measures to reduce privacy impacts including screening and orientation of boarding rooms, along with maintaining the established development pattern set by development to the north. Detailed discussion is contained within 4.15 discussion above.
Not a suitable place to house low income individuals	The submitted SIA, prepared by Judith Stubbs and Associates, outlines that at the time of the 2016 Census, the supply of social housing in the Central Coast LGA was less than Greater Sydney at 3.4% of occupied private dwellings compared with 4.6%. Further, the SIA outlines that across the Central Coast local government area (LGA) at the time of Census 2016, there were a total of 136 persons enumerated in a 'Boarding house, private hotel', representing 0.04% of the resident population of the area.
	In 2016, the Australian Bureau of Statistics (ABS) data indicated that there were nine 'boarding house, private hotels' in the Central Coast LGA and no boarding houses/private hotels were enumerated in Wyong suburb. By comparison, 0.15% of the population of Greater Sydney was counted in boarding houses or private hotels, suggesting that Central Coast LGA is under supplied with this form of accommodation.
Inadequate access for emergency services such as fire brigade	The driveway has a width of 5.5m from the gutter to the building. This allows sufficient access for emergency services vehicles.
Not compatible with the local area	The proposed development is a permissible use in the R2 zone. The built for is two storey scale and

	broken into two buildings that more closely respond to the built form of low-density residential areas. The proposal maintains street and side boundary setbacks that are consistent with the existing context and the development controls that apply for residential development.
Real estate values are expected to drop	There is no evidence to support this claim and this is not a planning consideration.
Removal of trees for parking	Council's tree officer has undertaken an assessment of trees likely to be impacted by the development. No trees are proposed to be removed for parking, however some trees will be removed for vehicular access and to facilitate vehicle manoeuvring in proximity to the entry. The anticipated impacts are considered acceptable, and the applicant is required to provide a new street tree and another tree within the private front setback of the property via conditions of consent.
Anti-social impacts similar to those at Strathavon in Wyong	The circumstances and issues relating to other developments are not relevant to this development application. The impact of the development has been considered and a social impact assessment has been submitted with the application. There is no evidence to support the claim that the safety of the community will be at risk from future residents of the proposed boarding house. The applicant has advised that potential occupants will undergo a rigorous screening process, including an interview with boarding house management, and will be required to supply relevant references as part of their tenancy application. In addition, the facility is required to operate

	under the provisions of the Boarding Houses Act 2012, which provides suitable parameters for the operation of boarding houses in NSW.
Development should be single storey	Two storey built form is considered to be compatible with an R2 low density residential environment.
Traffic impacts	A traffic impact assessment prepared by Traffix dated 18 December 2018 was submitted with the development application. The traffic report has been reviewed by Council's Traffic and Transport Engineer. In accordance with the RMS Technical Direction (TDT 2013/04a) the proposal will generate approximately 15 AM peak hour trips and 9 PM peak hour trips. It is considered that this number of additional trips will not have a significant impact on the surrounding road network.
Safety of access to bus route	Footpaths to connect to the traffic lights at Wallarah Road are required via conditions of consent.
Steel mesh fencing and screening will feel like prison	The proposal utilises a modern materials palette that is found in many forms of current residential architecture. Screening has been reduced across the development through re-design of the built form and the reduction of the extent of first floor walkways.
The curfew would not be adhered to	A permanent on-site manager will live at the boarding house, and it is reasonable to assume that this level of supervision will ensure the boarding house is properly managed.
Concern regarding ongoing site management within the Management Plan	The applicant has submitted a Plan of Management (PoM) for the proposed boarding house which outlines the measures to be taken to assist in ensuring that the residential amenity

	of the locality is not adversely impacted by the boarding house. The PoM outlines measures including the responsibilities of the boarding house manager, resident responsibilities, and measures for addressing all complaints and disputes and safety and security measures. A condition of consent is recommended requiring implementation of the PoM and the use of tenancy agreements which make residents aware that anti-social behaviour may result in eviction from the facility.
Impact to amenity of surrounding area	The built form of the proposal has been designed having regard to the amenity of surrounding properties. Boarding rooms are oriented to limit overlooking and acoustic impacts. The proposal maintains greater than compliant solar access to all affected properties. The boarding house use is managed through the measures detailed in the plan of management, that is recommended as a consent document. Boarding houses are a permissible use in the R2 zone under WLEP 2013.
Creates a transient environment	A proportion of the population require short to medium term accommodation and this is provided throughout the community in various accommodation forms that for the most part is not easily identified within the community. The proposed boarding house is not located in an area that is predominantly utilised for short to medium term accommodation, and on this basis the impact is not considered to be significant to the sense of community.
Use of nearby vacant land and road reserve for parking, parties and antisocial behaviour	The development provides parking in excess of the required number of spaces. There is no direct relationship

3.1

	to a likelihood of parties and antisocial behaviour.
Not enough room for trees or a garden	The proposal incorporates tree planting within the street setback and between the two buildings. A further two trees are required via conditions of consent. Additionally, the proposal includes screen planting of 3 metres in height around the perimeter and has a landscape area of approximately 500m <sup>2</sup> .
Driveway noise impacts	The revised design has incorporated a solid masonry wall to the undercroft parking, reducing acoustic impacts to neighbours.

# **Submissions from Public Authorities**

# Transport for NSW (formerly Roads and Maritime Services (RMS)

The development has frontage to the Pacific Highway and was referred to RMS/Transport for NSW for comment. They have provided comments in support of the proposal, subject to matters for Council's consideration (discussed above) and conditions of consent (conditions of consent 2.3, 2.4 and 2.5).

# **NSW Police**

The application was referred to NSW Police for comment. NSW Police raised concern with the density of the originally proposed development that included 28 double boarding rooms and a manager's residence (56 residents). In response to the concerns raised, the development has been reduced to 27 boarding rooms, with ten of those rooms being single occupancy (44 residents). Additionally, the NSW Police comments in response to the original application raised several safer by design considerations. In response, the applicant made a number of modifications to the design including:

- Reduction to the number of boarding rooms to 27 boarding rooms and a manager's room. To further reduce the number of residents on site 10 of the 27 rooms will be single rooms only.
- Security separation between each building is provided to increase security within the development, including screened security doors at the entry to both buildings.
- The long, straight walkways leading along the southern boundary of the site and • screened only entry lobbies/walkways to the boarding rooms allow for good

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visibility and ensure no black zones or hidden areas. Access to the plant room is to be restricted to site management only.

- Relocation of access to the common living area on the ground level so that it is now accessible via a walkway through the communal courtyard.
- Bicycle racks (6) are located in a highly visible area adjacent to the carpark off the access walkway, low height planting will visibly screen the bicycles, but also ensure that adequate surveillance can be maintained.
- Reconfigured front building to reduce the overall length and reduce the impact on the adjoining neighbour.
- Reducing the bulk/length of front building by relocation the site manager accommodation to the rear building and rearranging carparking spaces and pedestrian entry/exit point.
- Increased distance to rear building and improved design outcome in relation to privacy between front and rear building.
- Bin storage relocated to the rear of carpark, away from main entry walkway.
- Full height block wall to carpark along northern boundary to improve visual and acoustic privacy to neighbouring site.
- All floor levels have been revised to improve overall positioning on the site and reduce privacy impact on neighbouring properties with a reduction in overall building height. This has enabled the removal and straightening of ramps.
- Additional security gate entry walkway and secure building access points throughout for improved safety and controlled access.
- Relocation of previously proposed stair and introduction of additional stair to the rear building, screened enclosures to lobbies/walkway improved accessibility and safety. This also improves visual and acoustic privacy to adjoining properties
- Revised roof geometries and falls.

The modified development and a summary of public submissions was provided to NSW Police for further comment and in response they advised that the reduction of boarders has been taken into consideration and is more manageable. The recommendations of the NSW Police Crime Prevention Through Environmental Design (CPTED) report has been included within conditions of consent **2.13**, **5.17** and **6.24**.

# **Internal Consultation**

3.1

The application has been referred to and reviewed by the following experts in council and is generally supported subject to conditions of consent.

Environmental Health	Supported with conditions including <b>2.10</b> , <b>2.12</b> , <b>5.11</b> , <b>5.12</b> .
Engineering	Supported subject to conditions including <b>2.2</b> and <b>2.5</b> .
Engineering – Traffic and Transport	Supported subject to conditions including <b>2.4</b> and <b>2.5</b> .

Waste Services	Supported subject to conditions including 6.2.
Social Planning	Supported subject to conditions including 5.18.
Tree Officer	Supported subject to conditions including <b>3.12</b> , <b>4.8</b> and <b>4.9</b> .

# **The Public Interest**

There are no matters associated with the proposal that are contrary to the local or community interest. The provision of a variety of housing types is in the public interest as it caters to diverse housing needs within the community. The proposal provides for purpose built affordable housing that has been identified as a housing type that is needed within the LGA.

The site is readily accessible to public transport, shops and services. The supply within the locality of well-designed purpose- built housing, that is well managed and caters for the demand of the local community, is in the local and broader public interest.

# **Ecologically Sustainable Principles**

The proposal has been assessed having regard to ecologically sustainable development principles and it is considered that the development adequately demonstrates that it is consistent with the principles.

The proposed development demonstrates satisfactory stormwater, drainage and erosion control and that the proposal is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations.

## **Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the development application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts.

## **Other Matters for Consideration**

## **Development Contribution Plan**

There is no contribution applicable under Council's current Section 7.11 contributions plan for the Gorokan district in relation to boarding houses. The land is however subject to the

# 3.1 DA/1505/2018 - 741 Pacific Highway, Kanwal - Boarding house containing 27 boarding rooms and manager's residence (contd)

provisions of Council's Section 7.12 Contributions Plan, which would levy contributions based on 1% of the development cost.

The contribution has been loaded into Pathway based on the estimated cost (\$2,827,496) submitted with the DA and indexed to date. The indexed Section 7.12 levy is \$28,940.53.

The contributions are indexed by CPI quarterly and are required to be paid prior to the release of the Construction Certificate (*conditions of consent 2.14*).

#### Water and Sewer Contributions

Water and sewer contributions are applicable to the development and a Section 307 Certificate issued under the *Water Management Act 2000* is required. Prior to the issue of a Section 307 Certificate, payment to Council of the following developer contributions is required. Contributions have been calculated based on the maximum water supply and sewerage capacity utilisation. A credit is provided within the above calculation for the existing serviced lot. The contributions are required to be paid as part of the 307 Certificate.

#### Planning Agreements

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

#### Conclusion

This application has been assessed having regard for the matters for consideration under the Section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies.

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development in its current form.

The proposal is consistent with the objectives of the R2 Low Density zoning of the site. The development provides for the housing needs of the community within a low density residential environment and maintains the residential amenity of the surrounding area. The development is a permissible use within the R2 Low Density zone of the *Wyong Local Environmental Plan 2013*.

The proposal is satisfactory having regard to the matters of satisfaction required by *State Environmental Planning Policy (Infrastructure)* in relation to development with frontage to a classified road.

The development application provides sufficient information and detail to adequately assess the impacts of the proposed development application.

The provision of purpose-built affordable housing is in the public interest.

Accordingly, the application is recommended for approval pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

## Attachments

	Conditions of Consent SEPP ARH compliance summary Architectural Plans	Provided Under	D14360219 D14360003 D14371285
		Separate Cover	
4	PUBLIC Architectural Plans		D14371457
5	Landscape Plan		D13425912
6	Social Impact Assessment including Plan of		D13539842
	Management and House Rules		
7	Transport for NSW comment		D14363095

# Attachment 1

# **Recommended conditions of consent**

# 1. PARAMETERS OF THIS CONSENT

1.1. 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.

Drawing	Description	Sheets	Issue	Date
DA-A-010	Site Plan		D	12/10/2020
DA-A-030	Demolition Plan		В	22/06/2020
DA-A-011	Site Calculations		E	12/10/2020
DA-A-100	Level 0 (Ground)		E	12/10/2020
DA-A-101	Level 1		С	12/10/2020
DA-A-102	Roof		С	12/10/2020
DA-A-200	North & South Elevation		D	12/10/2020
DA-A-201	East & West Elevations		E	12/10/2020
DA-A-202	Sections		E	12/10/2020
DA-A-800	Services Plan		E	12/10/2020
DA-A-802	Vehicle Crossing		С	12/10/2020

#### Architectural Plans by: Smith and Tzannes

## **Supporting Documentation**

Document	Prepared by	Date
Acoustic Report	PKA Acoustic Consulting	16 April 2019
Amended Plan of Management Letter D13539844	Sophie Karahalios	15 April 2019
Social Impact Assessment (including plan of management and house rules)	Judith Stubbs and Associates	April 2019
Waste Management Plan	Smith and Tzannes	16 September 2019, Revision B

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 1.4. 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 Certifying Authority.

# 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. Submit an application to Council under section 305 of the *Water Management Act 2000* for a section 307 certificate. The *Application form* can be found on Council's website <u>www.centralcoast.nsw.gov.au</u>. Early application is recommended.

The application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate.

- 2.3. Prior to the commencement of detailed design works within any public road, a subsurface utility investigation Quality Level A must be undertaken in accordance with AS 5488.1:2019.
- 2.4. Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's *Civil Works Specifications*.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

- a) Kerb and channel, subsurface pavement drainage, concrete footpath, verge formation, street stormwater drainage and a new full road pavement of minimum width 5.5m with end transitions across the full frontage of the site in Pacific Highway.
- b) Construction of concrete footpath 1.5 metres wide for the full street frontage of the development in Pacific Highway.
- c) Construction of concrete footpath 1.5 metres wide connecting the subject property to the existing footpath infrastructure fronting 217 Wallarah Road. The alignment must be along the eastern side of Pacific Highway and the northern side of Wallarah Road, and ensure the protection of existing vegetation.

- d) Construction of a residential vehicle access crossing that has a width of 6.5 metres at the road gutter crossing and 5.5 metres at the property boundary including construction of a gutter crossing and road pavement adjacent to the gutter crossing.
- e) Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary.
- f) Construction of street storm water drainage including tail out drainage.
- g) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- h) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve.
- i) Removal of existing street trees nominated on the plans as well as 5 trees directly opposite on the western side of Pacific Highway (Angophora Costata, Eucalypts and Stringy Bark).
- j) Replacement street trees of similar species.
- Road pavement designs. An Investigation and Design report prepared by a practising Geotechnical Engineer must be provided. The pavement design thickness must be determined in accordance with Council's specifications and the following traffic loadings:

Name of StreetTraffic Loading (ESAs)Pacific Highway3 x 105

The section 138 Roads Act Works Approval must be issued by Council and all conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

- 2.5. Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
  - a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
  - b) The internal driveway should be a minimum of 5.5 metres wide to allow storage of vehicles entering and exiting the property at the same time.
  - c) All vehicles to be able to enter and exit the site in a forward manner.

- d) Construction of a stormwater detention system. Design in accordance with Council's *Civil Works Specifications*. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths.
- e) The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
- f) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the approved connection with new Council's drainage system located in Pacific Highway.
- g) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

Detailed design drawings and design reports acceptable to the Accredited Certifier must be included in the Construction Certificate documentation.

- 2.6. Submit to the Accredited Certifier, responsible for issuing a construction certificate for works within the development properties, lighting design drawings approved by an accredited electrical designer for the car park and public places. The design must be prepared in accordance with the requirements of the current editions of Australian Standard AS/NZS 1158: *Lighting for roads and public spaces* and AS/NZS 4282: *Control of the obtrusive effects of outdoor lighting*. The design is to include the provision of current best practice energy efficient lighting.
- 2.7. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.

2.8. Design and construct all water and sewer work or works impacting on water and sewer assets to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Water Management Act Section 306 Letter of Requirements.

**Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

- 2.9. An Unexpected Finds Management Plan must be developed and implemented prior to the issue of any Construction Certificate for the discovery of any asbestos fragments, or any other unexpected contamination during any future construction works at the site.
- 2.10. The Construction Certificate plans are to be amended to include the construction recommendations specified in the acoustic assessment by PKA Acoustic Consulting dated 16 April 2019, Project ref: 11416 R01v3.
- 2.11 The thermal comfort the boarding house is to be demonstrated and provided to the Certifying Authority prior to the release of Construction Certificate in accordance with the requirements of Section J of the Building Code of Australia (BCA).
- 2.12 Submit amendments to the approved plans to the Accredited Certifier pursuant to clause 139 of the *Environmental Planning Regulation 2000* that detail the following changes:
  - a) Building design:
    - All construction recommendations specified in the acoustic assessment report (PKA Acoustic Consulting dated 16 April 2019, Project ref: 11416 R01v3) shall be detailed on construction certificate plans.
  - b) Landscaping:
    - Revised landscape plans that indicate two additional trees within the rear (east setback) landscape area are to be provided.
    - The landscape plans shall be modified to reflect the revised layout and planting locations as indicated of the architectural Level 0 (Ground) plan 17\_067 DA-A-100 Rev E dated 12-10-2020.
    - All soft landscape areas on the north and south boundaries of the site shall incorporate screen planting of a species that achieves at least 3 metres in height at maturity.
- 2.13 The construction certificate plans are to incorporate the following recommendations of NSW Police:
  - a) Ensure long walkways on each level maintain good visibility and does not include obstructions to sight lines.
  - b) A speed calming device shall be incorporated at the driveway entry and exit points of the development.

#### 2.14 Central Coast Regional Section 7.12 Development Contributions Plan 2019

Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* pay to Council a total contribution amount of **\$28,940.53** that may require adjustment at the time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contributions Plan

The contributions amount will be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council on 1300 463 954 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or 49 Mann Street Gosford or on Council's website: <u>Development Contributions</u>

## 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. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
  - a) Site investigation for the preparation of the construction, and / or
  - a) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - b) Demolition approved by this consent.
- 3.3. Appoint a Principal Certifying Authority for the building work:
  - a) The Principal Certifying Authority (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.

- a) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
  - a) The name, address and telephone number of the Principal Certifying Authority for the work; and
  - a) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - b) That unauthorised entry to the work site is prohibited.
  - c) Remove the sign when the work has been completed.
- 3.5. Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 3.6. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 3.7. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
  - a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - b) could cause damage to adjoining lands by falling objects, or
  - c) involve the enclosure of a public place or part of a public place.

**Note 1:** A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

**Note 2:** The Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011 contain provisions relating to scaffolds, hoardings and other temporary structures.

3.8. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- 3.9. Prior to the commencement of any works, the Applicant shall prepare a Construction Traffic Management Plan for the development. The plan shall include Traffic Control Plans prepared by a suitably qualified and experienced consultant. All works must ensure the safety of all vehicles and pedestrians within the frontage service road.
- 3.10. 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 10m<sup>2</sup> 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*.

- 3.11. After all demolition works have been completed a "Clearance Certificate" from a suitably qualified occupational hygienist must be obtained, which demonstrates that all the asbestos material has been successfully removed from off the property.
- A suitably qualified project arborist shall be engaged to establish the location of tree protection fencing required for trees on public and private land in the vicinity of works that are identified for retention and not subject to tree removal under conditions of consent.
  - Tree protection fencing shall be erected to establish the tree protection zone and should be secured to restrict access. The tree protection fencing shall be installed before any machinery or materials are brought onto the site and

before the commencement of works including demolition. Once erected, protective fencing must not be removed or altered without approval by the project arborist.

- Fencing shall be in accordance with AS 4687. Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area.
- Fence posts and supports should have a diameter greater than 20 mm and be located clear of roots.
- Existing perimeter fencing and other structures may be suitable as part of the protective fencing.

The tree protection fencing shall remain until the completion of the development and the issue of an occupation certificate.

# 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. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
  - a) All excavation or disturbance of the area must stop immediately in that area, and
  - a) The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

**Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground

disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

- 4.5. 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 Certifying Authority or an officer of Council.
- 4.6. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by Smith and Tzannes, dated 16 September 2019, Revision B.
- 4.7. Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.8. No works or activities shall be undertaken within the fenced tree protection zone: Activities generally excluded from the tree protection zone include but are not limited to—
  - (a) machine excavation including trenching;
  - (b) excavation for silt fencing;
  - (c) cultivation;
  - (d) storage;
  - (e) preparation of chemicals, including preparation of cement products;
  - (f) parking of vehicles and plant;
  - (g) refuelling;
  - (h) dumping of waste;
  - (i) wash down and cleaning of equipment;
  - (j) placement of fill;
  - (k) lighting of fires;
  - (l) soil level changes;
  - (m) temporary or permanent installation of utilities and signs, and
  - (n) physical damage to the tree.
- 4.9. Tree removal and tree retention within the road reserve shall be undertaken as follows:

T1 – **To be retained** and the TPZ must be installed and maintained throughout construction with no exceptions.

T2 & T3 – **Removal** of both trees and replacement street tree planting is to be undertaken.

T4,5,6,7,8 – **Removal** of these trees and replacement street tree planting is to be undertaken.

T9 – **To be retained** and the TPZ must be installed and maintained throughout construction with no exceptions. No excavation is to occur within the SRZ of tree during construction of Drainage of Curb & Gutter.

Tree removal is to be undertaken by an appropriately qualified person under arborist supervision and shall be at the cost of the developer.

# 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. A minimum 1.0m wide cross-hatched pedestrian walkway in a durable pavement paint to be provided from both points of occupant entry to the carpark as indicated on the approved Services Plan to direct occupants through the carpark to the waste bin storage enclosure.
- 5.3. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.4. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.

5.5. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.

- 5.6. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.7. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.8. Amend the Deposited Plan (DP) to:
  - 1) Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
    - Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system restricting any alteration to such facility or the

erection of any structure over the facility or the placement of any obstruction over the facility.

- 2) Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
  - a) To ensure on any lot containing on-site stormwater detention system that:
    - i. the facility will remain in place and fully operational.
    - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
    - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
    - iv. Council is indemnified against all claims of compensation caused by the facility.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

Submit to the Principal Certifier copies of registered title documents showing the restrictive and positive covenants.

- 5.9. Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.10. Obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council (North) as the Water Supply Authority, prior to issue of the Occupation Certificate. All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance / defects bond to Council in accordance with Council's adopted fees and charges.
- 5.11. An acoustic compliance certificate must be provided to the Principal Certifying Authority, which demonstrates that the construction of the boarding house complies with AS 2107:2000 Acoustics Recommended design sound levels and reverberation times for building interiors and Australian Standard AS3671 'Acoustics Road traffic noise intrusion Building siting and construction' is required.
- 5.12. All recommendations specified in the acoustic assessment by PKA Acoustic Consulting dated 16 April 2019, Project ref: 11416 R01v3 are to be implemented prior to the issuing of any occupation certificate.

- 5.13. Complete the landscaping works.
- 5.14. Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- 5.15. Prior to the issue of an Occupation Certificate, the boarding house shall be registered in accordance with the *Boarding Houses Act 2012*.
- 5.16. An acoustic boundary fence of a suitable graffiti resistant material shall be located inside the property boundary for the length of 233, 231, and 229 Wallarah Road. The fence shall be a height of 1.8 metres above the finished level of the access ramp.
- 5.17. The following recommendations of NSW Police for the operation and management of the Boarding house shall be implemented:
  - a) A notice in relation to offensive noise shall be installed in each room and the common areas.
  - b) Store rooms and hydrant pump rooms are to be secured by keyed access available to staff and that is unable to be accessed by residents.
  - c) CCTV shall be installed both within and around the development to maximise surveillance opportunities, including all entry and exit points, car parks and exterior surrounds. Digital technology should be used and the requirements of the Surveillance and Privacy Act shall be adhered to. The CCTV shall be vandal resistant and be located to clearly identify and record faces, shapes and colours. TV monitors are to be provided to allow staff to monitor the cameras and be provided in a location that allows residents and visitors to be aware that monitoring is occurring. Recording equipment shall be located in an area that is not accessible to residents or visitors.
  - d) Car park areas shall have adequate and uniform lighting that has been designed having regard for the location of CCTV and minimises opportunities for concealment.
  - e) A lighting maintenance policy shall be established and incorporated within the plan of management for the site, including the repair of broken lights within 24 hours.
  - f) A graffiti management plan shall be established and incorporated within the plan of management for the site, including the removal of graffiti within a 48 hour period.
  - g) A security check list shall be established and incorporated within the plan of management for the site, including a daily check of doors and locks undertaken. A key register shall be established.

- h) Directional signage shall be provided at the entry to the property that clearly indicated the location of the managers office. Additional wayfinding signage that indicates the levels and unit numbers shall also be provided. Each room shall have a room number on the door.
- i) Warning signs shall be posted around the complex to warn intruders of security measures that are implemented at the property.
- j) House rules shall be displayed in each room and the common living area.
- k) Fire exits shall be emergency exit only and shall be secured to prevent use as an access to the premises.
- 5.18 The Plan of Management contained within Appendix C of the Social Impact Assessment prepared by Judith Stubbs and Associates dated April 2019.shall be amended to include the following:
  - a) The hours during which the onsite Manager will be working and suitable arrangements for outside these hours to ensure safety for residents and amenity for neighbours.
  - b) The qualifications/experience required by the onsite Manager, to ensure that adequate management is provided
  - c) How emergency services will be able to access each room in case of emergency.
  - d) The recommended actions specified in the Acoustic Report prepared by PKA Acoustic Consulting dated 16 April 2019, Project ref: 11416 R01v3

Following amendment of the Plan of Management, a copy is to be provided to the NSW Police local area command, including 24 hour contact details for the on site boarding house manager.

# 6. ONGOING

- 6.1. The boarding house shall operate with 27 boarding rooms and a site managers room.10 boarding rooms shall be single occupancy rooms with a total maximum boarding house occupancy of 44 lodgers and a manager permitted within the building.
- 6.2. Undertake the operation and management of the boarding house in accordance with the Plan of Management contained within Appendix C of the Social Impact Assessment prepared by Judith Stubbs and Associates dated April 2019.
- 6.3. The boarding house shall operate in accordance with the *Boarding Houses Act 2012*.
- 6.4 The boarding house shall be managed by the on-site manager, as outlined within the Plan of Management submitted with the application. The boarding house manager shall

be available at all times to ensure that the boarding house does not operate in a manner that disturbs residential amenity.

- 6.5 The boarding house manager or management agency shall undertake regular assessments of the rental levels for the local area to ensure that the boarding house is affordable for intended residents.
- 6.6 Residents are to be appointed through a vigorous screening process and interviews by the boarding house manager or managing agency.
- 6.7 The boarding house manager or managing agency shall consult with owners of adjoining properties on a regular basis and establish a complaints register to address any issues that arise such as noise, parking and other amenity impacts, to ensure the safety and security for both residents of the proposed development and local residents. Any breach would result in a breach of the tenancy agreement and may result in a termination of the contract.
- 6.8 The Plan of Management submitted with the application shall be implemented and tenancy agreements shall be utilised. These mechanisms clearly identify to residents that anti-social behaviour will not be tolerated and may result in eviction from the boarding house.
- 6.9 Community information and resources relating to services and facilities, local and Shirewide events, is to be provided by the boarding house manager to all residents to enable increased connections and wider participation within the surrounding community. Appropriate links are to be established with local support services and human service agencies.
- 6.10. The use of the communal outdoor area is restricted to between 7.00am and 9.00pm daily.
- 6.11. Maintain the site landscaping for the life of the development.
- 6.12. Maintain all perimeter fencing and external sound barrier walls for the life of the development in the approved location.
- 6.13. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.14. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.15. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.16. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.

- 6.17 Comply with all commitments as detailed in the Waste Management Plan signed by Smith and Tzannes, dated 16 September 2019, Revision B.
- 6.18. Locate the approved waste storage enclosure / area as indicated on Drawing Number 17-067 DA-A-800, Revision D, dated 22 June 2020, prepared by Smith and Tzannes.
- 6.19. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.20. Place the mobile garbage/ recycling/green waste containers at the location as indicated on Dwg No. 17 -067 DA –A 800, Revision D, dated 22 June 2020 by Smith and Tzannes at the kerbside no earlier than the evening prior to the collection day and return to the approved, screened waste bin storage location as soon as possible after service on the service day. The residents, caretaker, owner are responsible for the placement and return of the mobile waste containers.
- 6.21. Comply with all commitments as detailed in the Waste Management Plan signed by Smith and Tzannes, dated 16 September 2019, Revision B.
- 6.22. The recommended actions specified in the Acoustic Report prepared by PKA Acoustic Consulting dated 16 April 2019, Project ref: 11416 R01v3 must be complied with at all times.
- 6.23. The operation of all mechanical plant in combination is required to not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm 7.00am) when measured at the nearest affected residence and property boundary.
- 6.24 The following recommendations of NSW Police for the operation and management of the Boarding house shall be adhered to:
  - a) On site management of the boarding house shall manage the behaviour of lodgers and visitors 24 hours a day, 7 days a week, to ensure that any damage to the development is resolved quickly and the development is well maintained.
  - b) A notice in relation to offensive noise shall be included in each room and the common areas.
  - c) Store rooms and hydrant pump rooms are to be secured by keyed access available to staff and that is unable to be accessed by residents
  - d) CCTV shall be installed both within and around the development to maximise surveillance opportunities, including all entry and exit points, car parks and exterior surrounds. Digital technology should be used and the requirements of the Surveillance and Privacy Act shall be adhered to. The CCTV shall be vandal resistant and be located to clearly identify and record faces, shapes and colours. TV monitors should be provided to allow staff to monitor the cameras and be provided in a

location that allows residents and visitors to be aware that monitoring is occurring. Recording equipment shall be located in an area that is not accessible to residents or visitors. The boarding house manager shall be trained in the correct use of the CCTV system. Footage must be kept for a minimum of 14 days.

- e) Car park areas shall have adequate and uniform lighting that has been designed having regard for the location of CCTV and minimises opportunities for concealment.
- f) A lighting maintenance policy shall be established and incorporated within the plan of management for the site, including the repair of broken lights within 24 hours.
- g) A graffiti management plan shall be established and incorporated within the plan of management for the site, including the removal of graffiti within a 48 hour period.
- h) A security check list shall be established and incorporated within the plan of management for the site, including a daily check of doors and locks undertaken. A key register shall be established.
- i) Directional signage shall be provided at the entry to the property that clearly indicated the location of the managers office. Additional signage that indicates the levels and unit numbers shall also be provided. Each room shall have a room number on the door.
- j) Warning signs shall be posted around the complex to warn intruders of security measures that are implemented at the property.
- k) House rules shall be displayed in each room and the common living area
- I) Fire exits shall be emergency exit only and shall be secured to prevent use as an access to the premises.

#### Attachment 2 SEPP Affordable Rental Housing (ARH) Compliance summary

The following merit assessment against Clause 29 Standards that cannot be used to refuse consent has been undertaken:

Clause 29 Standards that cannot be used to refuse consent				
SEPP ARH Development Standard	Requirement for Proposed Development	Proposed	Compliance	
Floor Space Ratio (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than: (a) the existing maximum floor space ratio (FSR) for any form of residential accommodation permitted on the land, or (b) if the development is on land within a zone in which no residential accommodation is permitted - the existing maximum floor space ratio for any form of development permitted on the land, or (c) if the development is on land within a	The site is not subject to an FSR standard under WLEP 2013. The highest form of residential development permitted under WLEP 2013 within the R2 Low Density Residential zone is a dual occupancy. The only provision relating to FSR in an R2 Low Density Residential zone is that which is specified within WDCP Chapter 2.3 – Dual Occupancy which states that the maximum permitted FSR for dual occupancy development is 0.5:1 where the site is not subject to a maximum FSR under WLEP 2013. This FSR can be used as a guide for the desirable bulk and scale of development anticipated in an R2 Low Density Residential zone.	<ul> <li>The proposed FSR is 0.48:1, which is considered satisfactory on merit for the following reasons:</li> <li>The proposal provides for a density that is commensurate with the character of the locality.</li> <li>The proposal provides for affordable housing within close proximity to services and public transport.</li> </ul>	Yes * open corridors	

Clause 29 Standards that cannot be used to refuse consent				
SEPP ARH Development Standard	Requirement for Proposed Development	Proposed	Compliance	
zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:				
<ul> <li>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</li> <li>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</li> </ul>				
Building height (2)(a) if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.	The site is not mapped as being subject to a maximum permitted building height under WLEP 2013.	The maximum proposed height of the building is 7.9 metres. The height is considered to be generally consistent with a low density residential environment, being two storeys.	Yes	

Clause 29 Standards that cannot be used to refuse consent				
SEPP ARH Development Standard	Requirement for Proposed Development	Proposed	Compliance	
Landscaped area (b) if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	Landscape treatment within front setback to be compatible with the streetscape.	The proposed landscape treatment in the front setback is consistent with the surrounding developments. The setback includes 6 metres of landscape area that allows for garden plantings and the provision of a new tree.	Yes	
Solar access (c) where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	Communal living room to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	The proposal includes a communal living room to the centre of the northern side of the site. The communal living room will receive over 3 hours of direct sunlight between 9am and 3pm in mid-winter (12 – 3pm).	Yes	
<b>Private open space</b> (d) if at least the following private open space areas are provided (other than the front setback area):	A single open space area is required of a minimum of 20 square metres with a minimum dimension of 3 metres.	A communal open space area is proposed to the centre of the site with an area of 124.5m <sup>2</sup> and a minimum dimension of over 5.6m to 8.7m.	Yes	
<ul> <li>(i) one area of at least</li> <li>20 square metres with</li> <li>a minimum dimension</li> <li>of 3 metres is</li> <li>provided for the use</li> <li>of the lodgers,</li> <li>(ii) if accommodation</li> <li>is provided on site for</li> <li>a boarding house</li> <li>manager—one area of</li> </ul>	Accommodation is proposed on site for a boarding house manager – POS of 8m <sup>2</sup> and 2.5m dimension required.	A private open space area for the boarding house manager is not provided, although the development far exceeds minimum open space areas specified within the SEPP.	No	

Clause 29 Standards th	nat cannot be used to refu	use consent			
SEPP ARH Development Standard	Requirement for Proposed Development	Proposed	Compliance		
at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,					
Parking (e) (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and (iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and	The development is not carried out by or on behalf of a social housing provider. Therefore, at least 0.5 car parking spaces are required for each boarding room. Based on the 28 rooms proposed, a minimum of 14 car parking spaces are required for residents. In addition, one car parking space is required for the on-site manager.	A total of 14 car parking spaces are proposed for residents and one manager space, which achieves compliance.	Yes		
development—not more than 1 parking					

Clause 29 Standards that cannot be used to refuse consent					
SEPP ARH Development Standard	Requirement for Proposed Development	Proposed	Compliance		
space is provided for each person employed in connection with the development and who is resident on site,					
Accommodation size (f) if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single	Ten rooms may be 12m2, the remaining 17 rooms are required to be 16 square metres. Ten rooms are single occupancy rooms. The remaining rooms are proposed to	The proposed room sizes range from 16.2m <sup>2</sup> to 18m <sup>2</sup> .	Yes		
lodger, or (ii) 16 square metres in any other case.	accommodate two persons.				
(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	Private kitchen and bathroom facilities may be provided in boarding rooms but it is not required.	All rooms have private kitchen and bathroom facilities.	Yes		

The following merit assessment against Clause 30 Standards for boarding houses has been undertaken:

Clause 30 Standards f	or boarding houses		
Development Standard	Requirement for Proposed Development	Proposal	Compliance
<ul> <li>(1) A consent</li> <li>authority must not</li> <li>consent to</li> <li>development to</li> <li>which this Division</li> <li>applies unless it is</li> <li>satisfied of each of</li> <li>the following:</li> <li>(a) if a boarding</li> <li>house has 5 or more</li> <li>boarding rooms, at</li> <li>least one communal</li> <li>living room will be</li> <li>provided,</li> </ul>	A communal living room is required given that there are 27 rooms.	The boarding house has 27 rooms and a common living room is provided.	Yes
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	No rooms to exceed 25 square metres in size.	No boarding house room exceeds 18m <sup>2</sup> .	Yes
(c) no boarding room will be occupied by more than 2 adult lodgers,	No rooms to be occupied by more than 2 adult lodgers.	Ten rooms are to accommodate one lodger. The remaining 17 rooms are proposed to accommodate two lodgers.	Yes
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Adequate bathroom and kitchen facilities required in the boarding house.	Each room has these facilities.	Yes

Clause 30 Standards for boarding houses				
Development Standard	Requirement for Proposed Development	Proposal	Compliance	
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	The boarding house has capacity to accommodate 46 lodgers, therefore a boarding room is required for an on-site manager.	The boarding house has a maximum proposed capacity of 46 lodgers and accommodation is proposed for a site manager.	Yes	
(f) (Repealed)	N/A	N/A	N/A	
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	N/A	N/A	N/A	
<ul> <li>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</li> </ul>	Six bicycle parking spaces and six motorcycle spaces are required.	The proposal includes six motorcycle parking spaces and six bicycle parking spaces.	Yes	
30(A) A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design	Consent authority to consider compatibility with character of area.	The proposal is considered to be compatible with the character of the local area. See discussion below.	Yes	

Clause 30 Standards for boarding houses						
Development	Requirement for	Proposal	Compliance			
Standard	Proposed Development					
of the development is						
compatible with the						
character of the local						
area.						

### Clause 30A – Character of Local Area

Clause 30A of SEPP ARH states the following in relation to character of the local area:

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

In determining whether the design of the development is compatible with the character of the local area, consideration was given to the planning principle of *Project Venture Development Pty Ltd v Pittwater Council [2005]*. Compatibility is seen to be a measure of the ability to existing together in harmony. It is not a test of sameness. To establish compatibility with the character of the local area, the following questions were considered by the Commissioner in that matter:

"Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites. Is the proposal's appearance in harmony with the buildings around it and the character of the street?"

This is the starting point for consideration of compatibility within a local context.

In the planning principle *Project Venture Development Pty Ltd v Pittwater Council [2005]* Senior Commissioner Roseth identified that:

"For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character."

Having regard for the proposal, the development has a height and floor space ratio that is generally aligned to the low density residential zoning within which it is located. The design maintains the relationship of built form and space with the northern neighbour, breaking the built form to respond to the development pattern and character of the adjoining properties, the location of adjoining private open space areas and the rhythm of built form and open space. The proposal provides a perimeter of landscaping capable of achieving a height of 3 metres.

In relation to overshadowing, the proposal results in some impact on the adjoining properties to the south and east of the site, however, over 75% of the required private open space on adjoining lands will receive over three hours of unobstructed sunlight between 9am and 3pm on 21 June. It is considered that the proposed development will not result in constraining development on any of the adjoining properties and will not render any of the adjoining properties incapable of meeting their development potential.

The proposal's physical impacts on surrounding development are regarded as being acceptable.

In considering whether the proposal's appearance is in harmony with the buildings around it and the character of the street, appropriate regard must be had for the form of surrounding development. The immediate locality comprises a mix of single dwellings, dual occupancies, multi-dwelling housing, a caravan park and a vet. The nearest built form are predominantly low scale single and part two storey buildings. Built form on Wallarah Road is predominantly low density residential dwellings within a landscaped curtilage that includes generous front and rear yards. Wallarah Road also includes a vet building that occupies the majority of the site and includes hardstand parking within the front setback.

Built form north of the subject site is single storey dwellings, dual occupancies and multidwelling building forms which includes small private courtyards and large areas of hardstand driveway and car accommodation. Further north is a construction equipment hire shop.

It is noted that the surrounding built form of the locality is varied both in building typology and use. The proposed development present as a two storey structure to the public domain with undercroft car parking. The proposed built form comprises (in essence) two buildings that are separated by landscaped common area. It is accepted that a two storey built form is compatible with the surrounding context having regard for the planning controls applicable to the R2 zone.

#### Introduction of Clause 30AA

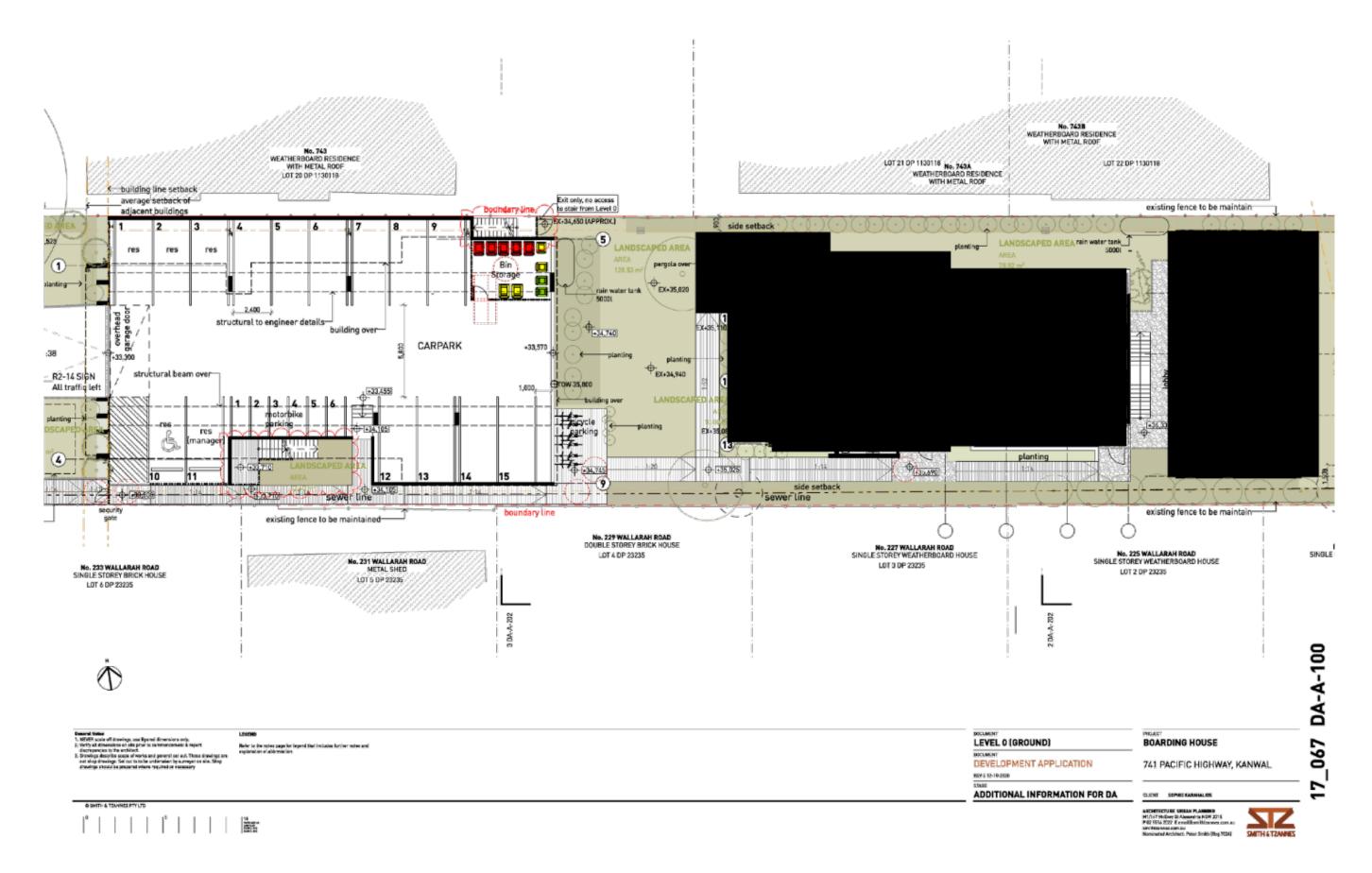
Notwithstanding that Division 3 does not apply to the subject development, it may be noted that SEPP ARH 2009 was modified on 28 February 2019 to introduce clause 30AA which states that a consent authority must not grant development consent to a boarding house on land within zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms. The proposed boarding house contains 24 rooms. However, Clause 54C applies and provides the following:

#### 54C Savings and transitional provisions—2019 amendment

(1) This clause applies to a development application that was made before the commencement of the amending SEPP and was not determined by a consent authority or, if appealed, not finally determined by a court before that commencement.

- (2) The application must be determined by applying all provisions of this Policy as if the amending SEPP had not commenced.
- (3) In this clause, the amending SEPP means State Environmental Planning Policy (Affordable Rental Housing) Amendment (Boarding House Development) 2019.

The development application was made on 14 December 2018, prior to the commencement of the amending SEPP on 28 February 2019. Therefore, the application must be determined as if the amending SEPP had not commenced.



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1996

TYPE

LXND

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TOTAL DEEP SOIL AREA

SCHEDULE

NAME BOARDING ROOMS

CAR PARKING SPACES

EVEL (

LEVEL 1

NAME

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LANDSCAPE AREA

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COMMENT

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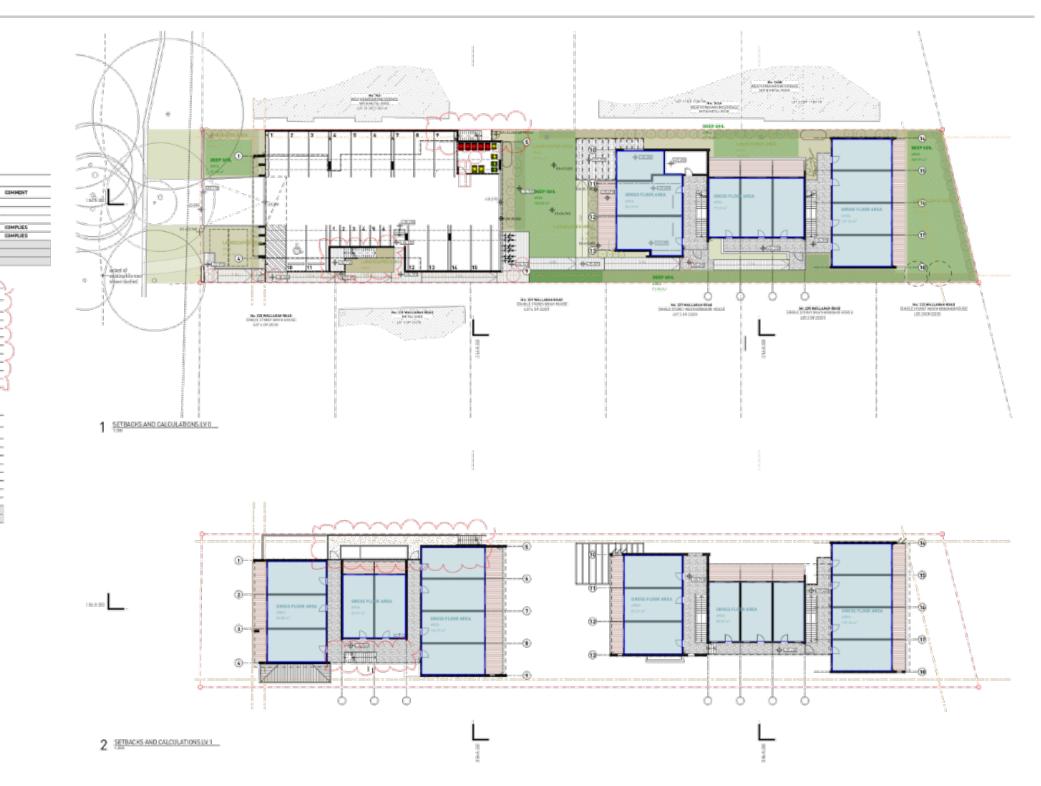
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(b) Drawings durating a space of works and general set and. These drawings are not slop drawings, but out to to be undersafter by surveyor an site. Wrop drawings utravals he prepared where required or recommery.	exploration of abbreviation	DEVELOPMENT APPLICATION
		PERF # 12-116-2020
		ADDITIONAL INFORMATION
© SMITH & TZANNES FTY LTD		

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17\_067 DA-A-011

## BOARDING HOUSE

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ARCHITECTURE GREAN PLANNING MUTLEY MetDogs 20 Alexandria NSW 2015 P102 VISA 2022 Company and Antonio Second Second Raman Contrast New Instand Architect, Pater Smith (Reg 2024)

SOPHIEKARAHALIO

741 PACIFIC HIGHWAY, KANWAL





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BOARDING HOUSE

741 PACIFIC HIGHWAY, KANWAL

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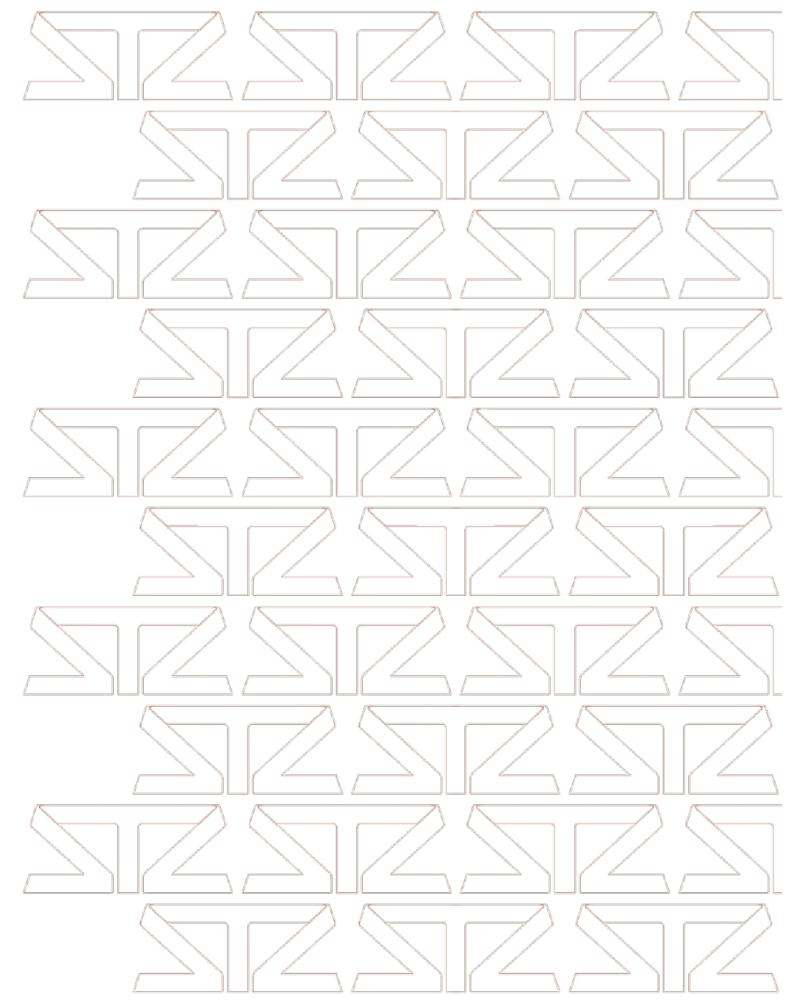
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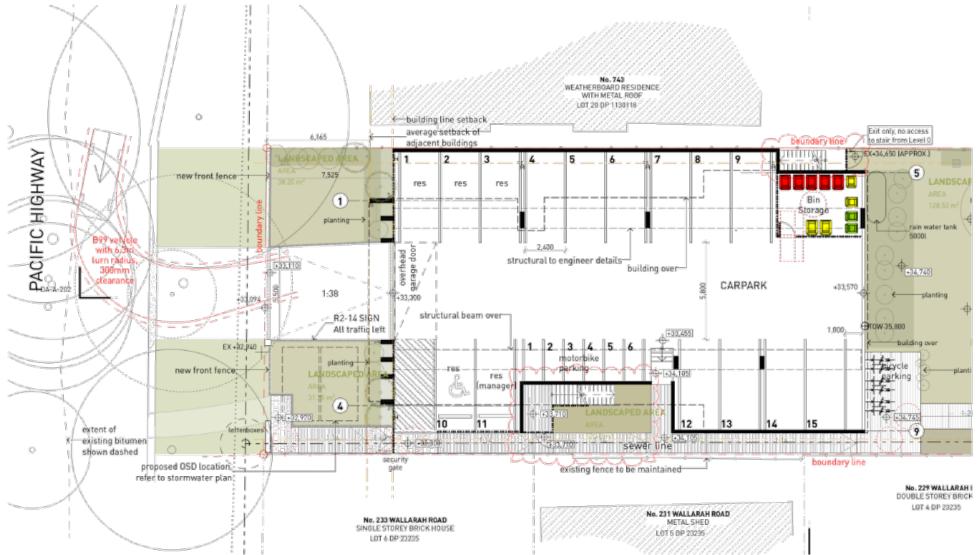
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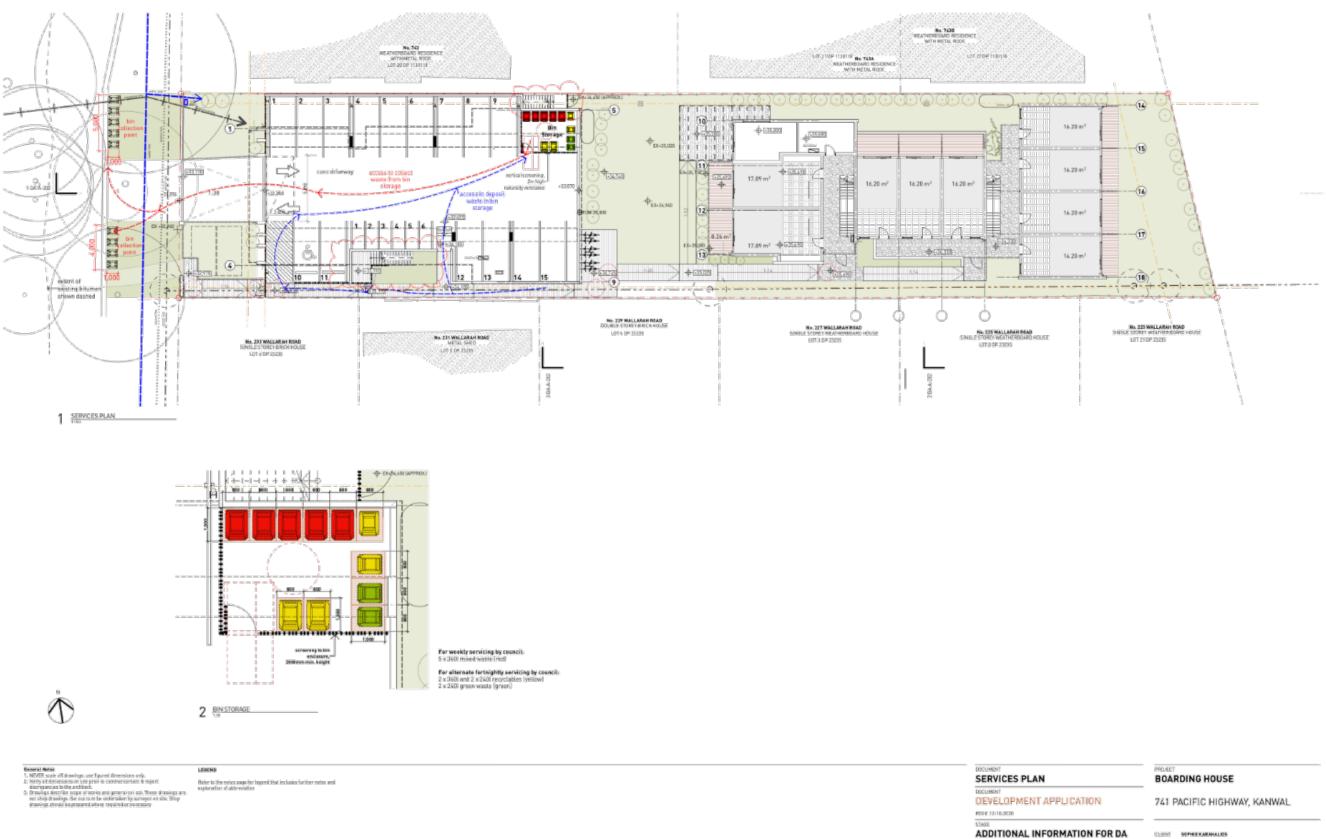
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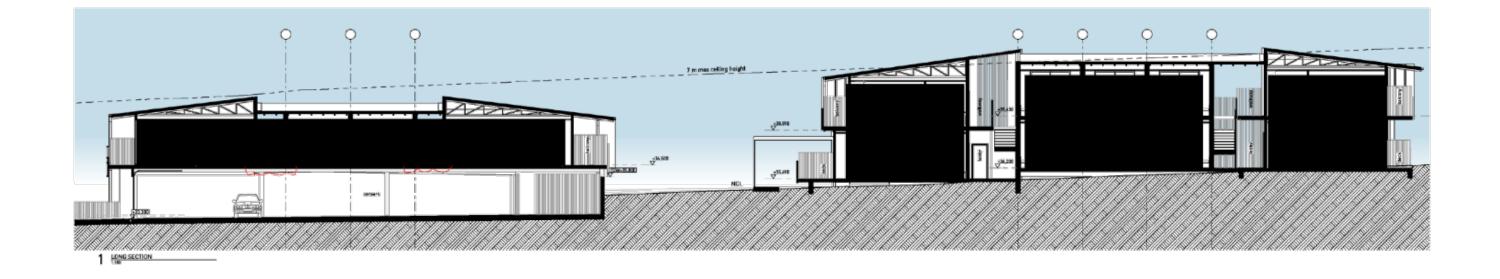


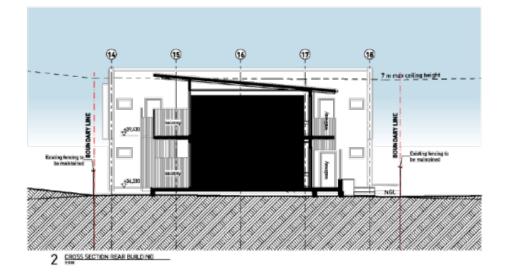


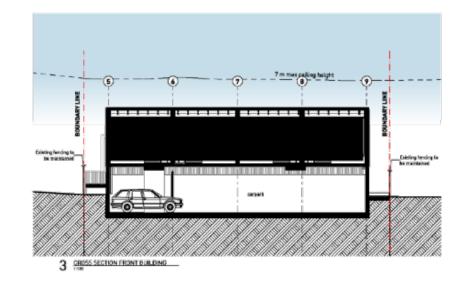
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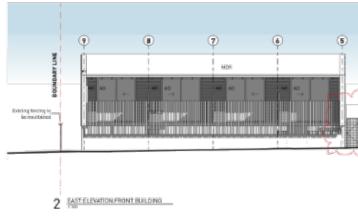
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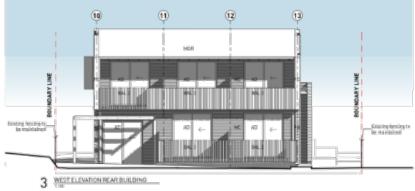
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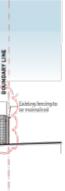






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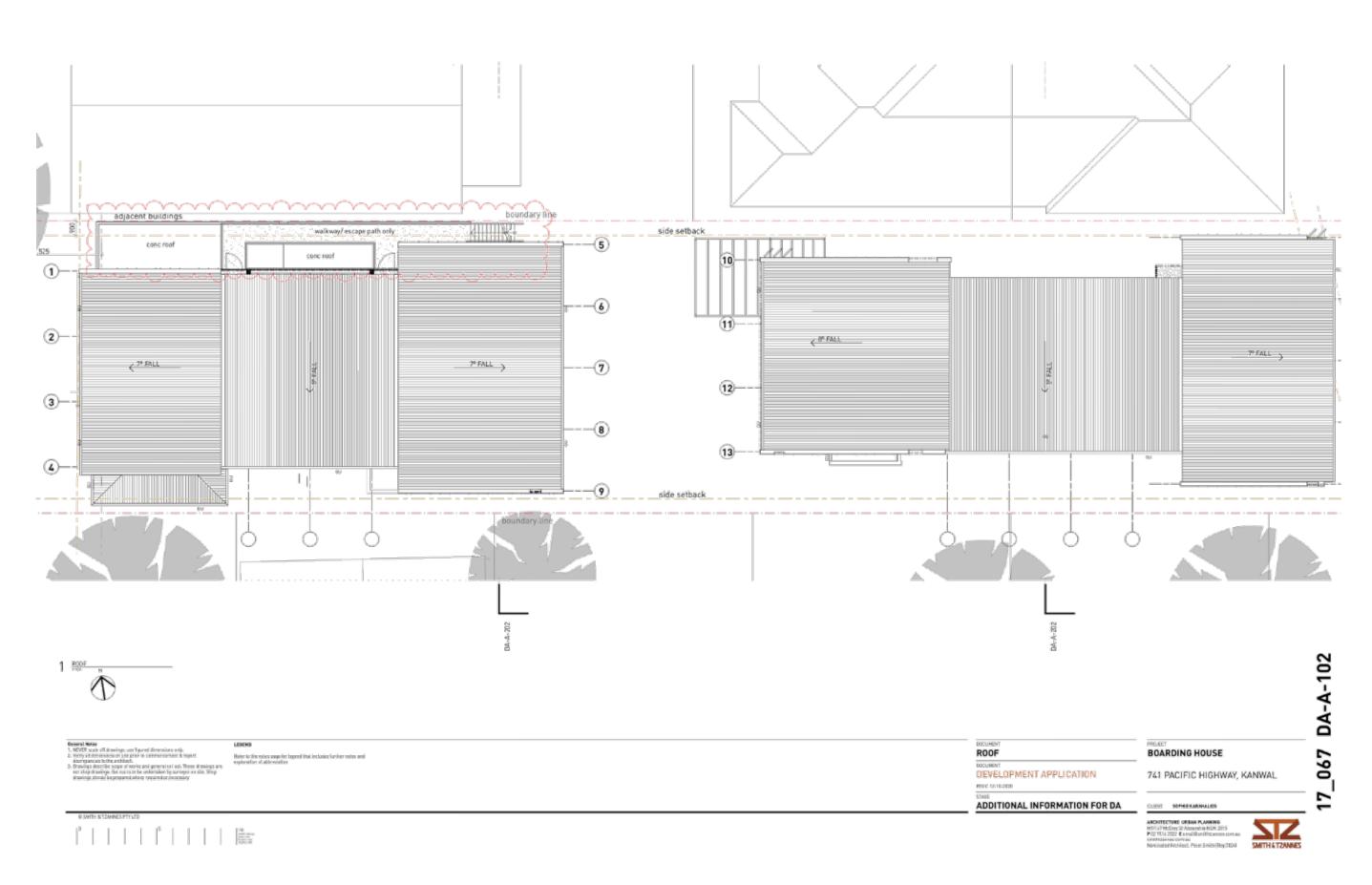
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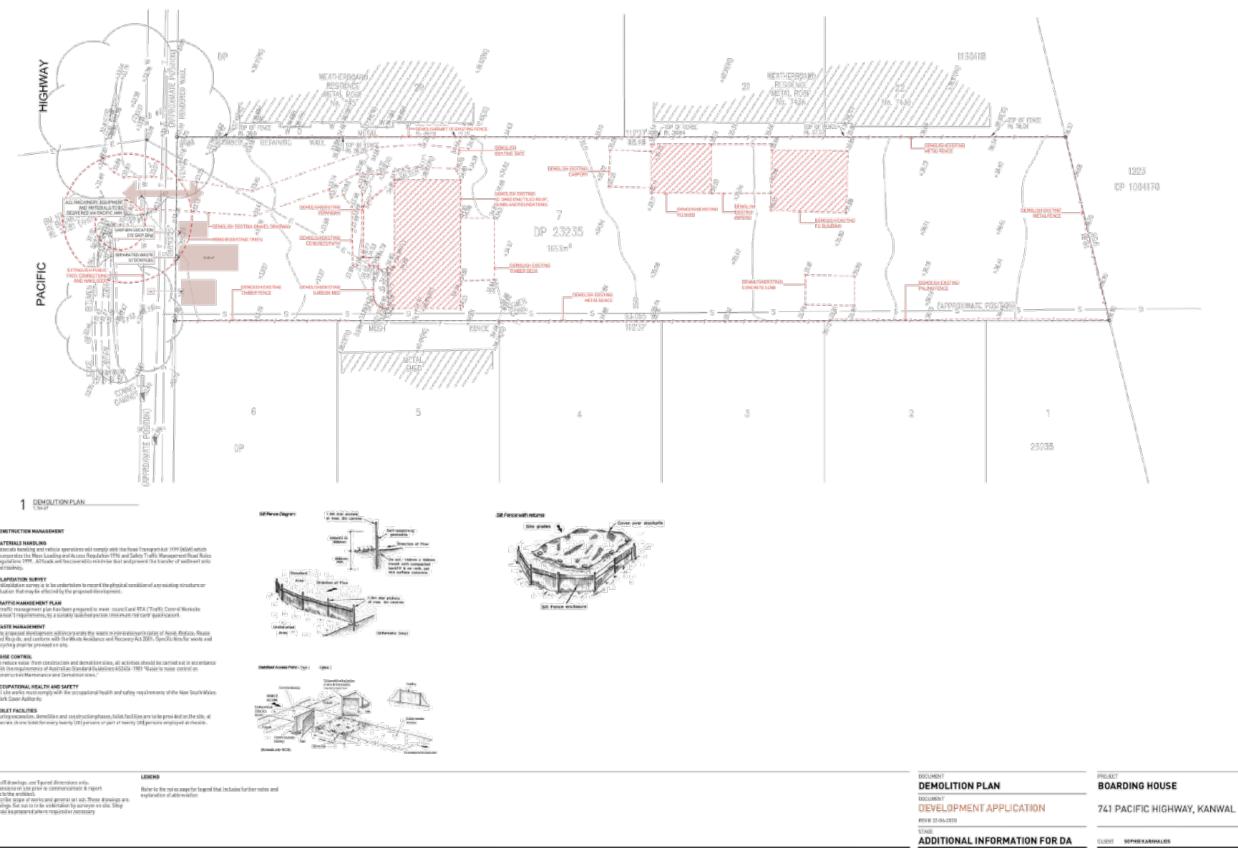
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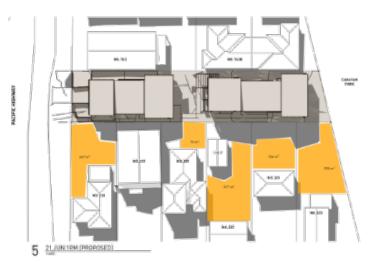
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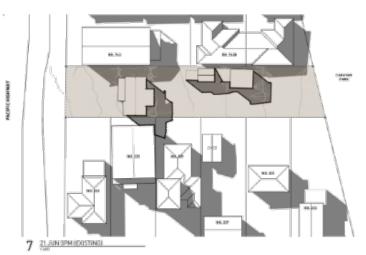
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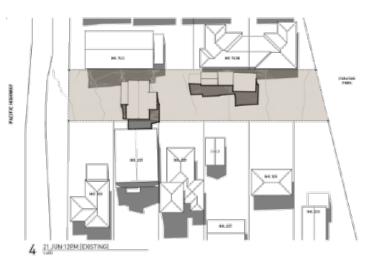


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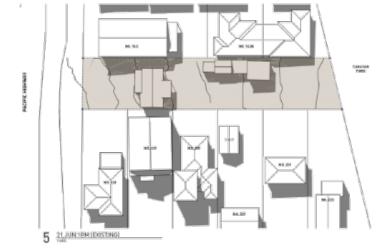
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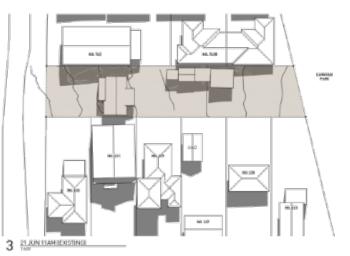






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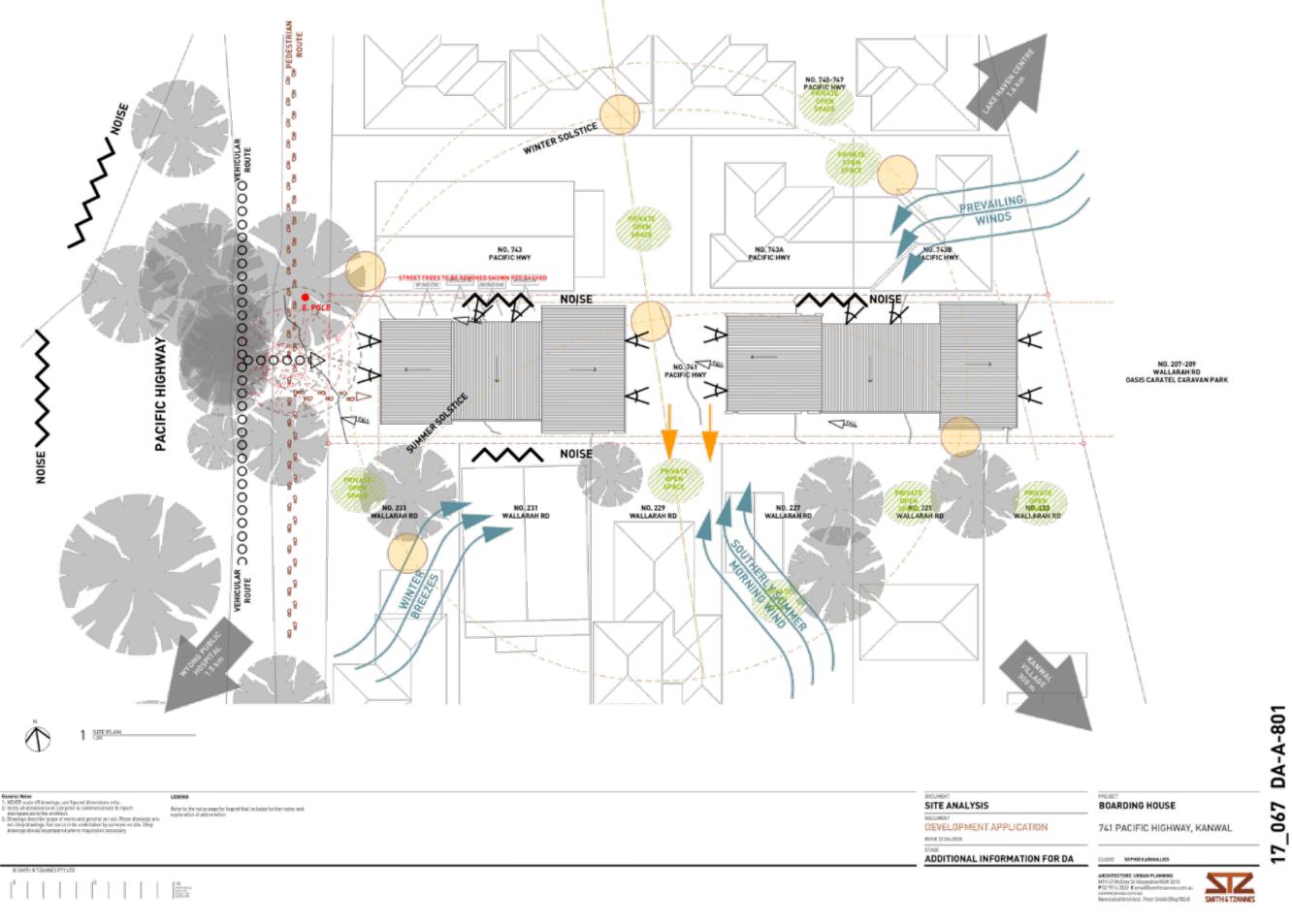
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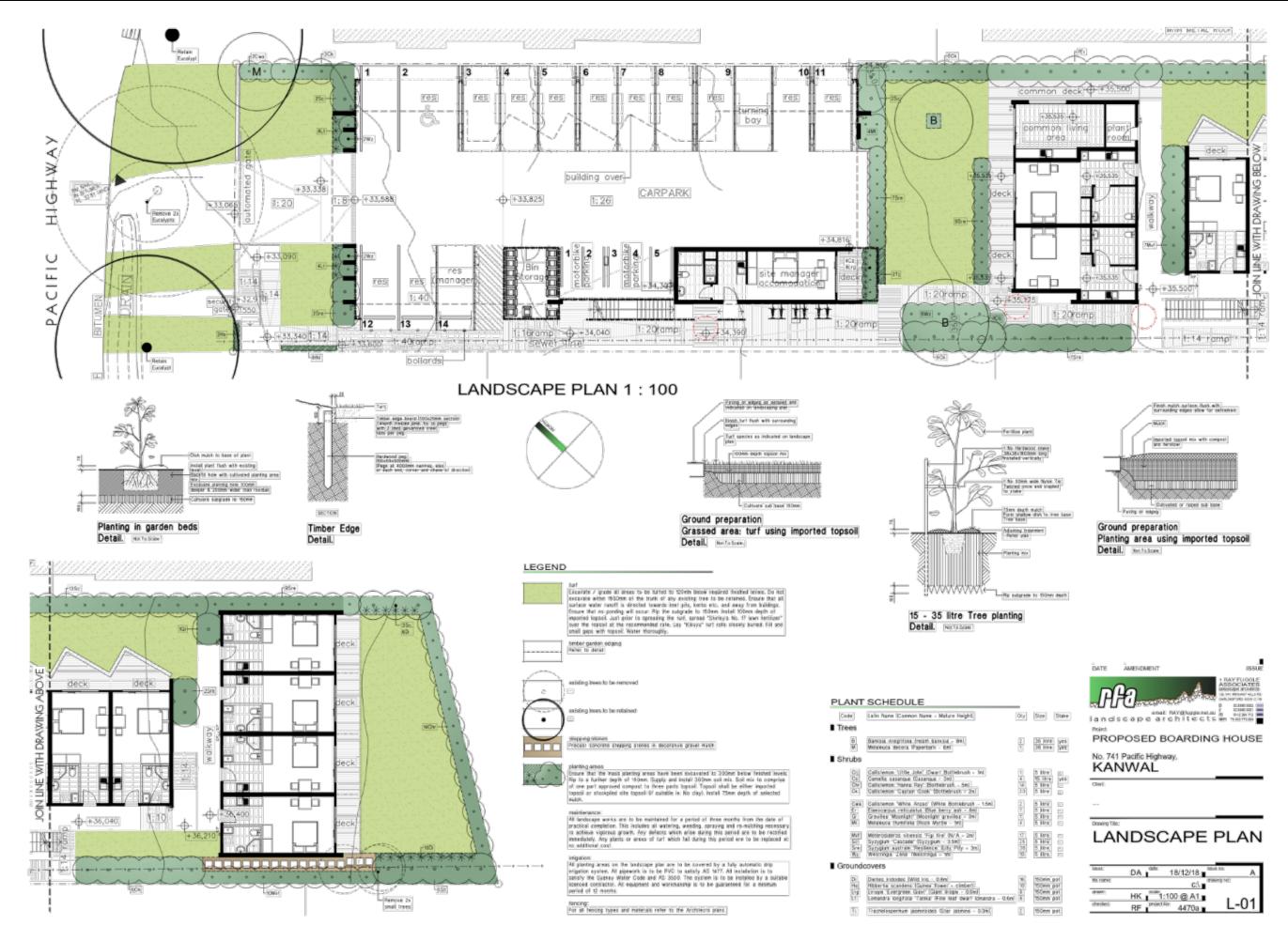
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# Social Impact Assessment:

Proposed Boarding House 741 Pacific Highway Kanwal



# April 2019

This report has been prepared for Ms S Karahalios by JUDITH STUBBS

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This Report has been prepared by: Judith Stubbs BSW PhD MPIA John Storer, BE (Civil), Grad Dip (Econ)

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 - AJDITH STUBBS

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741 Pacific Highway Kanwal

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# **Executive Summary**

## Overview of proposal

The proposed boarding house is located at 741 Pacific Highway Kanwal. The proposed development is a two storey 29 room boarding house, contained in two buildings, with separate manager's room and garage parking. All rooms are double rooms, and contain bathroom facilities and private outdoor space as decks or balconies. We are advised that a kitchenette will be provided in each room with a bench, sink, storage, an upright stove with oven and four burners, microwave oven, bar fridge and external exhaust ducting. A washer and drier will be provided in each bathroom. Each room will have built in wardrobes.

The development includes an indoor communal area and two outdoor communal areas. Two of the ground floor rooms are shown as accessible. We understand disabled access is available to these rooms via a path from the Pacific Highway and from the parking area. Ramps are shown on the pathway and these are equal to or flatter than the 1:14 required for disabled access. Access to the first floor rooms is via stairs and this would preclude disabled access.

Screening is provided to the nine north facing rooms to minimise overlooking of dwellings to the north.

## Overview of likely social impacts

### Affordability

Based on 80% of median one bedroom rents in Central Coast LGA (\$228),<sup>1</sup> the proposal is likely to provide affordable accommodation for small low income and moderate income households and for around 20% of small very low income households. Eighty-eight percent of lone person very low income private renting households in Central Coast LGA are in housing stress and these households make up 62% of lone person private renting households in the LGA. The proposal would be expected to alleviate some of this housing stress.

#### Housing diversity in a well-located area

The proposal will provide additional housing diversity in a well located area, with access to key employment and service centres.

Social Impact Assessment: 741 Pacific Highway Kanwal

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<sup>&</sup>lt;sup>1</sup> Medians for bedsits in Central Coast LGA are much higher than for one bedroom units, suggesting that the dwellings rented were likely to be in high amenity areas such as beach front locations.

- JUDITH STUBBS

#### Amenity

#### In the Immediate Locality

The amenity of the surrounding area for boarding house residents is high. The proposed boarding house is well located with respect to public transport and services and facilities, and there are parks and open space within a short walking distance, providing opportunities for passive and active recreation for boarding house residents.

The boarding house is likely to have limited impacts on adjacent properties, with few opportunities for overlooking and other privacy impacts. What possible impacts have been identified could be mitigated by provision of screening along boundaries, such as planting.

#### Within the Boarding House

The internal amenity of the boarding house is high. Rooms are self-contained, with wellequipped kitchenettes, bathrooms and laundry facilities. Each room has private outdoor space comprising a deck or balcony, with a minimum dimension of 1.6 metres, providing room for a chair and table. The decks and balconies are covered or partially covered, so they can be used in inclement weather.

A communal lounge is provided. Two outdoor areas are shown, one between the two buildings and one to the north of the rear building. No landscaping detail is shown for the outdoor space. The provision of seating, shade and shelter in this area would improve amenity, however the generous provision of private outdoor space is likely to reduce the need for high quality common outdoor space.

#### Conclusions

The boarding house is well located and will provide high amenity accommodation for residents. It is likely to meet some of the demand for affordable and diverse housing in the locality and so provides a community benefit in this regard.

The proposal does not comply with clauses of SEPP (Affordable Rental Housing) 2009 related to 'accessible area' as the frequency of bus services required on a Sunday is not available from a single bus stop, however overall the site has good public transport accessibility due to the proximity of services operating from bus stops on the Pacific Highway, Wallarah Road and Walker Avenue. It complies with SEPP clauses related to parking. The proposal is compatible with the character of the local area as the buildings contain similar elements to those found in nearby existing housing.

No negative social impacts of the proposed boarding house have been identified.

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# 1 The Proposal

## 1.1 Description of proposal

The proposed boarding house is located at 741 Pacific Highway Kanwal. The proposed development is a two storey 29 room boarding house, contained in two buildings, with separate manager's room and garage parking. All rooms are double rooms, and contain bathroom facilities and private outdoor space as decks or balconies. We are advised that a kitchenette will be provided in each room with a bench, sink, storage, an upright stove with oven and four burners, microwave oven, bar fridge and external exhaust ducting. A washer and drier will be provided in each bathroom. Each room will have built in wardrobes.

The development includes an indoor communal area and two outdoor communal areas. Two of the ground floor rooms are shown as accessible. We understand disabled access is available to these rooms via a path from the Pacific Highway and from the parking area. Ramps are shown on the pathway and these are equal to or flatter than the 1:14 required for disabled access. Access to the first floor rooms is via stairs and this would preclude disabled access.

Screening is provided to the nine north facing rooms to minimise overlooking of dwellings to the north.

NUMBER	NAME	REVISION	DATE
17_067 DA-A-100	Level 0 (Ground)	В	15/4/19
17_067 DA-A-02	Level 1	P2	5/12/18
17_067 DA-A-03	Roof	P1	4/12/18
17_067 DA-A-010	Site Plan and Calculations	P2	5/12/18
17_067 DA-A-200	North & South Elevations	P1	6/12/18
17_067 DA-A-201	East & West Elevations	P1	6/12/18
17_067 DA-A-202	Sections	P1	6/12/18

This report is based on the following drawings:

## 1.2 Description of site and immediate surrounds

A visit to the proposed site and its immediate surrounds was undertaken by Judith Stubbs & Associates on 8 December 2018 as part of the field work conducted for this Social Impact Assessment.

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The proposed boarding house site is located at 741 Pacific Highway Kanwal. It lies 280 metres from bus stops to the south on the Pacific Highway, 320 metres from bus stops to the east on Wallarah Road, 550 metres from bus stops on Walker Avenue and 360 metres from Kanwal Village Shopping Centre (containing a supermarket).

The streets surrounding the site are a mixture of commercial and residential, with development ranging from single storey dwelling houses on large blocks, dwelling houses on "battleaxe" subdivided blocks, multi dwelling housing and duplex development. Commercial uses include a veterinary surgery, an equipment hire business, a caravan park, a service station and the shopping village. While there are large areas of housing to the south and west, the rear of these developments typically face Sparks Road, Pacific Highway and Wallarah Road.

The block to the north of the site has been subdivided and contains a dwelling house with a duplex to the rear. The area to the east contains Oasis Caravan Park, and to the south the proposed development abuts the rear yards of houses along Wallarah Road and a veterinary surgery.

The area is zoned R2, Low Density Residential, and Boarding Houses are an allowable use (with consent) in this zoning.

The area is in transition from a low density mixed area with one and two storey separate housing on larger blocks and a variety of commercial development to an area with separate housing on smaller lots and medium density residential development and a variety of commercial development. Current medium density residential in the precinct includes multi dwelling housing developments and duplexes.

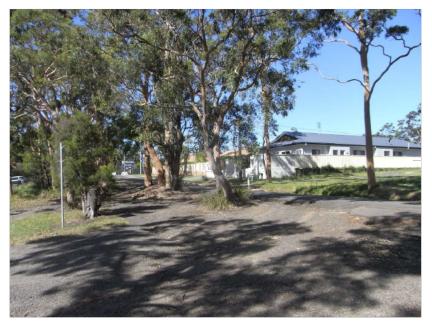


Figure 1-1: Existing development near 741 Pacific Highway Kanwal Source: JSA, 2018

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Figure 1-2: Multi dwelling housing near 741 Pacific Highway, Kanwal Source: JSA, 2018



Figure 1-3: Equipment hire yard near 741 Pacific Highway, Kanwal Source: JSA, 2018

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Figure 1-4: Veterinary Surgery near 741 Pacific Highway, Kanwal Source: JSA, 2018



Figure 1-5: Rear of housing estate to the west of 741 Pacific Highway Kanwal Source: ISA, 2018

The site contains an older single storey detached dwelling currently used for residential purposes.

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Demographically, the SA1 is much older, with half of the population aged 50 or over, compared to one third of people in Greater Sydney. The SA1 has high levels of need for assistance reflecting the older age structure. There are also high levels of indigenous people, particularly in the surrounding SA1s within a 1km radius.

The SA1 of the proposed site has much lower educational status and personal incomes by comparison with Greater Sydney.

The SA1 has similar levels of separate housing and higher density housing to Greater Sydney, but the surrounding SA1s and the Central Coast LGA contain much higher proportions of separate housing. The SA1 is characterised by very high levels of rental, both private and social, compared to Greater Sydney.

The area is very disadvantaged, with the SA1 in the lowest decile in the state for SEIFA Disadvantage, SEIFA Economic Resources and SEIFA Education and Occupation.

# 1.3 Businesses, services and facilities in the immediate locality

Kanwal Village Shopping Centre lies to the east of the site, about 360 metres by foot. The shopping centre contains a medical centre, real estate agent, restaurants, butcher, fruit market, supermarket, pharmacy, hairdresser and bakery and is sufficient to provide daily needs.



Figure 1-6: Kanwal Village Shopping Centre. Source: JSA, 2018

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Wyong CBD is accessible by bus from bus stops on the Pacific Highway and on Walker Avenue. The trip time is around 30 minutes. Wyong shopping centre contains a wide range of services and facilities, including Wyong Railway Station, supermarkets, medical services, professional services, hotels, restaurants, licensed clubs and the like.



Figure 1-7: Wyong Shopping Centre Source: JSA, 2018

Parkland is available nearby in Walker Avenue, about 480 metres from the proposed development; and at Morry Breen Reserve, about 500 metres away. This parkland provides opportunities for passive and active recreation.

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Figure 1-8: Map showing proposed site and location of transport, shops and services in the locality Source: JSA 2018

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## 1.4 Public transport accessibility

The nearest bus stops are located on the Pacific Highway, about 280 metres from the site. South bound buses provide access to Wyong bus interchange and to Westfield Tuggerah on routes 82, 93 and 94. North bound bus stops provide access to Bateau Bay Square on routes 21 and 29.

There are further bus stops located on Wallarah Road, about 320 metres from the site. The east bound bus stop provides return services from Wyong bus interchange and Westfield Tuggerah on routes 82 and 93; and access to Bateau Bay Square on routes 21 and 29. The west bound bus service provides access to Wyong bus interchange and to Westfield Tuggerah on routes 82 and 93.

Additional bus stops are located on Walker Avenue, about 550 metres from the site. The south bound bus stop provides services to Wyong bus interchange and Westfield Tuggerah on route 80, and the north bound bus stop provides return services.

# 1.5 Character of the area

Clause 30A of *SEPP (Affordable Rental Housing) 2009* requires Council to consider whether the design of the development is compatible with the character of the local area. Character is understood to primarily consist of the relationship to other buildings with respect to building height, setbacks and landscaping and other physical aspects, although there are often quite subjective elements related to this test.

It is not evident that the development needs to comply with this clause, as boarding houses are permitted with consent in the R2 zone and the proponent does not appear to have relied on any of the design concessions in the SEPP. The only application of the SEPP seems to be in relation to design standards specific to boarding houses. Nonetheless, character is discussed for completeness.

As discussed above, the general character of the locality is in transition from a lower density mixed use area with separate housing on large lots to a mixed use area incorporating medium density housing.

Characteristics of the proposed boarding house include:

- Two storey construction;
- · Ground level garage parking with garage doors facing the street;
- Full width balconies facing the street on the first floor;
- Building developed as two buildings on the lot.

Similar elements (individually and in combination) are found on buildings in R2 zoning in the local area, demonstrating that the design of the development is compatible with the character of the local area.

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Two Hundred and twenty nine Wallarah Road, adjacent to the proposed boarding house, is shown in the picture below. Similar elements to the proposed boarding house include:

- Two storey construction;
- Ground floor garage with doors facing the street; and
- Paved area at the front of the property.



Figure 1-9: Existing dwelling house, 229 Wallarah Road Source: JSA, 2018

Other nearby buildings in R1 zoned areas also have similar elements.

Two hundred and five Wallarah Road, about 300 metres from the proposed boarding house, is shown in the picture below. Similar elements to the proposed boarding house include:

- Two storey construction;
- · Ground floor garage parking with doors facing the street; and
- Paved area at the front of the property.

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Figure 1-10: 205 Wallarah Road Source: JSA, 2018

The residence at the Oasis Caravan Park, about 200 metres from the proposed boarding house, is shown in the picture below. Similar elements to the proposed boarding house include:

- Two storey construction;
- Ground floor garage with doors facing the street; and
- Paved area at the front of the property.

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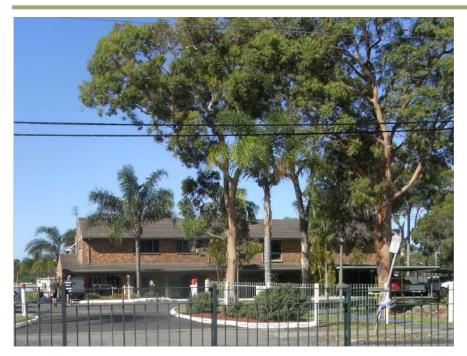


Figure 1-11: Residence, Oasis Caravan Park Source: JSA, 2018

The provision of the boarding house as two buildings within the block is similar in character to the battleaxe development on the block to the immediate north of the proposed boarding house, with this block containing a separate dwelling at the front of the block and a duplex at the rear.

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# 2 Relevant Legislation

# 2.1 Compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009

## 2.1.1 General

It is not evident that the development needs to comply with the SEPP, as boarding houses are permitted with consent in the R2 zone and the proponent does not appear to have relied on any of the design concessions in the SEPP. The only relevant application of the SEPP seems to be in relation to design standards specific to boarding houses and to good practice.

## 2.1.2 Accessibility of the area

Under clause 27(2) of NSW State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH 2009), the division applies to development in R2 zones if the development is in an accessible area.

A development is in an accessible area if it is within:

(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or

(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or

(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

### Bus Services

The nearest bus stop on the Pacific Highway is within easy walking distance (280 metres) of the proposed boarding house site, providing access to bus routes 82, 93 and 94 along grassed and paved footpaths. Buses provide services between Lake Haven Interchange and Wyong Interchange (Routes 82,93 and 94).

There are 21 weekday services between 06.00 and 21.00, greater than the required 15 services; and 8 Saturday services between 08.00 and 18.00, and 4 Sunday services between 08.00 and 18.00, both less than the required 10 services.

There is an eastbound bus stop on Wallarah Road within 300 metres of the proposed boarding house, providing access to bus routes 21, 29, 82 and 93 along paved footpaths. The routes service Wyong Interchange, Westfield Tuggerah and Bateau Bay Square.

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There are 24 weekday services between 06.00 and 21.00, greater than the required 15 services; and 10 Saturday services between 08.00 and 18.00, and 8 Sunday services between 08.00 and 18.00, with the latter less than the required 10 services.

There is a northbound bus stop on Walker Avenue, about 550 metres from the proposed boarding house and accessible by paved footpaths and a signalised crossing of Wallarah Road. The bus stop is serviced by route 80 providing services to Wyong Interchange and Westfield Tuggerah.

There are 21 weekday services between 06.00 and 21.00, greater than the required 15 services; and 10 Saturday services between 08.00 and 18.00, and 5 Sunday services between 08.00 and 18.00, with the latter less than the required 10 services.

Overall, the proposal is not compliant with the requirements of SEPPARH due to the frequency of services available.

#### 2.1.3 Private Open Space Requirements

Clause 29(2)(d) of SEPPARH 2009 gives the following standards regarding the provision of private open space areas.

- One area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,
- (ii) If accommodation is provided on site for a boarding house manager one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.

The proposal includes two areas of communal open space for use by lodgers, one of 115.50 m<sup>2</sup> and one of 71.96 m<sup>2</sup>. The minimum dimension of the larger area was scaled from the plans at 7.5 metres, exceeding the 20 m<sup>2</sup> and the minimum dimension of 3.5 metres required by the SEPP; therefore **the proposal complies with Clause 29(2)(d)(i).** 

There is also a space adjacent to the manager's room scaled at  $8.9 \text{ m}^2$  with a minimum dimension of 2.8metres; therefore the proposal complies with Clause 29(2)(d)(ii).

### 2.1.4 Onsite Parking Requirements

Clause 29(2)(e) of SEPPARH 2009 gives the following standards regarding provision of onsite car parking spaces:

- (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area – at least 0.2 parking spaces are provided for each boarding room, and
- (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area – at least 0.4 parking spaces are provided for each boarding room, and

(iia) in the case of development not carried out by or on behalf of a social housing provider – at least 0.5 parking spaces are provided for each boarding room, and

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(iii) in the case of any development – not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,

The number of parking spaces required onsite to comply with Clause 29(e)(ia) of the SEPP, as the development is not being carried out by or on behalf of a social housing provider, is 0.5 per boarding room (i.e.  $0.5 \times 28 = 14$ ).

The plans for the proposed boarding house provide for 15 car parking spaces including one accessible space. As a result, the proposal:

- · Complies with Clause 29(2)(e)(iia) as 14 car parking spaces are provided for boarders.
- Complies with Clause 29(2)(e)(iii) as not more than one parking space is provided for the resident manager.

SEPP ARH 2009 also requires the following:

Clause 30(1)(h) at least one parking space will be provided for a bicycle and one will be provided for a motorcycle, for every 5 boarding rooms.

As this proposed boarding house has 28 rooms (excluding the manager's room), there would be 6 parking spaces required each for motorcycles and bicycles (i.e.  $28 \div 5 = 5.6$ ). The proposed boarding house shows six motorcycle spaces. Six bicycle parking spaces are shown next to the manager's room. The proposal complies with Clause 30(1)(h).

### 2.1.5 Accommodation Size

SEPPARH 2009 requires that boarding rooms be at least a certain size, excluding any area used for the purposes of private kitchens or bathroom facilities. The double rooms in the proposed boarding house range from 18.77 m<sup>2</sup> to 23.15 m<sup>2</sup>, excluding bathroom and kitchenette, and therefore **the proposal complies with Clause 29(2)(f)**.

#### 2.1.6 Other Requirements for Boarding Houses

SEPP ARH 2009 sets out several other requirements for Boarding Houses in Clause 30(1).

The proposed boarding house plans meet the requirements in subclause (a) that a boarding house with five or more boarding rooms must have at least one communal living area. The proposed boarding house includes a ground floor common living area.

The proposed boarding house plans show that the gross floor area of any boarding room (excluding bathroom and kitchen facilities) does not exceed 25 m<sup>2</sup>. The largest rooms in the building, are  $23.15 \text{ m}^2$  excluding bathroom and kitchenette.

Section (d) states that adequate bathroom and kitchen facilities will be available within the boarding house for use of each lodger.

It is understood that:

 There are self-contained bathroom facilities in all rooms including a toilet, basin, shower, washing machine and clothes drier; and

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 There are self contained kitchenettes in each room containing a sink, storage, upright four burner stove with oven, microwave and bar fridge.

A separate room is provided for an on-site manager in accordance with subclause (e).

## 2.2 Wyong Local Environmental Plan 2013

Under the Wyong Local Environmental Plan 2013 (WLEP 2013), the land at 741 Pacific Highway Kanwal is zoned as R2, Low Density Residential. Under this zoning, boarding houses are permitted with consent by Council.

Height controls are not shown in WLEP 2013, but are set out in Wyong Development Control Plan 2013. Specific controls for boarding houses are not provided. Council has advised that the requirements of Chapter 2.4 – Multiple Dwelling Residential Development will apply in areas where the SEPP is silent.<sup>2</sup> Maximum ceiling height is 7 metres in the R1 zone, and soft landscaping is to cover 25% of the site area.

The drawings show the maximum ceiling height is less than 7 metres, and the soft landscaping is scaled at over 25% of the site area, suggesting that the design complies with the requirements for multiple dwelling residential development.



Figure 2-1: Wyong LEP 2013, 741 Pacific Highway indicated with star

<sup>2</sup> Record of advice 26 June 2018.

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Source: http://mapping.n.centralcoast.nsw.gov.au/WSCMapping/mapping.html# accessed 19 December 2018.

## 2.3 Wyong Development Control Plan 2013

WDCP 2013 does not have particular controls pertaining to boarding houses apart from parking requirements.

Under chapter 2.11 of WDCP 2013 parking requirements for a boarding house are:

- The greater of 1 space per 5 beds or 1 space per 8.5 beds plus staff parking (Staff requirements are 1 space for manager plus 1 space per 2 employees)
- 1 space for a mini bus and service vehicles.

The drawings show 15 car spaces which exceeds the DCP requirement of seven spaces.

## 2.4 Boarding Houses Act 2012

The proposed boarding house is a registrable boarding house within the meaning of part 1, section 5 of the Boarding Houses Act 2012. Consequently a range of provisions of the Boarding Houses Act 2012 are applicable to the development, including inspections by council and the requirement to enter into Occupancy Agreements.

We understand that the proposed Boarding House will be a general boarding house under the Boarding House Act, and consequently will not house more than one person with additional needs.<sup>3</sup>

- 1) For the purposes of this Act, a person is a person with additional needs if:
- (a) the person has any one or more of the following conditions:
- (i) an age related frailty,
- (ii) a mental illness within the meaning of the Mental Health Act 2007,

(iii) a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and

(b) the condition is permanent or likely to be permanent, and

(c) the condition results in the need for care or support services (whether or not of an ongoing nature) involving assistance with, or supervision of, daily tasks and personal care such as (but not limited to) showering or bathing, the preparation of meals and the management of medication.<sup>4</sup>

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<sup>&</sup>lt;sup>3</sup> Boarding House Act, clause 37(1). <sup>4</sup> Boarding House Act, clause 36.

Under the Act, the proprietor is required to notify the Commissioner of a range of particulars with respect to the development.

Under Clause 17 of the Act, Council has the power to carry out inspections of the premises.

Under Clause 28 of the Act, the Proprietor is required to enter into a written occupancy agreement with each lodger.

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# 3 Demographic and Housing Context

## 3.1 Comparative Demography of Boarding House

The proposed boarding house will have 29 rooms including one on-site manager's room. At capacity the boarding house will have a maximum of 58 residents in 29 double rooms.

Using data from the Australian Bureau of Statistics' Census of Population and Housing 2016 for boarding house residents (i.e. those enumerated in 'Boarding house, private hotel') in Greater Sydney, and assuming that the population of this boarding house will be similar to the boarding house residents population for the Greater Sydney Metropolitan Area, the following profile is likely compared to the surrounding area:

- Greater proportions of young adults
- Lower proportion of older people
- · Higher proportions of never married and separated or divorced people
- Lower levels of income
- Higher levels of unemployment
- Lower levels of employment
- Similar levels of labour force participation
- Lower levels of workforce status
- · Higher levels of attendance of an educational institution
- Higher levels of transience.

Details are shown in the table below.

Table 3.1: Predicted demography of residents of proposed boarding house using Boarding House residents in Greater Sydney as a proxy

	SA1 1104830	1km Radius of SA1	Proposed Boarding House	Boarding House Residents in Greater Sydney
	Proportion	Proportion	Likely # BH residents when at capacity	Proportion
Males	54%	48%	39	67%
Age 18-24 years	9%	7%	13	22%
Age 25-39 years	18%	15%	16	27%
Age 40-54 years	20%	20%	13	22%

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	SA1 1104830	1km Radius of SA1	Proposed Boarding House	Boarding House Residents in Greater Sydney
	Proportion	Proportion	Likely # BH residents when at capacity	Proportion
Age 55-69 years	16%	20%	12	21%
Aged 70+ years	13%	23%	3	6%
Aged 20-69 years	59%	60%	50	87%
Never married (aged 15+ years)	35%	32%	41	70%
Separated or divorced (aged 15+ years)	5%	4%	10	17%
Median gross weekly individual income	\$451	\$568	\$504	\$504
Unemployment rate	18%	7%	11	19%
Not in labour force	48%	41%	24	42%
Employed	42%	55%	27	47%
Work as trades or technical, machinery operator, labourer (% of workers 2016)	18%	26%	11	42% (of employed people)
Work as manager or professional (% of workers 2016)	49%	36%	7	25% (of employed people)
Attending educational institution (aged 20+) (2016)	24%	13%	16	27%
Attending technical or further educational institution, university or other tertiary institution (all ages) (2016)	4%	5%	10	17%
Needs assistance with core daily activities (disabled) (2016)	11%	7%	3	5%

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	SA1 1104830	1km Radius of SA1	Proposed Boarding House	Boarding House Residents in Greater Sydney
	Proportion	Proportion	Likely # BH residents when at capacity	Proportion
Will change address in less than one year (2016)	10%	13%	22	38%
Will change address in less than five years (2016)	40%	43%	38	66%

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Source: JSA, calculations 2018, based on data from ABS (2016) Census of Population and Housing, Table Builder.

The proposed boarding house is likely to provide flexible accommodation for students, casual workers and lower income earning singles due to occupancy agreements, although boarding houses can provide normal residential tenancy agreements where more stability in tenure is desired. In this way, it provides a benefit in the local housing market.

## 3.2 Rental Affordability

### 3.2.1 Overview

Given the application for the proposed boarding house is being made with regard to the provisions of SEPP Affordable Rental Housing 2009 it is relevant to consider the housing affordability context of the locality, and the extent to which the proposed boarding house in this locality is likely to contribute to the stock of affordable rental dwellings.

Although there is no requirement for boarding house rooms to be affordable (unlike definitions for 'affordable rental housing' elsewhere in the SEPP), there is a presumption that boarding houses will in fact be affordable by virtue of the reduced size and standards such as car parking that apply to such accommodation under the SEPP. The extent to which the proposed boarding house will contribute to the stock of affordable rental stock in the locality also goes to the question of the likely benefit of the proposed development.

This section therefore sets out relevant affordability benchmarks in accordance with relevant legislation, provides an overview of the affordability context of the locality, and predicts the likely affordability of the proposed boarding house rooms in this context.

## 3.2.2 Affordable Rental Housing Definition and Benchmarks

Housing is generally considered to be 'affordable' when households that are renting or purchasing are able to meet their housing costs and still have sufficient income to pay for other basic needs such as food, clothing, transport, medical care and education.

'Affordable housing' has a statutory definition under the NSW Environmental Planning and Assessment Act 1979 (NSW), being housing for very low, low or moderate income households,

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where 'very low-income' households as those on less than 50% of median household income; 'low-income' households' as those on 50-80% of median household income, and 'moderate-income' households as those on 80-120% of median household income for Greater Sydney (referred to as 'Greater Sydney Statistical Area' in 2016 ABS Census of Population and Housing).

As a commonly used rule of thumb, housing is considered to be affordable where households pay no more than 30% of their gross household income on their rent or mortgage payments. This is often regarded as the point at which such households are at risk of having insufficient income to meet other living costs, and deemed to be in 'housing stress'. Those paying more than 50% of gross income are regarded as being in 'severe housing stress'.

The following table provides benchmarks that are used in this policy when referring to 'affordable housing', in June Quarter 2018 dollars, and are consistent with relevant NSW legislation.

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	Very Low Income Household	Low Income Household	Moderate Income Household
Income Benchmark	<50% of Gross Median Household Income for Greater Sydney	50%-80% of Gross Median Household Income for Greater Sydney	80%-120% of Gross Median Household Income for Greater Sydney
Income Range (2)	<\$908 per week	\$909-\$1,452 per week	\$1,453-\$2,180 per week
Affordable Rental Benchmarks (3)	<\$272 per week	\$273-\$436 per week	\$437-\$654 per week

Source: JSA 2018, based on data from ABS (2016) Census of Population and Housing, indexed to September Quarter 2018 dollars

- (1) All values reported are in September Quarter 2018 dollars
- (2) Total weekly household income
- (3) Calculated as 30% of total household income

It can be seen from the above that for rental to be 'affordable' under statutory definitions, rental would need to be less than \$272 per week for a very low income household, between \$273 and \$436 for a low income household, and between \$437 and \$654 for a moderate income household.

### 3.2.3 The Local Affordability Context

The median rental price for new bonds for bedsits in Central Coast LGA was just below the median for Greater Sydney, at \$370 compared with \$395 and greater than the median rental for two bedroom units in the same area. The median rental price for new bonds for single bedroom flats and units was well below the median for Greater Sydney, at \$285 compared with \$490. The median rental price for two bedroom flats and units in Central Coast LGA was also below Greater Sydney at \$350 compared to \$545, with similar trends at the lower and upper ends of the market.

Central Coast LGA is much 'more affordable' area than the Greater Sydney average, however it remains out of reach or 'affordable' by definition for those on very low incomes. This group would find it very difficult to find affordable rental accommodation in Central Coast LGA, even for bedsits and single bedroom apartments at the lower end of the market.

Very low income households requiring affordable rents less than \$273 per week are largely excluded from the local market, with 36 one bedroom and bedsitters advertised in Central Coast at these prices on 4 December 2018. This was less than 4% of properties offered for rental. Groups with particular difficulty finding affordable accommodation will include single aged pensioners with a calculated affordable rent of \$201 per week<sup>5</sup>, and a single person on NewStart with a calculated affordable rent of \$148 per week, with these households unable to affordably rent a first quartile one bedroom property in Central Coast LGA (\$240). Those on Disability Support Pension have similar affordable rents as aged pensioners.

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<sup>&</sup>lt;sup>5</sup> Pension of \$447 p.w. X 30% plus CRA of \$67 = \$201.

		Bedsitter			One Bedroom Units			Two Bedroom Units		
		First Quartile	Median	Third Quartile	First Quartile	Median	Third Quartile	First Quartile	Median	Third Quartile
	Weekly rent	\$293	\$370	\$445	\$250	\$285	\$313	\$320	\$350	\$385
Central Coast LGA	Affordability	Affordable to upper 88% of low income band	Affordable to upper 40% of low income band	Affordable to upper 96% of moderate income band	Affordable to upper 8% of very low income band	Affordable to upper 93% of low income band	Affordable to upper 73% of low income band	Affordable to upper 71% of low income band	Affordable to upper 53% of low income band	Affordable to upper 31% of low income band
	Weekly rent	\$324	\$395	\$460	\$400	\$490	\$570	\$430	\$545	\$670
Greater Sydney	Affordability	Affordable to upper 52% of low income band	Affordable to upper 25% of low income band	Affordable to upper 89% of moderate income band	Affordable to upper 22% of low income band	Affordable to upper 76% of moderate income band	Affordable to upper 39% of moderate income band	Affordable to all of moderate income band	Affordable to upper 50% of moderate income band	Affordable to higher incomes only

Table 3.3: Weekly rental prices for bedsitters, one and two bedroom flats and units in Central Coast LGA and Greater Sydney

Source: NSW Family and Community Services – Housing NSW Rent Tables September Quarter 2018, JSA calculations

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### 3.2.4 Rental Stress – Lone Person Households Renting Privately

The rate of rental stress for lone person households renting privately in Central Coast LGA is higher than the rate for Greater Sydney (68% compared with 62%). Levels of rental stress for very low income households are slightly less than those for Greater Sydney (88% compared to 92%) but such households make up a much greater proportion of lone person private renting households in Central Coast LGA (62% compared to 39%). Levels of housing stress for low income lone person renting households are around 70% of levels for Greater Sydney, while levels of housing stress for moderate income households are one third of those for Greater Sydney.

This analysis suggests that whilst private rental housing in the Central Coast LGA is likely to be affordable for a large proportion of lone person privately renting households earning a moderate or higher income, there is an absence of affordable private rental housing for those earning very low and low incomes. While the data suggest that the Central Coast rental housing market is lower cost by comparison with Greater Sydney, the area is overrepresented in very low income households, suggesting such households have been displaced to areas of lower rent. This overrepresentation of very low income households is the reason for higher levels of total renting stress compared to Greater Sydney, even though rents in Central Coast are lower.

Single Person Households		Central Coast LGA	Greater Sydney
Renting Privately	No.	%	%
All	6805		
Not in Stress	2198	32%	38%
Moderate Stress	2236	33%	30%
Severe Stress	2371	35%	32%
Total Stress	4607	68%	62%
Very Low Income	4200	62% of all privately renting lone person households	39% of all privately renting lone person households
Not in Stress	514	12%	9%
Moderate Stress	1362	32%	21%
Severe Stress	2324	55%	70%
Total Stress	3686	88%	91%
Low Income	1575	23% of all privately renting lone person households	25% of all privately renting lone person households
Not in Stress	757	48%	27%
Moderate Stress	773	49%	57%

Table 3.4: Rental Stress, Lone Person Households Renting Privately, Central Coast LGA compared with Greater Sydney, 2016

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Single Person Households		Central Coast LGA	Greater Sydney
Renting Privately	No.	%	%
Severe Stress	45	3%	16%
Total Stress	817	52%	73%
Moderate Income	715	11% of all privately renting lone person households	19% of all privately renting lone person households
Not in Stress	612	86%	56%
Moderate Stress	102	14%	41%
Severe Stress	2	0%	3%
Total Stress	103	14%	44%
Very Low and Low Income	5775	85% of all privately renting Ione person households	64% of all privately renting lone person households
Not in Stress	1271	22%	16%
Moderate Stress	2135	37%	35%
Severe Stress	2369	41%	49%
Total Stress	4504	78%	84%
Higher Income Households	315	5% of all privately renting lone person households	17% of all privately renting lone person households

Source: JSA, calculations 2018, based on data from ABS Census of Population and Housing 2016

## 3.2.5 Groups that would benefit from the proposal

The proposed boarding house has the potential to be a significant benefit to very low and low income private renters that are currently experiencing moderate and severe housing stress, including lower income workers, student and pensioners, particularly if rental costs for the proposed development are set at prices that are genuinely affordable for these key groups in locality.

## 3.3 Existing Boarding House Accommodation

Across the Central Coast LGA on Census Night 2016, there were a total of 136 persons enumerated in a 'Boarding house, private hotel', representing 0.04% of the resident population of the area. In 2016, the ABS data indicated that there were 9 'boarding house, private hotels' in the Central Coast LGA and 0 boarding houses/private hotels were enumerated in Gorokan – Kanwal – Charmhaven SA2. By comparison, 0.15% of the population of Greater Sydney was

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counted in boarding houses or private hotels, suggesting that Central Coast LGA is under supplied with this form of accommodation.

The NSW Department of Fair Trading Boarding House Register shows no boarding houses (General Registerable) registered in Gorokan – Kanwal – Charmhaven SA2. A search of the register showed a total of seven registered boarding houses in Central Coast.<sup>6</sup>

## 3.4 Social Housing

Overall at the time of the 2016 Census, the supply of social housing in the Central Coast LGA is less than Greater Sydney at 3.4% of occupied private dwellings compared with 4.6%.

In 2016, there were around 4,272 social housing dwellings in Central Coast LGA, including 3,601 (84%) rented through the Department of Family and Community Services – Housing NSW and 670 (16%) rented through a housing co-operative, community or church group.

Of these social housing dwellings, 26% were one bedrooms or bedsits. 95% percent of these dwellings were occupied by single persons, 1% were occupied by single parent families and 4% by couples without children.<sup>7</sup>

Gorokan – Kanwal – Charmhaven SA2 had 367 social housing dwellings counted in 2016, a larger proportion of social housing at 4.9% compared with the LGA or Greater Sydney at 3.4% and 4.6% respectively, with approximately 278 public housing (76%) and 89 community housing dwellings (24%) enumerated in 2016. Of the social housing dwellings in Gorokan – Kanwal – Charmhaven SA2, 23% were one bedrooms or bedsits.

# 3.5 Rental Opportunities in Kanwal suburb and Central Coast LGA

A search of 'www.domain.com.au<sup>38</sup> for studio and one bedroom rental properties available in Kanwal and the immediately surrounding suburbs of Lake Haven, Hamlyn Terrace, Wyongah and Wadalba found only one studio property for rent at Wadalba for \$285.00. This comprised around 1.6% of rental stock advertised in those five suburbs (n=61). This property was offered at slightly higher than the median rent of \$285 for a one bedroom unit in Central Coast LGA as per the most recent Rent and Sales Report, September Quarter 2018.

A search for studio and one bedroom rental properties available in Central Coast LGA found 85 properties advertised. This was 9% of all properties advertised for rent (n=981). Fifteen of these properties (17%) were offered at equivalent or below the first quartile rent of \$250.00 for a one bedroom flat or unit in Central Coast LGA as per the most recent Rent and Sales Report, September Quarter 2018.

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<sup>&</sup>lt;sup>6</sup> As of 25/10/2018, http://parkspr.fairtrading.nsw.gov.au/BoardingHouse.aspx

 <sup>&</sup>lt;sup>7</sup> ABS (2016) Census of Population and Housing, Place of Enumeration, accessed via Table Builder.
 <sup>8</sup> Search conducted on 4 December, 2018

Of the 85 studio and one bedroom properties advertised in Central Coast LGA, the median rental was \$285.00, with a first quartile of \$255.00 and a third quartile of \$330.00. Of these 36 (42%) were affordable to a very low income household with a rent advertised below \$273.00 per week and 83 (98%) were affordable to a low income household with a rent advertised below \$437.00 per week.

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# 4 Crime context

See Appendix B for NSW Bureau of Crime Statistics and Research (BoCSAR) hotspot maps with the proposal site identified.

NSW BoCSAR reports that, "Hotspot maps illustrate areas of high crime density relative to crime concentrations in NSW. The hotspots indicate areas with a high level of clustering of recorded criminal incidents for the selected offence...LGAs with crime hotspots do not necessarily have high count of incidents relative to other LGAs. This is because hotspots reflect the density of incidents in specific areas and not the number of incidents in the entire LGA. Hotspots are not adjusted for the number of people residing in or visiting the LGA and so do not necessarily reflect areas where people have a higher than average risk of victimisation."<sup>9</sup>

The proposed boarding house site is located within medium or low crime density hotspots for the following offences:

- Theft motor vehicle theft
- Theft steal from motor vehicle
- · Malicious damage to property

The proposed boarding house site is not located within crime density hotspots for the following offences:

- Assault (domestic assault)
- Assault (non-domestic assault)
- Robbery
- Theft break and enter dwelling
- Theft (steal from dwelling)
- Theft (steal from person)

The proposed development appears to be in a low crime area.

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<sup>&</sup>lt;sup>9</sup> Burgess, M (2011) Understanding crime hotspot maps, NSW Bureau of Crime Statistics and Research, Crime and Justice Statistics, Bureau Brief, Issue paper no 60, April, Pg 3.

# 5 Amenity

## **5.1 Boarding House Residents**

## 5.1.1 Internal Amenity

Access to the proposed boarding house is from an access road off the Pacific Highway, with a paved footpath and ramps leading to stairs accessing rooms on the first floor of the front building, and walkways and stairs accessing rooms in the rear building. The ground floor of the rear building contains two accessible rooms, and access to the ground floor of the rear building appears to be disabled accessible, based on corridor and path widths. Path gradients show a maximum gradient of 1:14, so that the accessibility criterion of path gradient less than 1 in 14 should be easily achieved.

The boarding rooms are likely to be of generally high amenity. Rooms are self-contained, with well-equipped kitchenettes, bathrooms and laundry facilities. Each room has private outdoor space comprising a deck or balcony, with a minimum dimension of 1.6 metres, providing room for a chair and table. The decks and balconies are covered or partially covered, so they can be used in inclement weather.

A communal lounge is provided. Two outdoor areas are shown, one between the two buildings and one to the north of the rear building. No landscaping detail is shown for the outdoor space. The provision of seating, shade and shelter in this area would improve amenity, however the generous provision of private outdoor space is likely to reduce the need for high quality common outdoor space.

## 5.1.2 External Amenity

Generally external amenity is expected to be high. The proposed boarding house is well located with respect to public transport and services and facilities, and there are parks and open space within a short walking distance, providing opportunities for passive and active recreation for boarding house residents.

# 5.2 Residents living in the locality

## 5.2.1 Parking

During the site visit conducted by JSA there was adequate on street parking available near the boarding house.

## 5.2.2 Noise and privacy

The orientation of the buildings on the block will minimise impacts on adjacent properties. Balconies and decks overlook the Pacific Highway, internal space and the Oasis Caravan Park, with the exception of the nine north facing rooms. These rooms overlook the side of dwellings to

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the north, but overlooking is minimised due to a setback of approximately four metres and the provision of screens on the balconies. The common room has a north facing window overlooking the adjacent property, and this window is required to provide solar access. This window has a 0.9 metre set back from the boundary, there is likely to be a 1.5 metre high fence and the window is on the ground floor, again minimising opportunities for overlooking.

If overlooking was perceived to be a concern for residents to the north of the boarding house, there is opportunity to provide screening such as planting or higher fences within set back areas.

### 5.2.3 Anti-social behaviour

There is no evidence to support the view that the potential for anti-social behaviour among 'new generation' boarding house residents will be any greater than for other persons living in the community. Most boarding house residents will be workers, students, and retired people. There is no evidence in the literature or in JSA's own research that there will be problems with such behaviour from a new generation boarding house, particularly if it is well-managed.

## 5.3 Survey of neighbours & local residents

A survey of neighbours and local residents was carried out by JSA on Saturday afternoon, 8 December 2018. A total of 17 properties were door knocked, including 12 on the Pacific Highway and 5 in Wallarah Road.

Seven households completed the survey (41%), 2 households refused to participate (12%), and there was no answer at 8 of the households approached (47%).

Participants were provided with basic information about the proposal, as JSA had been provided at the date of site visit and survey, that it was to be a private boarding house comprised of 29 rooms with self-contained kitchenette and bathroom facilities including an on-site manager, on-site parking for 14 vehicles and a common room.

The 7 households that participated in the survey were a mix of short and longer term residents, household types and ages. There were more owners than renters.

Overall, residents surveyed feel positive about living in the neighbourhood. Key benefits of the area identified included the quiet and peaceful atmosphere of the neighbourhood and proximity to services. Half of respondents reported there was 'nothing' they would change about the neighbourhood, while two were concerned about traffic noise and congestion.

Most residents surveyed (71%) reported that they had concerns about the proposed boarding house development. Respondents provided 6 concerns in total, with the most common concern (5 mentions) being the behaviour of future residents including anti-social behaviours.

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Survey Question	Responses
Q1. How long have you lived in this home?	1 (14%) – less than 12 months 2 (29%) – 1 to 3 years 2 (29%) – 4 to 9 years 2 (29%) – 10 or more years
Q2. Are you an owner or renter?	6 (86%) – owners 1 (14%) – renters
Q3. Best things about living in this neighbourhood?	Six respondents provided six responses to what they like best about living in this neighbourhood #(% of comments): 2 (33%) – proximity to shopping centre, freeway and amenities 3 (50%) – nice and quiet 1 (17%) – family close
Q4. Main things you would change about this neighbourhood to make it a better place to live?	<ul> <li>4 (57%) respondents indicated that there was nothing they would change about the neighbourhood.</li> <li>3 respondents identified 2 things they would change.</li> <li>2 (29%) - traffic - noise and congestion</li> <li>1 (14%)- young people off streets at night to decrease crime</li> </ul>
Q5. Overall, how do you feel about living in this neighbourhood?	4 (57%) – very positive 1 (14%) – fairly positive 2 (29%) – neutral 0 (0%) – fairly negative 0 (0%) – very negative
Q6. Aware of the proposal before today?	All of the seven respondents were not aware of the proposed development prior to the Survey.
Q7. Positive impacts of the proposal?	Of the five people who responded to this question one (20%) indicated there could a positive impact from the proposal by providing people with somewhere to live. Two (40%) were undecided indicating they didn't know or that it depended on what was built there. Two (40%) reported no positive impacts from the proposal.
Q8. Any concerns about the proposal?	5 (71%) – yes 2 (29%) – no 0 (0%) – not sure
Q9. If yes, what are your main concerns?	5 (71%) respondents provided 6 concerns about the proposal, including #(% of comments): 5 (83%) – behaviour and type of future residents 1 (17%) – More cars - demand for on street parking
Q10. Suggested ways concerns could be addressed?	4 respondents (57%) made comments # (% of comments): 1 (25%) check applicants, strict control over who lives

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Survey Question	Responses
	there
	1 (25%) not building the proposal
	2 (50%) had no suggestions
	0 (0%) - <18 years
Q11. Age	1 (14%) – 19 to 34 years
	2 (29%) – 35 to 54 years
	3 (43%) – 55 to 74 years
	1 (14%) – 75+ years
	3 (43%) – male
Q12. Gender	4 (57%) – female
	4 (57%) – lone person
	2 (29%) – couple
Q13. Household type	0 (0%) – couple with children
	1 (14%) – sole parent with children
	0 (0%) – other (group)

Source: ISA 2018

# 5.4 The potential for community opposition to the proposed development

Some 'new generation' boarding house developments have been portrayed in the media, particularly in Sydney, as highly controversial and a lightning rod for community opposition regarding the 'type' of people who they fear will be future tenants (e.g. 'transients', 'paedophiles', 'deviants' and 'drug addicts').10 However, recent JSA research on community resistance to affordable housing developments<sup>11</sup> shows how these types of development will have varying levels of opposition due to a variety of factors including the location of the development, the size, scale and design of the development, the way in which the development is marketed by private proponents, and the quality and responsiveness of management once operational.

This JSA research profiled a number of case study developments with varying levels of community opposition at DA stage. Post occupancy surveys in all cases indicated that there were no problems experienced in relation to these developments once occupied. It also indicates that there is no evidence that community fears about deviants and problem tenants have been realised in such developments.

Of relevance, two of the case study boarding houses in Camperdown and Annandale were similar to the proposed development. These developments were not controversial to neighbours during the planning process, nor since development and occupancy. Very few or no concerns were raised formally prior to development approval, and neighbours who responded to a post-occupancy

http://www.smh.com.au/nsw/you-wouldnt-like-a-boarding-house-next-to-your-home-cromer-residents-

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<sup>&</sup>lt;sup>10</sup> For an example, 'You wouldn't like a boarding house next to your home': Cromer residents speak out against development, Sydney Morning Herald, 14 October 2015, accessed online at

speak-out-against-development-20151014-gk9byh.html#ixzz48sCVLBpz <sup>11</sup> Judith Stubbs and Associates (2016) Responding to Community Resistance to Affordable Housing Developments, Reports prepared for the NSW Federation of Housing Associations.

survey by JSA indicated that no adverse impacts have been experienced in the locality since development.

The doorknock survey of neighbours and local residents revealed concerns about the proposal. Overall the level of concern about the proposal was high, with 71% of respondents indicating that they had concerns about the proposal, which suggests that there is likely to be community opposition to the proposal.

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# Appendix A: Demographics of the Locality

To gain an understanding of the context of the proposed boarding house sites, demographics have been provided for SA1 1104830 (the smallest census area containing the proposal site with a population of 476 people) and for SA1s within a km radius of the proposed development<sup>12</sup> in comparison with demographics for Central Coast LGA and Greater Sydney.

## Statistical Area Level 1, 1104830



Figure 0-1: Statistical Area Level 1, 1104830 with 741 Pacific Highway Kanwal indicated with star

Source: www.abs.gov.au

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<sup>&</sup>lt;sup>12</sup> The proposed development is at the junction of four suburbs, so the group of SA1s better represents the wider locality compared to Kanwal Suburb.

# **Central Coast LGA**

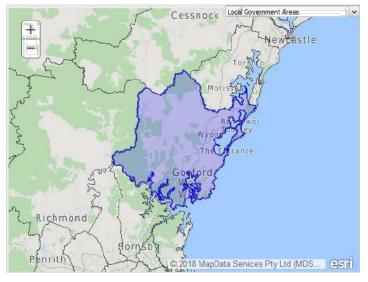


Figure 0-2: Central Coast Local Government Area Source: www.abs.gov.au

# **Greater Sydney**

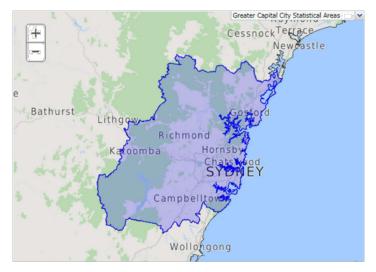


Figure 0-3: Greater Sydney – Greater Capital City Statistical Area Source: www.abs.gov.au

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This information has been separated into selected person characteristics, education, employment and income and dwelling characteristics using data for place of usual residence.

## Overview

Compared to Greater Sydney, the SA1 is much older, with half of the population aged 50 or over, compared to one third of people in Greater Sydney. The SA1 has high levels of need for assistance reflecting the older age structure. There are also high levels of indigenous people, particularly in the surrounding SA1s within a 1km radius.

The SA1 of the proposed site has much lower educational status and personal incomes by comparison with Greater Sydney.

Residents are much more likely to be born in Australia compared to Greater Sydney, and the most common countries of origin are England, India, New Zealand and Italy.

The SA1 has similar levels of separate housing and higher density housing to Greater Sydney, but the surrounding SA1s and the Central Coast LGA contain much higher proportions of separate housing. The SA1 is characterised by very high levels of rental, both private and social, compared to Greater Sydney.

## Person Characteristics

The SA1 of the proposed site, 1104830 has a slightly higher proportion of males compared to the surrounding SA1s, Central Coast LGA and Greater Sydney. It also has an older age profile with 49% of people aged 50 or over compared to Greater Sydney (31%) Central Coast LGA (40%) and the surrounding SA1s (35%). Young children (0-9) are underrepresented. The SA1, surrounding SA1s and LGA have much higher proportions of residents from an Indigenous background compared to Greater Sydney. The SA1 has a greater proportion of those in need of assistance with a core daily activity, likely reflecting the older age structure.

Table 0.1: Selected person characteristics of residents of SA1 1104830, a 1km radius of SA1s surrounding the proposed site and Central Coast LGA compared with Greater Sydney

	SA1 1104830	1km radius of SA1s	Central Coast LGA	Greater Sydney
Sex				
Male	54%	48%	48%	49%
Female	46%	52%	52%	51%
Age				
0-9	7%	14%	12%	13%
10-19	12%	14%	12%	12%

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	SA1 1104830	1km radius of SA1s	Central Coast LGA	Greater Sydney
20-29	9%	11%	11%	15%
30-39	10%	12%	11%	16%
40-49	13%	13%	13%	14%
50-59	14%	11%	13%	12%
60-69	14%	11%	12%	9%
70-79	13%	9%	9%	6%
80-89	6%	4%	5%	3%
90+	2%	0%	1%	1%
Indigenous Profile (INGP)	4.40%	5.4%	4.0%	1.5%
Needs Assistance with Core Daily Activities	10.6%	6.7%	6.9%	5.2%

Source: JSA, calculations 2018, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1104830, Wyong suburb, Central Coast LGA and Greater Sydney. Pro rata not stated responses.

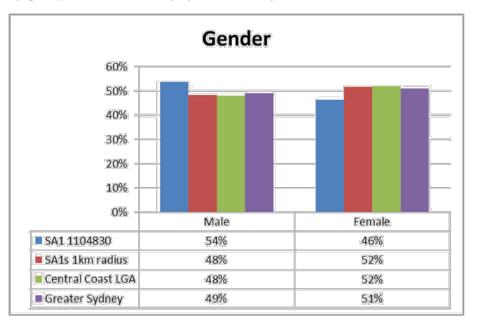
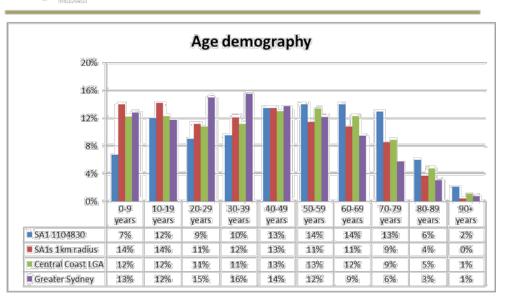


Figure 0-4 Gender by location (Source: ABS 2016 Census of Population and Housing)

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Figure 0-5 Age distribution by location (Source: ABS 2016 Census of Population and Housing)

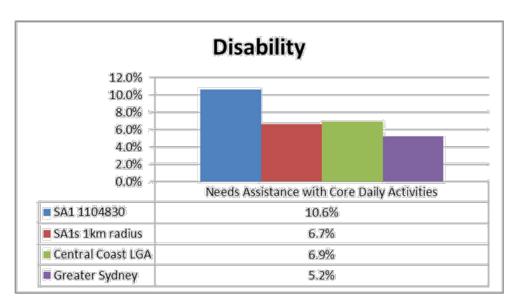


Figure 0-6 Disability prevalence by location (Source: ABS 2016 Census of Population and Housing)

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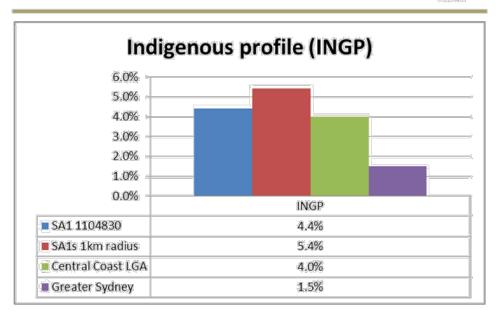


Figure 0-7 Indigenous profile by location (Source: ABS 2016 Census of Population and Housing)

# Country of birth

The SA1, its surrounding SA1s and the Central Coast LGA are characterised by high proportions of those born in Australia (82%, 88% & 79% respectively), compared with Greater Sydney (57%). Predominate countries of birth amongst SA1 and surrounding SA1 resident populations include England, New Zealand, India, Philippines, and Italy.

Table 0.2: Top 5 country of birth responses for residents of SA1 1104830, Wyong suburb and Central Coast LGA compared with Greater Sydney

	SA1 1104830	1km radius of SA1s	Central Coast LGA	Greater Sydney
1	Australia (82%)	Australia (88%)	Australia (79%)	Australia (57%)
2	England (7%)	England (4%)	England (5%)	China (excluding SARs & Taiwan) (5%)
3	India (3%)	New Zealand (1%)	New Zealand (2%)	England (3%)
4	New Zealand (1%)	India (1%)	Scotland (1%)	India (3%)
5	Italy (1%)	Philippines (1%)	Philippines (1%)	New Zealand (2%)

Source: JSA, calculations 2018, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1104830, Wyong suburb, Central Coast LGA and Greater Sydney. Pro rata not stated responses.

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## Education

The SA1 of the proposed site has higher levels of those with no post-schooling qualification at 64%, compared with the surrounding SA1s (54%), the LGA (49%) and Greater Sydney (43%). The proportion of those holding a degree or higher in the SA1 and surrounding SA1s is 9% and 12% respectively, and this is lower than the LGA at 17%, and significantly lower than Greater Sydney at 32%.

Table 0.3: Secondary and Tertiary education completed by residents of SA1 1104830, Wyong suburb and Central Coast LGA compared with Greater Sydney

Indicator	SA1 1104830	1km radius of SA1s	Central Coast LGA	Greater Sydney
Post-Schooling Qualification (All people)				
Post-Graduate	2%	1%	3%	8%
Grad. Dip./Grad. Cert.	1%	1%	2%	2%
Bachelor Degree	6%	9%	12%	22%
Adv. Dip./Dip. Level	7%	10%	11%	11%
Cert. Level (I, II, III & IV)	20%	25%	24%	14%
none	64%	54%	49%	43%

Source: JSA, calculations 2018, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1104830, Wyong suburb, Central Coast LGA and Greater Sydney. Pro rata not stated responses.

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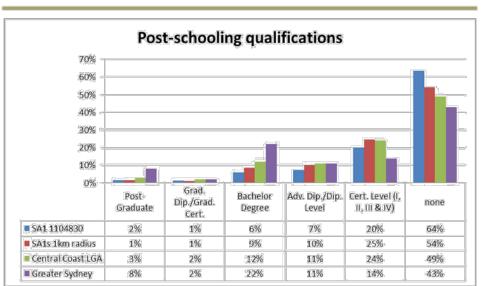


Figure 0-8 Highest level of post-schooling qualification by location ((Source: ABS 2016 Census of Population and Housing)

The SA1, surrounding SA1s and LGA have a smaller proportion of people who completed schooling to Year 12 at 31% to 44% compared to Greater Sydney at 65%. People are twice as likely to finish school at year 10 compared to Greater Sydney.

Table 0.4: Highest year of secondary education (people aged 15+) for SA1 1104830, Wyong suburb and Central Coast LGA compared with Greater Sydney

Indicator	SA1 1104830	1km radius of SA1s	Central Coast LGA	Greater Sydney				
Highest Year of Secondary Education (people aged 15+)								
Year 12	31%	38%	44%	65%				
Year 11	6%	9%	8%	5%				
Year 10	34%	36%	33%	18%				
Year 9	19%	11%	10%	5%				
Year 8 or below	10%	6%	5%	4%				
Did not go to school	1%	0%	0%	1%				

Source: ISA, calculations 2018, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1104830, Wyong suburb, Central Coast LGA and Greater Sydney. Pro rata not stated responses.

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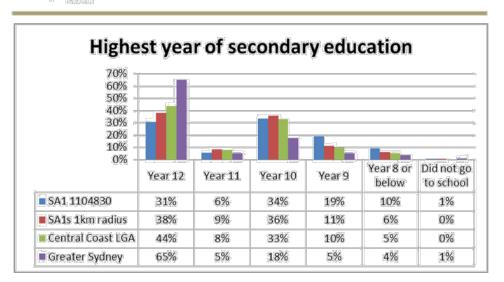


Figure 0-9 Highest attained year of secondary education by location (Source: ABS 2016 Census of Population and Housing)

## **Employment & Income**

The labour force participation rate for the SA1 is about two thirds of the rate for Greater Sydney, probably reflecting the older population. The unemployment rate in the SA1 at 18% is much higher than in Greater Sydney at 6%. Interestingly the combined surrounding SA1s have a comparatively lower unemployment rate at 7%, much closer to that of Greater Sydney.

In the SA1 and the surrounding SA1s the top industries of employment are health care & social assistance, retail trade, accommodation & food services, and construction. By comparison with Greater Sydney, there are low levels of employment in Professional, Scientific and Technical Services.

Personal and household income levels are very low in the SA1 but are somewhat higher in the surrounding SA1s and LGA; however, all areas are still well below the rates for Greater Sydney.

Table 0.5: Employment and Income demographics of SA1 1104830, Wyong suburb and
Central Coast LGA compared with Greater Sydney

	•			
Indicator	SA1 1104830	1km radius of SA1s	Central Coast LGA	Greater Sydney
Labour Force Status				
Employed	42%	55%	56%	62%
Not in the Labour Force	48%	41%	40%	34%
Unemployed	10%	4%	4%	4%

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				83 (MARAAAAA)
Indicator	SA1 1104830	1km radius of SA1s	Central Coast LGA	Greater Sydney
Unemployment rate	18%	7%	7%	6%
Top Industries of E	mployment			
	Health Care and Social Assistance (18%)	Health Care and Social Assistance (17%)	Health Care and Social Assistance (16%)	Health Care and Social Assistance (12%)
	Retail Trade (17%)	Retail Trade (13%)	Construction (12%)	Professional, Scientific and Technical Services (10%)
	Accommodation and food services (13%)	Construction (11%)	Retail Trade (12%)	Retail Trade (9%)
	Construction (8%)	Accommodation and food services (9%)	Education and Training (8%)	Construction (9%
Median Weekly In	come (2016 \$)			
Personal	\$450.88	\$568	\$601	\$719
Household	\$764	\$1,290	\$1,256	\$1,747

Source: JSA, calculations 2018, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1104830, Wyong suburb, Central Coast LGA and Greater Sydney. Pro rata not stated responses.

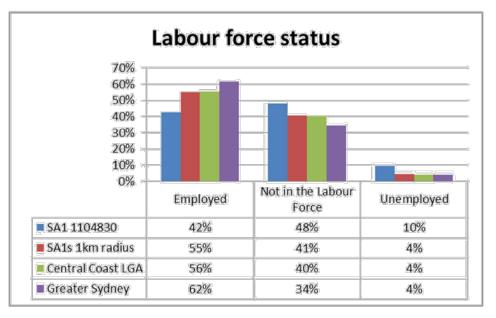
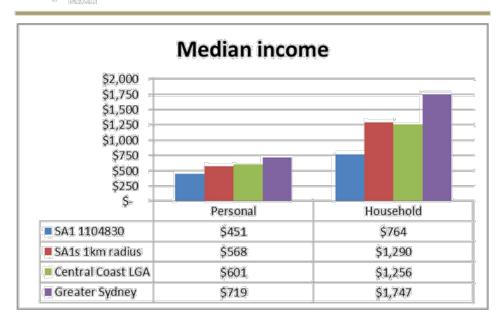
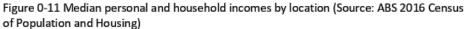


Figure 0-10 Labour force status by location (Source: ABS 2016 Census of Population and Housing)

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# **Dwelling Characteristics**

The dwelling structure of the SA1 is similar to Greater Sydney with its composition of housing types, however, the surrounding SA1s and LGA are characterised by much higher levels of separate housing and fewer apartments.

The SA1 is characterised by high rates of rental, particularly community and public renting, and low rates of ownership compared to the larger benchmark areas. The SA1 contains 13% public and community housing, much greater than the 3% in the surrounding SA1s, 4% in the LGA and 5% for Greater Sydney. The SA1 has a lower rate of car ownership, with 21% of households owning no motor vehicle compared with 5%, 7% and 12% in the surrounding SA1s, Central Coast LGA and Greater Sydney respectively.

Table 0.6: Dwelling characteristics in SA1 1104830, Wyong suburb and Central Coast LGA compared with Greater Sydney

Indicator	SA1 1104830	1km radius of SA1s	Central Coast LGA	Greater Sydney
Dwelling Structure				
Separate House	42%	85%	78%	56%

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Indicator	SA1 1104830	1km radius of SA1s	Central Coast LGA	Greater Sydney
Semi-detached, row or terrace house, town house etc	15%	8%	13%	14%
Flat, unit or apartment	43%	6%	9%	30%
Tenure & Landlord Type				
Owned outright/with mortgage	56%	72%	71%	65%
Rented (private)	28%	25%	24%	30%
Rented (community)	5%	1%	1%	1%
Rented (public)	8%	2%	3%	4%
Number of motor vehicles per dwelling				
None	21%	5%	7%	12%
One	46%	37%	38%	38%
Гwo	23%	39%	36%	34%
Three or more	10%	19%	18%	16%

Source: JSA, calculations 2018, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1104830, Wyong suburb, Central Coast LGA and Greater Sydney. Pro rata not stated responses.

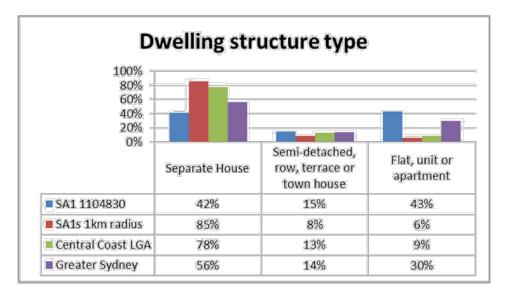


Figure 0-12 Dwelling structure type by location (Source: ABS 2016 Census of Population and Housing)

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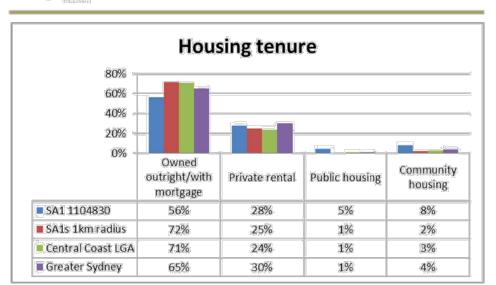


Figure 0-13 Housing tenure type by location (Source: ABS 2016 Census of Population and Housing)

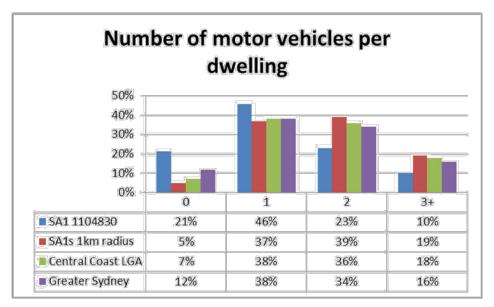


Figure 0-14 Motor vehicles per dwelling by location (Source: ABS 2016 Census of Population and Housing)

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# Appendix B: NSW BoCSAR Crime Hotspot Maps

# Assault Domestic

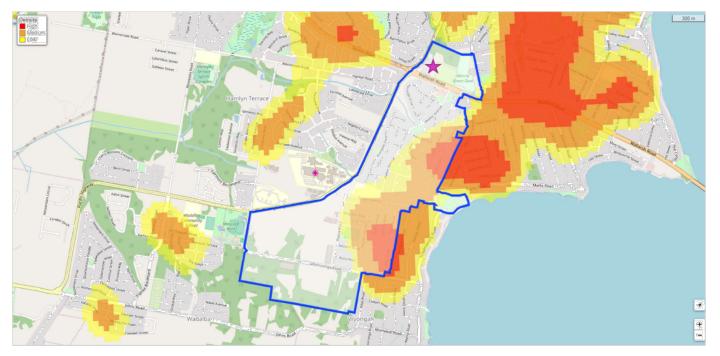
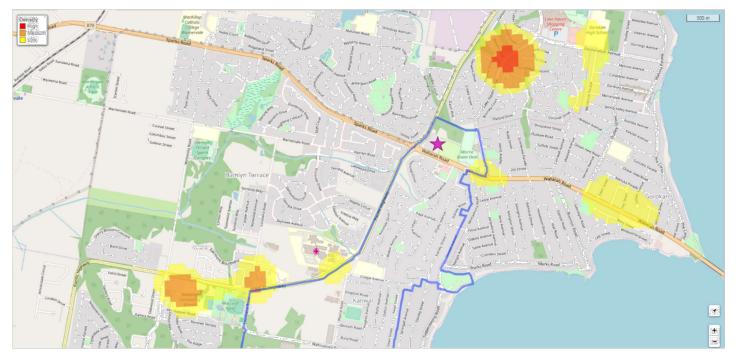


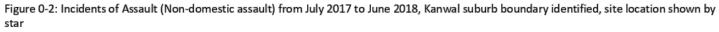
Figure 0-1: Incidents of Assault (Domestic assault) from July 2017 to June 2018, Kanwal suburb boundary identified, site location shown by star Source: NSW BocSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.

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# Assault Non-Domestic





Source: NSW BoCSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.

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# Robbery



Figure 0-3: Incidents of Robbery from July 2017 to June 2018, Kanwal suburb boundary identified, site location shown by star Source: NSW BoCSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.



# Theft - Break and Enter Dwelling

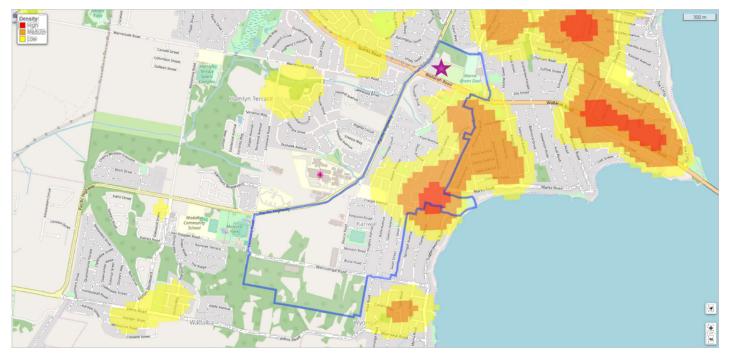


Figure 0-4: Incidents of Theft (Break & enter dwelling) from July 2017 to June 2018, Kanwal suburb boundary identified Source: NSW BoCSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.

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# Theft – Motor Vehicle theft

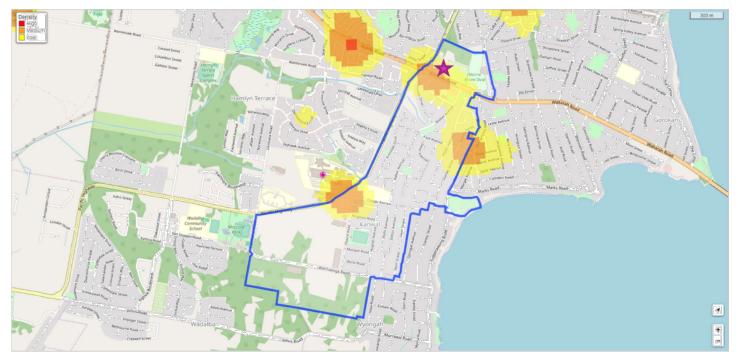


Figure 0-5: Incidents of Theft (Motor vehicle theft) from July 2017 to June 2018, Kanwal suburb boundary identified Source: NSW BoCSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.

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Figure 0-6: Incidents of Theft (Motor vehicle theft) from July 2017 to June 2018, Kanwal suburb boundary identified, zoom to proposal site location with star

Source: NSW BoCSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.

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# Theft – Steal from Motor Vehicle

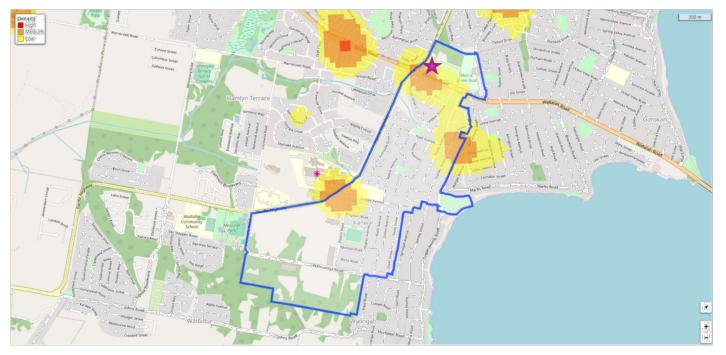


Figure 0-7: Incidents of Theft (Steal from motor vehicle) from July 2017 to June 2018, Kanwal suburb boundary identified Source: NSW BoCSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.

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Figure 0-8: Incidents of Theft (Steal from motor vehicle) from July 2017 to June 2018, Kanwal suburb boundary identified, zoom to proposal site location with star

Source: NSW BoCSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.

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# Theft – Steal from Dwelling

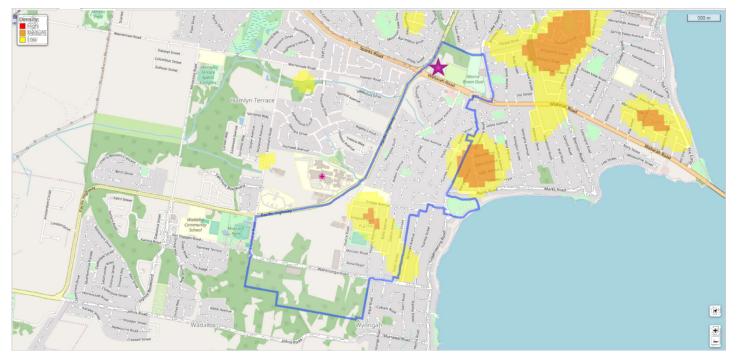


Figure 0-9: Incidents of Theft (Steal from dwelling) from July 2017 to June 2018, Kanwal suburb boundary identified Source: NSW BoCSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.

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# Theft – Steal from Person

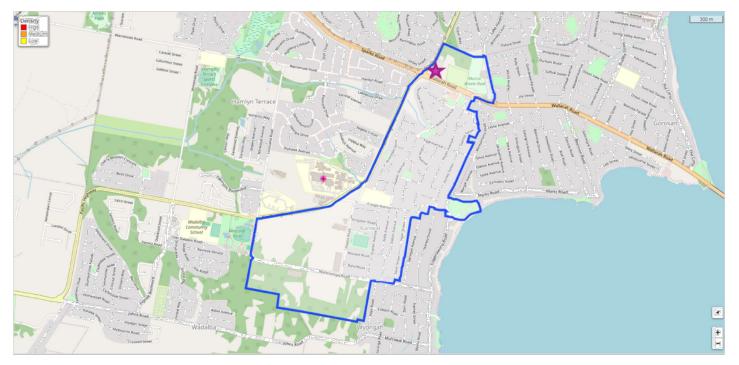


Figure 0-10: Incidents of Theft (Steal from person) from July 2017 to June 2018, Kanwal suburb boundary identified, proposal site indicated with star

Source: NSW BoCSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.

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# Malicious Damage to Property

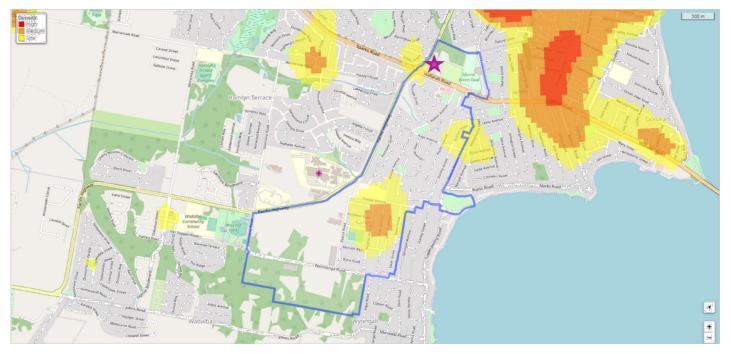


Figure 0-11: Incidents of Malicious Damage to Property from July 2017 to June 2018, Kanwal suburb boundary identified Source: NSW BoCSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.

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Figure 0-12: Incidents of Malicious Damage to Property from July 2017 to June 2018, Kanwal suburb boundary identified, zoom to proposal site location

Source: NSW BoCSAR, NSW Crime Tool, http://crimetool.bocsar.nsw.gov.au/bocsar/, accessed 5/12/2018.

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# Appendix C: Plan of Management and Attachments

# BOARDING HOUSE PLAN OF MANAGEMENT

# NOVEMBER 2018

## 1. PURPOSE

1.1 The primary purpose of this Plan of Management (PoM) is to ensure the proposed boarding house maintains a high level of amenity for neighbouring properties and for all residents living in the premises. Its objectives are:

- a. to minimise disturbance to residents and neighbours.
- b. to provide a procedure to receive and resolve complaints.
- c. to maintain the internal and external appearance and cleanliness of the premises.
- to ensure a person is readily contactable to assist in the ongoing implementation of this Management Plan.
- e. to ensure the use of the premises will be controlled by the PoM, and that the PoM is enforceable.
- f. to ensure that the premises will be operated in strict accordance with the conditions of development consent.
- g. to give effect to the occupancy principles under the Boarding House Act.
- h. to make provision for this plan to be amended from time to time with the approval of the Council in order to facilitate timely and responsive operational changes that will improve residential amenity within and external to the site.

# 2. SITE MANAGEMENT

2.1 It is the responsibility of the owner to ensure that the boarding house operates in accordance with the terms of this Plan as well as all conditions of development consent DA No. \_\_\_\_\_\_ granted by **Central Coast Council**, and the Boarding House Act

2012.

2.2 A copy of this plan is to be retained on Council's Development Application, Construction Certificate and Property File.

2.3 The boarding houses shall be restricted to 741 Pacific Highway, Kanwal, consisting of 29 resident rooms (including one manager's room), ground level parking, and indoor and outdoor common areas at ground level.

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2.4 At no time is any room to be advertised or made available for short stay accommodation such as that associated with backpacker hostels, motels, hotels or the like.

2.6 Registered boarding house residents will be provided with a security card or key which will provide access to the Boarding House facilities and their individual room 24 hours per day, 7 days per week.

2.7 The Boarding House Manager or Management Agency can be contacted at any time using the contact details provided at Attachment 1.

# 3. CRITERIA AND PROCESS FOR RESIDENT SELECTION

The Boarding House Manager or Management Agency will not discriminate regarding tenant selection and will provide all tenants with an equal opportunity to apply to lease a property.

3.1 Where a tenant is introduced by a Community Housing Provider (CHP), (and has been preapproved by the CHP) the CHP will enter into a Lease with the Boarding House and the CHP will sub-let the property to their client.

3.2 A prospective tenant must:-

- a. complete an application form
- b. provide photo identification (passport or driver's licence see 6.1)
- c. provide references from previous landlords or managing agents
- d. if working, provide a reference from their employer

3.3 The Boarding House Manager or Management Agency will:

- e. follow-up references and confirm accuracy of information
- f. interview applicants through a vigorous screening process
- g. if a prospective tenant is on Social Security, ensure they have adequate support services in place to meet their rental responsibilities. If adequate support services are not available, the Boarding House Manager or Management Agency will help to facilitate bond and rental assistance programs with relevant community organisations, where possible.

## 4. RENTAL REVIEW

4.1 Rental affordability will be regularly assessed by the owner by reviewing market conditions, comparable rental properties and collaborating with partners such as Community Housing Providers to ensure that tenants who fall in the very low to low income ranges can be suitably accommodated.

4.2 Reviews will be undertaken on a regular basis but at least once a year.

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## 5. ACCOMMODATION REGISTRATION

5.1 The Boarding House Manager or Management Agency will maintain an accommodation register providing the names of all occupants, their full contact details, and their agreed length of stay and payment details.

5.2 Each resident is to sign an Occupancy Agreement (Attachment 2), House Rules Agreement (Attachment 3), and the Plan of Management.

5.3 The minimum term for occupancy can be 3 months, 6 months or 12 months, with the option to enter into a further Occupancy Agreement at the end of this fixed term for a further agreed period.

5.4 The Boarding House Manager or Management Agency will provide a copy of the signed Occupancy Agreement, House Rules and the Plan of Management to each new resident.

5.5 Failure by residents to adhere to Occupancy Agreement, the House Rules and the Plan of Management may result in the termination of the Occupancy Agreement, subject to provisions set out in the Occupancy Agreement.

#### 6. RESIDENT IDENTIFICATION

6.1 The Boarding House Manager or Management Agency requires photo ID (eg: typically either passport or driver's licence) of each resident at the time of signing the Occupancy Agreement. Where the person is an Australian citizen and does not hold a drivers licence or a passport, then alternative ID which may not hold a photo can be accepted.

# 7. BOARDING HOUSE MANAGER OR MANAGEMENT AGENCY RESPONSIBILITIES

7.1 The Boarding House Manager or Management Agency shall be familiar with and aware of his or her responsibilities under such legislation as the Work Health and Safety Act 2011, Work Health and Safety Regulation 2017 and the Boarding House Act 2012.

7.2 The Boarding House Manager or Management Agency shall be responsible for the implementation of management responsibilities as set out in the Plan of Management, Occupancy Agreement, and House Rules, including:

- a. Registration of all residents
- b. Maintenance of all records in relation to resident registration and resident meetings
- c. Keeping all common areas in an excellent state of cleanliness
- d. Supervising all maintenance operations including landscaping, cleaning, waste management, fire safety, repair or replacement of damaged or broken furniture and repair of any faulty services.
- e. The management and documentation of any disputes and/or complaints from boarding house residents and/or neighbours (see clauses 10 and 11 in this plan).

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- f. Provision of an information pack to new residents to assist them to settle into the area and to help them connect with any services they require. This may include such things as a copy of the Central Coast Support Groups and Services Directory, bus timetables, local general practitioners, local Police, Centrelink and sport and recreation facilities, etc.
- g. Displaying details of local services on the community Notice Board located in the boarding house.
- h. Assisting residents to find and connect with local services if required.

#### 8. RESIDENT RESPONSIBILITIES

8.1 All residents must comply with the Occupancy Agreement, the Plan of Management and the House Rules for the Boarding House.

8.2 Each resident shall permit the Boarding House Manager or Management Agency access as required to check cleanliness, condition of furniture and maintenance of services, as per the terms of the Occupancy Agreement.

8.3 Residents shall advise the Boarding House Manager or Management Agency of any broken furniture or faulty services within the Boarding House.

#### 9. VISITORS

9.1 No more than 2 adults shall be permitted in any private room. Greater occupancy than that registered may result in termination of the occupancy agreement.

9.2 Residents inviting visitors to the premises must accept full responsibility for their guests' behaviour.

9.3 Visitors to the premises are only permitted to use common areas between 7.30am and 8.30pm; and then only in the company of a resident.

## 10. FACILITIES FOR RESIDENTS

10.1 Residents will be provided with a self-contained room fitted with a security lock on the entry door.

10.2 Rooms will be furnished with a bed, wardrobe, dining table and two dining chairs, bar fridge, washing machine and suitable lighting.

10.3 Residents are not permitted to bring their own furniture to the premises.

10.4 A Notice Board will be provided in a convenient location to provide information for residents.

10.5 A communal lounge and outdoor areas are provided for use by residents and their guests.

10.7 Due to the proximity to public transport, a limited amount of parking for motor vehicles, motor cycles and bicycles is available.

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## 11. MOTOR VEHICLE, MOTOR CYCLE AND BICYCLE PARKING

11.3 All parking spaces including motor vehicle, motor cycle and bicycle parking are allocated by the Boarding House Manager or Management Agency and this allocation is noted in the Occupancy Agreement.

#### 12. COMPLAINTS

12.1 The boarding house encourages active participation from the community in the ongoing operation of the business. A Complaint Management System will be developed to support a positive relationship between the Boarding House and its surrounding community.

12.2 The Boarding House Manager or Management Agency will be available, either in person or by phone, to deal with any complaints as to the operation and management of the premises. Phone contact details for the Boarding House Manager or Management Agency are to be displayed at the entrance to the boarding house, on a sign that can be clearly read from the adjacent footpath.

12.3 The details of the contact person in respect of all inquiries or complaints in relation to the premises is shown in Appendix 1 of this Plan of Management.

12.4 The Boarding House Manager or Management Agency is responsible for recording all complaints, including complaints from residents, in a Complaints Register.

12.5 When receiving any complaints from community members the Boarding House Manager or Management Agency will provide advice that the complaint may also be reported to Central Coast Council and the NSW Police.

12.6 Complaints about noise will be attended to immediately. The Boarding House Manager or Management Agency will rectify the situation immediately and take all reasonable steps to prevent future occurrences. The Boarding House Manager or Management Agency will follow up by contacting the individual who made the complaint about noise to verify that the problem has been resolved.

12.7 The Complaints Register will contain:

- a. Complaint date and time
- b. Name of person/police/council officer making the complaint
- c. Contact details
- d. Nature of the complaint
- e. Action taken (by whom and when)
- f. Outcome and/or further action required

12.8 The Complaint Register must be updated within 24 hours of a complaint being made.

12.9 All complaints will be addressed by management within 24 hours of notification.

12.10 The Complaints Register will be made available for inspection by the Police and/or Council upon request.

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12.11 Management of the Boarding House will regularly review the Complaints Register and where appropriate amend the operating procedures to minimise any negative impacts of the boarding house on residents in the boarding house and members of the surrounding community.

## 13. DISPUTES

13.1 The Boarding House Manager or Management Agency will convene meetings with residents to discuss any issues or problems arising from the complaints register that may need to be resolved. These meetings will be recorded in a Residents' Meeting Minutes Register and all issues raised by these meetings will be recorded in the Minutes.

13.2 In the event of a dispute between residents, the Boarding House Manager or Management Agency will attempt to negotiate a resolution between the involved residents. If the dispute cannot be resolved, then the Boarding House Manager or Management Agency will make an interim determination regarding the dispute, and this resolution will be binding on the residents.

13.3 If one or both of the residents are not satisfied with the Boarding House Manager or Management Agency's interim determination, the matter will be referred to a Community Justice Centre for mediation or arbitration. The Boarding House Manager or Management Agency will amend the interim determination in line with the recommendations of the Community Justice Centre.

13.4 Disputes in relation to the Occupancy Agreement will be resolved in accordance with Clause 9 of the Standard Occupancy Agreement which states that either party may apply to the NSW Civil and Administrative Tribunal (NCAT) to resolve a dispute about the Occupancy Agreement.

13.5 In the event of a dispute with an external party, the Boarding House Manager or Management Agency will initially attempt to resolve the dispute. If the dispute cannot be resolved, then the matter will be referred to the owner. If the dispute still cannot be resolved, the owner will refer the matter to the Community Justice Centre for mediation or arbitration.

#### 14. CLEANING AND ONGOING MAINTENANCE

14.1 The common areas and communal open spaces are to be professionally cleaned by a contractor at least once per week.

14.2 Common areas and circulation spaces will be kept clean and free from obstruction.

14.3 Cleaning of individual resident rooms is the responsibility of the respective resident.

14.4 A contracted gardener shall be engaged at least once every 2 months to maintain the health and appearance of all managed landscape areas.

14.5 Pest control by a professional contractor shall be carried out at least once a year.

14.6 The external presentation of the premises will be maintained to a high standard.

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## 15. SAFETY AND SECURITY

15.1 A security card or key will be issued to all registered residents. No additional cards or keys will be issued to visitors.

15.2 Any resident failing to observe the House Rules and any cases of serious misconduct will be dealt with by the Boarding House Manager or Management Agency. In the event of serious misconduct the Resident Manager may require a resident, or a visitor, to leave the premises.

15.3 If the resident, or visitor, does not comply with a request to leave the premises the Boarding House Manager or Management Agency will call the Police.

15.4 Examples of serious misconduct include, but are not limited to, drug or alcohol abuse, sexual, racial or religious harassment, theft, or violence.

15.5 Residents are to advise the Boarding House Manager or Management Agency if they become aware that another resident or visitor is performing illegal acts such as drug abuse on the property. The Resident Manager shall call the Police in such instances.

## 16. PUBLIC LIABILITY INSURANCE

16.1 The owners will maintain a public liability cover of \$10 million.

## 17. WASTE MANAGEMENT

17.1 All residents shall be responsible for disposing of their waste to the common garbage and recycling room located in the garage area. This room will provide facilities to receive general waste, paper/cardboard and bottle/can recycling.

17.2 The Boarding House Manager or Management Agency shall be responsible for taking the bins to and from the street on collection day.

17.3 A floor waste and hose cock is to be provided in the garbage room to ensure that the room is kept in a high state of cleanliness. The Boarding House Manager or Management Agency will wash down the garbage area once every week to maintain cleanliness.

## 18. FIRE SAFETY

18.1 The owner is responsible to ensure that certification of Fire Safety Equipment is carried out each year by a qualified fire safety consultant.

18.2 A copy of the annual fire safety compliance statement shall be displayed on the Notice Board in a prominent location.

18.3 Essential fire safety measures to comply with the Environmental Planning and Assessment Regulation 2000 shall be provided.

18.4 Each boarding house room and each communal room will be fitted with hard wired smoke detectors.

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18.5 An approved fire blanket will be located within 2 metres of every cooking area.

18.6 An evacuation plan must be clearly displayed in each boarding room and each common room. A floor plan must be permanently fixed to the inside of the door of every room to indicate the available emergency egress routes from the respective room.

18.7 The Boarding House Manager or Management Agency's contact phone number must be clearly displayed at the entrance of the premises and also be shown on signs available in each room. Other emergency contact details (police, fire, ambulance) will also be clearly visible in every room.

# 19. AMENDMENT OF THE PLAN OF MANAGEMENT

19.1 This plan of management, including the House Rules and Occupancy Agreement, can be amended from time to time, subject to the approval of Central Coast Council.

# ATTACHMENTS:

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ATTACHMENT 1: CONTACT DETAILS FOR BH MANAGER OR MANAGEMENT AGENCY

ATTACHMENT 2: OCCUPANCY AGREEMENT

ATTACHMENT 3: HOUSE RULES

ATTACHMENT 4: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS

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# ATTACHMENT 1: CONTACT DETAILS FOR RESIDENT MANAGER

NAME OF BOARDING HOUSE: \_\_\_\_\_

ADDRESS OF BOARDING HOUSE: \_\_\_\_\_

# CONTACT DETAILS FOR BH MANAGER OR MANAGEMENT AGENCY:

This information will be displayed in a sign at the entrance of the premises and also on signs available in each boarding house room.

The contact person in respect of all enquiries in relation to the operation of these premises is:		
Name:		
Position:		
Phone Number:		
After Hours Contact Number:		
	-	

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# ATTACHMENT 2

Notes:

Under the schedule at clause 5, notice periods (for other than emergency access) will be "one hour".

Under the schedule at clause 6, the notice period for wilfully cause damage to the premises, or using the premises for an illegal purpose, will be "immediate".

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Between

# STANDARD OCCUPANCY AGREEMENT

For general boarding houses under the Boarding Houses Act 2012

Proprietor				
For				
Room	Addre	<b>555</b> 1		
Kitchen/s D	remise	swhich are available for use by t Bathroom/s	he resident) Common room	Inventory can be attached)
Commencement	Date	Term of agreement (if any)	Occupancy Fee	To be paid
			5 per week/month/year	
Proprietor's Contac	t Details	F M		
		•		

# AGREEMENT TERMS

1. Condition of the Premises (refer to occupancy principle 1 – see Annexure 1) The proprietor agrees to provide and maintain the premises so that they are in a reasonable state of repair, are reasonably clean and reasonably secure.

#### 2. House Rules (refer to occupancy principle 2)

The resident agrees to comply with the House Rules of the boarding house, which are listed on the attached "Statement of House Rules." House rules may not be inconsistent with the Occupancy Principles stated in Annexure 1, and are not enforceable if they are inconsistent.

#### 3. No Penalties (refer to occupancy principle 3)

The resident is not required to pay a penalty for a breach of this Occupancy Agreement or the House Rules.

#### 4. Quiet Enjoyment (refer to occupancy principle 4)

The proprietor agrees to take all reasonable steps to enable the resident's quiet enjoyment of the premises.

5. Inspections and Access (refer to occupancy principle 5)

The proprietor may inspect boarding house common areas at any reasonable time. Repairs, cleaning and maintenance of common areas can be carried out at reasonable times.

The proprietor may only enter the resident's room, at a reasonable time, with reasonable notice and on reasonable grounds. Agreed access and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.

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Reason For Access	Suggested Notice Period examples of reasonable notice periods - this notice period applies if the next column is left blank	Notice to be given under this occupancy agreement	
In an emergency, or to carry out emergency repairs or inspections	Immediate access	Immediate access*	
To clean the premises	24 hours		
To carry out repairs	24 hours		
To show the room to a prospective resident	24 hours		
To carry out inspections	48 hours		

\* Immediate access is likely to be necessary in this situation for safety reasons.

#### 6. Notice of Fee Increase (refer to occupancy principle 6)

The resident is entitled to 4 weeks written notice of any increase in the occupancy fee.

#### 7. Utility Charges (refer to occupancy principle 7)

The proprietor may charge an additional amount for utilities if the resident is made aware of this on signing this agreement. Details of the charge, including how the charge will be calculated, are included in Annexure 2, and Annexure 2 must signed and dated by the resident and the proprietor.

Charges for utilities must be based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

#### 8. Security Deposit (refer to occupancy principle 8)

A security deposit of 5\_\_\_\_\_\_ is payable to the proprietor, this amount being no more than the sum of two (2) weeks occupancy fee. The security deposit is payable on the day the agreement is signed or on the following day. The security deposit will be repaid to the resident within 14 after the end of this agreement; less any amount necessary to cover.

- (a) the reasonable cost of repairs to the boarding house or goods that come with it, as a result of damage (other than fair wear or tear) caused by the resident and their guest.
- b) any occupancy fee or other charges owing and payable under this Agreement or the Boarding Houses Act 2012;
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident and not left reasonably clean by the resident, having regard to the condition of the premises at the commencement of the occupancy and
- d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor.

#### 9. Dispute Resolution (refer to occupancy principle 11)

The proprietor and the resident agree to use their best endeavours to informally resolve any disputes between them that arise from this agreement. Either party may apply to the Consumer Trader and Tenancy Tribunal to resolve a dispute about the Occupancy Principles (see Annexure 1).

#### 10. Written Receipts (refer to occupancy principle 12)

The proprietor agrees to provide the resident with a written receipt for all money paid to the proprietor, including money paid for occupancy fees, a security deposit and for any utility charges. The receipt should be provided within a reasonable time period after the payment is received.

#### 11. Termination (refer to occupancy principles 9 and 10)

The resident is entitled to know why and how this Occupancy Agreement may be terminated, and how much notice will be given before termination. The resident may not be evicted without reasonable written notice from the proprietor.

This Agreement can also be terminated by the resident by written notice given to the proprietor. Agreed reasons for termination and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.

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Reason for Termination by Proprietor	Suggested Notice Period examples of reasonable notice periods -, this notice period applies if the next column is left blank	Notice to be given under this occupancy agreement (f different)
Violence or threats of violence towards anyone living, working or visiting the premises	Immediate	Immediate <sup>*</sup>
Wilfully causing damage to the premises, or using the premises for an illegal purpose	1. days	
Continued and serious breach of this Agreement or the house rules, following a written warning	3 days	
Continued minor breach of this Agreement or the house rules, following a written warning	1 week	
Non-payment of the occupation fee	2 weeks	
Any other reason, including vacant possession required and "no grounds" termination	.4.weeks	

\*Immediate termination is likely to be necessary in this situation in order to protect other residents and employees.

Reason for Termination by Resident	Suggested Notice Period examples of reasonable notice periods - this notice period applies if the next column is left blank	Notice to be given under this occupancy agreement (7 different)
Serious breach of Agreement by proprietor	1 day	
Minor breach of agreement by proprietor	1 week	2
No grounds/Any other reason	1 week	

12. Use of the Premises

The resident agrees not to wilfully or negligently cause damage to the premises or to use the premises for an illegal purpose and to respect other residents' rights to quiet enjoyment of the premises.

NOTE: Any term of this Agreement is not enforceable if it is inconsistent with the Occupancy Principles set out in Schedule 1 of the *Boarding Houses Act 2012*. The Occupancy Principles are attached at Annexure 1.

Signed:	
---------	--

(Proprietor)

Signed:

Date:

Date:

(Resident)

© State of New South Wales through NSW Fair Trading

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OPTIONAL INFORMATION The resident may provide contact details to be	used in an emergency
PERSONAL PHONE No/s:	
EMERGENCY CONTACT PERSON	
NAME:	RELATIONSHIP
PHONE and/or ADDRESS:	
<i>b</i>	

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#### Annexure 1

#### Occupancy principles

NB: These principles are contained in Schedule 1 of the *Boarding Houses Act 2012* and apply to residents of NSW boarding houses which are covered by this Act.

#### 1. State of premises

A resident is entitled to live in premises that are:

(a) reasonably clean, and

(b) in a reasonable state of repair, and

(c) reasonably secure.

#### 2. Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

#### 3 Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house

4 Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

#### 5 Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes

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#### 6 Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

#### 7 Utility charges

 The proprietor is entitled to charge a resident an additional amount for the use of a utility if.
 (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
 (b) the amount charged is based on the cost to the

- proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.
- (2) A utility for the purposes of this clause is each of the

following

(a) the supply of electricity,

- (b) the supply of gas,
- (c) the supply of oil,
- (d) the supply of water,
- (e) the supply of any other service prescribed by the
- regulations.

#### 8 Payment of security deposits

 The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if;

- the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
- (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement

#### (2) Within 14 days after the end of the occupancy

agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident.
- (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act.
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy.
- (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
- (e) any other amounts prescribed by the regulations.

(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)-(e) are equal to, or exceed, the amount of the security deposit.

#### (4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against: (a) any failure by the resident to comply with the terms of

- an occupancy agreement, or (b) any damage to the boarding house caused by the
- resident or an invitee of the resident, or (c) any other matter or thing prescribed by the regulations.

#### 9 Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

#### 10 Notice of eviction

 A resident must not be evicted without reasonable written notice.

(2) In determining what is reasonable notice, the proprietormay take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.

(3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

# 11 Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes

#### 12 Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.

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Annexure 2

# SCHEDULE OF ADDITIONAL CHARGES

ITEM	AMOUNT	WHEN DUE TO BE	HOW CALCULATED

# NOTE:

This schedule is only for use if there are fees or charges in addition to the occupancy fee.

This schedule forms part of the Occupancy Agreement when signed and dated by both parties.

 A receipt is to be provided to the resident for all payments of additional fees or charges made by the resident, within a reasonable time after the payment is received.

Charges for utilities must comply with Occupancy Principle 7.

Signed: \_\_\_\_\_\_ (Proprietor)

Signed:

Date:

(Resident)

Date:

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## ATTACHMENT 3: HOUSE RULES

The House Rules are a supplement to the Occupancy Agreement and the Plan of Management for the boarding house.

The Rules provide information about the standards and procedures that all residents are required to meet. They are designed to achieve a safe and comfortable living environment in the boarding house.

Residents must read and sign the House Rules at the time of registering their occupancy.

Boarding House Managers or Management Agencies must provide every incoming resident with a copy of these House Rules, and the House Rules must also be prominently displayed on the Notice Board.

#### 1. Privacy and quiet enjoyment

1.1 Only the resident/s who have signed an Occupancy Agreement shall occupy a boarding house room.

1.2 Residents must respect the peace and privacy of other residents at all times.

1.3 Residents will ensure that noise levels are kept at an acceptable level and that noise does not adversely impact on neighbouring residents. After 10 pm every night, expectations of reduced noise levels are heightened. Accordingly, music, television and the like is to be lowered in volume so that it is not audible from outside the room. If a neighbouring resident or residents complain that the noise is audible from their rooms, the noise generating activity is to cease.

1.4 No live or amplified music is permitted in the common open space area, nor is music to be audible beyond individual rooms or common areas.

1.5 No alcohol is permitted to be consumed in common open spaces. Drunken behaviour may result in eviction.

1.6 The common open space area is not to be used between 9pm and 7am the following day.

1.7 No parties are permitted, either in the common areas or in private rooms.

1.8 No washing machine or dryer is to be used after 10 pm.

#### 2. Health, Safety and Security

2.1 The premises are smoke free. This includes within each private room, courtyard and common open space areas.

2.2 The possession, of and/or use of illegal drugs on the premises is prohibited. The possession and/or usage of illegal drugs will lead to eviction and police reporting and prosecution.

2.3 Residents must act in a responsible and considerate manner at all times. Anti-social behaviour is unacceptable. This includes threatening or demeaning any person within the building. Residents may not make comments to one another that are of a derogatory nature, on

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the basis of the other person's appearance, race, gender, sexual orientation, religion or ethnicity. Damage to any property, graffiti, theft of any property, physical or sexual harassment, or loud and rowdy noise can result in eviction and police intervention.

2.4 No glassware is permitted in the outdoor common open space area.

2.5 No visitors are permitted on the premises unless attended by a resident.

2.6 Residents are responsible for the behaviour of their visitors. Visitors are required to comply with the House Rules.

2.7 The Boarding House Manager or Management Agency has the discretion to be able to ask any person to vacate the common areas, should they breach the House Rules.

2.8 No visitors are permitted to remain on the premises between the hours of 9 pm and 9 am, unless prior approval is obtained from the manager. An additional fee may be payable, and under no circumstances is the occupancy of the room to exceed 2 persons.

2.9 Residents must keep the front door locked at all times.

2.10 If a resident loses their security card or key it will be necessary to pay for the replacement card or key.

2.11 The Boarding House has been fitted with recording CCTV cameras in the common areas such entries, car parking area, common room and common corridors. All movement in these areas is to be recorded and monitored. The Boarding House Manager /Management Agency has the ability to view live and recorded footage, over the Internet from any fixed or portable Internet viewing device, from anywhere locally or internationally.

#### 3. Cleanliness and good order

3.1 Residents are to contain their general rubbish within a liner within the bins provided. Residents must remove waste from their rooms and place it in the communal bins on the ground floor. Recycling is encouraged.

3.2 There shall be no littering.

3.3 Residents are to keep their room, kitchenette and bathroom clean at all times, and make their room available for inspection by the Resident Manager every three months as per the Occupancy Agreement. Kitchenettes and bathrooms are to be kept in a hygienic condition and floors are to be vacuumed regularly (a minimum of once a fortnight) to avoid an excessive accumulation of dust.

3.4 No clothes, washing, towels or other items are to be placed on any window or balcony.

3.5 Residents must remove their washing and belongings from any common laundry area immediately after their washing or drying cycle has been completed.

3.6 No animals or pets are permitted on the premises.

3.7 Residents must report any damage or maintenance requirements to the Boarding House Manager or Management Agency.

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3.8 Residents must not intentionally or recklessly damage, destroy, remove or alter any part of their rooms or facility/fixture in their rooms and in the premises.

3.9 In the event any resident or their visitor causes wilful damage to any area, texture, fitting or furniture in the premises, the cost of repair or replacement will be met by that person, including any damage created in common areas.

3.10 Residents are responsible for the security of their money and other valuables at all times and the owner/operator and /or Boarding House Manager will not be responsible for any theft of personal property, or for any loss suffered by any resident or visitor.

3.11 Residents are not to store personal items/goods in common areas of the premises.

# 4. Fire safety

4.1 Residents must keep common areas and corridors free of personal belongings, to ensure there are no obstructions to the safe evacuation of the building.

4.2 Residents must not interfere with fire safety measure or equipment.

4.3 Burning of candles, incense and other naked flames are not to be used in the premises.

## 5. Parking spaces

5.1 The use of the parking spaces for motor vehicles, motorcycles and bicycles will be allocated by the Boarding House Manager or Management Agency.

# 6. Mail boxes

6.1 Residents are asked to clear their mail boxes at least once per week. Any unwanted mail and advertising is to be disposed in the bin.

I hereby acknowledge that I have read and understood the House Rules:

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Boarding House Room Number:

Date: \_\_\_\_

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# ATTACHMENT 4: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS

Please return this check sheet to the BH Manager or Management Agency after you have received all the documents listed below.

I CERTIFY THAT I HAVE BEEN PROVIDED WITH PRINTED COPIES OF MY SIGNED:

- BOARDING HOUSE MANAGEMENT PLAN
- CONTACT DETAILS FOR BH MANAGER OR AGENCY
- OCCUPANCY AGREEMENT
- HOUSE RULES

80

PARKING SCHEDULE

Resident's Name:

Resident's Signature: \_\_\_\_\_

Boarding House Room Number: \_\_\_\_\_

Date: \_\_\_\_\_

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CR2019/002297 SF2016/172278 KML

03 June 2019

Chief Executive Officer Central Coast Council PO Box 20 WYONG NSW 2251

Attention: Julie Garratley

#### PACIFIC HIGHWAY (HW10): DA 1505/2018, BOARDING HOUSE CONSISTING OF 28 UNITS & 1 MANAGERS UNIT & DEMOLITION OF EXISTING STRUCTURES, LOT: 7 DP: 23235, 741 PACIFIC HIGHWAY KANWAL

Reference is made to Council's referral dated 28 May 2019, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands the proposal to be for the demolition of existing structures and the construction of a Boarding house consisting of 28 units, 1 Manager's unit and 14 car parking spaces. Driveway access is via a partially sealed public road parallel to the Pacific Highway, with vehicle access from the slip road that connects to the Pacific Highway along the Western boundary or the intersection with Wallarah Road.

#### Roads and Maritime Response & Requirements

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Roads and Maritime has reviewed the amended information provided and raises no objection to the proposed development, provided the following matter(s) are addressed and included in Council's conditions of development consent:

- All vehicles to be able to enter and exit the site in a forward manner.
- The driveway should be a minimum of 5.5 metres wide to allow storage of vehicles entering and exiting the property at the same time.

#### Advice to Council

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- Roads and Maritime has no proposal that requires any part of the property.
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of the Pacific Highway stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.
- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by the Pacific Highway, a classified State road (HW10). In this regard, the developer, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the NSW Road Noise Policy 2011, prepared by the department previously known as the Department of Environment, Climate Change and Water.

If the external noise criteria cannot feasibly or reasonably be met, Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Kate Leonard, Development Assessment Officer, on 4908 7688 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

Peter Marler Manager Land Use Assessment Hunter Region

Item No:	3.2	Control Coor
Title:	DA 58290/2020 - 5 The Avenue, Kariong - 6 Lot Subdivision and Fast Food Restaurants	Central Coas Local Planning Pan
Department:	Environment and Planning	
10 December 20	020 Local Planning Panel Meeting	
Reference: 01	011.2020.00058290.001 - D14216769	

Reference.	011.2020.00050290.001 - D14210709
Author:	Robert Eyre, Principal Development Planner South
Manager:	Ailsa Prendergast, Section Manager, Development Assessment South
Approver:	Andrew Roach, Unit Manager, Development Assessment

### Summary

An application has been received for a 6 lot subdivision and erection of 3 fast food restaurants and a tyre outlet on 4 of the proposed lots. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is required to be reported to the Local Planning Panel for determination as the number of public submissions exceeds 10 submissions.

Applicant	Kariong Parklands Pty Ltd
Owner	Parklands Kariong Development Pty Ltd
Application No	DA58290/2020
Description of Land	Lot 101 DP1256044 No 5 The Avenue, Kariong
Proposed Development	Six (6) lot subdivision and commercial development.
Site Area	5.732ha
Zoning	SP1-Special Activities
Existing Use	Former Tourist and Visitor Information Centre, car parking and bushland
Employment Generation Estimated Value	No \$8,530,437.00

#### Recommendation

- 1 That the Local Planning Panel refuse the application for DA 58290/2020 proposed subdivision and commercial development on Lot 101 DP1256044 No5 The Avenue, Kariong subject to the reasons for refusal detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.
- 2 That Council advise those who made written submissions of the Panel's decision.
- 3 That Council advise relevant external authorities of the Panel's decision.

# Key Issues

- Proposed access to Central Coast Highway-Concurrence refused by TfNSW.
- Heritage-Concurrence refused by Heritage Council of NSW
- Public Submissions.
- Non-compliance with provisions of Chapter 5.3 of GDCP 2013.
- Impact on heritage values, ecology and tree loss.
- Insufficient information.

### Precis:

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Proposed Development	• Six (6) lot subdivision.	
	• Three fast food outlets on proposed lots 3, 5	
	and 6.	
	<ul> <li>Tyre outlet on proposed lot 4.</li> </ul>	
	<ul> <li>New left in/left out onto Central Coast</li> </ul>	
	Highway.	
	<ul> <li>Associated car parking, earthworks, services</li> </ul>	
	and landscaping.	
Permissibility and Zoning	SP1-Special Activities. Permissible with consent.	
Relevant Legislation	Environmental Planning and Assessment Act	
	1979 – s. 4.15 (EP&A Act)	
	• Heritage Act 1977	
	• State Environmental Planning Policy No 55 -	
	Remediation of Land (SEPP 55)	
	State Environmental Planning Policy	
	(Infrastructure) 2007	
	Heritage Act 1977	
	State Environmental planning policy 64-	
	Advertising and Signage	
	<ul> <li>Rural Fires Act 1997</li> </ul>	
	<ul> <li>Biodiversity Conservation Act 2016</li> </ul>	
	<ul> <li>Gosford Local Environmental Plan 2014 (GLEP)</li> </ul>	
	2014)	
	<ul> <li>Draft Central Coast Local Environmental Plan</li> </ul>	
	2018 (Draft CCLEP 2018)	
	Gosford Development Control Plan 2013     (CDCD 2012)	
	(GDCP 2013)	
	Gosford City Council Climate Change Policy.	
Current Use	Former Tourist and Visitor Information Centre, car	
	parking and bushland.	
Integrated Development	Yes - Rural Fire Service and HCNSW.	
Submissions	One hundred and fifteen (115)	

## Variations to Policies

Non-compliance with GDCP 2013 Chapter 5.3-Kariong-Mount Penang Parklands. Proposal includes an access road through bushland to be retained along Central Coast frontage of site.

Clause	N/A
Standard	Chapter 5.3
LEP/DCP	GDCP 2013
Departure basis	100%

## Background

The subject site is locally known as the "Mount Penang Parklands" at Kariong and lies to the north of the Central Coast Highway between The Avenue and Kangoo Road at Kariong.

The original *Development Control Plan No. 144* (DCP No. 144) – Mount Penang Festival Development Site was prepared in 2000 by the Urban Design Advisory Service on behalf of the then Festival Development Corporation, was adopted by the then Gosford City Council on 7th March 2000 and is now incorporated into *Gosford Development Control Plan 2013* (GDCP 2013).

The proposal is subject to the provisions of *Gosford Development Control Plan 2013* (GDCP 2013) Chapter 5.3 – Kariong, Mount Penang Parklands, which is an update to the original DCP No 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.

The subject site is identified as the "Highway Commercial Precinct", under the Kariong Mount Penang Parklands Chapter of GDCP 2013.

Lot 101 (subject site) exists as a result of the subdivision of lot 10 DP 1149050 No 1A Central Coast Highway Kariong into two (2) allotments, which was consented to by Council on 3 June 2016 under the terms of DA 47433/2015. Lot 102 has an area of about 146.5ha and contains the balance of Mount Penang Parklands.

On 24 May 2019 DA52622/2017 for a similar development (8 lots and multiple uses under a proposed masterplan) on the site was refused for the following reasons:

- 1 Pursuant to section 1.3 of *Environmental Planning and Assessment Act 1979,* the proposal is not considered to be orderly development of the land.
- 2 Pursuant to section 4.15 (b) of the *Environmental Planning and Assessment Act 1979,* the access and traffic implications associated with the proposed development is considered unsatisfactory and the NSW Roads and Maritime Services does not support the proposal.

- <sup>3</sup> Pursuant to section 4.15 (b) of the *Environmental Planning and Assessment Act 1979*, the Heritage implications associated with the proposed development is considered unsatisfactory and the NSW Office of Environment and Heritage has issued General Terms of Refusal in accordance with section 4.47 (4) of the *Environmental Planning and Assessment Act 1979*, in relation to the proposal.
- 4 Consent to the application should not be granted because it is not in the public interest. The proposed development is contrary to s. 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.
- 5 The application does not include sufficient information requested in accordance with cl. 54 of the *Environmental Planning and Assessment Regulation 2000* to enable an adequate assessment of the matters identified by s. 4.15 of the *Environmental Planning and Assessment Act 1979*, in regard to the required technical information related to engineering and ecology.

The applicant was advised on 24 November 2020 of the refusal by TfNSW and the Heritage Council to concurrence to the proposal and that the application is recommended for refusal. The applicant does not wish to withdraw the current application.

## Site & Surrounds

The subject site is located on the northern side of the Central Coast Highway and is bounded by the Highway, The Avenue and Festival Drive, Kariong.

The Kariong Fire and Rescue Station is located to the east at the signalised intersection of The Avenue and the Highway and is not part of the proposed development. **Figure 1** depicts the site and locality plan.

3.2



Figure 1 – Site and Locality Plan

Lot 101 has a site area of approximately 5.7 ha and is zoned SP1 Special Activities under *Gosford Local Environmental Plan 2014* (GLEP 2014) and the site subject of this application is known as the "Highway Commercial Precinct", under the Kariong Mount Penang Parklands Chapter 5.3 of *Gosford Development Control Plan 2013* (GDCP 2013).

The Mount Penang Parklands site is listed on the State Heritage Register (SHR) as listing number 01667 and currently describes the entire site as very significant to New South Wales (Mount Penang Juvenile Justice Centre). The site subject of this application also contains vegetation identified as Item 74 in GLEP 2014, described as the "Two Groups of Scribbly Gums" along the Central Coast Highway frontage, which is considered as being of High Landscape Significance.

The Kariong Mountains High School is located within Mt Penang Parklands on its own lot of land being Lot 702 DP 1128417.

A former Tourist and Visitor Information Centre is located on the eastern side of the site behind the Fire and Rescue station. The site contains extensive sealed and unsealed car parking areas for the former tourist centre and floral festivals that were held on the site in the past and no longer occur.

The proposed development is Integrated development as the land is bushfire prone land and approval of the RFS is required under s100B of the Rural Fires Act 1997. The RFS has issued

GTAs for the proposed development subject to conditions. The conditions include the entire site being managed as an Inner Protection Area (IPA). This will impact the row of scribbly gums.

The applicant submitted an amended Bushfire Report which identifies that the trees will not be impacted subject to buildings being constructed to BAL-29.

The amended bushfire report was referred to the RFS but no response or amended GTAs have been issued by the RFS at this time.

The site falls from about RL 180m at the eastern end to about RL170m at the western end. A row of scribbly gums are located along the Central Coast Highway frontage of the site.

The application indicates that "For the purposes of the current application it is assumed that both The Avenue and Festival Drive have been dedicated as public roads and that all services are available to the site in Festival Drive and are of adequate capacity to service the needs of the development." At the time of this assessment these two roads are not public roads and still in ownership of the Hunter & Central Coast Development Corporation (HCCDC).

### **Surrounding Development**

The site forms part of Mount Penang Parklands. Mount Penang Parklands contains the former juvenile justice centre buildings which are heritage listed and are currently used as a sports high school and offices.

A new low and high security juvenile justice centre have been constructed to the north as well as a new public high school. Other uses include offices, sporting fields, café, child care and community use.

Development to the south on the opposite side of the Central Coast Highway includes a service station, shops, residential and sporting/playing fields. Development to the west of Kangoo Road is includes industrial uses, warehouses and motor showrooms.

Development to the east of The Avenue includes residential.

A NSW Fire and Rescue Station is located on the corner of The Avenue and the Central Coast Highway.

### **The Proposed Development**

It is proposed to subdivide the site into six (6) lots. Proposed lot 1 will have an area of 3.746ha and will be vacant. Proposed lot 2 will have an area of 3,980m<sup>2</sup> and will be vacant. Proposed lot 3 will have an area of 6,279m<sup>2</sup> and will contain a fast food restaurant (McDonalds).

Proposed lot 4 will have an area of 2,563m<sup>2</sup> and contain a tyre outlet (Bridgestone). Proposed lot 5 will have an area of 3,462m<sup>2</sup> and will contain a restaurant (Oporto). Proposed lot 6 will have an area of 3,140m<sup>2</sup> and will contain a restaurant (Taco Bell).

A new left in/left out driveway is proposed on the Central Coast Highway to provide access to the proposed lots, as well as earthworks, drainage, car parking, signage and landscaping.

The McDonalds restaurant will have a GFA of 430m<sup>2</sup>, 50 car parking spaces (including 2 disabled spaces), loading bay, 98 seats, 18 seat party room, play area, amenities, dual drive through lanes, and 3 staff parking spaces.

The Oporto restaurant will have a GFA of 250m<sup>2</sup>, 32 car parking spaces (including 1 disabled space), 64 seats, amenities, loading bay, drive through lane, and 2 waiting bays.

The Taco Bell restaurant will have a GFA of 280m<sup>2</sup>, 33 car parking spaces (including 1 disabled space), loading bay, amenities, 62 seats, and a drive through lane.

The Bridgestone tyre outlet will have a GFA of 400m<sup>2</sup>, 3 work bays, showroom of 44m<sup>2</sup>, storage, offices, 24 car parking spaces (including 1 disabled space), and amenities.

The restaurants are proposed to operate 24 hours, and the tyre outlet 7.00am to 6.00pm, 7 days a week.

The 3 restaurants are expected to employ about 140-180 full time, part time, and casual staff.

A nine (9) metre pylon sign and 4.5m fuel price sign are proposed at the entry/exit driveway. (Note: The proposed fuel sign is considered to be an error as no service station is proposed as part of this application).

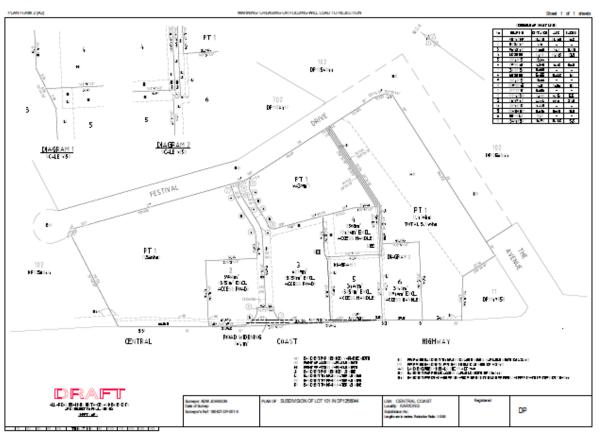


Figure 2- Proposed Subdivision Plan



Figure 3- Proposed development

## Assessment:

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

### Provisions of Relevant Instruments/Plans/Policies:

# State Environmental Planning Policies (SEPP)

## SEPP Infrastructure (2007)

Clause 104 of the SEPP requires the consent authority to notify the RMS of the application and to take int consideration any submission from the RMS. The RMS (now TfNSW) have objected to the proposed development and do not support the proposed new access on the Highway. The application cannot be approved without the concurrence of TfNSW.

## SEPP 55-Remediation of Land

The site has previously been used as a grassed car parking area for the past flora festivals. There is no evidence of past contamination and the site is suitable for the proposed commercial uses.

### SEPP 64-Advertising and Signage

A nine (9) metre high pylon sign is proposed to be located on the eastern side of the access driveway.

Clause 8 of the SEPP states that consent must not be granted to an application to display signage unless the consent authority is satisfied that the signage is consistent with the objectives of the SEPP and the signage satisfies the assessment criteria specified in Schedule 1 of the SEPP.

Without the approval for the new access driveway the erection of a sign on the Highway frontage would not comply with the objectives of the policy nor satisfy the assessment criteria. Such signage in isolation would not be compatible with character of the area, would detract from the amenity and visual quality of the area, impact the heritage and natural landscape, would not contribute to the streetscape and may distract drivers.

If access to the proposed development was provided via The Avenue and Festival Drive, an appropriate sign may be erected at the intersection of The Avenue and the Central Coast Highway.

## **Gosford Local Environmental Plan 2014**

#### Zone SP1 Special activities

The objectives for the SP1 Special Activities zone are:

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

The proposed uses are permissible however due to the proposed design of the subdivision, the ongoing issues with vehicular access to the site and the impact upon the heritage items the proposal is not considered to be consistent with the objectives of the zone and is unable to be supported. The proposed development is not in keeping with the special characteristics of the site or the intended special uses.

The proposed development is essentially a service centre for passing traffic and not a commercial precinct serving the local area.

### **Permissibility**

The subject site is zoned SP1 Special Activities under *Gosford Local Environmental Plan 2014* (GLEP 2014). The proposed development is defined as subdivision and on the basis the subdivision is ordinarily incidental to the SP1 "Special Activities" zoning of the site, is permissible in the zone with consent of Council.

In relation to permissible land uses in the SP1 Special Activities zone that are permitted with consent under GLEP 2014, the LEP refers to *"The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for such purposes".* 

The GLEP 2014 Land Zoning Map No 15A, identifies the following permissible uses on the site subject of the current proposal:

- Bulky Goods premises
- Business premises other than Medical Centres . (Note: superseded by SEPP Infrastructure 2007)
- Childcare Centres
- Community Facilities
- Educational Establishments
- Function Centres

- Heliports
- Kiosks
- Landscape and Gardening Suppliers
- Markets
- Offices
- Recreation Facilities
- Retail Premises
- Restaurants
- Tourist and Visitor Accommodation

The proposed uses (restaurants and retail premises) are permissible with consent under the SP1 Special Activities zone of GLEP 2013.

### Part 4 Principal Development Standards.

There are no development standards applicable to the site in relation to FSR, height, and minimum lot size.

#### Clause 5.10 - Heritage Conservation

The Mount Penang Parklands site is listed on the State Heritage Register (SHR) as listing number 01667 and currently describes the entire site as very significant to New South Wales (Mount Penang Juvenile Justice Centre). The site subject of this application also contains vegetation identified as Item 74 in GLEP 2014, described as the "Two Groups of Scribbly Gums" along the Central Coast Highway frontage, which is considered as being of High Landscape Significance. The applicant has advised that this group of trees is proposed to be retained.

Clause 5.10 (4) and 5.10 (5) of GLEP 2014 is relevant in the merit assessment of the application and states:

- "5.10 (4) Effect of proposed development on heritage significance
- The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6)."
- "10.5 (5) Heritage assessment

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

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(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned."

The applicant submitted a heritage Impact Assessment which was referred to the Heritage Council of NSW (HCNSW). The HCNSW advised on 13 July 2020 that;

- 1. The proposed new entry to the Mount Penang Parklands site, is inconsistent with the endorsed CMP prepared in 2001 by GML that retained the main entrance route to the site, graded moderate to high significance, as it reinforced the social, aesthetic and historical values of the item as a cultural landscape (Policy 8.4.2).
- The Heritage Council of NSW granted consent under Section 60 of the Heritage Act 1977 for the subdivision of Lot 10 into two lots (Lot 101 and Lot102) on 18 April 2018 subject to a Heritage Strategy (Extent Heritage, 2018). The proposed subdivision of the subject site (Lot 101), known as the Heritage Commercial Precinct (HCP), is inconsistent with the Heritage Strategy that indicated access was to be via The Avenue (Heritage Guideline 6.2.3).
- 3. The proposed subdivision of the subject site (Lot 101) that includes a central connecting road entry from Central Coast Highway, is inconsistent with the GDCP Master Plan (Parts 5.3.2.9 and 5.3.3.6 Gosford DCP 2013)and its Desired Future Character that states that 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 (5.3.4.4 Gosford DCP 2013).
- 4. The justification for the proposed removal of a border of remnant trees for a new road entry and the adverse impact on significant views and landscape character of the Mount Penang Parkland, identified in the Statement of Significance as 'a landmark of historic and aesthetic importance', is not supported on heritage grounds. The objection to the loss of trees on the site is supported by at least 28 public submissions.
- 5. The SOHI states that the proposal will result in the removal of 1-2 Scribbly Gums within the Scribbly Gum Group (L7) graded high significance (CMP2001; Heritage Guideline 6.3.1) however this has not been

demonstrated. To enable an assessment of the impact of the proposed works on the aesthetic, landscape and natural heritage values of the SHR item, the following information is required.

• A survey plan showing all existing trees on the site.

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- An arborist report that identifies all remnant trees located along the frontage to Central Coast Highway, identified as Scribbly Gum Group (L7), including size and condition, within the vicinity of the proposed works. Trees identified are also to be shown as numbered in the Arboricultural Asssesment of Scarred Trees prepared by Urban Tree Management, dated 19 December 2017 provided with the Aboriginal Due Diligence. An arboricultural assessment of the impacts of the proposed works including soil level changes, retaining walls and services within the tree protection zones in accordance with AS4970-2009 Protection of trees on development sites.
- The Bushfire Report is to clarify if any existing trees located within the SHR curtilage are required to be removed for the Asset Protection Zone (APZ).
- 6. The DCP allowed a minimum setback of 20 metres from the Central Coast Highway 'so that existing vegetation can be protected and enhanced' (5.3.4.4 GDCP2013) however consideration of the impact on the Scribbly Gum Group has not been sufficiently addressed in the application or the SOHI including identification of existing trees and proposed mitigation through sensitive road and carpark design.
- 7. The SOHI should refer to the policies of the CMP2001, when assessing the consistency of the proposal against the relevant policies of endorsed CMPs, in the absence of a further endorsed document.
- 8. The landscape design including design of carparks and roads should reinforce the rural landscape character of the site (Policy 8.3, CMP2001; 5.3.3.6, GDCP 2013). The proposed excess hard surfacing and formal planting arrangements is inconsistent with the desired rural landscape character of the site.

In conclusion, the proposed entrance from Central Coast Highway as part of the above application fails to 'retain the aesthetic qualities and contribute to the setting of the site' (6.4.3 Heritage Design Guidelines, Extent, p 32) and is considered likely to have a material affect on the significance of the item and it is highly likely that this portion of the subdivision be refused unless changes in response to the issues raised can be addressed, preferably by amended plans. As we have a very tight time frame I would appreciate the applicant's response within the next 7 days.

The applicant submitted a response to the above which was considered by the HCNSW. **(Refer attachment 5).** On 9 November the HCNSW refused to grant GTA for the proposed integrated development. The reasons for refusal relate mainly to the proposed development

having a detrimental impact on the heritage values of the site. In particular, the new road is inconsistent with the desired character and controls, the impact on the remnant trees and landscape character, and insufficient information on the impact of the proposed development.

In accordance with section 4.47(4) of the *Environmental Planning and Assessment Act*, 1979, as the HCNSW has refused the application, the application must also be refused under the terms of Integrated Development. **(Refer attachment 7)** 

## Clause 7.1 - Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

### **Draft Environmental Planning Instruments**

The application has been assessed under the provisions of the *Draft Central Coast Local Environment Plan 2018* (Draft CCLEP 2018) which was publicly exhibited from 6 December 2018 to 28 February 2019, in respect to zoning, development standards and special provisions.

Under the draft CCLEP 2018 the proposal is to retain the SP1 Special Activities zoning and special provisions in accordance with clause 5.10 - Heritage conservation and Schedule 5 - Environmental Heritage under Part 1B Heritage items – Former Gosford Local Government Area and Part 2 Heritage Conservation Area (state).

The assessment concludes that the proposal is inconsistent with the Draft CCLEP 2018, in terms of heritage, in light of the comments provided by the Heritage Council of NSW and TfNSW.

### **Gosford Development Control Plan 2013**

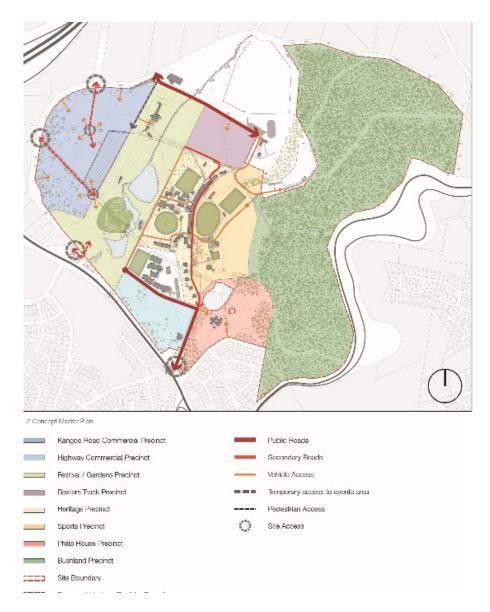
### Chapter 5.3

The site is subject to Chapter 5.3 Kariong-Mount Penang parklands of GDCP 2013. The following relevant extracts from the GDCP are provided below.

### 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.



# 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.

## 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:

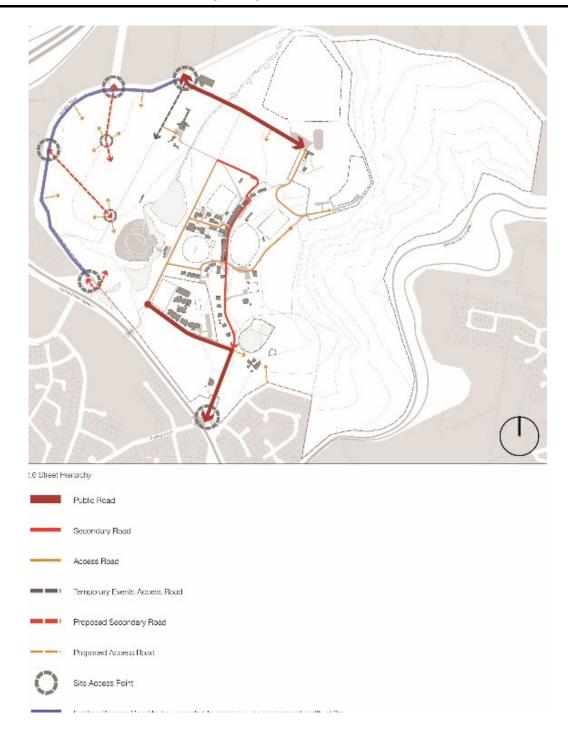
- Create a new primary access point at the north-western corner of the site from Kangoo Road to provide access to McCabe House, and via Baxter's Track to the Juvenile Correction Centre and the Festival precinct;
- Providing a new site access to the Festival Garden Precinct from the south, at the junction 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:

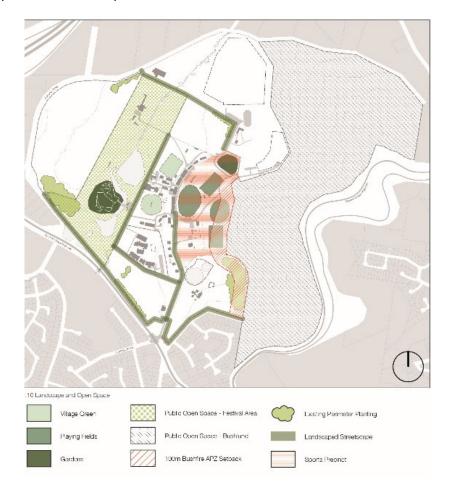
- Locating larger landscaped car parks on the site perimeter to minimise traffic circulation within the core area;
- Providing a hierarchy of streets that concentrate the majority of traffic on a perimeter road and limits the traffic in the core of the site to narrow access ways that encourage slower 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.



# 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.



### 5.3.4.4-2 - 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 is 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 Councils 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**

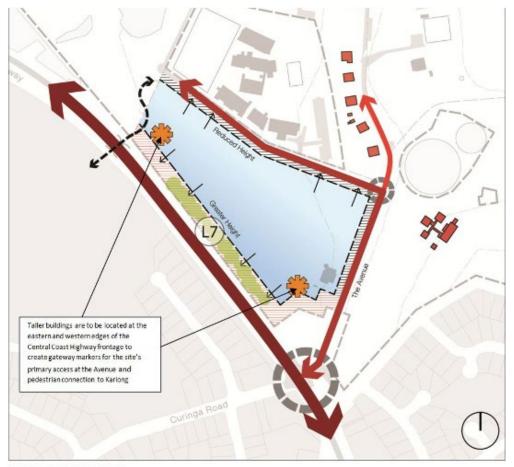
- New Buildings should be designed to minimise the scale and bulk of these buildings. All new buildings require articulation to modulate the facades of the buildings;
- Building elements that modulate the façade of a building are required to create a regular rhythm that breaks-up potentially long facades;
- 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



## **Planning Comment**

While the proposed development complies with the building controls, it is contrary to the road hierarchy, access, heritage and landscape provisions of the DCP. The proposed driveway will sever the remnant bushland and remove scribbly gums along the Highway frontage which are critical to the scenic quality and to mitigate the visual impact from the Highway. The development of the Highway Commercial Precinct should be accessed from The Avenue and Festival Drive. Future development should not only maintain, but aim to improve, the landscaping and reduce the visual impact along the Highway frontage. The proposed layout and design is not considered appropriate for the site or the orderly development of the land.

Item	Required	Proposed	Compliance
McDonalds	49	50	Yes
Oporto	32	32	Yes
Taco Bell	31	31	Yes
Tyre Outlet	9	25	Yes
Total	121	138	Yes

#### Chapter 7.1 Car Parking

### Likely Impacts of the Development (s4.15b):

- a) Built Environment
  - The three proposed fast food restaurants erected along the Highway frontage with drive through lanes and car parking has the potential to impact the built environment unless adequate screening and landscaping is provided. Such restaurants reply on high visability and passing traffic to be feasible. The proposed heights of the buildings is considered suitable for the site, however the architectural standard design of the restaurants contributes to the visual impact of such development, particularly given the heritage values of the site.
- b) Natural Environment

The proposed new access driveway on the Highway will impact the scribbly gums along the Highway frontage of the site and sever the row of trees. In addition, the proposed cut/fill plan shows up to about 2m fill up to the bushland/trees which is likely to affect the tree roots and cause shadow and drainage changes which may affect the health of the trees.

c) Economic Impacts and Social Impacts The proposed development will generate both skilled and unskilled

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employment during construction and operation. The economic impacts on other businesses are not likely to be significant albeit not relevant in determination.

#### **Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is not considered to generally be consistent with the principles.

The construction of sewer and drainage lines along near the scribbly gums and severing of the landscape buffer are not consistent with ecological sustainable principles.

### **Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of the assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change

#### **Other Matters for Consideration:**

#### **Development Contribution Plan**

The site is subject to Section 7.12 contributions. Contributions do not apply where an application is refused.

### Suitability of the Site for the Development

The erection of restaurants and commercial premises are suitable for the site subject to not impacting the scribbly gums and maintaining (or improving) the bushland buffer along the Central Coast Highway frontage of the site.

A more suitable development would be the relocation of the proposed buildings further away from the Highway and orientation to, and access from, Festival Drive.

The proposed development has been orientated to the Central Coast Highway which is to capture passing traffic and business as a service entre would rather than a commercial precinct serving the local area. This is not in accordance with the objectives of the zone or DCP for the site.

### **The Public Interest**

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Approval of the proposed development is not in the public interest if the new driveway access is likely to impact traffic efficiency and safety, heritage, landscape and visual values of the site.

### Public Submissions and Community Consultation (s. 4.15(1)(d) EP & A Act)

The application was notified in accordance with GDCP 2013 from 29 May 2020 to 6 July 2020. One hundred and fifteen submissions were received (including 21 late submissions) during this period. Eighty-One (81) submissions objected to the proposal and thirty- four (34) submissions were in support of the proposal. The issues raised in submissions are summarized below.

• The proposal is supported as it will create additional shops and jobs for the area and end the shopping monopoly of the existing shopping centre.

*Comment*- The proposal will generate additional employment. The dominant use as fast food restaurants will not provide a range of shops and services likely to compete with the existing shops on the opposite side of the Central Coast Highway. Such fast food restaurants will attract and reply more on passing traffic on the Central Coast Highway than the local population of which the majority is located on the opposite side of the Central Coast Highway.

• It would be good to have additional uses such as a police station, supermarket and gym.

*Comment*- A commercial precinct should provide a range of goods and services to the local area. These are not provided with the current application and could be provided on the balance of the site to be further developed. No details have been provided for likely future development on the vacant proposed lots 1 and 2. However the Statement of Environmental Effects indicates a service station may be proposed.

• Council and the government should regulate and restrict fast food restaurants near schools. This is not good for the health of the community and affect future generations. The distance from schools and number of restaurants should be limited. The definition in the planning scheme should be amended.

*Comment*- The definition of a restaurant does not distinguish between a fast food or other types of restaurants. There are no regulations governing the distance of a restaurant from a school or the maximum number permitted near a school. Such controls would be impractical and considered to be a control of human behavior. It is a personal choose as to whether to use a fast food restaurant.

• The negatives outweigh the benefits. The development should be located in the Somersby Industrial area.

*Comment*- The zoning of the land permits the proposed uses with consent. While the land has been identified as a commercial precinct under the GDCP, access direct to the Central Coast Highway is contrary to the DCP and all access is required to be from The Avenue or Kangoo Road to Mount Penang Parklands. The aim of this is to preserve the bushland along the Central coast Highway frontage which also acts as a scenic buffer.

• There should be better and more pedestrian and cyclist linkages internally and externally. A pedestrian bridge should be provided at Curringa Road for pedestrian access and safety to cross the Highway.

*Comment*- A pedestrian/cyclist path was provided under the Central Coast Highway to link Mount Penang Parklands to the residential area on the opposite side of the Highway when the Mountain High School was constructed. The Hunter Central Coast Development Corporation (HCCDC) is in the process of preparing a traffic management plan for the whole site which should include internal and external connectivity.

• A commercial precinct should include a supermarket, chemist, community centre, mixed businesses etc. The proposed development offers little in community value and is sub-standard planning. The site should be designed as a gateway development to Gosford and the Central Coast and preserve the scenic quality. The proposal will have visual impact from the Highway.

*Comment*- The aim of the commercial precinct is to provide a range of commercial uses and not mono-uses. The proposal to sever the bushland and provide a driveway/road off the Highway is contrary to the DCP, and is not supported by TfNSW, OEH and Council.

• The proposal does not comply with Item 3.4.2 of the GDCP for the site.

*Comment*- The proposal does not comply with the GDCP in that it removes trees and proposes a driveway from the Highway.

• The traffic study is flawed as it was not carried at appropriate times and surveys are out of date.

*Comment*- TfNSW and Council's Engineers have reviewed the traffic report and do not support the proposal and access on the Highway.

• The proposal will result in littering from the fast food restaurants.

*Comment*- Appropriate controls can be imposed as conditions of consent and there are penalties for littering.

• Inadequate traffic projections and existing roads already at capacity. Such traffic increases close to schools is dangerous. The additional traffic generated at the intersection of The Avenue and the Central Coast Highway will potentially block the

access to the fire station and increase delays for residential traffic from Old Mt Penang Road and the residential area on the northern side of the Highway. The existing The Avenue traffic is 180-430 vph. The additional traffic generated is 55-110 vph which is a significant increase. The roads and intersection should be upgraded.

*Comment*- TfNSW object to the proposed new access on the Highway. The proposed development within Mount Penang Parklands will increase traffic in the future. All traffic is to access the Parklands via The Avenue or Kangoo Road. These intersections may require upgrading in the future to cater for the increased traffic. The fire station can utilize emergency access to the Highway.

• There are already fast food outlets at West Gosford. This development may affect their viability. Any employment generated will be offset by other closures or reductions.

*Comment*- The zoning of the land permits such development. It is not a relevant planning consideration for the economic impact on other individual restaurants and their viability.

• The grounds are historically significant to indigenous Australians. The proposal will result in the loss of trees and impact flora and fauna. The site would be better used for other purposes.

*Comment*- The site has been previously disturbed by the construction of the car parking area for the past floral festival. There are no known aboriginal sites and no significant impact on ecology. The trees to be lost have heritage and visual values.

• 24 hour fast food outlets will attract anti-social behavior and impose a greater burden on police resources.

Comment- The 24 hour operation should provide natural surveillance and improve security in the area.

• The proposal will look like a truck stop.

*Comment*- The proposal is designed and orientated to the Central Coast Highway. The proposed new access will result in development contrary to the DCP to preserve the trees and mitigate the visual impact of such development.

### **Submissions from Public Authorities**

TfNSW	Concurrence refused.
Hetiage Council of NSW	Refusal under Integrated Development
NSW RFS	Supported subject to conditions.
Darkinjung Local Aboriginal Land Council	No submission received.

# Transport for NSW (TfNSW)

In accordance with Clause 104(3) of the *State Environmental Planning Policy (Infrastructure)* 2007 (the ISEPP), the application was referred to Transport for NSW (TfNSW) who provided the following response as part of their letter to Council dated 15 July 2020:

- TfNSW objects to the provision of any direct vehicular access between the site and the Central Coast Highway for the following reasons:
  - The Central Coast Highway is a major four-lane classified road and is the principal connection between the M1 Pacific Motorway and the Gosford CBD.
  - The creation of a new access point to the Central Coast Highway will compromise the effective and ongoing operation and function of the Central Coast Highway, which is inconsistent with the objectives set out in clause 101(1) of the ISEPP.
  - Vehicular access for the site can be practicably and safely provided by an adjoining local road specifically, The Avenue. The Council must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, where practicable and safe, vehicular access to the land is provided by a road other than the classified road: clause 101(2)(a) of the ISEPP.
  - The safety, efficiency and ongoing operation of the classified road will be adversely affected by the development by any direct access, in particular because of the nature, volume and frequency of vehicles using the Central Coast Highway to gain access to the land, contrary to the requirements of clause 101(2)(b) of the ISEPP.
  - It is a state priority to ensure that existing road transport infrastructure is being utilised and optimised to its full capacity.
  - TfNSW wishes to preserve the strategic importance of the Central Coast Highway by restricting access for any new development, and removing access as sites with frontage to the corridor are redeveloped.
- The proposed access to Central Coast Highway cannot be constructed without TfNSW's concurrence under section 138(2) of the Roads Act. For the reasons set out above, TfNSW is unlikely to grant its concurrence to any such application.
- The Central Coast Highway is also a 'controlled access road' under the Roads Act. There is no specified access point for the development site to or from the Central Coast Highway. No access point may be constructed without the consent of TfNSW. For the reasons set out above, TfNSW is unlikely to grant its consent to any direct access to the Central Coast Highway.
- TfNSW does not have adequate information to determine the traffic impacts of the development. The submitted Traffic Impact Assessment (TIA) by Colston Budd Rogers & Kafes dated April 2020 assesses the impact of the development with the additional direct access to the Central Coast Highway. In accordance with the ISEPP

requirements the TIA should have assessed the traffic impact of the development with access to the Central Coast Highway via The Avenue only. It is considered that Council cannot make a determination as it has not been demonstrated that access solely via The Avenue will not affect the safety, efficiency and ongoing operation of the Central Coast Highway (ISEPP Clause 101(2)(b)).

• It is noted that there is significant residual land within the subdivision, with two residual lots totalling around 41,500sqm and no development identified on those lots. TfNSW notes that a site masterplan has not been provided and considers this would assist in demonstrating the full development impact on the Central Coast Highway.

#### Additional recommendations

The subject application is considered the first in a multi-stage development, as it is stated that future development applications will be submitted on Lots 1 & 2.

The traffic impact assessment references the GHD Mt Penang Traffic and Transport Study (**GHD Study**) currently being undertaken by the Hunter & Central Coast Development Corporation (**HCCDC**). The GHD study appears to be supporting Action 2.1 of the Central Coast Regional Plan Implementation Plan, developing modelling to assess a Precinct Plan for Mt Penang. The GHD Study uses microsimulation modelling which will be calibrated and validated to TfNSW requirements in accordance with the TfNSW Traffic Modelling Guidelines and Austroads Guide to Traffic Management Part 12, Integrated Transport Assessments for Developments.

The Central Coast Highway fronting the site is a very complex and critical link within the Central Coast transport network, and TfNSW will not accept any impact to the safety or efficiency. Any traffic assessment produced to support the development, to demonstrate the traffic impact and to propose mitigation measures must be robust. For development to progress, it is strongly recommended that microsimulation modelling be used to demonstrate the complexities of the Highway and its intersections.

TfNSW note that the GHD Study underway will likely identify mitigation required to allow full development of the subject site, based on an assumed development scale. It is recommended that the applicant work with HCCDC and GHD, at HCCDC's consent, to model the development proposed under the subject application, and identify potential development outcomes on the residual lots to develop a robust model. The GHD Study can be used to determine the mitigation requirements for full development of the subject site, to ensure that any interim requirements for the staged approach are complimentary.

#### <u>Comment</u>

The development proposes a new left in / left out access arrangement within the Central Coast Highway frontage to the site. This new access arrangement is a key component to the layout

of the proposed subdivision and operation of subsequent developments on the proposed lots. However, with due regard to the TfNSW objections to the proposed left in / left out access within the Central Coast Highway frontage, the development cannot be supported. in its present format.

The applicant submitted additional information on traffic impacts which was considered by TfNSW. TfNSW still object to the proposal. **(Refer attachment 8)** 

### Heritage Council of NSW

The HCNSW has refused the application under the terms of Integrated development. **(Refer attachment 7).** In accordance with Section 4.47(4) of the *Environmental Planning and Assessment Act*, 1979, the application must also be refused by the consent authority.

### **NSW RFS**

The proposed development is Integrated development as the land is bushfire prone land and approval of the RFS is required under s100B of the Rural Fires Act 1997. The RFS has issued GTAs for the proposed development subject to conditions. The conditions include the entire site being managed as an Inner Protection Area (IPA). This will impact the row of scribbly gums.

The applicant submitted an amended Bushfire Report which identifies that the trees will not be impacted subject to buildings being constructed to BAL-29.

The amended bushfire report was referred to the RFS but not response or amended GTAs have been issued by the RFS. **(Refer attachment 4)** 

Building Surveyor	Supported without conditions. Refer comments below.
Development Engineer	Not supported. Refer comments below
Heritage Officer	Not supported. Refer comments below.
Water & Sewer	Supported subject to conditions
Environmental Health	Supported subject to conditions. Refer comments below.
Tree Assessment Officer	Not supported. Refer comments below.
Ecologist	Not supported. Refer comments below
Liquid Trade Waste.	Supported subject to conditions

#### **Internal Consultation**

#### **Building Surveyor**

Council's interpretation of the classification of buildings and structures in accordance with Part A3 of the BCA is: 6 & Class 8 for the tyre & auto service due to fire load.

The subject application has been assessed and is noted as being in a low slip hazard area and no geotechnical engineering report is required for DA stage.

There are no obvious matters that would prevent the building from complying with the Building Code of Australia 2019.

There is a water main service nearby.

As the buildings are all new; no Clause 93 / 94 considerations are relevant.

### **Development Engineer**

#### Road Works & Access

The site has three road frontages, these being Central Coast Highway (on the southern frontage of the site), and two private roads known as The Avenue (on the eastern frontage of the site) & Festival Drive (on the northern frontage of the site). The areas associated with The Avenue & Festival Drive are burdened by various rights of accesses and easements for services - refer to DP 1256044 for more information. Festival Drive connects into The Avenue which in turn has a signalised intersection with Central Coast Highway.

The application indicates that "For the purposes of the current application it is assumed that both The Avenue and Festival Drive have been dedicated as public roads and that all services are available to the site in Festival Drive and are of adequate capacity to service the needs of the development." However, at the time of this assessment these two roads are not public roads and still in ownership of the Hunter & Central Coast Development Corporation. (HCCDC). Furthermore, a site inspection on 25/08/2020 indicated road works are presently being undertaken within The Avenue & Festival Drive. These works are being undertaken with the intent to upgrade these two roads to a suitable public road standard for subsequent handover to Council. This matter has historically been the subject of extensive discussions & negotiation between the owners (HCCDC) and Council. Information received in this regard is that these works within The Avenue & Festival Drive are being undertaken by a contractor for HCCDC with periodic inspections by Council to verify that works are being undertaken in accordance with Council's Specifications. Furthermore, it is understood that the plans associated with the works being undertaken may be as per the plans prepared by Northrop Engineers associated with CM Doc No 13984344 contained within CM folder ECMP1133/2. It is recommended that prior to the issue of any construction certificate, the upgrade works within The Avenue & Festival Drive being undertaken by HCCDC be completed to a standard acceptable to Council to improve safety in these two roads and that these two roads are dedicated to Council so that appropriate connections to these roads can be approved under the Roads Act.

The development proposes a main north-south link road proposed within a 14m wide right of access (not a public road) to link a new proposed access off Central Coast Highway to Festival Drive. Intersection arrangements to this new road are proposed to be restricted at the Central Coast Highway end with a left-in / left out arrangement and a deceleration lane for vehicles turning off Central Coast Highway. This new road is generally two lane – two way at the intersections with Central Coast Highway and Festival Drive, but the northbound lane also accommodates an additional lane associated with passing vehicles that may be turning into the proposed lots associated with this subdivision.

A right of access is also proposed within Lots 3, 4, & 5 to provide access to Lots 4, 5 & 6. This right of access connects to the proposed north-south access and allows for two-way movements. This right of access will need to be amended on the subdivision plan at the bends to cater for full swept turning movements on the associated driveways.

Attachment A of the Traffic Impact Assessment prepared by Colston Budd Rogers & Kafes Pty Ltd (CBRK), report ref: 11374/2 dated April 2020, that was submitted with the application indicates the proposed swept turning paths for the vehicles associated with proposed developments on Lots 3, 4, 5, & 6. In this regard the following anomalies are noted with the application:

- Plan A1 of the swept turning paths indicates that passenger vehicles for the Taco Bell development on Lot 6 will drive through Lot 4 via the main parking/access aisle on the western side of the Bridgestone Tyres building (Lot 4), however the engineering plans and draft DP subdivision plan do not indicate a right of way within this area of Lot 4 for this purpose.
- Plan A2 of the swept turning paths indicates that servicing vehicles (8.8m Medium Rigid Vehicle (MRV)) for the Oporto development on Lot 5 will drive through Lot 4 via the main parking/access aisle on the western side of the Bridgestone Tyres building (Lot 4), however the engineering plans and draft DP subdivision plan do not indicate a right of way within this area of Lot 4 for this purpose.
- Plan A4 of the swept turning paths indicates that servicing vehicles (14.2m Articulated vehicle) for the McDonalds development on Lot 3 will manoeuvre over extensive areas of the north-bound lane associated with the main north-south link road (right of access) proposed through the site. These movements are against oncoming traffic movements within this access road drive that would attract a large number of traffic movements not only for the proposed development but also to other development e.g. Kariong High School, International Sports College, etc. As such these servicing arrangements that encroach on to the other side of the main access road are not supported on safety grounds.

In view of the above:

• the plan of subdivision will need to be amended to include rights of access over the central access area on lot 4 and between the building and the western car parking spaces) to facilitate legal access for Lots 5 & 6 for cars and servicing vehicles as reflected in the swept turning paths indicated in the traffic report by facilitate traffic movements over lot 4. Therefore, the swept turning paths will

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need to be amended or the subdivision plan amended to verify suitable & legal travel paths for access to the development on Lot 6.

• The proposed development will need to be amended to facilitate safe servicing arrangements particularly within the proposed north-south right of access link road.

Vehicular access to the site is also available via the existing signalised intersection of The Avenue and Central Coast Highway and then via Festival Drive. As noted previously, dedication of the remainder of The Avenue and Festival Drive has been agreed between HCCDC and Central Coast Council but this has not occurred to date. (This DA assumes that The Avenue & Festival Drive have already been dedicated to Council.)

The driveways are to comply with AS2890.1, in particular AS2890.1:2004, AS2890.2:2018, & AS2890.6:2009.

Vehicles servicing the development will include 14.2 metre semi-trailers (to the McDonald's) and medium rigid trucks (8.8 metres long) for the development on Lots 4, 5 and 6. Service vehicles will enter and exit in a forward direction.

### <u>Flooding</u>

Council's records do not indicate that the site is affected by flooding.

### <u>Drainage</u>

The site generally grades from the frontages of The Avenue & Festival Drive to the Central Coast Highway frontage. The lowest point of the site is near the south western corner of the site fronting Central Coast Highway.

Stormwater for the development is proposed to be managed via:

- A proposed stormwater network consisting of a pit and pipe network within the proposed central right of access linking Central Coast Highway to Festival Drive, along with interallotment drainage lines to provide a point of connection to each proposed lot.
- A trunk drainage main connecting all lots to the pit and pipe discharge location within the south western corner of the site and generally located to the north of the 20m vegetation buffer along the Central Coast Highway frontage.
- Swale drains would be required to direct and capture overland stormwater flows from the section of Pt Lot 1 adjoining Lots 3, 4, & 6 into the proposed interallotment drainage systems.

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A Stormwater Management Plan prepared by ADWJohnson (Ref 190427 Rev E dated 26/08/2020) was submitted for the application. This Stormwater Management Plan addresses the requirements of Chapter 6.7 of Council's Gosford DCP 2013 as follows:

### On-Site Detention (OSD)

- On-site detention is proposed for each of the 4 lots for which development is proposed for with this development application, i.e. Lots 3, 4, 5, & 6.
- OSD has been designed to limit post development flows back to pre-development flows for all storm events up to and including the 1%AEP recurrence interval utilising a run-off routing method ('Drains').
- The results of the modelling indicate that peak flows are reduced to less than or equal to pre-development flows for all recurrence intervals.
- OSD is proposed on each of the 4 lots as an OSD tank under proposed car parking areas.
- OSD is not proposed on Lots 1 & 2. OSD is to be provided on those 2 lots at the time when future development applications propose development on these 2 lots.

### Nutrient/pollution controls

- A treatment train approach is proposed for Lots 3, 4, 5, & 6 to mitigate nutrient/pollution loads created by the development through the use of Ecosol (or approved equivalent) Litter Baskets within drainage pits to capture litter and gross pollutants, and Stormwater 360 "Stormwater Cartridges" (or approved equivalent) within OSD tanks to provide end of line treatment.
- The design of the nutrient/pollution control treatment train has been undertaken utilising the MUSIC model.
- The results of the modelling indicate reduction targets are met or exceeded with the proposed measures.
- Nutrient/pollution control measures are not proposed on Lots 1 & 2. Nutrient/pollution control measures are to be provided on those 2 lots at the time when future development applications propose development on these 2 lots.

### Retention of reuse within the development

• The development proposes to capture rainwater from roofed areas for reuse within the development.

3.2

• Indicative internal stormwater layouts for each lot have also been provided, however it is noted that these are subject to detailed design during the CC phase of the project.

Interallotment drainage systems would need to be constructed prior to or in conjunction with any development proposed on Lots 3, 4, 5, &/or 6.

Overall, the concepts indicated with the stormwater design are acceptable for the development as lodged, however, it is noted that the proposed stormwater management for the site would need to be modified and redesigned if the development layout changes, particularly in light of the objections from Transport for NSW and NSW Heritage to the proposed new access arrangements off Central Coast Highway. <u>Site Regrading Works – Cut/Fill</u>

A "Bulk Earthworks Plan" prepared by ADW Johnson (Dwg Ref: 190427-DA-005 Rev J dated 20.04.2020) that was lodged with the application indicates that it is proposed to regrade the site with areas of cut/fill including retaining works with indicative heights up to 2.5m (fill within south-western boundary of Lot 3) and cut areas approximately up to 0.75m. The actual variations in height are ranges only and not clearly defined on the plan. The plan also indicates that the site regrading works will involve 1,380m<sup>3</sup> of cut, 3,390m<sup>3</sup> of fill, with a resultant 2,020m<sup>3</sup> being imported to the site for such works.

The final reduced levels of these bulk earthworks are unknown. Furthermore, it is unknown as to what impact these works could have on heritage listed scribbly gums that may be located within the 20m buffer proposed within the Central Coast Highway frontage of the site and other areas within the development site. For clarity the applicant is to submit additional information that indicates existing & proposed reduced levels on the site (to Australian Height Datum), plus some longitudinal sections through the site indicating the extent cut/fill & retaining through the sections. Furthermore, the location of the heritage listed trees (scribbly gums) and any other significant vegetation within the proposed developed areas of the lots are to also be clearly indicated on the bulk earthworks plan.

The cut/fill regrading of the site would require a geotechnical report prepared by suitably qualified & practising Geotechnical Engineer. Such works when undertaken would need to be carried out under supervision of a suitably qualified Geotechnical Engineer who can certify that the cut/fill operations comply with Council's Civil Works Specification and relevant Australian Standards.

Retaining walls within the site will need to be designed and certified by a suitably qualified Structural Engineer.

Cut/fill, & retaining works, and any associated reports (e.g. geotechnical) would need to form part of the subdivision works construction certificate.

# Heritage Trees

The Gosford LEP 2014 identifies the Scribbly Gum Group (Item 74) as being of High Landscape Significance. This group of trees is primarily located within the southern part of the site. The proposed development indicates that no excavation is proposed within the 20m wide Scribbly Gum buffer, however, there is substantial filling and retaining proposed near this buffer boundary. No indication has been provided in relation to other Scribbly Gums that may be located outside of the 20m southern buffer but contained within this group within the site that would potentially be affected by the proposed works. The Heritage Impact Report submitted with the application also indicates that approximately 1-2 scribbly gum trees within the footprint of the connecting roadway between Central Coast Highway and Festival Drive will be impacted by the works. Additional information is to be provided to address the potential impact of any Scribbly Gums within and in close proximity to the proposed works.

# <u>Bushfire</u>

A "Bushfire Hazard Assessment" prepared by Bushfire Hazard Solutions (Ref Number 180105B dated 30<sup>th</sup> June 2020) was submitted with the application which included the following recommendations:

# Access

- 3. That the proposed new internal roads are to comply with the Masterplan prepared by Stevens Group (project no BC0114, dwg 01, rev 1, dated 26.06.19).
- 4. All new roads, excluding drive-throughs, shall comply with the following requirements for Access as detailed within section 7.4 of Planning for Bush Fire Protection 2019:
  - property access roads are two-wheel drive, allweather roads.
  - the capacity of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating.
  - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
  - curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
  - the minimum distance between inner and outer curves is 6m;
  - the crossfall is not more than 10 degrees;
  - maximum grades for sealed roads do not exceed 15 degrees and not more

# Water

5. The sizing, pressure and spacing of the hydrant system be installed in accordance with AS2419.1-2005.

In view of the current layout and the need for a revised layout, additional information is to be provided to indicate how the following indicated in recommendation 4 of the Bushfire Assessment Report are being incorporated into the proposed design:

All new roads, excluding drive-throughs, shall comply with the following requirements for Access as detailed within section 7.4 of Planning for Bush Fire Protection 2019:

- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6m;

# NSW Rural Fire Service (RFS)

The application was referred to the NSW RFS who indicated the following requirements in their correspondence dated 25 June 2020:

# **Condition 2**

...

...

Access roads must comply with the following general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- subdivisions of three or more allotments have more than one access in and out of the development;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;

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- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

# **Condition 3**

Non-perimeter roads must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- *minimum 5.5m carriageway width kerb to kerb;*
- *parking is provided outside of the carriageway width;*
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided

Note; The applicant submitted an amended bushfire report which was referred to the RFS. At this time the RFS has not responded or amended the GTA.

# Engineering Conclusion

The engineering assessment of this application has indicated that there are a number of outstanding and unresolved matters that need to be assessed by the applicant as follows:

1. <u>Road works</u>

Correspondence received from Transport for NSW (TfNSW) dated 15 July 2020 and 11 October 2020 indicated clear objections to the proposed new left in / left out access arrangement within the Central Coast Highway frontage to the site. On the basis that this new access point on Central Coast Highway is a key component to the layout of the proposed subdivision and operation of subsequent developments on the proposed lots, the development cannot be supported in its present format. Amendments are therefore required to remove this new access point on Central Coast Highway from the proposal.

# 2. Right of Accesses

- a. The application proposes right of accesses within Lots 3, 4, & 5 to provide access to Lots 4, 5 & 6. These rights of accesses connect to the proposed north-south access and allows for two-way movements. Attachment A of the Traffic Impact Assessment prepared by Colston Budd Rogers & Kafes Pty Ltd (CBRK), report ref: 11374/2 dated April 2020 submitted with the application indicates the proposed swept turning paths for the vehicles associated with proposed developments on Lots 3, 4, 5, & 6. In this regard the following anomalies are noted with the overall application:
- Plan A1 of the swept turning paths indicates that passenger vehicles for the Taco Bell development on Lot 6 will drive through Lot 4 via the main parking/access aisle on the western side of the Bridgestone Tyres building (Lot 4), however the engineering plans and draft DP subdivision plan do not indicate a right of way within this area of Lot 4 for this purpose.
- Plan A2 of the swept turning paths indicates that servicing vehicles (8.8m Medium Rigid Vehicle (MRV)) for the Oporto development on Lot 5 will drive through Lot 4 via the main parking/access aisle on the western side of the Bridgestone Tyres building (Lot 4), however the engineering plans and draft DP subdivision plan do not indicate a right of way within this area of Lot 4 for this purpose.
- Plan A4 of the swept turning paths indicates that servicing vehicles (14.2m Articulated vehicle) for the McDonalds development on Lot 3 will manoeuvre over extensive areas of the north-bound lane associated with the main north-south link road (right of access) proposed through the site. These movements are against oncoming traffic movements within this access road drive that would attract a large number of traffic movements not only for the proposed development but also to other developments in the area e.g. Kariong High School, International Sports College, future developments on Lots 1 & 2 associated with the subdivision, etc. As such the swept turning paths of the servicing arrangements that encroach on to the other side of the main internal access road are <u>not</u> supported on safety grounds.

In view of the above:

3.2

• The plan of subdivision will need to be amended to include rights of access over the central access area on lot 4 and between the building and the western car parking spaces) to facilitate legal access for Lots 5 & 6 for cars and servicing vehicles as reflected in the swept turning paths indicated in the traffic report by facilitate traffic movements over lot 4. Therefore, the swept turning paths will need to be amended or the subdivision plan amended to verify suitable & legal travel paths for access to the development on Lot 6.

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- The proposed development will need to be amended to facilitate safe servicing arrangements particularly within the proposed north-south right of access link road.
- b. Additional information is to be provided to indicate how potential conflict between passenger vehicles and servicing vehicles will be mitigated via an ongoing plan of management for the development.
- c. This right of access will need also need to be amended on the subdivision plan at the bends to cater for full swept turning movements on the associated driveways.

# 3. Stormwater

Although the concepts indicated with the stormwater design are acceptable for the development as lodged, the proposed stormwater management for the site would need to be modified and redesigned if the development layout changes, particularly in light of the objections from Transport for NSW and NSW Heritage to the proposed new access arrangements off Central Coast Highway. Changes to the development as presently proposed would require an amended Stormwater Management Plan to be submitted.

### 4. Site Regrading Works - Cut/Fill

The "Bulk Earthworks Plan" prepared by ADW Johnson (Dwg Ref: 190427-DA-005 Rev J dated 20.04.2020) that was lodged with the application indicates that it is proposed to regrade the site with areas of cut/fill including retaining works with indicative heights up to 2.5m (fill within south-western boundary of Lot 3) and cut areas approximately up to 0.75m. The actual variations in height are ranges only and not clearly defined on the plan. Additional information is to be provided to address the following:

- Submit additional information that indicates existing & proposed reduced levels on the site (to Australian Height Datum), plus longitudinal sections through the site indicating the extent cut/fill & retaining through the sections.
- Clarify what impact the site regrading and retaining works could have on heritage listed scribbly gums that may be located within the 20m buffer proposed within the Central Coast Highway frontage of the site and other areas within the development site. The location of the heritage listed trees (scribbly gums) and any other significant vegetation within the proposed developed areas of the lots are to also be clearly indicated on the bulk earthworks plan.

# 5. Heritage Trees

The Gosford LEP 2014 identifies the Scribbly Gum Group (Item 74) as being of High Landscape Significance. This group of trees is primarily located within the southern part of the site. The proposed development indicates that no excavation is proposed within the 20m wide Scribbly Gum buffer, however, there is substantial filling and retaining proposed near this buffer boundary. No indication has been provided in relation to other Scribbly Gums that may be located outside of the 20m southern buffer but contained within this group within the site that would potentially be affected by the proposed works. The Heritage Impact Report submitted with the application also indicates that approximately 1-2 scribbly gum trees within the footprint of the connecting roadway between Central Coast Highway and Festival Drive will be impacted by the works. Additional information is to be provided to address the potential impact of any Scribbly Gums within and in close proximity to the proposed works.

# 6. <u>Bushfire</u>

a. Additional information is to be submitted to indicate how the design of the proposed development complies with recommendation 4 of the Bushfire Assessment Report submitted with the application, i.e.:

All new roads, excluding drive-throughs, shall comply with the following requirements for Access as detailed within section 7.4 of Planning for Bush Fire Protection 2019:

- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
  - the minimum distance between inner and outer curves is 6m;
- ...
- b. Additional information is to be submitted to indicate how the design of the proposed development complies with each point of conditions 2 & 3 of the correspondence from NSW RFS dated 25 June 2020.

### **Heritage Officer**

Council's Heritage Officer advises:

### Introduction

As the subject site is a portion of a larger State Heritage listing, NSW Heritage Office consent is a prerequisite for Central Coast Council development approval. Therefore, in reviewing the SoHI, Council must consider and assess the following Heritage Office comments and concerns with regard to the proposed development.

Lot subdivision, including highway access.

- The proposed subdivision of the subject site (Lot 101), also known as the Orchard Carpark / Heritage Commercial Precinct (HCP), is inconsistent with the Heritage Strategy for the approved 2018 subdivision of former Lot 10 into two lots (Lot 101 and Lot 102), that indicated access was to be via The Avenue (Heritage Guideline 6.2.3).and not from the highway, as is currently proposed.
- The proposed subdivision of the subject site (Lot 101) that includes a central connecting road entry from Central Coast Highway, is inconsistent with the GDCP Master Plan (Parts 5.3.2.9 and 5.3.3.6 Gosford DCP 2013) and its Desired Future Character that states that 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 (5.3.4.4 Gosford DCP 2013).
- The proposed new entry to the Mount Penang Parklands site, is inconsistent with the endorsed CMP prepared in 2001 by GML that retained the main entrance route to the site (i.e. The Avenue,- graded moderate to high significance),- as reinforcing the social, aesthetic and historical values of the item as a cultural landscape (Policy 8.4.2).

# Conclusion

Following consideration of the DA, Heritage Office comments, and a site visit undertaken by Council officers on 16 September 2020, the current proposal for the main access being a central connecting road from Central Coast highway to Festival Drive is not supported by Council, as being inconsistent with the 2018 Heritage Strategy, GDCP Master Plan and 2001 CMP, each of which state that the main entrance to the subject site should be from The Avenue.

Construction of four medium-sized commercial buildings (with associated landscaping and parking areas);

- The Extent SOHI (9.6) draws on an update of the endorsed 2001 CMP (undertaken by Extent in 2018) in its assessment of the current proposal. The Heritage Office maintains that the Extent SoHI should only refer to the policies of the endorsed CMP2001, when assessing the consistency of the proposal against the relevant policies of the CMP.
- The landscape design, including design of carparks and roads, should reinforce the rural landscape character of the subject site (Policy 8.3, CMP2001; 5.3.3.6, GDCP 2013).
   The proposed excess of hard surfacing, carparking and formal planting arrangements is inconsistent with the desired rural landscape character of the subject site.

• The proposed removal of a number of remnant trees for a new road entry and the general loss of vegetation within the subject site will have adverse impact on significant views and the landscape character of the Mount Penang Parklands, which are identified in the Statement of Significance as 'a landmark of historic and aesthetic importance'.

### Conclusion

Council does not consider the current development/carpark design (including the proposed excessive amounts of hard surfacing) and associated formalised landscaping to be of a suitable design standard to <u>positively</u> define the character of the entire Mount Penang site, due to its highly visible location along the Central Coast Highway, (5.3.4.4 Gosford DCP 2013).

### **Environmental Health**

### Air Quality

Dust is expected during the earthworks and constructions stages. Conditions are applied. A condition is applied in relation to the emission of odour from the food outlets.

Acid Sulfate Soil (ASS)

The land is mapped as Class 5 no known occurrence ASS.

Asbestos Containing Material (ACM)

The existing building will remain, and the site is mostly vegetated/ grassed. No demolition is required is required therefore there is no risk of disturbing ACM.

### Contamination/ Sepp 55

The land has been historically used for agricultural grazing land and currently as an overflow parking area. The proposed use is not more sensitive; therefore, it is considered suitable from a contamination perspective.

### Noise

The three fast food outlets are seeking 24 hour / 7 days a week trade, whilst the tyre outlet is seeking Monday to Sunday 7:00am to 6:00pm.

Several residential properties are located adjacent to the development. The noise impact assessment has been reviewed and several noise control recommendations are included in the assessment, including acoustic barriers and restricted trading and delivery hours.

### Soils and Construction

The total area of soil disturbance is approximately 15,600m2, therefore a soil and water management plan (SWMP) is required. The submitted soil and water management plan is satisfactory and meets clause 6.3 of the Gosford DCP. Conditions are applied.

Bulk earthworks are required to level the site, including the installation of a retaining wall on the southern and part of the western sides of the development. 2,020m3 of fill is required to be imported. Conditions are applied.

# Water

Overland flows enter the roadside stormwater system and discharges into an unnamed creek, a tributary of Piles Creek. Both creeks flow through Brisbane Water National Park. The approved SWMP is adequate to ensure the creek is not negatively impacted by this development.

# **Tree Assessment Officer**

The Arborist Assessment Report states that "All of the Scribbly Gums within the Green Buffer are proposed to be retained". However, on site with the documentation provided by the applicant it was clear that at least nine (9) Scribbly Gums within the Green Buffer would require removal due to being located within or close to access entry footprint. There is no explanation to why they would say none of the Scribbly Gums would be removed when clearly they would require removal.

Also, of great concern is that some of the largest remnant Scribbly Gums containing hollows located just outside the 20m Green Buffer have been recommended for removal by the Arborist, "*due to impact from development footprint*". The most obvious development impact is the proposed sewer and storm water services that will run through their root zones. Removal of such remnants and surrounding supporting trees is not supported as they deserve retention and protection from development.

Civil works for the slow down lane off Central Coast Highway will require removal of at least five (5) Scribbly Gums and a Bloodwood from the road reserve. These trees have not been recorded in the documentation provided by the applicant.

Council's Tree Assessment Officer does not support the proposal as the design will have an adverse impact on trees located within the 20m green buffer referred to as L7 and on remnant edge trees located just beyond the Green Buffer. An acceptable and accurate Arboricultural document of the overall impact on existing trees has not been received. The document provided generally identifies trees along the Central Coast Highway frontage and hasn't recognised the obvious adverse impacts to trees within the green buffer by proposed access and services, nor impacts to trees located on the road reserve.

# Ecologist

The latest available NSW RFS determination (25/06/2020 - 58290/2020 (CNR-8083)) states that "At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019". The implications of this requirement should be detailed within the BDAR. An updated Bushfire Assessment Report has been provided that indicated the exclusion of the proposed 'Green Buffer' from the prescribed APZ, however this NSW RFS is yet to have provided concurrence to this proposal.

Insufficient information has been provided regarding the following outstanding matters:

- The satisfaction of the RFS with the applicant's proposal to exclude the proposed Green Buffer from the Bushfire Asset Protection Zone.
- The impact on the ability of the proposal to qualify as a streamlined assessment given the implementation of an IPA APZ across the entire site is likely to increase the area of disturbance to above that of the relevant streamlined assessment threshold (<2ha).
- The impact of the entire site IPA APZ requirement on the proposed efforts to avoid and minimise impacts to biodiversity values across the site including the retention of the 20m 'Green Buffer'. If any trees are proposed to be retained within the 20m buffer, it must be demonstrated that their retention is able to comply with the requirements of an IPA APZ and a plan indicating the proposed tree retention should be referred to the NSW RFS for endorsement.
- An updated assessment of the biodiversity offset credits required with the increased IPA APZ encompassing the entire site.

# 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 not suitable for the proposed development.

Accordingly, the application is recommended for refusal pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, for the reasons outlined in the report.

# **Reasons for the Decision**

The reasons for the decision as recommended under the assessment of this application are as follows:

1. The proposal is not satisfactory having regard for the relevant environmental planning instruments, plans and policies.

- 2. The proposal has been considered against the provisions of *Gosford Local Environmental Plan 2014* and Gosford Development Control Plan 2013 and has been found to be not satisfactory.
- 3. There are significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.
- 4. The refusal of concurrence to the proposed access driveway by TfNSW.
- 5. The refusal by the Heritage Council of NSW to grant GTA due to the impact on environmental heritage.

# Attachments

	Plans 5 The Avenue, KARIONG DA58290 Part 1 PUBLIC Statement of Environmental Effects 5 The Avenue, KARIONG DA58290 Part 1	D13950127 D13950126
3 4 5	PUBLIC Landscape Plans 5 The Avenue, KARIONG DA58290 Part 1 NSW RFS Determination Letter 5 The Avenue KARIONG DA58290 Part 1 Statement of Heritage Impact - Mt Penang Highway Precinct Commercial Development - FINAL 05 5 The Avenue KARIONG DA58290 Part 1	D13950136 D14048522 D14246337
6 7 8 9	PUBLIC Traffic Parking Report 5 The Avenue, KARIONG DA58290 Part 1 Heritage Council of NSW – Refusal to Grant Terms of Approval - Mount Penang Subdivision - DA 58290//2020 20201008 -TfNSW response 5 The Avenue KARIONG DA58290 Part 1 RFI TfNSW - DA 58290.2020 - 5 The Avenue, Kariong	D13950133 D14320078 D14241738 D14320801

# Reasons for refusal:

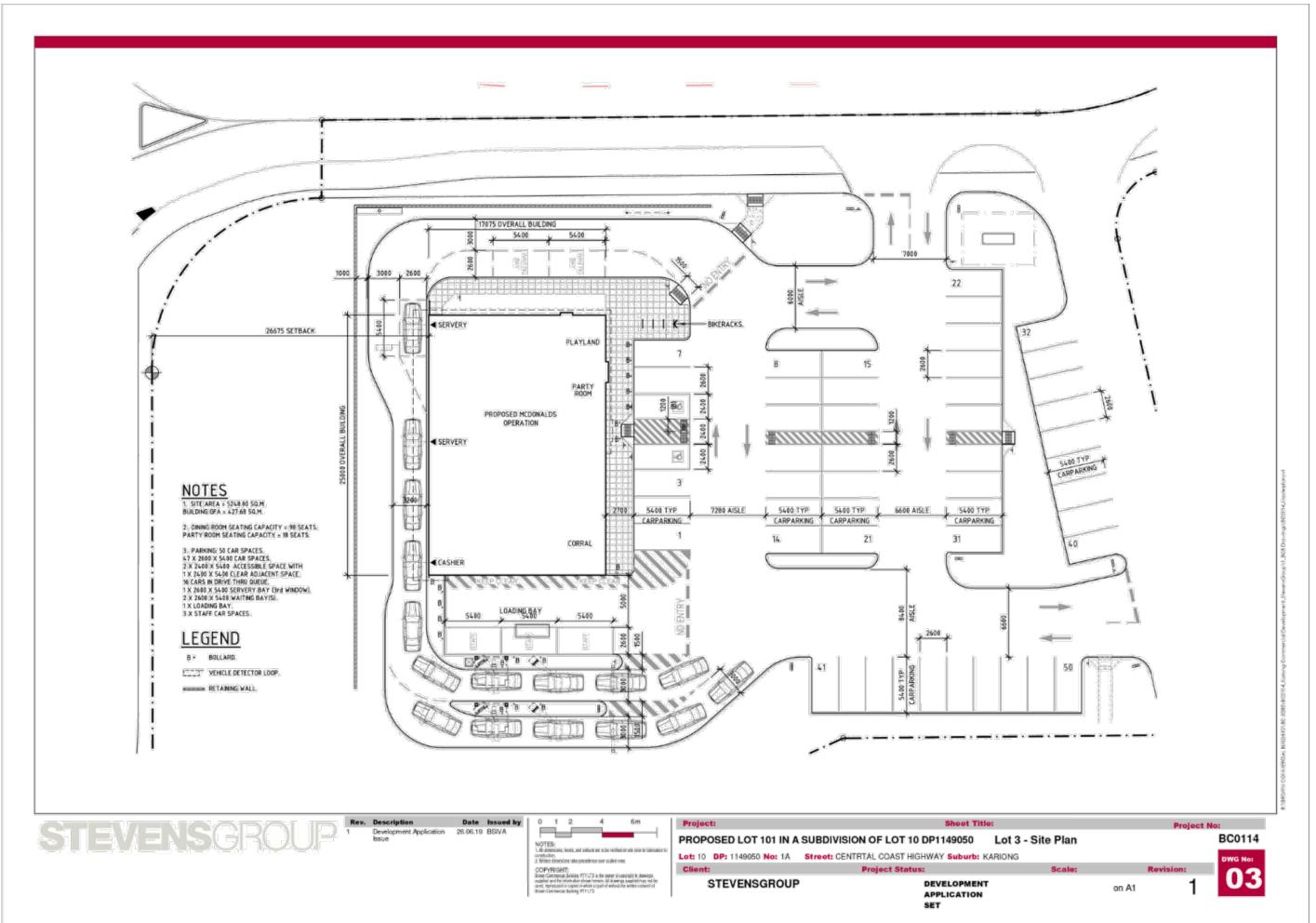
- TfNSW has refused concurrence for the proposed driveway access on the Central Coast Highway under the provisions of State Environmental Planning Policy (Infrastructure) 2007.
- 2. The refusal by the Heritage Council of NSW to grant General Terms of Approval under the *Heritage Act* 1977.
- 3. The proposed development is inconsistent with the objectives of the SP1 zone and the objectives of Chapter 5.3 of the Gosford DCP 2013.
- 4. The proposed development is inconsistent with the Draft Central Coast Local Environmental Plan 2018.

# 3.2 DA 58290/2020 - 5 The Avenue, Kariong - 6 Lot Subdivision and Fast Food Restaurants (contd)

- 5. The proposed development does not comply with the provisions of Chapter 5.3 of GDCP 2013 Kariong Mount Penang Parklands regarding access, road hierarchy, heritage provisions and retention of existing scribbly gums.
- 6. The proposed development impacts the heritage, bushland, visual and scenic quality of the site.
- 7. The proposed development results in significant cut and fill which may impact existing heritage values and vegetation to be retained.
- 8. The proposed development is not suitable for the site in the location proposed and does not provide for the orderly development of the land.
- 9. Inadequate information has been provided in relation to provision for suitable vehicular access to the site.
- 10. Insufficient information has been provided in relation to the impact of traffic movements associated with the proposed development and other future uses on the proposed lots on the surrounding road network.
- 11. Insufficient information has been provided on the proposed plan of subdivision in relation to proposed right of accesses to accommodate passenger and service vehicles to reflect vehicular movements indicated in the Traffic Impact Assessment submitted with the application.
- 12. Safety matters related to conflicting travel paths associated with servicing arrangements particularly within the proposed north-south right of access link road.
- 13. Insufficient design information has been provided to address bushfire matters in particular recommendations contained within the Bushfire Assessment Report submitted with the application, and matters raised in the GTA issued by the NSW RFS.
- 14. Inadequate information has been provided in relation to existing and proposed ground levels (to Australian Height Datum) associated with site regrading works and retaining works.
- 15. Insufficient information has been provided to address the impact of the proposed site regrading and retaining works on the heritage listed scribbly gums located within the site.

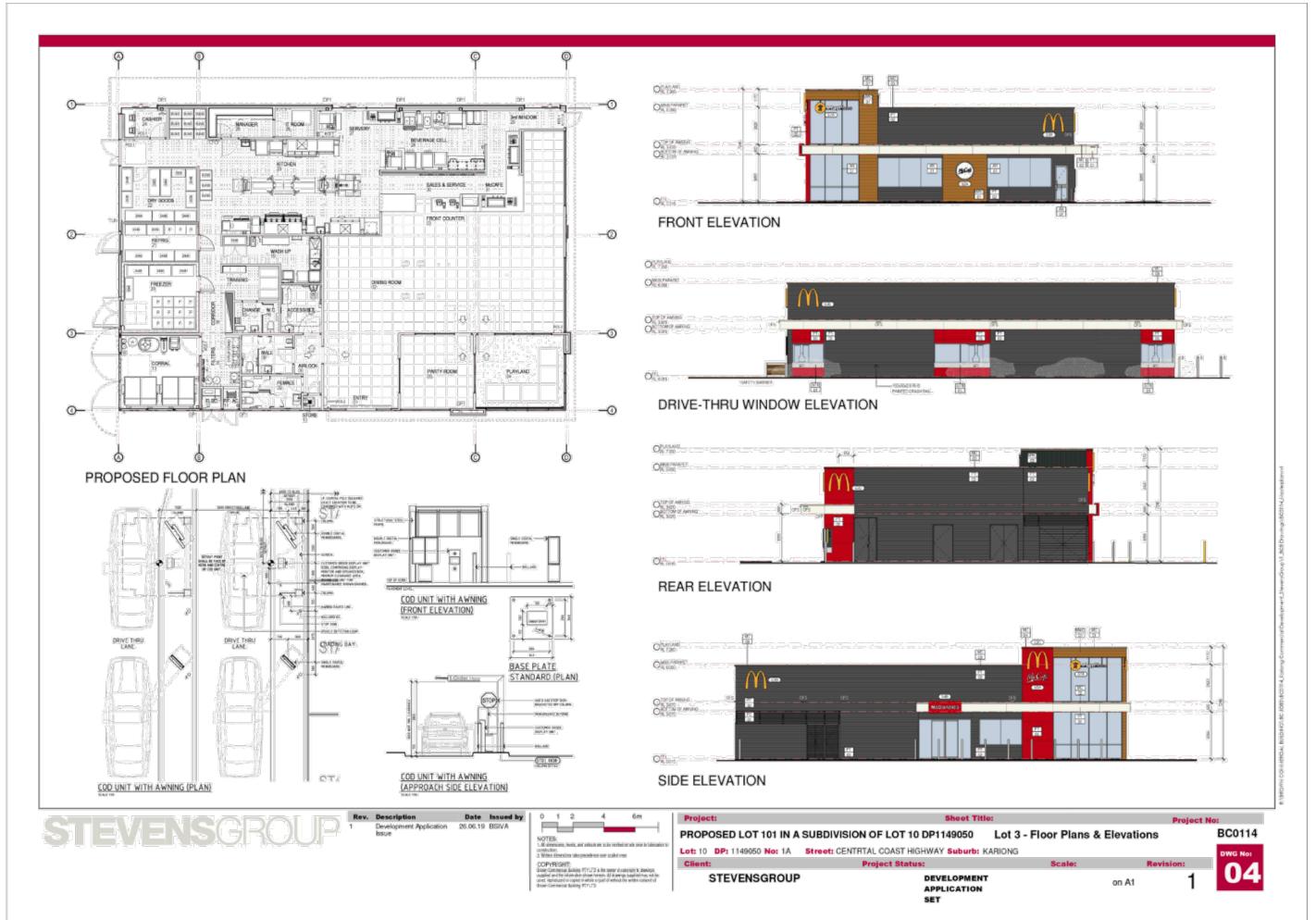




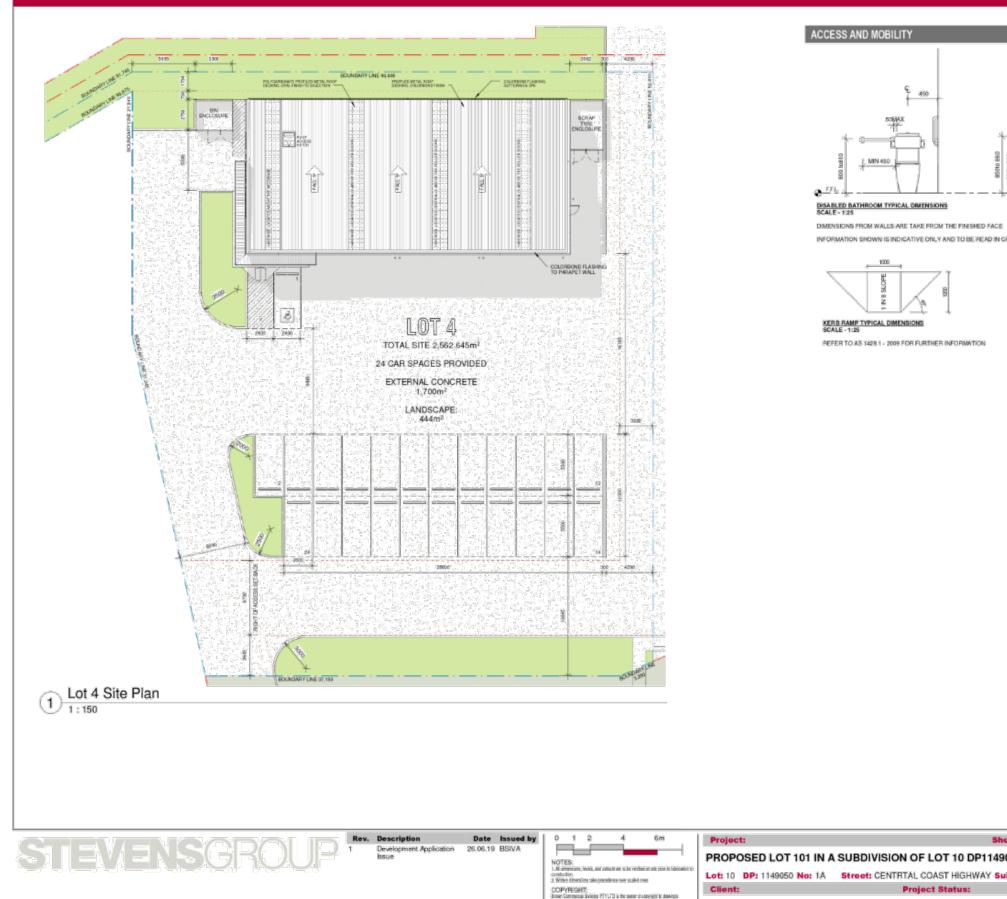














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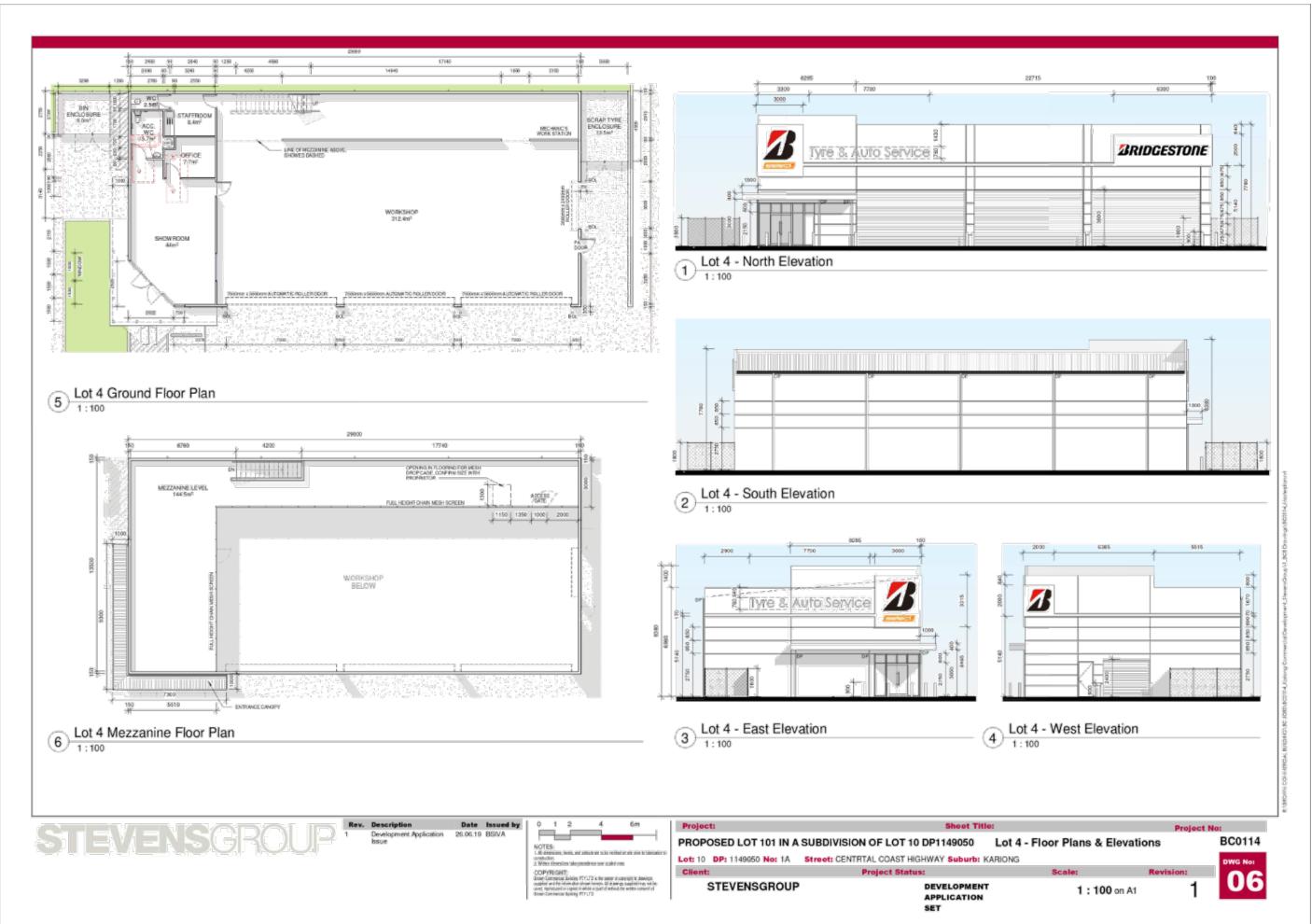
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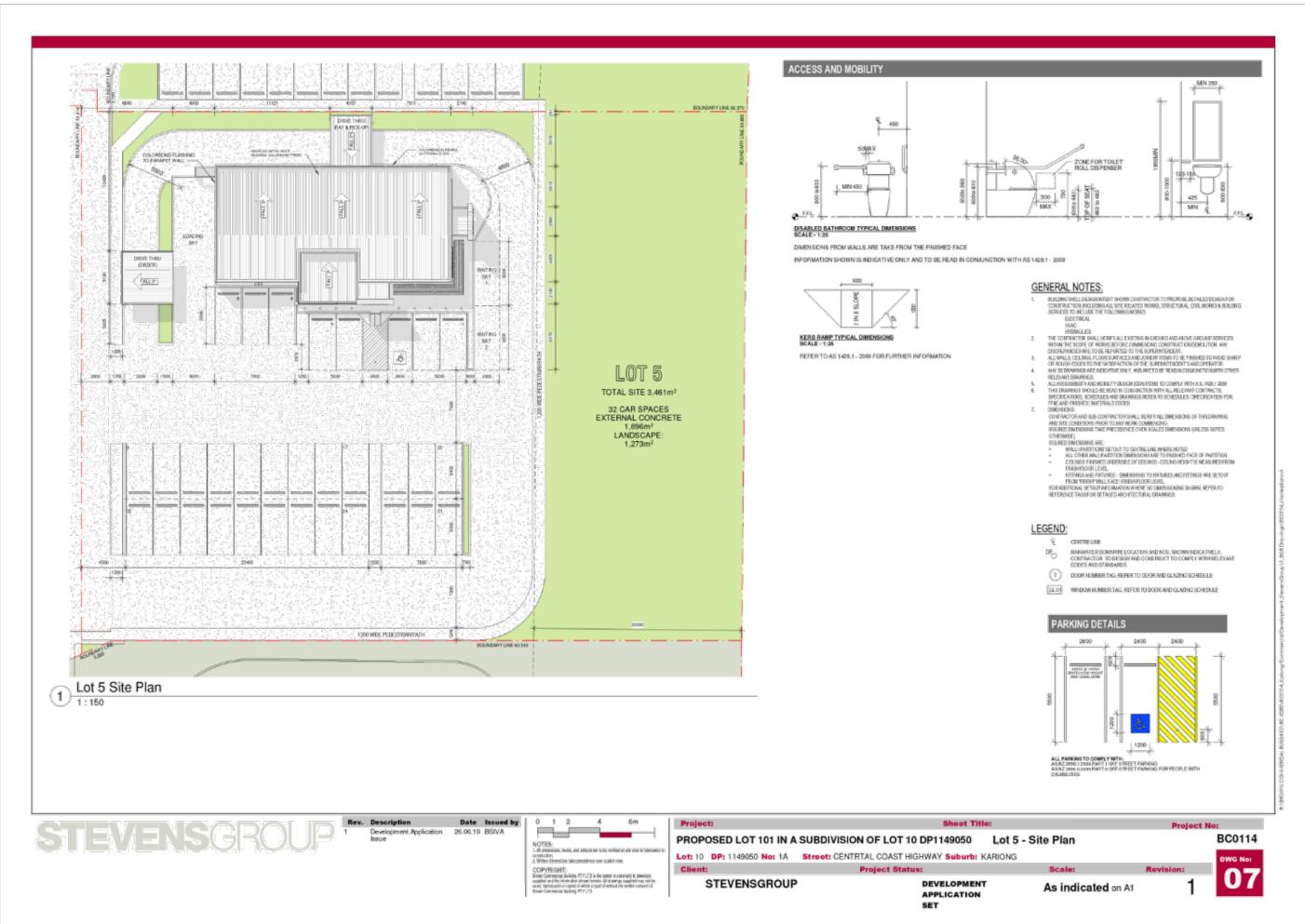


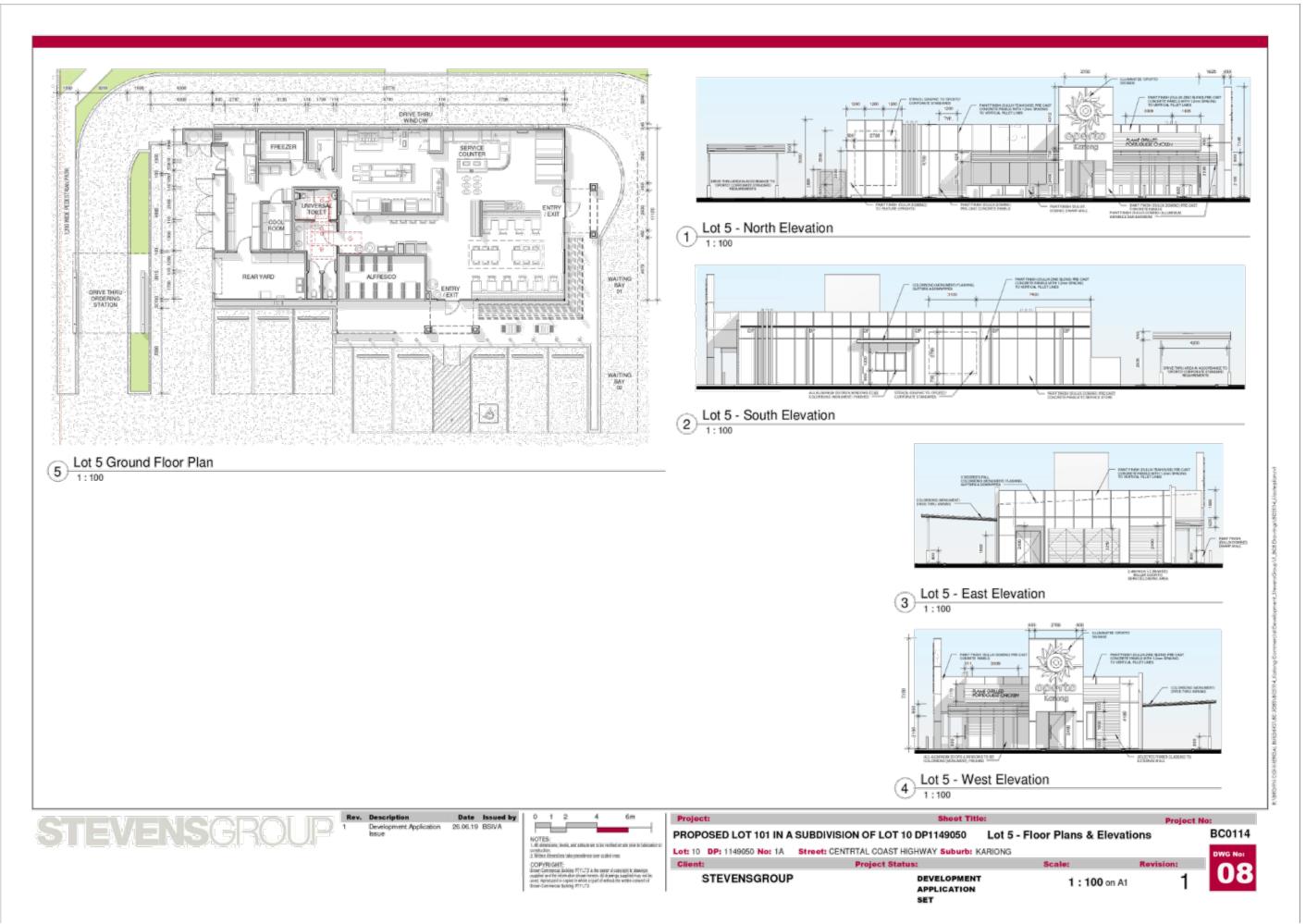
Sheet Title: PROPOSED LOT 101 IN A SUBDIVISION OF LOT 10 DP1149050 Lot 4 - Site Plan Lot: 10 DP: 1149050 No: 1A Street: CENTRTAL COAST HIGHWAY Suburb: KARIONG COPYRIGHT: BoartCammaia Baking FTUTD a fits serve of converting & dawings subplied and the inform discription for server of dawings supplied may not be Project Status: Scale: STEVENSGROUP DEVELOPMENT As indicated on A1 APPLICATION SET

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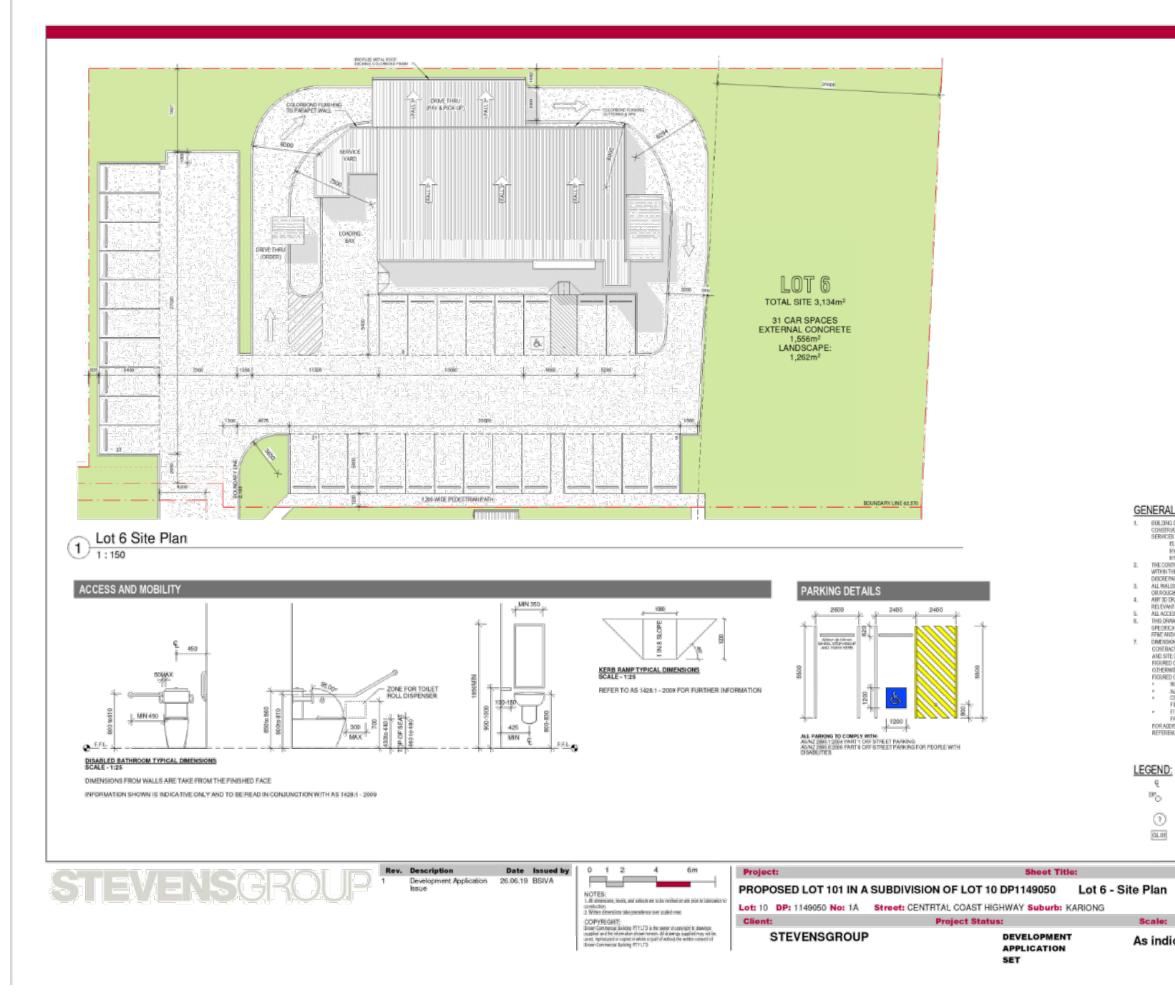








# Plans 5 The Avenue, KARIONG DA58290 Part 1



### GENERAL NOTES:

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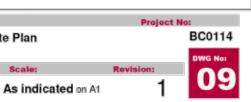
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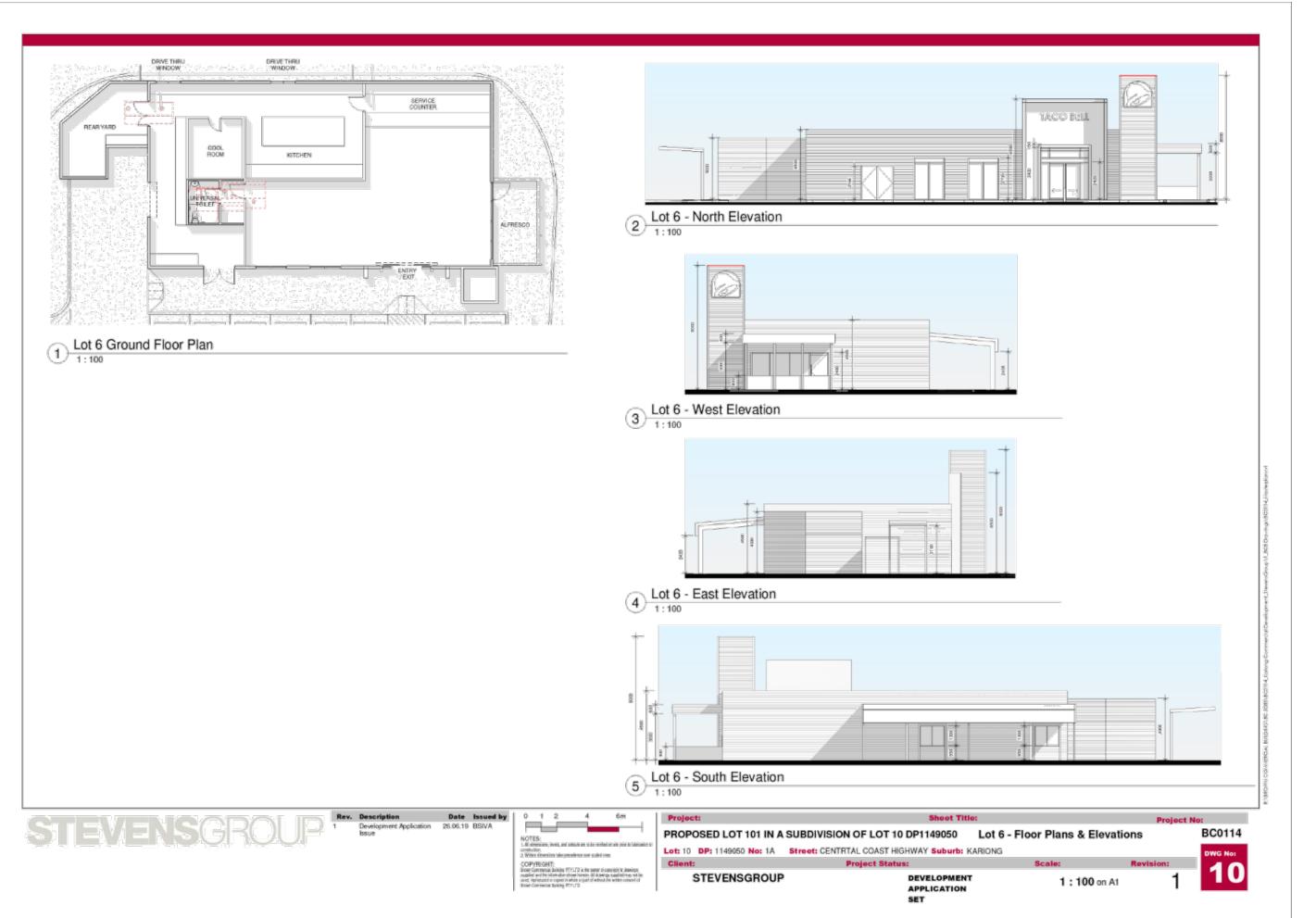
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# Plans 5 The Avenue, KARIONG DA58290 Part 1

# STATEMENT OF ENVIRONMENTAL EFFECTS

# Commercial Development and 6 Lot Torrens Title Subdivision

Lot 101 in DP 1256044 KARIONG

Prepared By: Stevens Group Date: March 2020

Stevens Holdings Pty Limited [ ABN: 14:002/386/450 [ (Trading As Stevens Group) Postal Address: PO Box 3171 Erina NSW 2250 [ Suite 6, 257-259 Central Coast Highway, Erina Phone: 02/4365/3351 [ Fax: 02/4365/3750 ] www.stevensgroup.com.au



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### 1. INTRODUCTION

This Statement of Environmental Effects has been prepared by the Stevens Group in support of a Development Application to Central Coast Council. The application seeks Council's consent for a six (6) lot subdivision and the establishment of three (3) Fast Food Outlets and a Vehicle Repair Outlet on Lot 101 in DP 1256044, being the Highway Commercial Precinct within the Mount Penang Parklands at Kariong, (see Site Location Plan attached at *Appendix 1* and proposed Development Plans attached at *Appendix 2 & 3*).

The application also seeks approval for associated external road works, site works including earthworks, landscaping and servicing. Associated carparking and signage also form part of the application.

The Mount Penang Parklands are listed on the State Heritage Register and also within Schedule 5 of Gosford Local Environmental Plan 2014. A Statement of Heritage Impact has been prepared in conjunction with this application and concludes that the proposal is an acceptable response to the established planning protocols, (see *Appendix 5*).

This Statement of Environmental Effects makes an assessment of the proposed development as required by Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). The report describes the site and its surrounds in order to place the proposal in its social and physical context. The relevant matters for consideration as set out in Section 4.15 of the Act are as follows:

### "Section 4.15 (1) matters for consideration- general:

In determining a development application, a consent authority is to take into consideration such of the following matters as are relevant to the development and the subject of the development application:

- a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
  - (v) (Repealed)

that apply to the land to which the development application relates,

- b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- c) the suitability of the site for the development,
- d) any submissions made in accordance with this Act or the regulations,
- e) the public interest.

This Statement of Environmental Effects should be read in conjunction with the following plans and documentation:

- Site Location Plan attached at Appendix 1.
- Proposed Architectural Plans attached at Appendix 2.
- Proposed Engineering Plans attached at Appendix 3.
- Traffic Impact Assessment attached at Appendix 4.
- Heritage Impact Statement attached at Appendix 5.
- Proposed Landscape Plan attached at Appendix 6.
- Aboriginal Heritage Due Diligence report attached at Appendix 7.
- Streamlined Biodiversity Assessment Report (BDAR) attached at Appendix 8.
- Bushfire Assessment report attached at Appendix 9.

### 2. THE SITE

This section of the report describes the site's location and physical characteristics in order to place the development proposal in context.

### 2.1 SITE LOCATION

The Site is located adjacent to the M1 Sydney/Newcastle Motorway on the Central Coast Highway exit to Gosford (see Site Location Plan attached at *Appendix 1*). The property is known as the "Mount Penang Parklands" at Kariong and has been used in part as a Juvenile Justice Centre since 1912. This site was previously known as the "Home Farm for Boys".

New facilities for the Juvenile Justice Centre were constructed in 1999 and the NSW Cabinet agreed to the formation of a Development Corporation to manage the re-development of the remaining land.

Currently existing on the balance of the land are the Kariong Mountains High School and a variety of other community and commercial uses.

The site that is the subject of this DA is known as the "Highway Commercial Precinct", under the Kariong Mount Penang Parklands Chapter of Gosford Development Control Plan (DCP) 2013, (see Site Location Plan attached at **Appendix 1**).

### 2.2 PHYSICAL DESCRIPTION

The subject land comprises an area of approximately 5.732Ha and lies to the north of the Central Coast Highway between The Avenue and Kangoo Road at Kariong. The Rural Fire Service is located to the east at the signalised intersection of The Avenue and the Highway and is not part of the proposed development. Similarly, a Tourist and Visitor Information Centre on the subject land is currently leased and does not form part of this proposal, however it is to be retained on part of proposed Lot 1.

The site is otherwise vacant and covered in scattered vegetation identified as "Scribbly Gum Group" along the frontage of the land under the Gosford Development Control Plan. These trees are to be retained under the development footprint.

Levels over the site vary from 180m AHD at the eastern end of the site to 170m AHD adjacent to the Highway underpass at the western end of the site.

Council has previously granted a two (2) lot subdivision consent (being DA 4733/2015), and dedication of the remainder of The Avenue and Festival Drive to Council as public roads has been subsequently agreed.

The current proposal for a six (6) lot subdivision and commercial development is over Lot 101 in DP1256044. For the purposes of the current application it is assumed that both The Avenue and Festival Drive have been dedicated as public roads and that all services are available to the site in Festival Drive and are of adequate capacity to service the needs of the development.

### 2.3 REAL PROPERTY DESCRIPTION

The Real Property Description for the land is Lot 101 in DP1256044.

### 3. THE PROPOSAL

This section of the report provides an overall description of the proposal along with a more detailed description of each component.

In terms of the overall development, the proposal involves:

- A six (6) lot Torrens Title subdivision
- The establishment of three (3) fast food outlets on proposed Lots 3, 5 and 6.
- The establishment of a tyre outlet on proposed Lot 4.
- A new left in/left out entry on Central Coast Highway, mid block along the proposed development parcel linking to Festival Drive.
- Associated car parking for each of the proposed developments.
- Associated servicing
- Associated earthworks
- The creation of proposed Lot 1 and 2 which will be the subject of future development applications.

Each of the proposed aspects of the development is discussed below in greater detail.

### 3.1 PROPOSED SUBDIVISION

The proposal seeks approval for a six (6) lot Torrens Title Subdivision as demonstrated on the proposed plan of Subdivision attached at *Appendix 2*.

The following table sets out the description of each proposed lot within the subdivision and the end user to be established on each parcel.

### Table 1 – Subdivision

Proposed Lot	Site Area	End Use	GFA
1	3.746 Ha	Residue Parcel	N/A
2	3,980m <sup>2</sup>	Residue Parcel	N/A
3	6,279m <sup>2</sup>	McDonalds	430m <sup>2</sup>
4	2,563m <sup>2</sup>	Bridgestone Tyres	400m <sup>2</sup>
5	3,462m <sup>2</sup>	Oporto	250m <sup>2</sup>
6	3,140m <sup>2</sup>	Taco Bell	280m <sup>2</sup>

### 3.2 PROPOSED TAKEAWAY FOOD AND DRINK PREMISES

The proposed fast food outlets include McDonalds on proposed Lot 3, Oporto on proposed Lot 5 and Taco Bell on proposed Lot 6.

Each of the proposed food outlets are described below.

The site layout is demonstrated on Drawing 01 attached at Appendix 2.

### 3.2.1 MCDONALDS

The proposed McDonalds food outlet will have a Gross Floor Area (GFA) of 430m2, car parking for 50 vehicles, including 2 spaces for people with disabilities. Dual drive through lanes are provided along with a loading bay. Two (2) waiting bays are also provided along with 3 staff spaces.

Within the store itself the floor area includes the 98 seats dining room, and 18 seat party room and play area. Male and female amenities along with a bathroom also form part of the front of house.

Back of house includes a corral, freezers, refrigeration, dry goods storage, cashier area, IT room, managers office and food preparation and servery areas.

Externally, the building is a modern rectilinear design, generally 6.075m in height over the main restaurant and 7.26m in height over the play area.

Car parking spaces and aisle widths are variable, however, 47 standard spaces are 2.6m wide x 5.4m long, two accessible spaces are 2.4m x 5.4m with one clear adjacent space of 2.4m x 5.4m and waiting bays 2.6m x 5.6m. There are also three staff spaces 5.4m x 2.6m adjacent to the loading bay.

### 3.2.2 OPORTO

The proposed Oporto store will have a Gross Floor Area (GFA) of 250m<sup>2</sup>, car parking for 32 vehicles, including one space for people with disabilities. A single drive thru lane is proposed along with a loading bay and two waiting bays.

Within the store itself is seating for 64 customers, male and female amenities along with a unisex accessible bathroom within the front of house. Back of house comprises a cool room, freezer space, food preparation area and service counters.

Outdoor dining for customers is provided in an "alfresco" area as shown on the plans attached at *Appendix 2.* 

As with the McDonald's store, the building is a modern rectilinear design with a general height of 4.7m and a maximum height of 7.2m over the main entry. All car parking spaces generally 5.5m in length and 2.6m in width.

### 3.2.3 TACO BELL

The proposed Taco Bell store will have a Gross Floor Area (GFA) of 280m<sup>2</sup>, car parking for 33 vehicles including one space for people with disabilities. A single drive thru lane is proposed along with a loading bay.

Within the store itself is seating for 62 customers, male and female amenities along with an accessible bathroom within the front of house. Back of house comprises a cool room, food preparation area and service yard. The service counter also forms part of back of house. Alfresco dining for customers is provided adjacent to the eastern elevation.

### 3.2.4 BRIDGESTONE TYRE OUTLET

The proposed Bridgestone Tyre Outlet is to be constructed on proposed Lot 4 and will have a Gross Floor Area (FGA) of 400m<sup>2</sup>. The building will incorporate three (3) work bays, accessed via individual roller shutters. A showroom of approximately 44m<sup>2</sup> is proposed for product display and sales with mezzanine storage proposed partly above the showroom, offices and work bays. A small office and staff room with a single accessible WC is provided. Externally, bin storage and disused tyre storage enclosures will screen unsightly areas from public view.

Car parking is provided for 24 vehicles, including one space for people with disabilities.

Externally, the building has a maximum height of 8.3m and generally 7.78m excluding the parapet wall.

### 3.3 LANDSCAPING

Landscape Design plans have been prepared by Site Image and are attached at Appendix 6.

The proposed Landscape Design includes a palette of carefully selected and located trees, shrubs, accents, groundcovers and grasses. The plant schedule includes mostly native species, suited to the proposed development site.

The landscape design serves to provide a buffer between the proposed road verges, carpark kerbs and building footprint to soften the visual impact of the development whilst allowing for the development to operate in a safe and efficient manner.

### 3.4 HOURS OF OPERATION

Approval is sought for 24-hour trade for all aspects of the development, however, the tyre outlet is likely to operate from 7.00 am until 6.00 pm.

The facilities will be open seven days per week.

### 3.5 EMPLOYMENT

It is expected that McDonalds and Oporto will employ between 80-100 full time, part time and casual staff each. Taco Bell will employ from 60-80 full time, part time and casuals.

### 3.6 ACCESS

The Traffic Impact Statement prepared by CBRK and is attached at Appendix 4.

Vehicular access to the site is proposed via the existing signalised intersection of The Avenue and Central Coast Highway and then via Festival Drive. As noted previously, dedication of the remainder of The Avenue and Festival Drive has been agreed between HCCDC and Central Coast Council. This DA assumes this has occurred.

A direct access into the site is also proposed via new entry road from Central Coast Highway. This access will be restricted to left in/left out, with a deceleration lane for vehicles turning off the highway.

The access arrangements are demonstrated on the plans attached at Appendix 2 and 3.

### 3.7 SIGNAGE

A pylon sign is proposed directly to the east of the entry driveway. The sign has a proposed height of nine (9) metres. A smaller price board (4.5m) demonstrating the current fuel prices is proposed directly to the west of the exit driveway.

### 3.8 SERVICING

All services are available to the proposed allotment and are at sufficient capacity, or be able to be augmented, to cater for the development.

### 3.9 STORMWATER MANAGEMENT

A concept Stormwater Management Strategy has been prepared by Northrop for the proposal and is attached at *Appendix 3*.

The design will mitigate the impacts of the development on the downstream stormwater system.

### 3.10 EARTHWORKS

A balance of cut to fill is proposed over the site. No excavation is proposed within the 20 m wide Scribbly Gum buffer. Earthworks are demonstrated on the ADW Engineering plans at **Appendix 3**.

#### 4. STATUTORY PROVISIONS

This section of the report details the relevant statutory matters for consideration under Section 4.15 of the NSW Environmental Planning and Assessment Act 1979 (as amended), including made and draft Regional, State and Local Plans.

The relevant heads of consideration listed under Section 4.15 of the NSW Environmental Planning and Assessment Act 1979 are set out below.

"Section 4.15 (1) matters for consideration - general:

In determining a development application, a consent authority is to take into consideration such of the following matters as are relevant to the development and the subject of the development application:

- a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
  - (v) (Repealed)

that apply to the land to which the development application relates,

- b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
- c) the suitability of the site for the development,
- d) any submissions made in accordance with this Act or the regulations,
- e) the public interest.

The following Environmental Planning Instruments apply to the subject site as a result of the proposed development.

- Central Coast Regional Plan 2036
- NSW Environmental Planning and Assessment Act 1979 (as amended)
- The NSW Biodiversity Conservation Act 2016
- National Parks and Wildlife Act 1974
- Rural Fires Act 1997
- Heritage Act 1977 (NSW)

- Gosford Local Environmental Plan 2014
- State Environmental Planning Policy (Infrastructure 2007)
- State Environmental Planning Policy No.55 Remediation of Lands
- State Environmental Planning Policy No.64 Advertising and Signage

#### 4.1 CENTRAL COAST REGIONAL PLAN 2036

The Vision and aims to be achieved by the Goals and subsequent Directions under the Central Coast Regional Plan 2036, are for the region to have a strong economy with more local employment opportunities, an appropriately protected natural environment with well managed agricultural and resource lands and an adequate variety of housing for existing and future residents within well connected communities that are conducive to wellbeing and healthy lifestyles.

An assessment of the proposal in relation to each of the applicable Directions is set out below:

#### Direction 2 - Focus economic development in the southern and northern Growth Corridors

The subject land is situated within the Southern Growth Corridor. The proposal is wholly in keeping with the Precinct Planning already undertaken for Mount Penang and Kariong and will expand employment opportunities and improve services within the gateway location.

The proposal has taken into consideration the environmental values of the land and the existing and future infrastructure capacity of the locale. The proposed subdivision and concept approval meets the intent of Direction 2.

#### **Direction 3 – Support Priority Economic Sectors**

The proposal will facilitate the aim of Direction 3, which is to focus commercial and retail development in growth corridors to encourage appropriately located employment growth. The proposal will further facilitate the establishment of services in the vicinity of the Somersby Industrial area and improve its future functionality and viability. Further development in a gateway location will foster tourism growth.

#### Direction 4 - Strengthen inter-regional and intra-regional connections for business

As previously discussed, the proposed subdivision, restaurants and a vehicle repair outlet will facilitate future development that will provide services and amenity to future and existing freight and logistics businesses and employees within the Somersby Employment Lands. The development will also service the day to day needs of local residents within Kariong and the broader Central Coast being located on their homebound journey if commuting out of area.

#### Direction 5 - Support new and expanded Industrial Activity

As per Direction 4, the proposal will facilitate uses that are supportive and ancillary to the operation and amenity of Industrial Activity at nearby Somersby Employment Lands.

#### Direction 7 - Increase Job Containment in the Region

The proposed subdivision and concept approval will allow for the future creation of approximately 300 permanent, part time and casual jobs during the operational phase of the development and also strengthen the viability of the nearby employment lands through provision of services in a convenient location.

#### Direction 8 – Recognise the cultural landscape of the Central Coast

The subject land is in the vicinity of several Heritage Items, Precincts and Vistas.

An Aboriginal Due Diligence Report has been undertaken and is attached at *Appendix 7*. The report was prepared by Extent Heritage Advisors in February 2018 in relation to an earlier Development Application over the subject land which, at the time, was part of Lot 10 in DP 1149050. Notwithstanding the fact that the report was prepared in relation to a different DA for subdivision and a Masterplan, it assessed all of the land impacted by the current proposed.

A culturally modified tree was identified, the tree is and was located within the Highway buffer area and is not impacted by the development. The Due Diligence Report at **Appendix 7** makes recommendations that were developed in consultation with the Darkinjung LALC. These recommendations relate to the preparation of an Aboriginal Cultural Heritage Assessment (ACHAR) if there is any unforeseen impact to the item and an Aboriginal Heritage Impact Permit in the event that the tree is impacted. As noted, however, this is not envisaged and no objection is raised to preparing an Aboriginal Cultural Heritage Management Plan (ACHMP) as a condition of DA as suggested in the report.

#### Direction 12 - Protect and Manage environmental values

The land contains scattered vegetation identified as "Scribbly Gum Group" along the Central Coast Highway frontage, particularly towards the south east portion of the site.

These trees are identified within the applicable chapter of the DCP and under the Heritage provisions of the LEP and are proposed to be retained within the development footprint.

The proposal respects the environmental values and features of the site.

Anderson Environment and Planning has been commissioned to undertake a Streamlined Biodiversity Assessment Report (SBAR). A copy of the SBAR is attached at **Appendix 8**. The report was prepared to meet the requirements of the Biodiversity Assessment Methodology 2019 (BAM) established under Section 6.7 of the NSW Biodiversity Conservation Act 2016. The assessment utilises methods detailed within the BAM Order 2017 to identify biodiversity values inherent within the site, including known and potentially occurring threatened species and ecological communities and quantifies impacts of the proposal upon these values under a streamlined assessment (small area).

The site is comprised of highly disturbed Hawkesbury Coastal Banksia Woodland as well as planted Angophora Costata. The majority of the site is currently used as a car park. The development will remove or modify approximately 1.77 Ha of highly disturbed vegetation, however, a green buffer is

provided between the Highway and the development footprint which will be maintained under a Vegetation Management Plan.

No threatened species have been recorded on the site. The BAM support team at OEH, however, identified the site as "draft Swift Parrot Important Areas". Detailed assessment, however, has determined that the development of the site is not a serious and irreversible impact for Swift Parrot, hence, no serious and irreversible impacts are likely to occur as a result of the proposal.

The SBDAR includes the BAM Biodiversity Credit Report at Appendix 9.

#### Direction 15 - Create a well planned, compact settlement pattern

The proposed subdivision and concept approval will allow for development immediately adjacent to existing residential land uses that will benefit from additional services and employment opportunities in this location. As previously discussed, the future development facilitated by the proposal will also cater to the ancillary needs of Somersby Employment Lands.

The sites' location along the southern growth corridor and entry point to the southern Central Coast will further benefit commuters and tourists.

The development will result in a compact settlement within the Kariong, Mount Penang, Somersby Locale that contains compatible land uses beneficial to local residents, employees and the greater Central Coast.

#### Direction 16 - Grow investment opportunities in the region's centres

The proposal meets the aim of Direction 16, which is to encourage new commercial and retail business activity.

The proposal will encourage investment in this sector in an appropriate location.

#### Direction 18 - Create Places that are inclusive, well-designed and offer attractive lifestyles

An intent of this direction is to 'focus development in existing areas to revitalise Communities'. The current use of the land does not offer the maximum benefit to the residents of Kariong, Somersby and suburbs further to west of the M1 Motorway. The proposal will allow for improved neighbourhood amenity and sense of community in a transformative manner.

The proposal is a positive and suitable redevelopment of the site that is wholly in keeping with the precinct planning pertaining to the location within the applicable Development Control Plans.

#### 4.2 NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

This Statement has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (as amended). The proposal does not constitute designated development. The application requires referral to the RMS under the provisions of State Environmental Planning

Policy (Infrastructure) 2007 and is Integrated Development under the NSW Heritage Act 1977 and Rural Fires Act 1997. These matters are discussed below.

#### 4.3 NSW BIODIVERSITY CONSERVATION ACT 2016

Anderson Environment and Planning has been commissioned to undertake a Streamlined Biodiversity Assessment Report (SBAR). A copy of the SBAR is attached at *Appendix 8*. The report was prepared to meet the requirements of the Biodiversity Assessment Methodology 2019 (BAM) established under Section 6.7 of the NSW Biodiversity Conservation Act 2016. The assessment utilises methods detailed within the BAM Order 2017 to identify biodiversity values inherent within the site, including known and potentially occurring threatened species and ecological communities and quantifies impacts of the proposal upon these values under a streamlined assessment (small area).

The site is comprised of highly disturbed Hawkesbury Coastal Banksia Woodland as well as planted Angophora Costata. The majority of the site is currently used as a car park. The development will remove or modify approximately 1.77 Ha of highly disturbed vegetation, however, a green buffer is provided between the Highway and the development footprint which will be maintained under a Vegetation Management Plan.

No threatened species have been recorded on the site. The BAM support team at OEH, however, identified the site as "draft Swift Parrot Important Areas". Detailed assessment, however, has determined that the development of the site is not a serious and irreversible impact for Swift Parrot, hence, no serious and irreversible impacts are likely to occur as a result of the proposal.

The SBDAR includes the BAM Biodiversity Credit Report at Appendix 9.

#### 4.4 NATIONAL PARKS AND WILDLIFE ACT 1974

Councils' DCP identifies the vegetated land to the east of the subject land as having potential for Aboriginal Archaeological Sites. The subject land is in the vicinity of several Heritage Items, Precincts and Vistas.

An Aboriginal Due Diligence Report has been undertaken and is attached at *Appendix 7*. The report was prepared by Extent Heritage Advisors in February 2018 in relation to an earlier Development Application over the subject land which, at the time, was part of Lot 10 in DP 1149050. Notwithstanding the fact that the report was prepared in relation to a different DA for subdivision and a Masterplan, it assessed all of the land impacted by the current proposed.

A culturally modified tree was identified, the tree is and was located within the Highway buffer area and is not impacted by the development. The Due Diligence Report at **Appendix 7** makes recommendations that were developed in consultation with the Darkinjung LALC. These recommendations relate to the preparation of an Aboriginal Cultural Heritage Assessment (ACHAR) if there is any unforeseen impact to the item and an Aboriginal Heritage Impact Permit in the event that the tree is impacted. As noted, however, this is not envisaged and no objection is raised to preparing an Aboriginal Cultural Heritage Management Plan (ACHMP) as a condition of DA as suggested in the report.

#### 4.5 RURAL FIRES ACT 1997

The subject land is partially within a Bushfire Buffer Zone. A Bushfire Hazard Assessment has been prepared by BCBHS and is attached at *Appendix 5*.

The proposed buildings are in excess of 100m from any bushfire hazard and therefore there are no construction provisions applicable under AS3959-2018.

#### 4.6 HERITAGE ACT 1977 (NSW)

The site is listed on the following heritage registers:-

Heritage Act – State Heritage Register	01667	19 September 2003	145
Gosford Local Environmental Plan (LEP) 2014	ltem 74 (	Scribbly Gum Group)	

The State Heritage Register (SHR) listing number 01667 currently describes the entire site as very significant to NSW. The Statement of Significance included with the listing starts with the following statement:-

"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 (85) 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".

In terms of significant items on the subject land, the Highway Commercial Precinct is deemed to have the least significance and this is reflected in Council's DCP.

The Gosford LEP 2014 identifies the Scribbly Gum Group (Item 74) as being of High Landscape Significance. This group of trees is retained under the current proposal.

As noted elsewhere in this report, physical works associated with the six (6) lot subdivision are limited and will not impact upon the Heritage significance of the site either from a State or Local perspective.

#### 4.7 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following State Environmental Planning Policies (SEPPs) are relevant to the application: -

- i. SEPP Infrastructure (2007)
- ii. SEPP 64 Advertising and Signage
- iii. SEPP 55 Remediation of Land
- Each SEPP is discussed below.

#### 4.7.1 SEPP INFRASTRUCTURE (2007)

The aim of this policy is to facilitate the effective delivery of infrastructure across the State. It specifies a number of environmental controls, consultation requirements and referral provisions.

Clause 104 of the Infrastructure SEPP states the following:

#### 4.7.1.1 104 Traffic-generating development

- This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:
  - (a) New premises of the relevant size or capacity, or
  - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity
- (2) In this clause, relevant size or capacity means:
  - (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or
  - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.
- (2A) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this Policy provides may be carried out without consent unless the authority or person has:
  - (a) given written notice of the intention to carry out the development to RMS in relation to the development, and
  - (b) taken into consideration any response to the notice that is received from RMS within 21 days after the notice is given.

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- (3) Before determining a development application for development to which this clause applies, the consent authority must:
  - (a) give written notice of the application to RMS within 7 days after the application is made, and
  - (b) take into consideration:
    - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and
    - (ii) the accessibility of the site concerned, including:
      - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
      - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
    - (iii) any potential traffic safety, road congestion or parking implications of the development.
- (4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.

Due to the location of the Service Station adjacent to the Central Coast Highway (a classified road), as such referral to the NSW Roads and Maritime Services (RMS) will be required.

A Traffic Impact Assessment has been prepared by CBRK and is attached at *Appendix 4*. The report provides an assessment of the traffic impacts of the proposed development and concludes that it will not compromise the current or future efficiency of Central Coast Highway or the surrounding road network. The nature and design of the development ensures vehicles have satisfactory access to and from the site and is a compatible use for the Classified Road Location.

#### 4.7.2 SEPP 55 - REMEDIATION OF LAND

State Environmental Planning Policy No. 55 Remediation of Land requires consideration of the suitability of land for the proposed development. The risk to health and the environment from contamination needs to be understood and Council must be satisfied that a site is suitable for its proposed use or can and will be made suitable.

The subject land has been historically used as agricultural grazing lands in association with the boys home. No structures are known to have been built on the site. The land is deemed unlikely to be contaminated.

#### 4.7.3 SEPP 64 - ADVERTISING AND SIGNAGE

A nine (9) metre high pylon sign forms part of the application as shown on the plans attached at **Appendix 2**. The pylon sign is proposed to be located immediately to the east of the ingress driveway.

The aims of SEPP 64 are:

- a) To ensure that signage (including advertising):
  - (i) is compatible with the desired amenity and visual character of an area, and
  - (ii) provides effective communication in suitable locations, and
  - (iii) is a high quality design and finish, and
- b) To regulate signage (but not content) under part 4 of the Act, and
- c) To provide time-limited consents for the display of certain advertisements in transport corridors, and
- d) To regulate the display of advertisements in transport corridors, and
- e) To ensure that public benefits may be derived from advertising in and adjacent to transport corridors

Clause 8 of SEPP 64 states the following:

A consent Authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

The following table makes an assessment of the relevant matters:

It is considered that the proposal satisfies the relevant criteria outlined within SEPP 64. A detailed assessment of the proposal against Schedule 1 Assessment Criteria is provided in the following table:

#### Table 1 - Advertising Signage Assessment

Ass	essment Criteri	a	Comment	Compliance
	Character of the area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the character of the locality, being on adjacent to the Central Coast Highway opposite an existing Service Station. The High School to the North and Juvenile Justice center further North along with the RFS building to the East render the site Urban in character.	Y
		Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No there is no theme for outdoor advertising in the area.	Y
2. 5	Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not detract from any environmentally sensitive areas, heritage areas, natural or conservation areas, open space areas, waterways or rural landscapes. The proposal is opposite an established Service Station; however, the Highway separates the development from such, inclusive of four lanes of traffic and a median strip. It is not considered that the signage will detract from the amenity or visual quality of nearby residential areas.	Y
	Views and vistas	Does the proposal obscure or compromise important views?	No, the proposed signage does not obscure or compromise any important existing or potential view corridors.	Y

	Does the proposal dominate the skyline and reduce the quality of vistas?	Most of the external signage is located on the buildings and does not intrude above the structure on which it is located. A 9m freestanding pylon and 4.5m price board are proposed adjacent to the Highway, however they do not reduce the quality of vistas or dominate the skyline.	Y
	Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not unduly obscure any other advertising signage of any adjoining development within the precinct.	Y
4. Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed scale, proportion and form of the signage is appropriate for the streetscape given it addresses a classified road and is setback from the carriageway.	Y
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute to the visual interest of the area and appropriately identify the end users of the site.	Y
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage as proposed is rational in nature and purpose and appropriately reflects the new use of the site.	Y
	Does the proposal screen unsightliness?	The proposal does not screen unsightliness, the site is currently vacant.	N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage does not significantly protrude above buildings and structures in the locality.	Y
	Does the proposal require ongoing vegetation management?	No, the proposed landscaping has been designed with regard to the siting of the signage.	Y

5. Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage has been designed to integrate with the built form and site characteristics.	Y
	Does the proposal respect important features of the site or building, or both?	The signage does not detract from important features of the site or the proposed buildings.	Y
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed placement of signage is considered the most appropriate given the building siting, access points, car parking and landscape elements. It also enhances the identity of the site.	Y
<ol> <li>Associated devices and logos with advertisements and advertising structures</li> </ol>	0 0	The proposal includes elements of appropriately illuminated signage. This also comprises logos and internationally recognised symbols representing the facilities and services offered.	Y
7. Illumination	Would illumination result in unacceptable glare?	Signage will be illuminated at appropriate LUX levels so as not to result in unacceptable glare. The lighting will be designed and installed in accordance with relevant Australian Standards.	Y
	Would illumination affect safety for pedestrians, vehicles or aircraft?	The illuminated signage will not provide a safety concern for pedestrians, vehicles or aircraft.	Y
	Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illuminated signage will have negligible impact on residences in the locality due to the separation distance and the appropriate levels of illumination.	Y
	Can the intensity of the illumination be adjusted, if necessary?	No, however the illumination is not expected to create any negative visual impacts or unacceptable glare.	N/A

	Is the illumination subject to a curfew?	The signs would be illuminated during all proposed hours of operation. There is no curfew in place.	N/A
8. Safety	Would the proposal reduce the safety for any public road?	The proposed signage will not reduce road safety. Sightlines to and from the site will not be affected and there will be no cause of distraction for drivers.	Y
	Would the proposal reduce the safety for pedestrians or bicyclists	The proposed signage will not reduce existing safety for pedestrians and cyclists. All signage is contained wholly within the site and not within the road or footpath.	Y
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure sightlines from public areas.	Y

#### 4.8 GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

The Subject Land is zoned SP1 – Special Activities under the provisions of Gosford Local Environmental Plan (LEP) 2014.

The objectives of the zone are as follows:-

- To provide for special land uses that are not provided for in other zones
- To provide for sites' special natural characteristics that are not provided for in other zones
- To facilitate development that is in keeping with the special characteristics of the site or its
  existing or intended special use, and that minimises any adverse impacts on surrounding land.

Whilst permitted uses without consent include environmental facilities, environmental protection works and recreation areas.

Development Consent is required for purposes identified on the Land Zoning Map and any development that is ordinarily incidental or ancillary to development for such purposes.

The Land Zoning Map identifies the following permissible uses:-

- Bulky Goods premises
- Business premises other than Medical Centres note, superseded by SEPP Infrastructure 2007
- Childcare Centres
- Community Facilities

- Educational Establishments
- Function Centres
- Heli Ports
- Kiosks
- Landscape and Gardening Suppliers
- Markets
- Offices
- Recreation Facilities
- Retail Premises
- Restaurants
- Tourist and Visitor Accommodation

The proposed three (3) food and drink premises fall within the definition of Retail Premises and are permissible with consent. The proposed Tyre outlet is a Business Premises and is also permissible with consent in the zone. The proposal meets the objectives of the zone.

#### 4.8.1 OTHER RELEVANT CLAUSES IN GOSFORD LEP 2014

#### 4.8.1.1 Maps

The Subject Land does not have a minimum lot size identified on the Minimum Lot Size Map nor a maximum height of building shown on the Maximum Height of Building Map. The land is identified as a conservation area on the Heritage Maps attached to the Local Environmental Plan and in particular as noted elsewhere in this report item number 74, being the Scribbly Gum Group is of local significance.

The land is identified as Class 5 on the Acid Sulphate Soils Map.

There is no maximum floor space ratio applicable to the site.

#### 4.8.1.2 Clause 2.6 – Subdivision

Subdivision of land is permissible under Clause 2.6 of Gosford Local Environmental Plan. As noted above there is no minimum lot size for subdivision in the zone.

#### 4.8.1.3 Clause 5.9 - Preservation of Trees or Vegetation

Clause 5.9 of the Local Environmental Plan requires Development Consent or a permit to be granted by the Council for the removal of any trees or vegetation. Approval is sought for the removal of exotic vegetation for the purposes of filling and earthworks.

All significant vegetation is retained in the front 20m setback to the Highway and no filling or earthworks are proposed in this area in the vicinity of the Scribbly Gum Group.

#### 4.8.1.4 Clause 5.10 - Heritage Conservation

Development Consent is required for subdivision of land within a Heritage Conservation area. As noted above the proposed subdivision will occur on land that is listed as having State significance under the NSW Heritage Act 1977. The Scribbly Gum Group located on the site is listed under Gosford LEP 2014 as an item of Environmental Heritage (No. 74) and the entire site is identified as a "Conservation Area" under the LEP. The Development Control Plan for the site also identifies the Scribbly Gum Group as having Heritage Significance.

As noted elsewhere in this report the Development Control Plan for the Conservation area identifies the Highway Commercial Precinct as the area of least significance and accordingly the proposed uses over the land have been determined to be compatible with the Heritage significance of the site in this location.

The proposed subdivision involves negligible work over the site and will not adversely impact upon the Heritage significance of the Conservation area nor the Scribbly Gum Group.

#### 4.8.1.5 Clause 7.1 – Acid Sulfate Soils

The subject land is identified as a Class 5 Acid Sulfate Soils and does not involve works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.

There are no other relevant matters under the Local Environmental Plan.

#### 5. OTHER RELEVANT MATTERS

This section of the Report deals with the non-statutory matters for consideration under the Act including any relevant Development Control Plan.

In this regard the Gosford Development Control Plan 2013 contains a chapter specifically related to "Kariong, Mount Penang Parklands", being chapter 5.3 discussed below.

#### 5.1 GOSFORD DEVELOPMENT CONTROL PLAN (DCP) 2013

#### 5.1.1 HERITAGE SIGNIFICANCE

Chapter 5.3 of the DCP deals specifically with the Kariong, Mount Penang Parklands. The site is listed under the NSW State Heritage Register as noted in Section 4.0 of this report. The part of the site that is the subject of this Development Application is identified under the DCP as the "Highway/Commercial Precinct". The DCP notes that it is the least significant part of the site having regard to the Heritage significance of the place.

The Scribbly Gum Group discussed below in Section 5.1.2 of this report are heritage listed under Gosford LEP 2014. These trees are to be retained and are located within the front 20m setback to Central Coast Highway.

#### 5.1.2 LANDFORMS - SCRIBBLY GUM GROUP

Figure 2.2 of the DCP identifies landforms across the site for retention and management. A group of "Scribbly Gum" is identified as L7 of Figure 2.2. This group of trees is located within the front 20m of proposed Lot 101, being the development parcel. The front 20m building line setback to the Central Coast Highway required under the DCP is reflected in the proposed Development Plans attached at *Appendix 2*.

The proposed subdivision will not impact on the Scribbly Gum Group. The proposed Concept layout at *Appendix 2* identifies a 20m building line from the Highway and allows for the retention of the group.

Figure 2.3 of the DCP identifies the existing tourist and visitor information centre building on the development site as having "Negligible" Conservation Significance. This building is retained under the current proposal.

Similarly Figure 2.4 of the DCP identifies all of proposed Lot 101, the development parcel, as having "Low Significance", with the exception of the Scribbly Gum Group which will be retained.

#### 6. OTHER MATTERS FOR CONSIDERATION

#### 6.1 ANY PLANNING AGREEMENT 4.15 (a) (iiia)

None recorded in respect of the subject land.

#### 6.2 THE REGULATIONS 4.15

There are no prescribed matters under the Regulations.

#### 6.3 LIKELY IMPACTS OF THE DEVELOPMENT 4.15 (b)

#### 6.3.1 IMPACT ON THE NATURAL ENVIRONMENT

The proposed development has the potential to impact on the natural environment during both the construction and operational phases. Accordingly, appropriate sediment and erosion controls and stormwater management strategies have been designed and will be implemented to ensure the development does not adversely impact upon the natural environment, see Civil Engineering Plans attached at *Appendix 3*.

#### 6.3.2 IMPACT ON THE BUILT ENVIRONMENT

The proposal has the potential to impact upon the built environment as a result of its built form. In this regard the proposed end users will be national traders who will have high standards in terms of architectural appearance and maintenance of their buildings. Extensive areas of landscaping are proposed. The low scale nature of the proposed built form will create strong horizontal lines that minimise the bulk and scale of the buildings. The proposed built form is in keeping with the existing and desired character and amenity of the locale.

The impact of the proposed development on heritage significance has been discussed in detail elsewhere in this SEE.

#### 6.3.3 SOCIAL AND ECONOMIC IMPACTS ON THE LOCALITY

The proposed development will generate employment opportunities during both the construction and operational phases and will extend the range of goods and services available to those living and working in the area. The proposal is likely to have a positive social impact.

The proposal will not prejudice other businesses in the precinct. Being primarily located to service commuters and local residents on their return journeys home.

#### 6.3.4 SUITABILITY OF THE SITE 4.15(C)

The site is well located for the proposal in terms of the existing road network and exposure. The site is largely unconstrained and relatively level. The site is considered to be suitable for the form of development proposed.

#### 6.3.5 ANY SUBMISSIONS MADE 4.15 (D)

None Relevant.

#### 6.3.6 THE PUBLIC INTEREST 4.15 (E)

The creation of employment and the expansion in the range of goods and services in an appropriately zoned location is considered to be consistent with the public interest.

#### 7. CONCLUSION

The subject land has been identified in planning controls as the *"Highway Commercial Precinct"* for the Mount Penang Parklands for many years. The Heritage significance of the parklands has been considered during both the zoning process and in the preparation of the DCP for the site.

Further European and Indigenous heritage assessments have been undertaken in support of this application and demonstrate that the land can be developed without negatively impacting on the relevant values of the site.

Access to the land has been considered in the formulation of this application and a left in/left out mid-block access point with a deceleration land has been incorporated in the design. The traffic Impact Assessment has determined that the proposal will not adversely impact on the state or local traffic network.

The potential impacts on biodiversity have also been considered and no serious or irreversible impacts are likely. The Scribbly Gum group at the frontage of the site have been protected in a 20m wide buffer that will be the subject of a future VMP.

Having regard to these matters, Council is requested to favorably consideration the proposal and its associated benefits.

# PROPOSED LOT 101 IN A SUBDIVISION OF LOT 10

Lot 10, 1A Central Coast Highway, Kariong NSW **Development Application** 

#### Drawing Schedule

Drawing Number	Drawing Title	Scale
000	Landscape Coversheet	N/A
001	Landscape Masterplan	1:600
101	Landscape Plan Lot 3	1:150
102	Landscape Plan Lot 4 & 5	1:150
103	Landscape Plan Lot 6	1:150
501	Landscape Details	As Shown

#### PLANT SCHEDULE

Symbol	Botanical Name	Common Name	Mature	Mature	Spacings	Pot Size	Qty.	
			Height (m.)	Spread (m.)				
Trees								
Cm	Corymólia macsilata	Spotted Gum	15	7	As Shown	75L	18	
Em	Eucalyptus microcorys	TallowoollaT	40	20	As Shown	75L	14	
Le	Lophostemon conferta	Brush Box	35	20	As Shown	756	8	
TL	Tristaniopeis faurina 'Luscious'	Water Gum	9	8	As Shown	75L	22	
Shrubs								
As	Acmena smith/ Minor	Dwarf Lilly Pilly	3	2	As Shown	300mm	488	
CGBF	Callistemon 'Great Bails of Fire	Bottle Brush	1	9	As Shown	300mm	65	
WE	Westringia Truticosa	Coastal Rosemary	2	2	As Shown	300mm	129	
Accents								
By	Beschomer's yuccoides	Mexican Lilly	1	1	As Shown	300mm	214	
De	Doryanthus excelsa	Gymea Lity	2	2	As Shown	300mm	274	
Groundcovers / Grasses								
DB	Dianella caerulea 'Breeze'	Blue Flax: Lify	0.4	0.4	Si per mil	150mm	633	
Lt	Lomandra (orgifolia 'Tanika'	Matt Rush Grass	0.7	0.6	5 per m <sup>a</sup>	150mm	471	
Mp	Myoporum parvifolium	Creeping Boobialia	0.2	0.15	5 per m <sup>2</sup>	150mm	60	
PK	Poe pollomis Kingsdale	Kingsdale	0.45	0.45	5 per m <sup>a</sup>	150mm	541	
τi	Trachelospermum (esminoides	Star Jasmine	0.2	0.9	5 per m²	150mm	4038	

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Proposed Lot 101 of Lot 10 1A Central Coast Highway Kariong, NSW

PUBLIC Landscape Plans 5 The Avenue, KARIONG DA58290 Part 1

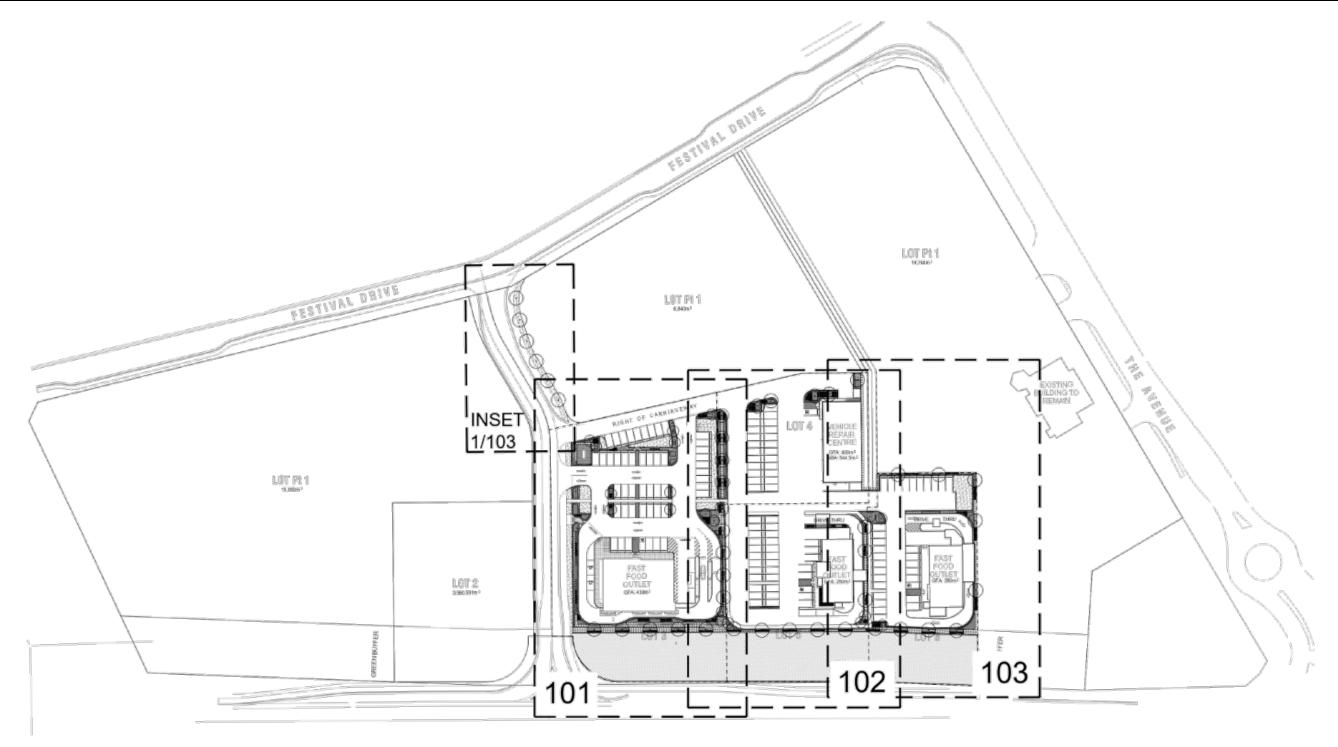
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Landscape Coversheet

PRELIMINARY

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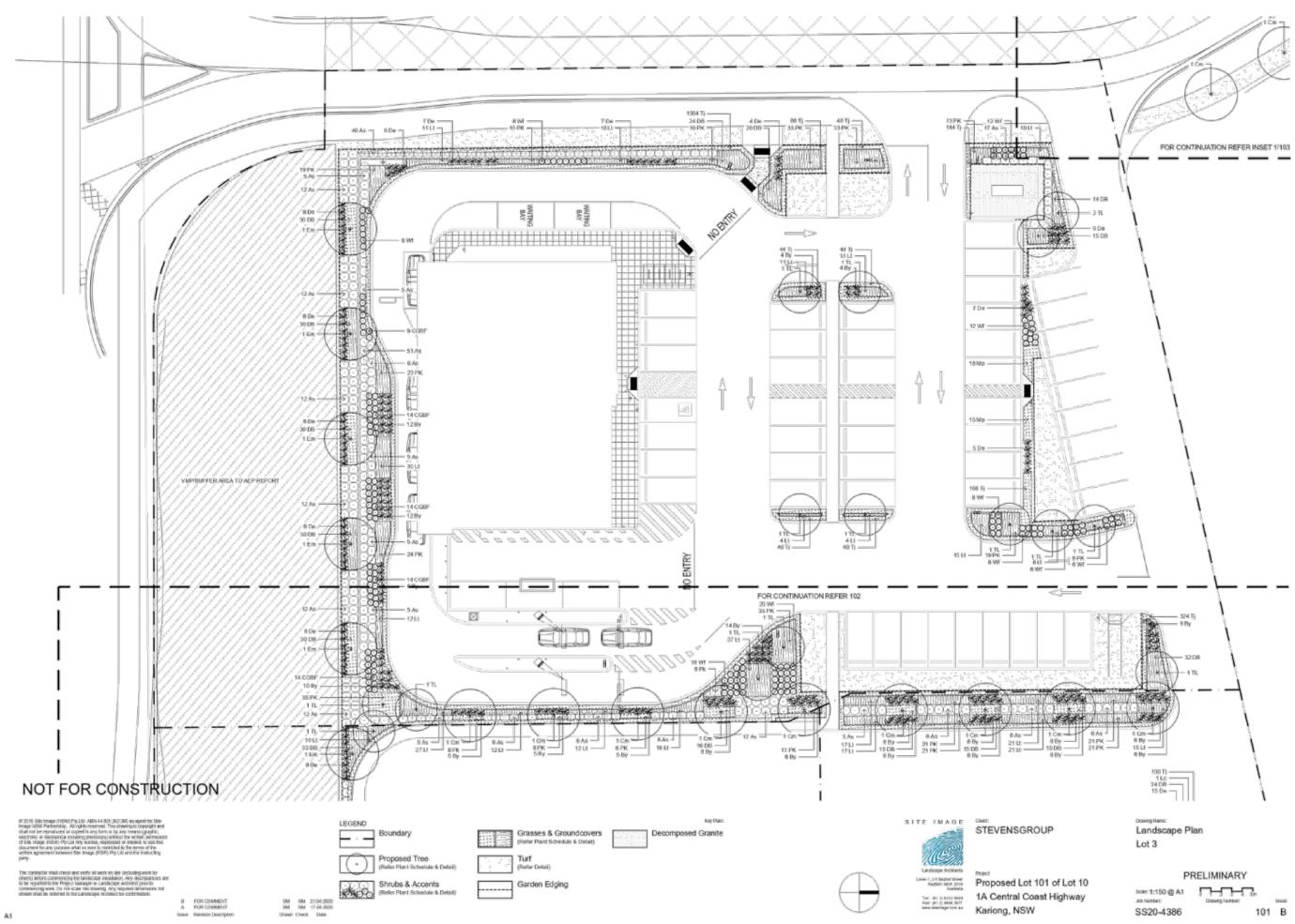
Proposed Lot 101 of Lot 10 1A Central Coast Highway Kariong, NSW

Landscape Masterplan

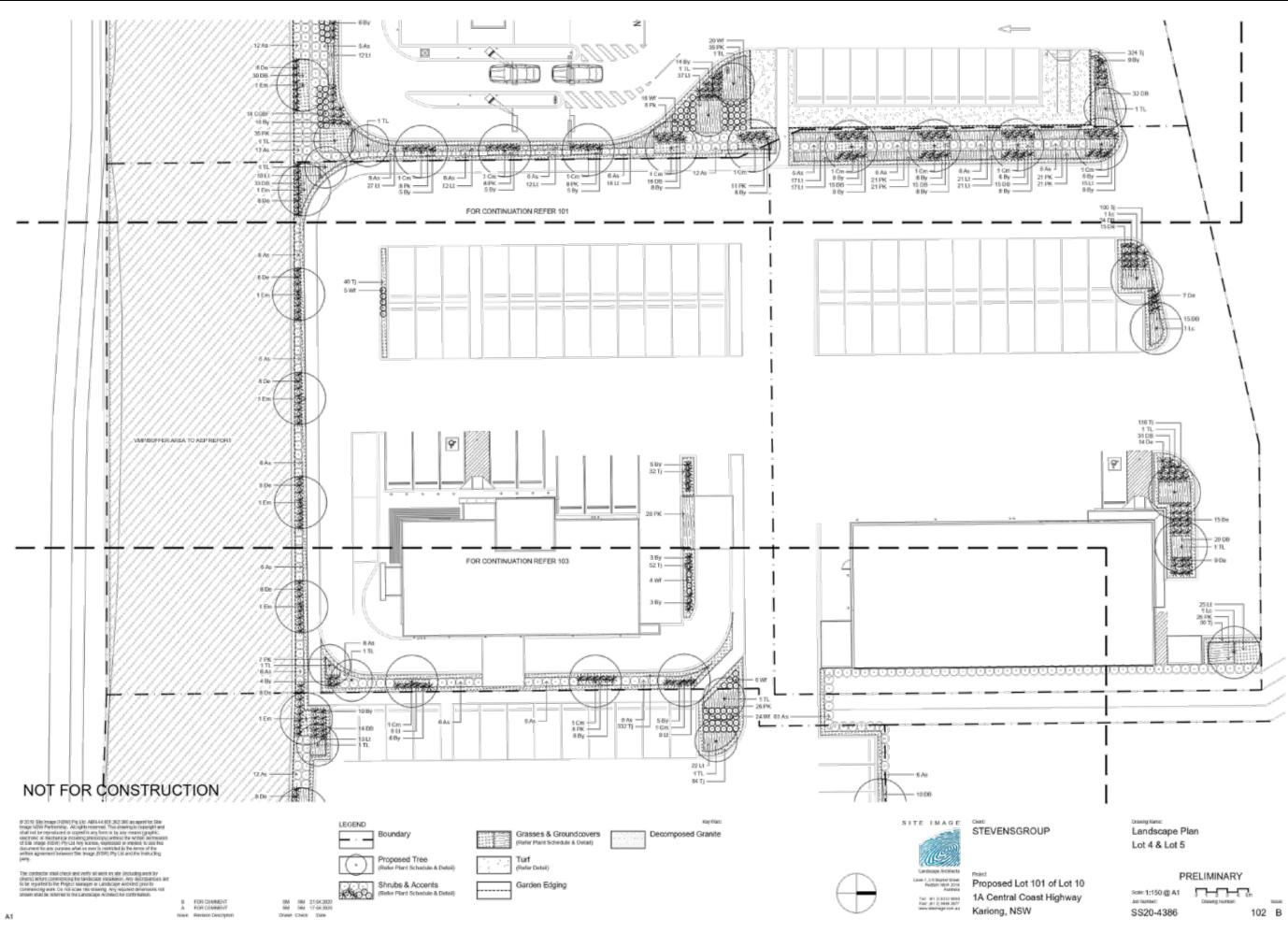
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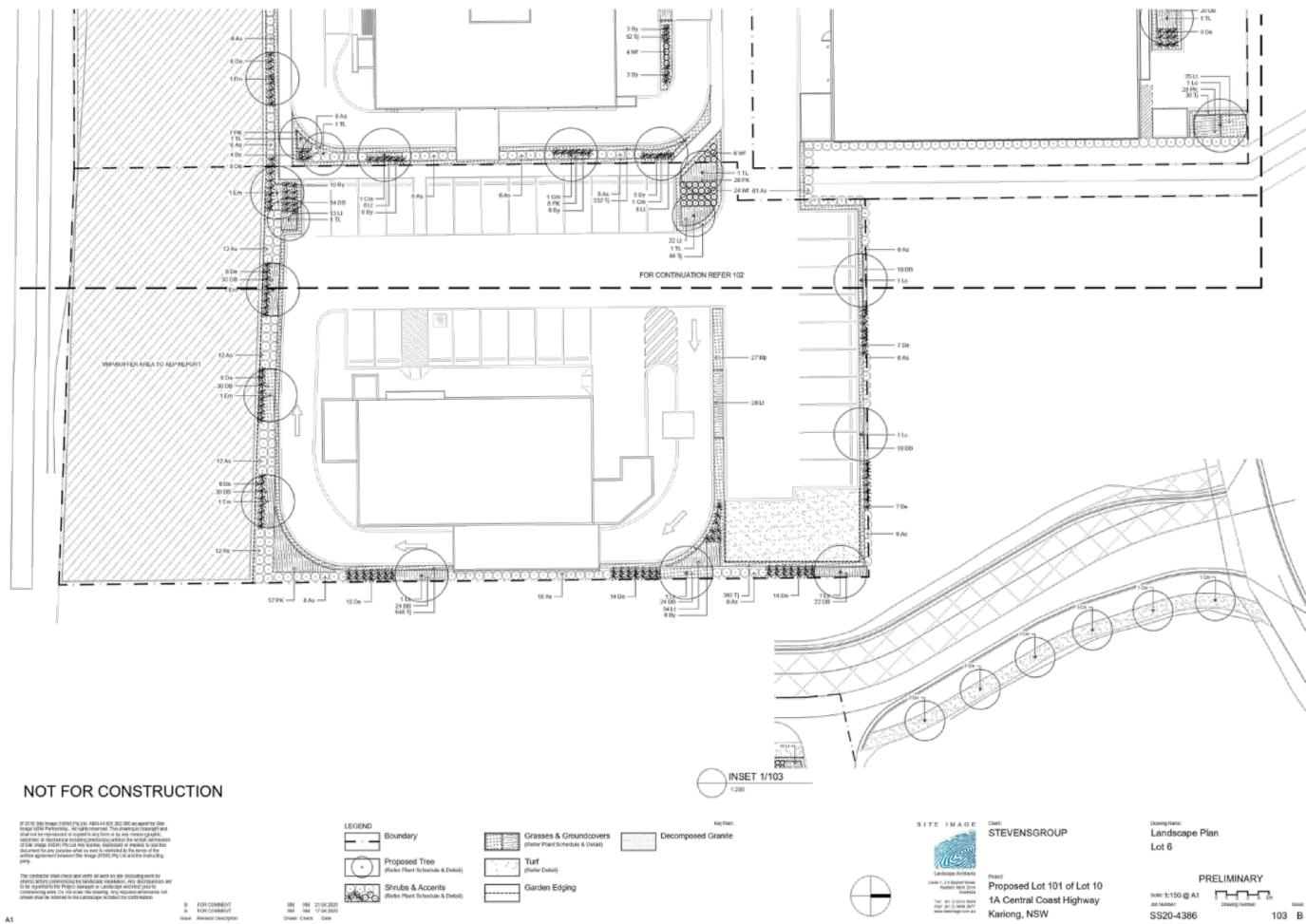
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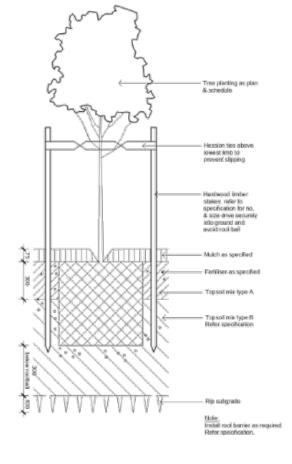




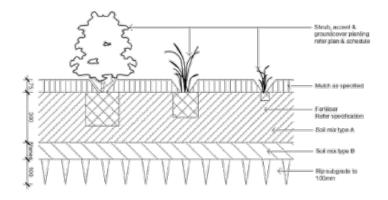
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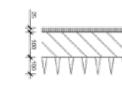
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SM NM 17:04:2020 Draws Check: Date

LEGEND

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Proposed Lot 101 of Lot 10 1A Central Coast Highway Kariong, NSW

Turf as specified Soil mix type B and fertiliser as specified - Rip subgrada to 100mm

Drawing Name. Landscape Details

PRELIMINARY

AS SHOWN Scale Job Number: Drawing Namber SS20-4386 501 A



Central Coast Council PO Box 20 WYONG NSW 2259

Your reference: 58290/2020 (CNR-8083) Our reference: DA20200528001883-Original-1

ATTENTION: Gemma Gibbons

Date: Thursday 25 June 2020

Dear Sir/Madam,

Integrated Development Application s100B – Subdivision – Torrens Title Subdivision 5 The Avenue Kariong NSW 2250, 102//DP1256044, 101//DP1256044

I refer to your correspondence dated 21/05/2020 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act* 1979, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act* 1997, are now issued subject to the following conditions:

#### Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

#### **Condition 1**

At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and



- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed

#### Access – Public Roads

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

#### **Condition 2**

Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- subdivisions of three or more allotments have more than one access in and out of the development;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
  maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;

where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system;

- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 Fire hydrant
  installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

#### Condition 3

Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided

#### Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.



#### Condition 4

The provision of water, electricity and gas must comply the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - o lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

For any queries regarding this correspondence, please contact Emma Jensen on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese Team Leader, Dev. Assessment & Planning Planning and Environment Services





## **BUSH FIRE SAFETY AUTHORITY**

Subdivision – Torrens Title Subdivision 5 The Avenue Kariong NSW 2250, 102//DP1256044, 101//DP1256044 RFS Reference: DA20200528001883-Original-1 Your Reference: 58290/2020 (CNR-8083)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Kalpana Varghese

Team Leader, Dev. Assessment & Planning Planning and Environment Services

Thursday 25 June 2020



## Mount Penang Parklands Highway Commercial Precinct Development Proposal Statement of Heritage Impact

Prepared for Stevens Holding Pty Ltd September 2020 FINAL

## Sydney Melbourne Brisbane Perth

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### **Document information**

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Extent Heritage project no.:	20190436
Client:	Stevens Holding Pty Ltd
Project	Mount Penang Highway Commercial Precinct Development Proposal - Statement of Heritage Impact
Site location:	Proposed Lots 3, 5, 6 and 7 in DP1149050, Highway Commercial Precinct, Mount Penang Parklands.
Heritage advisor(s):	Ruth Berendt Ben Calvert
Author(s):	Ben Calvert

#### **Document control**

Version	Internal reviewer	Date	Review type
DRAFT 01	Ruth Berendt	12 December 2019	QA
DRAFT 02	Ruth Berendt	18 December 2019	QA
DRAFT 03	Ruth Berendt	07 January 2019	QA
DRAFT 04	Eleanor Banaag	12 March 2020	QA
FINAL	Eleanor Banaag	29 September 2020	QA

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- retains the use of all material produced by Extent Heritage Pty Ltd for this project, for its ongoing business, and for professional presentations, academic papers or publications.



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## 1. Introduction

## 1.1 Project Description

Extent Heritage Pty Ltd (Extent Heritage) has been commissioned by Stevens Holdings Pty Ltd to prepare a Statement of Heritage Impact (SOHI) for a proposed development site inside the Mount Penang Parklands State Heritage Register (SHR) listed site. The proposed development involves the subdivision of the site into six new Lots; construction of four medium-sized commercial buildings (with associated landscaping internal roadway connections and parking areas); and construction of a connecting roadway between the Central Coast Highway and Festival Drive. The purpose of the report is to identify and assess potential impacts, arising from the proposal, to the heritage values of the Mount Penang Parklands.

## 1.2 Approach and Methodology

The methodology used in the preparation of this Statement of Heritage Impact is in accordance with the principles and definitions as set out in the guidelines to *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (the *Burra Charter*) (Australia ICOMOS 2013) and the latest version of the Statement of Heritage Impact Guidelines (2002), produced by the NSW Office of Environment and Heritage (now Heritage NSW, Department of Premier and Cabinet).

This Statement of Heritage Impact (SOHI) will review the relevant statutory heritage controls; assess the impact of the proposal on the subject property; make recommendations as to the level of impact and provide mitigation measures to reduce impacts.

## 1.3 Limitations

As Extent Heritage has recently inspected and analysed the physical elements of the place on more than one occasion, no additional site inspections have been undertaken during the preparation of this report.

The historical overview provides sufficient historical background to provide an understanding of the place in order to assess the significance and provide relevant recommendations, however, it is not intended as an exhaustive history of the site.

The assessment provided in this report is for one portion of a larger development concept for the site. Future proposals for the site will be addressed by way of separate assessment.

## 1.4 Ownership

The site is owned and managed by the Hunter and Central Coast Regional Development Corporation (HACCRDC). HACCRDC is a self-funded State Government Agency.

Extent Heritage Pty Ltd | Mount Penang Parklands Highway Commercial Precinct Development Proposal: Statement of Heritage Impact 1



## 1.5 Terminology

The terminology in this report follows definitions presented in the *Burra Charter*. Article 1 provides the following definitions:

**Place** means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.

**Cultural significance** means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, records, *related places* and *related objects*. Places may have a range of values for different individuals or groups.

Fabric means all the physical material of the *place* including elements, fixtures, contents and objects.

**Conservation** means all the processes of looking after a *place* so as to retain its *cultural* significance.

**Maintenance** means the continuous protective care of a *place*, and its *setting*. Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.

Preservation means maintaining a place in its existing state and retarding deterioration.

**Restoration** means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.

**Reconstruction** means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.

Adaptation means changing a place to suit the existing use or a proposed use.

Use means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

**Compatible use** means a use which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.

Setting means the immediate and extended environment of a *place* that is part of or contributes to its *cultural significance* and distinctive character.

Related place means a place that contributes to the cultural significance of another place.

**Related object** means an object that contributes to the cultural significance of a *place* but is not at the place.

Associations mean the connections that exist between people and a place.

Meanings denotes what a place signifies, indicates, evokes or expresses to people.

Interpretation means all the ways of presenting the cultural significance of a place.

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## 2. Site Location

The subject site is a portion of land located within an area known as the Highway Commercial Precinct (HCP), which is part of the wider Mount Penang Parklands site, as described below.

## 2.1 Mount Penang Parklands

The Mount Penang Parklands is located north of Sydney, in Kariong. The site covers a total of 158°ha, of which, approximately 67°ha is bushland. It comprises a collection of significant heritage buildings surrounded by native and formal open spaces, gardens, sporting fields and facilities that accommodate various community uses. More recently, parts of the site have been developed for the local community, including the establishment of Kariong High School and Mount Penang Gardens.

## 2.2 Highway Commercial Precinct

The Highway Commercial Precinct (HPC) is a portion of the wider Mount Penang Parklands site, located on the southern boundary of the Parklands. The site is bounded by the Central Coast Highway to the south, The Avenue to the east and Festival Drive to the north. This area has been identified in the site Masterplan for commercial development. It has previously been the subject of a proposed subdivision that has sought to facilitate further development on the land through the separation of title and independence from the management of the wider Mount Penang Parklands. This process is currently ongoing.

## 2.3 Lot and DP

Though this land is currently recognised as Lot 101 DP 1256044, it is intended to subdivide the land into six new Lots. The proposed Lots are listed as:

- Lot 1 DP1149050.
- Lot 2 DP1149050.
- Lot 3 DP1149050.
- Lot 4 DP1149050.
- Lot 5 DP1149050.
- Lot 6 DP1149050.

## 2.4 Works Boundary

Including the subdivision of the Highway Commercial Precinct, the proposed development will also include the construction of construction of four medium-sized commercial buildings with internal roadways; and a connecting roadway between the Central Coast Highway and Festival Drive. This area is referred to as the Works Boundary.

The Works Boundary includes approximately one fifth of the HCA area and is concentrated around the south and centre of the site (see Figure 3).

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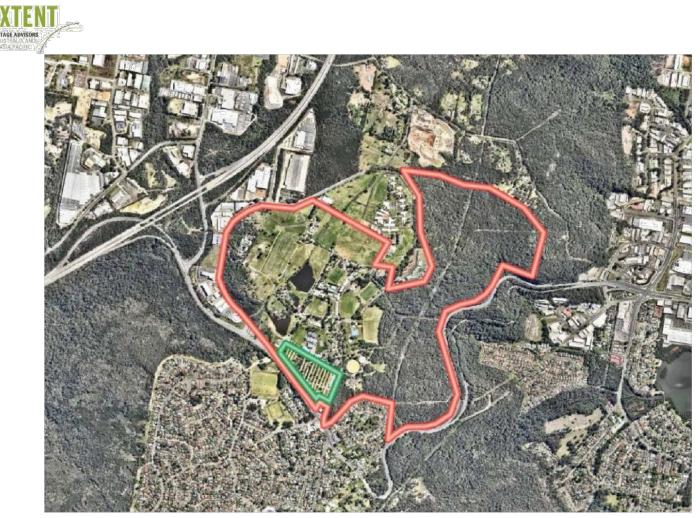


Figure 1. Map indicating the location of the Mount Penang Parklands (red) and the Highway Commercial Precinct (green) (source: Nearmap, overlay by Extent).

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Figure 2. Aerial showing the Mount Penang Parklands (red), the Highway Commercial Precinct (green) and the Subject Site (blue). (source: Nearmap, overlay by Extent).

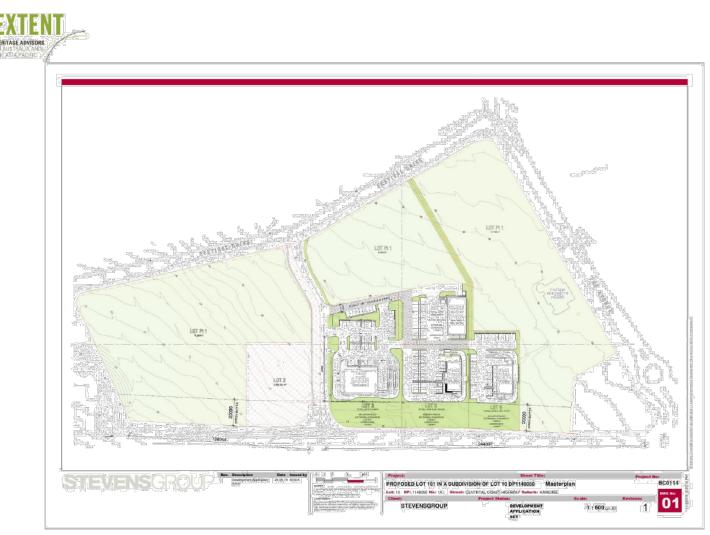


Figure 3. The Works Boundary is shown where the roadway and commercial developments are located (source: Stevens Group Proposed Lot in 101 in A subdivision of Lot 10 DP1149050, Project No. BC0114, Drawing no. 01).

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# 3. Listings and Controls

### 3.1 Mount Penang Parklands

The following table shows heritage listings relevant to the Mount Penang Parklands site, of which the Highway Commercial Precinct and Subject Site are a part.

Table 1. Table of heritage listings. Local items in the vicinity of the works boundary are highlighted in yellow.

Register/Listing	ltem Listed (Y/N)	ltem Name	ltem Number	
Statutory Register				
National Heritage List	N	-	-	
Commonwealth Heritage List	N	-	-	
State Heritage Register (SHR)	Y	Mount Penang Parklands	01667	
Hunter and Central Coast Regional Development Corporation S170 Heritage and Conservation Register	Y	-	-	
	Y	Mount Penang Parklands Conservation Area	C1	
		Dormitories—"Carinya", "Sobraon", "Walpole", "Vernon" and "The Wood Building"	62	
		Administration and service buildings	63	
		Residential buildings—six residential cottages, deputy superintendent's cottage	64	
Gosford Local Environmental Plan 2014, Schedule 5		Service and amenity buildings—art room and ablutions block, former officers' dining room, dining room, main kitchen and laundry	65	
		McCabe Complex—two cottages, McCabe Conference Centre	66	
		Sports fields-three sports fields, sports oval	67	
		Built landscape elements—gazebo, stone walls, sculpture park	68	
		Old pine tree group	69	
		Dam	70	



Register/Listing	ltem Listed (Y/N)	ltem Name	ltem Number
		White poplar avenue	71
		Mature cultural plantings	72
		Mature cultural plantings, including coral trees, brush box, camphor laurels, white poplars, hoop pines, an oak and a larch	73
		Two groups of scribbly gums	74
	Sports field perimeter brush box and eucalypt plantings	75	
	Eastern bushland	76	
		Entry drive with perimeter brush box and eucalypt plantings	77

### 3.2 Local Heritage Listings in Relation to the Subject Site

Within the *Gosford LEP 2014*, seventeen separate listings have been applied to structures/landscapes within the greater Mount Penang area – all within Lot 101 DP 1256044. Though the proposed development site does not physically impact any buildings or landscapes listed in Schedule 5 of the *Gosford LEP 2014*, it is located within the vicinity of two items on the LEP. These items are highlighted in yellow, in Table 1.

## 3.3 Hunter and Central Coast Regional Development Corporation

The Hunter and Central Coast Regional Development Corporation's heritage register could not be accessed to confirm the item name and item number for the Mount Penang listing. However, as a State Agency is required to maintain a heritage register, under Section 170(3) of the *Heritage Act 1977* (NSW), it can be surmised that The Hunter and Central Coast Regional Corporation heritage register does exist.

Further, pursuant to Section 22(1)(d) of the *Heritage Regulations 2012* (NSW), a State Agency must proscribe items identified by the government instrumentality as having State heritage significance. In 2003, the Mount Penang Parklands was recognised by the Heritage Council as having as having State significance.

Consequently, Mount Penang Parklands must be listed on the Hunter and Central Coast Regional Development Corporation's heritage register.

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## 3.4 State Heritage Register Curtilage

The SHR curtilage for *Mount Penang Parklands* is shown in Figure 4, below. The curtilage includes the subject site.

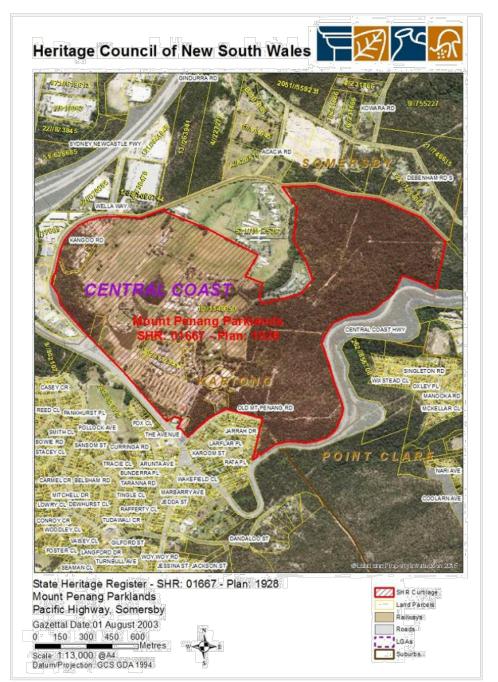


Figure 4. SHR curtilage for the Mount Penang Parklands (source: State Heritage Inventory).



# 4. Historical Context

The following historical context has been modified from the 2018 *Mount Penang Parklands Subdivision and Road Works* Statement of Heritage Impact for the site. Modifications to this text are minor and include the removal of preambles and the reformatting of headings. Accordingly, text which is unaltered has been quoted directly. A brief contextual history for the larger Parklands site has been provided, in addition to specific historical information related to the HCP and subject site.

#### 4.1 Mount Penang Parklands

#### 4.1.1 The Establishment of the Gosford Farm Home for Boys

In the early 1900s, the Government Surveyor recommended the Mount Penang site as a possible location for a Government sanatorium; however, this was never acted upon. During the same period, the Government also looked for a site on which to construct a new centre for juvenile delinquents. The new centre would be based on similar principles as the Brush Farm in Eastwood, where hard physical work and a basic school education would combine to assist in the rehabilitation of delinquent boys. The centre would also take the boys from the nautical training ships, which had become outdated and expensive to operate by the early 1900s. In 1905, the Neglected Children and Juvenile Offenders Act replaced the former Industrial and Reformatory Schools Acts of 1866.

The Mt Penang site was situated on a flat summit above a sharp escarpment, three miles west of the town of Gosford. The site was undeveloped bushland, isolated from main population centres and was one mile from the track to Sydney, which went via Mangrove Mountain and Wiseman's Ferry. It was the combination of these factors of inaccessibility and isolation that led the committee appointed to locate a new site for the Boy's Farm Home to choose Mount Penang.

#### 4.1.2 The Construction Phase

From the inception of the Gosford Boy's Farm Home, a building committee was established to oversee the construction and to work through any potential difficulties. Access to the proposed site at Mount Penang was via a steep track, with gradients of between 1:8 and 1:11. With all the equipment and stores being bought in by bullocks, bricks were ruled out as the main building material. The Committee recommended the use of local hardwood and sandstone for the works, the latter quarried on site, The building committee architect, Mr James Nangle, also recommended the use of concrete for the buildings, which would reduce cost and overcome the problem of transport.'

The Minister for Public Instruction approved the plans, with a budget set at £12,000 for the main structures. On 1<sup>st</sup> of July 1912, a party of approximately 100 boys aged between ten and sixteen years established a campsite and began clearing the site. All the boys in the working party were formerly of the Sobraon and were supervised by the former probation officer of the Nautical School Ship, Herbert Charles Wood.

The boys were split into work parties under the supervision of tradesmen. The first buildings to be constructed were the ones that were the most essential to the institution: dormitories, a dining room, staff quarters, offices, a kitchen, store rooms for supplies and equipment, and accommodation for the tradesmen and Clerk of Works. The Minister for Public Instruction laid

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the foundation stone of No. 1 Dormitory by December 1912. By September 1913, No. 1 Dormitory had been completed, as had the Assistant Superintendent's residence and four weatherboard cottages for the married staff members.

The Superintendent at the Gosford Boy's Farm Home during its formative years was Frederick Stayner. Under Stayner's leadership, an honour system was introduced, where extra privileges were awarded to the boys if they behaved within the 'guidelines'. As an incentive, the boys could shorten their time at the centre by advancing to probation based on the centre's honour system. Stayner forbade the teachers to carry or use canes without the direct authority of the Superintendent. Competitive sports were also introduced, giving the inmates a sense of teamwork as well as providing them with a regular exercise program.

Schooling was also provided to the inmates. On arrival at the centre, boys were assessed to determine what level of education they had achieved and each boy was required to reach a fourth-class standard of primary school, regardless of age. In the first years, schooling was conducted in the converted end of the new dormitory until a school building was erected behind the main complex. The syllabus was based on the 1905 Primary Syllabus, which was supplemented after 1935 with visits from lecturers from Sydney University.

#### 4.1.3 Construction

In May 1944, a new Detention Cottage was opened at Gosford Boy's Farm Home. Built at an initial cost of £25,000, it was originally designed as a maximum-security sub-institution for unresponsive boys. Also in 1944, a new Superintendent, Vincent Heffeman, was appointed. Heffernan had been an executive officer of the National Emergency Service during the war years and bought with him a new sense of purpose for the centre. Heffernan noticed that, by the mid-1940s, the Boy's Farm Home was in a dilapidated state, both physically and ideologically. The honour system that had been introduced under Stayner had deteriorated and discipline had become more rigid. The pastures were in poor condition, as were both the pigs and cattle.

Between 1944 and 1947, Heffeman reinvigorated the Institution, buying new equipment for the trade rooms, establishing a boot-shop to supply shoes, building new dairy and stock sheds, upgrading the pastures and improving the pigs and cows to stud standard. New recreational facilities, including new playing fields, bowling greens and a tennis court, as well as extensive landscaping and planting, were also begun during this period. From the 1940s, Gosford Boy's Farm Home began to show their livestock, winning a number of prizes at local events and at the Royal Easter Show in Sydney.

In 1946, the name was changed to 'The Mount Penang Training School for Boys, Gosford'. The new name more clearly represented the concept of re-education and rehabilitation of delinquent youth. The application of the name 'Mount Penang' was favoured over some of the other established names for the area, such as Kariong, as it had not been applied to any other institution or building.

In May 1948, the Detention Cottage was re-opened as a privilege cottage (renamed McCabe Cottage in 1976), in line with the new government child welfare policies. The building was redecorated internally and boys were allowed their own room. Although still supervised, the atmosphere was more relaxed than in the main centre. Adjacent to the cottage, two residences were also built to house visiting families, further reinforcing the reformation ideal.

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#### 4.1.4 1960-2000

During the 1960s, five new buildings were erected and a new sports ground was built. The new buildings, behind the administration building, housed an assembly hall, a gymnasium, a new kitchen/dining room, a laundry and boiler house and a storeroom. The sports ground was defined on its northern boundary by this new collection of buildings.

In 1975, the new Superintendent of Mount Penang, Laurie Maher, implemented a building programme aimed at improving the centre, as well as the morale of the boys and staff. The first project in 1975 was internal modifications to the dormitories, with new and upgraded bathroom and toilet facilities being installed, providing more privacy. During the same year, a storeroom within the administration block was converted into a holding room.

A new Officer's Dining Room was built in 1976, adjacent to the boys' dining rooms, and a new office block, including offices for the Superintendent, Deputy Superintendents, Salary Officer, a police interview room, a conference room and general office, was erected in 1978. A new hospital block and nurses quarters (to replace the original 1920s hospital) was also built during this phase, as was a new store and amenities building to the north of the gymnasium. In 1978, a 50 metre swimming pool was added, constructed on the site of a disused bowling green. The former clubhouse associated with the bowling green was then converted to a teacher's staffroom.

In 1980, the school was returned to the Education Department, after having been controlled by the Child Welfare Department since 1953. In 1990, the centre's Vocational Training Unit was relocated to a former RTA depot on the Western extremity of the site and, in 1991, the school program was updated to a secondary level, having operated at a primary level since its beginning. The Training Centre school's name was also changed to 'Girrakool', as former inmates were reluctant to use certificates which had Mount Penang inscribed on them, due to the attached stigma. The school was now housed in a collection of demountable schoolrooms, with the two original buildings serving as a library and cultural centre.

By this time, also the 'Farm' was largely inactive and redundant, especially in terms of skills development and Mount Penang was outdated and obsolete. In 1991, the Kariong Juvenile Justice Centre was completed at the north-eastern corner of the land, as a purpose-built high security detention centre for juvenile detainees. This was followed by the Frank Baxter Juvenile Justice Centre, opening in October 1999 to accommodate males aged 16 to 21 years. These two institutions superseded the operations of the Mount Penang Training School for Boys and it closed in 2000.

#### 4.1.5 Mt Penang Parklands, Event & Business Park

In 2001, the site was renamed Mount Penang Parklands and redeveloped as an events park, sports precinct, retail/commercial areas, future business park, Mount Penang Gardens and bushland. The Festival Development Corporation was set up to operate the Parklands and to manage the progressive development of the land. The first event established was a regional Horticultural Show in 2001.

In 2006, approval was given for construction of a new Kariong Mountains High School. This occupied a previously open space area in the south-western part of the site, where a Riding School had operated since the 1980s and then was the primary exhibition space for the Horticultural Shows from 2001 -2006. In 2007, the National Indigenous Dance College (NAISDA) made their new home at the Mt Penang Festival Parklands Site.

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There are a number of more recent additions and alterations to the site. The following items have been recently constructed:

- Tourist Information Centre and associated road widening;
- Mount Penang Gardens, including the café, amendments and the terraced dam;
- New building and covered way adjacent Building 35;
- New carport adjacent Building 18; and
- Shade-sails and play equipment as part of the Parklands Community Preschool and Children's centre (Building 34).

### 4.2 The Orchard Carpark (HCP)

The area of the Parklands site referred to as the Orchard Carpark (also identified in this report as the HCP) has historically been a low-use part of the Mount Penang Parklands. It has either been on the periphery of the various delinquent boy's centres or, designated as additional vehicle parking for the event and business park. The land is a relatively small area on the southern side of the site, between Festival Drive and the Central Coast highway, from The Avenue westwards to the pedestrian underpass. This area has been assigned various names in previous reports, including "The Riding School" and, more recently, "The Orchard Carpark".

#### 4.2.1 The Orchard Carpark

Maps and plans of the Gosford Farm Home for Boys (1912 - 1946) and the Mount Penang School for Boys (1946 - 2000) do not show any activity or structures within this area, with the exception of the 1946 Contour Plan, which shows a rectangular cleared area marked 'New Football Ground' towards the western end. This plan also shows an avenue of trees along both sides of The Avenue (marked only as "gravelled road") and a line of trees along the northern side of the unnamed western road entrance. The area is generally described in the plan as "sandy, covered with low scrub". A subsequent plan, dated 1971, shows the same information.

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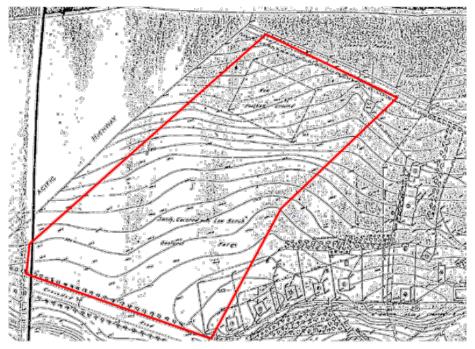


Figure 5. Extract from the 1946 Contour Plan for Mt Penang, showing the southern area of the site adjacent to the Central Coast Highway (HCP outlined) (Source: GML, op cit).

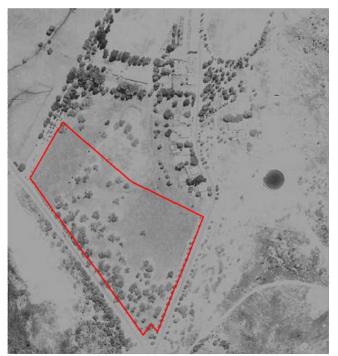


Figure 6. Aerial Photo dated 1966 showing the southern area of the Mt Penang site adjacent to the Central Coast Highway (HCP outlined) (Source: LPI). Note that there are few 'avenue' trees at the western corner.

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Figure 7. Aerial Photo dated 1976, showing the southern area of the site adjacent to the Central Coast Highway (HPC outlined) (Source: LPI).

During the 1980s/1990s, this area of the site, including the current site of Kariong Mountain High School, was leased to the Riding for the Disabled Association for a riding school. Parts of the area were fenced for yards and, although there is mention of 'stables' in some reports, there is no evidence of these shown on any plans or in any photographs.

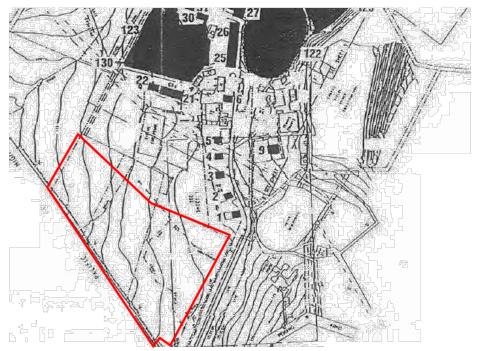


Figure 8. Extract from the 1999 Survey for Mt Penang, showing the southern area of the site adjacent to the Pacific (now Central Coast) Highway (HCP outlined). One 'Riding' enclosure is shown south of the building marked '22" (Source: GML, op cit).



The active use of this area commenced in 2000, when it was cleared and revegetated as the "Orchard Carpark" in association with the 2001 Horticultural Exhibition, with vehicles parking in grassed open spaces between parallel rows of ornamental plantings. The Horticultural Exhibition event area was on the land now occupied by the Kariong Mountains High School. Festival Drive was constructed and paved at this time. A rectangular asphalt-paved carpark was also established on the western side of The Avenue and a triangular area of land at the corner of the Central Coast Highway and The Avenue was subdivided for the establishment of the local Bush Fire Brigade (BFB) Station.

The Orchard Carpark included, as a discrete feature, a group of specialist parking places on paved spaces between groups of shrubs and trees. A 25 -50 metres wide stretch of trees and scrub was left untouched adjacent to the Central Coast Highway to provide a visual buffer to this carpark. In 2007, following the relocation of the Horticultural Show, a Tourist Information Building was erected on the south side of the asphalt carpark area, near to the BFB Station. At the western end of the area, the pedestrian /cyclist underpass of the Central Coast Highway was constructed in 2011, with a concrete cycle-path connecting to the western end of Festival Drive and Parklands Road. The concrete roundabout at the junction of Festival Drive and Parklands Road was also built at this time. This work removed the last of the 'avenue' trees associated with the original alignment of Parklands Road, with the exception of two large pine trees now isolated on the west side of the cycle-path.

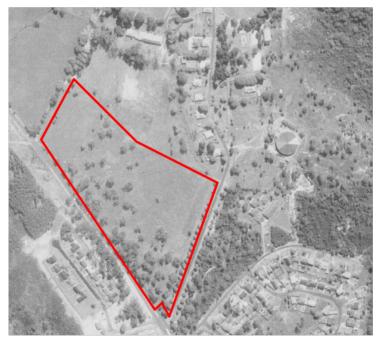


Figure 9. Aerial Photo dated 1984, showing the southern area of the site adjacent to the Central Coast Highway (HCP outlined) (Source: LPI).

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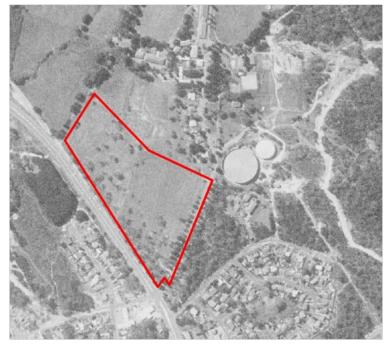


Figure 11. Aerial Photo dated 1990, showing the southern area of the site adjacent to the Central Coast Highway (HCP outlined) (Source: LPI). The area has changed little in three decades.



Figure 12. Aerial Photo dated 2003 showing the southern area of the site adjacent to the Central Coast Highway. The Orchard Carpark layout is apparent. (Source: GoogleEarth).

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Figure 12. Aerial Photo dated 2010. The Kariong Mountain High School has been built and the Tourist Information Building (red roof) has appeared. (Source: GoogleEarth).



Figure 13. Aerial Photo dated 2012 showing Mt Penang. The underpass and pedestrian /cycle pathway has appeared. Note the two isolated surviving 'avenue' trees on the western side of the cycleway (Source: GoogleEarth).

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Figure 14. Aerial Photo dated 2017 showing Mt Penang. The vegetation has grown considerably, especially in the 'buffer zone' adjacent to the Highway (Source: GoogleEarth).

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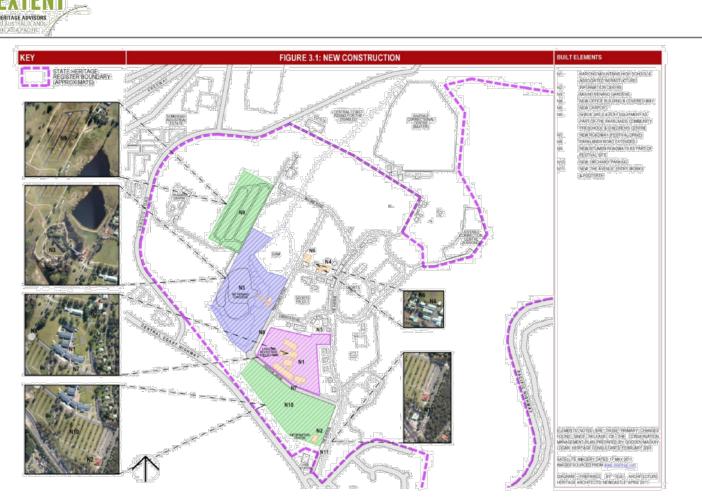


Figure 15. Figure indicating new construction within the Parklands site. The HCP/Orchard Carpark is indicated at N10 and N2 indicates the Information Centre (2012 CMP Update, EJE op cit).

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# 5. Physical Description

### 5.1 Preamble

Extent Heritage has been responsible for preparing heritage documentation for the Mount Penang site since 2016. For these documents, physical descriptions of the HCP and Mount Penang area were provided to assist in identifying the significance of the place. The most recent of these inspections was undertaken in October 2017. As there has been no substantive change or development within the HCP since the preparation of these reports, a relevant synthesis of those sections has been included below. This description involves an investigation into the built form and landscape setting.

### 5.2 Mount Penang Parklands

The Mount Penang Parklands site is located west of Gosford on the top of the escarpment at Kariong. Originally approximately 283.5 hectares (700 acres) in area, it is now approximately 152 hectares of land on the north side of the Central Coast Highway, east of Kangoo Road. This includes approximately 70 hectares of bushland on the eastern half of the site and approximately five hectares of degraded (invasive weed and exotic tree species) bushland on the western side.

The primary entrance road to the site is The Avenue, which follows the eastern side of the curving ridgeline northwards from the Central Coast Highway. The primary buildings and structures of the former Mt Penang Training School are located on the western side of this road, with playing fields and recreation spaces melding into undeveloped bushland to the east. Westwards beyond the groups of buildings, which sit amongst minor paved roadways and grassed lawns, a second north-south roadway, now known as Parklands Road, forms a western boundary to the former Training School, beyond which the former creek-line has been reconstructed as the Mount Penang Gardens and associated dam and lakes.

## 5.3 Highway Commercial Precinct

In general, the precinct is a rectangular strip of land positioned on an east to west orientation, sloping steadily toward the west. The land is bounded by the Central Coast Highway to the south; The Avenue access-road to the east; the Festival Drive access-road to the north; and the pedestrian/cycleway and underpass to the west.

The majority of this land is dominated by a grass carpark encompassing the eastern and central portions of the site. Distinct parallel lines of shrubs and trees, oriented north to south, have been formed to create ordered corridors that control the movement of vehicles around the carpark. The carpark has nine lines of plantings on the eastern end of the site, with a central 'special parking area' and then four more lines of planting to the west of the site. Laneways through the centre of these corridors show remnants of crushed gravel, laid as a wearing surface. A central roadway bisects these corridors in an east to west direction.

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The remnant 'special parking area' was originally a central paved roadway with a staggered series of short branches off either side, separated by garden beds. This feature appears to have degenerated over time, with much of the hard paving being removed and the surviving remnants consisting of groups of garden beds.

The eastern end of the precinct consists of an asphalt-paved carpark that originally serviced the Mount Penang Tourist Information Building. The Tourist Information Building consists of a single-storey brick structure with a veranda and corrugated metal roof. This building is currently vacant. To the south of this area, in the eastern corner, approximately 0.25 hectares adjacent the intersection of The Avenue and the Central Coast Highway, has been subdivided from the Mount Penang site and now houses the local Bush Fire Brigade.

The southern side of the Orchard Carpark, fronting the Central Coast Highway, has a buffer strip of mature trees and shrubs, varying from approximately fifty metres wide at the east end to twenty metres wide in the centre. This area has fences on either side, preventing access from the Central Coast Highway. Mature trees are found at towards the western end.

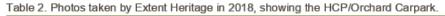






Figure 5. Asphalt carpark on the eastern end of the HPC.



Figure 7. Example of an open grass corridors for vehicle circulation.

Figure 6. Example of low scale plantings sloping towards the east.



Figure 8. Original scribbly gum tree out of alignment with the carpark corridor.





Figure 9. Remnant 'special carpark area'



Figure 11. Western boundary of the Orchard Carpark showing a pedestrian/cycleway and underpass.



Figure 10. Buffer zone separating the Central Coast Highway from the carpark.



Figure 12. View along The Avenue, towards the Central Coast Highway. Brush box plantings line the eastern side of the roadway.

## 5.4 Works Boundary

The Works Boundary is located within the southern central portion of the HCP/Orchard Carpark. Within the proposed lots, the footprint of the works boundary consists of grassed laneways and a single east-to-west gravel road (see Figure 3).

The east to west roadway has been profiled to allow for vehicle circulation – with crushed gravel present on the surface. While, within the grassed lane ways, there are seven parallel lines of plantings that have approximately 15-18 immature trees and 25-30 shrubs (see Figure 14).

These trees are distinct from a reserve of scrub, located in the southern portion of the site, that includes approximately 2-5 Scribbly Gum trees. This scrub is a part of a listed heritage item that is described in greater detail in Section 5.5.1, below.

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## 5.5 Significant Landscape Features in the Vicinity

#### 5.5.1 Scribbly Gum Group

A portion of the bushland buffer zone between the Orchard Carpark and the Central Coast Highway contains a notable group of surviving mature Scribbly Gum trees. Scribbly Gum is the common name for a variety of trees that are marked with distinctive brownish scribbles on their bark, made by the larvae of scribbly moths. Though these insects can be found on many eucalypts, only a few varieties of tree – namely Eucalyptus Haemotoma, Eucalyptus Racemose or Eucalyptus Sclerophylla – exhibit scribble patterns. At Mount Penang, the most common of variety is the Eucalyptus Haemostorma.

A landscape Heritage Assessment undertaken in 1999, identified these trees as having "Moderate – High" heritage value (see Figure 13). The Gosford LEP Heritage Schedule also identifies "*Two groups of scribbly gum*" (item 74), which are the group on the southern boundary (also identified as *Scribbly Gum Group* L7) and a second group (also identified as L3) on the northern side of the playing fields. These are identified as locally significant.

The landscape heritage assessment, undertaken in 1999 identified the following heritage values significance for *The Scribbly Gum Group* (L7):

This precinct has a moderate degree of historical significance as one of the earliest areas to have been established on the Farm, containing valuable avenue plantings along a formerly important entry driveway. It has a low degree of aesthetic significance in itself, although the mature trees improve its perceptual qualities. It has a low to moderate degree of social value because of the riding school, but negligible technical value, although <u>botanists may find research value in the mature ornamental trees and remnant stands of Scribbly Gums.</u> The precinct is a typical but not exceptional example of early farming activity.

Historical aerials from 2003 through to 2016 (Figure 15 and Figure 16) show that from at least 2003 onward, the strip of land on the southern boundary of the HCP has been actively planted with native vegetation, including some non-endemic species, and also left to self-seed with endemic species, most notably *Eucalyptus Haemastoma*.

In 2020, a Tree Protection report was prepared by Anderson Environment & Planning (AEP) to survey the site and accurately identify the number of trees in the area, as well as provide recommendations for their care and treatment. This report identified that currently, 177 trees were located on a twenty-metre length along the Central Coast Highway and behind the Fire Station. It recognised that approximately 130 of these trees were Scribbly Gum trees, with most being Juvenile or Young Mature trees. The number of Mature trees or Over-Mature trees within the grouping numbered at 28.

As the exact boundary of the *Scribbly Gum Group* (L7) is uncertain, to adequately surveyed landscape, AEP designated the entire length of the 20-metre wide zone on the Central Coast Highway, as well as an area behind the existing fire station, as the Tree Protection Zone. The Tree Protection Zone includes the heritage item as well as new regrowth from formal replating

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strategies or self-seeding. The Tree Protection Zone identifies 177 trees in the area, on which 28 are Mature Scribbly Gums, belonging to the *Scribbly Gum Group* (L7).

Potential Scar trees, identified as Scarred Tree 1 and Scarred Tree 2, are identified in a report produced by Urban Tree Management, as in the vicinity of the *Scribbly Gum Group* (L7). However it is recognised as not being within the footprint of the proposed mid-block entrance (see Figure 14).

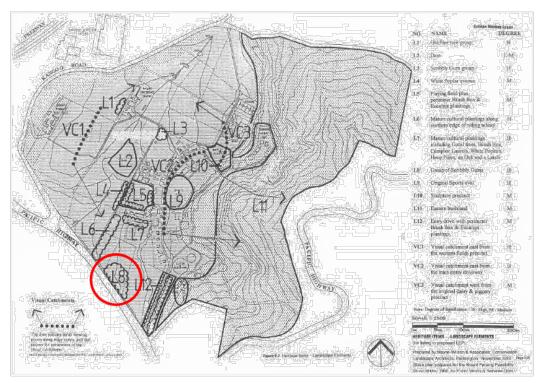


Figure 13. This landscape plan identifies a selection of trees, marked as L8 (circled in red), within the vicinity of the proposed development (source: GML, *Heritage Landscape Elements Plan*, 1999).

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Figure 14. Extract from the Study Area Map showing Scared Trees 1 and 2 (source: Urban Tree Management, *Arboricultural Assessment of Scared Trees*, p.3.





Figure 15. The same L8 grouping translated (approximately) to a 2003 aerial, prior to an expansion of the undergrowth in the area (source: GoogleEarth).



Figure 16. The scribbly gums identified as L8 translated (approximately) to a 2016 aerial, (source: GoogleEarth).

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Figure 17. The L8 zone is approx. 25 - 50 metres alongside the Central Coast Highway, including remnant scribbly gum trees and invasive species and weeds (source: Extent Heritage).

#### 5.5.2 Entrance Road Avenue of Trees

Along the eastern side of the HPC, Box Brush and Eucalypt trees form a line along The Avenue. It is not known if these trees were retained from a pre-colonial phase or were replanted following the construction of The Avenue. A Landscape Heritage Assessment undertaken in 1999 identified the "*Entry drive with perimeter brush box and eucalypt plantings*" (Item L9) as having moderate heritage value. In addition, the *Gosford LEP 2014*, listing ascribes this item with State significance.

A review of aerial photographs for the site (see Figure 18 and Figure 19) demonstrates that the eastern perimeter has changed little, while the western perimeter had gaps toward the northern end in the 1990s. the western line of trees was altered when the Orchard Carpark was created in 2000. The new asphalt parking area created an island nature-strip between the carpark and The Avenue. This nature strip was replanted with mostly new trees. Only a small number of trees was retained.

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Figure 18. The Avenue, from the Central Coast Highway to Festival Drive, in 1984 (left) and 1990 (right) (source: LPI).





Figure 19. The Avenue, from the Central Coast Highway to Festival Drive, in 2003 (left and 2016 (right). The difference between old and new trees on the western verge is apparent (GoogleEarth).



Figure 20. The Avenue, from Central Coast Highway to Festival Drive. Trees on the eastern verge (right) have a consistent age and size.

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# 6. Archaeological Potential and Significance

#### 6.1 Summary of Existing Assessment

The following assessment is based on information presented in the 2001 Conservation Management Plan for Mount Penang and from the 2012 Conservation Management Plan Update. The area of the Mount Penang Parklands, as identified in the SHR listing for the site, contains a variety of remains, some of which have archaeological potential and potential significance.

However, generally, the non-indigenous archaeological significance of the Mount Penang Parklands is low to medium. Subsurface remains have some potential to illustrate aspects of the development of the site and the life of the inmates and other occupants of the site not available from other resources. These would all relate to the post-1912 history of the site.

The 2001 CMP identified three zones of archaeological sensitivity within the overall site. These were designated as:

- A1 Dairy and Piggery;
- A2 Core Development precinct; and
- A3 Staff Cottage Precinct.

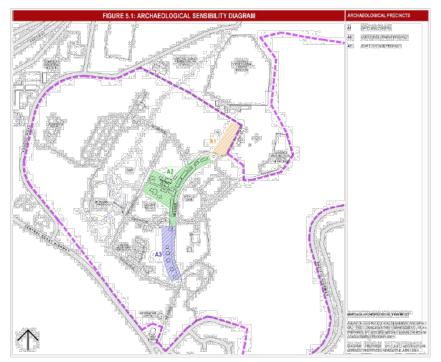


Figure 21. Archaeological sensibility (sic) diagram – Figure 5.1 from the 2012 CMP Update, showing zones of archaeological potential.

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## 6.2 HCP and the Subject Site

An archaeological assessment of the HCP, including the subject site, was undertaken by Extent Heritage in 2017. The assessment found that:

The historical development of the place may be summarised as follows:

- Typified by open area sandy and covered in low scrub;
- Small scale trees and open undeveloped area;
- Open space with possible fence lines running north/south around the area to create paddocks; and
- Developed as grassed car park with parking bays and linear plantings.

Based on the above phases, the physical development of the site can be understood as having two distinct phases:

- Open ground and scattered trees that were then enclosed within fences and converted into paddocks; and
- Grassed Carpark with long rows of linear plantings separating the land into distinctive parking areas.

In general, the Highway Commercial Precinct, of which the Subject Site is a part, contains a variety of remains, listed below. None of these remains have any archaeological research significance.

- Former Kerb lines and associated surfaces from the 21<sup>st</sup> century parking bays;
- Drains and drain grates;
- Service pits (i.e. Telstra pits); and
- Landscape alterations, including some imported fills and some excavations to assist drainage.

#### Conclusion

The development site, that is the subject of this report, is not identified in any previous archaeological assessments as an area having any potential for deposits of potential significance.

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# 7. Heritage Significance

The heritage significance of the Mount Penang Parklands has been assessed previously in several studies. The results of those assessments are summarised below, in relation to the whole Mount Penang Parklands site, as well as the subject site.

### 7.1 Mount Penang Parklands Site

#### 7.1.1 NSW State Heritage Register

The site is included on the State Heritage Register (SHR) as *Mount Penang Parklands* (item 01667). The heritage significance of the site is described in the Statement of Significance for the Mount Penang Parklands, as follows:

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 nineteenthcentury 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 Mt Penang as 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, Mt 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. Mt 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.

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#### Conclusion

The collective landscaping of the Mount Penang Parklands is understood as important to the significance of the site, though the HCP and subject site are not explicitly identified as significant or as making a direct contribution to the site's heritage significance.

#### 7.1.2 Conservation Management Plan (2018)

Since 2001, the Mount Penang Parklands has been the subject of a series of Conservation Management Plans (CMP). The first CMP was undertaken by GML in 2001 and this document identified significant structures and landscape elements across the whole site, establishing conservation management policies to ensure the ongoing preservation the place. It included original research and incorporated information and recommendations from previous heritage reports. This document was updated by EJE Heritage in 2012 and then again by Extent Heritage in 2018.

The 2018 Extent Heritage CMP provides an updated Statement of Significance to account for changes to the site since preparation of the SHR listing. This new statement of significance is provided below:

The Mount Penang Juvenile Justice Centre has been the most important juvenile detention centre for 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 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.

The Centre has notable aesthetic qualities associated with its site and the available views, the 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 architectural forms appropriate to their setting and construction techniques of particular interest. The most recent 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 relationships provide technical information regarding juvenile detention and reformatory practices.

Mt 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, Mt Penang is a place where unforgettable experiences occurred - experiences which strongly influenced the course of their lives. The place is also important 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. Mt 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.

Mount Penang also has significance for the local Aboriginal people both pre and post contact, and during the time when Mt Penang as used as a juvenile detention centre and

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accommodated a number of Aboriginal detainees for whom the site would have profound associations.

## 7.2 Gradings of Heritage Significance

The following tables of graded significance have been extracted from the Extent Heritage Conservation Management Plan update (2018). These tables are used to identify the relative levels of significance for each element (built/landscape), within the *Mount Penang Parklands*. These tables are provided to understand the contribution each element makes to the total cultural significance of the area.

Site elements are graded according to the following criteria:

- High Significance: Building/elements of High significance are those that most strongly relate to the primary significance of Mount Penang and have a high degree of integrity.
- Moderate Significance: Building elements of Moderate significance have significance at a secondary level or are buildings/elements that relates to the primary significance of Mount Penang but have a lower degree of significance or integrity.
- Low Significance: Building elements of Low significance have significance at a tertiary level or are buildings/elements that relate to the secondary significance of Mount Penang but have a lower degree of significance or integrity.
- Negligible: Buildings/elements of no significance.

Elements that are within the vicinity of the Subject Site are highlighted in yellow.

Residential Buildings Group Residential Cottages Type A 1 Moderate 2 Residential Cottages Type B Moderate 3 Moderate Residential Cottages Type A 4 Residential Cottages Type B Moderate 5 Residential Cottages Type A Moderate 6 Residential Cottages Type A Moderate 9 Former Superintendents Residence High McCabe Group 7 McCabe Cottage Moderate 8 McCabe Cottage Moderate 10 (formerly McCabe Conference Centre Moderate 117)Former Dormitories Group

Table 3. Grading of Significant Elements – Features & Structures



ltem No.	Item	Grading
21	Carinya House (former Dormitory & Kitchenette)	High
25	Sobraon House (former Dormitory)	High
26	Walpole House (former Dormitory)	High
39	Vernon House (former Dormitory)	High
40	Wood House (former Dormitory)	High
Former Origi	nal Administration & Service Buildings Group	
22	Former Maintenance (CCRDC Office)	High
27	Former Operations, Admissions & Theatrette	High
41	Former Cultural Centre	Moderate
44	Girrakool House	Moderate
45	Central Coast Post-School Options	Moderate
46	Central Coast Post-School Options	Moderate
Former Service & Amenity Buildings Group		
28	Former Main Ablutions Block	Moderate
30	Former Officers Dining	Moderate
31	Former Dining and Main Kitchen	Moderate
34	Former Laundry	Moderate
36	Former Detention Block	Moderate
37	Former Tool Store & Small Motors Workshop	Moderate
Other Struct	Ires	
11	Clubhouse	Low
16	Administration	Low
17	Hospital	Low
18	Flat 1	Low
19	Flat 2	Low
24	Offices	Low
35	Store	Moderate
47	Swimming Pool	Low
135	Stone Retaining Walls	Moderate
136	Sculpture Park	Moderate
137	The Dam	Low
Sports Grou	nds	



ltem No.	Item	Grading
122	Sports Oval	High
123	Sports Field 1	High
124	Sports Field 2	Moderate
125	Sports Field 3	Moderate
126	Sports Field 4	Low

Table 4. Gradings of Significance – Landscape Precincts. Sections highlighted in yellow contain elements of the proposed development.

Precinct No.	Precinct Name	Grading
1	Western Fields	Moderate
2	McCabe Centre	Low - Moderate
3	North-West Sector	Low - Moderate
4	The Dam	Low - Moderate
5	Paddocks South of the Dam	Low
6	Event Parking & High School	Low - None
7	Sports Field	Moderate
8	Staff Cottage Row	High
9	Core Buildings	High
10	Eastern Playing Fields	Moderate
11	Lower (RTA) Sports Field	None
12	Sculptural Precinct	Low – Moderate
13	Dairy and Piggery	Not within CMP site.
14	North-West Playing field	Low – Moderate
15	Eastern Bushland	Moderate
16	Degraded Bushland	Low

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Table 5. Gradings of Significance – Visual Catchments & Landscape Elements. Sections highlighted in yellow are within the vicinity of the proposed development.

No.	Landscape Element	Grading
L1	Old Pine Tree Group	High
L2	Scribbly Gum Group	High
L3	White Poplar Avenue	Moderate
L4	Playing Field 1 perimeter brush box and eucalypt plantings.	Moderate
L5	Mature cultural plantings along western edge of school	High
L6	Mature cultural plantings along northern edge of school	High
L7	Scribbly Gum Group	High
L8	Eastern Bushland	Moderate
L9	Entry Drive with perimeter brush box & eucalypt plantings	Moderate
Visual Catchment 1	Visual catchment east from the western fields precinct	Moderate
Visual Catchment 2	Visual catchment east from the main entry driveway	High

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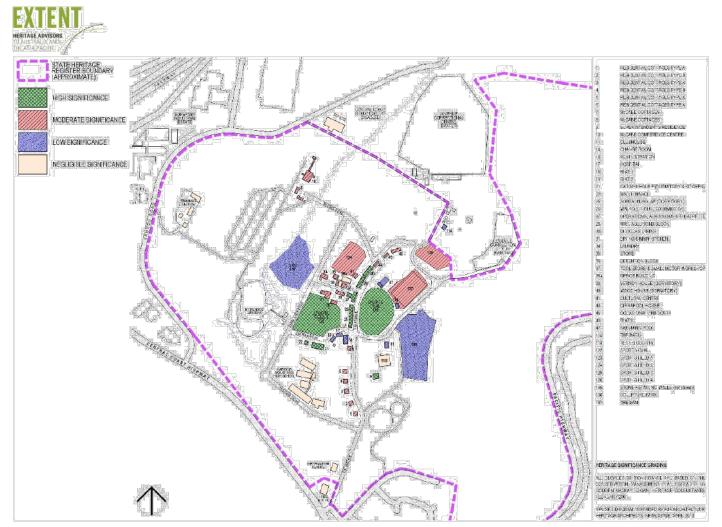


Figure 22. Grading of heritage significance - features and structures (source: EJE Architects, 2012 CMP update, p.27).

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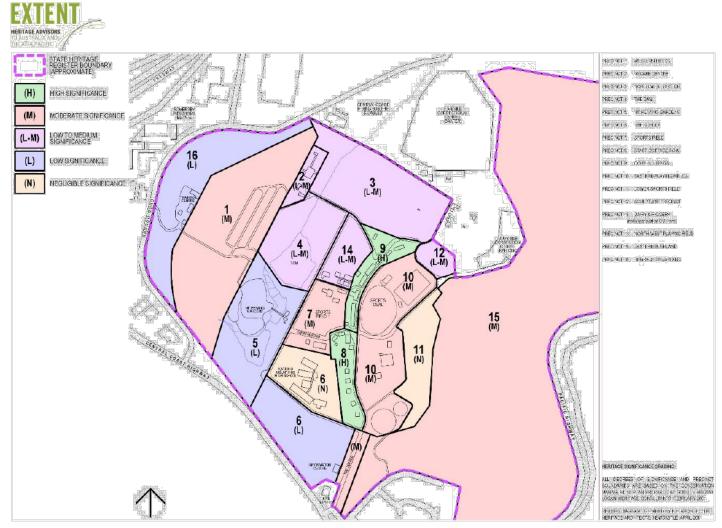


Figure 23. Gradings of significance - landscape precincts (source: EJE architects, 2012 CMP update, p.29).

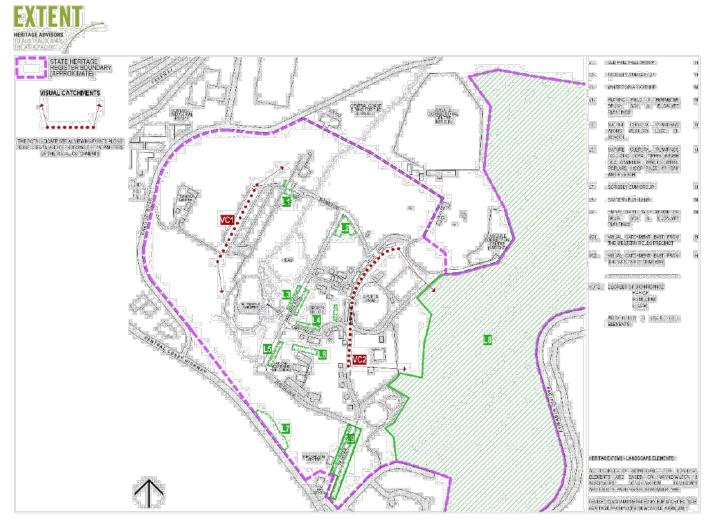


Figure 24. Gradings of significance - landscape elements and visual catchments (source: EJE Architects 2012 CMP update, p.30).

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#### 7.2.1 Conclusion

The subject site is identified as belonging to precinct No. 6: "*Event Parking and High School*". This precinct is recognised as having a **low–none** grading of heritage significance.

Within the vicinity of the proposed development are the landscape items No. L7 "*Scribbly Gum Group*" and No. L9 "*Entry Drive with perimeter brush box & eucalypt plantings*". These elements are assessed as being of **High** and **Moderate** significance, respectively.

Within the vicinity of the proposed development is the Visual Catchment No 2 "Visual catchment east from the main entry Highway". This element is assessed as being of **High** significance.

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# 8. Proposed Works

### 8.1 Rationale

#### 8.1.1 Highway Commercial Precinct

Since the closure of the Mount Penang Training School, the management objective for the 152hectare site is for to allow for a progressive development of mixed uses relating to recreation, accommodation, festivals and events, education, business and speciality retail. This has been applied to parts of the site already, with many local and national businesses occupying the Parklands' century-old buildings. Adaptive reuse of fifty-five buildings, most of which are State heritage listed, provides employment for more than 450 people. The active use of the site and its buildings both funds building maintenance and improves maintenance outcomes. The site is also home to the Mount Penang Gardens and the Mount Penang Event Park.

The 5.7-hectare Highway Commercial Precinct is located immediately adjacent to the Central Coast Highway and is identified for commercial redevelopment in the approved Mount Penang Parklands Masterplan (2018), as well as the Gosford DCP (2013) and site CMP (2018). Permitted uses of the land include commercial/office space, large-format retail outlets, specialty retail, educational institutions and related ancillary uses. Development of the HCP supports the overall objectives for future use and development of the Mount Penang Parklands and the local Central Coast economy.

In line with an existing proposed subdivision, a site of medium-sized commercial buildings with associating landscaping and car parking has been proposed for that subdivision. This development is part of the intended and endorsed development of the site, as a commercial precinct.

#### 8.1.2 Entrance Options

A road network analysis has been undertaken for this project to identify the projected traffic flow of the Central Coast Highway over the next twenty years. This analysis was undertaken by Colston Budd Rogers & Kafes Pty Ltd (CBRK) and used SIDRA software to identify gradings for predicted traffic flows. A SIDRA analysis is a common method used for identifying traffic flows along roadway networks and is guided by principals under Transport for NSW. The intention of a SIDRA analysis is to identify a Level of Service (LoS) for a given road and provide a grading for the traffic flow capacity of that road, depending on its form and function. The grading system ranges from A to F, with an A grade being the highest and an F grade being the lowest.

A SIDRA analysis was undertaken for the Highway Commercial Precinct based on two entry options. The options explored were:

- 1) Entry via The Avenue, using a traffic-light controlled intersection.
- 2) Entry from a mid-block point on the Highway Commercial Precinct, using an exit-lane.

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The SIDRA analysis identified that over the next decade and into the future, projected traffic movements with direct access from the Highway (at a mid-block point) would have a traffic flow grading of B moving to C, over twenty years. In comparison, projected traffic movements without direct access from the Highway (at *The Avenue*) would have a traffic flow grading of C moving to E, over twenty years (see Appendix A).

Based on the above outcomes, it was identified by CBRK that an upgrade of *The Avenue* intersection would mean that at least one more lane will be required along *The Avenue* to account for additional traffic flow, bring the total number of laneways up to at least three. Although no plans have been drafted to identify exactly how this may impact the surrounding area, given the existing width between *Entry drive with perimeter brush box and eucalypt plantings*" (L9) and the current carriageways, the distances ranges from four to eight metres, and consequently, there may be the need to remove part or all of the significant line of trees.

Alternatively, plans showing entrance from the mid-block point, along the Central Coast Highway, have been drafted showing that eleven trees will need to be removed to facilitate the construction of the roadway. At the point of the proposed entranceway, the following trees are identified for removal: No.25, No. 29, No. 36, No.37, No. 38, No.39, No.40, No.41, No. 73, No. 74, No. 75 (see Figure 41). Of these trees, four Scribbly Gum trees are classed as Mature, five scribbly gums are classed as Young Mature, one White Stringback is classed as Mature and one Spotted Gum is classed as Mature.

# 8.2 Outline

Drawings prepared by Stevens Group and Richmond and Ross Architects (see Figure 25 to Figure 33), demonstrate overall footprint of the development; height, massing and orientation of buildings; materials, colours and positing of the structures; and overall landscape details. The proposed site will be located on the southern side of the HPC, bordering the Central Coast Highway.

The proposal includes the subdivision of the current lot into six separate Lots (See Section 2.3) and the construction of four commercial buildings to be located on four of those Lots. A connecting roadway is to be constructed between the Central Coast Highway and Festival Drive, with internal connecting roads leading to each development.

Lot and DP	Commercial Structure
Lot 3 DP1149050.	MacDonald's Restaurant
Lot 4 DP1149050.	Bridgestone Tyre and Auto Service Garage
Lot 5 DP1149050.	Oporto Restaurant
Lot 6 DP1149050.	Taco Bell Restaurant

Table 6. Lot and DP and associated commercial structure.



Each of the proposed buildings include a carpark with drive through access and carriageway entry and exits. Parking spaces are generally situated in the north or west of any given proposed lot, with circulation access provided to the rear or interior of each structure. In general, roadway circulation and parking spaces are controlled and buffered by concrete curbed garden beds. The three southern developments (MacDonald's, Oporto, Taco Bell) each maintain a twenty-metre separation between the development site and the Central Coast Highway. In total, the proposal will provide 137 car spaces, create a concrete covering of 8080m<sup>2</sup> and include a landscaped area of 4917m<sup>2</sup>.

Typically, commercial structures are located toward the south and east of each lot and are evenly spaced away from each other. The features, height ranges and proportions of each of the buildings generally reflect the features of each of the others – though they are not rigidly uniform. Structures in this development are medium-sized and generally finish at two and a half stories, though the Taco Bell development on the eastern side of the site is, primarily, a single storey structure. Each building uses vertical uplift to interrupt its horizontal proportions, integrating commercial logos and brand colour schemes into the total design of the building.

Broadly, the following works will be undertaken to facilitate the construction of these commercial buildings :

- Earthworks to prepare for the subject site for subsequent development, including:
  - Clearing of shrubs and immature plantings associated with the Orchard park;
  - Grading earthworks to level the works boundary;
  - Installation of carpark drainage and services, etc;
  - Installation and compression of road base to appropriate specifications; and
  - Installation of asphalt surfaces and concrete curbing.
- Construction of commercial buildings, including:
  - Installation of building foundations, plumbing and services, etc;
  - Erection of building frames;
  - Installation of external panelling, walling, roofing, etc; and
  - Installation of internal fit-out such as electrical and communications services, plumbing, gas services, seats and bench tops, flooring, kitchen equipment, refrigerators, play areas, signage, etc.
- Landscaping of garden beds and building surrounds, including the installation of signage and vehicle circulation controls.

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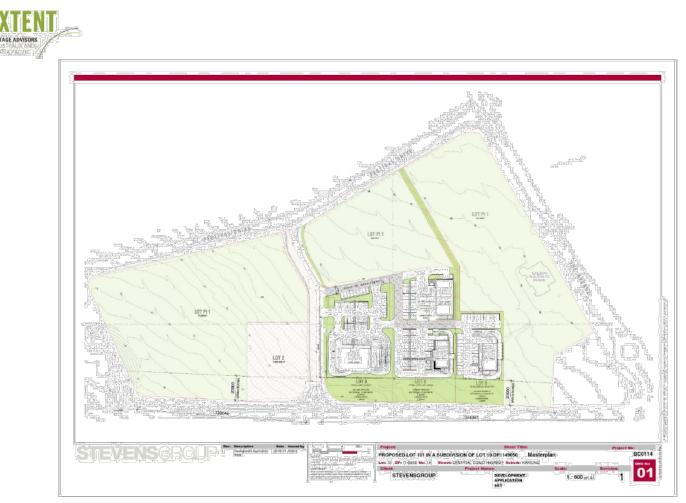


Figure 25. Location of the proposed commercial site within the HCP including access roads, and subdivisions (source: Stevens Group, Project No. BC0114, Drawing No. 01).

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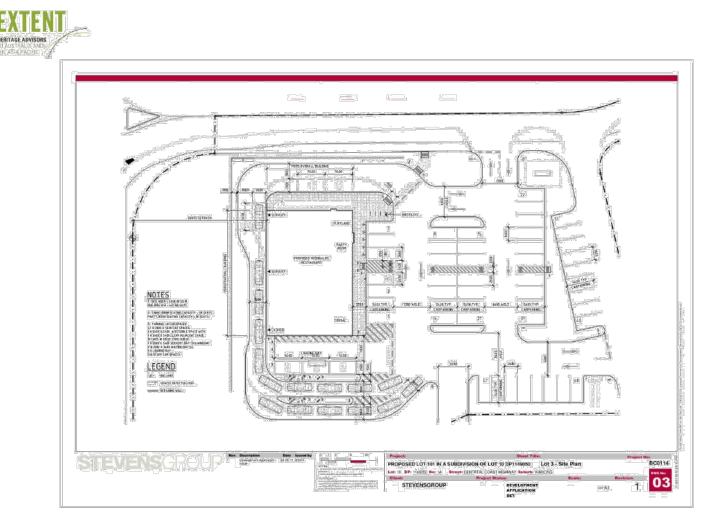


Figure 26. Design plan of the McDonald's Restaurant carpark showing traffic circulation (source: Stevens Group, Project No. BC0114, Drawing No. 03).

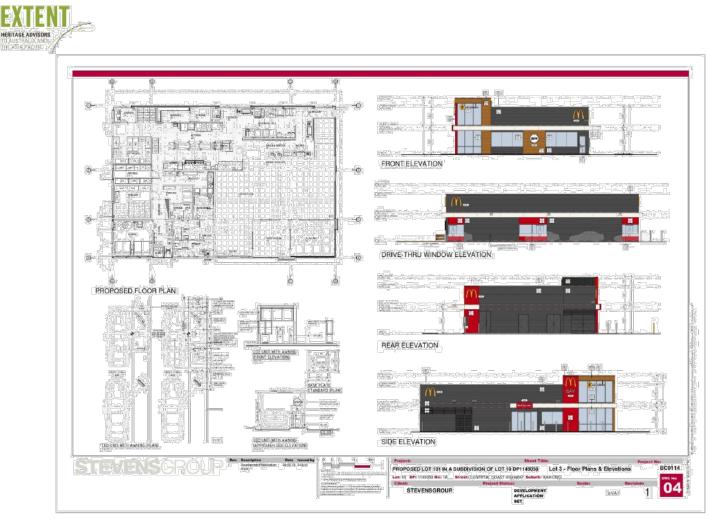


Figure 27. Floor plan and elevations of the MacDonald's Restaurant (source: Stevens Group; Project No. BC0114; Drawing No.04).

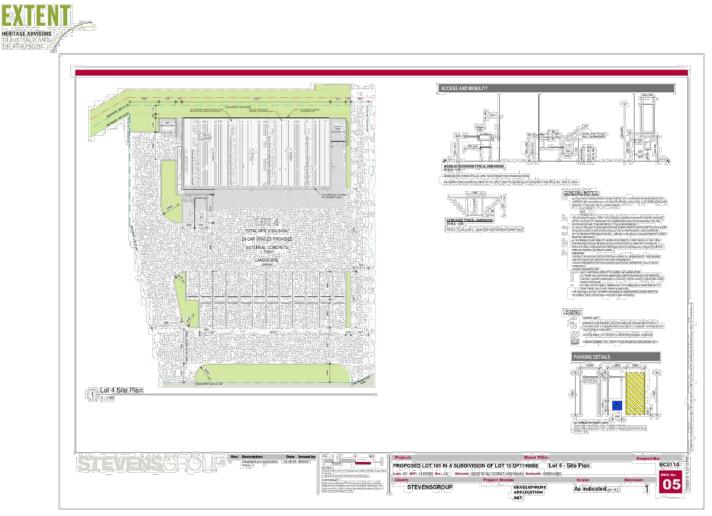
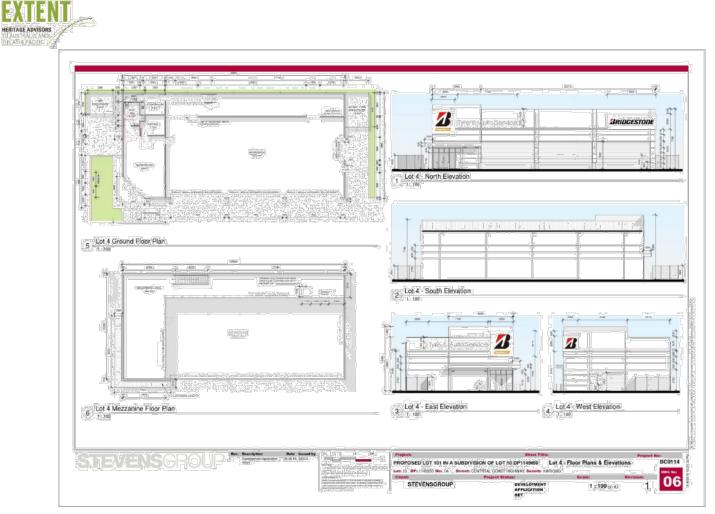
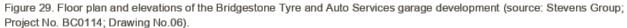


Figure 28. Design plan of Lot 4, showing the footprint of the Bridgestone Tyre and Auto Services garage development (source: Stevens Group; Project No. BC0114; Drawing No.05).





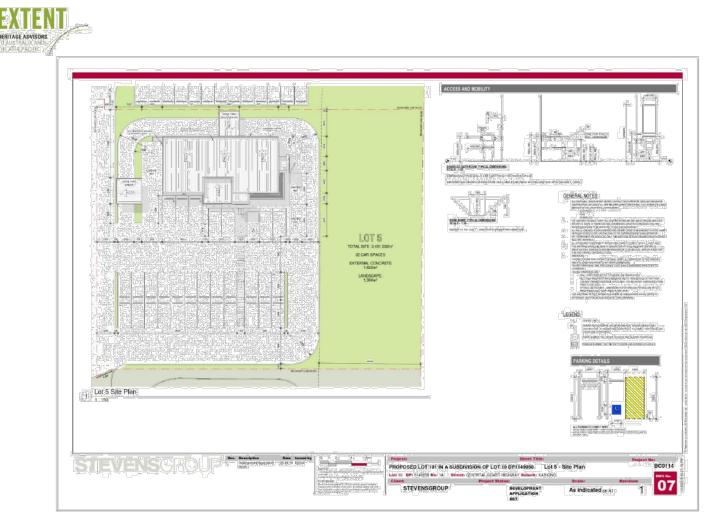


Figure 30. Design Plan of Lot 5, showing the footprint of the Oporto Restaurant development (source: Stevens Group; Project No. BC0114; Drawing No.07).

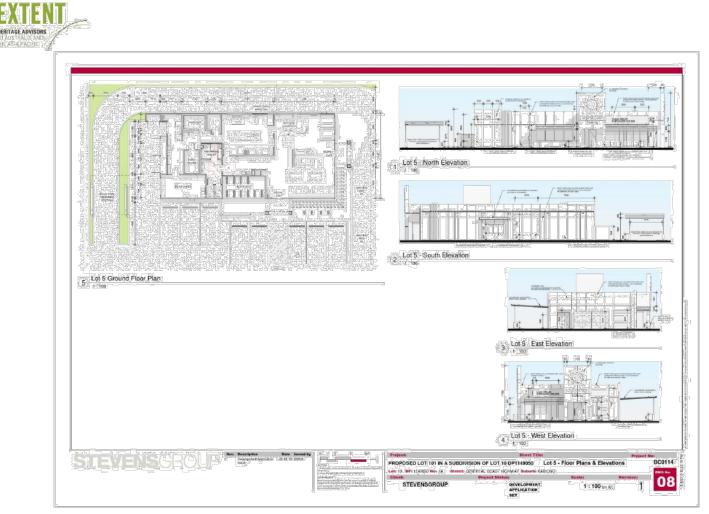
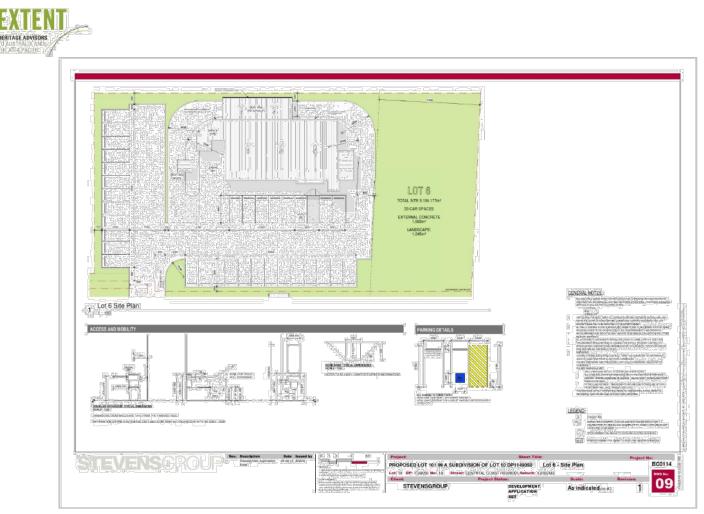
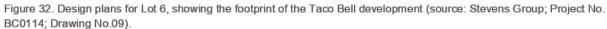


Figure 31. Floor plan and elevations of the Oporto Resturant development (source: Stevens Group; Project No. BC0114; Drawing No.08).





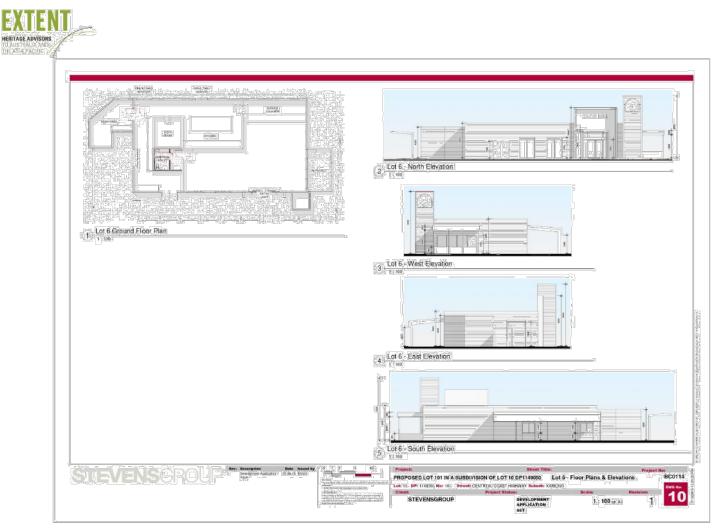


Figure 33. Floor Plan and elevations of the Taco Bell restaurant (source: Stevens Group; Project No. BC0114; Drawing No.04)

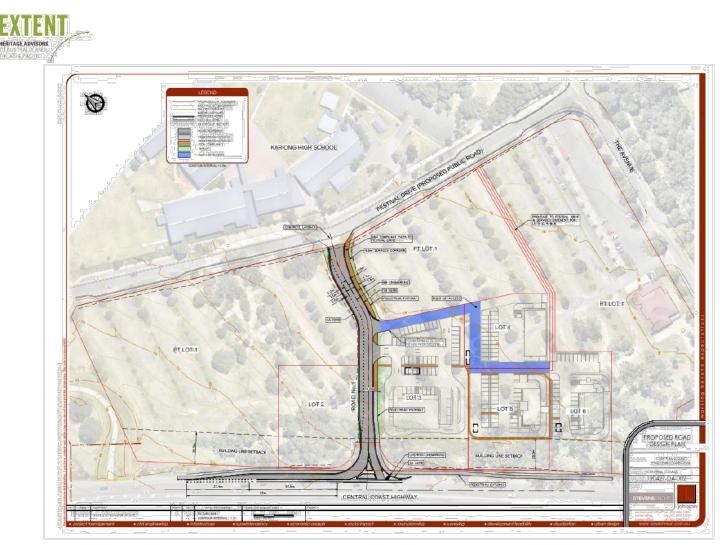


Figure 34. Proposed Road design Plan for the mid-block entry Point (source: ADW Johnson, Proposed Road Design Plan, Drawing No.190427-DA-002).

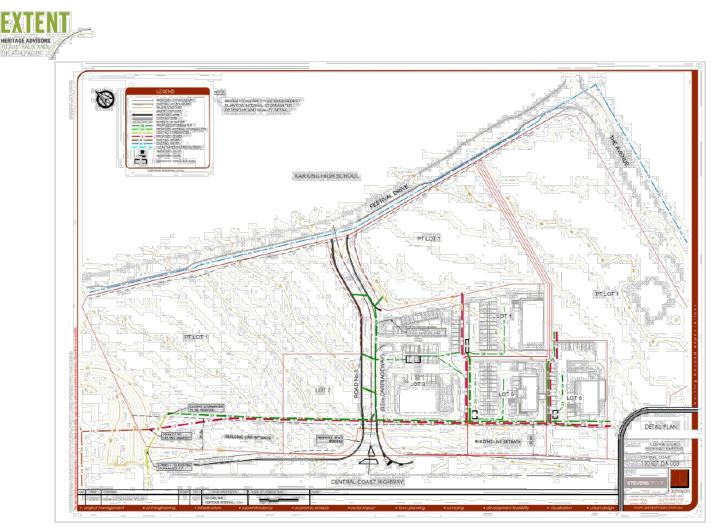


Figure 35. Detail Road Plan showing the network of roadways throughout the development (source: ADW Johnson, Detail Plan, Drawing No.190427-DA-003).

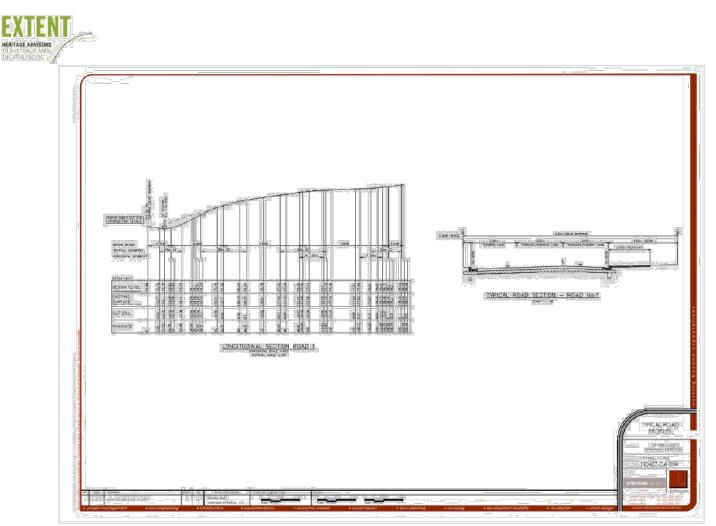


Figure 36. profile section of the proposed mid block entrance road (source: ADW Johnson, Typical Road Profiles, Drawing No.190427-DA-004).



Figure 37. A Bulk Earth Working Plan showing the percentage of area to be stripped and refilled to make level ground. The plan also includes areas to be replanted (source: ADW Johnson, Bulk Earth Working Plan, Drawing No.190427-DA-005).

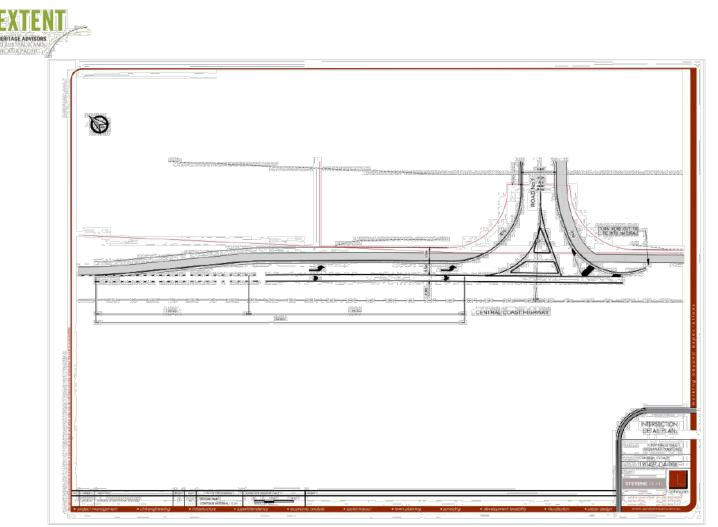


Figure 38. The Intersection Detail Plan showing the Exit-Lane into the HCP from the Central Coast Highway (source: ADW Johnson, Intersection Detail Plan, Drawing No.190427-DA-006).

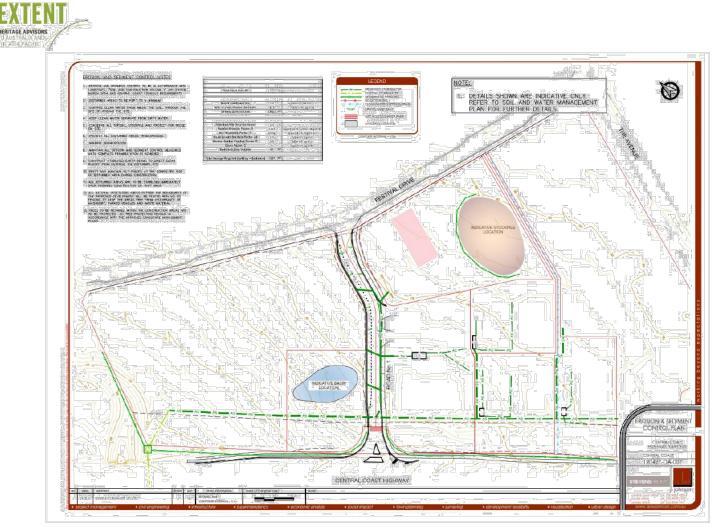


Figure 39. Erosion and Sediment Control Plan (source: ADW Johnson, Erosion and Sediment Control Plan, Drawing No.190427-DA-007).

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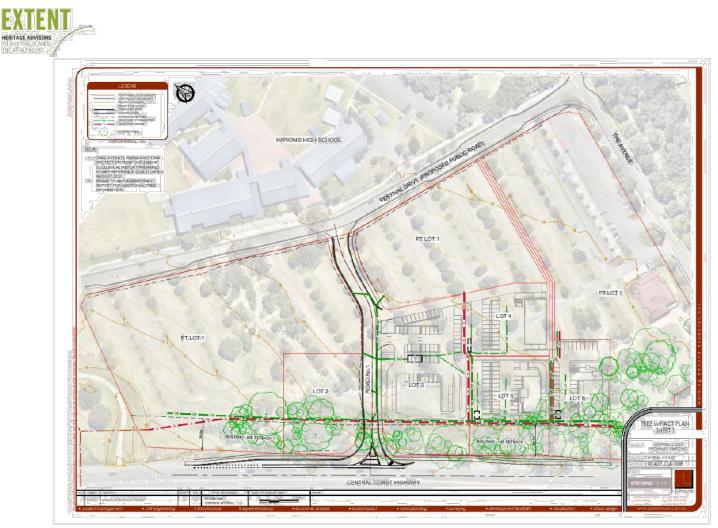


Figure 40. Tree Impact Plan, showing the number of bushland trees to be impacted by the proposed development. This does not include trees that are a part of the green carpark (source: ADW Johnson, Tree Impact Plan Sheet 1, Drawing No.190427-DA-008).



Figure 41. This sheet in the Tree Impact Plan shows the following trees are to be removed at the mid-block entrance: No.25, No. 29, No. 36, No.37, No. 38, No.39, No.40, No.41, No. 73, No. 74, No. 75. Of these, four are classed as Mature Scribbly Gums and constitute the only trees part of the *Scribbly Gum Group* (L7) proposed to be removed to facilitate the entranceway development (source: ADW Johnson, Tree Impact Plan Sheet 2, Drawing No.190427-DA-008).

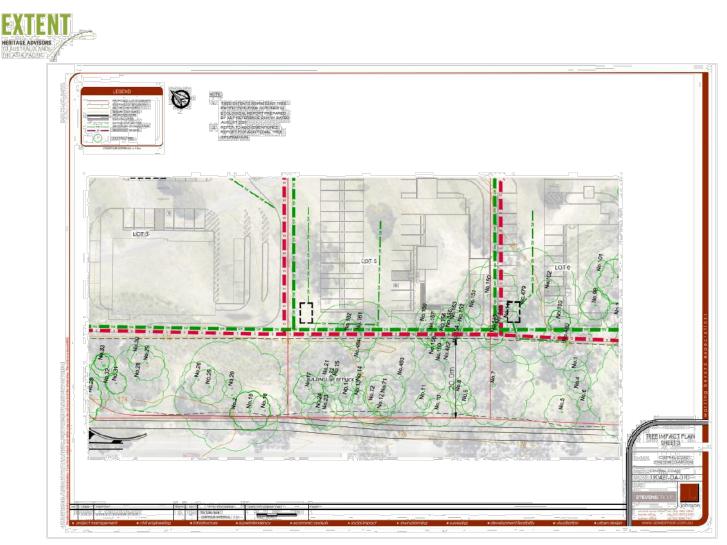


Figure 42. The Tree Impact Plan showing trees in the twenty metre buffer between the Highway Commercial Precinct and the Central Coast Highway (source: ADW Johnson, Tree Impact Plan Sheet 3, Drawing No.190427-DA-009).



Figure 43. The Tree Impact Plan showing trees in the twenty metre buffer between the Highway Commercial Precinct, the Central Coast Highway and the Fire Station (source: ADW Johnson, Tree Impact Plan Sheet 4, Drawing No.190427-DA-010).



# 9. Assessment of Heritage Impact

# 9.1 Built Heritage

The proposed development will have no direct physical impact to any built heritage elements within the *Mount Penang Parklands* site. The development is physically and visually distanced from the key features of heritage significance in the Mount Penang Parklands – as established by existing strategic planning controls.

While the proposed development site will see the introduction of four new buildings to part of the Mount Penang Parklands, the land on which this new development is located was historically used by the Training School as grazing paddocks and, then later, as a buffer zone between the Training School and the Pacific (now Central Coast) Highway. Following the closure of the Training School, this land was cleared and replanted as a carpark for the adjacent 'events' area (now occupied by the Kariong Mountain High School). These uses and associations are of low to no significance within the context of the Mount Penang site and there remains no substantial evidence of these uses that could demonstrate heritage significance.

From this analysis, it is evident that the subject site has already undergone several previous stages of development. Past uses for this land have centred around open field activities or amenities and, while associated with the various facilities that have operated within the Mount Penang Parklands, it has never been the focus of activities or development and does not contribute to core heritage areas or features.

In general, the design of the proposed development is modern in nature and uses a congruous vehicle circulation pattern coordinated by garden bed plantings. Buildings are evenly spaced and each structure shares a pleasant symmetry, with similar massing and detailing present across the facades. The scale of these structures is such that, though they are prominent within their immediate lots, they do not dominate the surrounding landscape.

Further, the HCP – in which the study area is located – is recognised in the Conservation Management Plan (2018); Mount Penang Parkland Masterplan (2018); and Gosford DCP (2013) as a suitable site for commercial development, with acceptable uses including:

- Commercial/office space;
- Large-format retail outlets;
- Specialty retail;
- Educational institutions; and
- Related ancillary uses.

In accordance with these planning ordinances, the proposed development site is acceptable under the heading of 'Commercial/office space' and large-format retail outlets.

Overall, the impact of the proposal to the built heritage significance of *Mount Penang Parklands* is <u>low</u>.



It is noted that the proposed development is expected to be the first of many future developments within the designated HCP and that those future developments have the potential to result in additional cumulative impacts. However, as the intended development is guided by several planning ordinances and each development will be progressively assessed in the context of the overall development, the potential for that impact to eventuate is low.

# 9.2 HCP Entrance Options

The entrance options availed for entry into the Highway Commercial Precinct consist of:

- 1) an access via The Avenue, controlled by traffic light intersection; and
- 2) a mid-block entry, accessible via an exit-lane; and

As identified by CBRK, access via the Avenue, as proposed in the DCP, would require remodelling the intersection and also widening *The Avenue*, and including an additional laneway to account for increased traffic flow.

Currently, no plans have been drafted showing the impacts a potential entryway through *The Avenue* might have on *Entry drive with perimeter brush box and eucalypt plantings*" (L9). However, Given that the width between the *The Avenue* carriageway and the *Entry drive with perimeter brush box and eucalypt plantings*" (L9) ranges from 4 metres to 8 metres, it is likely that the construction of at least one additional road-lane would impact the heritage item. Depending on the required design, this could result in the partial removal or total removal of all the trees along *The Avenue*. Consequently, depending on the works, the outcome could have a minor to major impact on the heritage significance of the item. Further, as these trees are part of a formal setting and are noted for their aesthetic, maturity and long standing contribution to the character of the area, mitigative strategies to offset the removal of some or all trees will are not likely to be successful, as removal would also likely impact the integrity of the site.

Alternatively, a mid-block entry would require the construction of an exit-lane from the Central Coast Highway, turning into a mid-block access road connecting through to Festival Drive. The Tree Protection Report, prepared by APE, has identified that the entire length of the proposed Tree Protection Zone includes 177 trees, of which, 79 are planned for removal to facilitate the proposed Highway Commercial Development. Included in these 79 trees are eleven trees that will be removed as part of the proposed mid-block access point. The proposed mid-block access point will have an impact on the significant item *Scribbly Gum Group* (L7) as four out of the twenty-eight Mature or Over-Mature trees, identified as a part of this item, will be removed. Additionally, it is noted that neither Scarred Tree 1 or Scarred Tree 2 will be impacted by these works (see Figure 14 and Figure 40). To offset the impact of these works, mitigation measures have been proposed. These measures are found in section 11.2 of this report.

In comparing the relative heritage impacts of both options, a mid-block entry, accessible via an exit-lane, is preferred. Regardless of existing higher-level planning outcomes, specified by the GDCP, it is preferred that a guaranteed minor negative outcome with reasonable mitigative strategy be implemented, over a variable minor to major impact option with no strong mitigation options.

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# 9.3 Views and Settings

Overall, though the total development area is relatively large, the mass and height of each of the structures is relatively low-scale and, in general, will not overwhelm or dominate the immediate surrounds. In conjunction, the retention of a twenty-metre bush reserve in the south of Lots 3, 5 and 6 screen the work from the Central Coast Highway, though this will be partially interrupted by the connecting road to Festival Drive. Consequently, the building development will not impact on any identified significant views into or out of the parklands.

Section 7.1.2 identifies the Visual catchment east from the main entry driveway as having a High grading of significance. Included in this catchment is the formal landscaping and roadway of The Avenue, which creates an aesthetically important line of sight that acts to signify entry to the Mount Penang Parklands. Though there will be visibility between the proposed development and The Avenue, as the site will not intrude on the important line sight established by the trees and roadway, there will be no impact to this significant visual catchment.

Lastly, the siting of the development at a distance from the core heritage precincts of the site means that there will be no direct impacts to their views or setting as a result of the development.

Overall, there will be no substantial or direct impact to the identified important views and settings of the Mount Penang Parklands.

It is also noted that nearby along the highway to the west of the proposed development site, a similar scale development has already occurred.

### 9.4 Natural Features

Section 7.2.1 identified two significant landscape features in the vicinity of the proposed works. These elements are the *Scribbly Gum Group* (L7) to the south-west of the development and the *Entry Drive with perimeter brush box & eucalypt plantings* (L9) to the east of the site.

The current development seeks to remove approximately four mature scribbly gum trees associated with the *Scribbly Gum Group* (L7). Though the item has a high grading of significance, the removal of approximately four mature trees to facilitate the construction of the connecting road to Festival Drive will have only a <u>low</u> impact on the heritage significance of the site, as 24 of the 28 mature scribbly gum trees will be retained in the Tree Protection Zone specified by AEP. Additionally, as the item is noted as having regenerative undergrowth surrounding it, it is likely to persist into the future. The position of the roadway at this point, allows for the removal of a minimal number of trees, while still instating a central connecting road.

The box brush and eucalypt varieties identified in *Entry Drive with perimeter brush box* & *eucalypt plantings* (L9) will not be affected by the proposed works. Overall, there will be a <u>low impact</u> to the natural features of the Mount Penang Parklands.

This change is considered acceptable in consideration of the established development footprint controls.

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# 9.5 Archaeology

The overall non-Indigenous archaeological research significance of the site is negligible. Observable remains do have some potential to illustrate aspects of the development of the site, however, this development was relatively simple and the activities, demonstrated by these physical remains, were not historically significant. The likelihood of finding relics of State or local significance is minimal.

The potential to uncover relics of State or local significance is minimal.

### 9.6 Heritage Items in the Vicinity

There are no heritage items in the vicinity which are not part of the wider Mount Penang Parklands SHR listing. These listings will not be affected by the proposed works.

Therefore, there will be no impact to heritage items in the vicinity.

# 9.7 Compliance with Conservation Management Plan Policies

The Conservation Management Plan (CMP) (2018) provides policies for the management of the *Mount Penang Parklands*. These policies range from the implementation of maintenance schedules to guidelines for the development of new buildings.

There is currently no endorsed CMP for this site, as Heritage Council endorsement for the document produced by GML in 2001 elapsed in 2008. Further, to best adhere to the GDCP, polices from the most current version of the CMP have been use, as under section 5.3.3.3: 'individual buildings, spaces and elements should be dealt with in accordance with their assessed cultural significance, as outlined in the current Conservation Management Plan'.

Relevant policies are assessed in the Table 7, below:

2018 CMP Update Policies	Assessment of Compliance
6.4 Layout and Setting	
<b>6.4.4</b> The relationship of the buildings to the topography, with formal landscaping including avenues and groves of trees, courtyard spaces and open areas, is to be conserved and enhanced.	The proposed development does have a low impact on the <i>Scribbly Gum Group</i> (L7), though as it is positioned to remove the minimal number of trees, while still maintain a central connecting road, the significance of the <i>Scribbly Gum Group</i> (L7) is still maintained. Further, the proposed development does not impinge on the line of sight along The Avenue. Consequently, the proposed development site is consistent with Policy 6.4.4.
<b>6.4.6</b> New development should integrate with the existing form and pattern of development and should be appropriately scaled when adjacent to	The new development is located within a former green carpark that had previous served as a training ground. This land is not in the physical or visual vicinity of significant buildings. Therefore,

Table 7. CMP Update policy assessment.



2018 CMP Update Policies	Assessment of Compliance
heritage buildings so as to retain the aesthetic qualities and character of the site.	the proposed development site is consistent with Policy 6.4.6.
<b>6.4.7</b> Proposed large structures should be sited away from the historic precincts, to the north, west and south of the existing buildings. Appropriately scaled development would also be permissible to the east of the existing buildings.	Buildings within the development site are proportionally medium-sized. They are located within the southern portion of the Mount Penang Parklands, in the HCP. Consequently, the development is consistent with Policy 6.4.7
<b>6.4.9</b> Development sites should incorporate suitable setbacks to maintain the bushland character of the site and screening vegetation should be incorporated into new landscape planning, where appropriate.	A twenty-metre reserve is being retained between the Central Coast Highway and MacDonald's, Oporto and Taco Bell developments. This reserve partially includes the significant remnant bushland identified in <i>Scribbly Gum Group</i> (L7). While approximately 1- 2 trees will be removed from <i>Scribbly Gum</i> <i>Group</i> (L7), this will only result in a low impact to the item. Overall, the development incorporates suitable building setbacks to maintain the bushland character of the HCA. Further, as the rows of Orchard Carpark trees cannot be characterised as 'bushland', their removal will not alter the impact the character of native trees in the HAC. Consequently, the proposed development is consistent with Policy 6.4.9.
6.5 Significant View and Vistas	
<b>6.5.2</b> New development is to consider any impacts on significant views and is not to interrupt significant views.	The significant visual catchment, item L2, is identified as being in the vicinity of the proposed development and, within the visual catchment, would partially be visible. However, as the important visual characteristic of L2 is the view along the tree lined driveway and not the view across the carpark, there will not be any interruption to any significant views. This is further minimised by the proposed development, which has a lower scale toward the south- eastem end. Consequently, the development is consistent with Policy 6.5.2.
6.8 Planning and Managing Change	
<b>6.8.1</b> Development of programs of new work should be undertaken with specialised heritage input. Heritage advice should be sought early in design development and recommendations incorporated into design outcomes.	The proposed development site has been planned with specialist heritage input, including preparing location specific Heritage Development Guidelines. Further, the current SOHI is also in fulfilment of this policy. Consequently, the development is consistent with Policy 6.8.1
<b>6.8.3</b> New work with the potential to impact on significance is to be subject to an assessment of impact on heritage significance prior to commencing.	The current SOHI is in fulfilment of this policy. Consequently, the development is consistent with Policy 6.8.3.
6.9 New Development	



2018 CMP Update Policies	Assessment of Compliance
	Location in the southern central portion of the HCP, the proposed development site is not located in the vicinity of any buildings of high or moderate significance.
<b>6.9.2</b> New development should be in keeping with the existing character of the wider MPP site. Ensure the character of new development is generally restrained in the location of high or moderate significance buildings, structures or landscapes.	Further, the modern design of the proposed buildings, with their consistent panelling and use of primarily neutral colours, will not present as garish or comical. Though these buildings will change the environment of the HCP, they will not the overwhelm the immediate character of the site and will therefore be in keeping with the existing character of the wider MPP site. Consequently, the development is consistent
	with Policy 6.9.2.
7.8 Landscape Precincts	
<b>7.8.1 The Entry Driveway.</b> The configuration of the driveway and its avenue brush box plantings are to be conserved and maintained. It would be desirable for the driveway not to be widened further, unless essential as part of a broader site access strategy.	The Avenue entry driveway and brush box and eucalyptus trees are not being physically altered by the development. Consequently, the development is consistent with Policy 7.8.1.

# 9.8 Compliance Mount Penang Parklands HCP Heritage Strategy - Design Guidelines

In 2018, the *HCP Heritage Strategy – Design Guidelines* was prepared in support of the existing design guidelines in the *Gosford DCP 2013*. This document sets a higher standard for permissible design inside the HCP by providing an additional layer of design policy which any new development must be assessed against. The current proposed development is assessed against these guidelines in Table 8, below:

Table 8. Heritage Strategy Design Guidelines Assessment.

2018 Heritage Strategy Design Guidelines	Assessment of Compliance	
Design Vision and Future Character		
New development should be in keeping with the overall Design Vision for the Mount Penang Parklands site and Desired Future Character for the HCP, as specified in the site DCP 2013, with a view to complementing the existing heritage character and landscape setting of the site, providing an entryway to the site and appropriate planning around design interfaces between the HCP and its surrounds.	The proposed development site is in keeping with the desired future character of the HCP. Each of the commercial developments are located within the central southern portion of the Orchard Carpark, which is slated for redevelopment. Further, within the development site, a twenty-metre reserve of bushland scrub along the Central Coast Highway is being retained to both screen the development and to maintain as much of the existing item L7 <i>Scribbly</i> <i>Gum group</i> as possible. In this respect, the	



2018 Heritage Strategy Design Guidelines	Assessment of Compliance	
	development site responds to the surrounding landscape.	
Conserving Heritage Significance		
Items of heritage value within and adjacent to the HCP should be retained and incorporated into any new development proposal. This includes The Avenue and its linear plantings, and the other significant trees within the site, as identified. Significant elements are to retain appropriate settings. This may include buffer areas around trees to ensure tree health.	The proposed design places a 20-metre reserve to the south of the site, retaining as many of the mature trees within the <i>Scribbly Gum Group</i> L7, as possible – though this still results in a low impact to heritage values of the item. Further, trees along The Avenue are not physically impacted by the proposal. Consequently, the proposed development site is compliant with the design guidelines.	
Should identified heritage items not be able to be retained, mitigation measures are to be implemented, as recommended by project specific assessments.	As identified heritage items within the HPC are not being completely removed, the proposed development is compliant with the design guidelines.	
New proposals are to be developed in accordance with the relevant policies in the Mount Penang CMP.	As demonstrated in section 9.6, the proposed development site is in accordance with the Mount Penang Parklands CMP (2018).	
Sitting, Scale and Setbacks		
In general terms, new development should integrate with the existing form and pattern of development and should be appropriately separated, scaled and setback to retain the aesthetic qualities and contribute to the setting of the site.	As a site of medium-sized developments, with a maximum of two and a half stories in height, the scale of the building is in keeping with existing developments in the Mount Penang Parklands. The site is separated from the key heritage areas and setback as per the established controls.	
Maintain established setbacks and, within the DCP allowances, place most bulkier and taller development in the western portion of the site and along the Central Coast Highway. Scale back bulk and height for built forms in the north- eastern portion where The Avenue meets the Heritage Precinct.	The proposed development site is located in southern-central portion of the HPC. As the development site consists of medium-sized buildings with a maximum height of two and half storeys, the proposed development is compliant with the design guidelines. There are no proposed buildings inside the north eastern portion of the HCP, where The Avenue meets the Heritage precinct.	
Height		
Building heights should be responsive to the site topography. If taller buildings are proposed, they should generally be placed within the lower western areas of the site and along the Central Coast Highway frontage, away from the Heritage Precinct.	The proposed development site consists of four medium-sized commercial buildings with a maximum height of two and a half storeys. Its physical location in the south and centre of the site is compliant with the design guidelines.	
Building Expression and Design		
New development along Festival Drive should consider design responsive and complementary to the existing traditional built forms on site, and use landscaping, scale, colours and materials to	The proposed development site is not located along Festival Drive.	



2018 Heritage Strategy Design Guidelines	Assessment of Compliance	
provide integration with the wider site and Kariong High School, and minimise visual impacts as viewed from Mount Penang Gardens.		
Within the DCP guidelines, more modern design and presentation may be acceptable along the Central Coast Highway	Building within the development site, as currently proposed, generally includes neutral colours offset by less prominent brand colours. In addition, the overall design of these buildings is contemporary in style and is therefore suitable for positioning along the Central Coast Highway where they are intended to be accessed from. Similar buildings are already in place along the highway within the nearby vicinity of the site.	
Lighting, signage and street presentation is to be consistent with the existing requirements for the wider Mount Penang site and as set out in the DCP.	Within each lot, lighting, signage and street presentation are consistent with the existing requirements for the Mount Penang Site. Signage is either low-scale and contained to the lot or, is incorporated into the design of each building. Further, as these buildings do not include verandah's in their design, there is no need to incorporate wall mounted fittings. The proposal is therefore compliant with the design guidelines.	
Character and Setting		
Use vegetation and landscaping to maintain and contribute to the setting of the rural pastoral park- style setting of the site and to screen and integrate the development site with the surrounding area.	Most of the Scribbly Gum group (L7) are retained in a 20-metre reserve in the southern portion of the development site. This reserve will screen and better integrate the development into the surrounding area. The proposal is therefore compliant with the design guidelines.	
Planning site layout to maximise areas of green space and reducing or seeking alternative options to hard paved areas.	The use of garden bedding as a device to control vehicle circulation increases the total green space within the development site. The proposal is therefore compliant with the design guidelines.	
Use vegetated setbacks, plantings and gardens to soften built features, enhance the setting and provide amenity.	Garden beds and the 20-metre reserve along the South Coast Highway will act to soften the built elements in lots 3, 5 and 6 of the development. In particular, the <i>Scribbly Gum group</i> (L7) will act as a backdrop, contextualising the height of these new buildings and screening the development from the highway. The proposal is therefore compliant with the design guidelines.	
Landscape		
Enhance allocated setbacks with vegetation to create visual buffers.	Low-scale plantings around perimeter garden beds will soften the concrete covering caused by the development and the 20-metre <i>Scribbly Gum</i> <i>group</i> (L7) reserve will provide a buffer between the Central Coast Highway and the HCP. The proposal is therefore compliant with the design guidelines.	



2018 Heritage Strategy Design Guidelines	Assessment of Compliance	
Allow space for plantings and trees within verges, carparks and around buildings. Use gardens and plantings to break-up hard paved areas. Plan site layout to include open areas.	Each proposed development has perimeter garden bed plantings to control vehicle circulation. These also act to break-up hard paved spaces. In addition, each building, though similar in design to others around it, is evenly separated by landscaping and carparking, allowing for open space between structures. The proposal is therefore compliant with the design guidelines.	
Allow appropriate buffer for the two mature trees located alongside the HCP western boundary.	The development is not located in the vicinity of the two mature trees located in the west of the HCP precinct. These trees are <u>not</u> a part of the <i>Scribbly Gum group</i> (L7), which is located approximately 200 metres south-east of these two trees. The proposal is therefore compliant with the design guidelines.	
Views and Visual Relationships		
Protect and enhance the existing vegetation screening along the Central Coast Highway.	Lots 3, 5 and 6 of the development site incorporate a 20-metre <i>Scribbly Gum group</i> reserve into the southern portion of the development. The proposal is therefore compliant with the design guidelines.	
Parking		
Ensure car parking is in accordance with the DCP guidelines for the Mount Penang site and the HCP.	As the <i>Gosford DCP 2013</i> allows the HCP to have car parking on a plot-by-plot basis (provided it accords with general requirements within the DCP) the proposed development site is compliant with the design guidelines.	

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# 10. Statutory Controls

# 10.1 Heritage Act 1977 (NSW)

The *Heritage Act* 1977 (NSW) provides protection for items of State heritage significance that are listed on the State Heritage Register, as well as for unlisted archaeological relics. Works proposed for items protected by the *Heritage Act* 1977 are approved by the Heritage Council of NSW or its delegates, as appropriate.

Mount Penang Parklands has been identified as a place of State Significance and is listed on the NSW State Heritage Register. Consequently, proposed works and changes to the Parklands site must be assessed and approved by the Heritage Council, prior to implementation.

#### 10.1.1 Section 57(1) Notifications, Section 60 Approvals

Pursuant to Section 57(1) of the Heritage Act, the approval of the Heritage Council of NSW is generally required for development within a site included on the State Heritage Register, including works to grounds or structures<sup>1</sup>.

However, within the legislation are provisions for certain works to be exempt from requiring approval. Minor activities do not require approval under the *Heritage Act* 1977, if undertaken in accordance with the guidelines set out in *Standard Exemptions For Works Requiring Heritage Council Approval* (NSW Heritage Council, 2009). The Standard Exemptions include works relating to:

- 1. Maintenance and Cleaning
- 2. Repairs
- 3. Painting
- 4. Excavation
- 5. Restoration
- 6. Development Endorsed By The Heritage Council or Director-General
- 7. Minor Activities With Little Or No Adverse Impact On Heritage Significance
- 8. Non-Significant Fabric
- 9. Change Of Use
- 10. New Buildings
- 11. Temporary Structures
- 12. Landscape Maintenance
- 13. Signage
- 14. Burial Sites and Cemeteries
- 15. Compliance With Minimum Standards And Orders
- 16. Safety And Security
- 17. Moveable Heritage Items

<sup>&</sup>lt;sup>1</sup> Heritage Act 1977, Part 4, Division 2, Section 57

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The Heritage Council also has the power to make site-specific and State-Agency-specific Exemptions (i.e. Statutory Exemptions). Any works outside the parameters of the Standard Exemptions or Statutory Exemptions, outlined above, will require an application under Section 60 of the *Heritage Act 1977* to the NSW Heritage Council. There are no current Statutory (State-Agency) Exemptions applicable to this site.

#### Conclusion

The proposed development addressed in this report, would require an application to the NSW Heritage Council for approval, it occurs within the curtilage of an area listed on the NSW State Heritage Register. As a total development, the proposal seeks approval under Section 60, by way of Integrated Development Application with Central Coast Council.

#### 10.1.2 Hunter and Central Coast Regional Development Corporation Heritage and Conservation Register

Section 170 of the Heritage Act requires that all Government departments or agencies must maintain a Heritage and Conservation Register, which includes all property and assets owned or in the care and control of the relevant department or agency that are of State or local heritage significance.

Under Section 170A of *Heritage Act 1977*, the Hunter and Central Coast Regional Development Corporation is required to provide 14 days prior notice to the Heritage Council of NSW in the event that it:

- (a) removes any item from its register under section 170, or
- (b) transfers ownership of any item entered in its register, or
- (c) ceases to occupy or demolishes any place, building or work entered in its register.

#### Conclusion

The proposed development does not trigger any actions required under Section 170A. Should the subdivision eventually result in the sale of a portion of the site, Heritage Council notification is required.

#### 10.1.3 Relics

The *Heritage Act* 1977 provides protection for unlisted archaeological relics. A relic is defined in the legislation as:

"relic" means any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance.

Section 139 of the Heritage Act states that:

(1) A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a

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relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

#### Conclusion

The 2018 CMP Update has assessed the archaeological potential of the Mt Penang Training School and identified three areas of archaeological sensitivity. The HCP is not included in these three areas. Further specific assessment of the archaeological potential of the Orchard Carpark area undertaken for this report has established that:

The overall non-Indigenous archaeological research significance of the site and its elements is negligible. The observable remains do have the potential to illustrate aspects of the development of the site. However, this development was relatively simple and the activities, which the physical remains demonstrate, were not historically significant.

Consequently, there are no specific requirements arising from the 'relics' provisions of the *Heritage Act 1977*.

# 10.2 Gosford Local Environmental Plan 2014

The *Mount Penang Parklands Heritage Conservation Area* (Item C1) is listed in Schedule 5 (Heritage Items) in the *Gosford Local Environmental Plan 2014*, as well as seventeen individual items within this area. The Gosford LEP listing mirrors that of the State Heritage Register listing and addresses the same area of land.

#### Conclusion

Central Coast Council is the approval authority for the proposed development and a Development Application for and approval from Central Coast Council is required. However, the agreement/concurrence of the Heritage Council, by way of Integrated Development Application is required for Central Coast Council to be able to give approval. This report should be provided to Central Coast Council as part of any Development Application.

# 10.3 Gosford Development Control Plan 2013

Section 5.3 of the Gosford Development Control Plan 2013 (the DCP) contains a wide range of objectives and controls for the future development of the Mount Penang Parklands. It identifies a Concept Master Plan and specifies design guidelines for the future development of the site. It identifies the Highway Commercial Precinct as a distinct individual precinct within the overall site.

#### Desired Future Character

The DCP states, in relation to the desired future character of the Highway Commercial Precinct:

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

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Highway, whilst gaining access from Festival Drive, and responding to the landscapes to the east (Phillip House) and west (Gardens).

#### Conclusion

The proposed development involves the subdivision of the site into six new Lots; construction of four medium-sized commercial buildings (with associated landscaping internal roadway connections and parking areas); and construction of a connecting roadway between the Central Coast Highway and Festival Drive.

The sense of massing in the vertical and horizontal detailing, in combination with a maximum height of two and a half storeys, creates structures with suitable proportions for the surrounding environment. Further, the arrangement of colours and material creates a successful rhythm through the structures which do not appear garish or comical. Owing to these aspects, the quality of built form is considered acceptable. Further, the use of garden beds as a landscape device to control the circulation of vehicles is a suitable way to introduce more green space into the development.

#### Built Heritage Forms

In relation to Heritage Built Forms, the DCP states (inter alia):

- 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

#### Conclusion

Section 9.6 of this report tests the concurrence of the proposed development with policies set out by the CMP. It was found that the development was consistence with these policies.

#### New Buildings or Structures

In relation to New Buildings or Structures, the DCP states:

- 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

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Retention of significant view corridors.

#### Conclusion

As it is positioned within the HCP, the proposed development site will not be located adjacent any existing <u>buildings</u> identified as having heritage significance. however, the proposal is physically located within *Scribbly Gum Trees* (L7) and located in the vicinity of *Visual catchment east from the main entry driveway* (L2). Though, is as demonstrated in Section 9.2 and Section 9.3 of this report, setbacks and visual corridors have been maintained, in keeping with policies set out in the DCP.

#### Landscaping

In relation to Landscaping requirements, the DCP states (inter alia):

- 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.

#### Conclusion

New landscaping around the proposed development site includes curbed garden beds around each of the Lots and allows for a 20-metre reserve to the south of the development to act as a buffer between the Central Coast Highway and the HCP.

Though works to construct the connecting roadway between the Central Coast Highway and Festival Drive will result in the removal of approximately 1-2 mature trees from the landscape item *Scribbly Gum group* (L7), the positioning of the roadway in this location removes the minimal number of trees possible, while still instating a central connecting road.

The proposed development is consistent with the requirements of the DCP in that the proposal does minister the impact of works on the locally listed landscape item.

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# 11. Conclusion and Recommendations

# **11.1 Conclusion**

# 11.1.1 General

The proposed development will take place within the statutory curtilage of an item listed on the NSW State Heritage Register. At a high level, this proposal is supported by three planning ordinances, all of which allow for the development within the site, within the constraint of certain guiding principles. These planning ordinances are outlined below:

- Gosford DCP 2013;
- Mount Penang Masterplan 2018; and
- Mount Penang CMP 2018.

The detailed assessment provided in this SOHI is in agreement with the high-level acceptance of development in the HCP site and supports the potential impacts of the proposal as acceptable. While the proposal includes the introduction of four new medium-sized buildings, the development site is physically and visually removed from Mount Penang's core heritage precincts. It will not physically impact any identified cultural heritage features with nearby landscape elements retained and incorporated into the new design. The southern-central position of the development has been selected to minimise visual impacts and the design has been counterbalanced in form, colour and material choice, to be considerate of the wider heritage context of the site. The archaeological potential of the land affected by the proposed works is negligible and no relics are expected be disturbed by the proposed works. In general, the proposal is an acceptable response to the established planning protocols.

# 11.1.2 HCP Entrance

Based on the relative heritage values of the site, the recommended access option into the Highway Commercial Precinct is a mid-block entry. The proposed development will have a minor negative impact on the item *Scribbly Gum Group* (L7), as it will result in the removal of four of the twenty-eight trees from the listing. However, this can be partially mitigated by retaining the Tree Protection Zone, as outlined by AEP, and by promoting the growth of Juvenile or Young Mature plantings to assist in generating a robust understory.

Further, to assist in maintaining the rural character of the Highway Commercial Precinct, it is recommended that a detailed landscaping plan for the project include mostly *Eucalyptus Haemastoma* (Scribbly Gums), or other endemic species, planted in an informal way. The character of the plantings should complement the character of the Tree Protection Zone and include landscape rock elements that match the geology of the area.

# **11.2 Recommendations**

Based on various analyses of the site and the various conclusions drawn in this report, the following recommendations and conclusions should be considered:

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- Preparation of a Landscape Plan specifically for the plater beds around the proposed commercial developments. The landscape plans should include:
  - Prioritising the planting of *Eucalyptus haemastoma* (scribbly gums) and other endemic species to the area, particularly Juvenile or young mature trees to promote an undergrowth, surrounding the more mature Scribbly Gums. Though these would not be considered significant plantings, they would completement the character and original ecological community and be considered an appropriate mitigative strategy.
  - The planters should make use of landscape rock elements that match the geology of the area. This will completement the existing fauna and geography of the existing bushland green spaces around the site.
- This report should be provided to the Central Coast Council as part of a Development Application. This should include referral to the NSW Heritage Council for integrated approval under the NSW Heritage Act.
- Future proposals within the precinct are to be assessed for heritage impact by way of separate assessment, and in consideration of potential cumulative impacts.
- The curtilage of the landscape item Scribbly Gum Trees (L7), should be revised following the completion of the proposed works.
- In the event that unexpected historical archaeological remains not identified in this report - are discovered at the site, all works in this area should cease and the Heritage Division should be notified, in accordance with section 146 of the Heritage Act. These remains would be assessed in a timely manner and a determination on management would be made in consultation with the Heritage Division.

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# ATTACHMENT A - VEHICLE TURN PATHS

CHAPTER I

I

# I. INTRODUCTION

- 1.1 Colston Budd Rogers and Kafes Pty Ltd has been commissioned by Stevens Group to prepare a report examining the traffic and parking implications of a proposed mixed use development in Kariong. The site has frontage to Central Coast Highway, as shown in Figure 1.
- 1.2 The site (Lots 3, 4, 5 and 6) is proposed to provide three fast food outlets, including a McDonald's and a vehicle repair centre (some 400m<sup>2</sup> GFA) and a car park providing some 136 parking spaces. The development of Lots 1 and 2 are subject to a future DA. Vehicular access will be provided via a proposed road which runs between Festival Drive and the Central Coast Highway. Access to the new road from the Central Coast Highway will be restricted to left in/left out, with a deceleration lane for vehicles turning off the highway.
- 1.3 HCCDC is undertaking a traffic study for the Mt Penang Parklands area in which the subject site is located.
- 1.4 This report assesses the transport implications of the proposed development through the following chapters:
  - Chapter 2 describing the existing conditions; and
  - Chapter 3 assessing the traffic and parking implications of the proposed development.

CHAPTER 2

# EXISTING CONDITIONS

# Site Location and Road Network

- 2.1 The site is on the north eastern side of Central Coast Highway, as shown in Figure 1. Surrounding land use includes a school and correctional facility to the north, sports and recreational facilities to the west, retail and residential to the south and Kariong Fire Station and residential to the east.
- 2.2 The Central Coast Highway is located along the southern frontage of the site and is an arterial road that provides three lanes in each direction adjacent to the site and turning bays at major intersections. It has a posted speed limit of 70km/h. It connects Kariong and the Central Coast to the MI Motorway/Pacific Highway to the west. The Central Coast Highway intersects The Avenue and Curringa Road at a four way signalised intersection, and Woy Woy Road at a signalised T intersection. These two intersections are some 120 metres. During the morning and afternoon peak periods, vehicles can queue back through these intersections which can affect their operation.
- 2.3 The Avenue provides access to the school and correctional facility to the north of the site, along with Festival Drive. It provides access to the site for vehicles travelling west along the Central Coast Highway. It provides one traffic lane in each direction and connects with Festival Drive at a priority controlled intersection.

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- 2.4 Festival Drive is a local road that provides access to the school. It provides one traffic lane in each direction. At the western end of the road, a roundabout is proved for vehicles who do not wish to enter the school.
- 2.5 Woy Woy Road provides access to Kariong and the southern sections of the Central Coast including Woy Woy and Umina. It provides one traffic lane in each direction and widens to two lanes at the intersection with the Central Coast Highway.
- 2.6 Curringa Road provides access to Kariong on the southern side of Central Coast Highway. It provides one traffic lane and one parking lane in each direction.

# Traffic Conditions

- 2.7 Traffic generated by the proposed development will have its greatest effects during weekday morning and afternoon peak periods when it combines with other traffic on the surrounding road network. Traffic counts have been undertaken at the following intersections;
  - Central Coast Highway/Kangoo Road (traffic signals);
  - Central Coast Highway/The Avenue/Curringa Road (traffic signals); and
  - Central Coast Highway/Woy Woy Road (traffic signals).
- 2.8 The results of the surveys are shown in Figures 2 and 3 and summarised in Table 2.1.

# CHAPTER 2

Table 2.1: Existing Hourly Two Way (sum of both directions) Traffic Flows					
Location	Weekday AM	Weekday PM			
Central Coast Highway					
- north of Kangoo Road	3,515	4,180			
- north of The Avenue/Curringa Road	3,450	4,150			
- north of Woy Woy Road	3,310	4,050			
- south of Woy Woy Road	2,620	3,275			
Kangoo Road					
- east of Central Coast Highway	260	400			
The Avenue					
- east of Central Coast Highway	180	430			
Curringa Road					
- west of Central Coast Highway	515	655			
Woy Woy Road					
- west of Central Coast Highway	1,275	I,660			

2.9 Examination of Table 2.1 reveals that;

- The Central Coast Highway carried some 2,620 to 4,180 vehicles per hour (two way) during weekday morning and afternoon peak hours;
- The Avenue carried some 180 to 430 vehicles per hour (two way) during the weekday morning and afternoon peak hours;
- Curringa road carried some 515 to 655 vehicles per hour (two way) during the weekday morning and afternoon peak hours; and
- Woy Woy Road carried some 1,275 to 1,660 vehicles per hour (two way) during the weekday morning and afternoon peak hours.

# Intersection Operations

2.10 The capacity of the road network is largely determined by the capacity of its intersections to cater for peak period traffic flows. The surveyed intersections

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shown in Figures 2 and 3 have been analysed as a network using the SIDRA program.

- 2.11 SIDRA simulates the operations of intersections to provide a number of performance measures. Use of the network function allows intersections in close proximity to each other to be coordinated. The most useful measure provided is average delay per vehicle expressed in seconds per vehicle. Based on average delay per vehicle, SIDRA estimates the following levels of service (LOS):
  - For traffic signals, the average delay per vehicle in seconds is calculated as delay/(all vehicles), for roundabouts the average delay per vehicle in seconds is selected for the movement with the highest average delay per vehicle, equivalent to the following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Good with minimal delays and spare capacity
29 to 42	=	"C"	Satisfactory with spare capacity
43 to 56	=	"D"	Satisfactory but operating near capacity
57 to 70	=	"E"	At capacity and incidents will cause excessive
			delays. Roundabouts require other control mode.
>70	=	"F"	Unsatisfactory and requires additional capacity

 For give way and stop signs, the average delay per vehicle in seconds is selected from the movement with the highest average delay per vehicle, equivalent to following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Acceptable delays and spare capacity

CHAPTER 2 29 to 42 "C" Satisfactory but accident study required = 43 to 56 "D" Near capacity and accident study required = 57 to 70 "E" At capacity and requires other control mode = >70 "F" Unsatisfactory and requires other control mode =

- 2.12 It should be noted that for roundabouts, give way and stop signs, in some circumstances, simply examining the highest individual average delay can be misleading. The size of the movement with the highest average delay per vehicle should also be taken into account. Thus, for example, an intersection where all movements are operating at a level of service A, except one which is at level of service E, may not necessarily define the intersection level of service as E if that movement is very small. That is, longer delays to a small number of vehicles may not justify upgrading an intersection unless a safety issue was also involved.
- 2.13 The intersections have been analysed using the SIDRA network function. The analysis found that:
  - traffic signals at the intersection of Central Coast Highway and Kangoo Road operate with average delays of less than 20 seconds per vehicle. This represents level of service B, a good level of service;
  - traffic signals at the intersection of Central Coast Highway, The Avenue and Curringa Road operate with average delays of less than 35 seconds per vehicle. This represents level of service C, a satisfactory level of service; and
  - traffic signals at the intersection of Central Coast Highway and Woy Woy Road operate with average delays of less than 30 seconds per vehicle. This represents level of service B/C, a satisfactory level of service.

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CHAPTER 2

# Public Transport

- 2.14 Local bus services are provided by Central Coast Busways. Buses operate along Central Coast Highway, The Avenue and Festival Drive, all within 500 metres walking distance from the site.
- 2.15 Services include:
  - route 32: Gosford to Spencer;
  - route 33: Gosford to Somersby via West Gosford and Industrial estate;
  - route 33/4: Gosford to Somersby via West Gosford, Industrial estate and Kariong; and
  - route 34/2: Gosford to Mangrove Mountain via Kariong.
- 2.16 The site is therefore accessible by public transport.

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# 3. IMPLICATIONS OF PROPOSED DEVELOPMENT

- 3.1 The proposed development provides three fast food outlets, including a McDonald's (Lot 3) and a vehicle repair centre (some 400m<sup>2</sup> GFA on Lot 4) with parking for some 136 vehicles. Vehicular access will be provided via a proposed new road which runs between Festival Drive and the Central Coast Highway. Access to the proposed road from the Central Coast Highway will be restricted to left in/left out, with a deceleration lane for vehicles turning off the highway.
- 3.2 This chapter assesses the implications of the proposed development through the following sections:
  - public transport;
  - parking provision;
  - access, servicing and internal layout;
  - traffic generation and effects; and
  - □ summary.

# Public Transport

- 3.3 As previously discussed, the site is accessible by bus services which operate along Central Coast Highway, Festival Drive and The Avenue. These services offer viable alternatives to travel by modes other than car, particularly for employees.
- 3.4 The proposed development would increase employment and retail densities close to public transport services. The proposal would therefore strengthen the existing demand for these services.

- 3.5 The proposed development is therefore consistent with government policy and planning principles of:
  - (a) improving accessibility to employment and services by walking, cycling, and public transport;
  - (b) improving the choice of transport and reducing dependence solely on cars for travel purposes;
  - (c) moderating growth in the demand for travel and the distances travelled, especially by car; and
  - (d) supporting the efficient and viable operation of public transport services.

#### Parking Provision

- 3.6 The Gosford Development Control Plan 2013 provides the following parking requirements for the proposed development;
  - Fast food Outlet: Premises with a drive through facility generally associated with businesses like KFC or McDonald's require a minimum of 30 spaces; and
  - Vehicle repair centre; the greater of three spaces per 100m<sup>2</sup> GFA or three spaces per work bay.
- 3.7 Based on the requirements set out by the DCP, the development would require 99 parking spaces (90 for the three fast food tenancies and nine for the vehicle repair centre). The proposed parking provision is 136 spaces, including four

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disabled spaces, which satisfies this requirement. The proposed parking provision is therefore in accordance with the Gosford DCP 2013.

- 3.8 By way of comparison RMS Guidelines (which are based on extensive surveys) suggest the provision of the greater of I space per 2 seats (internal) or I space per 3 seats (internal plus external), and a drive-through capacity of 5 to 12 cars for restaurants with a drive through facility.
- 3.9 Lot 3 (McDonald's) is proposed to provide 98 internal seats (with 49 spaces provided), Lot 5 will provide 64 internal seats (with 32 spaces provided) and lot 6 will provide 62 internal seats (31 spaces provided). Based on this, the parking requirement for the development would be 121 parking spaces (112 for fast food outlets and 9 for vehicle repair centre). The provision of 136 satisfies RMS requirements.

# Access, Servicing and Internal Layout

- 3.10 Vehicular access to the development is proposed to be provided from a new road to be constructed between Festival Drive and Central Coast Highway, along the western boundary of the site. The new road will provide one traffic lane in each direction with a 14 metre wide carriageway. The new road will allow for left/in left out access from the Central Coast Highway, with a 100 metre long deceleration lane. Sight lines for exiting vehicles onto the Central Coast Highway exceed 200 metres which satisfies Austroads guidelines for a 70 km/h speed environment of 92 metres.
- 3.11 The southern driveway to the new road will provide access to Lot 3. The northern driveway will provide access to Lots 4, 5 and 6 via a right of carriageway

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as shown in Figure 4. Lot 3 will also have access to this right of carriageway on its northern boundary.

- 3.12 The driveways will be provided in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 2: Off-street commercial vehicle facilities), AS 2890.1:2004 and AS 2890.2:2018, to cater for cars and service vehicles.
- 3.13 On-site parking will be provided at-grade. Circulation aisles will generally be twoway. Parking spaces will be a minimum of 5.4 metres long by 2.6 metres wide. Spaces with adjacent obstructions will be 0.3 metres wider. Disabled parking spaces will be 2.4 metres, wide, with a 2.4 metre wide adjacent area for wheelchairs. Circulation aisles will be a minimum of 6.6 metres wide. These dimensions are considered appropriate, being in accordance with AS 2890.1:2004 and AS 2890.6:2009.
- 3.14 The fast food outlets (Lots 3, 5 and 6) will all provide drive through facilities. Lot 3 (McDonald's) will provide two drive through lanes with queueing for some 15 vehicles. Lots 5 and 6 will provide a single drive though lane with queuing for 7 and 9 number of vehicles respectively. These provisions satisfy RMS guidelines of queuing for 10 to 12 cars for a McDonalds and 5 to 8 cars for other fast food outlets. The drive throughs will be designed in accordance with AS2890.1:2004 and be able to accommodate vehicle swept paths.
- 3.15 Vehicles servicing the development will include 14.2 metre semi-trailers (to the McDonald's) and medium rigid trucks (8.8 metres long) for the development on Lots 4, 5 and 6. Service vehicles will enter and exit in a forward direction. Service vehicle swept paths are provided in Attachment A.

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# Traffic Generation and Effects

- 3.16 The traffic effects of the proposed development have been assessed for the weekday morning and afternoon peak periods when it combines with other traffic on the surrounding road network.
- 3.17 We understand that HCCDC is undertaking a traffic study for the Mt Penang Parklands area in which the subject site is located. We understand that the purpose of this study is to assess the traffic effects of future development in the Mt Penang Parklands area and the necessary infrastructure to support future development.
- 3.18 The RMS "Guide to Traffic Generating Developments" recommends design generation rates for fast food outlets of 100 to 180 vehicles per hour two-way (sum of arrivals and departures) during weekday afternoon peak hours (for fast food outlets such as KFC and McDonald's respectively). Our assessment is based on 100 vehicles per hour for two of the fast food outlets with drive-throughs and 180 vehicles per hour for the McDonald's. For vehicle workshop, RMS Guidelines indicate a weekday morning and afternoon peak hour traffic generation of 1 trip per 100m<sup>2</sup> GFA. This would result in a generation of some 4 vehicles per hour two-way.
- 3.19 Based on the above rates, the individual components of the proposed development would generate some 400 vehicles per hour (two way) during the weekday afternoon peak period. For the morning peak period, a traffic generation of half the PM peak period has been adopted.

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- 3.20 A proportion of customers to the development would visit more than one facility. For example, some customers would purchase food from more than one fast food outlets. This would reduce traffic generation by some 10 per cent.
- 3.21 A large proportion of development traffic would be passing trade, already in the existing traffic flows along Central Coast Highway. We have assessed 50 per cent passing trade.
- 3.22 Thus the additional traffic from the proposed development on the surrounding road network would be some 90 and 180 vehicles per hour (two way) in the weekday morning and afternoon respectively.
- 3.23 The traffic generated by the proposed development has been distributed to the road network as set out below:
  - 60 per cent from the west along the Central Coast highway;
  - I5 per cent from Curringa Road;
  - 15 per cent from Woy Woy Road; and
  - 10 per cent from the east along Central Coast Highway.
- 3.24 The additional traffic has been assigned to the road network. Existing peak hour flows plus the additional development traffic are shown in Figures 2 and 3, and summarised in Table 3.1.

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Table 3.1: Existing + Development Hourly Two Way (sum of both directions) Traffic Flows						
Location	Weekd	Weekday AM		Weekday PM		
	Existing	+ Dev	Existing	+ Dev		
Central Coast Highway						
- north of Kangoo Road	3,515	+25	4,180	+55		
- north of The Avenue/Curringa Road	3,450	+45	4,150	+90		
- north of Woy Woy Road	3,310	+35	4,050	+75		
- south of Woy Woy Road	2,620	+15	3,275	+35		
Kangoo Road						
<ul> <li>east of Central Coast Highway</li> </ul>	260	+0	400	+0		
The Avenue						
<ul> <li>east of Central Coast Highway</li> </ul>	180	+55	430	+110		
Curringa Road						
- west of Central Coast Highway	515	+25	655	+40		
Woy Woy Road						
- west of Central Coast Highway	1,275	+20	1,660	+40		
New Road						
- east of Central Coast Highway	+0	+125	0	+250		

3.25 Examination of Table 3.1 shows that:

- traffic flows on the Central Coast Highway (between Kangoo Road and Woy woy Road) would increase by some 30 to 90 vehicles per hour (two way) during the peak periods. North of Kangoo Road and south of Woy Woy Road the increases would be lower at some 15 to 55 vehicles per hour (two way);
- traffic flows on The Avenue would increase by some 55 to 110 vehicles per hour (two way) during the peak periods;
- traffic flows on Curringa Road would increase by some 25 to 40 vehicles per hour (two way) during the peak periods;
- traffic flows on the Woy Woy Road would increase by some 20 to 40 vehicles per hour (two way) during the peak periods;

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- the new road would carry some 125 to 250 vehicles per hour (two-way) during the morning and afternoon peak periods;
- 3.26 The intersections analysed in Chapter 2 have been reanalysed with SIDRA for the additional development traffic flows shown in Figures 2 and 3.
- 3.27 The analysis found that:
  - the intersection of Central Coast Highway and Kangoo Road would continue to operate with average delays of less than 20 seconds per vehicle in both peak periods. This represents level of service B, a good level of service;
  - the intersection of Central Coast Highway, The Avenue and Curringa Road would continue to operate with average delays of less than 35 seconds per vehicle in both peak periods. This represents level of service C, a satisfactory level of service;
  - the intersection of Central Coast Highway and Woy Woy Road would continue to operate with average delays of less than 30 seconds per vehicle in both peak periods. This represents level of service B/C, a satisfactory level of service ; and
  - the intersection of the Central Coast Highway and the new road operates with average delays for the highest movement (left turn out of new road) of less than 25 seconds. This represents a level of service B, an acceptable level of service.

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- 3.28 In both peak periods southbound queues along Central Coast Highway from Curringa Road will not extend back passed the new road connection.
- 3.29 Therefore, the existing road network can cater for the additional traffic from the proposed development.
- 3.30 An assessment of existing plus 10 years has been undertaken with flows along the Central Coast Highway increased at a growth rate of 2 per cent per annum. The intersections have been reanalysed using SIDRA with and without development traffic in place. The analysis found that:
  - in the morning weekday with and without development traffic in place, the three intersections along the Central Coast Highway would operate at satisfactory levels of service (LOS C) or better;
  - in the weekday afternoon with and without development traffic in place, the intersection of Central Coast Highway/Kangoo Road would operate at capacity, with not all traffic getting through the network. The other two intersections would operate at satisfactory levels of service (LOS C) or better.
- 3.31 Thus in summary, traffic from the proposed development will have minor effects on the operation of adjacent road network in 10 years time. The future operation of the intersection of Central Coast Highway/Kangoo Road will be assessed in the traffic study being undertaken by HCCDC.

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## Summary

- 3.32 In summary, the main points relating to the transport implications of the proposed development are as follows:
  - the proposed development provides three fast food outlets and a vehicle repair centre;
  - ii) the proposed development is consistent with public transport government objectives and would strengthen demand for these services in the area;
  - iii) the proposed parking provision is appropriate;
  - iv) access, servicing and internal layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2:2018;
  - v) the existing road network will be able to cater for the traffic generation of the proposed development; and
  - vi) traffic from the proposed development will have minor effects on the operation of adjacent road network in 10 years time.



11374 - Kariong Mixed Use

Click: https://goo.gl/maps/aeEuG8mKkgsCZCND8

Location Plan

 Colston Budd Rogers & Kafes Pty Ltd

 DRAWN BY CBRK Pty Ltd\_mc
 Ref: 11374
 11.32020

Figure 1

11374 - Kariong Mixed Use 1165 (+10) 120 Kangoo Road 000 - 30 - 25 s C (+15) 2200 ----85 --- 1170 (-45) - (+55) Central Coast Highway New Road Festival Drive (+55) — V - (+70) (+35) S Site Access - (02+) (+15) 2300 - 65 (+10) = - 1050 (+15) ß Curringa Road 275  $\Lambda$ (+15) 25 000  $\mathbf{T}$ - 15 (+20) 100 3 ~ - 5 10 Ś The Avenue 45 -(-5) 2010 -(+20) 65 -270 (+10) 955 (+5) Central Coast Highway Woy Woy Road ¢ (+10) 705 000 185 LEGEND 100 - Existing Peak Hour Traffic Flows (+10) - Additional Development Traffic - 35 -(+10) 1380 -8 - Traffic Signals

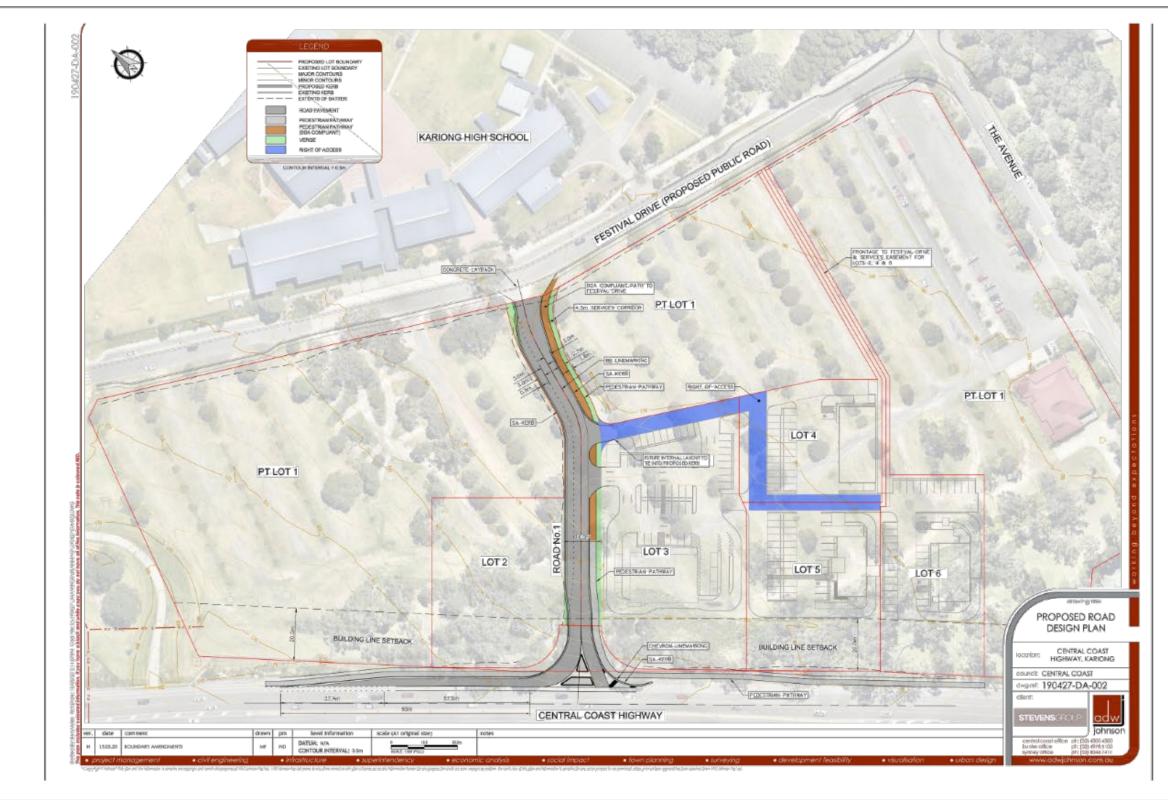
Existing weekday morning peak hour traffic flows plus development traffic Figure 2

Colston Budd Rogers & Kafes Pty Ltd DRAWN BY CBRK Pty Ltd\_mc Ref: 11374 11.3.2020

11374 - Kariong Mixed Use 2360 (+20) 95 Kangoo Road 000 120 150 Ś 2515 (-90) (+110) Central Coast Highway New Road Ŀ Festival Drive (+110) — 2 (+70) - (+140) l S Site Access (+110) -(+40) -(+35) 1635 230 (+15) = 2210 (+35) 75 Curringa Road ¢  $\mathbf{T}$ 120 (+25) 30 000 ⇒ 110 ゕ 85 (+40) Ĵ, ÷ - 55 115 S The Avenue 105 -(-5) 1425 -(+45) 70 -- 855 (+15) - 1615 (+20) Central Coast Highway Woy Woy Road ¢ (+25) 365 000 185 5 LEGEND 100 - Existing Peak Hour Traffic Flows (+10) - Additional Development Traffic 260 -(+15) 1220 -8 - Traffic Signals Existing weekday afternoon

Existing weekday afternoon peak hour traffic flows plus development traffic Figure 3

Colston Budd Rogers & Kafes Pty Ltd DRAWN BY CBRK Pty Ltd\_mc Ref: 11374 11.3.2020



Colston Budd Rogers & Kafes Pty Ltd DRAWN BY CBRK Pty Ltd\_mo Ref: 11374 11.3.2020

# PUBLIC Traffic Parking Report 5 The Avenue, KARIONG DA58290 Part 1



Site Plan

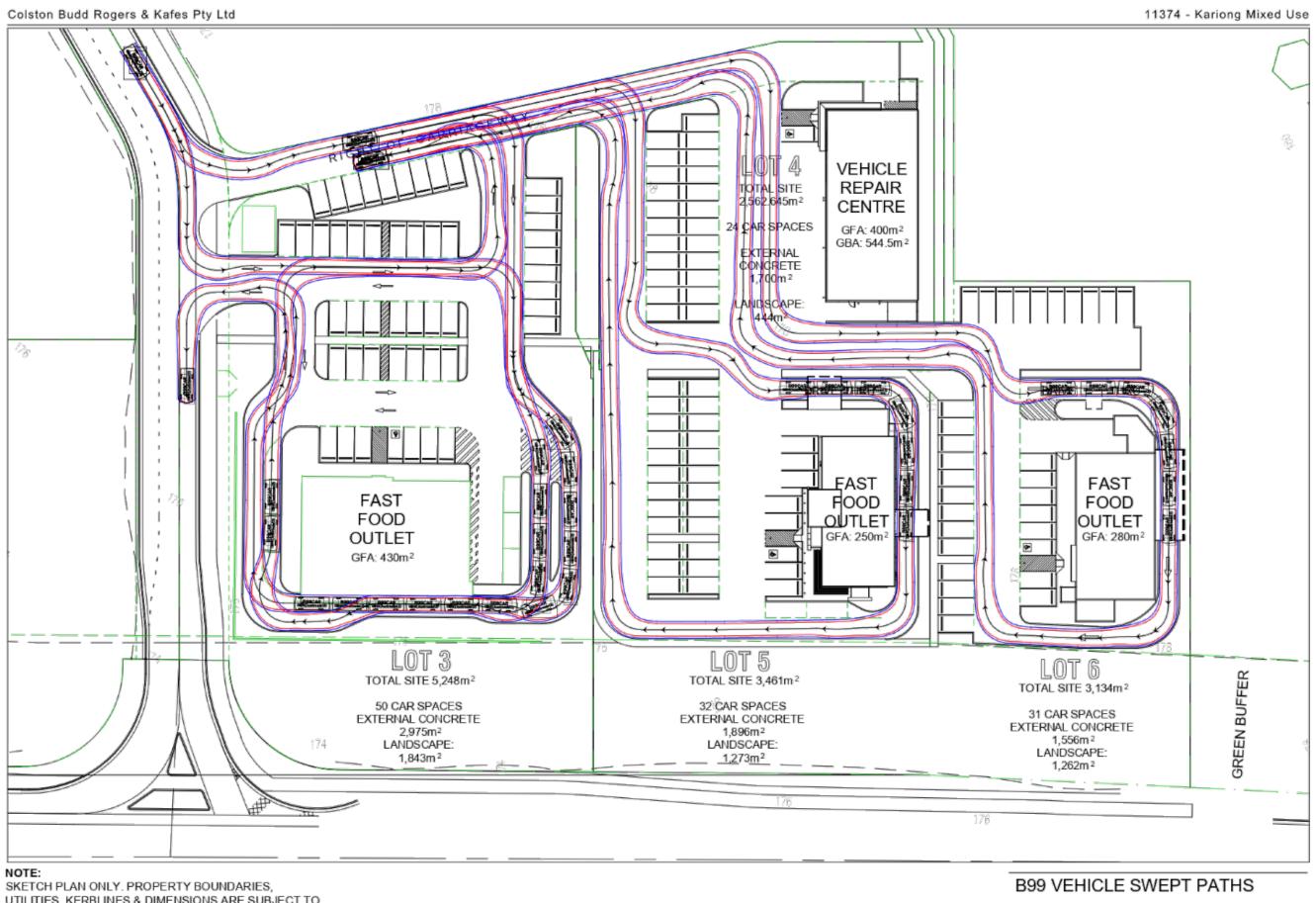
Figure 4

ATTACHMENT A

ATTACHMENT A

VEHICLE TURN PATHS

-

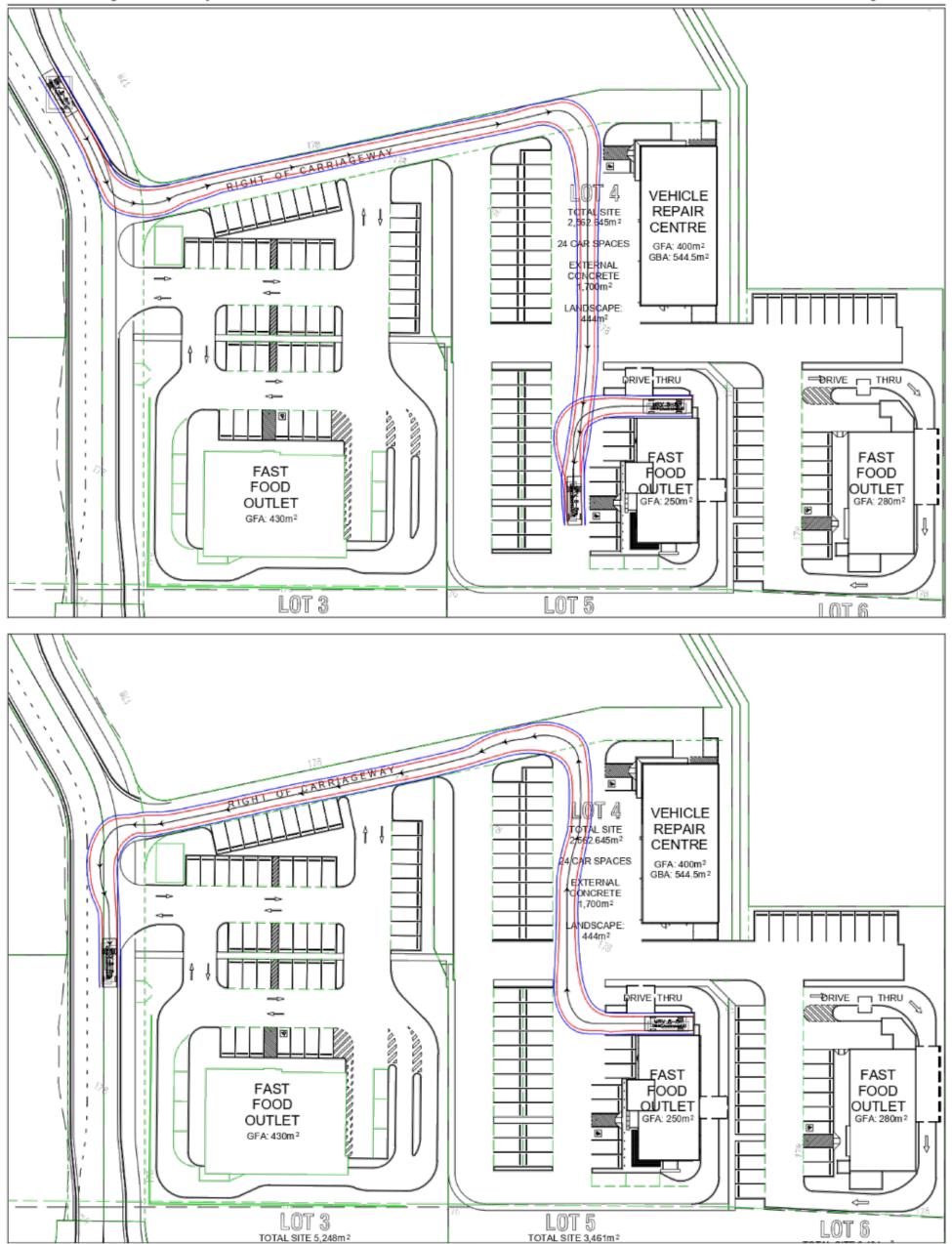


UTILITIES, KERBLINES & DIMENSIONS ARE SUBJECT TO SURVEY AND FINAL DESIGN. TRAFFIC MEASURES PROPOSED IN THIS PLAN ARE CONCEPT ONLY AND ARE SUBJECT TO FINAL DESIGN BY CIVIL ENGINEERS.

Swept Path of Vehicle Body Swept Path of Clearance to Vehicle Body



11374 - Kariong Mixed Use



## NOTE:

SKETCH PLAN ONLY. PROPERTY BOUNDARIES, UTILITIES, KERBLINES & DIMENSIONS ARE SUBJECT TO SURVEY AND FINAL DESIGN. TRAFFIC MEASURES PROPOSED IN THIS PLAN ARE CONCEPT ONLY AND ARE SUBJECT TO FINAL DESIGN BY CIVIL ENGINEERS.

Swept Path of Vehicle Body

Swept Path of Clearance to Vehicle Body

8.8m MEDIUM RIGID VEHICLE SWEPT PATHS

DRAWN BY CBRK Pty Ltd\_nie Raf: 11374

A2

14 A PR IL 2020

11374 - Kariong Mixed Use



## NOTE:

SKETCH PLAN ONLY. PROPERTY BOUNDARIES, UTILITIES, KERBLINES & DIMENSIONS ARE SUBJECT TO SURVEY AND FINAL DESIGN. TRAFFIC MEASURES PROPOSED IN THIS PLAN ARE CONCEPT ONLY AND ARE SUBJECT TO FINAL DESIGN BY CIVIL ENGINEERS.

Swept Path of Vehicle Body

Swept Path of Clearance to Vehicle Body

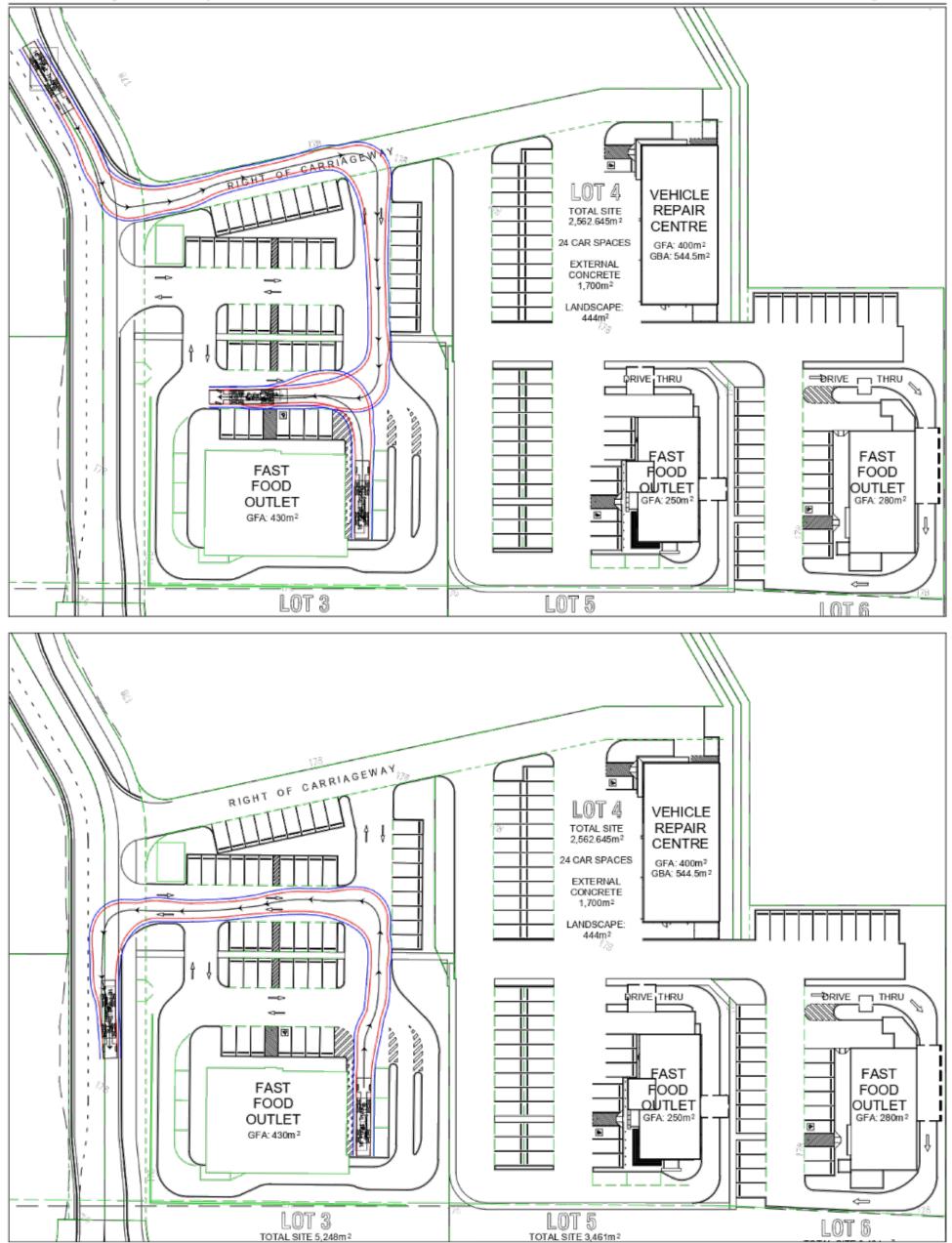
8.8m MEDIUM RIGID VEHICLE SWEPT PATHS

DRAWN BY CBRK Pty Ltd\_nie Ref: 11374

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11374 - Kariong Mixed Use



## NOTE:

SKETCH PLAN ONLY. PROPERTY BOUNDARIES, UTILITIES, KERBLINES & DIMENSIONS ARE SUBJECT TO SURVEY AND FINAL DESIGN. TRAFFIC MEASURES PROPOSED IN THIS PLAN ARE CONCEPT ONLY AND ARE SUBJECT TO FINAL DESIGN BY CIVIL ENGINEERS.

Swept Path of Vehicle Body

Swept Path of Clearance to Vehicle Body

# 14.2m ARTICULATED VEHICLE SWEPT PATHS

DRAWN BY CBRK Pty Ltd\_nie Raf: 11374



14 A PR IL 2020



Our ref: DOC20/392040

Mr Robert Eyre Principal Development Planner Development Assessment South Central Coast Council P O Box 21 GOSFORD NSW 2250

By email: Robert.Eyre@centralcoast.nsw.gov.au

Dear Mr Eyre

## HERITAGE COUNCIL OF NSW – REFUSAL TO GRANT TERMS OF APPROVAL INTEGRATED DEVELOPMENT APPLICATION

Address:5 The Avenue, KariongSHR item:Mount Penang Parklands SHR No 01667Proposal:Commercial development and 6 Lot SubdivisionIDA application no:IDA/2020/058, received 14 July 2020

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979* (the Act), I will not grant approval of the above described integrated development application for the following reasons:

- The Mount Penang Parklands is a place of State heritage significance that is protected on the State Heritage Register for its historical, social and aesthetic values. The proposed development will have a detrimental impact on those values in that:
  - a) The proposed new road entry to Lot 101 is inconsistent with the Desired Future Character and associated controls applied to the Highway Commercial Precinct that identify its highly visible location as defining the development character of the entire Mount Penang site, as stated in the site-specific DCP 2013.
  - b) The proposed removal of a central section of existing remnant trees fronting Central Coast Highway, identified in the CMP and GDCP as significant, will have an adverse impact on the significant views and landscape character of the Mount Penang Parklands, identified in the Statement of Significance as 'a landmark of historic and aesthetic importance'.
- 2) Insufficient information has been provided to demonstrate that the proposed development will not have a detrimental impact on the significance of the *Mount Penang Parklands*. In this regard, additional information/further justification relating to the following matters is required to be submitted with any revised application:
  - a) An arboricultural impact assessment to demonstrate that the impacts of the proposed works including soil level changes, retaining walls and services within the tree protection zones, and through sensitive road and carpark design. will 'minimise impact on the locally listed trees and maximise retention of these trees within retained landscape areas '(Parts 5.3.4.4 Gosford DCP 2013).

Level 6, 10 Valentine Ave Parramatta NSW 2150 
Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 
E: heritagemailbox@environment.nsw.gov.au

- b) A landscape plan of the proposed commercial development that takes into consideration the desired rural landscape character of the site, minimises the visual presence of carparking to the frontage of Central Coast Highway and integrates the site into the wider open space and landscape network for Mount Penang while providing an effective landscape setting for the buildings and a buffer to the Central Coast Highway and The Avenue.
- 3) It is not possible to mitigate or minimise these impacts through conditions of approval.
- 4) The application will result in a permanent detrimental impact to the overall significance of the SHR item.

#### **RIGHT OF APPEAL**

If you are dissatisfied with this determination, section 70A of the *Heritage Act* 1977 gives you the right of appeal to the Land and Environment Court.

If you have any questions regarding the above reasons for refusal, please contact Tempe Beaven, Senior Heritage Assessment Officer at the Heritage NSW on 9873 8629 or Tempe.Beaven@environment.nsw.gov.au.

Yours sincerely

Yered

Steven Meredith Regional Manager, Heritage Operations South Heritage NSW Department of Premier and Cabinet <u>As Delegate of the Heritage Council of NSW</u> 9 November 2020



CR2020/004510 SF2012/021432 MJD

11 October 2020

The General Manager Central Coast Council PO Box 21 Gosford NSW 2250

Attention: Robert Eyre

#### Central Coast Council – development application 58290/2020; 5 The Avenue, Kariong (Lot 101 in DP1256044)

I refer to Central Coast Council's notice to TfNSW dated 10 September 2020 of development application 58290/2020 (**the development application**) in accordance with clause 104(3) of the *State Environmental Planning Policy (Infrastructure) 2007* (**the ISEPP**).

On 15 July 2020, TfNSW objected to the development application based on potential impacts on the ongoing safety and efficiency of the Central Coast Highway and requirements of the ISEPP.

TfNSW have reviewed the additional information including the submitted email by CBRK, dated 2 September 2020, and Sidra files provided 10 September 2020 including the additional spreadsheet showing the Sidra results. The submitted email details the amended modelling, with the removal of the left in left out direct access to the Central Coast Highway as previously proposed by the applicant (and refused by TfNSW) with all traffic accessing the site via The Avenue.

TfNSW notes the additional information does not address our previous advice, and TfNSW maintains its objection to the proposed development. TfNSW raises the following concerns:

- Contrary to TfNSW previous advice, the Sidra modelling continues to indicate a left in left out
  access from the Central Coast Highway is proposed. The spreadsheet however provides
  results excluding access from the Highway.
- Contrary to TfNSW previous advice, TfNSW requires the trip generation for the residual lots to be estimated in accordance with the existing land use zone permissibility for the site to ensure all expected development traffic resulting from the proposed subdivision is accommodated. The trip generation should be estimated in accordance with the RTA Guide to Traffic Generating Developments and RMS Technical Direction TDT 2013/04a, Guide to Traffic Generating Developments Updated Traffic Surveys.

- Contrary to TfNSW previous advice, a microsimulation model has not been provided. TfNSW
  reiterates that the Central Coast Highway fronting the site is a very complex road network, and
  microsimulation is the most appropriate modelling to demonstrate the complexities along this
  part of the network. All modelling should be undertaken in accordance with RMS *Traffic Modelling Guidelines*.
- An updated Traffic Impact Assessment has not been provided in accordance with Austroads Guide to Traffic Management Part 12, Integrated Transport Assessments for Developments.
- The Sidra network modelling provided does not appear to be appropriately calibrated as The Central Coast Highway, The Avenue and Curringa Road intersection in particular does not operate as well as demonstrated within the modelling.
- The mitigation proposed, as worded within the email, states that a third lane may be required on The Avenue however raised concern that an additional lane may not be feasible due to constraints. There are no commitments made to providing any additional infrastructure and no strategic designs have been provided to demonstrate if the upgrade can be provided.
- The 2028 development scenario (via the spreadsheet) demonstrates a significant increase in delays and reduction of Level of Service over the base case demonstrated. TfNSW will not accept any additional queuing and delays within the network as additional queuing can result in a significant reduction in the safety and efficiency of the network due to the closely spaced signalised intersections and close proximity to the Pacific Motorway.
- The proposal will also affect Kariong Mountains High School and Central Coast Sports College, with TfNSW having particular interest in maintaining the public transport (bus) timing for the schools. The additional delay induced onto The Avenue as a result of the additional trips generated by this proposal will likely affect the pickup and drop off timing at these and other schools on the bus routes. The primary access to these schools is via The Avenue, which is the only access available for the proposed developments trips.

The Central Coast Highway fronting the site is a very complex and critical link within the Central Coast transport network, and TfNSW cannot accept adverse impact to the ongoing safety or efficiency of this critical link. Having regard for the strategic importance of the Central Coast Highway in this location, the complex road network, estimated trip generation and potential trip generation from the residual undeveloped lots, TfNSW requires a calibrated microsimulation modelling, validated by TfNSW, be provided to demonstrate the potential impacts and mitigation of those impacts on the Central Coast Highway and its intersections.

Should you require further information please contact me on 0475 825 820 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

Marc Desmond A/ Manager Land Use Assessment, Hunter Region

Transport for NSW Level 8, 266 King Street, Newcastle NSW 2300 | Locked Bag 2030, Newcastle NSW 2300 ABN 18 804 239 602

2 of 2



CR2020/003132 SF2012/021432 MJD

15 July 2020

The General Manager Central Coast Council PO Box 21 Gosford NSW 2250

Attention: Robert Eyre

#### Central Coast Council – development application 58290/2020; 5 The Avenue, Kariong (Lot 101 in DP1256044)

I refer to Central Coast Council's notice to TfNSW dated 21 May 2020 of development application 58290/2020 (the development application) in accordance with clause 104(3) of the *State Environmental Planning Policy (Infrastructure) 2007* (the ISEPP).

Due to an error in the Planning Portal, TfNSW did not receive the development application until 23 June 2020. I note that Council agreed to permit TfNSW 21 days to provide its response to the notice, in accordance with clause 104(3)(b)(i) of the ISEPP.

TfNSW provides the following response to the notice:

- TfNSW objects to the provision of any direct vehicular access between the site and the Central Coast Highway for the following reasons:
  - The Central Coast Highway is a major four-lane classified road and is the principal connection between the M1 Pacific Motorway and the Gosford CBD.
  - The creation of a new access point to the Central Coast Highway will compromise the effective and ongoing operation and function of the Central Coast Highway, which is inconsistent with the objectives set out in clause 101(1) of the ISEPP.
  - Vehicular access for the site can be practicably and safely provided by an adjoining local road – specifically, The Avenue. The Council must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, where practicable and safe, vehicular access to the land is provided by a road other than the classified road: clause 101(2)(a) of the ISEPP.
  - The safety, efficiency and ongoing operation of the classified road will be adversely
    affected by the development by any direct access, in particular because of the nature,
    volume and frequency of vehicles using the Central Coast Highway to gain access to the
    land, contrary to the requirements of clause 101(2)(b) of the ISEPP.

- It is a state priority to ensure that existing road transport infrastructure is being utilised and optimised to its full capacity.
- TfNSW wishes to preserve the strategic importance of the Central Coast Highway by restricting access for any new development, and removing access as sites with frontage to the corridor are redeveloped.
- The proposed access to Central Coast Highway cannot be constructed without TfNSW's concurrence under section 138(2) of the Roads Act. For the reasons set out above, TfNSW is unlikely to grant its concurrence to any such application.
- The Central Coast Highway is also a 'controlled access road' under the Roads Act. There is
  no specified access point for the development site to or from the Central Coast Highway. No
  access point may be constructed without the consent of TfNSW. For the reasons set out above,
  TfNSW is unlikely to grant its consent to any direct access to the Central Coast Highway.
- TfNSW does not have adequate information to determine the traffic impacts of the development. The submitted Traffic Impact Assessment (TIA) by Colston Budd Rogers & Kafes dated April 2020 assesses the impact of the development with the additional direct access to the Central Coast Highway. In accordance with the ISEPP requirements the TIA should have assessed the traffic impact of the development with access to the Central Coast Highway via The Avenue only. It is considered that Council cannot make a determination as it has not been demonstrated that access solely via The Avenue will not affect the safety, efficiency and ongoing operation of the Central Coast Highway (ISEPP Clause 101(2)(b)).
- It is noted that there is significant residual land within the subdivision, with two residual lots totalling around 41,500sqm and no development identified on those lots. TfNSW notes that a site masterplan has not been provided and considers this would assist in demonstrating the full development impact on the Central Coast Highway.

#### Additional recommendations

The subject application is considered the first in a multi-stage development, as it is stated that future development applications will be submitted on Lots 1 & 2.

The traffic impact assessment references the GHD Mt Penang Traffic and Transport Study (**GHD Study**) currently being undertaken by the Hunter & Central Coast Development Corporation (**HCCDC**). The GHD study appears to be supporting Action 2.1 of the *Central Coast Regional Plan Implementation Plan*, developing modelling to assess a Precinct Plan for Mt Penang. The GHD Study uses microsimulation modelling which will be calibrated and validated to TfNSW requirements in accordance with the TfNSW Traffic Modelling Guidelines and Austroads Guide to Traffic Management Part 12, Integrated Transport Assessments for Developments.

The Central Coast Highway fronting the site is a very complex and critical link within the Central Coast transport network, and TfNSW will not accept any impact to the safety or efficiency. Any traffic assessment produced to support the development, to demonstrate the traffic impact and to propose mitigation measures must be robust. For development to progress, it is strongly recommended that microsimulation modelling be used to demonstrate the complexities of the Highway and its intersections.

TfNSW note that the GHD Study underway will likely identify mitigation required to allow full development of the subject site, based on an assumed development scale. It is recommended that the applicant work with HCCDC and GHD, at HCCDC's consent, to model the development

proposed under the subject application, and identify potential development outcomes on the residual lots to develop a robust model. The GHD Study can be used to determine the mitigation requirements for full development of the subject site, to ensure that any interim requirements for the staged approach are complimentary.

Should you require further information please contact me on 0475 825 820 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

Marc Desmond A/Manager Land Use Assessment - Hunter Region

Item No:	3.3	Central Coast
Title:	DA58026/2020 - 259 Burge Road and 200 Blackwall Road, Woy Woy - Multi Dwelling Housing	Local Planning Panel
Department: Environment and Planning		
10 December 2020 Local Planning Panel Meeting		
Reference:	11.2020.00058026.001 - D14307114	

Reference:011.2020.00058026.001 - D14307114Author:Chris Ross, Senior Development PlannerManager:Ailsa Prendergast, Section Manager, Development Assessment SouthApprover:Andrew Roach, Unit Manager, Development Assessment

## Summary

An application has been received for Multi Dwelling Housing over two allotments of land at 259 Burge Road and 200 Blackwall Road, Woy Woy.

The application is required to be determined by the Local Planning Panel as the development proposes a variation of greater than 10% to development standards contained within an Environmental Planning Instrument. The application proposes a 26% variation for the maximum Floor Space Ratio as set out in the *Gosford Local Environmental Plan 2014*. The application is recommended for refusal.

Applicant Owner Application No Description of Land	Hy Chheng – ArkExpress Design Pty Ltd Kay House 259 Burge Road, Charlie Zeaiter 200 Blackwall Road. 58026/2020 Lot 6A DP 326825 (259 Burge Road) and Lot 7 DP 9470 (200 Blackwall Road, Woy Woy.
Proposed Development	Multi Dwelling Housing comprising six townhouses.
Site Area	1307.9m <sup>2</sup>
Zoning	R1 General Residential
Existing Use	Residential Dwellings
Employment Generation	Nil
Estimated Value	\$1,400,000

## Recommendation

- 1 That the Local Planning Panel refuse the application DA58026/2020 Multi Dwelling Housing - 259 Burge Road and 200 Blackwall Road WOY WOY subject to the reasons for refusal detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act.
- 2 That Council advise those who made written submissions of the Panel's decision.

# 3 That Council advise relevant external authorities of the Panel's decision.

## **Key Issues**

- Proposed variation to *Gosford Local Environmental Plan 2014* Cl4.4 Floor Space Ratio;
- Non-compliance with *State Environmental Planning Policy (Infrastructure) 2007* in relation to access to a controlled road;
- Multiple variations to Gosford Development Control plan 2013, including 50% to side setbacks, location of garage and parking spaces, landscaping and building separation.

## Precis:

Proposed Development	Multi Dwelling Housing comprising six (6) three storey townhouses (revised plans comprise four (4) three storey townhouses and two (2) two storey townhouses)	
Permissibility and Zoning	The site is zoned <i>R1 General Residential</i> under Gosford Local Environmental Plan 2014 (GLEP 2014). The proposed development is defined as a <i>'Multi Dwelling</i> <i>Housing'</i> which is permissible in the zone with consent of Council	
Relevant Legislation	<ul> <li>Environmental Planning and Assessment Act 1979 – s. 4.15 (EP&amp;A Act)</li> <li>State Environmental Planning Policy (Coastal Management) 2018</li> <li>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</li> <li>Gosford Local Environmental Plan 2014 (GLEP 2014)</li> <li>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</li> <li>Gosford Development Control Plan 2013 (GDCP 2013)</li> </ul>	
Current Use	The site (2 lots) currently contain detached residential development.	
Integrated Development	No	
Submissions	Four (4) during initial notification period, and four (4) during subsequent notification period.	

## **Variations to Policies**

Policy	Clause / Description	Variation
State	Clause 101 - Development	Cl101(2)(a) provides that where practical and safe access to a
Environmental	with frontage to classified road	development site is available to be provided from a road other
Planning Policy (Infrastructure) 2007		than a classified road, and not proposed, development consent must not be granted.
		The proposal seeks approval for access from Blackwall Road, a classified road, where a better design on site would allow access to be provided exclusively from Burge Road which is not a classified road.
		As such, the consent authority must not grant development consent to the development proposed.

Policy	Clause / Description	Variation
Gosford Local	Clause 4.4 Floor Space Ratio	The land is mapped as having a maximum floor space ratio of
<b>Environmental Plan</b>		0.8.5:1.
2014		
		Cl4.4(2A)(c), however, details that a development for a residential flat building or multi dwelling housing that includes on-site car parking that is not located in the basement on R1 zoned land where the mapped FSR is 0.85:1 is to have a reduced FSR to 0.6:1.
		The proposed development would result in an FSR of 0.76:1 which is a variation of 26% above the maximum permitted under the applicable controls.

Policy	Clause / Description	Variation
Gosford Development Control Plan 2013	<ul> <li>3.3.3.2a Deep Soil</li> <li>2m side and 6m front and rear required.</li> <li>3.3.3.2b Setbacks to Exterior Walls</li> <li>Side boundaries average 4m, min</li> </ul>	<ul> <li>Saw tooth arrangement of buildings results in multiple elements of the front and rear setbacks achieving only 5m of deep soil, representing a 16% variance to controls.</li> <li>Side setbacks to northern boundaries – 2.01m representing a 50% variance</li> </ul>
	<ul> <li>3.5m</li> <li>3.3.3.2c Third Floor Setback</li> <li>For the exterior walls of any third storey: an additional setback of at least 2.5m measured from the face of the distribution.</li> </ul>	<ul> <li>Side setbacks to southern boundaries – 2.5m representing a 37% variance</li> <li>Third floor setbacks 2.5m from second floor north and south, however locate balconies within the 2.5m setback to the east, representing a variance of up to 100%.</li> </ul>
	<ul> <li>lower storey walls immediately below.</li> <li>3.3.3.2 Car Parking <ul> <li>Resident 1.5 sp/unit = 1.5 x 6</li> <li>= 9 spaces</li> </ul> </li> <li>Visitor 0.2 sp/unit = 0.2 x 6 = 3 spaces (rounded up).</li> </ul>	<ul> <li>6 resident spaces are provided onsite at grade in single garages.</li> <li>Space does not permit stacked parking on driveways. Shortfall of 3 parking spaces.</li> <li>3 spaces are provided onsite within the front setback, that are marked as visitor on the revised plans. Parking within front setbacks not permitted.</li> </ul>

<ul> <li>3.3.3.4 Scenic Quality and Neighbourhood Character of Off- Street Parking</li> <li>Not located facing street/lane.</li> <li>Not located in front setback</li> <li>Not create continuous row of enclosed garages</li> </ul>	<ul> <li>Onsite parking garages are provided facing the respective street frontages.</li> <li>Additional parking is provided within front setbacks.</li> </ul>
<ul> <li>3.3.3.4.2 Articulation</li> <li>Max width and depth of building - 25m</li> <li>Buildings between 25m-35m must be indented with 6 X 6 courtyard, including 1 canopy tree and reduced wall heights surrounding</li> </ul>	<ul> <li>Building fronting Burge Road – 31.5m</li> <li>No courtyard provided, no canopy trees specified within front setback.</li> </ul>
<ul> <li>3.3.3.4.3 Internal Building Separation         <ul> <li>Driveways flanked by landscaped verges</li> <li>Separation between buildings provide satisfactory sunlight and privacy for adjacent dwellings</li> </ul> </li> </ul>	<ul> <li>The driveways proposed are excessive in width by necessity (to serve two dwellings per driveway), and do not allow opportunity for landscaped verges.</li> <li>The separation fails to provide satisfactory sunlight to Unit's 1 and 2, with both unable to achieve sunlight access in any useable quantity at mid-winter. Greater separation to Unit's 3 4 and 5 would allow for solar access at mid-winter.</li> </ul>
<ul> <li>3.3.3.5.2 Solar Access</li> <li>Sunlight min 3 hrs/day in living, dining, family rooms and 50% of principle Open Space areas. Received by 70% of dwellings.</li> <li>Sunlight retained to existing neighbours.</li> </ul>	<ul> <li>Unit 1 and 2 fail to achieve minimum solar access to either internal living areas or external private open space.</li> <li>Units 3 and 4 will not achieve minimum solar access to external private open space.</li> <li>Sunlight to ground floor units of 202 Blackwall Road is likely to be impacted by the proposed development.</li> </ul>
<ul> <li>3.3.3.5.3 Site Planning</li> <li>Site planning to provide for reasonable privacy for existing &amp; proposed dwellings.</li> <li>For two storey buildings: provide 9m between adjacent dwellings,</li> <li>If screening is provided these distances can be lessened.</li> </ul>	<ul> <li>6m minimum separation distance between bedrooms at the second floor between Unit 2 and 3, and 8m between unit 1 and 4, representing a variance of between 33% and 11%.</li> </ul>
<ul> <li>3.3.3.5.5 Open Space</li> <li>Private open space all dwellings - min area 50m2 Min width 5m x 5m</li> <li>Min dimension is 3.5m</li> <li>1 tree and landscaping per POS</li> <li>All should have one sunny spot, be located adjacent to a living space &amp; a space for clothes drying</li> </ul>	<ul> <li>Courtyards meet minimum dimensions specified, however:</li> <li>No private courtyard indicates inclusion of any tree.</li> <li>As per solar access comments, Unit's 1, 2, 3 and 4 private courtyards have insufficient space for solar access and clothes drying. They self-shade and are not considered high quality spaces.</li> </ul>
<ul> <li>3.3.4.2 Residential Address</li> <li>Garages are not located on street frontage</li> </ul>	All dwellings propose garage doors on the street frontage

<ul> <li>3.3.4.4</li> <li>Landscaped Areas</li> <li>Provide a landscape plan</li> <li>Site surrounded by canopy trees</li> <li>New trees to have mature heights of 8-10m (similar height to building</li> <li>Continuous screen plantings to side and rear boundaries</li> <li>Front setback to include 2 canopy trees, side setback to include 1, rear setback to include 2</li> <li>Side and rear setbacks should include screen plantings</li> <li>Driveway flanked by landscaping</li> </ul>	<ul> <li>No updated landscape plan has been submitted.</li> <li>Site not surrounded by canopy trees – No space within side setbacks proposed to enable the provision of canopy trees beside buildings.</li> <li>Front and rear setbacks include screen planting with sporadic canopy tree inclusion. Only one rear private open space area has a tree indicated for inclusion.</li> <li>Driveways are not flanked by landscaping.</li> </ul>
<ul><li>7.1.4.2 Parking Spaces</li><li>Single garage 3.2m x 6m</li></ul>	Garages proposed range from 3.02m to 3.25m

# The Site

The site consists of Lot 6A DP 326825 (259 Burge Road) and Lot 7 DP 9470 (200 Blackwall Road, Woy Woy. (refer figure 1).

259 Burge Road is 435.1m<sup>2</sup> in size and fronts Burge Road only, and 200 Blackwall Road is 872.8m<sup>2</sup> and has a dual frontage to both Blackwall Road and Burge Road. The land is generally flat, with a slight 400mm fall, measured from west to east over the 49m depth of the site.

The combined site is irregular in shape, with:

- A split northern frontage of 50m to adjoining residential properties,
- An eastern frontage of 39.9m to the Burge Road,
- A southern boundary of 48.9m to adjoining residential properties, and
- A split western boundary of 39.9m to Blackwall Road and adjoining residential property.

The site )2 lots) currently contain one detached residential development per lot, with 200 Blackwall Road having vehicular access to both Blackwall Road and Burge Road, and 259 Burge Road having vehicular access to only Burge Road.



Figure 1 - Aerial photograph of the site, (in blue)

# **Surrounding Development**

Surrounding development consists of:

- Single storey *Residential Dwelling* adjoining the site to the north, and north west, with *commercial Premises* and *multi dwelling residential* buildings across Blackwall Road further west,
- A recently approved *Multi Dwelling Housing* development adjoining the northern boundary of 259 Burge Road,
- Detached *residential dwellings* across Burge Road to the east, and
- Two storey *Residential Flat Building* comprising four dwellings adjoining the site to the south.

# Site History

No applications of relevance are contained in Council records.

# **The Proposed Development**

The proposal seeks approval for the construction of a Multi Dwelling Housing development comprising four (4) three-storey town houses and two (2) two-storey townhouses in two buildings fronting the western and eastern boundaries of the site. The western building, fronting Blackwall Road and with vehicular access from same comprises two (2) two-storey townhouses. The eastern building fronting Burge Road with vehicular access from same comprises four (4) three-storey townhouses.

Originally lodges as six three-storey dwellings, the revised plans subject to this report have reduced the height of the two townhouses fronting Blackwall Road to two storeys each.

The revised plans are shown through figure 2 to 8, with full plans at **Attachment 1**. Originally lodged plans are included at **Attachment 3**.



Figure 2 – Proposed Ground Floor Plan

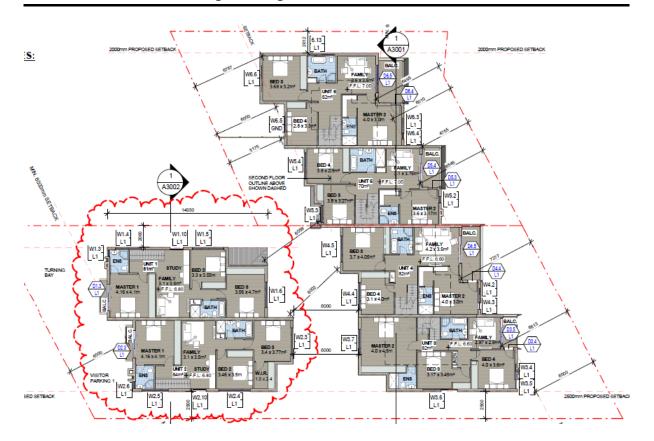


Figure 3 – Proposed First Floor Plan



Figure 4 Proposed second Floor Plan

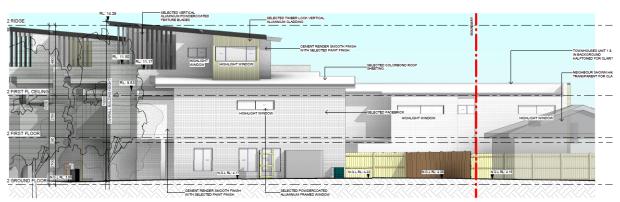


Figure 5 - Proposed Northern Elevation



Figure 6 - Proposed Eastern Elevation

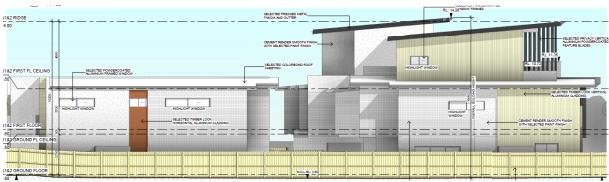


Figure 7 - Proposed Southern Elevation



Figure 8 – Proposed Western Elevation

# Assessment

3.3

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

# Gosford Local Environmental Plan 2013 – Zoning and Permissibility

The subject site is zoned *R1 General Residential* under Gosford Local Environmental Plan (GLEP 2014). The proposed development is defined as *'Multi Dwelling Housing'*.

The use is defined under the Gosford LEP 2014 as:

**'multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note-

Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary.'

Development for the purposes of 'Multi Dwelling Housing' is permissible in the R1 General Residential zone with development consent.

# GLEP 2014 - Zone Objectives

The following represents the consideration of the proposed development with regard to the objectives of the control in accordance with the Clause 2.3(2) of Gosford LEP 2014.

• To provide for the housing needs of the community.

The proposed *Multi Dwelling Housing* development could provide a housing typology that caters for young to middle age people. The townhouses proposed would comprise fourbedroom townhouses and three-bedroom townhouses, all with bedrooms on the upper levels. The development is located in close proximity to the services and day to day shopping needs provided within the Woy Woy Town Centre.

• To provide for a variety of housing types and densities.

The proposal would provide four four-bedroom townhouses and two three-bedroom townhouses. The dwelling mix proposed is considered suitable for the area.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The location proposed for the development is within proximity of the Woy Woy Town Centre. No aspect of the development proposed would impede the delivery of services or facilities that proposed the day to day needs of the community.

• To ensure that development is compatible with the desired future character of the zone.

The development proposed is defined as a *Medium Density Housing* which is permissible within the R1 General Residential zone. The development fails to achieve compliance with a number of key controls relating to size and density and would likely detract from the desired future character of the zone insomuch that the reduced setbacks and excessive FSR would result in a building that appears large for the site, with little positive outcome in terms of landscaped setting or building form realised from the development proposed.

• To promote best practice in the design of multi dwelling housing and other similar types of development

The development proposed does not exhibit best practice design of multi dwelling housing and seeks to gain approval for a series of townhouses that display little regard to the planning controls relating to floor space ratio, setbacks, landscaping and access.

The design would require multiple driveway crossings, all at the expense of decent landscaping and trees, and seeks a variation to the maximum permitted floor space for the development type by near 30%. Side setbacks are proposed that would require variances to the applicable controls by 50% to the north, and 30% to the south.

The design proposed is not therefore considered to display best practice design.

• To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

The development is not considered to be contrary to this objective.

# **GLEP 2014 - Development Standards**

An assessment of the proposed development against the relevant development standards is detailed below.

# GLEP 2014 – Clause 4.3 Height of Buildings

The provisions of cl. 4.3 (Height of Buildings) within GLEP 2014 establish a maximum height limit for buildings, and the land is mapped as having a maximum Height of Building of 11m.

The proposed development would reach a maximum of 10.6m in height, within the 11m height limit applicable to the site.

# GLEP 2014 – Clause 4.4 Floor Space Ratio

The provisions of cl. 4.4 (Floor Space Ratio) within GLEP 2014 establish a maximum floor space ratio for buildings and the land is mapped as having a maximum floor space ratio of 0.8.5:1. Cl4.4(2A)(c), however, details that a development for a *residential flat building or multi dwelling housing and includes on-site car parking that is not located in the basement* on R1 zoned land where the mapped FSR is 0.85:1 is to have a reduced FSR to 0.6:1.

(2A) Despite subclause (2), the maximum floor space ratio for a building on land in Zone R1 General Residential for which the maximum floor space ratio on the Floor Space Ratio Map is 0.7:1 or 0.85:1 is to be—

(a) if the building is used for the purpose of an attached dwelling, semidetached dwelling or dual occupancy—0.5:1 or 0.6:1, respectively, or

(b) if the building is on a site area of less than 1,000 square metres and is used for the purpose of a residential flat building or multi dwelling housing with all on-site car parking located in the basement—0.6:1 or 0.7:1, respectively, or

(c) if the building is used for the purpose of a residential flat building or multi dwelling housing and includes on-site car parking that is not located in the basement—0.5:1 or 0.6:1, respectively, or

(e) if the building is used for any other purpose (excluding a dwelling house)—0.6:1 or 0.75:1, respectively.

The proposed development, as amended, would result in an FSR of 0.76:1 which is a variation of 26% above the maximum permitted under the applicable controls.

A Clause 4.6 Exceptions to Development Standards request was lodged in support of the development, however it is not considered to justify the departure sought. Further assessment of the 4.6 against the objectives of the control is contained within this report.

# **GLEP 2014 – Clause 4.6 Exceptions to development standards**

3.3

A formal submission in accordance with Clause 4.6 of the Gosford LEP 2014 (Exceptions to Development Standards) has been provided by the applicant for the non-compliance associated with building Floor Space Ratio (cl. 4.4 GLEP 2014).

In accordance with cl. 4.6(4) of GLEP 2014, development consent must not be granted for a development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3). Subclause 3 provides:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The cl. 4.6 of GLEP 2014 request submitted by the applicant states how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council [2007] NSW 827*) and how there are sufficient environmental planning grounds to justify the contravention. The submission from the applicant is summarised below:

- The proposed development sites the areas of height exceedance in locations that do not have any negative impacts on solar access to surrounding development or the public domain, privacy of surrounding development or view corridors. By setting back the taller structures from the roof edge, the height exceedances will be largely obscured from view from the public domain. To the extent that they may be seen from the public domain, all elements have been integrated into the architectural design of the building.
- The increased height sought as part of this proposal enables the use of the roof terrace for a pool, bar and lounge which will support tourism and employment in Ettalong Beach while having a negligible negative environmental impact. On balance, the proposal will have a positive contribution to the surrounding area that would be diminished under a height compliant proposal.

In order to demonstrate if the proposal has merit, consideration of the proposed **Floor Space Ratio** non-compliance has been provided with regard to the objectives of the control contained within cl. 4.4(1) of GLEP 2014: 3.3

(a) to establish standards for the maximum development density and intensity of land use,

The maximum Floor Space Ratio for buildings has been identified for this property. As per Cl4.4(2A)(c), the maximum permitted FSR for the development proposed is 0.6:1.

(b) to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,

The density and bulk of the proposed development is not considered to be keeping with the scale of newer medium density developments in the immediate vicinity. The adjoining land to the north, 192 Blackwall Road, has recently been approved for medium density housing and achieves the reduced floor space ratio with only minor variations to setbacks required to accommodate the appropriately sized and scaled development. (DA58178/2020)

The bulk and scale of the proposed development is exacerbated by the 50% variances sought to the side setbacks, and further through the incorporation of an upper floor of near 4m in height, combined then with a low skillion roof which adds considerable to the apparent bulk.

Parking is provided in single garages that are accessed by three separate double driveways, reducing the opportunity for open space and adequate landscaping of the proposed townhouses.

# (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,

The proposed development impinges significantly on the solar access to the ground floor apartments of the development to the south, at 202 Blackwall Road. This is a result of the unnecessary 4m third-floor floor to ceiling heights, and the reduced setbacks proposed to the southern boundary. Further, the reduced setbacks proposed would drastically impact the future development opportunity of 202 Blackwall Road which is an east west site of approximately 17m width, with solar access unlikely to be achieved without design compromises by new development on that site.

(d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,

On face value the proposed development would not likely appear out of character when considered against recent multi story developments in the immediate area. The strip of Blackwall Road in which the development sits is undergoing change at a reasonable rate. On a closer review however, the newer development found nearby is sorted separated into two categories. Category one would be larger developments within the R1 zone, such as

DA54551/2018 on land at 170-176 Blackwall Road, house car parking in a basement level which allows the development to realise the .85:1 FSR available on the R1 zoned land, in turn allowing larger and bulkier buildings.

Category two would be lower scale developments, such as DA58178/2020, on land at 192 Blackwall Road, that have housed carparking at ground level, and have designed the development in accordance with the reduced FSR applicable as a result of the at grade car parking.

In that regard, the subject application is not maintaining an appropriate visual relationship to the existing and desired character of the area, with GLEP 2014 specifying that multi dwelling housing development with car parking at ground level have a lower FSR to help scale developments in a suitable manner, and for said developments to achieve a landscaped setting that disguises the bulk and scale of the new development.

# (e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,

The FSR applicable to the site, through the development type the applicant has sought to undertake, is a maximum FSR of 0.6:1. The originally submitted plans sought approval for a development at .81:1. Revised plans show an FSR proposed at .76:1, which is 26% in excess of the control.

As per CL4.4(2A)(c): if the building is used for the purpose of a residential flat building or multi dwelling housing and includes on-site car parking that is not located in the basement—0.5:1 or 0.6:1, respectively.

Whilst the mapped FSR of .85:1 might ordinarily represent an appropriate correlation between the size of the site and the size of a development, that higher FSR requires the inclusion of basement carparking, which in general terms, requires only one access from the road network and allows far greater articulation of dwellings on the site, with greater landscaping and setbacks. As such the development proposed is not considered an appropriate response to the reduced FSR and cannot be seen as providing an appropriate correlation between the size of a site and the extent of any development on that site.

# (f) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,

The proposed design requires non compliances with front, rear and side setbacks to accommodate the buildings proposed, presenting 6m high reasonably featureless walls to adjoining properties at the north and south. The result of the excessive FSR is a building that has been wedged into an envelope at the expense of good design.

Due to the poorly articulated design, only three of the six proposed townhouses achieve 3 hours of direct solar access at mid-winter to a primary living space and to private open space

within rear setbacks, which for a new build on what is essentially a blank canvas site, cannot be considered to be excellence in design.

# (g) to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope,

The proposed development fails to meet the FSR, the front or rear setback controls, the second-floor side setback controls or the third-floor setback controls. The third storey proposed presents as a 4m vertical wall to the Burge Road frontage, and contributes to the overall development presenting as excessive in terms of bulk and scale.

The applicant contends that "the type and design of housing being provided, the scale of the development and hence the cost, difficulty and impracticality of actually providing a basement car park" should mean that "the normally applicable FSR of 0.85:1 is deemed to be a more appropriate control for the site for this type of development in this instance and one which the proposed development therefore does comply with."

Council contends that there are specific controls addressing the expectations and requirements of multi residential development within the R1 General Residential zone. The requirement of and preference for basement parking is clearly detailed throughout Council's planning controls and it is recognised that the reduced FSR associated with the proposed development is a constraint on the site, designed to ensure a less crowded and better articulated and landscaped site results from development.

The FSR applicable for the development type the applicant has chosen to undertake is 0.6:1, and the choice of the applicant to propose townhouse development on the subject site comes with limitations that ought to be designed around.

(*h*) to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.

The applicant seeks to amalgamate two sites, being 200 Blackwall Road and 259 Burge Road, however the proposed development seeks to contain car parking at ground level. The applicant states that "it is clearly not practical nor viable to provide basement parking in this instance, thereby making compliance with this objective unrealistic. In fact, the application of Clause 4.4(2A) in circumstances such as these acts as a disincentive for the undertaking of townhouse developments of this nature and scale, despite the fact they are permissible under GLEP under the definition of multi-dwelling housing and also identified as a preferred form of development under Chapter 3.3 of the DCP."

Council's position is that the imposition of cl4.4(2A) does not disincentivise townhouse development, rather the controls are such that they require a townhouse development housing carparking at ground level to be designed to be of a lower density and scale than that of a multi dwelling housing development housing carparking in a basement.

In effect, the controls are worded in a manner that incentivise residential flat buildings on R1 zoned land, and through the imposition of a reduced FSR for developments not proposing basement carparking, effectively limit the size of development requiring multiple driveways which in turn reduce the landscape area and compromise site setting of the development.

## **Conclusion**

In accordance with cl. 4.6(4)(b) of GLEP 2014 development consent must not be granted for development that contravenes a development standard unless the concurrence of the Secretary has been obtained.

Planning Circular PS 18-003, issued 21 February 2018, states that a delegate of Council may not assume the concurrence of the Secretary when considering exceptions to development standards under cl.4.6 of GLEP 2014 if the development contravenes a development standard by greater than 10%. In this instance, the proposed variations equal 10%, and the concurrence of the secretary can therefore be assumed.

This assessment has been carried out having regard to the relevant principles identified in the following case law:

- Wehbe v Pittwater Council [2007] NSWLEC 827
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90
- Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248

The cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 request submitted by the applicant fails to appropriately addresses the relevant principles and does not exhibit consistency with the relevant objectives under GLEP 2014.

The cl.4.6 of GLEP 2014 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard and zone objectives, however Council is not satisfied that the applicant has demonstrated consistency with these objectives.

Council views the controls being written to encourage a built form that results in a development with one driveway crossover or a one-way driveway linking the two frontages, and with no visitor parking within the front setbacks, and subsequently able to provide a substantial increase in landscaping within the front setbacks to each street. The built form proposed shows little regard to the controls applicable to the site, and the cl4.6 supplied is riddled with suggestions that the controls ought not apply because the applicant does not want to build as the controls suggest they should.

This assessment concludes that the cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 variation provided having regard to cl. 4.4 is not well founded and is therefore not worthy of support.

## GLEP 2014 – Clause 7.1 Acid Sulfate Soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of GLEP 2014 have been considered. The site is mapped to contain Class 3 Acid Sulfate Soils. No excavation is required at a greater depth than 2 metres AHD.

As such, no further concerns are raised in regard to Acid Sulfate Soils.

# **Draft Central Coast Local Environmental Plan 2018**

Following a review of the *Draft Central Coast Local Environmental Plan 2018* (Draft CCLEP 2018) which finished exhibition on 27 February 2018, the zoning of the subject site retains the existing zoning and development controls. The proposed development would result in the same issues as per this assessment if considered under the draft instrument.

# State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)

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 Area. The Coastal Management Area is an area defined on maps issued by the NSW Department of Planning Industry & Environment and the subject property falls within both of the mapped zones, (see figures 9 and 10).

As per cl18 of the legislation, if a property falls within more than one mapped area consideration should be given to the controls of the higher management area, in this case the Coastal Environment area.

Council has considered the development against the matters for consideration found within cl13, and more general matters found within cl15 and cl16 of the SEPP and is satisfied that the development proposed is not in conflict with the SEPP.



Figure 9 - Coastal Environment Area mapping.



Figure 10 - Coastal Use Mapping.

# State Environmental Planning Policy No 55 – Remediation of Land

The provisions of this *State Environmental Planning Policy No* 55 – *Remediation of Land* (SEPP 55) apply to the site.

The site has a history of being utilised as a residential lot since the time of subdivision. Contamination is therefore not likely to be present. In accordance with cl. 7(2) of the SEPP, no further consideration is required in this regard.

# State Environmental Planning Policy (Infrastructure) 2007

The proposed development fronts Blackwall Road which is a Classified State Road. As such Cl101 of SEPP Infrastructure is required to be considered in the assessment of the application.

Clause 101 is reproduced below:

Cl101, Development with frontage to a classified road

(1) The objectives of this clause are—

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

With regard to the matters requiring consideration, SEPP Infrastructure dictates that the consent authority must not grant consent to development on land fronting a classified road where access to the land can be provided in a practical and safe manner from a non-classified road. In this instance the subject site benefits from a dual frontage, with practical and safe access available from Burge Road.

Council considers the proposed development to be poorly thought through, with ample opportunity existing for a development to be designed in a manner that enabled vehicular access to and from the site from Burge Road alone and not the classified Blackwall Road.

In accordance with Cl101(2)(a) Council is not satisfied that access cannot be gained to the land from Burge Road through a better design, and therefore must not grant consent, or recommend the granting of consent, to the development as it proposes access to the classified Blackwall Road.

## State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) regulates the clearing of native vegetation on urban land and land zoned for environmental conservation /management that does not require development consent and applies to the Sydney and Newcastle metropolitan areas. The aims of the policy are (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Council will continue to regulate the clearing of vegetation (including native vegetation) below the Biodiversity Offset Scheme (BOS) thresholds through the DCP.

As such, the application has been referred to Council's Tree Officer, who provided the following comments:

- a. Trees to be removed as shown on plans consist of mature Jacaranda and Apple Gum to 10m high and smaller ornamentals such as Tecoma.
- b. Proposed driveway VAC to proposed Unit 1 is located approximately 1m from a street tree (Brush Box) in Blackwall Road. It appears that the driveway has been designed to avoid the tree which is a mature specimen only 4m high due to regular lopping from power wires. It was noted that a surface root from the street tree will need to be severed for the VAC, however considering the trees small small size it could be possible for the tree to remain viable providing all care is taken.

If the application were to be approved, the approval of the subject development would not be contrary to the aims of the SEPP, and through conditions would result in the planting of a

number of trees within the property, in addition to the three street trees that would be conditioned for planting on Burge Road frontage.

## **Gosford Development Control Plan 2013**

An assessment of the proposed development against the relevant chapters of *Gosford Development (DCP) 2013* has been undertaken. A number of variances to GDCP 2013 are found within the proposed development, generally relating to setbacks, building articulation, and the design of off-street parking. These variances are discussed further within **Attachment 3**, DCP Compliance Table.

Relevant environmental considerations within GDCP 2013 are discussed below:

## 2.1 Character

Chapter 2.1 - Character applies to the development application. The chapter sets out the 'existing' and 'desired' character for each precinct and requires that character be considered in the assessment of any development application.

The site is located within the *Woy Woy Character Statement No. 8 Sandplain Medium Density*. The desired character statement for this locality (summarized) recommends that:

- These areas should remain medium-density residential neighbourhoods where improved standards of amenity and urban design quality are achieved by new low-rise multi-unit developments.
- Surround each multi-unit development with leafy gardens that conserve existing visually-prominent trees, particularly along back fences and street frontages or verges.
- 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.

The proposed development has been assessed against the above character statement and is found to be in contravention to the desired future character of the area. The proposed development fails to enable good urban design qualities and appears as a disproportioned bulky mass. The excessive floor to ceiling height of the third floor to Burge Road adds considerably to the proposed bulk, and does not help disguise the bulk and scale of the building. Existing visually prominent trees are marked for removal as a result of poor site planning and non-compliant building elements, and there exists little opportunity to replace these with shade bearing trees.

Council does not consider the proposed development to comply with the controls or objectives of *Woy Woy Character Statement No. 8 Sandplain Medium Density*.

# 2.2 Scenic Quality

The proposal is subject to the provisions of Gosford Development Control Plan (DCP) 2013 Chapter 2.2 Scenic Quality and is located within the Peninsula Geographic Unit encompassing the Woy Woy, Umina and Woy Woy Bays Landscape Unit. The relevant development objective of the landscape unit in question are summarised as follows:

• 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.

The proposed development is considered to be compatible with the objective as the site is located central to the Woy Woy Town Centre area, and the development would not interfere with the views to or from the Brisbane Water Escarpment.

The development is found to be generally compatible and proportionate in height (noting the disproportionate third-floor floor to ceiling heights), however because of the reduced front, rear and side setbacks sought, combined with the lack of basement parking proposed, the resultant building is likely to be seen as excessively bulky, with an FSR greater than that envisaged for the development type, being townhouses, in the local area.

# 6.3 Erosion and Sediment Control

The development application is accompanied by an erosion and sedimentation plan. Appropriate conditions could be included on the advice of Council's Environmental Health Unit should other matters precluding a recommendation of approval be addressed.

# 6.4 Geotechnical Requirements for Development Applications

Earthworks are required to prepare the site for the proposed development and driveways. The objectives and requirements of Clause 6.4 of GDCP 2013 have been considered in the assessment of this application. It is considered that the proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

# 6.6 Preservation of Trees or Vegetation

Councils Tree Officer has assessed the application and noted trees shown for removal consist of mature Jacaranda and Apple Gum to 10m high and smaller ornamentals such as Tecoma. It is noted that the removal of the mature Jacaranda and Apple Gum are necessary only as a result of the poor site planning and reduced setbacks. A better design that located a driveway entry to the site in an alternate location on Burge Road, with a compliant building siting would enable the two trees to remain.

The proposed driveway crossing to proposed Unit 1 is located close to a street tree (Brush Box) in Blackwall Road. It appears that the driveway on Blackwall Road has been designed to avoid the tree which is a mature specimen only 4m high due to regular lopping from power wires. It was noted that a surface root from the street tree will need to be severed for the VAC, however considering the tree's small size it could be possible for the tree to remain viable providing all care is taken

An opportunity exists for more substantial tree planting on the road reserve, which would contribute to the existing sporadic street planting of Brush Box and an appropriate condition requiring three street trees be planted on Burge Road frontage should the development be deemed worthy of consent would be conditioned appropriately.

As such, the proposed removal of trees is supported by Council's Tree Preservation Officer, however not supported by Council's Planning Staff due to opportunities for a better design on site that would allow the retention of the of mature Jacaranda and Apple Gum trees.

## 6.7 Water Cycle Management

The site is not affected by flooding or flood planning controls. Water and sewer are available to the land. The development application is accompanied by concept drainage design plans. Councils Development Engineer and Water and Sewer Officers have assessed the application and have requested additional information relating to the proposed on site stormwater detention system several times throughout the assessment process, however to date no satisfactory response has been received.

## 7.2 Waste Management

The Development Application is accompanied by a Waste Management Plan, and the revised floor plans indicate that waste bins can be stored within the rear yards of units 1,2,3, and 6, with units 4 and 5 having a bin store within their garages. The storage of bins within the garages of units 4 and 5 is not an ideal outcome, and a screened bin enclosure within the front setback is recommended as alternative.

Conditions of consent would be imposed requiring the development to comply with Council's Technical Specification Waste Minimisation and Management regarding construction waste and on-going management of waste facilities should the development be deemed worthy of consent.

## **External Consultation**

## Transport for NSW

The application was referred to Transport for NSW as Blackwall Road (MR349) is a classified State road.

TfNSW has reviewed the information provided and raises no objection to the proposed development, noting that the direct access to the site is permitted for current land use purposes only and by a single access point on Blackwall Road, and that all vehicles are to enter and exit the site in a forward direction.

The proposed development has existing direct vehicular access to Blackwall Road, a Classified State Road, which is proposed to be modified and utilised as part of the development. As such CI101 of SEPP Infrastructure is required to be considered in the assessment of the application. Transport for NSW provided correspondence and did not raise objection to the development, however noted that:

'Direct access to the site is permitted for current land use purposes only and by a single access point on Blackwall Road. Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.'

And that:

'Should Council approve the proposed development and recommended road works associated with a change of the location of the access point on Blackwall Road, TfNSW concurrence is required in accordance with Section 138 of the Roads Act (1993) as the roadworks required affect Blackwall Road a classified State road. As such, the works are to be designed in accordance with the Austroads Guide to Road Design 2009 (with Roads and Maritime Services supplements) and relevant Australian Standards to the satisfaction of TfNSW and Council.'

Clause 101 of SEPP Infrastructure is reproduced below:

Cl101, Development with frontage to a classified road

(1) The objectives of this clause are—

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

With regard to the matters requiring consideration, SEPP Infrastructure requires that the consent authority must consider, when dealing with development on land fronting a classified road, whether access to the land can be provided in a practical and safe manner from a non-classified road. In this instance the subject site benefits from a dual frontage, with practical and safe access available from Burge Road.

Further, TfNSW provided comment saying that access to the classified road was permitted for *'current land uses only'*. It is noted that the current land use is a detached dwelling on each lot.

Council considers the proposed development to be poorly thought through, with ample opportunity existing for a development to be designed in a manner that enabled vehicular access to and from the site from Burge Road, eliminating the need for access to the classified Blackwall Road.

In accordance with Cl101(2)(a) Council is not satisfied that access cannot be gained to the land from Burge Road through a better design.

# **Internal Consultation**

The application was referred to the following internal officers and the following comments have been provided:

## **Engineering**

Council's Development Assessment Engineer has reviewed the application and has raised concerns relating to vehicle sweep paths, On Site Stormwater Detention calculations, and driveway profiles. These issues remain outstanding. Council's Engineer therefore does not support the proposal at this time.

## Waste Services (Garbage)

Council's Waste Services Officer reviewed the documentation supplied and required amendments to the waste storage enclosure originally proposed. The amendments have not been fully undertaken and the inclusion of screened waste enclosures within the front setback of units 4 and 5 are recommended should other concerns prohibiting a recommendation of approval be suitable dealt with.

## Tree Assessment Officer

Council's Tree Assessment Officer has reviewed the application and generally supports the proposal subject to conditions, should the application be supported. It is noted that the removal of Tree 3 and 5 are only required due to poor site design and reduced setbacks.

## Water and Sewer Assessment

Council's Water and Sewer Unit have reviewed the application and supports the proposed development subject to conditions.

## **Public Consultation**

The Development Application was notified in accordance with Part 7.3 - Notification of Development Proposals of GDCP 2013 from Wednesday, 11 March 2020 until close of business on Wednesday, 1 April 2020. A total of 4 submissions were received during the notification period.

Following the submission of amended plans, a second notification period was undertaken from Friday, 26 June 2020 until close of business on Friday, 24 July 2020. A total of 3 submissions were received during the second notification period.

The following is a summary of the issues raised in the notification period:

## Overdevelopment of site/unsuitable development for the site

The height of three stories proposed, combined with the reduced setbacks (at 57% of the minimum), especially to the south and then north is not reasonable. The site appears built boundary to boundary and is further compromised by the inclusion of multiple driveways and multiple at grade parking spaces within front setbacks.

Specifically, the Burge Road frontage constitutes:

- 2 x 5.5m driveways
- 2 visitor spaces within the front setback
- A total of 4 garages, all of which sit forward of the ground floor living and front doors of Units 4 and 6

Cumulatively this results in a poor streetscape outcome, creating a dominance of hardstand and reduced visual permeability of pedestrian scale elements. Substantial redesign, in line with the need to reduce the floor space ratio of the development, is considered necessary to provide a streetscape reflective of the intentions of the DCP which seeks to minimise the extent of hard stand and dominance of parking elements.

Adjoining development to the north at 192 Blackwall Road has recently been approved at a compliant FSR with a reasonable number of units and a reasonable public amenity. This type of development, being townhouses, can be done in a manner that ensures a public benefit through a considered design.

For the reasons referenced throughout this report and within Attachment 2 DCP Compliance Table, Council agrees that the proposed development would be an overdevelopment of the site.

# Unfounded cl4.6 submission

A number of submissions raise concern with the apparent lack of justification for the variances sought under cl4.6 of GLEO 2014. Specifically, it is contended that objective (h) of cl 4.4 is entirely consistent with the zone objectives for the R1 Zone where it will promote best practise design for multiple dwelling housing through the incentive of additional floor area for proposals with basement parking. The objective, and the standard, in no way preclude proposals for Multi Dwelling housing that do not have basement parking provided they can address the floor space ratio requirements as stipulated by Clause 4.4.

As addressed within this report, Council echoes these concerns and is not supportive of the cl4.6 submission.

# Deficient landscaping and deep soil planting proposed

Submissions raised concern regarding the reduced building setbacks proposed and the resultant poor landscaping able to be located on site. This is further exacerbated through the proposed inclusion of car parking spaces within the front setback of all townhouses. The reduced landscape areas contribute greatly to the poor amenity of the development and are not reflective of Council's DCP requirements.

Council considers the concerns raised in relation to landscaping and deep soil to have merit and has noted same concerns within the DCP compliance table.

# Visitor parking is required to be located on site

Submissions question the applicant's justification for no on-site visitor parking, with concern for the units fronting Blackwall Road. GDCP 2013 allows for visitor parking to be accommodated on street where the development is for less than four units, or where there is unrestricted on-street parking available within 60m of the development. The submission notes that the proposed design allows no internal site access from Unit 1 and 2 to Burge

Road, and that there is no unrestricted on-street carparking on Blackwall Road. This would result in the need for Unit 1 and 2 to provide one visitor space on site.

Council considers the concerns raised in relation to visitor carparking to have merit and has noted same concerns within the DCP compliance table.

## Likely Impacts of the Development

#### **Built Environment**

The proposed development would not complement the existing or emerging built form of the wider area and through the excessive floor space and resultant reduced setbacks, with multiple driveways and poor landscaping, is not considered a good planning outcome for the site.

The proposed development is somewhat consistent with the uses envisaged for the *R1 General Residential* zone, however the building design is detrimental to the amenity of the area and would detract from the existing residential scale of development in the direct vicinity.

## Natural Environment

The proposal is not considered satisfactory in relation to impacts on the natural environment as identified throughout this report. The trees to be removed to accommodate the proposed development are largely unnecessary, and incapable of being adequately replaced with trees capable of bearing shade to the development. Council cannot form satisfaction that manageable impacts to the natural environment would manifest as a result of the proposed works.

## Economic Impacts

No substantial economic impacts would arise from the approval of *multi dwelling housing* on the subject site. *Multi dwelling housing* would generally provide a supply of housing to help meet the future demand of the area.

## Social Impacts

No social impacts would likely arise from the approval of a townhouse development of a suitable scale.

## **Ecologically Sustainable Development Principles**

The proposal has been assessed having regard to ecologically sustainable development principles and is not considered to be consistent with the principles, noting that revised BASIX certificate was not supplied with revised plans.

Whilst the proposed development incorporates satisfactory stormwater and drainage outcomes, is unlikely to significantly affect fluvial environments, and would not result in the disturbance of any endangered flora or fauna habitats, the overdevelopment of the site proposed, with reduced setbacks, excessive hardstand areas and front setback parking spaces, and numerous driveways is not assessed to be in keeping with ecologically sustainable design principles.

A lack of opportunity to plant trees capable of providing shade to the buildings, combined with the requirement to remove existing shade bearing trees to locate driveways exhibits poor design and is likely to decrease environmental quality for future generations.

# **Climate Change**

3.3

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts.

The proposed development, with reduced setbacks, multiple driveways, and front setback parking spaces is not considered capable of contributing positively to the impacts of climate change likely to be felt on the Central Coast. The setbacks proposed, combined with the hardstand areas across the front setback of the site would result in a haphazard landscaping solution that would prove difficult to establish tall, shade bearing trees that would help mitigate future warming of the peninsula.

The proposed development is therefore not considered satisfactory in relation to climate change, with a more thoughtful and well-planned site layout required to cope, combat and withstand these potential impacts.

# Suitability of the Site for the Development:

A review of Council's records has identified that there are no constraints that would render the site unsuitable for the development of the site.

# **Other Matters for Consideration**

## **Development Contribution Plan**

The subject site is located within Contribution Plan No. 31 Peninsula where residential flat buildings and multi-dwelling housing developments are subject to s7.11 *Contribution towards provision or improvement of amenities or services* of the EP&A Act. Should an appropriate and

supportable development gain approval on site appropriate conditions of consent requiring the payment of development contributions would be imposed.

## Water and Sewer Contributions

Water and sewer is available to the land. The payment of water and sewer contributions is applicable and imposed by the Water Authority. The proponent must obtain a section 307 certificate for the development of the land should a supportable development gain approval on the site.

## **The Public Interest**

The proposed new *Multi Dwelling housing* development on the *R1 General Residential* zoned land at 259 Burge Road and 200 Blackwall Road, Woy Woy is not considered an appropriate or equitable use of the site. The proposed development is considered a poor design exercise that would present as an overly bulky set of buildings, particularly fronting Burge Road, and through the inclusion of carparking spaces within the front setbacks of all dwellings will severely compromise the landscape setting of the development within the streetscape, which in turn erodes the public interface and results in a built form that is abrupt and lacks benefit to the wider public.

Opportunity to contain vehicular access to and from the site fronting Burge Road has been overlooked against the controls of SEPP Infrastructure, and the resultant building mass prohibits the inclusion of useable landscaping and increases conflict between the general public and the end users of the proposed development.

Considered against the controls of SEPP Infrastructure, the objectives of the zone and the controls within GLEP 2014 and GDCP 2013, the approval of the application is not considered to be in the public interest.

# Conclusion

The Development Application has been assessed against the heads of consideration of s4.15 of the EP&A Act and all other relevant instruments and polices and, on balance, the proposed development is not considered reasonable. Therefore, it is recommended that the Local Planning Panel refuse development consent to DA58026/2020 for the reasons detailed throughout this report.

## Recommendation

 a) The Local Planning Panel as consent authority refuse consent to the Development Application No 58026/2020 for Proposed multi Dwelling Housing at No. 259 Burge Road and 200 Blackwall Road Woy Woy for the following reasons:

### 3.3 DA58026/2020 - 259 Burge Road and 200 Blackwall Road, Woy Woy -Multi Dwelling Housing (contd)

- 1. The development fails adequately justify departures from clause 4.4 of Gosford Local Environmental Plan 2014 (GLEP) in relation to Floor Space Ratio.
- 2. The development fails meet, or adequately justify departures from clause 101 of State Environmental Planning Policy (Infrastructure) 2007.
- 3. The development fails to meet, or adequately justify departures from, Gosford Development Control Plan 2013 (GDCP).
- 4. The submitted documentation does not provide adequate information to enable a proper assessment of the proposal.
- 5. The proposal is not in the public interest.

### Attachments

1	Revised Plans	D14031735
2	Gosford DCP Compliance table	D14358045
3	Original Lodged Plans	D13851731

### **DEVELOPMENT APPLICATION**

- PROJECT NAME: PROPOSED MULTI-DWELLING
- CLIENT NAME: MR CHARLIE ZEAITER
- PROJECT ADDRESS: 200 BLACKWALL ROAD & 259 BURGE RD. WOY WOY NSW 2256 | LOT 7 DP 9470 & LOT 6A DP 326825

#### **DEVELOPMENT CALCULATION:**

#### CENTRAL COAST COUNCIL

TOTAL SITE AREA = 1.307.9m<sup>3</sup> LOT 7 IN D.P.9470 LOT 6A IN D.P.32682 = 872.8m<sup>2</sup> = 435.1m2 FLOOR AREA CALCULATION PROPOSED GROUND FLOOR = 65+70+63+63+61+69 = 391m<sup>2</sup> = 16.5 x 6 = 99m<sup>2</sup> = 81+84+82+82+70+82 = 481m<sup>2</sup> PROPOSE GARAGES PROPOSED FIRST FLOOR PROPOSED SECOND FLOOR TOTAL PROPOSED FLOOR AREA = 30+34+35+26 = 125m<sup>2</sup> = 391+481+125 = 997m<sup>2</sup> (0.76:1) (EXCL. GARAGES 99m<sup>2</sup>) SETBACKS 

بمسرقه FRONT SETBACK SIDE SETBACK GROUND FLOOR SIDE SETBACK FIRST FLOOR = 6.0m COMPLIES = AVERAGE 2m - 2.5m = AVERAGE 2m - 2.5m

REAR SETBACK = 6.0m COMPLIES

HEIGHT RESTRICTION

HEIGHT RESTRICTION 11m MAX. = <10.5m

#### PRIVATE OPEN SPACE

PRIVATE OPEN SPACE = >50m<sup>2</sup> PRINCIPLE PRIVATE OPEN SPACE = 5 x 5m = >50m<sup>2</sup> min. COMPLIES

= 1 PER DWELLING

+ 4 VISITS (1 ON STREET) = 10 CAR SPACES

#### CARPARKING

COVERED SPACE PER UNIT

#### **BASIX COMMITMENTS:** CERTIFICATE NUMBER: 1076126M

WATER COMMITMENTS - WATER TANK CAPACITY OF 2000 LITRES - 210m<sup>2</sup> ROOF AREA FOR RAINWATER COLLETION - SHOWER HEADS - 3 STARS >4.5 BUT <6L/min - TOILET FLUSHING SYSTEM - 3 STARS - KITCHEN TAPS - 3 STARS - BASIN TAPS - 3 STARS

THERMAL COMFORT COMMITMENTS - PROVIDE INSULATION OF R0.60 TO SUSPENDED FLOOR ABOVE ENCLOSED SUBFLOOR

- WALL INSULATION - BRICK VENEER R1.86 OR R2.40 INCLUDING CONSTRUCTION - PROVIDE CEILING CONSTRUCTION -- PROVIDE CEILING/ ROOF INSULATION -CEILING R4 (UP) OR ROOF INSULATION WITH 75mm THICK REFLECTIVE FOIL BACKED PLANKET DADKING BLANKET/ SARKING - GLAZING - ALUMINIUM FRAMED THERMALLY BROKEN DOUBLE GLAZED ARGON FILLED HI Tsol LOW-E CLEAR GLAZING AS PER BASIX

ENERGY COMMITMENTS - HWS IS TO BE GAS INSTANTANEOUS WITH A 5 STARS PERFORMANCE. - COOLING AND HEATING SYSTEM IS TO BE 1 PHASE AIRCONDITIONING WITH AN ENERGY RATING MIN> 4 STARS

HA TING MIN> 4 5 TARS - THE HEATING AND COOLING SYSTEM MUST PROVIDE FOR DAY/NIGHT ZONING. - KITCHEN AND LAUNDRY FANM ARE TO BE DUCTED TO FACADE OR ROOF AND INTERLOCKED TO LIGHT - BATHROOM FANS ARE TO BE DUCTED TO FACADE OR ROOF WITH MANUAL ON/OFF SWITCH

- LIGHTING - PRIMARY TYPE OF ARTIFICIAL LIGHTING MUST BE FLOURESCENT OR LIGHT EMITTING DIODE (LED) IN ALL ROOMS. - MUST CONSTRUCT EACH REFRIGERATOR SPACE WITH "WELL VENTILATED" AS PER BASIX

NOTE: ABOVE SPEC & DRAWINGS TO BE READ IN CONJUNCTIONS WITH BASIX CERTIFICATE/ REPORT.

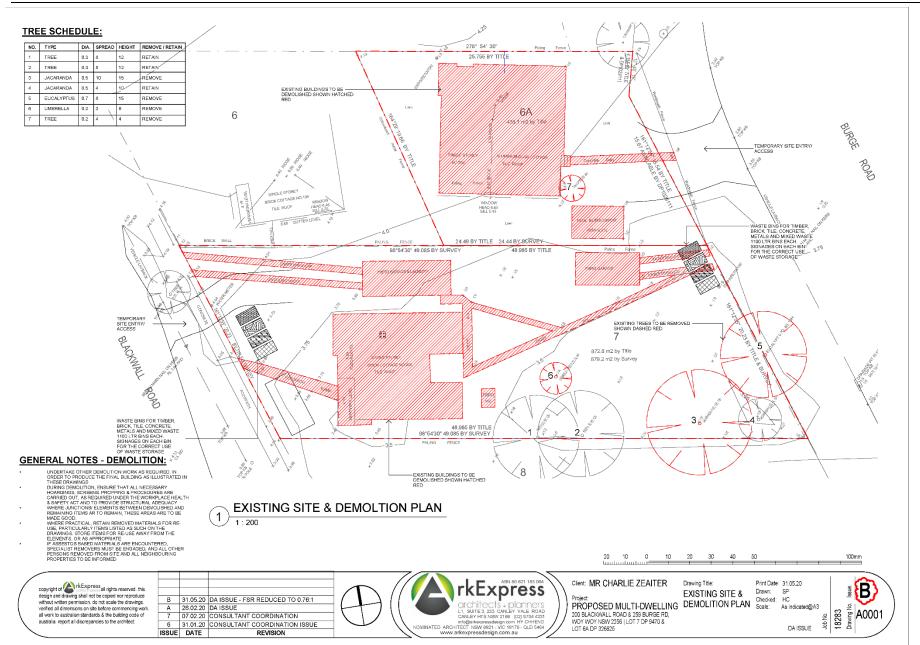
DRAWING LIST								
SHEET NUMBER	SHEET NAME	DRAWN BY	CHECKED BY	CURRENT REVISION DATE	CURRENT REVISION			
A0000	COVER SHEET & DEVELOPMENT CALCULATIONS	SP	HC	31.05.20	в			
A0001	EXISTING SITE & DEMOLITION PLAN	SP	HC	31.05.20	В			
A0002	PROPOSED CUT & FILL, WASTE & SITE MANAGEMENT PLAN	SP	HC	31.05.20	В			
A0003	PROPOSED SITE PLAN	SP	HC	31.05.20	в			
A0004	PROPOSED SITE ANALYSIS	SP	HC	31.05.20	в			
A0005	PROPOSED CONCEPT STRATA PLAN	SP	HC	31.05.20	В			
A0006	SHADOW DIAGRAMS - WINTER SOLSTICE	SP	HC	31.05.20	В			
A0007	SHADOW DIAGRAMS - WINTER SOLSTICE 1	AL	HC	31.05.20	В			
A0008	SHADOW DIAGRAMS - WINTER SOLSTICE 2	AL	HC	31.05.20	В			
A0009	SHADOW DIAGRAMS - WINTER SOLSTICE 3	AL	HC	31.05.20	В			
A1101	PROPOSED GROUND FLOOR PLAN	SP	HC	31.05.20	В			
A1102	PROPOSED FIRST FLOOR PLAN	SP	HC	31.05.20	в			
A1103	PROPOSED SECOND FLOOR PLAN	SP	HC	31.05.20	В			
A1104	PROPOSED ROOF PLAN	SP	HC	31.05.20	В			
A2001	ELEVATIONS 01	SP	HC	31.05.20	В			
A2002	ELEVATIONS 2	SP	HC	31.05.20	в			
A2003	STREETSCAPE ELEVATION 01	SP	HC	31.05.20	В			
A3001	SECTIONS 01	SP	HC	31.05.20	В			
A3002	SECTIONS 02	SP	HC	31.05.20	В			
A3003	LONGITUDINAL DRIVEWAY SECTION 01	SP	HC	31.05.20	В			
A3004	LONGITUDINAL DRIVEWAY SECTION 02	SP	HC	31.05.20	В			
A7001	PERSPECTIVES 01 & FINISHES SCHEDULE	SP	HC	31.05.20	В			
A7002	PERSPECTIVES 02	SP	HC	31.05.20	В			
A7003	PERSPECTIVES 03	SP	HC	31.05.20	В			
A9001	WINDOW & DOOR SCHEDULE	SP	HC	31.05.20	В			



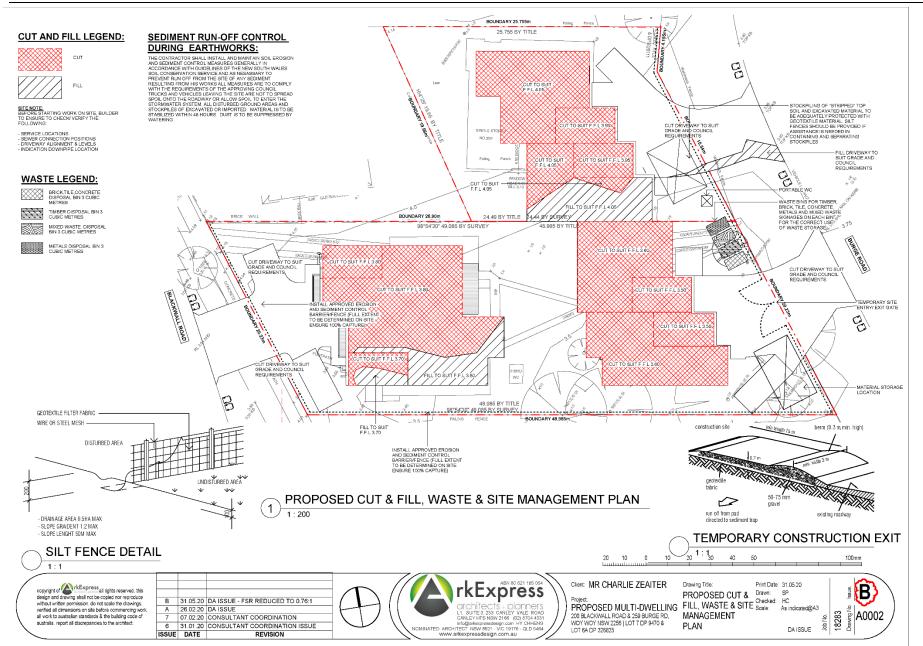
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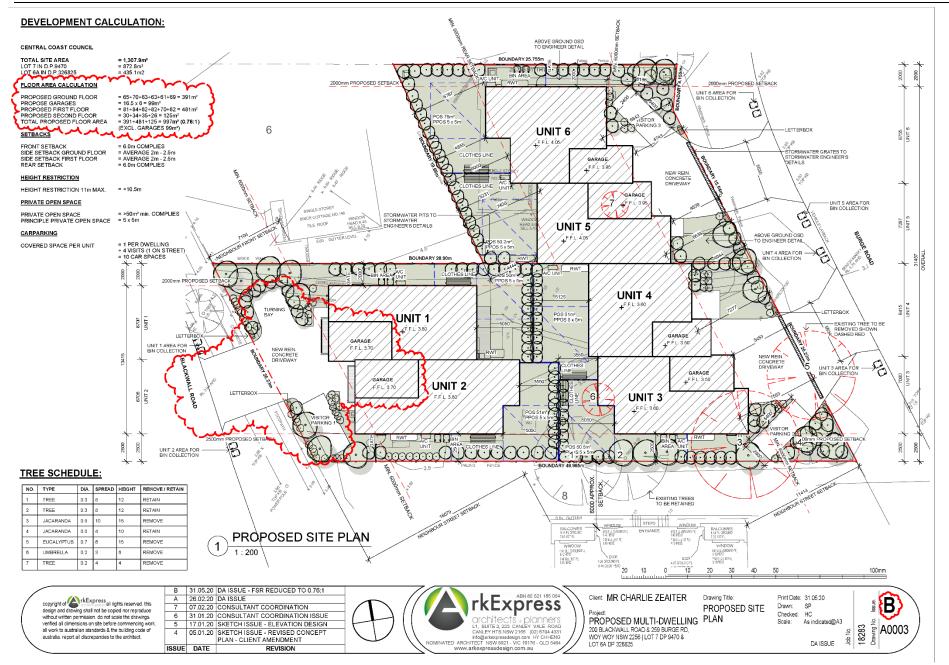
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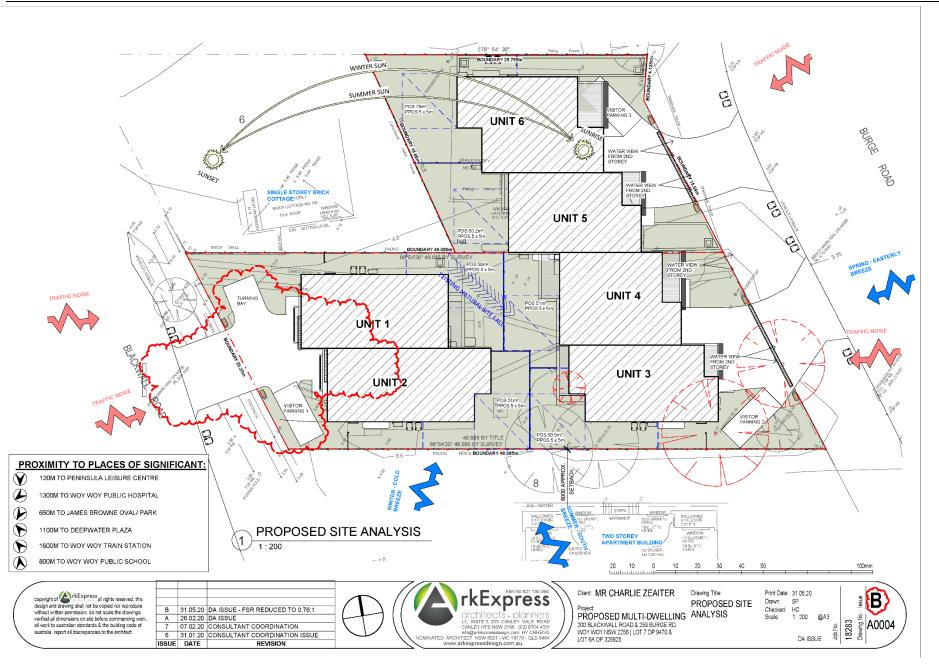


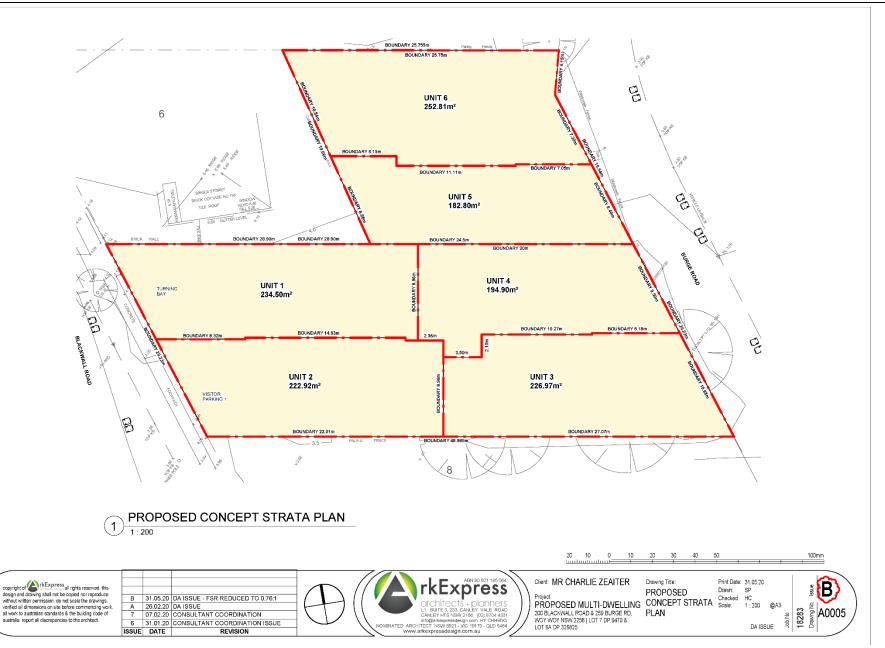


### Attachment 1

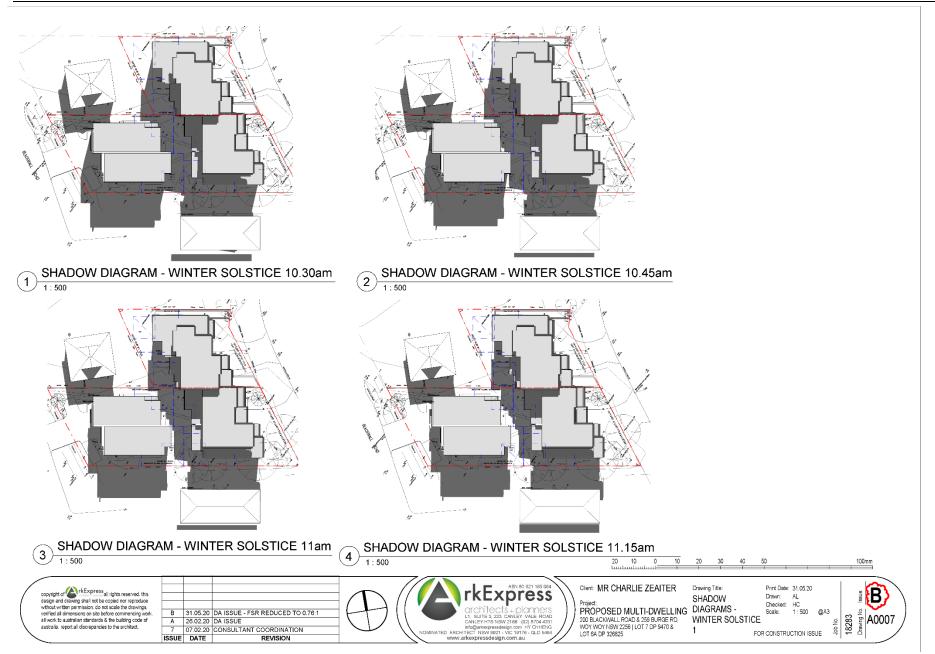


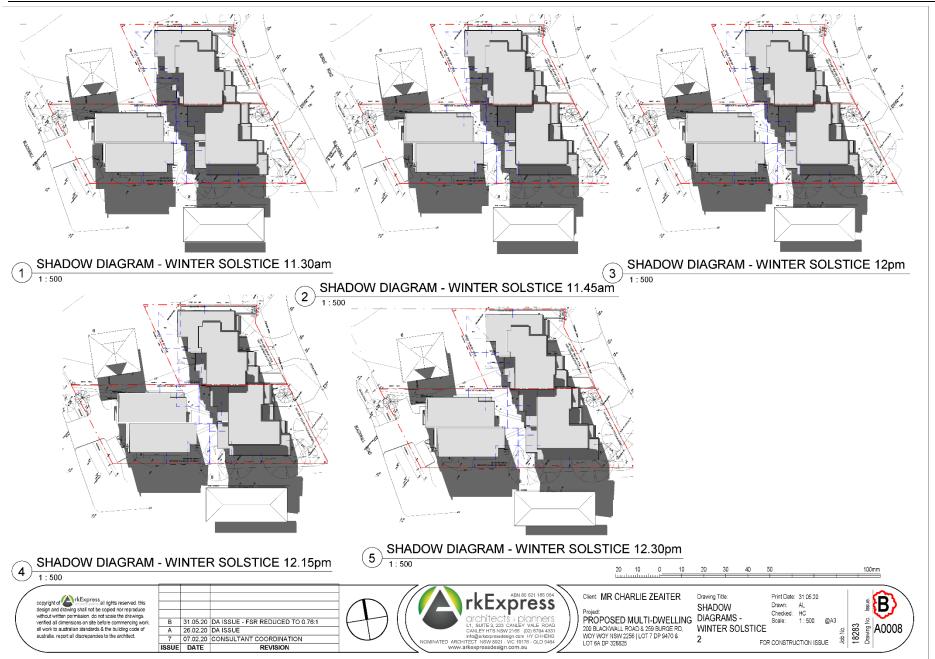


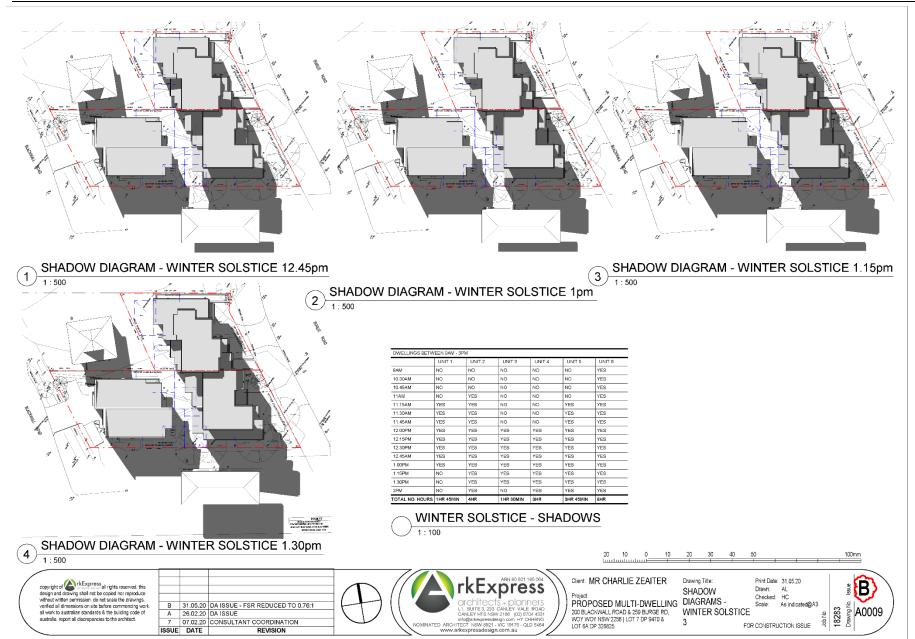


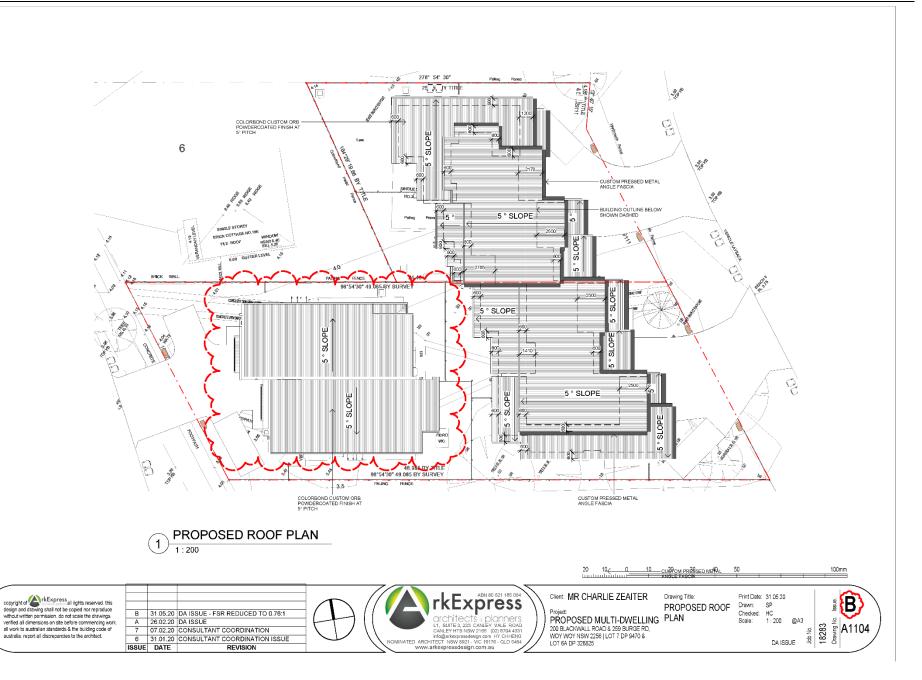


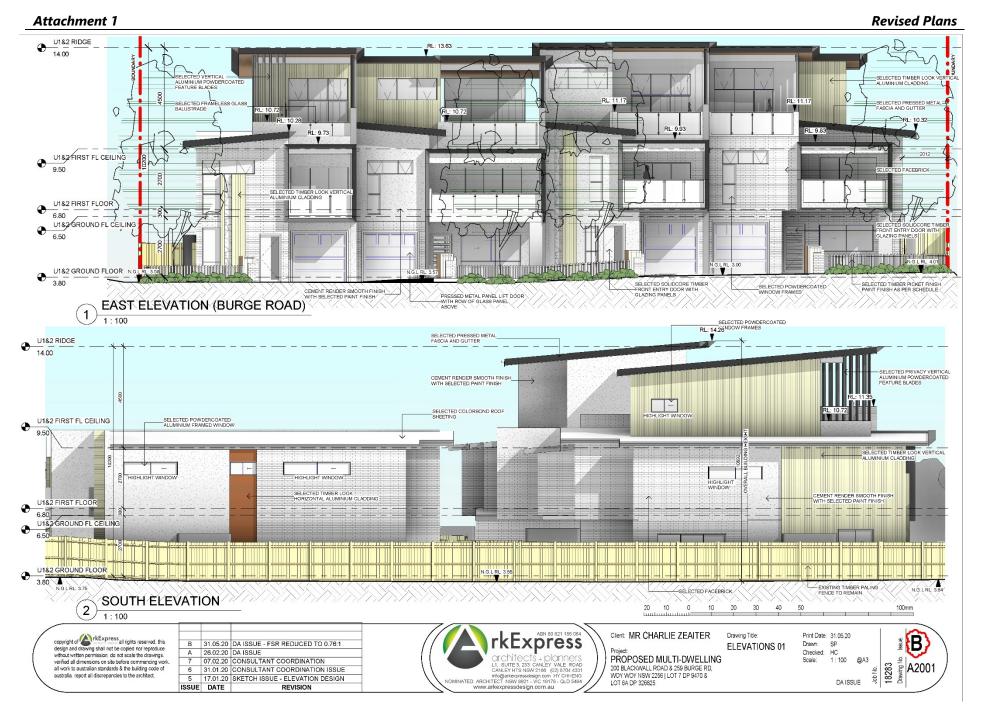


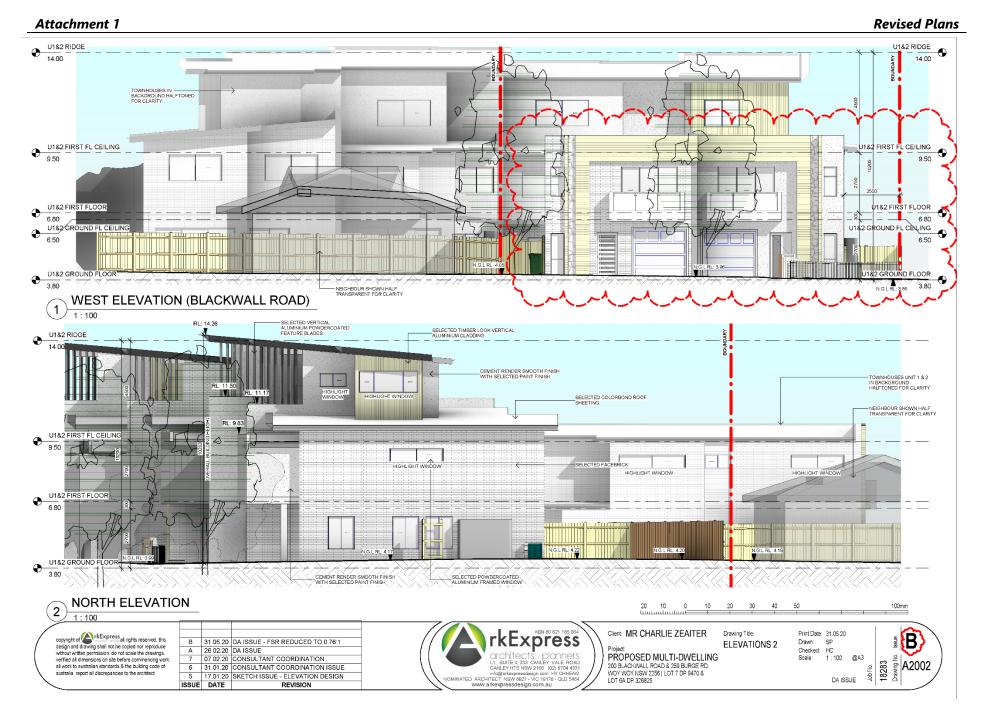










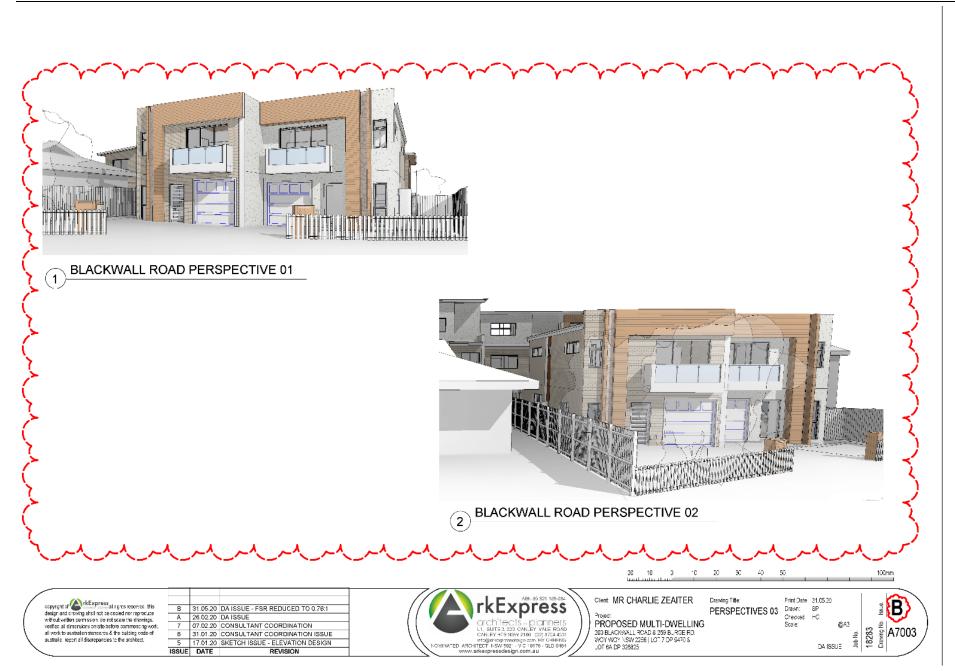


### Attachment 1









			WINDO	W SCHEDU	LE						WINDOW S	CHEDULE			
MARK	LEVEL	LOCATION	HEIGHT	WIDTH	FRAME	WINDOW TYPE	ADDITIONAL INFO	MARK	LEVEL	LOCATION	HEIGHT	WIDTH FRAM	E WINDOW TYPE	ADDITIONAL INFO	
/1.1	U1&2 GROUND FLOOR	ENTRY	2040	610	ALUMINIUM	DOUBLE HUNG									
/1.2	U1&2 GROUND FLOOR	DINING	2100	2650	ALUMINIUM	SLIDING									
/1.3	U1&2 FIRST FLOOR	ENSUITE	1335	61D	ALUMINIUM	DOUBLE HUNG	OBSCURE								
/1.4 /1.5	U1&2 FIRST FLOOR U1&2 FIRST FLOOR	MASTER 2 BED 3	600 600	2410 3010	ALUMINIUM	SLIDING									
/1.6	U1&2 FIRST FLOOR	BED 4	600	2410	ALUMINIUM	SLIDING						DOOR SCHEDULE			
1.10	U1&2 FIRST FLOOR	BATH	600	1200	ALUMINIUM	SLIDING	OBSCURE	MARK	LEVEL	LOCATION	HEIGHT	WIDTH	FRAME	DOOD TVDE	ADDITIONAL IN
2.1	U1&2 GROUND FLOOR	ENTRY	2040	610	ALUMINIUM	DOUBLE HUNG		MARK	LEVEL	LUCATION	HEIGHT	WIDTH	FRAME	DOORTIPE	ADDITIONAL IN
2.2	U1&2 GROUND FLOOR	KITCHEN	1200	1570	ALUMINIUM	SLIDING		D1.1	U1&2 GROUND FLOOP	ENTRY	2100	920	HARDWOOD TIMBER	SWING	1
2.3 2.4	U1&2 FIRST FLOOR U1&2 FIRST FLOOR	BED 4 BED 3	600 600	2410 3010	ALUMINIUM	SLIDING			U1&2 GROUND FLOOP		2100	4570	ALUMINIUM	SLIDING	
2.4 2.5	U1&2 FIRST FLOOR	MASTER 2	600	2410	ALUMINIUM	SLIDING		D1.3	U1&2 FIRST FLOOR	MASTER 2	2100	2560	ALUMINIUM	SLIDING	
2.6	U1&2 FIRST FLOOR	ENSUITE	1335	610	ALUMINIUM	DOUBLE HUNG	OBSCURE		U1&2 GROUND FLOOP		2100	920	HARDWOOD TIMBER	SWING	
2.10	U1&2 FIRST FLOOR	BATH	600	1200	ALUMINIUM	SLIDING	OBSCURE		U1&2 GROUND FLOOP		2100	3070	ALUMINIUM	SLIDING	
3.1	U3&4 GROUND FLOOR	LIVING	2400	850	ALUMINIUM	DOUBLE HUNG			U1&2 FIRST FLOOR U3&4 GROUND FLOOP	MASTER 2	2100	2560 920	ALUMINIUM HARDWOOD TIMBER	SLIDING	
3.2	U1&2 GROUND FLOOR	LIVING	1200	1570	ALUMINIUM	SLIDING		0011	U384 GROUND FLOOP		2100	3070	ALUMINIUM	SLIDING	
3.3	U1&2 GROUND FLOOR	DINING	1200	1570	ALUMINIUM	SLIDING			U3&4 GROUND FLOOP		2650	2100	ALUMINIUM	SLIDING	
3.4	U3&4 FIRST FLOOR	BED 4	610	2350	ALUMINIUM	SLIDING	<u> </u>	D3.4	U182 FIRST FLOOR	BALCONY	2040	820	HARDWOOD TIMBER	SWING	
3.5 3.6	U3&4 FIRST FLOOR U3&4 FIRST FLOOR	BED 4 BED 3	1790 600	850 2410	ALUMINIUM	DOUBLE HUNG SLIDING			U3&4 FIRST FLOOR	BALCONY	2100	2560	ALUMINIUM	SLIDING	
3.7	U1&2 FIRST FLOOR	MASTER 2	1200	2410	ALUMINIUM	SLIDING			U3&4 SECOND FLOOR		2100	2650	ALUMINIUM	SLIDING	
).8	U5&6 SECOND FLOOR	MASTER 1	950	2650	ALUMINIUM	SLIDING	<u> </u>		U3&4 GROUND FLOOP		2100	920	HARDWOOD TIMBER	SWING	
3.9	U3&4 SECOND FLOOR	ENSUITE	600	1200	ALUMINIUM	SLIDING	OBSCURE		U3&4 GROUND FLOOP		2100	3070	ALUMINIUM	SLIDING	
3.10	U1&2 SECOND FLOOR	RETREAT	1200	1570	ALUMINIUM	SLIDING			U384 GROUND FLOOF U384 FIRST FLOOR	BALCONY	2100	3070 820	ALUMINIUM HARDWOOD TIMBER	SLIDING	
4.1	U3&4 GROUND FLOOR	LIVING	2100	2650	ALUMINIUM	SLIDING			U3&4 FIRST FLOOR	FAMILY	2100	2560	ALUMINIUM	SLIDING	
4.2	U3&4 FIRST FLOOR	MASTER 2	610	2050	ALUMINIUM	SLIDING			U3&4 SECOND FLOOR		2100	3610	ALUMINIUM	SLIDING	
4.3	U5&6 FIRST FLOOR	MASTER 2	1790	610	ALUMINIUM	DOUBLE HUNG		D5.1	U5&6 GROUND FLOOP	ENTRY	2100	920	HARDWOOD TIMBER	SWING	
4.4 4.5	U3&4 FIRST FLOOR U3&4 FIRST FLOOR	BED 4 BED 3	1200	2410 2410	ALUMINIUM	SLIDING			U5&6 GROUND FLOOP		2100	3610	ALUMINIUM	SLIDING	
.6	U5&6 SECOND FLOOR	MASTER 1	950	3610	ALUMINIUM	SLIDING			U586 FIRST FLOOR	BALCONY	2040	820	HARDWOOD TIMBER	SWING	
1.7	U586 SECOND FLOOR	ENSUITE	950	2650	ALUMINIUM	SLIDING	OBSCURE		U1&2 FIRST FLOOR	FAMILY	2100	2560	ALUMINIUM	SLIDING	
4.8	U1&2 SECOND FLOOR	MASTER 1	1200	2410	ALUMINIUM	SLIDING			U1&2 SECOND FLOOR		2100	2650	ALUMINIUM	SLIDING	
5.1	U1&2 GROUND FLOOR	LIVING	2040	61D	ALUMINIUM	DOUBLE HUNG			U5&6 GROUND FLOOF U5&6 GROUND FLOOF		2100	920 1852	HARDWOOD TIMBER ALUMINIUM	SWING	
5.2	U5&6 FIRST FLOOR	MASTER 2	2040	610	ALUMINIUM	DOUBLE HUNG			U5&6 GROUND FLOOP		2100	3610	ALUMINIUM	SLIDING	
5.3	U1&2 FIRST FLOOR	BED 3	1200	1570	ALUMINIUM	SLIDING			U586 FIRST FLOOR	BALCONY	2040	820	HARDWOOD TIMBER	SWING	
5.4 5.5	U1&2 FIRST FLOOR	BED 4 MASTER 1	1200 950	2410 2650	ALUMINIUM	SLIDING			U5&6 FIRST FLOOR	FAMILY	2100	2560	ALUMINIUM	SLIDING	
5.5 5.6	U5&6 SECOND FLOOR U1&2 SECOND FLOOR	MASTER 1	1200	2000	ALUMINIUM	SLIDING			U5&6 SECOND FLOOR		2100	2650	ALUMINIUM	SLIDING	
5.7	U5&6 SECOND FLOOR	ENSUITE	950	2650	ALUMINIUM	SLIDING	OBSCURE		U1&2 GROUND FLOOP		2300	2410	ALUMINIUM	PANEL LIFT	
5.8	U1&2 GROUND FLOOR	KITCHEN	1500	1200	ALUMINIUM	SLIDING			U1&2 GROUND FLOOP U3&4 GROUND FLOOP		2300 2300	2410	ALUMINIUM	PANEL LIFT PANEL LIFT	
6.1	U5&6 GROUND FLOOR	LIVING	1200	2410	ALUMINIUM	SLIDING			U3&4 GROUND FLOOF		2300	2410	ALUMINIUM	PANEL LIFT	
5.2	U1&2 GROUND FLOOR	DINING	1200	1570	ALUMINIUM	SLIDING			U5&6 GROUND FLOOP		2300	2410	ALUMINIUM	PANEL LIFT	
5.3	U5&6 FIRST FLOOR	MASTER 2	610	2050	ALUMINIUM	SLIDING			U5&6 GROUND FLOOF		2300	2410	ALUMINIUM	PANEL LIFT	
5.4	U5&6 FIRST FLOOR	MASTER 2	1790	610	ALUMINIUM	DOUBLE HUNG	<b>↓</b>						P		
5.5 5.6	U5&6 FIRST FLOOR U5&6 FIRST FLOOR	BED 4 BED 3	1200	2410 2410	ALUMINIUM	SLIDING									
5.6 5.7	U5&6 SECOND FLOOR	MASTER 1	600	1200	ALUMINIUM	SLIDING	<u> </u>								
6.8	U5&6 SECOND FLOOR	ENSUITE	950	2650	ALUMINIUM	SLIDING	OBSCURE								
5.9	U1&2 GROUND FLOOR	WC	600	610	ALUMINIUM	SLIDING	OBSCURE								
5.10	U5&6 GROUND FLOOR	KITCHEN	1500	1200	ALUMINIUM	SLIDING									
	U5&6 GROUND FLOOR	KITCHEN	1500	1200	ALUMINIUM	SLIDING									
.11	U5&6 GROUND FLOOR	LIVING			ALUMINIUM	SLIDING									

### Attachment 2 - Gosford Development Control Plan 2013 compliance table

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

The relevant provisions of Chapter 3.3 have been considered in the assessment of application as summarised in the table below.

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
3.3.2 Desired Character	<ul> <li>Siting of buildings and surrounding garden areas shall be consistent with locality.</li> <li>Height, size and scale of new buildings shall be compatible with locality</li> <li>Garden design and details shall be compatible with scenic quality and streetscape character.</li> <li>Street verges shall conserve visually prominent landscape features.</li> </ul>	Inconsistent with desired character. <u>Comment:</u> Siting of buildings not in accordance with requirements, scale is excessive for the development type proposed, Street trees to be removed to accommodate poorly designed building and driveway.	Νο	Νο
3.3.3.1 Height	<ul> <li>Max height LEP = 11m</li> <li>Max 3 storeys</li> <li>Max height exterior wall 10m</li> <li>Min 2.7m ceiling heights for 2 storey buildings</li> <li>Min 2.4m ceiling heights for 1 storey buildings</li> </ul>	<ul> <li>Max height = 10.6m</li> <li>Max 3 storeys</li> <li>10m maximum exterior wall height</li> <li>2.7 to 4.5m ceiling heights</li> <li>N/A</li> </ul>	<ul> <li>Yes</li> <li>Yes</li> <li>Yes</li> <li>Yes</li> </ul>	Yes
3.3.3.2.2a Setbacks	<ul> <li>Deep soil along boundaries</li> <li>Side boundary min width 2m</li> <li>Rear boundary min width 6m</li> <li>Front boundary min width 6m</li> </ul>	<ul> <li>Side setbacks of 2m min</li> <li>Front setbacks to Blackwall Road – 5m min</li> <li>Front setback to Burge Road – 5m min</li> <li>Rear setback – 5m Min</li> <li>Comment:</li> <li>The proposal is not considered to meet the</li> </ul>	<ul> <li>Yes</li> <li>No</li> <li>No</li> <li>no</li> </ul>	No

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
		<ul> <li>objectives for setbacks as the development provides poor amenity for adjoining development and proposed dwellings;</li> <li>The deep soil setbacks proposed are incapable of providing adequate landscaping including shade trees, particularly to the southern setback which will be shaded a majority of the year.</li> <li>Front setbacks to both frontages are impacted by the sawtooth style placement of the proposed townhouses on the site. The resultant setbacks are not functional spaces in terms of landscaping, with indicative landscape plans showing fragmented and broken garden arrangements.</li> </ul>		
3.3.3.2 Setbacks	<ul> <li>Setbacks to Exterior Walls</li> <li>Side boundaries average 4m, min 3.5m</li> <li>For the exterior walls of any third storey: an additional setback of at least 2.5m measured from the face of the lower storey walls immediately below.</li> </ul>	<ul> <li>Side setbacks to northern boundaries – 2.01m</li> <li>Side setbacks to southern boundaries – 2.5m</li> <li>Third floor setbacks 2.5m from second floor north and south, however locate balconies within the 2.5m setback to the east.</li> <li>Comment: North and south boundaries make little attempt at complying with the controls specified,</li> </ul>	• No • No • No	Νο

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
		with variances of 50% to the northern boundary, 37.5% to the southern boundary, and up to 100% for the third storey setback.		
		Balconies are allowed within a specified setback, but only if 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.		
		Third storey balconies proposed do not meet the setback or structural appearance controls.		
		The applicant states that compliance with the southern side setback is unnecessary due to the location of the building in the adjacent property being approximately 6m south of the boundary. Council does not consider this to be sufficient grounds to contravene the setback controls, noting that the existing building is aged and likely to be replaced at some point with a development utilising the land in a more efficient manner.		
	<ul> <li>Setbacks to Exterior Walls</li> <li>Front Setback 6m</li> <li>For the exterior walls of any third storey: an additional setback of at least 2.5m measured from the face of the lower storey walls immediately below.</li> </ul>	<ul> <li>Blackwall Road (western boundary) setback – 5m</li> <li>Burge Road (eastern boundary) setback – 5m</li> <li><u>Comment:</u></li> </ul>	• No	Νο
		Both frontage setbacks at ground floor to first floor are <b>non-compliant</b> with a minimum setback of <b>5m</b> , representing a non-		

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
		<ul> <li>compliance of <b>1m or</b></li> <li><b>16%</b>. This non-compliant portion is limited to a corner elements of the building, while the remainder of the building meets the required setback, however the resultant impacts upon the front setback in terms of design and landscaping are not considered to meet the objectives for setbacks.</li> <li>Third floor elements are not setback an additional 2.5m from either frontage, and contribute greatly to the bulk and scale of the development.</li> <li>In terms of solar access, the non-compliant setback areas of the proposed development are considered likely to contribute to inadequate solar access to adjoining sites.</li> <li>In terms of privacy, inadequate building separation and space for landscaping opportunities are considered to provide an unsatisfactory level of privacy and amenity</li> </ul>		
	Setbacks to Exterior Walls	<ul><li>to adjoining site to the east.</li><li>The eastern</li></ul>	• No	No
	<ul> <li>Rear Setback 6m</li> <li>For the exterior walls of any third storey: an additional setback of at least 2.5m measured from the face of the</li> </ul>	townhouse rear setback at ground floor to the existing development at 196 Blackwall Road is <b>non-</b> <b>compliant</b> with a minimum setback of	-	-

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
	lower storey walls immediately below.	<b>5m</b> , representing a non-compliance of a maximum <b>1m or 16%.</b>		-
		<u>Comment:</u>		
		The proposal is not considered to meet the objectives for setbacks.		
		The design of the development provides poor amenity for adjoining development:		
		<ul> <li>In terms of privacy, inadequate building separation and space for landscaping opportunities are considered to provide an unsatisfactory level of privacy and amenity to the existing dwelling at 196 Blackwall Road, and to units of the proposed development from adjacent units of the proposed development.</li> </ul>		
3.3.3.3.2 Car Parking	<ul> <li>Resident 1.5 sp/unit = 1.5 x 6 = 9 spaces</li> <li>Visitor 0.2 sp/unit = 0.2 x 6 = 3 spaces (rounded up).</li> <li>On the Peninsula (ie Woy Woy) visitor</li> </ul>	<ul> <li>6 resident spaces are provided onsite at grade in single garages.</li> <li>3 spaces are provided onsite within the front setback.</li> <li>Total onsite spaces</li> </ul>	• Yes	Yes
	parking and service vehicle access may be provided on the existing street where: * development contains less than 4 units, or	Total required: 10 spaces <u>Comment:</u>		

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
	* unrestricted on- street parking is safely available within 60m of the development * 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.	The proposal locates one car parking space per dwelling in garages. Three car parking spaces are proposed for the front setbacks of Unit 2, 3 and 6 respectively. These are marked as visitor parking, however the site requires all 9 to meet minimum residential controls. A further 3 visitor parking are required as per guidelines, however it is noted that there exits unrestricted on-street parking is safely available within 60m of the development, from the Burge Road frontage. As there is no internal connectivity between unit's 1 and 2 fronting Blackwall Road to Burge Road, the visitor parking required for these units is to be provided on site.		
3.3.3.3.4 Scenic Quality and Neighbourh ood Character of Off-Street Parking	<ul> <li>Not located facing street/lane.</li> <li>Not located in front setback</li> <li>Not create continuous row of enclosed garages</li> </ul>	<ul> <li>Onsite parking garages are provided facing the respective street frontages.</li> <li>Additional parking is provided within front setbacks.</li> <li><u>Comment:</u></li> <li>Council does not support the proposed front setback parking arrangement. The inclusion of the three carparks within front setbacks compromises the landscape setting of the development and is a direct result of</li> </ul>	• No	Νο

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
		overdevelopment and poor planning of the site.		
3.3.3.3.5 Driveway Design	<ul> <li>3m wide driveway,</li> <li>5.5m wide width at kerb</li> </ul>	<ul> <li>Vehicle crossings have a minimum width of 3m</li> </ul>	• Yes	Yes
3.3.3.4.2 Articulation	<ul> <li>Max width and depth of building - 25m</li> <li>Buildings between 25m-35m must be indented with 6 X 6 courtyard, including 1 canopy tree and reduced wall heights surrounding</li> <li>Each courtyard planted with 1 large canopy tree</li> <li>Surrounding each courtyard height of exterior walls reduced</li> </ul>	<ul> <li>Building fronting Burge Road – 31.5m</li> <li>Building fronting Blackwall Road – 13m</li> <li><u>Comment:</u></li> <li>The townhouse building proposed fronting Burge Road results in a total width of 31.5m, well in excess of the maximum permitted (55%). No courtyard indenting the façade is proposed, and no relief from the overbearing wall of development is indicated on plans.</li> </ul>	• No • Yes	No
3.3.3.4.3 Internal Building Separation	<ul> <li>Separation distance between two buildings on one site is 6m</li> <li>Driveways flanked by landscaped verges</li> <li>Separation between buildings provide satisfactory sunlight and privacy for adjacent dwellings</li> </ul>	<ul> <li>Separation between Blackwall Road townhouses and Burge Road townhouses is min 6m.</li> <li>The driveways proposed are excessive in width by necessity (to serve two dwellings per driveway), and do not allow opportunity for landscaped verges.</li> <li>The separation fails to provide satisfactory sunlight to Unit's 1 and 2, with both unable to achieve sunlight access in any useable quantity at mid-winter. Greater separation to Unit's 3</li> </ul>	• Yes • No • No	Yes

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
		4 and 5 would allow for solar access at mid-winter.		
3.3.3.4.4 Articulation	<ul> <li>The unarticulated length of any wall should not exceed 8m</li> </ul>	<ul> <li>Portions of unarticulated wall length are less than 8m due to the proposed alternating building materiality and paint colours,</li> </ul>	• Yes	Yes
3.3.3.4.5 Appearance of adjoining buildings	The appearance of adjoining buildings should be varied	<ul> <li>Adjoining townhouses are not sufficiently articulated to create a varied façade design.</li> <li><u>Comment:</u></li> <li>Both townhouse blocks proposed fail to offer articulation differences to clearly identify each townhouse as its own address. The blocks appear as one homogenous building when viewed from either frontage, and offer limited effort in elements of difference.</li> <li>Elements repeat throughout the elevation, including garage door appearance, roof forms, window placements and balcony elements.</li> </ul>	• No	No
3.3.3.5.2 Solar Access	<ul> <li>Sunlight min 3 hrs/day in living, dining, family rooms and 50% of principle Open Space areas. Received by 70% of dwellings.</li> <li>Sunlight retained to existing neighbours.</li> </ul>	<ul> <li>Unit 1 and 2 fail to achieve minimum solar access to either internal living areas or external private open space.</li> <li>Units 3 and 4 will not achieve minimum solar access to external private open space.</li> </ul>	• No	Νο

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
		<ul> <li>Sunlight to ground floor units of 202</li> <li>Blackwall Road is likely to be impacted by the proposed development.</li> </ul>		
		<u>Comment:</u>		
		Solar diagrams provided indicate a self shading of Unit's 1 and 2 living and private open space from unit's 3,4, and 5.		
		Further, it appears Unit's 1 and 2 and 5 cause solar access to the private open space of unit 3 and 4 to be compromised.		
		The development is massed in a manner that prohibits solar access to units on the southern portion of the site.		
		In regard to adjoining dwellings, ground floor units of 202 Blackwall Road are likely to be impacted by the proposed development. Elevational solar diagrams were requested from the applicant, however they have not been forthcoming.		
3.3.3.5.3 Site Planning	<ul> <li>Site planning to provide for reasonable privacy for existing &amp; proposed dwellings.</li> <li>For two storey buildings: provide 9m between adjacent dwellings,</li> <li>If screening is provided these</li> </ul>	<ul> <li>Reasonable privacy is achieved on ground level.</li> <li>6m minimum separation distance between bedrooms at the second floor between Unit 2 and 3, and 8m between unit 1 and 4.</li> </ul>	• Yes • No	No

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
	distances can be lessened.	<ul> <li>9m to the existing residential development to the south is provided.</li> </ul>	• Yes	
3.3.3.5.4 Natural cross ventilation	<ul> <li>Min 60% of dwellings must have suitable floor plans for cross ventilation.</li> </ul>	<ul> <li>100% of townhouses provide for cross ventilation.</li> </ul>	• Yes	Yes
3.3.3.5.5 Open Space	<ul> <li>Private open space all dwellings - min area 50m<sup>2</sup></li> <li>Min width 5m x 5m</li> <li>Min dimension is 3.5m</li> <li>1 tree and landscaping per POS</li> <li>All should have one sunny spot, be located adjacent to a living space &amp; a space for clothes drying</li> </ul>	<ul> <li>All dwellings townhouses have 50m<sup>2</sup> or more private open space.</li> <li>Each courtyard provides 5m x 5m or more.</li> <li>No private courtyard indicates inclusion of 1 or more trees.</li> <li>As per solar access comments, Unit's 1, 2, 3 and 4 private courtyard have insufficient space for solar access and clothes drying. They self shade and are not considered high quality spaces.</li> </ul>	<ul> <li>Yes</li> <li>Yes</li> <li>No</li> <li>No</li> </ul>	No
3.3.4.1 Housing Choice	<ul> <li>Provide a variety of dwelling types</li> <li>No more than one third of dwellings should be the same type</li> </ul>	<ul> <li>Four Four-bedroom and two three- bedroom dwellings are proposed.</li> <li><u>Comment:</u></li> <li>Two thirds of the dwellings proposed are four-bedroom.</li> <li>Whilst technically non- compliant, the proposed dwelling types are considered suitable for the location.</li> </ul>	• No	Yes
3.3.4.2 Residential Address	<ul> <li>Provide a traditional street address - Front doors, windows, patios etc facing street</li> </ul>	<ul> <li>All dwellings have front doors and suitable windows facing the street.</li> </ul>	• Yes • No	Νο

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
	<ul> <li>Dwellings with private open space at ground level have private entrance</li> <li>Garages are not located on street frontage</li> <li>Solid fences to a height of 1.2m, and partially transparent screening above that for fences that face public/communal areas.</li> </ul>	<ul> <li>All dwellings propose garage doors on the street frontage</li> <li>Timber slat fences within front setbacks proposed.</li> <li><u>Comment:</u></li> <li>The proposed townhouse development locates all garage doors facing street frontages. The inclusion of garages as proposed requires double width driveways, further degrading the residential address available to a development on the subject land.</li> </ul>	• Yes • Yes • Yes • Yes	
3.3.4.3 Facades	<ul> <li>Divide facade into "panels"</li> <li>Use gently-pitched roof elements</li> <li>roofs surrounded by wide eaves</li> <li>Balconies used to disguise expanses of flat exterior walls</li> <li>Light weight finishes incorporated</li> </ul>	<ul> <li>The facades are somewhat articulated to differentiate each unit.</li> <li>Appropriate use of eaves is provided.</li> <li>Balconies are provided for each unit, however the design and placement of each is underwhelming in terms of design and ability to help disguise expanses of flat exterior walls.</li> <li>Facades give the appearance of light weight construction</li> </ul>	<ul> <li>Yes</li> <li>Yes</li> <li>Yes</li> <li>Yes</li> </ul>	Yes

Clause	Required	Proposed	Compliance With Controls	Compliance With Objectives
		through two types of lightweight wall cladding with timber elements included to break the monotonous feeling of the form.		
3.3.4.4 Landscaped Areas	<ul> <li>Provide a landscape plan</li> <li>Site surrounded by canopy trees</li> <li>New trees to have mature heights of 8- 10m (similar height to building</li> <li>Continuous screen plantings to side and rear boundaries</li> <li>Front setback to include 2 canopy trees, side setback to include 1, rear setback to include 2</li> <li>Side and rear setbacks should include screen plantings</li> <li>Driveway flanked by landscaping</li> </ul>	<ul> <li>No updated landscape plan has been submitted.</li> <li>Site not surrounded by canopy trees – No space within side setbacks proposed to enable the provision of canopy trees beside buildings.</li> <li>Front and rear setbacks include screen planting with sporadic canopy tree inclusion. Only one rear private open space area has a tree indicated for inclusion.</li> <li>Driveways are not flanked by landscaping.</li> </ul>	• No	No
3.3.4.5.3 Garbage bin enclosures	• Not compromise urban design quality	<ul> <li>Waste storage is located either within fenced yards or within the garage.</li> <li>Council does not support the inclusion of bin enclosures within private garages as the lack of ventilation and useability often leads to the bins being placed permanently within the front setback.</li> </ul>	• No	Νο

Chapter 6 Environmental Controls

Development Control	Required	Proposed	Compliance	Compliance with objectives
6.1	Report required.	Nil	Capable of	Yes
Acid Sulfate			complying	
Soils		Comment:	via condition,	
		To be conditioned.	refer	
			condition	
			2.10	
6.3	Plans required.	Complies.	Yes	Yes
Erosion and				
Sediment				
Control				
6.4	Report may be	Site not identified as in a landslip	N/A	N/A
Geotechnical	required.	area.		
Requirements				
For				
Development				
Applications	Landesana alar	Comment:	No	No
6.6 Preservation	Landscape plan and arborist		Νο	Νο
of Trees or	report required.	The amended landscape indicates		
Vegetation	l'eport required.	the removal of four (4) trees. Two of		
vegetation		the trees are proposed for removal		
		as a result of driveway construction		
		and poor site planning.		
		and poor site planning.		
		On the development site, three (3)		
		trees are proposed for retention.		
		Additional planting is provided on-		
		site in the form of garden planting		
		is proposed, however the ability for		
		shade trees along both street		
		frontages and southern side		
		boundary and northern side		
		boundary are comprised through		
		the reduced setbacks proposed.		
		The reduced second storey side		
		setbacks would hinder the development of any tree capable of		
		growing to a height suitable for		
		shading the development.		
		Council's Tree Assessment Officer		
		supports the proposed tree removal		
		and recommends a greater rate of		
		tree replacement than that		
		indicated on plans, however		
		Council's Planner considers the		
		removal of tree 3 and 5 to be		
		unnecessary and required only due		
		to poor site planning.		

### Attachment 2

## Gosford DCP Compliance table

6.7	Minimise the	The proposal is inconsistent with	No	No	
Water Cycle	impact of the	Chapter 6.7 – Water Cycle			
Management	development on	Management in that to date no			
	the natural	adequate calculations for On Site			
	predevelopment	Stormwater Detention have been			
	water cycle.	supplied to Council.			

## Chapter 7 General Controls

Development Control	Required	Proposed	Compliance	Compliance with objectives
7.1 Car Parking	Residential Car Parking 1.5 spaces per dwelling: 9 spaces Visitor Spaces 0.2 spaces per dwelling: 3 spaces 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: * unrestricted on-street parking is safely available within 60m of the development fronting Burge Road, however no such parking is available on Blackwall Road.	No basement parking is proposed. Six individual single car garages are proposed, all fronting either Burge Road or Blackwall Road. Total proposed basement car parking fails to meet the requirements, with six single garages proposed, with no space for stacked parking available in front of any of the garages. Three carparks are proposed within the front setbacks of Unit's 2, 3, and 6 respectively, however these come at the expense of provision of base level parking required to service the unit lumbers proposed. <u>Residential Car Parking</u> • 1.5 spaces /per dwelling= 9 spaces required 6 single garages are proposed. Visitor Spaces/0.2 spaces per dwelling = 3 spaces required. 3 spaces are provided in front setbacks. Total required spaces (residential & visitor) is	Νο	Νο
	1			<u> </u>

Development Control	Required	Proposed	Compliance	Compliance with objectives
		twelve (12), however it is acceptable to minus two (2) of the visitor parking spaces from calculations as the Burge Road frontage has unrestricted on-street parking safely available within 60m of the development. Total on site parking required is therefore ten (10) spaces.		
7.1.4.2- Parking Spaces	• Single garage 3.2m x 6m	<ul> <li>Garages proposed range from 3.02m to 3.25m</li> <li>Council has requested modifications to the garage dimensions, however to date the applicant has not chosen to undertake the modifications.</li> </ul>	Νο	Νο

# **DEVELOPMENT APPLICATION**

PROJECT NAME: PROPOSED MULTI-DWELLING

CLIENT NAME: MR CHARLIE ZEAITER

PROJECT ADDRESS: 200 BLACKWALL ROAD & 259 BURGE RD. WOY WOY NSW 2256 | LOT 7 DP 9470 & LOT 6A DP 326825

### DEVELOPMENT CALCULATION:

= 1,307.9m<sup>2</sup> = 872.8m<sup>2</sup>

= 435.1m2

= 65+70+63+63+61+69 = 391m<sup>2</sup>

= 16.5 x 6 = 99m<sup>2</sup> = 81+84+82+82+70+82 = 481m<sup>2</sup>

= 35+35+30+34+35+26 = 195m<sup>2</sup>

(EXCL. GARAGES 99m2)

= 6.0m COMPLIES

= 6.0m COMPLIES

= < 10.5m

= AVERAGE 2m - 2.5m = AVERAGE 2m - 2.5m

=>50m3 min. COMPLIES

= 1 PER DWELLING

+4 VISITS (1 ON STREET) = 10 CAR SPACES

= 364+450+179 = 1067m<sup>2</sup> (0.81:1)

### CENTRAL COAST COUNCIL

TOTAL SITE AREA LOT 7 IN D.P.947 LOT 6A IN D.P.326825

### FLOOR AREA CALCULATION

PROPOSED GROUND FLOOR PROPOSE GARAGES PROPOSED FIRST FLOOR PROPOSED SECOND FLOOR TOTAL PROPOSED FLOOR AREA

#### SETBACKS

FRONT SETBACK SIDE SETBACK GROUND FLOOR SIDE SETBACK FIRST FLOOR REAR SETBACK

### HEIGHT RESTRICTION

HEIGHT RESTRICTION 11m MAX.

### PRIVATE OPEN SPACE

PRIVATE OPEN SPACE PRINCIPLE PRIVATE OPEN SPACE = 5 x 5m

### CARPARKING

COVERED SPACE PER UNIT

WATER COMMITMENTS - WATER TANK CAPACITY OF 2000 LITRES - 210m<sup>3</sup> ROOF AREA FOR RAINWATER COLLETION - RAINWATER TO BE CONNECTED TO ALL TOILETS, GARDEN TAPS FOR LAWN - SHOWER HEADS - 3 STARS >4.5 BUT <6L/min - TOILET FLUSHING SYSTEM - 3 STARS - KITCHEN TAPS - 3 STARS - BASIN TAPS - 3 STARS

### THERMAL COMFORT COMMITMENTS

BASIX COMMITMENTS:

CERTIFICATE NUMBER: 1076126M

- PROVIDE INSULATION OF R0.60 TO SUSPENDED FLOOR ABOVE ENCLOSED SUBFLOOR. - WALL INSULATION - BRICK VENEER R1.86 OR R2.40 INCLUDING CONSTRUCTION - PROVIDE CEILING/ ROOF INSULATION -CEILING R4 (UP) OR ROOF INSULATION WITH 75mm THICK REFLECTIVE FOIL BACKED BLANKET/ SARKING - GLAZING - ALUMINIUM FRAMED THERMALLY BROKEN DOUBLE GLAZED ARGON FILLED H-Tsol LOW-E CLEAR GLAZING AS PER BASIX

### ENERGY COMMITMENTS

HWS IS TO BE GAS INSTANTANEOUS WITH A 5 STARS PERFORMANCE - COOLING AND HEATING SYSTEM IS TO BE 1 PHASE AIRCONDITIONING WITH AN ENERGY RATING MIN>4 STARS - THE HEATING AND COOLING SYSTEM MUST PROVIDE FOR DAY/NIGHT ZONING. - KITCHEN AND LAUNDRY FANM ARE TO BE DUCTED TO FACADE OR ROOF AND INTERLOCKED TO LIGHT - BATHROOM FANS ARE TO BE DUCTED TO FACADE OR ROOF WITH MANUAL ON/OFF SWITCH. - LIGHTING - PRIMARY TYPE OF ARTIFICIAL LIGHTING MUST BE FLOURESCENT OR LIGHT EMITTING DIODE (LED) IN ALL ROOMS. - MUST CONSTRUCT EACH REFRIGERATOR SPACE WITH "WELL VENTILATED" AS PER BASIX

NOTE: ABOVE SPEC & DRAWINGS TO BE READ IN CONJUNCTIONS WITH BASIX CERTIFICATE/ REPORT.

DRAWING LIST						
SHEET NUMBER	SHEET NAME	DRAWN BY	CHECKED BY	CURRENT REVISION DATE	CURRENT REVISION	
A0000	COVER SHEET & DEVELOPMENT CALCULATIONS	SP	HC	26.02.20	A	
A0001	EXISTING SITE & DEMOLITION PLAN	SP	HC	26.02.20	A	
A0002	PROPOSED CUT & FILL, WASTE & SITE MANAGEMENT PLAN	SP	HC	26.02.20	A	
A0003	PROPOSED SITE PLAN	SP	HC	26.02.20	A	
A0004	PROPOSED SITE ANALYSIS	SP	HC	26.02.20	A	
A0005	PROPOSED CONCEPT STRATA PLAN	SP	HC	26.02.20	A	
A0006	SHADOW DIAGRAMS - WINTER SOLSTICE	SP	HC	26.02.20	A	
A0007	SHADOW DIAGRAMS - WINTER SOLSTICE 1	AL	HC	26.02.20	A	
A0008	SHADOW DIAGRAMS - WINTER SOLSTICE 2	AL	нс	26.02.20	A	
A0009	SHADOW DIAGRAMS - WINTER SOLSTICE 3	AL.	HC	26.02.20	A	
A1101	PROPOSED GROUND FLOOR PLAN	SP	HC	26.02.20	A	
A1102	PROPOSED FIRST FLOOR PLAN	SP	HC	26.02.20	A	
A1103	PROPOSED SECOND FLOOR PLAN	SP	HC	26.02.20	A	
A1104	PROPOSED ROOF PLAN	SP	нс	26.02.20	A	
A2001	ELEVATIONS 01	SP	HC	26.02.20	A	
A2002	ELEVATIONS 2	SP	HC	26.02.20	A	
A2003	STREETSCAPE ELEVATION 01	SP	нс	26.02.20	A	
A3001	SECTIONS 01	SP	HC	26.02.20	A	
A3002	SECTIONS 02	SP	HC	26.02.20	A	
A3003	LONGITUDINAL DRIVEWAY SECTION 01	SP	нс	26.02.20	A	
A3004	LONGITUDINAL DRIVEWAY SECTION 02	SP	HC	26.02.20	A	
A7001	PERSPECTIVES 01 & FINISHES SCHEDULE	SP	нс	26.02.20	A	
A7002	PERSPECTIVES 02	SP	нс	26.02.20	A	
A7003	PERSPECTIVES 03	SP	нс	26.02.20	A	
A9001	WINDOW & DOOR SCHEDULE	SP	нс	26.02.20	A	

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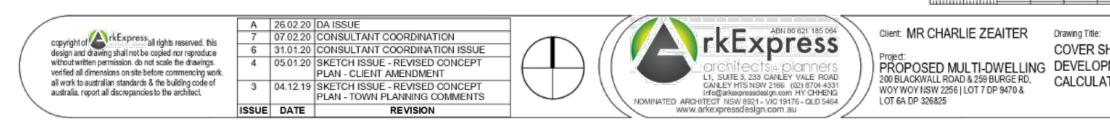
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LOCATION PLAN

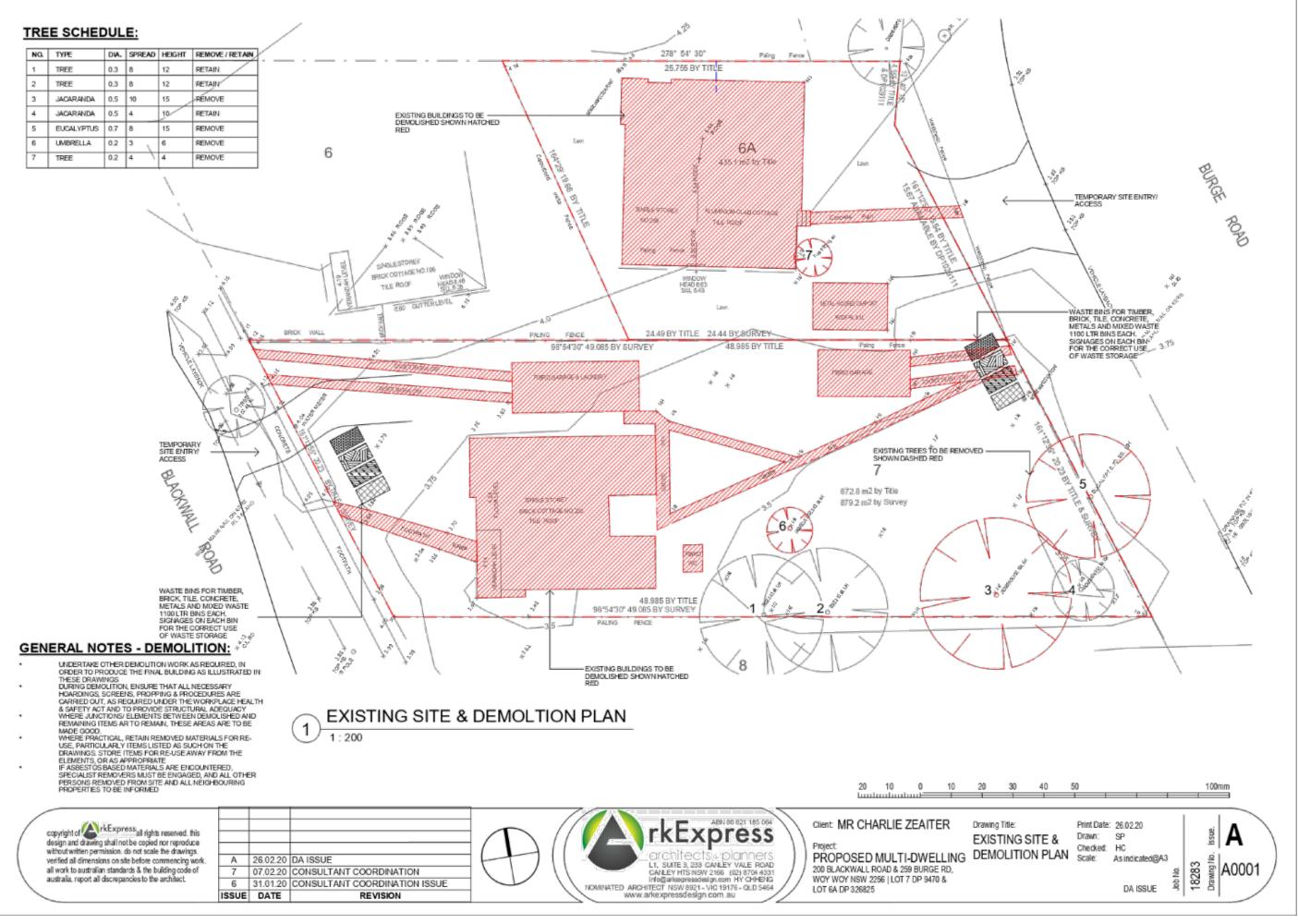
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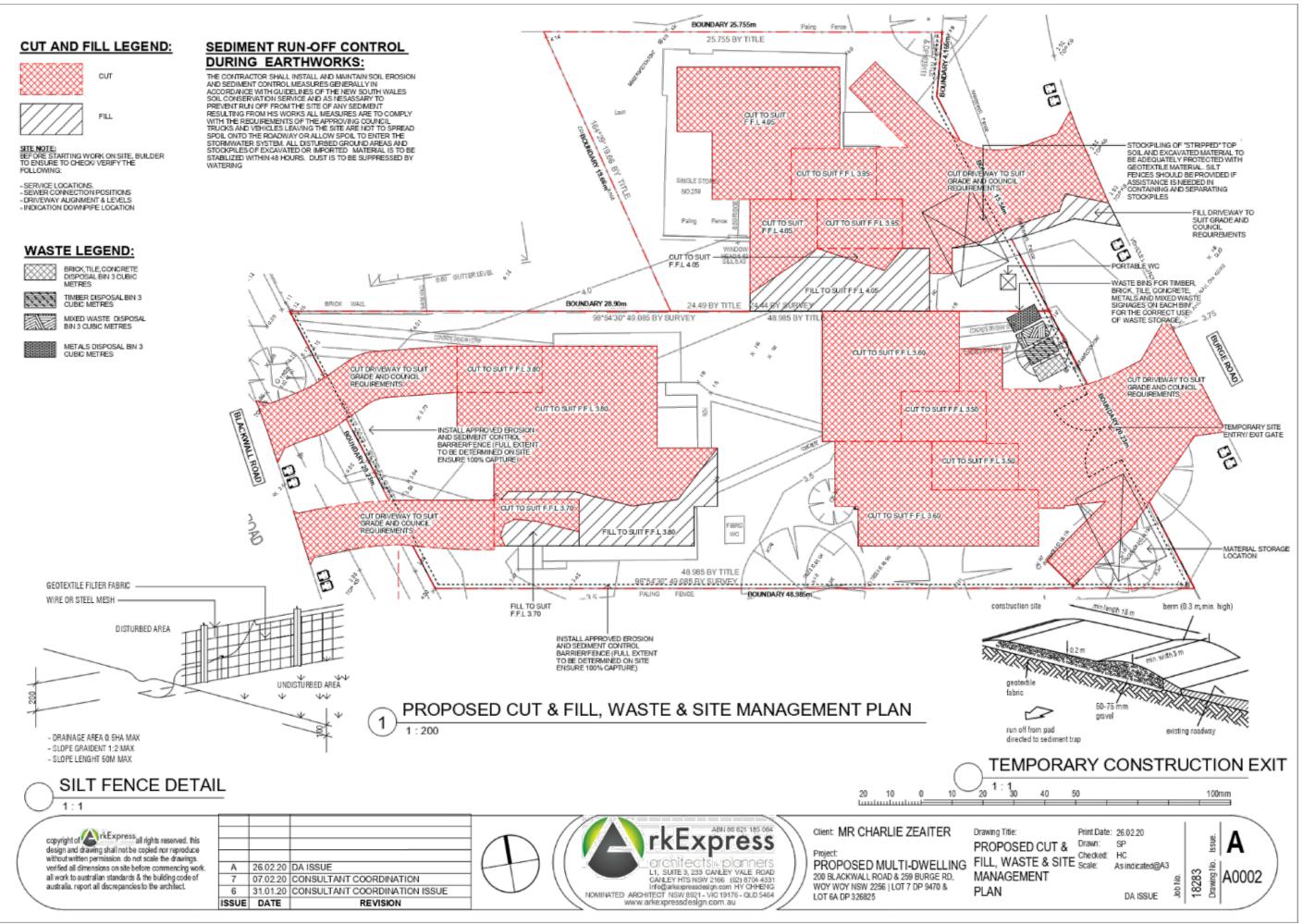


- 467 -



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#### DEVELOPMENT CALCULATION:

#### CENTRAL COAST COUNCIL

### TOTAL SITE AREA LOT 7 IN D.P.9470 LOT 6A IN D.P.326825

#### FLOOR AREA CALCULATION

### PROPOSED GROUND FLOOR PROPOSE GARAGES PROPOSED FIRST FLOOR PROPOSED SECOND FLOOR TOTAL PROPOSED FLOOR AREA

#### SETBACKS

FRONT SETBACK SIDE SETBACK GROUND FLOOR SIDE SETBACK FIRST FLOOR REAR SETBACK

#### HEIGHT RESTRICTION

HEIGHT RESTRICTION 11m MAX.

#### PRIVATE OPEN SPACE

PRIVATE OPEN SPACE PRINCIPLE PRIVATE OPEN SPACE = 5 x 5m

#### CARPARKING

NO.

2

3

4

5

TYPE

TREE

TREE

JACARANDA

JACARANDA

**EUCALYPTUS** 

0.2

UMBRELLA

TREE

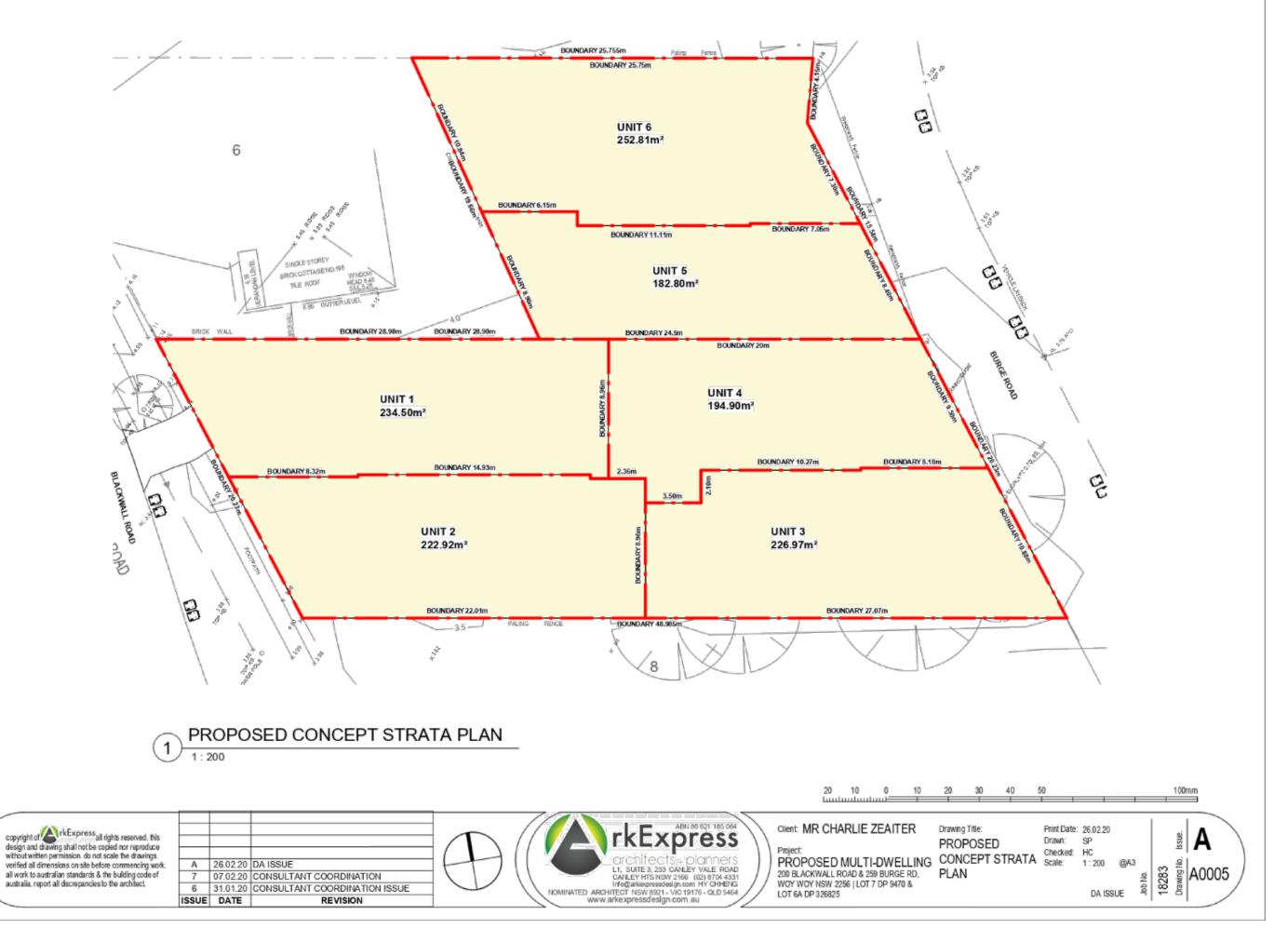
COVERED SPACE PER UNIT



SUE	DATE	REVISION
		PLAN - CLIENT AMENDMENT
4	05.01.20	SKETCH ISSUE - REVISED CONCEPT
5	17.01.20	SKETCH ISSUE - ELEVATION DESIGN
6	31.01.20	CONSULTANT COORDINATION ISSUE
7	07.02.20	CONSULTANT COORDINATION
A	26.02.20	DA ISSUE

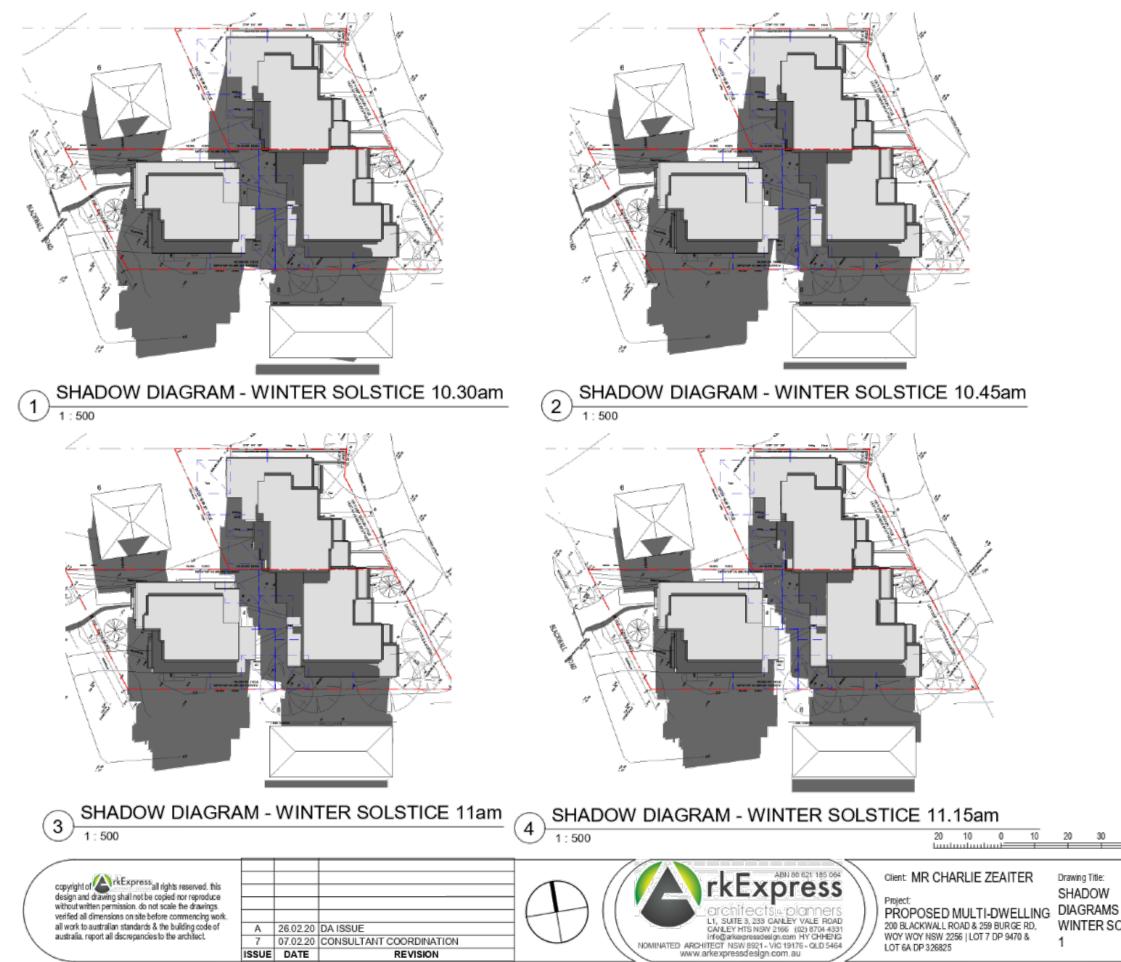








**Original Lodged Plans** 



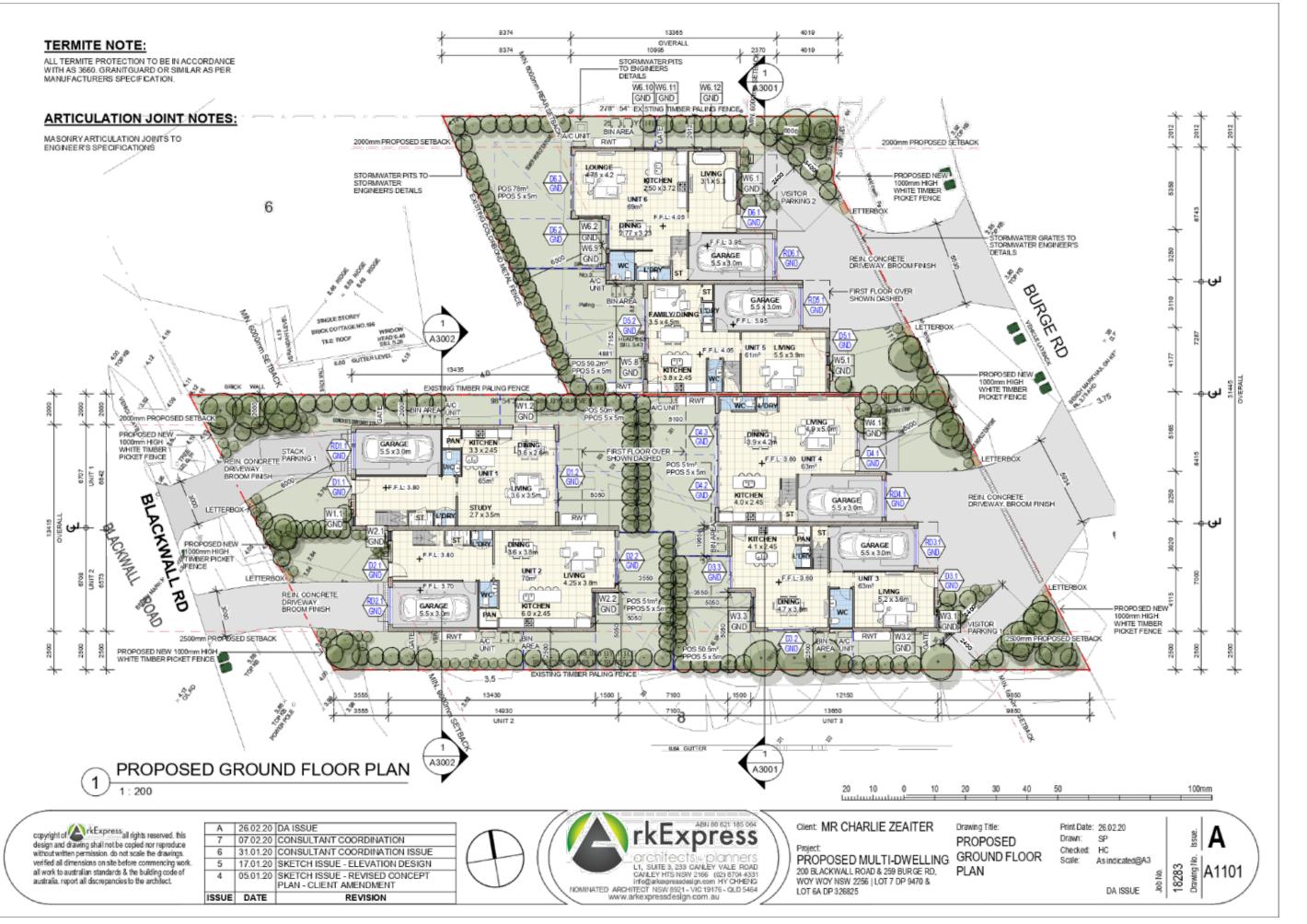
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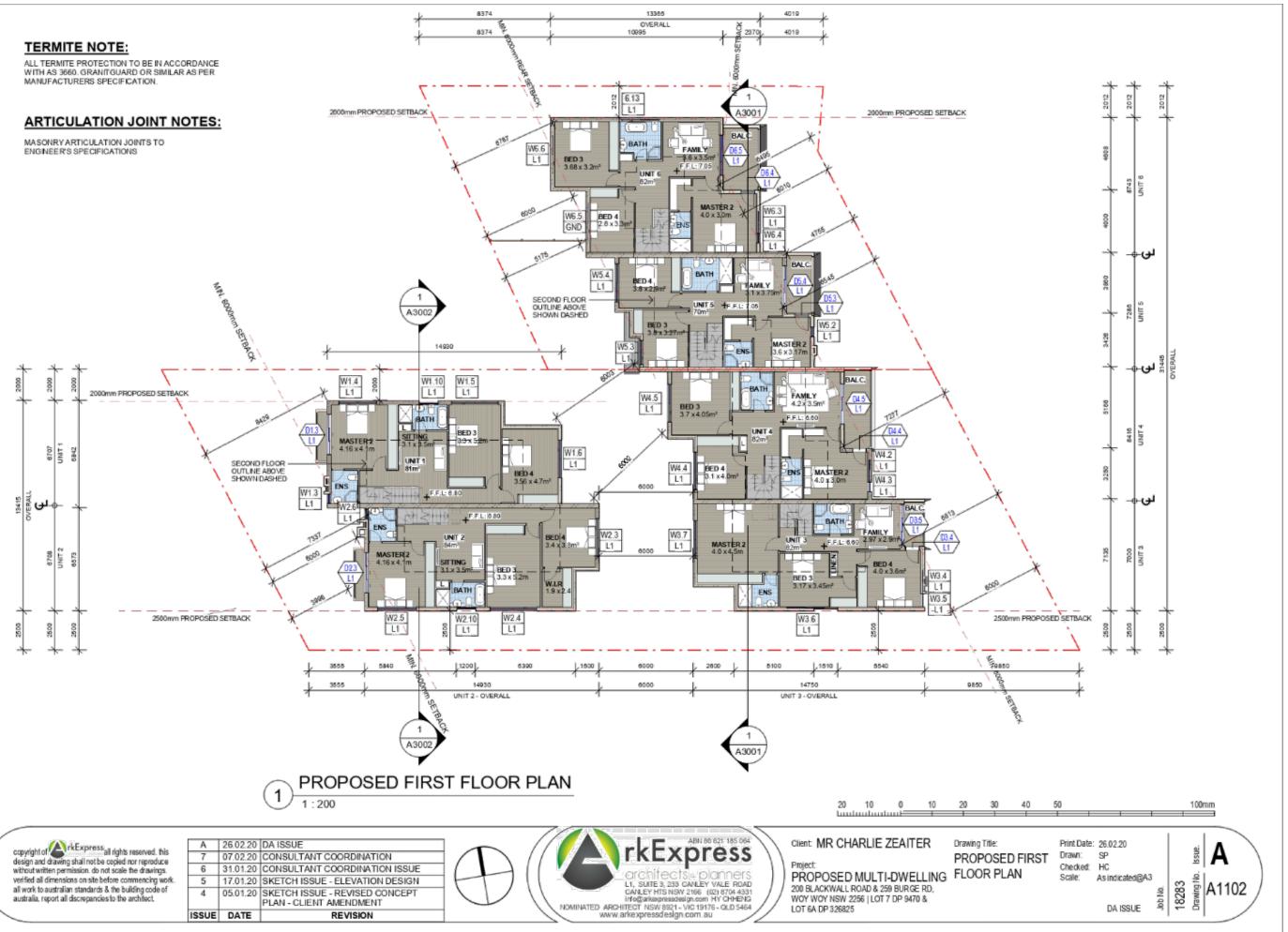


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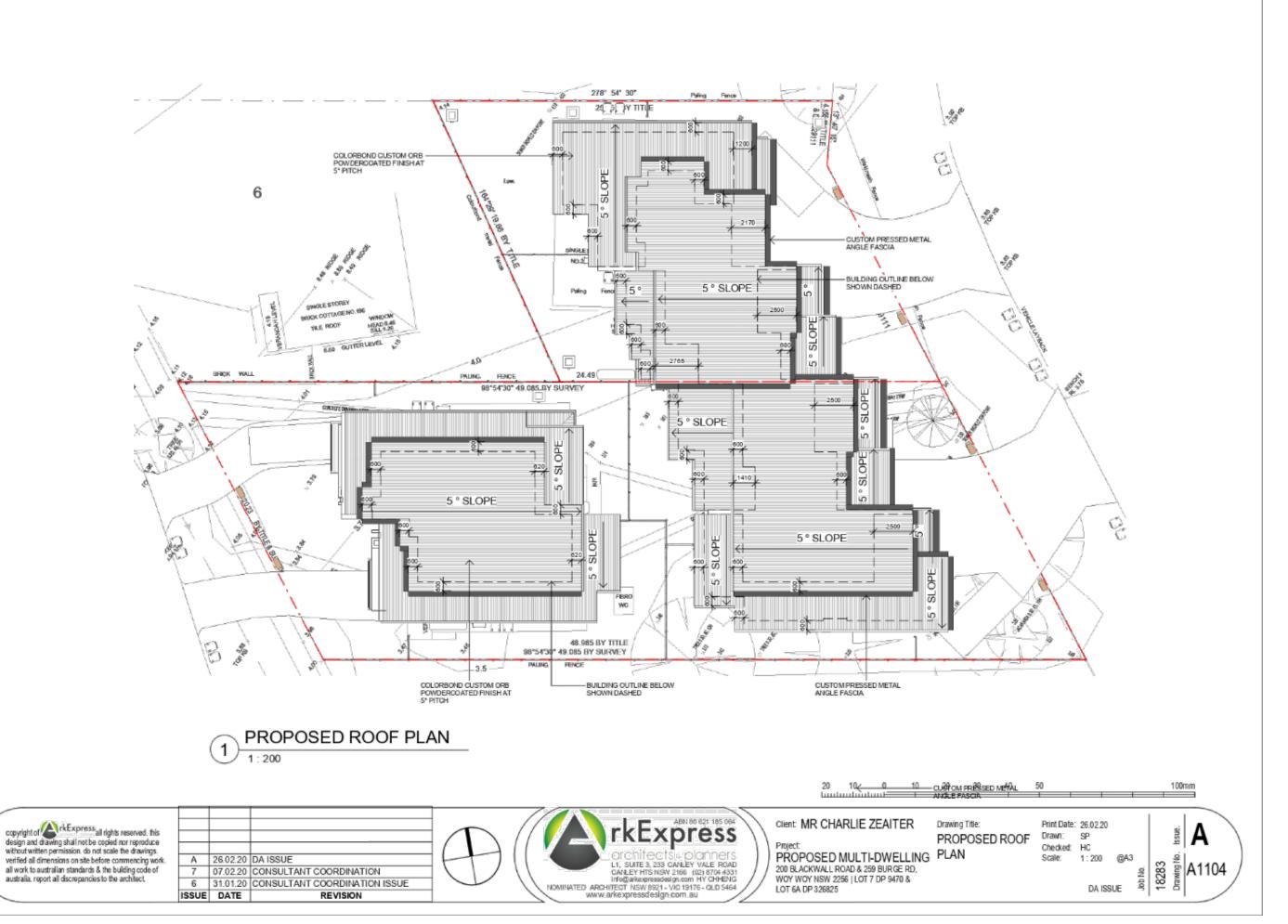


**Original Lodged Plans** 

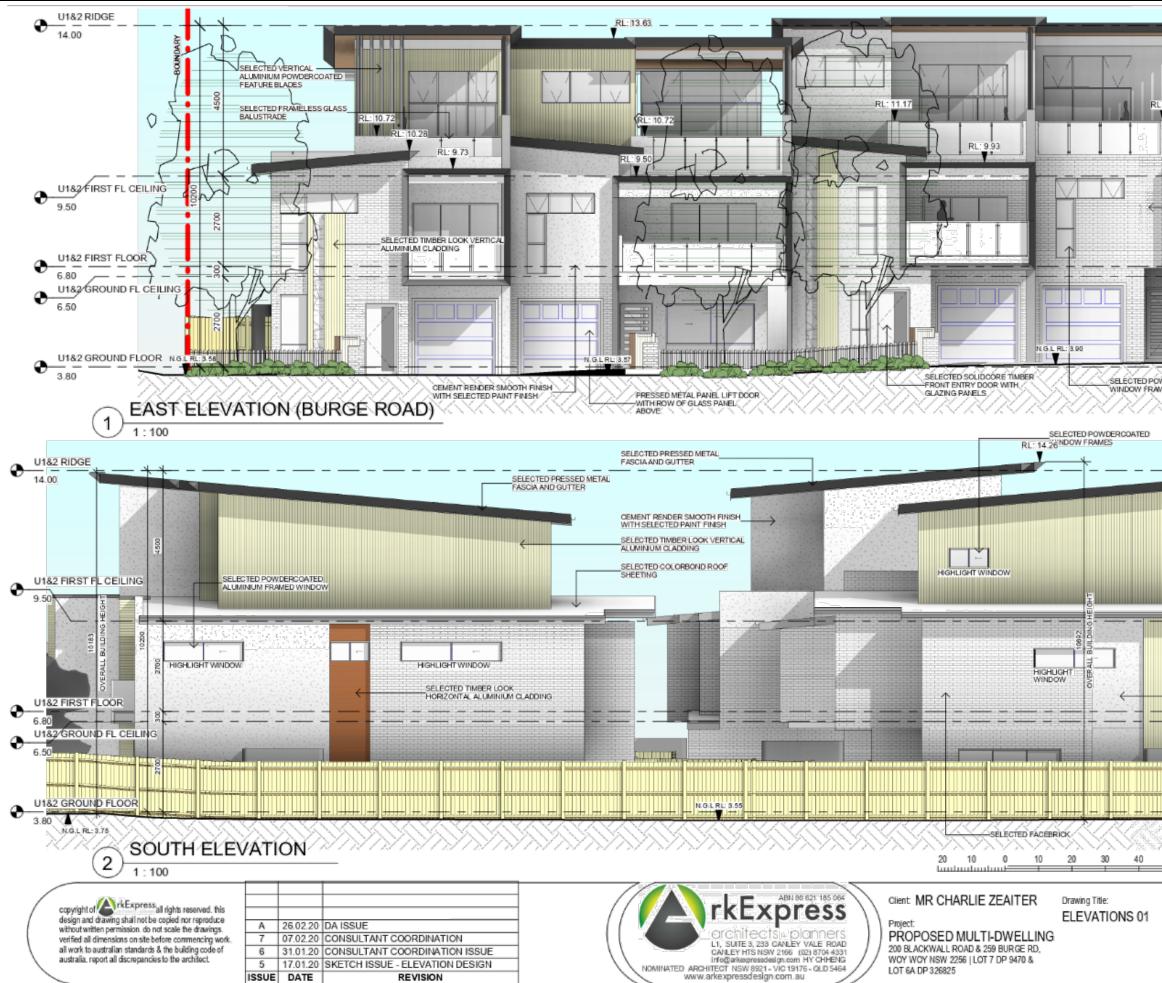




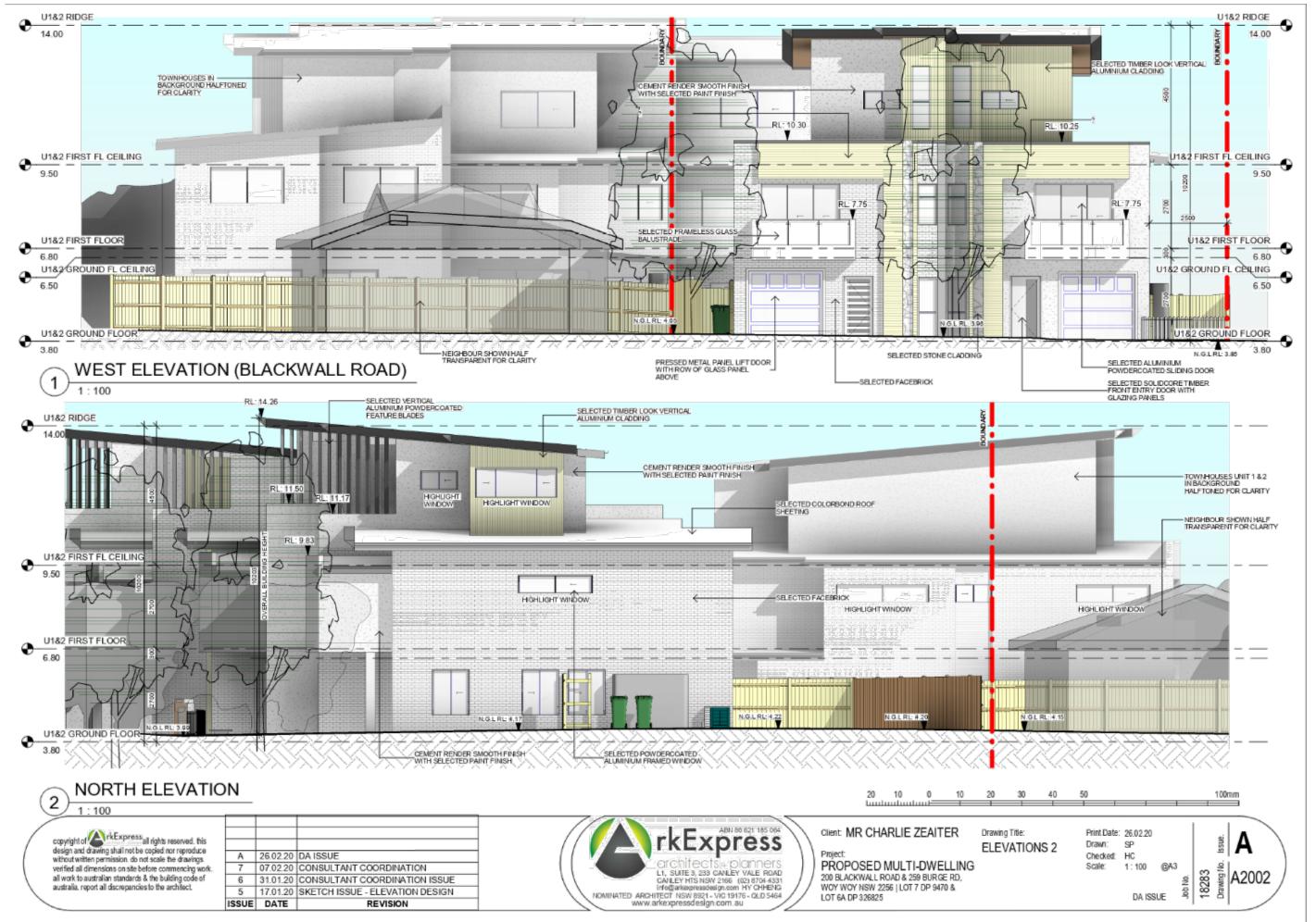




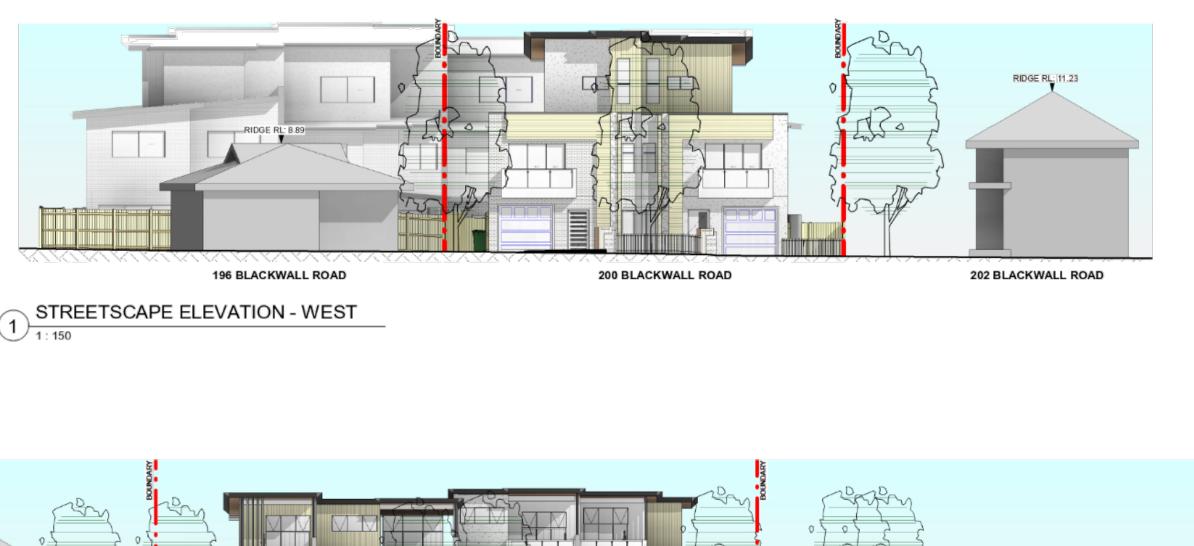




Original Lodged Plans SELECTED TIMBER LOOK VE 0 SELECTED PRESSED METAL FASCIA AND GUTTER RL: 11.17 10.32 RL: 9.83 CTED FACEBRICK **CODETINE** N.G.L.RL: 4.01 SELECTED TIMBER PICKET FINISH. SELECTED POWDERCOATED WINDOW FRAMES SELECTED PRIVACY VERTICAL ALUMINIUM POWDERCOATED FEATURE BLADES SELECTED TIMBER LOOK VERTICAL CEMENT RENDER SMOOTH FINISH WITH SELECTED PAINT FINISH NGLRL 3.64 EXISTING TIMBER PALING FENCE TO REMAIN 50 100mm Print Date: 26.02.20 Α ssue Drawn: SP Checked: HC 19283 19282 19283 Scale 1:100 @A3 đ DA ISSUE

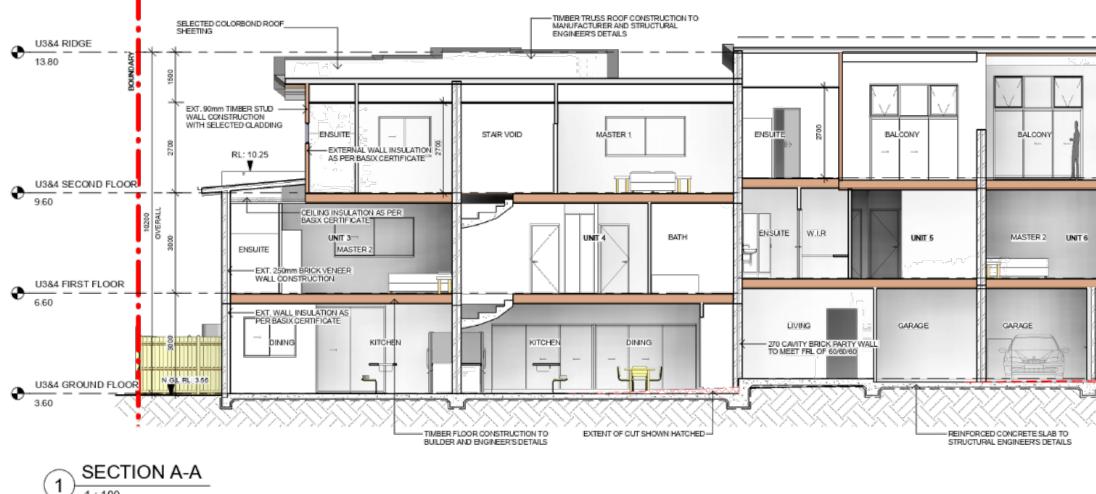


Original Lodged Plans

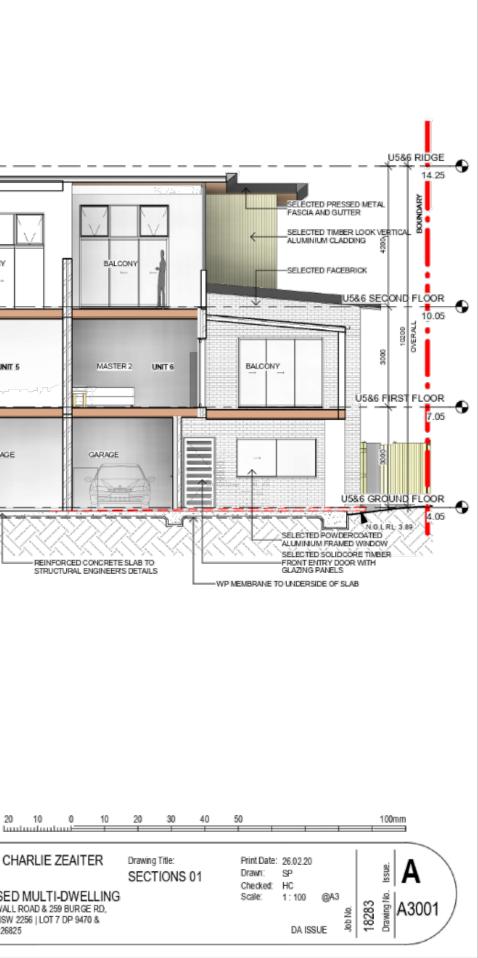


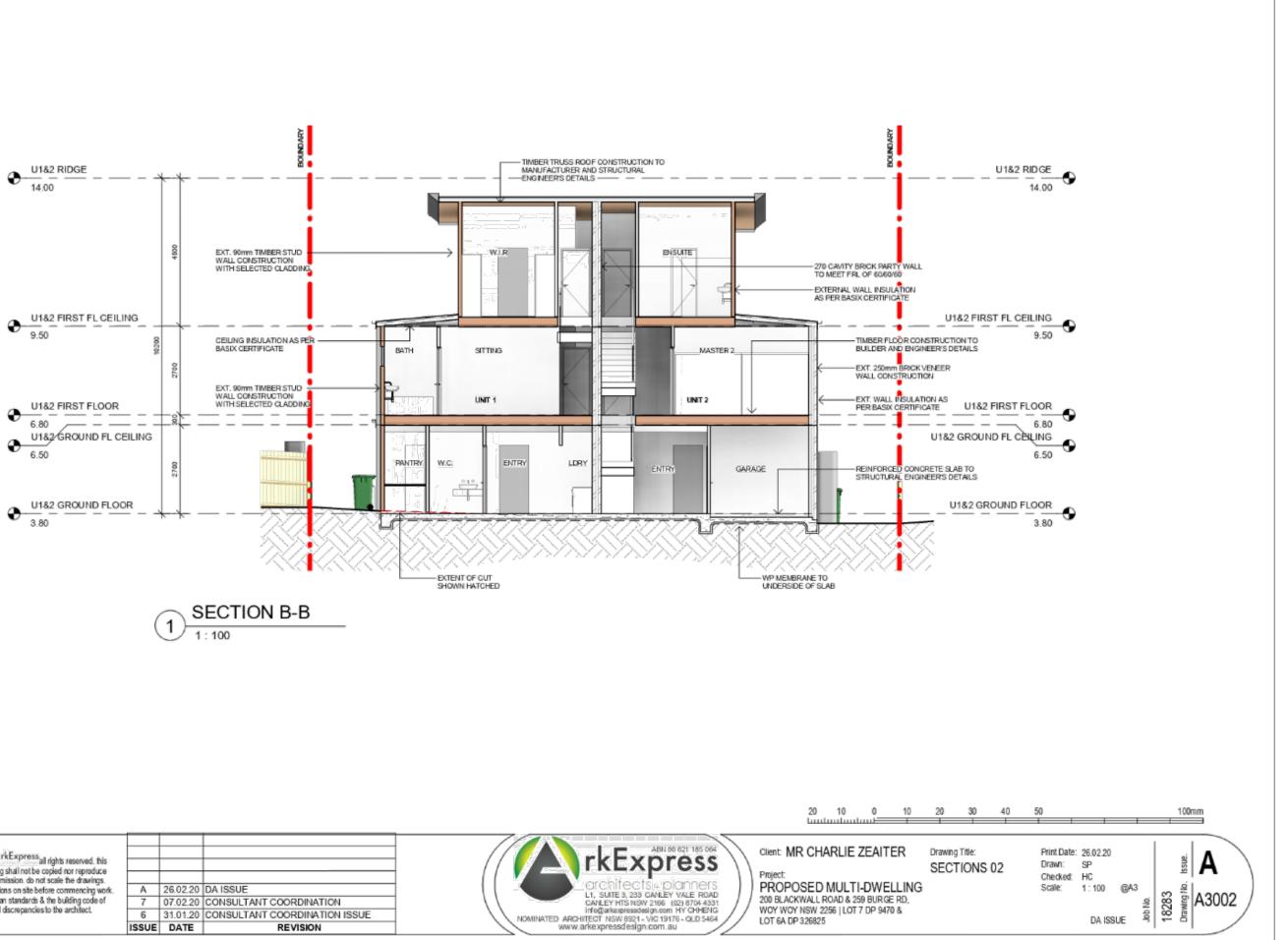


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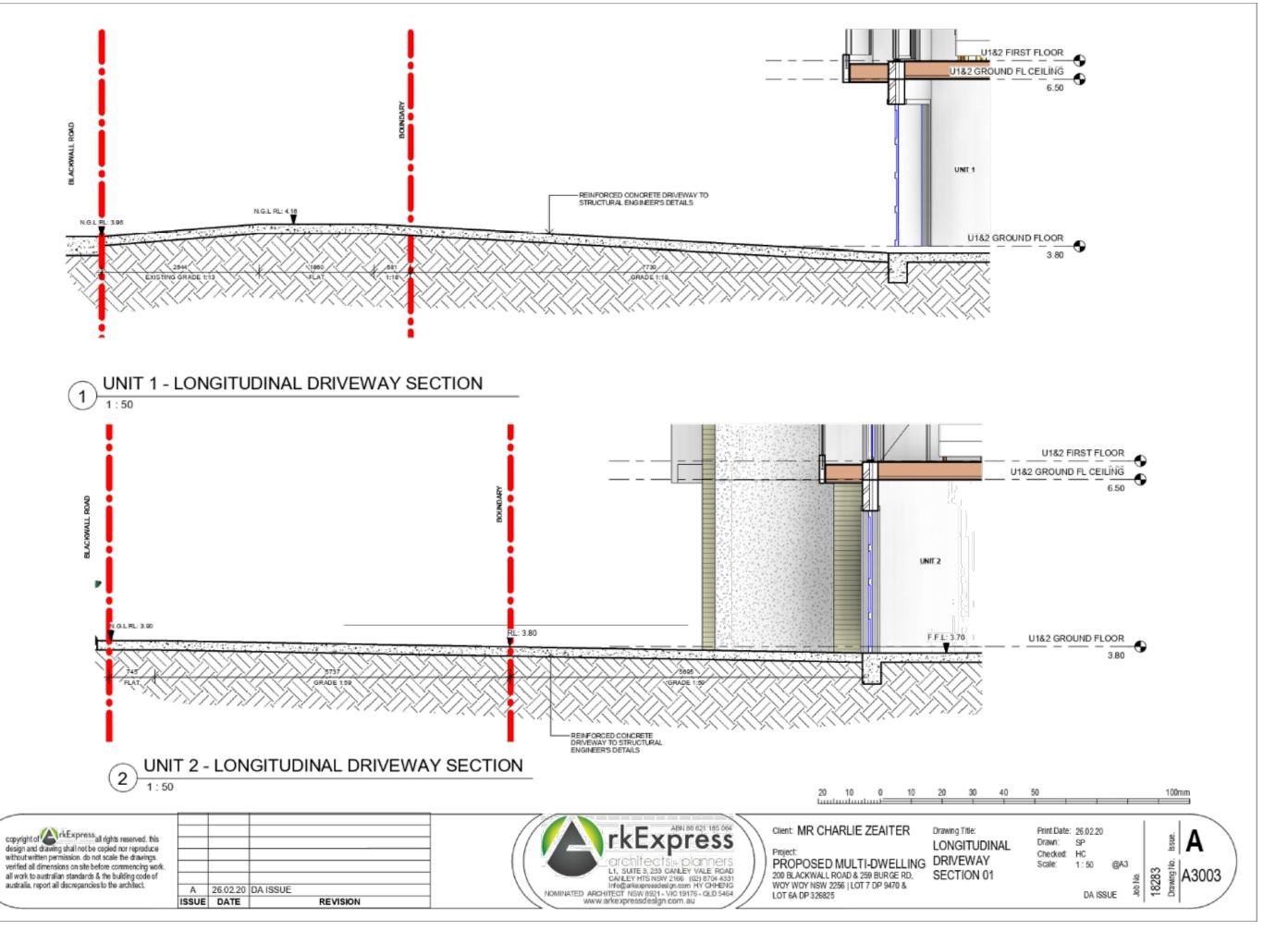


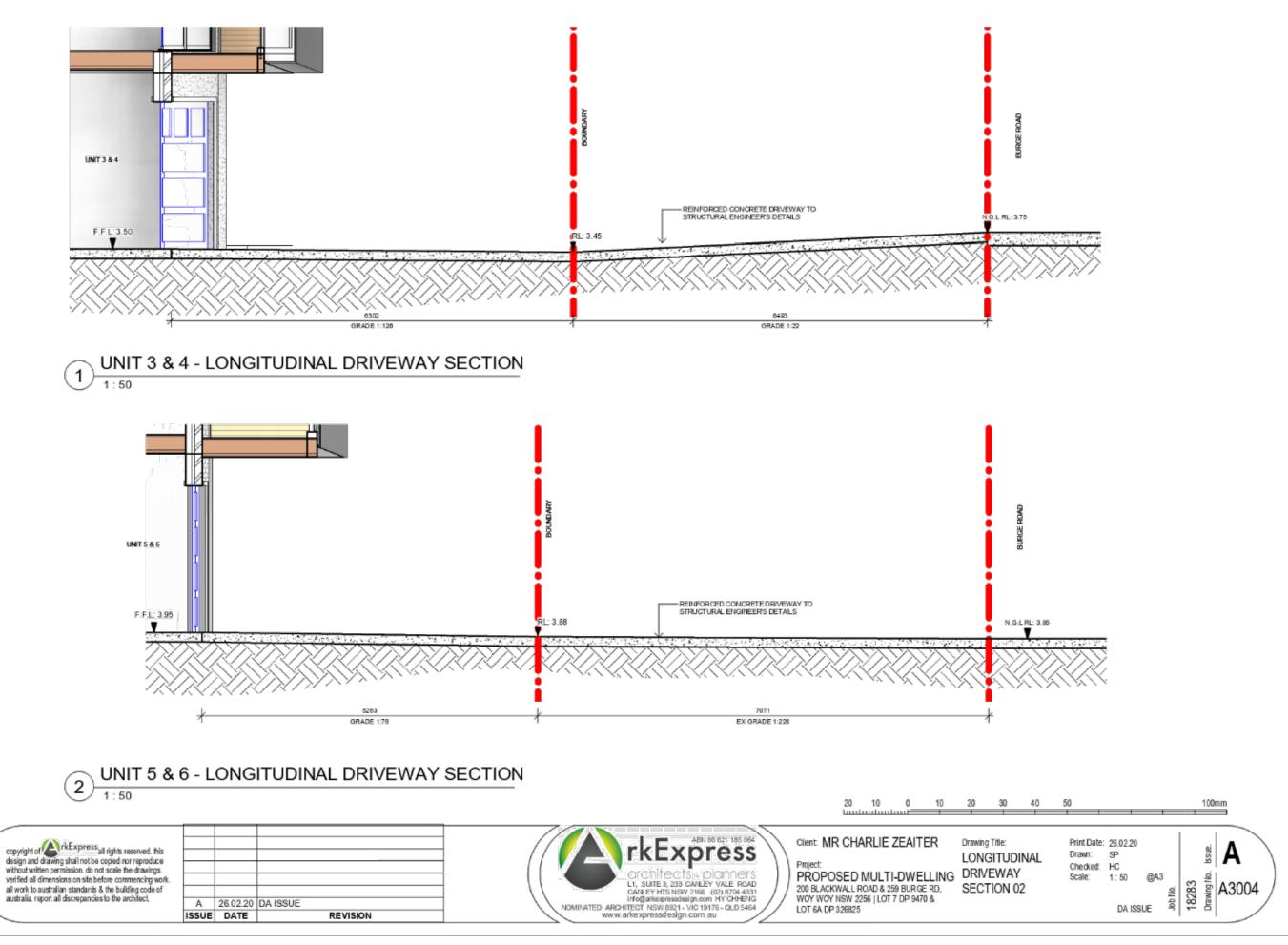
copyright of rkExpressall rights reserved. this design and drawing shall not be coded nor reproduce					Drawing Title:
without written permission, do not scale the drawings.				Project:	
verified all dimensions on site before commencing work.	A	26.02.20	DA ISSUE		
all work to australian standards & the building code of	7	07.02.20	CONSULTANT COORDINATION	GANLEY HTS NSW 2166 (02) 8704 4331 / 200 BLACKWALL ROAD & 259 BURGE RD,	
australia. report all discrepancies to the architect.	6	31.01.20	CONSULTANT COORDINATION ISSUE	Info@arkexpressdealgn.com HY CHHENG WOY WOY NSW 2256   LOT 7 DP 9470 & NOMINATED ARCHITECT NSW 8921- VIC 19176 - OLD 5464 LOT 6A DP 326825	
	ISSUE	DATE	REVISION	www.arkexpressdesign.com.au	

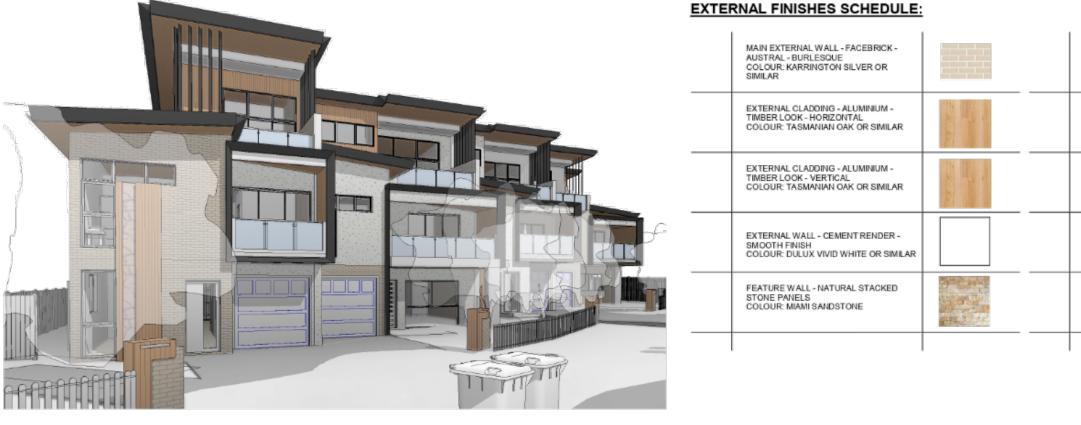












# **BURGE ROAD PERSPECTIVE 01** 1



kExpress Client: MR CHARLIE ZEAITER copyright of RExpress all rights reserved, this design and drawing shall not be copied nor reproduce without written permission, do not scale the drawings. Project: A 26.02.20 DA ISSUE PROPOSED MULTI-DWELLING & FINISHES chitect + planners 7 07.02.20 CONSULTANT COORDINATION verified all dimensions on site before commencing work all work to australian standards & the building code of LI, SUITE 3, 239 CANLEY VALE ROAD CANLEY HTS NSW 2166 (02) 8704 4331 Info@arkexpressdesign.com HY CHFENG NOMINATED ARCHITECT NSW 9321- VIC 19176- CLD 5464 www.arkexpressdesign.com.au 200 BLACKWALL ROAD & 259 BURGE RD, 6 31.01.20 CONSULTANT COORDINATION ISSUE australia. report all discrepancies to the architect. WOY WOY NSW 2256 | LOT 7 DP 9470 & 5 17.01.20 SKETCH ISSUE - ELEVATION DESIGN LOT 6A DP 326825 ISSUE DATE REVISION

2



Drawing Title:



1





2 BLACKWALL ROAD PERSPECTIVE 02

20 10 0 10 20

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ISSUE	DATE	REVISION
5	17.01.20	SKETCH ISSUE - ELEVATION DESIGN
6	31.01.20	CONSULTANT COORDINATION ISSUE
7	07.02.20	CONSULTANT COORDINATION
A	26.02.20	DA ISSUE





		1	1		1		
MARK	LEVEL	LOCATION	HEIGHT	WIDTH	FRAME	WINDOW TYPE	ADDITIONAL INFO
N1.1	U1&2 GROUND FLOOR	ENTRY	2040	610	ALUMINIUM	DOUBLE HUNG	
W1.2	U1&2 GROUND FLOOR	DINING	2100	2650	ALUMINIUM	SLIDING	
N1.3	U1&2 FIRST FLOOR	ENSUITE	1335	610	ALUMINIUM	DOUBLE HUNG	OBSCURE
N1.4	U1&2 FIRST FLOOR	MASTER 2	600	2410	ALUMINIUM	SLIDING	
N1.5	U1&2 FIRST FLOOR	BED 3	600	3010	ALUMINIUM	SLIDING	
W1.6	U1&2 FIRST FLOOR	BED 4	600	2410	ALUMINIUM	SLIDING	
N1.7	U1&2 SECOND FLOOR	MASTER 1	1200	2410	ALUMINIUM	SLIDING	
N1.8	U1&2 SECOND FLOOR	STAIRS	2040	610	ALUMINIUM	DOUBLE HUNG	
N1.9	U1&2 SECOND FLOOR	ENSUITE	600	1200	ALUMINIUM	SLIDING	OBSCURE
N1.10	U1&2 FIRST FLOOR	BATH	600	1200	ALUMINIUM	SLIDING	OBSCURE
N2.1	U1&2 GROUND FLOOR	ENTRY	2040	610	ALUMINIUM	DOUBLE HUNG	
N2.2	U1&2 GROUND FLOOR	KITCHEN	1200	1570	ALUMINIUM	SLIDING	
N2.3	U1&2 FIRST FLOOR	BED 4	600	2410	ALUMINIUM	SLIDING	
N2.4	U1&2 FIRST FLOOR	BED 3	600	3010	ALUMINIUM	SLIDING	
N2.5	U1&2 FIRST FLOOR	MASTER 2	600	2410	ALUMINIUM	SLIDING	
N2.6	U1&2 FIRST FLOOR	ENSUITE	1335	610	ALUMINIUM	DOUBLE HUNG	OBSCURE
W2.7	U1&2 SECOND FLOOR	MASTER 1	1200	2410	ALUMINIUM	SLIDING	
N2.8	U1&2 SECOND FLOOR	ENSUITE	600	1200	ALUMINIUM	SLIDING	OBSCURE
N2.9	U5&6 SECOND FLOOR	STAIRS	2040	610	ALUMINIUM	DOUBLE HUNG	
W2.10	U1&2 FIRST FLOOR	BATH	600	1200	ALUMINIUM	SLIDING	OBSCURE
N3.1	U3&4 GROUND FLOOR	LIVING	2400	850	ALUMINIUM	DOUBLE HUNG	
N3.2	U1&2 GROUND FLOOR	LIVING	1200	1570	ALUMINIUM	SLIDING	
W3.3	U1&2 GROUND FLOOR	DINING	1200	1570	ALUMINIUM	SLIDING	
N3.4	U384 FIRST FLOOR	BED 4	610	2350	ALUMINIUM	SLIDING	
W3.5	U3&4 FIRST FLOOR	BED 4	1790	850	ALUMINIUM	DOUBLE HUNG	
W3.6	U3&4 FIRST FLOOR	BED 3	600	2410	ALUMINIUM	SLIDING	
W3.7	U1&2 FIRST FLOOR	MASTER 2	1200	2410	ALUMINIUM	SLIDING	
W3.8	U586 SECOND FLOOR	MASTER 1	950	2650	ALUMINIUM	SLIDING	00001000
W3.9	U3&4 SECOND FLOOR	ENSUITE	600	1200	ALUMINIUM	SLIDING	OBSCURE
W3.10	U1&2 SECOND FLOOR	RETREAT	1200	1570	ALUMINIUM	SLIDING	
W4.1	U3&4 GROUND FLOOR	LIVING	2100	2650	ALUMINIUM	SLIDING	
W4.2	U3&4 FIRST FLOOR	MASTER 2	610	2050	ALUMINIUM	SLIDING	
W4.3	U5&6 FIRST FLOOR	MASTER 2	1790	610	ALUMINIUM	DOUBLE HUNG	
W4.4 W4.5	U3&4 FIRST FLOOR U3&4 FIRST FLOOR	BED 4	1200	2410 2410	ALUMINIUM	SLIDING	
W4.5	U5&6 SECOND FLOOR	BED 3	950	3610	ALUMINIUM	SLIDING	
W4.6	U5&6 SECOND FLOOR	MASTER 1 ENSUITE	950	2650	ALUMINIUM	SLIDING	OBSCURE
W4.7	U1&2 SECOND FLOOR	MASTER 1	1200	2630	ALUMINIUM	SLIDING	OBSCORE
W5.1	U182 GROUND FLOOR	LIVING	2040	610	ALUMINIUM	DOUBLE HUNG	
W5.2	U586 FIRST FLOOR	MASTER 2	2040	610	ALUMINIUM	DOUBLE HUNG	
W5.3	U182 FIRST FLOOR	BED 3	1200	1570	ALUMINIUM	SLIDING	
W5.4	U182 FIRST FLOOR	BED 4	1200	2410	ALUMINIUM	SLIDING	
N5.5	U586 SECOND FLOOR	MASTER 1	950	2650	ALUMINIUM	SLIDING	
W5.6	U182 SECOND FLOOR	MASTER 1	1200	2410	ALUMINIUM	SLIDING	
W5.7	U586 SECOND FLOOR	ENSUITE	950	2650	ALUMINIUM	SLIDING	OBSCURE
N5.8	U1&2 GROUND FLOOR	KITCHEN	1500	1200	ALUMINIUM	SLIDING	
W6.1	U586 GROUND FLOOR	LIVING	1200	2410	ALUMINIUM	SLIDING	
N6.2	U182 GROUND FLOOR	DINING	1200	1570	ALUMINIUM	SLIDING	1
N6.3	U586 FIRST FLOOR	MASTER 2	610	2050	ALUMINIUM	SLIDING	
N6.4	U586 FIRST FLOOR	MASTER 2	1790	610	ALUMINIUM	DOUBLE HUNG	
N6.5	U586 FIRST FLOOR	BED 4	1200	2410	ALUMINIUM	SLIDING	
N6.6	U586 FIRST FLOOR	BED 3	1200	2410	ALUMINIUM	SLIDING	
N6.7	U586 SECOND FLOOR	MASTER 1	600	1200	ALUMINIUM	SLIDING	
N6.8	U586 SECOND FLOOR	ENSUITE	950	2650	ALUMINIUM	SLIDING	OBSCURE
N6.9	U1&2 GROUND FLOOR	WC	600	610	ALUMINIUM	SLIDING	OBSCURE
N6.10	U5&6 GROUND FLOOR	KITCHEN	1500	1200	ALUMINIUM	SLIDING	
N6.11	U5&6 GROUND FLOOR	KITCHEN	1500	1200	ALUMINIUM	SLIDING	1
N6.12	U5&6 GROUND FLOOR	LIVING	1500	1200	ALUMINIUM	SLIDING	

			0	OOR SCHEDULE			
MARK	LEVEL	LOCATION	HEIGHT	WIDTH	FRAME	DOOR TYPE	ADDITIONAL INFO
D1.1	U1&2 GROUND FLOOR	ENTRY	2100	920	HARDWOOD TIMBER	SWING	
D1.2	U1&2 GROUND FLOOR		2100	4570	ALUMINIUM	SLIDING	
D1.3	U1&2 FIRST FLOOR	MASTER 2	2100	2560	ALUMINIUM	SLIDING	
D2.1	U1&2 GROUND FLOOR	ENTRY	2100	920	HARDWOOD TIMBER	SWING	
D2.2	U1&2 GROUND FLOOR	LIVING	2100	3070	ALUMINIUM	SLIDING	
D2.3	U1&2 FIRST FLOOR	MASTER 2	2100	2560	ALUMINIUM	SLIDING	
D3.1	U3&4 GROUND FLOOR	ENTRY	2100	920	HARDWOOD TIMBER	SWING	
D3.2	U3&4 GROUND FLOOR	DINING	2100	3070	ALUMINIUM	SLIDING	
D3.3	U3&4 GROUND FLOOR	KITCHEN	2650	2100	ALUMINIUM	SLIDING	
D3.4	U1&2 FIRST FLOOR	BALCONY	2040	820	HARDWOOD TIMBER	SWING	
D3.5	U3&4 FIRST FLOOR	BALCONY	2100	2560	ALUMINIUM	SLIDING	
D3.6	U3&4 SECOND FLOOR	MASTER 1	2100	2650	ALUMINIUM	SLIDING	
D4.1	U3&4 GROUND FLOOR	ENTRY	2100	920	HARDWOOD TIMBER	SWING	
D4.2	U3&4 GROUND FLOOR	KITCHEN	2100	3070	ALUMINIUM	SLIDING	
D4.3	U3&4 GROUND FLOOR	DINING	2100	3070	ALUMINIUM	SLIDING	
D4.4	U3&4 FIRST FLOOR	BALCONY	2040	820	HARDWOOD TIMBER	SWING	
D4.5	U3&4 FIRST FLOOR	FAMILY	2100	2560	ALUMINIUM	SLIDING	
D4.6	U3&4 SECOND FLOOR	MASTER 1	2100	3610	ALUMINIUM	SLIDING	
D5.1	U5&6 GROUND FLOOR	ENTRY	2100	920	HARDWOOD TIMBER	SWING	
D5.2	U5&6 GROUND FLOOR	FAMILY/ DINING	2100	3610	ALUMINIUM	SLIDING	
D5.3	U5&6 FIRST FLOOR	BALCONY	2040	820	HARDWOOD TIMBER	SWING	
D5.4	U1&2 FIRST FLOOR	FAMILY	2100	2560	ALUMINIUM	SLIDING	
D5.5	U1&2 SECOND FLOOR	MASTER 1	2100	2650	ALUMINIUM	SLIDING	
D6.1	U5&6 GROUND FLOOR	ENTRY	2100	920	HARDWOOD TIMBER	SWING	
D6.2	U5&6 GROUND FLOOR	DINING	2100	1852	ALUMINIUM	SLIDING	
D6.3	U5&6 GROUND FLOOR	DINING	2100	3610	ALUMINIUM	SLIDING	
D6.4	U5&6 FIRST FLOOR	BALCONY	2040	820	HARDWOOD TIMBER	SWING	
D6.5	U5&6 FIRST FLOOR	FAMILY	2100	2560	ALUMINIUM	SLIDING	
D6.6	U5&6 SECOND FLOOR	MASTER 1	2100	2650	ALUMINIUM	SLIDING	
RD1.1	U1&2 GROUND FLOOR	GARAGE	2300	2410	ALUMINIUM	PANEL LIFT	
RD2.1	U1&2 GROUND FLOOR	GARAGE	2300	2410	ALUMINIUM	PANEL LIFT	
RD3.1	U3&4 GROUND FLOOR	GARAGE	2300	2410	ALUMINIUM	PANEL LIFT	
RD4.1	U3&4 GROUND FLOOR	GARAGE	2300	2410	ALUMINIUM	PANEL LIFT	
RD5.1	U5&6 GROUND FLOOR	GARAGE	2300	2410	ALUMINIUM	PANEL LIFT	
RD6.1	U5&6 GROUND FLOOR	GARAGE	2300	2410	ALUMINIUM	PANEL LIFT	

WINDOW SCHEDULE

LOCATION HEIGHT WIDTH FRAME

20 10 0 10 20 30 40 50 Lo

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SSUE	DATE	REVISION
6	31.01.20	CONSULTANT COORDINATION ISSUE
7	07.02.20	CONSULTANT COORDINATION
Α	26.02.20	DA ISSUE

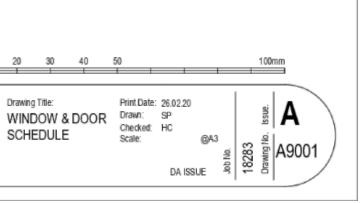


Project: PROPOSED MULTI-DWELLING SCHEDULE 200 BLACKWALL ROAD & 259 BURGE RD, WOY WOY NSW 2256 | LOT 7 DP 9470 & LOT 6A DP 326825

MARK

LEVEL

WINDOW TYPE ADDITIONAL INFO



	• •	
Item No:	3.4	<b>Central Coast</b>
Title:	DA57766/2019 - 24-28 Campbell Crescent and 26 Campbell Crescent, Terrigal - Demolition of Existing Structures and Construction of 4-storey Residential Flat Building containing 13 Units & 2 Levels of Basement Car Parking	Local Planning Panel
Department:	Environment and Planning	
10 December 202	20 Local Planning Panel Meeting	
Reference: 011.	2019.00057766.001 - D14349509	
A the second sec		

Author:	Karen Hanratty, Senior Development Planner
Manager:	Ailsa Prendergast, Section Manager, Development Assessment South
Approver:	Andrew Roach, Unit Manager, Development Assessment

## Summary

An application has been received for development a 4-storey residential flat building containing 13 units with 2 levels of basement car parking (for 27 vehicles) and the demolition of existing structures.

The development application has been referred to the Local Planning Panel as it is a development of 4 storeys subject to the provisions of *State Environmental Planning Policy No* 65 – *Design Quality of Residential Apartment Development* and there is a proposed variation to the height of buildings development standard of *Gosford Local Environmental Plan* 2014.

The application is recommended for approval.

Applicant	Design Cubicle Pty Ltd
Owner	The Owners Strata Plan No 6964
Application No	DA57766/2019
Description of Land	LOT: 0 SP: 6964, 24-28 Campbell Crescent TERRIGAL
Proposed Development Site Area	Lot: 1 DP: 1067146, 26 Campbell Crescent TERRIGAL Demolition of Existing Structures & Construction of 4-storey Residential Flat Building containing 13 Units & 2 Levels of Basement Car Parking Lot 0 SP 6964: 1714sqm
Zoning Existing Use	Lot 1 DP 1067146: 152.5sqm Total site area: 1866.5sqm R1 General Residential Residential Flat Building
Employment Generation	No
Estimated Value	\$7,000,000.00

## Recommendation

- 1 That the Local Planning Panel grant consent for Demolition of Existing Structures and Construction of 4-storey Residential Flat Building containing 13 Units & 2 Levels of Basement Car Parking subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 2 That Council advise those who made written submissions of the Panel's decision.

## Key Issues

- Variation to height of buildings development standard
- Compliance with Gosford Development Control Plan 2013 (GDCP 2013) Chapter 3.3 Multi Dwelling Housing & Residential Flat Buildings
- Matters raised in public submissions

## **Precis:**

Proposed	Demolition of Existing Structures & Construction of 4-storey				
Development	Residential Flat Building containing 13 Units & 2 Levels of				
	Basement Car Parking				
Permissibility and	The subject site is zoned R1 General Residential under Gosford				
Zoning	Local Environmental Plan 2014 (GLEP 2014).				
	The proposed development is defined in the GLEP 2014 as a				
	Residential Flat Building:				
	residential flat building means a building containing 3				
	or more dwellings, but does not include an attached				
	dwelling or multi dwelling housing.				
	The use is permissible in the zone with the consent of Council.				
<b>Relevant Legislation</b>	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 (EP&A Act)				
	Local Government Act 1993 – Section 89				
	Roads Act 1997 (Roads Act)				
	Water Management Act 2000 (WM Act)				

	<ul> <li>State Environmental Planning Policy (SEPP) No 55 – Remediation of Land (SEPP 55)</li> <li>State Environmental Planning Policy (SEPP) No 65 – Design Quality of residential Apartment Development (SEPP 65)</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)</li> <li>State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)</li> <li>Gosford Local Environmental Plan 2014 (GLEP 2014)</li> <li>Gosford Development Control Plan 2013 (GLEP 2013)</li> <li>Apartment Design Guide (ADG)</li> </ul>
	Apartment Design Guide (ADG)
Current Use	Residential Flat Building
Integrated	No
Development	
Designated	No
Development	
Submissions	6 submissions

# Variations to Policies

Clause	Clause 4.3 Height of Buildings
Standard	The height of a building on any land is not to exceed the maximum
	height shown for the land on the Height of Buildings Map
LEP/DCP	Gosford Local Environmental Plan 2014
Departure basis	Lift over-run: 2.37m-3.56m encroachments; a maximum height of
	10.87m–12.06m (maximum 41.9% variation).
	Balustrade edges and wall element to rooftop: encroachments of
	390mm-1.8m; a maximum height of 10.3m (maximum 21.2%
	variation).

Clause	Clause 3.3.3.1.2 Maximum Height Controls
Standard	New buildings and alterations to existing buildings shall not exceed
	a. Maximum building height - 8.5m
	b. Number of storeys – 2 storeys
	c. Exterior wall height – 7.5m
	d. 1m maximum floor height of the lowest occupied storey
LEP/DCP	Gosford Development Control Plan 2013
Departure basis	a. Lift over-run: 2.37m-3.56m encroachments; a maximum height of
	10.87m–12.06m (maximum 41.9% variation).

3.4

	Balustrade edges and wall element to rooftop: encroachments of
	390mm-1.8m; a maximum height of 10.3m (maximum 21.2%
	variation).
b.	4 storeys to Campbell Crescent, 2-3 Storeys to side and rear
	boundaries
с.	8.3m on the southern elevation (10.67% variation) and 9.0m on
	the northern elevation (20% variation).
d.	Ground level of the building a maximum of 2.9m above existing
	ground level near the rear portion of the building

Clause	Clause 3.3.3.2.2c – Exterior wall setbacks
Standard	For the exterior walls of any third storey (including a mezzanine):
	An additional setback of at least 2.5m measured from the face of the
	lower storey walls immediately below
LEP/DCP	Gosford Development Control Plan 2013
Departure basis	The northern elevation has a setback of 4 metres to the site
	boundary and does not comply for the exterior walls of any third
	storey which require a minimum setback to the site boundary of 6m.

Clause	Clause 3.3.3.3 Preferred Location of off-street parking
Standard	<ul> <li>a. Basements not extend across deep soil setbacks</li> <li>b. Basements may extend up to 1m above existing ground level if integrated into architectural and landscape design</li> </ul>
LEP/DCP	Gosford Development Control Plan 2013
Departure basis	<ul> <li>a. Basement predominantly consistent with prescribed deep soil setbacks</li> <li>b. Minor encroachment of basement above the existing ground level as a result of the sloping topography of the site – integrates with architectural and landscape design</li> </ul>

# The Site

The subject site is irregular in shape and is described as Lot 0 SP 6964, 24-28 Campbell Crescent and has an area of 1,714sqm and Lot 1 DP 1067146, 26 Campbell Crescent Terrigal which has an area of 152.5sqm; a total site area of 1,866.5sqm. The strata plan was registered 15 February 1973.

The subject land has three road frontages with its principal frontage to Campbell Crescent (north-east boundary) and secondary frontages to Talgai Close on the north-western and south-western boundaries of the site, refer Figure 1.

3.4



Figure 1 – Site and Locality Plan

The site is not identified as bushfire prone land, is not affected by flooding or flood planning controls. The site contains Class 5 Acid Sulfate Soils.

The site contains two, 2-storey separate buildings comprising of 10 small-sized units, all less than 70m<sup>2</sup> and inground swimming pool, refer Figure 2. The site has previously been excavated to accommodate the existing older motel style residential flat building and sits well below the level of Talgai Road and surrounding development (which is located upslope on higher land). Vehicle access to a double carport on the site and a car space occurs from Campbell Crescent as shown in Figure 3.

The site is generally cleared of vegetation with maintained lawns and vegetation along site boundaries.

3.4



Figure 2 – Existing development on subject site – photo taken from Talgai Close



*Figure 3 – Vehicle access onto the site from Campbell Crescent* 

Talgai Close rises up from Campbell Crescent and is a narrow road with parking restrictions on its northern side from 6.00am to 12.00pm Fridays to allow garbage trucks access to service waste bins. At the rear of the site Talgai Close widens however there is limited manoeuvring area for garbage trucks and other large rigid vehicles to turn around. A large carport structure approximately 19.5m in length associated with the existing development on the subject site exists at the rear of the site accessed from Talgai Close. Vehicles parked within the carport encroach onto the roadway because the carport isn't deep enough to hold the entire length of the parked vehicles and the kerb and gutter and stormwater drainage is located through the rear carports, refer Figure 4.

Structures and driveways encroach the end of Talgai Close road reserve. Four dwellings, Nos. 2, 4, 6 & 8 Talgai Close have street frontage/driveway access from Talgai Close and two dwellings have rear boundaries to Talgai Close, refer Figure 4 & Figure 5:

No. 17 Grosvenor Road has a rear boundary to Talgai Close with no vehicle or pedestrian access. No. 19 Grosvenor Road has a rear boundary with pedestrian access via a constructed stairway over the road reserve to Talgai Close. No. 8 Talgai Close has only a small street frontage and gains access via a steep driveway from the street



Figure 4 – Talgai Close - carport to the left of the photograph associated with the existing development on the subject site



Figure 5 – Right to Left - Nos. 2, 4 and 6 Talgai Close upper left properties in Grosvenor Road with part of subject site visible in the foreground

# **Surrounding Development**

The site is located within a medium density residential area. Surrounding the site is a mix of 3-4-storey residential units of mixed architectural design, size and form interspersed by modern dwelling house developments and a cluster of older style two-storey multi-dwelling housing developments.

The site is located within walking distance of an established commercial precinct of Terrigal Village Centre and Terrigal Beach, refer Figure 6.



Figure 6 - Locality Plan – subject site (blue outline)

## The Proposed Development

The proposal comprises the following:

- Demolition of existing buildings and structures and filling in of the swimming pool.
- Construction of a 4-storey residential flat building containing 13 units over two levels of basement car parking.

Unit Mix

- 2 x 1-bedroom units
- 4 x 2-bedroom units
- 7 x 3-bedroom units
- On-site car parking to accommodate 27 car parking spaces within 2 basement levels:
  - 23 residential parking spaces (including 2 accessible car spaces)
  - 4 visitor parking spaces
- Vehicle access to the site is provided via a new double width vehicle crossover and driveway from Campbell Crescent.
- Site excavation, landscaping and drainage works.

A brief description of the various aspects of the development is provided below.

- Basement Level (RL 7.1m AHD)
  - Vehicle access to the site via a new double width cross-over via Campbell Crescent with a driveway and graded ramp that provides vehicular access to the basement level
  - $\circ$  17 car spaces within the basement level comprising:

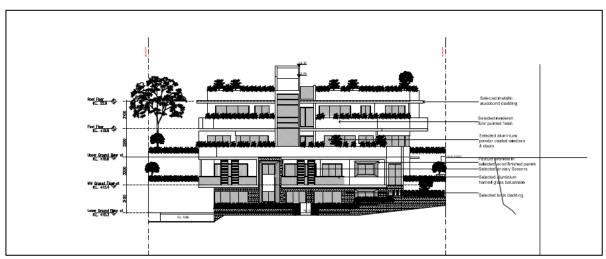
- 14 resident car spaces including 2 accessible car spaces
- 4 visitor spaces
- Motor cycle and bicycle parking
- o Storage
- o Caretaker water closet
- Stairwell and lift core
- Car park stairwell entry/exit access to Talgai close
- Lower Ground Floor (RL 10.3m AHD)
  - Vehicle access to the site via a new double width cross-over via Campbell Crescent with a driveway and graded ramp that provides vehicular access to the basement level.
  - 10 resident car parking spaces
  - o Storage
  - o Caretaker water closet
  - 2 x 3-bedroom units with kitchen/living/dining area, laundry, bedroom(s), private open space
  - Lobby, stairwell and lift core
  - Car park stairwell entry/exit access to Talgai Close
- Mid Ground Floor (RL 13.4m AHD)
  - Pedestrian entry point via Talgai Close
  - 5 units with kitchen/living/dining area, laundry, bedroom(s), private open space
    - 2 x 1-bedroom units
    - 1 x 2-bedroom unit
    - 2 x 3-bedroom units
  - Lobby, stairwell and lift core
  - Car park stairwell to Talgai close
- Upper Ground Floor (RL 16.6m AHD)
  - Pedestrian entry point via Talgai Close
  - 4 units with kitchen/living/dining area, laundry, bedroom(s), private open space
    - 3 x 2-bedroom units
    - 1 x 3-bedroom unit
  - Lobby, stairwell and lift core
  - Common open space
  - o Covered and enclosed waste bin storage with access from Talgai Close
  - Car park stairwell entry/exit access to Talgai close
- First Floor (RL 19.8m AHD)
  - 2 x 3-bedroom units with kitchen/living/dining area, laundry, bedroom(s), private open space

- Lobby, stairwell and lift core
- Roof Plan (RL 22.9m AHD)
  - Roof top communal open space
  - Lobby, stairwell and lift core

A 3D view of the proposal provides a site plan, refer Figure 7, and the building elevations are shown in Figures 8, 9, 10, & 11.



Figure 7 – 3D View – Photomontage



*Figure 8 – North Elevation (Campbell Crescent street frontage)* 

3.4

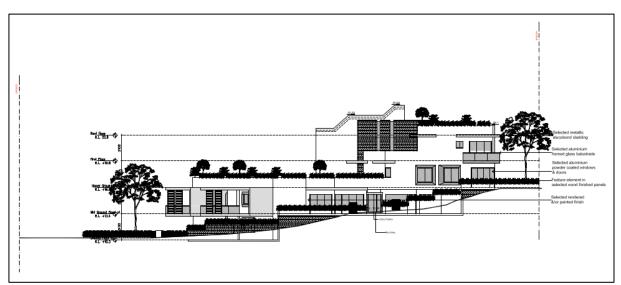


Figure 9 – West Elevation

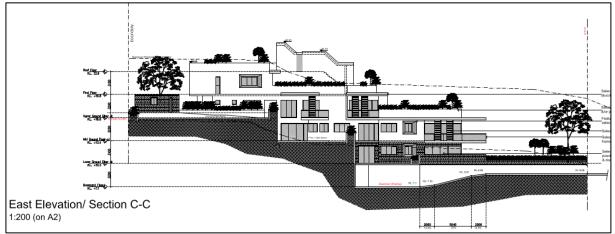


Figure 10 – East Elevation

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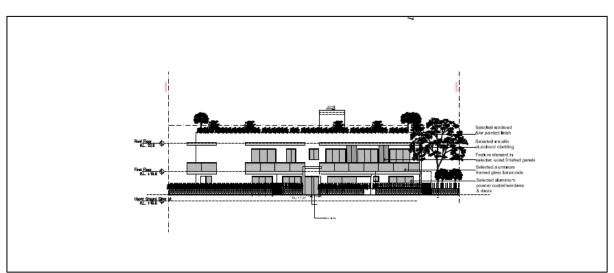


Figure 11 – South Elevation

## History

3.4

Development consent 33596/2007 was granted approval by Council on 14 August 2008 for a residential flat building containing 10 Units. This development has not been constructed. The approved development requiring the demolition of an existing residential flat building / former motel "Surf and Sun" (containing 10 "small" sized units, less than 70m<sup>2</sup> each).

## Assessment:

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, the assessment has identified the following key issues, which are elaborated upon for the information of the Local Planning Panel. Any tables relating to plans or policies are provided as an attachment.

# <u>State Environmental Planning Policy No. 55 – Remediation of Land</u>

*State Environmental Planning Policy No 55 - Remediation of Land* (SEPP 55) applies to all development and requires consideration and management of site contamination issues as part of the development assessment process. The current use of the site is for domestic residential purposes, and there are no known previous uses that would lead to the site being contaminated or unsuitable for the proposed use.

# State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is considered to be consistent with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* 

## State Environmental Planning Policy (Coastal Management) 2018

The provisions of *State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP) require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Area. The Coastal Management Area is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

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

# <u> State Environmental Planning Policy No 65 – Design Quality of residential Apartment</u> <u>Development</u>

The proposal is subject to the provisions of *State Environmental Planning Policy No 65 – Design Quality of residential Apartment Development* (SEPP 65). SEPP 65 provides that in determining an application for a residential flat development, that the consent authority take into consideration of matters relating to design quality, including 9 design quality principles contained within Schedule 1 of SEPP 65, and the Apartment Design Guide (ADG).

The ADG provides objectives, design criteria and design guidance on how residential development proposals can meet the Design Quality Principles contained within Schedule 1 of SEPP 65, through good design and planning practice.

The application is accompanied by a table detailing compliance with the Apartment Design guide was provided with the development application the design criteria and objectives of the Apartment Design Guide (ADG) (Parts 3 and 4) within the Statement of Environmental Effects, *refer Attachment 7*.

An independent review was requested under Council Urban Design Panel Process and comments were provided by the independent urban consultant dated 16 March 2020, *refer Attachment 8*. This review noted the following issues:

• Variation to building height in GLEP 2014 and GDCP 2013:

Urban Consultant Comment:

Generally, the variations are minor in nature, well considered in the design to minimize any impact. These variations are in response to difficult hillside site constraints and are

not trying for additional increases in complying FSR or the like. With this in mind, the variation should be supported.

The elements exceeding the height level are contained within the centre of the building. There is no discernible impact from street level given the inherent design quality of the design.

The design is only 3 storeys and/or exceeding the 7.5m wall height in minor areas of the design which includes basement carparking. The design is stepped up the sloping site and is well articulated to lessen any discernible impact.

The proposal is considered acceptable having regard to the requirements of the ADG. For further consideration, an assessment of the design quality principles below and the ADG Compliance Table contained within *Attachment 9*.

The proposed development has demonstrated that adequate regard has been given to the design quality principles contained within SEPP 65.

## Principle 1: Context and Neighbourhood Character

The built form character within the immediate locality which is within walking distance to an established commercial precinct that comprises of a mix of three and four storey residential units of mixed architectural design, size and form interspersed by modern dwelling house developments and a cluster of older style two storey multi-dwelling housing developments.

This medium density residential development is considered appropriate in this location for a site zoned R1 General Residential and addresses the existing characteristics and topography of the site. The use of underground parking is supported, and the proposal makes a significant contribution to an acceptable architectural and urban design outcome.

## Principle 2: Built Form and Scale

3.4

The proposal achieves a scale, bulk and height appropriate to the existing characteristics and topography of the site and its three street frontages and is consistent with the existing or desired future character of the street and surrounding buildings, despite minor non-compliance with building height.

The proposal achieves good design and an appropriate built form for the site and the building's purpose in terms of building alignments, proportions, building type, articulation and building elements.

The proposal has a positive contribution to the streetscape and does not adversely impact on views and vistas of adjoining developments and provides good internal amenity and outlook for future residents.

The building design appears as 2-3 storeys from the side boundaries and 2-storeys from the rear of the site. The design is stepped up the sloping site and is well articulated to lessen any discernible impact. It is noted that the development may obstruct some views from the lower levels of residences to the southwest of the subject site at Talgai Close, no objection is made given the building complies with the building height at Talgai Close. The non-compliance arising from the lift overrun is to provide for suitable access to communal open space.

## Principle 3: Density

The overall density of the development is appropriate in context and the design response ensures amenity impacts to adjoining properties will be minimised. The proposal will not impact on existing infrastructure, public transport, jobs, community facilities and the environment and will contribute towards increasing housing stock within the local government area especially within Terrigal.

## Principle 4: Sustainability

BASIX and NatHERS certificate supporting the development application confirms compliance with mandatory energy efficiency standards. In addition, the design responds to sustainability principles by focusing on natural ventilation and access to natural light.

## Principle 5: Landscape

The design of the development and its integrated landscaping provides a satisfactory level of landscaping that positively contributes to the landscape character of the streetscape and neighbourhood. The proposed landscaping works will include landscaped setback areas, screen/canopy plantings and strategically placed planters. Despite minor variations to setback provisions contained with the GDCP 2013 over 20% of site is to be deep soil planting and achieves the design criteria and objectives with Part 4O of the ADG.

## Principle 6: Amenity

Generally, the quality of design meets the objectives and provides good level of amenity for residents and neighbours. Despite minor variations to setback provisions contained with the GDCP 2013.

The use of the stepped ground floor and proposed plantings within the site and around the site's boundaries will ensure the proposal results in an appropriate amenity and privacy

outcome when considering the nature of the development, the unique sloping characteristics of the site and compliance with relevant Council controls.

#### Principle 7: Safety

The proposal provides a positive relationship between public and private spaces with defined access points.

#### Principle 8: Housing diversity and social interaction

The proposal provides 1, 2 and 3-bedroom units comprising a mix of apartment sizes and housing choice, as well adaptable units to cater for a variety of occupants and their living needs.

#### Principle 9: Aesthetics

The external appearance of the building is well considered and highly articulated to breakdown any perceived bulk on the very steep site. The composition has a variety of building elements defining both vertical and horizontal elements and is respectful to the hillside character.

The façade has recessing and protruding elements that varies the scale and creates interest in the building. The proportions and arrangement of building elements are well resolved. The curved balconies are unifying and soften the impact in its locale.

Although the proposal has requested a variation exceeding setback limits, this would appear minor in the context of the overall development bulk and scale, especially when considered at street level and the elements are well concealed. The proposal complies with most of the requirements for this challenging site.

## **Gosford Local Environmental Plan 2014**

#### Gosford Local Environmental Plan 2014 - Permissibility

The subject site is zoned R1 General Residential under *Gosford Local Environmental Plan 2014* (GLEP 2014). The proposed development is defined as *residential flat building* which is permissible in the zone with consent of Council.

*residential flat building* means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

## Gosford Local Environmental Plan 2014 - 2.3 Zone Objectives and Land Use Table

Subclause 2.3(2) of the GLEP 2014 requires the consent authority to have regard to the objectives for development in a zone when determining a development application.

The subject site is zoned R1 General Residential under (GLEP 2014), refer Figure 12, Zoning Map.

The objectives for the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To promote best practice in the design of multi dwelling housing and other similar types of development.
- To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.



Figure 12 – Zoning Map – subject site (blue outline)

In this instance, it is considered that the proposal is consistent with the stated objectives of the zone as follows:

• The proposal provides additional housing for the local community and will increase housing choice in the area.

- The site as it currently exists is underutilised in terms of its potential and is not expected to create substantial demand for new community infrastructures. It is expected that future residents will rely on existing infrastructures and public transport to access their everyday needs given the proximity to local services and public transport.
- The development is consistent with the future character of the area. The proposal will have a positive contribution to the streetscape and provides an appropriate transition in built form and land use intensity to that which currently exists in the form of single storey developments.
- The siting of the building together with the surrounding garden area is consistent with the predominant pattern of buildings in the neighbourhood.
- The design provides a quality residential development and responds to the site, provides housing with a high degree of accessibility and does not have adverse impact on the amenity of adjoining residential development.

# Gosford Local Environmental Plan 2014 - Development Standards

Development Standard	Required	Proposed	Variation %	Compliance with Control	Compliance with Objective
4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings	750sqm	1,866.5sqm	-	Yes	Yes
4.3 Height of buildings	8.5m	Lift over run: 10.87m – 12.06m Balustrade edges and wall element to rooftop Max 10.3m	27.9- 41.9% 21.2%	No	Yes – Clause 4.6 Exception to Development Standard has been lodged and considered satisfactory
4.4(2) Floor space ratio	0.7:1	0.67:1	-	Yes	Yes

An assessment of the proposed development against the relevant planning controls is detailed below.

Figure 13 – GLEP 2014 Development Standards

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# Gosford Local Environmental Plan 2014 - 4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings

Clause 4.1B(2) of GLEP 2014 provides that the minimum lot size development standard is 750sqm for residential flat buildings. The subject site has a total site area of 1,866.5sqm. The proposal complies with the development standard.

# Gosford Local Environmental Plan 2014 - 4.3 – Height of Buildings

Clause 4.3(2) of GLEP 2014 provides that the height of a building on any land will not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown on the relevant map is 8.5m. The GLEP 2014 defines this as the height above existing ground level.

The development proposes encroachments and heights above the development standard for the following building elements:

- Lift over-run: 2.37m-3.56m encroachments; a maximum height of 10.87m–12.06m or maximum 41.9% variation to the development standard.
- Balustrade edges and wall element to rooftop: encroachments of 390mm-1.8m; a maximum height of 10.3m or maximum 21.2% variation to the development standard.

These elements are recessed centrally within the development and the site such that they are not readily visible from the street and do not discernibly impact on bulk and scale. The actual variation to the control arises from the rooftop area and the desire to provide for accessibility to all persons via the lift. These elements do not have any streetscape impact or adverse impact on views to the dwellings to the rear of the site in Talgai Close.

A written request under clause 4.6 of GLEP 2014 to vary the development standard has been submitted by the Applicant. The Applicant's submission demonstrates the proposed development is of a satisfactory height bulk and scale and does not have adverse impact on adjoining development. The Applicant's objection is considered to be well founded as the proposal is considered to achieve the objectives of the standard and the development is recommended for support.

Figure 14 identifies these elements of the proposal that exceed the 8.5m building height.

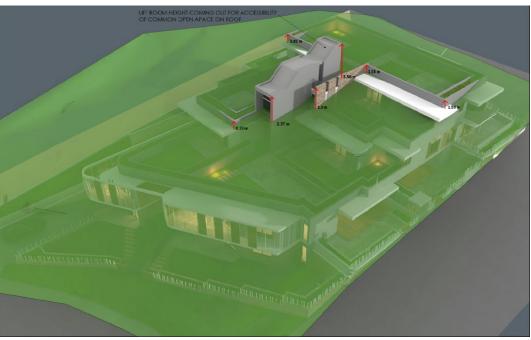


Figure 14 – Building Height plane diagram

# Gosford Local Environmental Plan 2014 - 4.4 Floor Space Ratio

Clause 4.4(2) Floor Space Ratio of GLEP 2014 provides the maximum floor space ratio for a building on any land. The maximum floor space ratio (FSR) shown on the relevant map is 0.7:1.

The subject site has a total area of 1,866.5sqm (Lot 0 SP 6864 and Lot 1 DP 1067146). The building has a floor area of 1,198sqm. The proposal provides 4 car spaces in excess to that required under *Gosford Development Control Plan 2013* (GDCP 2013) and the additional floor area associated with these spaces results in a total floor area of 1,250.8sqm. The proposal has an FSR of 0.67:1 and complies with the FSR provisions of GLEP 2014.

Note: The Applicant's FSR calculation has been taken over Lot 0 SP 6864 only and failed to include Lot 1 DP 1067146, No. 26 Campbell Crescent, Terrigal in the calculations.

## **Gosford Local Environmental Plan 2014 - 4.6 Exception to Development Standards**

A Clause 4.6 Exceptions to Development Standards variation for the non-compliance associated with building height development standard in Clause 4.3(2) of GLEP 2014) was provided by the applicant.

Clause 4.6 of GLEP 2014 provides the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking variation the maximum height of building development standards of 8.5m in clause 4.3 of GLEP 2014. A copy of the clause 4.6 variation is included as **Attachment 7**.

The development proposes encroachments and heights above the development standard for the following building elements:

- Lift over-run: 2.37m-3.56m encroachments; a maximum height of 10.87m–12.06m or maximum 41.9% variation to the development standard.
- Balustrade edges and wall element to rooftop: encroachments of 390mm-1.8m; a maximum height of 10.3m or maximum 21.2% variation to the development standard.

The applicant's written request refers to the first of the five tests established in *Wehbe v Pittwater Council* [2007] NSW LEC 827 to demonstrate that compliance with the numerical standard is unreasonable or unnecessary. The test seeks to demonstrate that the objectives of the standard are achieved notwithstanding non-compliance with the numerical standard, Clause 4.3 Height of Buildings of the GLEP 2014.

The Applicant's written request to vary the height of building development standard demonstrates the following:

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the maximum development standard are stated as:

- (1) The objectives of this clause are as follows
  - a) to establish maximum height limits for buildings,
  - b) to permit building heights that encourage high quality urban form,
  - c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,
  - d) to nominate heights that will provide an appropriate transition in built form and land use intensity,

- 3.4 DA57766/2019 24-28 Campbell Crescent and 26 Campbell Crescent, Terrigal - Demolition of Existing Structures and Construction of 4-storey Residential Flat Building containing 13 Units & 2 Levels of Basement Car Parking (contd)
  - e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,
  - f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features

The current development proposal is consistent with the underlying intent of the control based on the following:

- The proposal will provide a high-quality urban form that relates well to the context of the site in terms of the natural topography and adjoining developments;
- The height breach is limited to the lift element and the rooftop COS- and the habitable areas are below the height limit- which is a means of demonstrating that the actual height is not seeking to achieve greater density or yield- but relates to a site specific design response owing to topography and the rooftop common open space area and suitable disabled access to this area;
- The extent of variation does not discernibly increase the extent of amenity impacts in terms of loss of sunlight or visual and acoustic privacy;
- These elements over the height limit do not have any streetscape impact or view impacts to the dwellings to the rear of the site in Talgai Close.
- The proposal presents a suitable scale of development relative to surrounding development and future development within the locality given the provisions of the Gosford LEP 2014.
- Due to the minor nature of the variation it will not have any adverse amenity impacts. In this regard it is noted:
  - The variation will have no adverse impact on the physical bulk or scale of the development because it is recessed centrally to the development and will not be easily 'read' from the public domain.
  - The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.
  - The proposed variation will not lead to view loss or interrupt on views to and from the site.
  - The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.
- The proposed development will permit the site to develop to its full zoning potential whilst complementing the future vision envisioned for the site by providing a residential flat building that will provide good address to the street frontage and clearly identifiable entrances and importantly for a good design outcome having regard to the context and nature of the site and the slope of the land;.
- The development proposal has been designed to comply with key planning requirements, whilst providing an attractive building that addresses the context,

streetscape and sets the tone and scale for future medium density development in the locality. The development provides a residential flat building that will contribute towards increasing housing stock within the Gosford LGA, especially within Terrigal.

• The variation is a point encroachment that allows servicing of the building as evident via architectural plans.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

In accordance with clause 4.6(4), development consent must not grant consent for a development that contravenes a development standard unless:

1. The consent authority is satisfied that the Applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6(3).

## Comment:

The clause 4.6 submitted by the Applicant has addressed how strict compliance with the development standards is unreasonable or unnecessary having regard to various relevant decisions in the NSW Land and Environment Court and New South Wales Court of Appeal and how there are sufficient environmental planning grounds to justify the contravention.

Council is satisfied that the matters required to be demonstrated in subclause 4.6(3)(a) have been adequately addressed for the variation to the maximum height of building development standard.

2. The consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

# <u>Comment:</u>

In order to demonstrate if the proposal has merit, consideration of the proposed building height non-compliance regarding the objectives of the control contained within Clause 4.3(1) of GLEP 2014 is as follows:

The proposal is consistent with objectives in GLEP 2014 as follows:

- The maximum height limit for buildings has been identified for this property.
- The proposal is a well-designed building that reflects the topography of the site. The development achieves similar density to surrounding development. and the

building is designed with large setbacks to boundaries, generous areas of open space and landscaping.

- The proposal generally complies with the 8.5m building height development standard as shown in Figure 15 building height plane. The variations are minor in nature, the proposal is well considered in the design to minimise any impact. These variations are in response to difficult hillside site constraints and are not trying for additional increases in complying FSR.
- The elements exceeding the height level are contained within the centre of the building. There is no apparent impact from street level given the inherent design quality of the design.
- The design appears as 2-3 storeys from the side and rear boundaries of the site and/or exceeding the 7.5m wall height in minor areas of the design which includes basement car parking. The design is stepped up the sloping site and is well articulated to lessen any discernible impact.
- The proposal presents as a 2-storey development to Talgai Close and complies with the height provisions however will have impacts on existing views over the subject site to existing properties towards Terrigal village centre and beach obtained from properties at Nos 2, 4 & 6 Talgai Close. These properties have garages on the ground level with 2 levels of residential living above, where the living spaces on 1 level of the dwellings will be impacted. The lift over-run exceeds the height controls however is not considered to have detrimental impact on views. The building heights are appropriate to the site and do not adversely impact on significant views.
- The proposed building design maintains a similar building envelop to that which would be achieved by meeting the current standard which would be a poorer design outcome and also improves the design standards of adjacent residential development.
- The extent of the non-compliance does not contribute to the bulk and scale of the building and is not considered to have unreasonable impacts on the amenity of the adjoining residents by overshadowing, noise or overlooking. The design of the development provides for articulation, different materials selection, natural ventilation, acoustic and visual privacy from the neighbours.
- The roof top terrace is a preferable design outcome as it provides open space for use of all residents and their visitors, it is elevated with excellent solar access, provides views rather than at grade open space on the subject site owing to topography and accessibility.
- The proposal provides appropriate transition in built form and land use intensity being located adjacent single dwelling houses and other medium density developments.

The proposed development is consistent with the objectives for the R1 General Residential zone as follows:

- The proposal provides additional housing for the local community and will increase housing choice in the area.
- The development is consistent with the future character of the area.
- The design provides a quality residential development and responds to the site and provides housing with a high degree of accessibility.
- The proposal does not impact on the amenity of adjoining residences and proposes leafy gardens and privacy screening to achieve desired future character of the zone.
- The development is consistent with the future character of the area. The density and siting of the building together with the surrounding garden areas are consistent with the predominant pattern of buildings in the neighbourhood.

The assessment of the proposal against the objective of the development standard and the R1 General Residential zone confirms that the proposal complies with these objectives despite the variation.

3. The concurrence of the Secretary has been obtained.

# Comment:

Planning Circular PS 18-003 issued 21 February 2018 states that the consent authority may assume the concurrence of the Secretary of the NSW Department of Planning and Environment when considering exceptions to development standards under clause 4.6. The Central Coast Local Planning Panel is therefore empowered to determine the application.

Council is satisfied that the Applicant has demonstrated compliance with the objectives of the development standard and the zone objectives such that the proposal is in the public interest. The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal. Strict compliance with the prescriptive building height control is unreasonable and unnecessary in the context of the proposal in the circumstances of this case. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

This assessment concludes that the clause 4.6 variation of GLEP 2014 provided having regard to clause 4.3(2) of GLEP 2014 is well founded and worthy of support.

# Gosford Local Environmental Plan 2014 - 7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 5 Acid Sulfate Soils.

Class 5 Acid Sulfate Soils specifies:

• Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

The application is supported by a Preliminary Geotechnical Investigation and Acid Sulfate Soils Assessment prepared by Ground Technologies, Ref GTE2086, dated 28 November 2019.

The report indicates that while the mapping did not indicate acid sulfate soils within the site, the deep alluvial profile within boreholes 1 and 2 was inconsistent with the regional geological mapping. The recovered spoil was visually observed as being potentially acid sulfate and additional testing was carried out. The report concludes that testing was below any action criteria for both the acid trail and sulfur trail and the test material was not considered to be Acid Sulfate or Potentially Acid Sulfate and a detailed management plan is not required.

In accordance with clause 7.1(3) it is considered adequate attention has been given at development application stage to the presence or not of Acid Sulfate Soils on the site. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils however a condition of consent is imposed for appropriate measures to be undertaken during construction should Acid Sulfate Soils be found on the site contrary to the submitted report; *Refer Condition 4.7.* 

# **Draft Central Coast Local Environmental Plan**

The application has been assessed under the provisions of the draft *Central Coast Local Environment Plan 2018* (draft CCLEP) publicly exhibited from 6 December 2018 to 28 February 2019 with respect to zoning, development standards and special provisions.

Under the draft CCLEP the subject land retains its R1 General Residential zoning as well as the existing 8.5m maximum building height. The floor space ratio control is 0.7:1 and applies to the site where all on-site car parking is located in the basement and the site area is 1,000 square metres or more.

Residential flat building developments remain a permitted use with consent in the R1 General Residential zone.

The assessment concluded the proposal is consistent with the *Draft Central Coast Local Environment Plan*.

# **Gosford Development Control Plan 2013**

Gosford Development Control Plan 2013 (GCDP 2013) provides objectives, design criteria and design guidance on how development proposals can achieve good design and planning practice.

An assessment of the proposed development against the relevant chapters of GDCP 2013 is provided in a Compliance Table under **Attachment 10**. Despite resulting in several minor variations with the requirements of Chapter 3.3 Multi Dwelling Housing and Residential Flat Buildings of GDCP 2013, it is concluded the development is appropriate in the locale.

Additional detail is provided on the following relevant chapters of the GDCP 2013:

## Chapter 2.1 Character

The site is located within the Character Area: Terrigal 6: Medium Density Hillsides of GDCP 2013 Chapter 2.1 Character.

The existing character identifies that the original character of modest holiday cottages is changing, and the semi-regular layout of allotments now supports a dense mix of apartment and townhouse developments as well as traditional coastal cottages and churches, facing narrow local access streets that are flanked by open turfed verges.

Multi-unit housing includes a wide mix of relatively modest older-style buildings and contemporary developments that are individually-designed, arranged either as terraces of repetitive units, as stepped apartments, or as simple slab blocks. Buildings set on prominent hillsides have simple bulky forms surrounded by extensive paved driveways and relatively small gardens, providing a contrast with the surviving mid-Twentieth Century bungalows that are modestly-scaled single storey timber-framed buildings surrounded by open gardens.

The character statement provides for the desired character. In this context, the proposal is consistent with the desired future character and densities of the area and is considered to comply with the objectives of Chapter 2.1 Character which are to protect and enhance environmental character of the development site and the surrounding area whereby the development displays improved standards of scenic, urban and civic design quality as follows:

• These areas should remain medium-density residential hillsides where improved standards of amenity and urban design quality are achieved by new multi-unit developments that are surrounded by leafy hillside gardens, providing distinctive backdrops to Gosford City's town centres, main roads or the railway.

Comment:

The proposed development is visually compatible with the medium-density residential development occurring in the immediate locality. The building height is predominantly compliant with the permitted maximum building height and FSR controls and will also provide a leafy garden setting noting the level of landscape works proposed and will retain the natural slopes along the site boundaries as demonstrated in the submitted architectural and landscape concept plans.

• Maintain the existing informal scenic qualities of hillside properties and road verges by site planning that conserves visually-prominent trees, particularly near hill crests, close to ridgelines or along street frontages and verges. Surround new developments with leafy gardens that retain natural slopes along all boundaries, providing space for new shady trees and shrubs, and avoiding the appearance of long or continuous buildings. On the steeper properties, use low-impact construction such as framed structures with suspended floors and decks that are elevated above basement parking, rather than extensive cut-and-fill that requires tall retaining walls or steep driveways. Plant a combination of trees and shrubs that are mostly-indigenous along all property boundaries and through courtyards, and use hedges or front fences that are low or see-through rather than tall and opaque.

## Comment:

3.4

The subject land does not contain any remnant tree canopy or natural biodiversity values requiring retention. The proposed building will not intrude on the scenic landscape of the locality.

The proposal will provide a more planned substantial level of landscaping than currently exists on the site. The building takes into consideration the sloping topography within the subject site, the proposed basement and building designs will adhere to the recommended built form in that it will be elevated above basement parking, rather than extensive cut-and-fill reducing the extent/height and visible impact of retaining walls where possible; no steep driveways are proposed.

• Minimise the scale of new buildings and retain a proportion of the panoramic views that are available from any neighbouring property by using strongly-articulated forms, including floor-levels that are stepped to follow natural slopes plus facades that vary in shape and height. For example, divide floorspace into individual dwelling pavilions with a varied form or orientation, separated by verandahs and landscaped courtyards. Any facades that are taller or longer than buildings on neighbouring properties should be screened by a combination of extra setbacks and balconies or verandahs. 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. Parking is preferable in basements or open carports, rather than in wide garages

that would accentuate building bulk, dominate visible facades or require steep driveways.

• A "light-weight appearance" is preferable for all visible facades to minimise their scale and bulk, incorporating walls of windows that are shaded by framed balconies or verandahs plus exterior sunscreens, some painted finishes and sheet or board cladding rather than extensive plain masonry. Where dwellings face a street or common access-way, provide a traditional "street address" with visible verandahs, living rooms and front doors.

# Comment:

The external appearance of the building is well considered and highly articulated to breakdown any perceived bulk on the very steep site. The composition has a variety of building elements defining both vertical and horizontal elements and is respectful to the hillside character.

The building design appears as 2-3 storeys from the side boundaries and 2-storeys from the rear of the site with basement car parking. The design is stepped up the sloping site and is well articulated to lessen any discernible impact. It is noted that the development may obstruct some views from the lower levels of residences to the southwest of the subject site at Talgai Close, no objection is made given the building complies with the building height at Talgai Close. The non-compliance arising from the lift overrun for suitable access to communal open space.

The façade has recessing and protruding elements that varies the scale and creates interest in the building. The proportions and arrangement of building elements are well resolved. The curved balconies are unifying and soften the impact in its locale. The proposed development provides a light-weight appearance whiles also providing a traditional street address.

Although the proposal has requested a variation exceeding setback limits, this would appear minor in the context of the overall development bulk and scale, especially when considered at street level and the elements are well concealed.

• Screen any driveways, terraces, courtyards and balconies to protect the privacy and amenity of neighbouring dwellings.

# <u>Comment:</u>

The building is provided with adequate separation distances to site boundaries. The internal layout and orientation of the residential units, boundary and courtyard screen

plantings and fencing will ensure no adverse impacts on the amenity and privacy of adjoining dwellings.

## **Chapter 2.2 Scenic Quality**

The proposal is located within the North Coastal geographic unit and the Terrigal landscape unit, which is of regional significance and described as follows:

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.

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.

The principle aim of the Scenic Quality Development Control Plan is to provide guidelines for the interpretation and management of the scenic quality of the area and provides for the following objectives:

- *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.

Comment:

The proposal is considered to have appropriate context and compatibility within the character and streetscape of the area and is considered to appropriately respond to characteristics, topography and natural features of the site.

The proposal will not impact on the scenic quality of the area, overpower the natural elements of the coastal lagoon, beach and surrounding natural backdrop. The building incorporates a stepped building platform which will generally be contained within the slope of the site and will is not considered to have detrimental impact on views and vistas of surrounding residential developments. The proposal will present a building form to Campbell Crescent that will be consistent with the existing scale and pattern of development within the area.

# Chapter 3.3 Multi Dwelling Housing & Residential Flat Buildings

The proposal has been assessed in accordance with the relevant provisions of GDCP 2013 Chapter 3.3 Multi Dwelling Housing & Residential Flat Buildings. The proposal is considered satisfactory notwithstanding minor areas of non-compliance with the following:

- Clause 3.3.3.1.2 Maximum Height Controls building elements exceeds the 8.5m building height, number of storeys, exterior wall height and 1m maximum floor height of the lowest occupied storey.
- Clause 3.3.3.2.2c Exterior wall setbacks the northern elevation has a setback of 4 metres to the site boundary and does not comply for the exterior walls of any third storey which require a minimum setback to the site boundary of 6m.
- Clause 3.3.3.3.3 Preferred Location of off-street parking basements may extend up to 1m above existing ground level minor exceedance of the basement to this control.

The areas of non-compliance including other relevant development controls are detailed as follows:

# Clause 3.3.3.1.2 Maximum Height Controls

Clause 3.3.3.1 of GDCP 2013 requires the maximum height of a building not exceed that specified in GLEP 2104. As stated previously in the report under Clause 4.3 Height of Buildings the development proposes encroachments and heights above the development standard in GLEP 2014 which are supported by a Clause 4.6 request to vary the development standard. The assessment has considered the variations satisfactory and supported. These building elements exceeding the maximum height control relate to the lift over run and balustrade edges and wall element to the rooftop. The building elements and are recessed centrally within the development and the site such that they are not readily visible from the street and do not discernibly impact on bulk and scale. The actual variation to the control arises from the rooftop area and provide for accessibility to all persons via the lift. These

elements do not have any streetscape impact or adversely impact on views of dwellings to the rear of the site in Talgai Close.

Clause 3.3.3.1 of GDCP 2013 provides further consideration to control the maximum height, bulk and scale of a development by the following:

- Limit on the number of storeys in the building to 2 storeys for 8.5m maximum height control.
  - Due to the design of the building with the protrusion of the basement level the development presents as a 4-storey building to the Campbell Crescent frontage although is stepped over each level. However, the design appears as 2-3 storeys from the side and rear boundaries of the site. The design is stepped up the sloping site and is well articulated to lessen any discernible impact. The proposal generally complies with the setback controls and landscaping is proposed within the setback areas/courtyard areas to soften the built form.
- Maximum height of exterior walls should be 7.5m. The development proposes wall heights of 8.3m on the southern elevation (10.67% variation) and 9.0m on the northern elevation (20% variation). The variations occur to the rear portions of the buildings which extend beyond the natural ground level to provide a stepped building platform on the very steep site. The rear elevation when viewed from Talgai Close complies with the control.
- The GDCP 2013 also provides limits on overall building height by limiting the maximum floor height of the lowest occupied storey to 1m for all rooms and areas that are enclosed by exterior walls. The proposal does not comply with this control as the development has a finished floor level for the ground level of the building a maximum of 2.9m above ground level near the rear portion of the building.

# Comment:

The Applicant requests variation to the above controls in that the proposal has been designed to address the sloping topography of the site whilst also ensuring that the amount of cut required will be minimised. Therefore, the proposed variation is considered acceptable. In addition, the proposal will predominantly comply with the permitted maximum building height and the internal layout of each unit along with the orientation of the private open spaces/balconies will ensure that no adverse privacy, overshadowing or amenity impacts will be created by the variation.

Notwithstanding the numerical non-compliances for building height in GDCP 2013 the proposal complies with the objectives, the variations are considered minor and are supported. The scale of the building is compatible with the existing and desired streetscape

character, will not adversely impact on views or privacy and amenity of adjoining residential developments and is of an appropriate height, bulk and scale with surrounding development. <u>*Clause 3.3.3.2.2b Setbacks to Exterior Walls*</u>

Clause 3.3.3.2 provides controls for deep soil planting and external wall setbacks to limit the intensity of new developments and provide controls which complement the FSR controls in GLEP 2014 and provide reasonable amenity for existing and proposed dwellings.

The proposal generally complies with the deep soil setbacks and setback provisions to exterior walls up to 2-storeys high, except for the following:

Clause 3.3.3.2.2c – for the exterior walls of any third storey i. an additional setback of 2.5m measured from the face of the lower storey walls immediately below.

## Comment:

The exterior walls of the building generally comply except for the Upper Ground Floor and First Floor levels at the northern elevation which fronts Talgai Close and is considered a side boundary in this instance. In addition, the garbage enclosure will be built within the setback area. This small and single storey scale located for accessibility for residents and ease of access for garbage collection.

- The non-compliance will not have any amenity impact on adjoining and proposed development by this encroachment as it is separated by Talgai Close and change in topography to development to the north.
- The proposed development has a density that is compatible to adjoining medium density developments and complies with the required FSR for the site.
- Landscaping is proposed within the setback areas to soften built form.
- The proposal is consistent with the desired character of the area.
- Notwithstanding the non-compliance with setbacks, no objection is made given the limited amenity implications associated with these encroachments. It is considered the proposal complies with the setback objectives.

In addition, allowable encroachments into setback area are permitted and encourage as stated in Clause 3.3.3.2.4 and the proposal has the following encroachments:

- Minor features and building elements The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity as evident via side setbacks.
- Minor encroachments into the side and rear setbacks of up to 1m beyond minimum setbacks is permitted in accordance with Clause 3.3.3.2.4c for balconies that display a light-weight appearance and are cantilevered. The

proposed balconies will enhance the articulation of the built form and will enable passive surveillance of public spaces. the proposal.

## Clause 3.3.3.3 Preferred Location of off-street parking

Basements are the preferred location for off-street parking. Specifically, the following is addressed:

*3.3.3.3.3. Basements not extend across deep soil setbacks* 

3.3.3.3.3b. Basements may extend up to 1m above existing ground level if integrated into architectural and landscape design

## Comment:

The development proposes a stepped basement level as follows:

- Predominantly consistent with the prescribed deep soil setbacks.
- Minor encroachment above the existing ground level as a result of the sloping topography of the site and as such will incorporate a variation to the permitted 1m basement protrusion control. The basement is integrated into the architectural design of the development and will not have visual impact on the streetscape or impact on privacy of adjoining and proposed development as a result of the elevated floor above the maximum requirement.

## **Conclusion**

Although the proposal a number of variations exceeding height and setback limits, this is relatively minor in the context of the overall development bulk and scale, especially when considered at street level and the non-compliances are well concealed. The proposal complies with most of the requirements for this challenging site and does not have any adverse privacy and amenity impacts on surrounding developments. The proposal meets the aims of the chapter to achieve high standard of urban design quality for residential flat buildings.

# **Chapter 6.3 Erosion and Sediment Control**

An Erosion and Sediment Control Plan and Landscape Plan has been prepared. The development requires the provision of Erosion & Sedimentation controls during construction. The proposal meets the minimum requirements of Clause 6.3 of the GDCP 2013.

## **Chapter 6.4 Geotechnical Requirement**

The proposed works will comprise the demolition of two separate residential structures allowing the construction of a 4-storey apartment building with two levels of basement car parking. The basement level car park will extend across the entire building envelope to a depth of approximately 3.0m to 6.0m below existing ground surface levels.

A preliminary Geotechnical Report and an In-situ Hydraulic conductivity Assessment has been prepared by Ground Technologies Ref GTE2086 dated 28 November 2019. The Report states that due to the lack of site access for drilling equipment, the recommendations provided are preliminary in nature and should be confirmed by further boreholes / investigation prior to detailed design.

The proposal will be required to comply with any further investigations and the preliminary design recommendations specified in the report for:

- Retaining wall design parameters,
- Excavation the report recommends that prior to the excavation works, it is recommended that dilapidation surveys be undertaken out on the surrounding properties as a means of protecting all parties involved in or affected by the proposed works.
- Bored Pier Footings / Basement Level Footings
- Floor Slabs / Pavements

The Report is sufficient for consideration of the proposal at development application stage, subject to conditions of consent, *refer Conditions 2.4, 3.12, 4.9, 5.9.* 

In addition, the following is to be addressed prior to commencement of works:

- Retain the land where any excavation is required below the adjoining land level and preserve and protect from damage any improvements or buildings upon that land including public roads and utilities. If necessary, the improvements or buildings must be designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared to comply with this condition are to include geotechnical investigations, any excavation that impacts on public infrastructure, and are to be submitted for the approval of the Registered Certifier, *refer Condition 3.10*.
- A dilapidation provided to Council, the Registered Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site and to the road, kerb, footpath,

driveways, water supply and sewer infrastructure, street trees and street signs or any other Council asset in the vicinity of the development, *refer Condition 3.11*.

## Chapter 6.7 Water Cycle Management

Chapter 6.7 seeks to minimise the impact of development on the natural predevelopment water cycle. This will lead to more sustainable outcomes that will protect the environment. Council's Development Engineer has deemed satisfactory a water cycle management plan prepared by SGC Consulting Engineers which demonstrates that the proposal will comply with Chapter 6.7 Water Cycle Management having regard to the following:

## <u>Flooding</u>

• The development is not identified as affected by flooding. Construction of the half cul-de-sac head kerb and gutter and drainage will intercept overland flows uphill of Talgai Close.

## <u>Stormwater</u>

- The maximum permitted discharge to Council's kerb and gutter is 25 l/s. Information was received from the Applicant advising that the maximum discharge to kerb and gutter exceeds 25 l/s. Consequently, stormwater is to be piped to Council's piped system across the Road on the north side of Campbell Crescent and will require the construction of new 1.8m extended kerb inlet pit/s on the development's side of Campbell Crescent and piping across the road with a minimum 375mm diameter reinforced concrete pipe to an existing stormwater pit on the other side of Campbell Crescent.
- Following geotechnical testing, the stormwater consultant has adopted an infiltration rate in the bioretention basins of 180mm/hr.

## Chapter 7.1 Car Parking

## Car Parking

Chapter 7.1 Car Parking provides car parking requirements for residential flat building developments of 1.5 spaces per unit for residents and 0.2 spaces per unit for visitor parking. The proposed 13-unit development requires a total of 23 car spaces.

The proposal complies with the requirement and provides a total of 27 car spaces; 23 resident car spaces including 2 accessible spaces plus 4 visitor car spaces. Bicycle parking is provided in accordance with the controls and capable of complying with Australian Standard AS2890.3.

Car parking is provided in a basement over two levels which is predominantly below ground level taking into consideration the existing site topography. The car parking design is integrated with the architectural and landscape design of the development and has minimal impact on the streetscape.

## Traffic and Road Works

Council's Development Engineer has assessed the proposal in relation to traffic generation, capacity of the existing road network and civil engineering works, detailed as follows:

# Traffic

The following vehicle trip movements have been calculated based on Technical Direction TDT 2013/04 published by Transport Roads & Maritime Services August 2013 on a per bedroom basis. The development consists of 2 x 1-bedroom units, 4 x 2-bedroom units and 7 x 3-bedroom units; a total of 31 bedrooms.

The calculations are as follows:

- The AM peak (1hour) vehicle trips / bedroom regional range = 0.20 to 0.22 vehicle trips per hour (vtph). This results in a range of 6.20 to 6.82 vtph.
- The PM peak (1 hour) vehicle trips / bedroom regional range = 0.07 to 0.22 vtph. This results in a range of 2.17 to 6.82 vtph.
- The Daily vehicle tris per bedroom regional range = 1.59 to 2.26 vtpd. This results in a range of 49.29 to 70.06 vehicle trips per day.

These calculations do not take into account the existing use trip generation. Taking this into account will lower the net vehicle trip generation. It is considered that the generated vehicle trips per peak hour and per day are not excessive and the road network has the capacity to cater for the additional traffic.

# Road Works in Talgai Close

Talgai Close has very limited manoeuvring area for garbage trucks and other large rigid vehicles to turn around. It is undesirable to reduce the available roadway required for manoeuvring garbage trucks and other large vehicles. It is recommended that the kerb and gutter be located on the property boundary, roughly in line with the edge of the existing carport, which is approximately 19.5m long and is located just within the southwestern boundary of the site on Talgai Close. It was noted on site that vehicles parked within the carport encroached onto the roadway because the carport isn't deep enough to hold the entire length of the parked vehicles.

Waste Bin servicing and pedestrian access is proposed to the frontage of Talgai Close on the southwestern side of the development. (This forms the nexus for the provision of a 1.5m wide

public footpath within the southwestern boundary of the development and road widening to accommodate it).

A new kerb return is to be constructed on the bend in Talgai Close with the removal of the existing kerb return which connects to existing kerb and gutter coming from beneath the carport within the site. The new kerb return will have a minimum radius of 8m in accordance with Council's design specification requirements. This will necessitate a small amount of road widening on the corner of the property to accommodate the kerb and gutter and any kerbside footpath behind it.

Due to the constraints within Talgai Close, road widening is required within the southern boundary of the site in order to provide a 1.5m kerbside footpath. This road widening should extend at least to the alignment of the existing kerb and gutter on the eastern end of Talgai Close. (NB the extent of this may change subject to further survey and investigation of kerb and gutter alignment at the eastern end of Talgai Close.

The imposition of parking restrictions within Talgai Close around the top end of Talgai Close on Fridays between 6.00am to 12pm is required to ensure manoeuvring room for waste collection vehicles is available on collection days.

# Off-Street Car Parking

The development is to comply with AS 2890. Swept path diagrams were provided for the B85 design demonstrating compliance with AS 2890.

# Road Works in Campbell Crescent

Half Road construction is required across the frontage of the site in Campbell Crescent. In addition, 2 on-street car parking spaces will be provided in an indented parking bay on Campbell Crescent within the property frontage. Preliminary engineering plans confirm that the 2 on-street car parking spaces can be accommodated within the street frontage.

The Applicant has amended the architectural and civil engineering plans showing the kerbside footpath and indented parking bay. Accordingly, the landscape plans will require amending prior to issue of any construction certificate and a condition of consent is applied, *refer Condition 2.3*.

The proposal meets the objectives of this chapter in that:

- The proposal facilitates traffic management and safe traffic movement.
- Parking facilities associated with site development are satisfactory, convenient and sufficient for the use of staff and visitors.

- The proposal achieves a balance between the needs of the proposed development and its use, and that of vehicular and pedestrian traffic.
- The proposal is not considered to have detrimental amenity impacts to residents and the surrounding area.

## Chapter 7.2 Waste Management

A Waste Management Plan signed by Design Cubicle, dated 29 May 2020 has been provided and deemed appropriate for the scale of the proposal. Appropriate conditions are applied.

#### **Other Matters for Consideration**

#### Crime Prevention through Environmental Design (CPTED)

The proposed development will incorporate security measures to minimise the opportunity for crime through provision of adequate lighting of surrounds and the basement car park, design on landscaping signage and CCTV.

A condition of consent is recommended to apply CPTED principles, *refer Condition 5.5.* 

#### Construction Traffic and Pedestrian Management Plan (CTMP)

A Construction Traffic and Pedestrian Management Plan (CTMP), will be prepared and submitted to the certifying authority which will detail proposed construction works, the traffic impacts on the local area and how these impacts will be addressed. Council is not required to approve these plans, *refer Condition 2.12*.

#### **Development Contribution Plan**

The site is located within section 7.11 development contribution plan CP 47 Terrigal where residential flat building developments are subject to section 7.11 contributions.

The applicable contribution amount reflects the change in unit floor area from the existing 10 "small" sized units to the proposed 2 "small" sized units and 11 "medium" sized units.

A standard condition of consent has been imposed requiring the development contribution to be paid prior to the issue of any Construction Certificate, *refer Condition 2.5*.

Water and Sewer contributions will need to also reflect the change in unit floor area from the existing development to the proposed development.

#### **Planning Agreements**

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

#### Referrals

Internal Referral Body	Comments
Engineering	Supported, subject to conditions
Trees	Supported, subject to conditions
Waste Services	Supported, subject to conditions
Water and Sewer	Supported, subject to conditions

## **Public Submissions**

The development has been notified in accordance with the provisions of Gosford Development Control Plan 2013.

A total of 6 public submissions were received in relation to the application.

Those issues associated with key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the Environmental Planning and Assessment Act 1979.

A summary of the submissions objecting to the proposal is detailed below.

## 1. Overdevelopment of the site - Building height excessive, visible impact of Lift well

#### Comment

Submissions make reference to previous development applications considered on the subject site for less than the 13 units now proposed. These applications are detailed below:

• DA27682/2005 was refused on 2 November 2005 for a 12-unit residential flat building. The application did not comply with the development standards under Gosford Planning Scheme Ordinance applying to the site at that time as the proposal did not comply with the density and height provisions, and the design

of the development was not in accordance with the scale, built form and density provisions of SEPP 65.

• DA33596/2007 was approved on 14 August 2008 for a 10-unit residential flat building with a ridge height of 21.4m AHD.

A comprehensive assessment has been undertaken in accordance with the matters for consideration under s4.15 of the EP&A Act, and subject to the architectural plans, associated reports and conditions in relation to the identified matters the proposal is deemed appropriate development for the site.

- The proposal will have a building height greater than previous approvals with a proposed roof height of 22.9m AHD plus roof top open space with balustrade height of 1.2m. The existing carport at the rear of the site fronting Talgai Close has a maximum height at 20m AHD.
- The development generally complies with the building height development standard in GLEP 2014; the areas of non-compliance are located centrally within the development associated with the lift over-run and balustrade edges and wall element to the rooftop. A Clause 4.6 exception to the development standard has been submitted and deemed satisfactory in the circumstances. The application was referred to the design review panel for SEPP 65 applications and supported. The proposal is considered to be a suitable design response for a difficult hillside site in context with the surrounding area and is of an appropriate height, bulk and scale. A detailed assessment is provided in the report.
- The maximum floor space ratio (FSR) for the site stipulated in GLEP 2014 is 0.7:1. The subject site has a total area of 1866.5sqm and floor area of 1,250.8sqm which results in FSR of 0.67:1 and complies with the development standard. The FSR proposed is in accordance with the GLEP 2014 and is consistent with the desired density and building envelope for the site.
- The proposal has non-compliances with the height provisions in the development control plan GDCP 2013 Chapter 3.3 Multi Dwelling Housing and Residential Flat Buildings however complies with the required setbacks for developments greater than 2 storeys with the exception of the northern elevation. The non-compliances area considered minor in this instance and will not create any negative impact on streetscape presentation to Campbell Crescent and Talgai Close.
- The proposal presents as a 2-storey development to Talgai Close and complies with the height provisions however will have impacts on existing views over the subject site obtained from properties at Nos 2, 4 & 6 Talgai Close. These properties have garages on the ground level with 2 levels of residential living above, where the living spaces on 1 level of the dwellings will be impacted. The lift over-run exceeds the height controls however is not considered to have detrimental impact on views.

• The proposal is consistent with the objectives of the R1 zone and desired character of the area and despite some impacts on views as described above does not have adverse impact generally on the privacy and amenity of surrounding and adjoining properties.

## 2. Out of character for the neighbourhood

## Comment

It is considered the proposed development is consistent with desired character as stated in Chapter 2.1 as detailed within the report.

The character of the area comprises a mix of apartment and townhouse developments and some single dwellings on semi-regular allotments. The impacts of the proposal have been considered in the assessment of the application. The proposal will provide an appropriate transition in built form and land use intensity to adjoining and surrounding developments. The proposal provides a good urban design outcome and will provide high quality residential flat building that will protect and enhance the existing setting by being stepped to address the site's sloping topography, will provide consistent street setbacks and will also be of a height, scale and bulk that is commensurate to the subject site which is considered to be in line with the desired future character of the area.

# 3. Garbage bin collection in Talgai Close

## Comment

Talgai Close has very limited manoeuvring area for garbage trucks and other large rigid vehicles to turn around. It is undesirable to reduce the available roadway required for manoeuvring garbage trucks and other large vehicles. Consideration has been given to garbage bin collection/servicing in Talgai Close and proposal has been amended to address this matter with the submission of amended architectural and civil works plans.

Council has recommended kerb and gutter be located on the property boundary, roughly in line with the edge of the existing carport, which is approximately 19.5m long and is located just within the southwestern boundary of the site on Talgai Close.

Waste Bin servicing and pedestrian access is proposed to the frontage of Talgai Close on the southwestern side of the development.

Due to the constraints within Talgai Close, road widening is required within the southern boundary of the site in order to provide a 1.5m kerbside footpath. This road widening should extend at least to the alignment of the existing kerb and gutter on the eastern end of Talgai Close.

The imposition of parking restrictions within Talgai Close around the top end of Talgai Close on Fridays between 6.00am to 12pm is required to ensure manoeuvring room for waste collection vehicles is available on collection days.

## 4. Overshadowing

#### Comment

Shadow diagrams for midwinter have been submitted which illustrate the overshadowing generated by the proposal.

As demonstrated by the shadow diagrams the shadows are cast:

- Over the road reserve of Talgai Close and small portion of the driveway areas of residential properties at Nos. 2 and 4 Talgai Close to the southwest at 9.00am. By 10.00am the shadow is cast over the road reserve only.
- in the afternoon, the overshadowing falls to the southeast and at 3.00pm shadows are cast over portions of residential properties at No. 8 Talgai Close, No. 3 Glen View Crescent and to a lesser extent No. 5 Glen View Crescent.

The proposal demonstrates that greater than 3 hours/day sunlight is retained to adjoining sites. The proposal generally complies with the setback provisions and the height of the proposed development will not have any adverse overshadowing effects on adjoining residential development.

## 5. Terrigal currently has huge problems with sewerage because of over development

## Comment

The proposal is not considered to be overdevelopment of the site. The development is required to obtain a s307 Certificate of Compliance under the Water Management Act 2000 for water and sewer services and a condition of consent is applied to make application to the Water Authority (Council) for this purpose, *refer Condition 2.6.* The proposal may require additional works and contributions for access and any upgrades to Council's water and sewer services.

# 6. Concerned development will cause subsidence to adjoining property at 8 Talgai Close

## Comment

The site is subject to significant slopes and works will be required close to adjoining properties. A detailed assessment in relation to geotechnical requirements is provided in the report, refer section 6.4 Geotechnical Requirements for Development Applications. The submitted Geotechnical Report is a preliminary report and as per the recommendations in that Report further investigations are required prior to a detailed design being undertaken and prior to the excavation works dilapidation surveys are to

be undertaken on the surrounding properties as a means of protecting all parties involved in or affected by the proposed works. The dilapidation reports are to be provided to the Accredited Certifier, Council an adjoining owner.

The proposal will be required to comply with any further investigations and prepare dilapidation reports. The Report is sufficient for consideration of the proposal at development application stage.

All structural works will be required to be retained. To ensure further investigations, reporting and certification of works occurs conditions of consent are imposed, **refer Conditions 2.4, 3.10, 3.11, 3.12, 4.9, 5.9**.

## 7. Fences on boundary / stormwater concerns

#### Comment

3.4

Concerns raised regarding overland flow of water down the hillside over properties located upslope and southeast of the subject site and the impact this may have on the proposed development and Council's stormwater systems.

Council's Development Engineer has reviewed amended reports and plans and the proposal is considered satisfactory and will be designed according to the requirements of GDCP 2013 and Council's Civil Works Specifications.

Additional sections have been provided by the applicant demonstrating fencing/retaining walls will occur on the common boundary with adjoining properties to the south.

#### Likely Impacts of the Development

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The likely impacts of the development are addressed below:

#### a) Built Environment

The subject site is zoned R1 General Residential under GLEP 2014, has 3 street frontages and adjoins residential developments to the southeast comprising single dwellings and medium density developments.

The siting and design of the proposed unit development within the subject land together with proposed landscaping works is appropriate response to difficult hillside site constraints and will ensure that the proposed development does not overlook or

adversely impact the visual and acoustic privacy of neighbouring residential properties.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the SEPP 65 and the Apartment Design Guidelines, GLEP 2014 and GDCP 2013 compliance. There will be minimal amenity impacts as a result of the non-compliant building height. The proposed built form is considered acceptable in the context of the site.

## b) Natural Environment

3.4

The proposal is satisfactory in relation to impacts on the natural environment as identified throughout this report. There will be no significant impact upon the natural environment as a result of the proposal.

## c) Economic Impacts

The proposed development will contribute to the supply of housing needs in the locality and is satisfactory from an economic perspective.

# d) Social Impacts

No social impacts will arise from the approval of this residential development.

# Suitability of the Site for the Development

The site is zoned is zoned R1 General Residential under GLEP 2014. A residential flat building is permissible in the zone. The proposal is generally in keeping with the provisions of SEPP 65 and the Apartment Design Guidelines, GLEP 2014 and GDCP 2013.

A review of Council's records has identified the following constraints:

 Acid Sulfate Soils – The subject site is identified as containing Class 5 Acid Sulfate Soils. Preliminary testing indicated there may have been potentially acid sulfate in the recovered spoil and additional testing was carried out which concluded the site was below any action criteria for both the acid trail and sulfur trail and the test material was not considered to be Acid Sulfate or Potentially Acid Sulfate and a detailed management plan is not required. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

The site is not subject to flooding or bushfire constraints. Previous and proposed use of the site is for a residential purpose. As such the site is considered suitable for this type of development subject to conditions of consent relating to civil works, traffic, visual and acoustic privacy and the provision of landscaping.

#### The Public Interest

The approval of the application is considered to be in the public interest. The proposal will It will not have any adverse impact on the natural environment and will not unreasonably impact the amenity of neighbouring properties.

#### **Political Donations**

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

#### Conclusion

This application has been assessed under the heads of consideration of section 4.15 of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact.

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

#### **Reasons for the Decision**

The reasons for the decision as recommended under the assessment of this application are as follows:

- 1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
- 2. There are no significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.

#### Attachments

1	Draft Conditions of Consent DA57766 24-28 Campbell Cres Terrigal		D14349887
2	Architectural Plans DA57766 24-28 Campbell	Provided Under	D14349888
3	Cres Terrigal Schedule of External Finishes DA57766 L0	Separate Cover	ECMD25483592
	SP6964 24-28 Campbell Crescent TERRIGAL Part		
4	1 Landscape Plans DA57766 L0 SP6964 24-28	Provided Under	ECMD25483589
4	Campbell Crescent TERRIGAL Part 1	Separate Cover	

5	Revised Engineering Plans DA57766 24-28	Provided Under	D14125849
	Campbell Cres Terrigal	Separate Cover	
6	Stormwater Concept Design- 24-28 Campbell	Provided Under	D14008060
_	Crescent, Terrigal	Separate Cover	<b>B</b> 4 4 3 3 3 3 6 3
7	Revised SEE and Cl 4.6 Exception to		D14330963
	Development Standards Request DA57766 24-28		
0	Campbell Crescent Terrigal		
8	Design Review Panel Comments DA57766 24-28		D13883545
9	Campbell Cres Terrigal ADG Compliance Table DA57766 24-28		D14349889
9	Campbell Cres Terrigal		D14349009
10	GDCP 2013 Compliance Table DA57766 24-28		D14349890
	Campbell Cres Terrigal		
11	Revised BASIX Certificate DA57766 24-28	Provided Under	D14349853
	Campbell Crescent Terrigal	Separate Cover	
12	Nathers Summary Certificate DA57766 L0	Provided Under	ECMD25483594
	SP6964 24-28 Campbell Crescent TERRIGAL Part	Separate Cover	
	1		
13	Geotechnical Report DA57766 L0 SP6964 24-28	Provided Under	ECMD25483569
	Campbell Crescent TERRIGAL Part 1	Separate Cover	
14	Geotech report- additional- 24-28 Campbell	Provided Under	D14008050
	crscent, Terrigal	Separate Cover	
15	Waste Management Plan- 24-28 Campbell	Provided Under	D14008073
	Crescent, Terrigal	Separate Cover	B / /055/50
16	Turning paths for cars in basement DA57766	Provided Under	D14057158
47	24028 Campbell Cres Terrigal	Separate Cover	D140571C4
17	Talgai close redesign including MRV and HRV	Provided Under	D14057164
18	templets DA57766 24-28 Campbell Cres Terrigal Survey including Talgai Close- 22-24 Campbell	Separate Cover Provided Under	D14008064
10	crescent, Terrigal	Separate Cover	D14000004
19	Water cycle management report- 24-28	Provided Under	D14008075
19	Campbell Crescent, Terrigal	Separate Cover	
20	PUBLIC Architectural Plans DA57766 24-28		D14368291
	Campbell Cres Terrigal		

#### Draft Conditions of Consent

DA57766/2019: Demolition of Existing Structure & Construction of Four (4) Storey Residential Flat Building. 13 Units over Two (2) levels & Two (2) levels of Basement Car Parking (for 27 vehicles)

Description of Land: LOT: 0 SP: 6964, 24-28 Campbell Crescent TERRIGAL Lot: 1 DP: 1067146, 26 Campbell Crescent TERRIGAL

#### **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: Design Cubicle

Drawing	Description	lssue	Date
<b>y</b>			
180942 DA:000	Cover Sheet	C	undated
180942 UA:100	Site Analysis 1 of 2	C	10/06/2020
180942 UA:101	Site Analysis 2 of 2	С	10/06/2020
180942 DA:200	Site Plan	С	10/06/2020
180942 DA:201	Basement Plan	С	10/06/2020
180942 DA:202	Lower Ground Floor Plan	С	10/06/2020
180942 DA:203	Mid Ground Floor Plan	С	10/06/2020
180942 DA:204	Upper Ground Floor Plan	С	10/06/2020
180942 DA:205	First Floor Plan	С	10/06/2020
180942 DA:206	Roof Floor Plan	С	10/06/2020
180942 DA:207	Demolition and Site Storage	С	10/06/2020
180942 DA:301	Elevations 1 of 2 (West & North	С	10/06/2020
	Elevations)		
180942 DA:302	Elevations 2 of 2 (East/Section C-C &	С	10/06/2020
	South Elevations)		
180942 DA:303	Section A-A & B-B	С	10/06/2020
180942 DA:401	Shadow Diagrams 1 of 2	С	10/06/2020
180942 DA:402	Shadow Diagrams 2 of 2	С	10/06/2020
180942 DA:501	Area Schedule	С	10/06/2020
180942 DA:502	Key Compliance Schedule	В	29/05/2020
180942 DA:601	Height Plan Study	С	10/06/2020

Landscape Plans by: Vision Dynamics

Drawing	Description	lssue	Date
18154 DA1-2	Landscape Concept Plan – Lower Ground	А	25/11/2019
	Level, Mid Ground Level, Upper Ground		
	Level		

18154 DA2-2	Landscape Concept Plan First Level, Roof		25/11/2019
	Level, Plant Schedule & Details		

# Public Domain / Civil Works Engineering Plans by: SGC Consulting Engineers

Drawing	Description	lssue	Date
20190069 C100	Cover Sheet Public Domain, Civil Works /	С	undated
	Locality Plan		
20190069 C110	Site Layout Plan	С	13/08/2020
20190069 C201	General Arrangement Plan 1 of 3	С	13/08/2020
20190069 C202	General Arrangement Plan 2 of 3	С	13/08/2020
20190069 C203	General Arrangement Plan 3 of 3	С	13/08/2020
20190069 C301	Longitudinal Sections 1 of 2	С	13/08/2020
20190069 C302	Longitudinal Sections 2 of 2	С	13/08/2020
20190069 C351	Typical Road Sections	С	13/08/2020
20190069 C401	Cross Sections Campbell Crescent	С	13/08/2020
20190069 C402	Cross Sections Talgai Close	С	13/08/2020
-	CCC Specifications – Kerb and Channel /	-	-
	Footpath		

# Stormwater Concept Design Engineering Plans by: SGC Consulting Engineers

Drawing	Description	lssue	Date
20190069 SW100	Cover Sheet Stormwater Concept Design	-	undated
	/ Locality Plan		
20190069 SW200	Basement Plan	D	29/05/2020
20190069 SW201	Lower Ground Floor Plan 1 of 2	D	29/05/2020
20190069 SW202	Lower Ground Floor Plan 2 of 2	D	29/05/2020
20190069 SW203	Upper Ground Floor Plan	D	29/05/2020
20190069 SW204	Roof Plan	D	29/05/2020
20190069 SW300	Details Sheet	D	29/05/2020
20190069 SW400	Erosion and Sediment Control Plan and	D	29/05/2020
	Details		
20190069 SW500	Music Catchment Plan	D	29/05/2020

## Supporting Documentation

Document	Prepared by	Date
BASIX Certificate No. 1057661M-02	Green Star Energy	04/11/2020
	Solutions	
Nathers Certificate No. 0004424180	Noura Al Hazouri	05/12/2019
Schedule of External Materials and	Design Cubicle	undated
Finishes, Ref 180942		
Preliminary Geotechnical Investigation &	Ground Technologies	28/11/2019
Acid Sulfate Soils Assessment Ref		
GTE2086		
In-situ Hydraulic Conductivity	Ground Technologies	14/05/2020
Assessment, Ref GTE2086-Perm1		

## Attachment 1

## Draft Conditions of Consent DA57766 24-28 Campbell Cres Terrigal

Waste Management Plan	Design Cubicle	29/05/2020
Turning Templates Basement Parking,	Varga Traffic Planning Pty	05/06/2020
Ref: 20166, 11 sheets	Ltd	
Turning Templates MRV & HRV Talgai	Varga Traffic Planning Pty	05/06/2020
Close, Ref: 20166, 2 sheets	Ltd	
Water Cycle Management Report, Issue B,	SGC Consulting Engineers	29/05/2020
Ref: 20190069-R01		
Survey Plan, Ref: 9598-18 DET V2, Rev 1		20/04/2020

- 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. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environment Planning and Assessment Regulation 2000*.

# 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:
  - a) Site investigation for the preparation of the construction, and / or
  - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - c) Demolition
- 2.3. Submit amendments to the approved plans to the Registered Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:
  - a) Amendment of the Landscape Concept Plan by Vision Dynamics to reflect the design changes to the development in accordance with the approved architectural plans by Design Cubicle, Drawing 180942 DA:204 Upper Ground Floor Plan Rev C dated 10 June 2020 to reflect the design changes to the courtyards of Unit 4, Unit 11, fire stairs and pedestrian entry ramp as a result of the inclusion of the footpath along the rear of the site at Talgai Close and the design of the footpath/on-street parking bay at the Campbell Crescent site frontage.
- 2.4. Undertake further investigation works as required by the geotechnical report(s) listed as supporting documentation in this development consent and submit to the Principal Certifier an addendum/amended geotechnical report. The geotechnical report shall address the proposal design in accordance with the plans listed in Condition 1.1.
- 2.5. Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979*, pay to Council a total contribution amount of **\$68,557.00**, that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 47A Terrigal.

The applicable contribution amount reflects the change in unit floor area from the existing 10 "small" sized units to the proposed 2 "small" sized units and 11 "medium" sized units.

Open Space - Embellishment	А	(Key No 804)	\$1,120.00
Footpaths - Capital	А	(Key No 805)	\$2,920.00
Town Centre / Foreshore Improvements	А	(Key No 835)	\$38,563.00
Stormwater & Flood Mitigation	А	(Key No 836)	\$25,954.00
TOTAL AMOUNT			\$68,557.00

The total amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council's Contributions Planner on 1300 463 954 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on Council's website: <u>Development Contributions - former</u> <u>Gosford LGA</u>

2.6. 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.au. Early application is recommended.

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

- 2.7. Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent to Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.
- 2.8. The road signage and pavement marking design drawings identifying parking, other regulatory elements and traffic management facilities must be endorsed by the Local Traffic Committee prior to any installation on site. The road signage and pavement marking design drawings are to be submitted to Council with the *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.
- 2.9. Obtain a Roads Act Works Approval by submitting an application to Council for a Section138 Roads Act Works Approval for all works required within the road reserve. The

application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's *Civil Works Specifications*.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

- a) Up to half width road construction including kerb and guttering, subsurface pavement drainage, concrete footpath, verge formation, street stormwater drainage and a minimum 4m wide new road pavement with end transitions across the full frontage of the site in Campbell Crescent. The road works are to include the construction of an indented parking bay for two (2) parallel car parking spaces designed in accordance with AS 2890.5:2020.
- b) Half width road construction including half cul-de-sac head, kerb and guttering, subsurface pavement drainage, street stormwater drainage and a minimum 6m wide new road pavement with end transitions across the full south-western frontage of the site in Talgai Close. The rear of kerb alignment is to be on the existing property boundary and the kerb return is to be reconstructed with an 8m radius.
- c) Construction of concrete footpath 1.5m wide for the full street frontage of the development in Campbell Crescent and Talgai Close, generally in accordance with preliminary engineering plans prepared by SGC project number 20190069 sheets C201 (C), C202 (C) & C203 (C).
- d) Construction of the road verge/footway formation graded at +2% from the top of proposed kerb towards the property boundary, across the full frontage of the site in Campbell Crescent. Construction to include transitions to existing formation either side of the site.
- e) Construction of the road verge/footway formation graded at +2% from the top of existing kerb towards the property boundary, across the full north-western frontage of the site in Talgai Close. The footway is to be split approximately 35m from the centreline of Campbell Crescent to provide for a low level footpath generally as shown on preliminary engineering plans prepared by SGC project number 20190069 sheets C202 (C) & C351 (C).
- f) Construction of a footway formation with a minimum width of 1.5m graded at +2% from the top of proposed kerb, within the south-western frontage of the site in Talgai Close, generally as shown on preliminary engineering plans prepared by SGC project number 20190069 sheets C201 (C), C202 (C) & C203 (C).
- g) Construction of an industrial/commercial vehicle access crossing that has a minimum width of 10.2m at the road gutter crossing and a minimum width of 7.2m at the property boundary including construction of a heavy-duty gutter crossing.
- h) Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.

- i) Removal and replacement of all damaged kerb and gutter with new kerb and channel.
- j) Construction of street storm water drainage. This drainage is to include the extension of the piped stormwater system from the intersection of Talgai Close and Campbell Crescent to the end of the half width cul-de-sac road construction in Talgai Close.
- k) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- Installation of roadside furniture and safety devices as required by design e.g. fencing, signage, guide posts, chevrons, directional arrows, and/or safety barriers in accordance with Austroads Guides, NSW Transport Roads and Maritime Services Supplements and Australian Standards and manufacturers requirements.
- m) "No Stopping 6am -12 noon Friday" signage to be installed around the whole of the Talgai Close cul-de-sac head. Installation of road signage and pavement marking to be in accordance with Austroads guides, Transport for NSW Roads and Maritime Services Supplements and Australian Standards.
- n) Construction of retaining walls, including details of surface and subsurface drainage required for the retaining wall. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining wall designs must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
- construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve. The stormwater shall be connected to a new 1.8m extended kerb inlet pit east of the heavy-duty vehicle crossing and piped across Campbell Crescent to the existing piped system.
- p) Road pavement designs. An Investigation and Design report prepared by a practising Geotechnical Engineer must be provided. The pavement design thickness must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Campbell Crescent	2,000,000
Talgai Close	300,000

The section 138 Roads Act Works Approval must be issued by Council and all conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

2.10. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.

- 2.11. Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
  - a) Construction of kerbside concrete footpath 1.5m wide and part of the 8m radius kerb return within the south-western property boundary with Talgai Close as generally shown on preliminary engineering plans prepared by SGC project number 20190069 sheet C203 (C).
  - b) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition of Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
  - c) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
  - d) Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
  - e) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site to the approved connection to Council's storm water drainage system located in Campbell Crescent.
  - f) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

Detailed design drawings and design reports acceptable to the Registered Certifier must be included in the Construction Certificate documentation.

2.12. Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

- Ingress and egress of construction related vehicles to the development site.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction

plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).

- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

2.13. Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.

# 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. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
  - a) Site investigation for the preparation of the construction, and / or
  - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - c) Demolition approved by this consent.
- 3.3. Appoint a Principal Certifying Authority for the building work:
  - a) The Principal Certifying Authority (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.

- b) Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website <u>www.centralcoast.nsw.gov.au</u>
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
  - a) The name, address and telephone number of the principal certifying authority for the work; and
  - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - c) That unauthorised entry to the work site is prohibited.
  - d) Remove the sign when the work has been completed.
- 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: <u>www.centralcoast.nsw.gov.au.</u>

Contact Council prior to submitting these forms to confirm the relevant fees.

- 3.6. Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for food scraps and papers.
- 3.7. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
  - erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
  - diverting uncontaminated run-off around cleared or disturbed areas, and
  - preventing the tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- 3.8. Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 3.9. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed

plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.

3.10. Retain the land where any excavation is required below the adjoining land level and preserve and protect from damage any improvements or buildings upon that land including public roads and utilities.

If necessary, the improvements or buildings must be designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared to comply with this condition are to include geotechnical investigations, any excavation that impacts on public infrastructure, and are to be submitted for the approval of the Registered Certifier.

3.11. Submit a dilapidation report to Council, the Registered Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site and to the road, kerb, footpath, driveways, water supply and sewer infrastructure, street trees and street signs or any other Council asset in the vicinity of the development.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, submit evidence in writing demonstrating that all steps were taken to obtain access to the adjoining property(s).

- 3.12. Provide certification to the Principal Certifier that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 3.13. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
  - a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - b) could cause damage to adjoining lands by falling objects, or
  - c) involve the enclosure of a public place or part of a public place.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the Local Government Act 1993 or the Roads Act 1993, respectively.

Note 2: The Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011 contain provisions relating to scaffolds, hoardings and other temporary structures.

3.14. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- c) be a temporary chemical closet approved under the Local Government Act 1993.
- 3.15. 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.

3.16. Submit to Council a completed Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works form with supporting documentation prior to the commencement of any Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.

# 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. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
  - a) All excavation or disturbance of the area must stop immediately in that area, and
  - b) The Office of Environment & Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

**Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stablised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. 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 Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act* 2011.
- 4.7. Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 4.8. 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.
- 4.9. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent and where modified by conditions of consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.10. Submit a report prepared by a registered Surveyor to the Principal Certifier at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans. A compilation of these reports is to be provided to Council at completion of the Occupation Certificate.
- 4.11. Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.12. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by Design Cubicle, dated 29 May 2020.

# 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. Provide to the Principal Certifier a design verification statement from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No 65 Design Quality of Residential Flat Development.
- 5.4. Complete the landscaping works in accordance with the Landscape Plan as amended with the Construction Certificate documentation.
- 5.5. Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
  - a) provide adequate lighting to common areas as required under Australian Standard AS 1158: Lighting for roads and public spaces
  - b) paint the ceiling of the car park white
  - c) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
  - d) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises
  - e) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
  - f) install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.
- 5.6. Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.7. 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*.
- 5.8. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.9. Provide certification from a geotechnical engineer to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent and where modified by conditions of consent.

- 5.10. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 5.11. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-Stormwater drainage systems. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.12. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.
- 5.13. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.14. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.15. Dedicate to Council as road reserve at no cost to Council the area required to accommodate the footpath and part of the kerb return constructed within the southwestern boundary of the property.
- 5.16. Amend the Deposited Plan (DP) for lot number DP number to:
  - 1. Include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
    - Create a 'Restriction on the use of Land' over all lots containing a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
  - 2. Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
    - a. To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
      - i. the facility will remain in place and fully operational.
      - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.

- iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
- iv. Council is indemnified against all claims of compensation caused by the facility.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

Submit to the Principal Certifier copies of registered title documents showing the restrictive and positive covenants.

5.17. Construct the car park and accesses in accordance with Australian Standard AS2890.1-2004: Parking facilities - Off-street parking. Certification of the construction of the car park and associated accesses by a suitably qualified consultant must be provided to the Principal Certifier.

# 6. ONGOING OPERATION

- 6.1. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.2. Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.3. Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.4. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.5. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.6. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.7. Comply with all commitments as detailed in the Waste Management Plan signed by Design Cubicle, dated 29 May 2020.
- 6.8. Locate the approved waste storage enclosure / area as indicated on Project No. 180942, Dwg No. DA:204, Issue C dated 10 June 2020 prepared by Design Cubicle.
- 6.9. Construct and manage the waste storage enclosure in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: Chapter 7.2 Waste Management, Appendix D and Appendix G, as applicable.

- 6.10. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.11. Place the mobile garbage/recycling/green waste containers at the approved location at the kerbside in Talgai Close no earlier than the evening prior to the collection day and return to the approved waste bin storage enclosure as soon as possible after service, no later than the evening on collection day. The residents, caretaker, owner, Owners Corporation are responsible for the placement and return of the mobile garbage bins.

# 7. PENALTIES

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.

## Attachment 1

## 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 <u>www.1100.com.au</u> 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.

• <u>Telecommunications Act 1997 (Commonwealth)</u>

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 at: www.centralcoast.nsw.gov.au





1. Alucobond Cladding Pure white colour (or equivalent)

2. Render & Paint Finish -Dulux Terrace White colour (or equivalent)



3. Render & Paint Finish -Dulux Tea house colour (or equivalent)



4. Brick PGH Bricks Dark&Stormy Zephyr colour (or equivalent)



5.Cladding Timber Look-INNOWOOD External Cladding Tasmania Oak colour

(or equivalent)

6. Decorative Timber look privacy screen to match with Timber look Cladding (or equivalent)









7. Powder coated Aluminium Window and Door Frames & Ballustrade Colorbond Monument colour (or equivalent)



ph: 02 9683 2778 [1, 02, 9683 3242, Nominated Architect - Sam Min-Han Lu (#8842)





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# Statement of Environmental Effects

24-28 CAMPBELL CRESCENT, TERRIGAL

24 NOVEMBER 2020

QUALITY ASSURANCE	
PROJECT:	Residential Flat Building
ADDRESS:	24-28 Campbell Crescent, Terrigal
COUNCIL:	Central Coast
AUTHOR:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
December 2019	Draftissue for client	Draft	LK	AB
December 2019	DA Submission	Final	LK	AB
November 2020	Revised DA	Final	JW	AB
November 2020	Revised DA	Final	JW	AB

# Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP 1- Development Standards	No
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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## **EXECUTIVE SUMMARY**

This Statement of Environmental Effects has been prepared in support of a development application for the demolition of existing structures and the construction of a 4 storey residential flat complex containing 13 apartments over two levels of basement carparking for 27 vehicles at 24-28 Campbell Crescent, Terrigal.

For clarity the development is proposed across the following allotments:

- SP 6964 &
- Lot 1 DP 1067146 irregular separate allotment of approximately 176sqm.

The subject site is located within the recently amalgamated Central Coast Council; however, it is noted that the development site is still subject to planning instruments associated with the former Gosford Council, including the Gosford Local Environmental Plan 2014 & Gosford Development Control Plan 2013.

A brief description of the proposal is provided below:

#### Unit Mix

- 2 x 1-bedroom units;
- 4 x 2-bedroom units; and
- 7 x 3-bedroom units.

#### Parking

A total of 27 carparking spaces are provided within 2 basement levels, comprising of;

- 23 residential parking spaces (including 2 accessible); and
- 4 visitor parking spaces.

Vehicle access to the site is provided via a new double width vehicle crossover and, driveway from Campbell Crescent.

The subject land parcel is also within walking distance to a small neighbourhood centre, local parks, local schools, places of public worship and child care facilities. Local bus stops with regular services to Gosford and Terrigal (Routes 67 & 68) is within a 290m walking radius from the development site.

The development site is an irregular shaped corner land parcel, with frontages to Campbell Crescent and Talgai Close, with a total site area of 1714m<sup>2</sup>. The development proposes a stepped design in order to mitigate the impacts of the sloping terrain due to the land parcel experiencing a cross-fall from Talagai Place to Campbell Crescent.



The subject site is zoned R1- General Residential under the Gosford Local Environment Plan 2014. '*Residential Flat Buildings*' are permissible with consent within the R1 – General Residential zone.

The development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to public transport, services, industrial precincts, schools and recreational opportunities. The development will positively contribute towards increasing housing opportunities within Terrigal.

The existing built form character within the subject area contains a combination of large residential dwellings and older style residential flat buildings, with the area currently trending towards higher density development.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.



## SITE AND CONTEXT

### SUBJECT SITE

The development site is an irregular shaped corner land parcel, with frontages to Campbell Crescent and Talgai Close.

For clarity the development is proposed across the following allotments:

- SP 6964 &
- Lot 1 DP 1067146 irregular separate allotment of approximately 176sqm.

The development proposes a stepped design in order to mitigate the impacts of the sloping terrain due to the land parcel experiencing a cross-fall from Talagai Place to Campbell Crescent.

At present, the subject land parcel comprises of an older style single storey dwelling and associated structures including existing vegetation as well as a vehicular crossover. This is demonstrated via photograph 1 provided below.





#### SUBJECT AREA ANALYSIS

Residing within a residential area, the site is located within walking distance to an established commercial precinct.

The built form character within the immediate locality comprises of a mix of three and four storey residential units of mixed architectural design, size and form interspersed by modern dwelling house developments and a cluster of older style two storey multidwelling housing developments.

The broader locality is zoned general residential densities, however, the predominate built form along Campbell Crescent comprises of both older style and recently constructed apartment buildings.

The aerial map extract below shows the subject site and the immediate context.



Subject Site



#### BROADER LOCALITY ANALYSIS

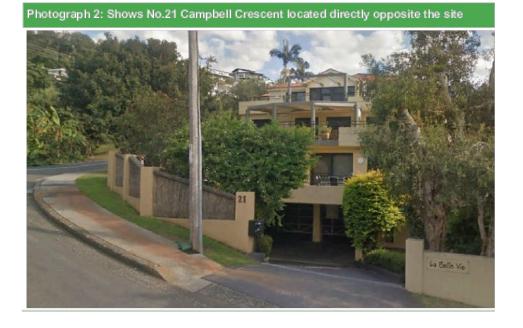
The subject site is located within proximity to public transport, services, industrial precincts, schools and recreational opportunities, noting the broader locality is serviced by key arterial roads including Terrigal Drive, which grants access to A40 The Entrance Road. The development will positively contribute towards increasing housing opportunities within Terrigal.

An aerial photograph of the broader locality is provided below which demonstrates the development site in its current context.



Photographs are provided below that give context to the locality and also the relationship of the development site with adjoining developments.





Photograph 3: Shows No.22 Campbell Crescent, which is the adjoining property

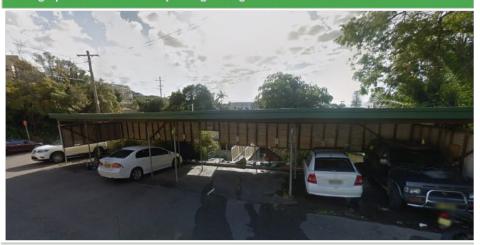






Photograph 4: Shows No.2-6 Talagai Close which is located in the adjoining street

Photograph 5: Shows the car parking arrangement associated with the site





## ZONING CONTROL

As evident via zoning map extract below, the subject site is zoned R1- General Residential under the Gosford Local Environment Plan 2014. 'Residential Flat Buildings' are permissible with consent within the R1 – General Residential zone.



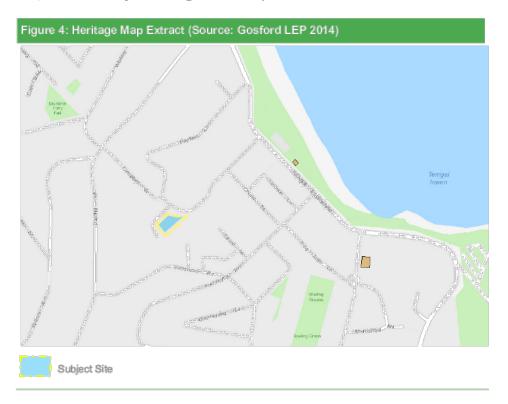
The proposal has been designed having regard to the Residential Flat Building controls in order to guide the built form to ensure compatibility with the context of the locality.

The development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to public transport, services, industrial precincts, schools and recreational opportunities. The development will positively contribute towards increasing housing opportunities within Terrigal.



## HERITAGE

The subject site is not identified as a heritage item nor is it located within a heritage conservation area nor are there any heritage items within proximity to the development site, as illustrated by the heritage extract map below.



As a result, the subject site will not have any associated heritage restrictions and any heritage investigation is not required.



## **DESCRIPTION OF PROPOSAL**

The Development Application for the demolition of existing structures and the construction of a 4 storey residential flat complex containing 13 apartments over two levels of basement carparking for 27 vehicles at 24-28 Campbell Crescent, Terrigal.

The subject site is located within the recently amalgamated Central Coast Council; however, it is noted that the development site is still subject to planning instruments associated with the former Gosford Council, including the Gosford Local Environmental Plan 2014 & Gosford Development Control Plan 2013.

A brief description of the proposal is provided below:

### Unit Mix

- 2 x 1-bedroom units;
- 4 x 2-bedroom units; and
- 7 x 3-bedroom units.

#### Parking

A total of 27 carparking spaces are provided within 2 basement levels, comprising of;

- 23 residential parking spaces (including 2 accessible); and
- 4 visitor parking spaces.

Vehicle access to the site is provided via a new double width vehicle crossover and, driveway from Campbell Crescent.

#### Unit Configuration

A summary of the unit configuration is provided below:

Unit	Bedrooms	Solar	Cross
Unit 1	3	No	No
Unit 2	3	No	Yes
Unit 3	1	Yes	No
Unit 4	1	Yes	No
Unit 5	3	Yes	No
Unit 6	3	Yes	Yes

Unit 7	2	No	No
Unit 8	2	No	Yes
Unit 9	2	Yes	Yes
Unit 10	3	Yes	Yes
Unit 11	2	No	Yes
Unit 12	3	Yes	Yes
Unit 13	3	Yes	Yes

A brief description of the various aspects of the development is provided below.

#### Basement Level:

- Vehicle access to the site via a new double width cross-over via Campbell -Crescent with a driveway and graded ramp that provides vehicular access to the basement level.
- The development proposal includes a total of 14 car parking spaces within a basement level.

The break down is listed below:

- A total of 17 car parking spaces, noting 2 accessible space provided
- o 4 x visitor spaces
- Care taker water closet -
- Stairwell and lift core provided -----

#### Lower Ground Floor Level:

- Vehicle access to the site via a new double width cross-over via Campbell Crescent with a driveway and graded ramp that provides vehicular access to the basement level.
- The development proposal includes a total of 10 car parking spaces within a basement level.

The break down is listed below:



- o A total of 10 x resident parking spaces
- A total of 2 units are located on this level. Each unit have their own kitchen, laundry, bedroom and private open space
- Lobby, Stairwell and lift core provided

#### Mid Ground Level:

- Pedestrian entry point via Talgai Close
- A total of 7 units are located on this level. Each unit have their own kitchen, laundry, bedroom and private open space
- Lobby, Stairwell and lift core provided

#### Upper Ground Floor:

- Pedestrian entry point via Talgai Close
- A total of 4 units are located on this level. Each unit have their own kitchen, laundry, bedroom and private open space
- Lobby, Stainvell and lift core provided
- Common Open Space
- Bin storage area with access from Talgai Close

## First Floor:

- A total of 2 units are located on this level. Each unit have their own kitchen, laundry, bedroom and private open space
- Lobby, Stainvell and lift core provided
- Common Open Space

## Roof Plan

- Roof top communal open space is provided as evident via roof top plan. See attached plans for detail.
- Lobby, Stairwell and lift core provided

Council consent is sought for the excavation of the site as per the attached plans. It is considered that the proposed excavations particularly for the basement car parking area will have minimal adverse environmental or amenity impacts. The use of the stepped ground floor and proposed plantings within the site and around the site's boundaries will ensure the proposal results in an appropriate amenity and privacy outcome when considering the nature of the development, the unique sloping characteristics of the site and compliance with relevant Council controls.

The proposed excavations are consistent with the proposed use of the land and will develop the site in context with similar high-density residential developments within the Gosford Local Government Area.

The proposal will also incorporate a number of ancillary elements, including detailed landscape embellishment works and relevant drainage elements as shown on the submitted plans.

The relevant architectural plans for the proposal have been prepared by Design Cubicle, while supporting reports have been prepared by relevant sub consultants. The design of the proposed development incorporates contemporary architectural aesthetics that are consistent with residential flat buildings within Terrigal and relate to anticipated and existing development in proximity to the site. Furthermore, the proposed development aims to set the tone and scale for future comparable high-density developments along Campbell Crescent.

Design consideration has been given to the scale, size and form of the proposal in relation to the unique characteristics of the site, adjoining residences and existing character of the area. Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.

As such, the development is considered a compatible and appropriate built form within a context to the streetscape.



## PLANNING CONTROLS

## STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy (BASIX) 2004;
- State Environmental Planning Policy No. 55 Remediation of Land;
- State Environmental Planning Policy No. 65- Design Quality of Residential Apartments
- Gosford Local Environmental Plan 2014.

## POLICY CONTROLS

The applicable policy control documents are: -

- Gosford Development Control Plan;



### CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

#### STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The application has been assessed and is accompanied by a complying BASIX certificate demonstrating a commitment to thermal and water efficiency and aligning with the provisions of the SEPP.

#### STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND

Clause 7 of SEPP 55 provides:

(1) A consent authority must not consent to the carrying out of any development on land unless:

- a) it has considered whether the land is contaminated, and
- b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Given the historical use of the site for residential purposes, land contamination is not likely. Further investigation and reporting under SEPP 55 is not considered necessary. If any contaminated materials or suspected contaminated materials are unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken.



### STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The development application is accompanied by a design verification statement, verifying that the company has directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential apartment development.

A description of compliance with the applicable development controls such as setbacks, building depth, separation, height, etc is provided in the local planning controls discussion and tables below.

The table below provides a detailed discussion against the relevant provisions of the Apartment Design Guide, noting that a number of these provisions are embodied within the Gosford Local Environmental Plan 2014 and supporting Gosford Development Control Plan 2014.

An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Architectural Design Guide can be found below.

Clause 6A of the amended SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide for the following matters set out in parts 3 and 4 of the guide:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

The SEPP states that if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which clause 6A applies, those provisions are of no effect.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 Siting the De	velopment		
3A Site Analysis	Appendix 1 of the ADG	Provided	Yes
3B Orientation	Building to define the street, by facing it and	The proposed development has been designed to address its dual frontages, noting appropriate	Yes
	Statement of Environ	mental Effects: Residential Flat Bui	Iding

24-28 Campbell Crescent, Terrigal PAGE 20

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	incorporating direct access from the street	pedestrian and vehicle address is to be provided.	
	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by >20%	Not applicable.	N/A
	4 hours of solar access should be retained to solar collectors on neighbouring buildings	Not applicable.	N/A
3C Public Domain Interface	Terraces, balconies should have direct street entry, where appropriate	Due to the scale of the development and the design of the proposal, no direct access to street entry is provided to ground floor units, however appropriate access to all ground floor units is provided by the proposal.	Yes
	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Mail boxes are appropriately located.	Yes
	Substation, pump room, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	Garbage storage areas are located within the basement level.	Yes
3D Communal and Public Open Space	<u>Design Criteria:</u> Communal open space has a minimum area equal to 25% of the site	458m <sup>2</sup> (26.7%) of the site area is dedicated for communal open space area.	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm	Complies	Yes
	<u>Design Criteria:</u>		
	Minimum dimension of 3m	Complies	Yes
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Proposal ensures that direct, equitable access in line with relevant Australian Standard is provide to communal open space areas from common circulation areas, entries and lobbies.	Yes
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	It is noted that the common open space areas are provided on the upper ground floor and the roof level.	Yes
	Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements:	Complies.	Yes
	<ul> <li>seating for individual or groups</li> <li>barbecue areas</li> <li>play equipment or play area</li> <li>swimming pools, gyms, tennis courts or common rooms</li> </ul>		
	Communal open space and the public domain should be readily visible from habitable room and private open space areas while maintaining privacy	The proposed development has been designed with the orientation of balconies and windows to maximise passive surveillance to the communal open space areas on the ground floor and to the public domain.	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	Public open space should be well connected with public street along at least one edge	Direct access to site is provided from pedestrian pathway from existing roads. See attached plans for detail.	Yes
3E Deep Soil Zones	Design Criteria: A deep soil zone equivalent to 7% of the site must be provided If the site is between 650m <sup>2</sup> to 1500m <sup>2</sup> then the DSZ must have minimum dimension of 3m. If over 1,500m <sup>2</sup> then minimum dimension of 6m	The proposal has provided >7% of the site area is dedicated for deep soil zones. Minimum dimension of 6m	Yes Yes
3F Visual Privacy Buildings separation up to 4 storeys (up to 12m)	12m between habitable rooms (6m) 6m between non-habitable rooms (3m)	Clause 3F Building separation stipulates the following: Buildings separation up to 4 storeys (up to 12m) to provide the following: • 2m between habitable rooms (6m) • 6m between non-habitable rooms (3m) The proposed RFB has provided appropriate setbacks. This is demonstrated as the minimum side setbacks that have been incorporated have been designed with respect to SEPP 65 as well as Gosford DCP. The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity as evident via side setbacks. This is demonstrated through the implementation of 1.9m planter boxes along private open spaces to reduce both acoustic and visual privacy	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		It is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by adjoining properties. On the basis of the proposed building separation is considered acceptable and it is worthy of Council approval.	
3G Pedestrian Access and Entries	Buildings entries should be clearly identified, and communal entries should be clearly distinguished from private areas	The proposal provides multiple entries to the site via Campbell Crescent and Talagai Place and are clearly identified and visible from the street level. Considering the scale of the site and the proposal, where appropriate entrance is clearly identified and visible from the existing and planned street level	Yes
3H Vehicle Access	Car park access should be integrated with the building's overall façade	Vehicle access point to the basement level and lower ground are integrated with the proposal building's overall façade	Yes
	Car park entry and access should be located on secondary streets or lanes where available	The entrance to the basement carpark is from Campbell Crescent.	Yes
	Adequate separation distance should be provided between vehicle entries and street intersection.	The location of the vehicle driveway is sufficiently separated from the street intersection. See attached Traffic Report for detail.	Yes
	Garbage collection, loading and service areas are screened	Garbage collection, loading and service area are located within the upper ground level with access from Talgai Close	Yes

	Guideline	Proposed	Compliance
	Clear sight lines should be provide at pedestrian and vehicle crossing	Clear sight lines are provided at pedestrian and vehicle crossing to ensure safety of pedestrians.	Yes
3J Carparking	<u>Design Criteria:</u>		
	Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of: >20 units Metropolitan Sub-Regional <u>Centres</u> 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom units. 1 space per 5 units (visitor parking) <u>Design Guidelines:</u> Secure undercover bicycle	N/A as not within 800m of railway station – therefore the proposal is designed to comply with Gosford DCP.	Refer to discussion against the relevant section of the DCP for detail
	parking should be provided that is easily accessible from both the public domain and common areas	spaces are provided within the basement level and have been located to be easily accessible from future residents.	165
4A Solar Access	<u>Design Criteria:</u>		
	Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter	77% of units achieve the required 2 hours of solar access at mid-winter	Yes
	A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter	<15%	Yes

4B Naturally       Design Criteria:         Ventilation       60% of units are cross ventilated in a building up to 9 storeys         60% of units are cross ventilated in a building up to 9 storeys       62% of units are cross ventilated in a building up to 9 storeys	ventilated. Yes Yes
Ventilation 60% of units are cross ventilated in a building up to 9 storeys	
60% of units are cross 62% of units are cross ventilated in a building up to 9 storeys	
Complies	Yes
Overall width of cross over or cross through apartments is < 18m	
Design Guidelines:	where of sheet
Development has a The building should aspect apartments include dual aspect apartments. See apartments, cross through architectural plans for d apartments and corner apartments and limit apartment depths	and corner Yes attached
4C Ceiling Height Design Criteria:	
2.7m for habitable and 2.4m for non-habitableComplies.	Yes
4D Unit Sizes <u>Design Criteria:</u>	
1 bed     50m²     All units comply with       2 bed     70m²     exceeding, see attach       3 bed     90m²     detail. Refer to unit       +5m² for each unit     SEPP 56 Report.       with more than 1     bathroom	ed plans for configuration
Every habitable room must Every habitable room have a window in an with a window. external wall with a total minimum glass are of not less than 10%	is provided Yes
Habitable Room         Design Criteria:           Depth s	
Limited to 2.5m x Ceiling Despite the noncom Heights object 4D-2, Figure 4	

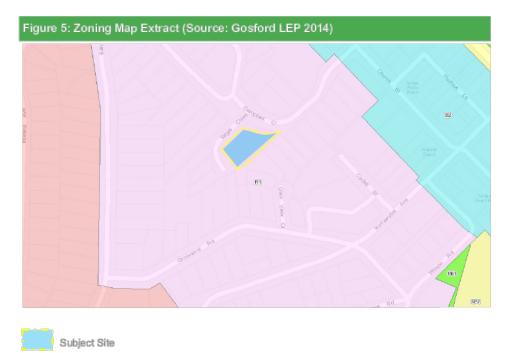
ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		that an 8.1m depth (3 x ceiling height) is ok for open plan apartments.	
Bedroom sizes Master Normal	10m <sup>2</sup> 9m <sup>2</sup>	Comply Comply	Yes Yes
Living room/dining areas have a minimum width of:			
3.6m 4m	Studio/ 1 br 2br / 3br	Comply Comply	Yes Yes
Open plan layouts that include a living, dining room and kitchen	8m to a window	Comply	Yes
4E Private Open Space			
Balcony Sizes 1 bed 2 bed 3 bed	8m² & 2m depth 10m² & 2m depth 12m² & 2.4m depth	Comply Comply Comply	Yes Yes Yes
Ground level / podium apartments	15m <sup>2</sup> & 3m depth	Comply	Yes
4F Common circulation and space	<u>Design Criteria:</u>		
Common circulation units per plate	8 – 12 unit per plate	Complies.	Yes
Corridors> 12m	Are articulated	N/A	N/A
4G Storage	<u>Design Criteria:</u>	The proposal provides:	Yes
	1 bed: 6m <sup>3</sup> 2 bed: 8m <sup>3</sup> 3 bed: 10m <sup>3</sup>	1 bed: >6m³ 2 bed: >8m³ 3 bed: >10m³	

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	Minimum 50% of required storage is within the apartment	This is provided within the basement/ground floor and within the units themselves, and where appropriate a minimum of 50% of storage is to be provided within each individual unit. The proposed development is considered to offer storage space that aligns with the provision of the ADG.	Yes
4H Acoustic Privacy	<u>Design Criteria:</u>		
	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses	Development has provided adequate separation from neighbouring buildings/properties in-line with 3F Visual Privacy – design criteria above.	Yes
	Windows and door openings are generally orientated away from noise source	Where appropriate windows and door openings are orientated away from noise sources.	Yes
	Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and also take advantage of the lot orientation.	Yes
4K Apartment Mix	Design Guidelines:		
	A variety of apartment types is provided	Dwelling diversity provided with the development providing the following unit mix:	Yes
4M Facades	<u>Design Guidelines:</u> Building facades should be well resolved with an appropriate scale and proportion to the	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements.	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	streetscape and human scale	Overall the proposed facade is considered a quality design outcome that is compatible with other comparable modern mixed use development within the locality and within the wider local government area.	
4O Landscape design	<u>Design Guidelines:</u>	Consistent as per landscaping plan	Yes
4Q Energy efficiency		The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
		Furthermore, it is noted that 77% of units achieve the minimum 2 hours of solar access at mid-winter and over 62% of units achieve natural ventilation.	
4V Water management and conservation	Design Guidelines: Reduce mains consumption, and reduce the quantity of stormwater runoff	The residential development has been provided with BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
4W Waste Management	<u>Design Guidelines:</u>		
	Supply WMP Allocate storage area	Provided. Appropriate waste storage areas are provided.	Yes Yes
4X Building Maintenance	Design Guidelines: To ensure long life and ease of maintenance for the development	The proposed material is considered durable which may be easily cleaned.	Yes

#### GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

As shown on the zoning map extract below, the development site is zoned R1 General Residential under the provisions of the Gosford LEP 2014, and '*Residential Flat Buildings*' are permissible with consent within the R1 Zone.



The proposal remains consistent with the definition contained within the LEP:

**Residential Flat Building** means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

Furthermore, the proposal remains consistent with the prescribed zone objectives that are stipulated as:

- To provide for the housing needs of the community.
- To provide a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To promote best practice in the design of multi dwelling housing and other similar types of developments.

 To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonable required for multi dwelling housing or other similar types of development.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Gosford Lo	ocal Environmental Plan 2014 – Ce	ompliance Table	
Clause			
Zoning	R1 – General Recreational	Residential Flat Buildings are permissible with Council consent in the R1 – General Residential zone.	Yes
Part 2 Perr			
2.3	Zone Objectives and Land Use Table	The proposal remains consistent with the zone objectives of the R1 – General Residential zone and will provide additional housing in the catchment that is serviced by local amenities whilst contributing towards increasing the housing stock within Terrigal to suit the needs of residents within a high-density context. The site as it currently exists is underutilized in terms of its potential and is not expected to create substantial demand for new community infrastructures. It is expected that future residents will rely on existing infrastructures and public transport to access their everyday needs given the proximity to local services and public transport. The proposal will not only permit the site to be developed to its full zoning potential but aims to enhance the tone and scale for future high-density development within the subject area.	
4.3	Height of Buildings: 8.5m	A maximum building height of 8.5m is identified for the site under the Gosford Local Environmental Plan 2014 Maximum Building Height Map Sheet.	Clause 4.6

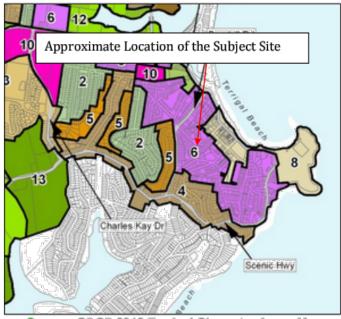
identified for the site under Gosford Local Environmental Plan 2014 Floor Space Ratio Map Sheet FSR         The proposal has been designed to comply with the permitted maximum FSR.         Part 5 Microstlamecous Pressigneme         5.10       Heritage Conservation         There are no heritage restrictions on the site or within its immediate vicinity. Not applicable.       N/A         5.11       Bushfire Hazard Reduction       The subject site is not identified as being located within Bushfire prone land. Not applicable.       N/A         7.1       Acid Sulfate Soils       The subject site is identified as being affected by Class 5 Acid Sulphate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils       Yes Notwithstanding the proposal is not located within 500m of adjacent Class 1, 2, 3 or 4				
desire to provide for accessibility to all persons via the lift. The variation has merit and a Clause 4.6 is prepared for the variation to the height control with all applicable detail and justification provided within Annexure 1 at the end of the SEE.         4.4       Floor Space Ratio: 0.7:1       A maximum floor space ratio of 0.7:1 is identified for the site under Gosford Local Environmental Plan 2014 Floor Space Ratio Map Sheet FSR       Yes         5.10       Heritage Conservation       There are no heritage restrictions on the site or within its immediate vicinity. Not applicable.       N/A         5.11       Bushfire Hazard Reduction       The subject site is not identified as being located within Bushfire prone land. Not applicable.       N/A         7.1       Acid Sulfate Soils       The subject site is identified as being affected by Class 5 Acid Sulphate Soils under Gosford Local Environmental Plan 2014 Floor Space Ratio Map Sheet FSR       Yes         7.1       Acid Sulfate Soils       The subject site is not identified as being affected by Class 5 Acid Sulphate Soils under Gosford Local Environmental Plan 2014 Floor Space Ratio Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils under Gosford Local Environmental Plan 2014 Floor Space Ratio Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils under Gosford Local			<ul> <li>appropriate in context and the design response ensures amenity impacts to adjoining properties will be minimised.</li> <li>The proposal does have some encroachments to the building as follows: <ul> <li>Lift Over-run: 2.37m-3.56m</li> <li>Balustrade edges and wall element to rooftop: 390mm- 1.8m</li> </ul> </li> <li>It is noted that these elements are recessed centrally within the development and the site such that they are not readily visible from the street and do not discernibly impact on bulk and scale. The actual variation to the control</li> </ul>	
identified for the site under Gosford Local Environmental Plan 2014 Floor Space Ratio Map Sheet FSR         The proposal has been designed to comply with the permitted maximum FSR.         Part 5 Miscellanceus Provisione         5.10       Heritage Conservation         There are no heritage restrictions on the site or within its immediate vicinity. Not applicable.       N/4         5.11       Bushfire Hazard Reduction       The subject site is not identified as being located within Bushfire prone land. Not applicable.       N/4         7.1       Acid Sulfate Soils       The subject site is identified as being affected by Class 5 Acid Sulphate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils Map Sheet Notwithstanding the proposal is not located within 500m of adjacent Class 1, 2, 3 or 4			desire to provide for accessibility to all persons via the lift. The variation has merit and a Clause 4.6 is prepared for the variation to the height control with all applicable detail and justification provided	
5.10       Heritage Conservation       There are no heritage restrictions on the site or within its immediate vicinity. Not applicable.       N/A         5.11       Bushfire Hazard Reduction       The subject site is not identified as being located within Bushfire prone land. Not applicable.       N/A         7.1       Acid Sulfate Soils       The subject site is identified as being affected by Class 5 Acid Sulphate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils Map Sheet Notwithstanding the proposal is not located within 500m of adjacent Class 1, 2, 3 or 4       Yes	4.4	Floor Space Ratio: 0.7:1	identified for the site under Gosford Local Environmental Plan 2014 Floor Space Ratio Map Sheet FSR The proposal has been designed to comply	Yes
site or within its immediate vicinity. Not applicable.         5.11       Bushfire Hazard Reduction       The subject site is not identified as being located within Bushfire prone land. Not applicable.       N/A         Part 7 Additional Local Provisions – General       The subject site is identified as being affected by Class 5 Acid Sulphate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils Map Sheet Notwithstanding the proposal is not located within 500m of adjacent Class 1, 2, 3 or 4       Yes	Part 5 Misc			
Part 7 Additional Local Provisions – General         7.1       Acid Sulfate Soils         The subject site is identified as being affected by Class 5 Acid Sulphate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils Map Sheet Notwithstanding the proposal is not located within 500m of adjacent Class 1, 2, 3 or 4	5.10	Heritage Conservation	site or within its immediate vicinity. Not	N/A
7.1       Acid Sulfate Soils       The subject site is identified as being affected by Class 5 Acid Sulphate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils Map Sheet Notwithstanding the proposal is not located within 500m of adjacent Class 1, 2, 3 or 4       Yes	5.11	Bushfire Hazard Reduction	located within Bushfire prone land. Not	N/A
affected by Class 5 Acid Sulphate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils Map Sheet Notwithstanding the proposal is not located within 500m of adjacent Class 1, 2, 3 or 4				
Acid Sulphate Soils and the proposal will	7.1	Acid Sulfate Soils	affected by Class 5 Acid Sulphate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils Map Sheet Notwithstanding the proposal is not located	Yes

		not have any adverse impact on site or on its surrounds Not applicable.	
7.2	Flood Planning	The site is not identified as being subject to flooding. Not applicable.	N/A
7.3	Floodplain Risk Management	The subject site is not identified as containing flood-affected portions	N/A

## GOSFORD DEVELOPMENT CONTROL PLAN 2013 - PART 2 SCENIC QUALITY AND CHARACTER

#### 2.1 Character – Terrigal

The subject site is located within the Medium Density Hillsides character area as evident in the extract below.



Source: GDCP 2013 Terrigal Character Areas Map



The DCP outlines that the existing character of the area is defined as being located on gentle to moderate foot slopes that are backed by scenically-prominent wooded ridgelines that form a prominent backdrop to the beachfront, the town centre and to major thoroughfares. The area accommodates long term residents as well as holidaying visitors plus a range of community services.

However, it is noted that the area is undergoing a change in character as the DCP states that the original character of modest holiday cottages is changing rapidly, and the semi-regular layout of allotments now supports a dense mix of apartment and townhouse developments.

In light of the transitioning built form within the area, the DCP describes the desired future character of the area as remaining a medium-density residential hillside where improved standards of amenity and urban design quality are achieved by new multi-unit developments that are surrounded by leafy hillside gardens.

The proposed development represents a RFB development will maintain the medium density setting by incorporating a 2-3 storey building height that will be predominantly compliant with the permitted maximum building height and FSR controls and will also provide a leafy garden setting noting the proposed landscape embellishment works and will retain the natural slopes along the site boundaries as illustrated in the submitted landscape concept plan.

In addition and having regard to the sloping topography within the subject site, the proposed basement and building designs will adhere to the recommended built form in that it will be elevated above basement parking, rather than extensive cut-and-fill that would requires tall retaining walls or steep driveways.

Furthermore, the design of the proposed development with articulated facades that include balconies along the street elevation and a flat roof with a small angled section with clerestory windows and the proposed 6m break between the two building forms will ensure that the scale of the development will be minimised so that the proposal will adopt a 'light weight' appearance whilst also providing a traditional street address.

Consideration has also been given to the amenity and privacy of adjoining developments and the proposal will ensure that no adverse impacts will be created to ensure that it fully aligns with the desired future character of the area.



#### 2.2 Scenic Quality - North Coastal

The subject site is located within the Terrigal Landscape Unit, which is defined by the DCP as being strongly enclosed as a result of landform characteristics and it 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.

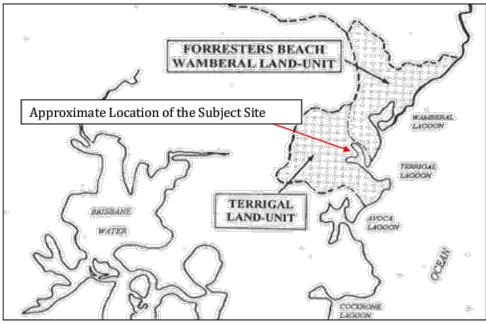


Image 8: GDCP 2013 Extract - Scenic Quality Geographic Unit - North coastal

In addition, 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. As outlined within the Character section above, the subject site is also located within the Medium Density Hillside character area, which is located along the eastern section of the Terrigal Landscape Unit.

The DCP also clarified what is expected of new developments to ensure that the sensitive scenic quality of the area is not jeopardised noting the short-term pressure that exists within this scenic area. As such it states the following:



For the <u>Terrigal Landscape Unit</u> 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 codominance 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.

In cognizance of the sensitive area within which the subject site is located, the modified development has been carefully designed with consideration given to the siting and scale of the proposal. The sloping topography on site represents development constraints for the proposed development, however they also benefit the development in that the major portions of the buildings will be contained within the slope of the site towards the west and away from the eastern scenic portions of the area. In addition, the development will incorporate a stepped building platform that will address the sloping topography of the site and will predominantly comply with the maximum permitted building height to ensure that it will not incongruously protrude when viewed from the rear. Furthermore, the proposal will present a building form to Campbell Crescent that will be consistent with the existing scale and pattern of development within the area.

In this regard, the modified proposal will not create any adverse impacts on the existing scenic quality of the area and as such will be less than the existing scenic setting and will align with the intentions of this section of the DCP.



### GOSFORD DEVELOPMENT CONTROL PLAN 2013 – PART 3 SPECIFIC CONTROLS FOR DEVELOPMENT TYPE

The table below provides detail on the development standards relevant to the current proposal.

3.3.1.1	Types of Multi unit Residential Development	The proposal aligns with the definition for residential flat buildings in that the building will contain more than 3 dwellings, the site area exceeds the minimum requirement under the GLEP 2014, and the parking provisions will be contained within a stepped basement level.	Yes
3.3.2	Desired Character	The proposed development has been designed to align with the desired character of the area as detailed above and will provide high quality residential flat building that will protect and enhance the existing setting by being stepped to address the site's sloping topography, will provide consistent street setbacks and will also be of a height, scale and bulk that is commensurate to the subject site.	Yes
3.3.3.1.2	Building Height	A maximum building height of 8.5m is identified for the site under the Gosford Local Environmental Plan 2014 Maximum Building Height Map Sheet. The overall density of the development is appropriate in context and the design response ensures amenity impacts to adjoining properties will be minimised. The proposal does have some encroachments to the building as follows: - Lift Over-run: 2.37m-3.56m - Balustrade edges and wall element to rooftop: 390mm- 1.8m It is noted that these elements are recessed centrally within the development and the site such that they are not readily visible from the street and do not discernibly impact on bulk and scale. The actual variation to the control arises from the rooftop area and the desire to provide for accessibility to all persons via the lift. The variation has merit and a Clause 4.6 is prepared for the variation to the height control with all applicable detail and justification provided within Annexure 1 at the end of the SEE.	

3.3.3.1.2	Storey Height	As the subject site is attributed with an 8.5m maximum building height the corresponding storey control is two storeys. However, the proposed RFB will incorporate a 2-3 storey building form due to the proposed protrusion of the basement level that occurs as a result of the sloping topography within the subject site. Notwithstanding, the natural slope of the site's common boundaries will remain unaffected, the basement will be appropriately setback to ensure that it will not create any detrimental amenity impacts and the portion that protrudes is focused at the rear of the units which ensures that the development will present as a two storey structure to the street so as to maintain the medium density character envisaged for the area. Having regards to the above, and that the proposed development will only incorporate two levels of residential units, it is considered that the variation to the storey height control is acceptable as the proposal will comply with the intention of the control.	Minor Variation
3.3.3.1.2	Exterior Wall Height	The proposed development will comply with the maximum 7.5m exterior wall control along the front elevation. However, as outlined above, the rear portions of the buildings will protrude beyond the natural ground level to address the context of the site and to provide a stepped building platform noting the sloping topography within the site. As such the rear elevations will exceed the permitted maximum exterior wall control. Notwithstanding, the variation is considered acceptable noting its minor nature, the street presentation of the development will comply with the control and the relationship of the site-having 3 road frontages means the impacts to adjoining residential properties are limited and it will not create any negative visual or overlooking impacts.	Minor Variation
3.3.3.1.2		As a result of the sloping topography of the subject site, the proposed development will not comply with the 1m control for the lowest occupied floor level as the development will incorporate a FFL for the ground level of the proposed block that will be a maximum of 2.9m above the NGL near the rear portion of the buildings. However, the proposal has been designed to address the sloping topography of the site whilst also ensuring that the amount of cut required will be minimised. Therefore, the proposed variation is considered acceptable. In addition, the proposal will predominantly	Minor Variation
	Stat	ement of Environmental Effects: Residential Flat Build 24-28 Campbell Crescent, Terr PAGE	igal

	comply with the permitted maximum building height and the internal layout of each unit along with the orientation of the POS balconies will ensure that no adverse privacy, overshadowing or amenity impacts will be created by the variation.	
	As such, the proposal is considered worthy of support.	
Minimum Ceilin Heights	g The modified proposal will remain compliant minimum ceiling heights of 2.7m for each of the residential levels.	Yes
Deep Soil	<ul> <li>Gosford DCP stipulates the following regarding corner allotments and setbacks <ul> <li>a front boundary setback applies to the shorter street frontage;</li> <li>a side boundary setback applies to the longer street frontage;</li> <li>a rear boundary setback applies to the boundary that is parallel to the shorter street frontage.</li> </ul> </li> <li>The proposal provides the following: <ul> <li>Front Setback along the shorter side of the corner lot = 6m</li> <li>Front Setback Along the longer side of corner lot = 4m</li> <li>Deep soil boundaries on sides = 2m-6m</li> <li>Deep Soil boundaries on front and rear = 6m</li> </ul> </li> <li>It is noted that sections of lower ground units will minimally encroach into the front 6m setback. The proposed encroachments are considered acceptable noting their minor nature, they will not prevent the site form achieving the required deep soil appropriately landscaped front setbacks and they will permit essential turning space and maneuverability for vehicles within the basement level.</li> </ul>	Minor Variation
Setbacks to Exterior Walls	<ul> <li>The proposed development has been designed to predominantly comply with the prescribed boundary setbacks.</li> </ul>	Yes
	Deep Soil	Deep Soil       Gosford DCP stipulates the following regarding corner allotments and setbacks         •       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.         •       a rear boundary setback applies to the boundary that is parallel to the shorter street frontage.         The proposal provides the following:       •         •       Front Setback along the shorter side of the corner lot = 6m         •       Front Setback Along the longer side of corner lot = 4m         •       Deep soil boundaries on sides = 2m-6m         •       Deep Soil boundaries on front and rear = 6m         It is noted that sections of lower ground units will minimally encroach into the front 6m setback. The proposed encroachments are considered acceptable noting their minor nature, they will not prevent the site from achieving appropriately landscaped front setbacks and they will permit essential turning space and maneuverability for vehicles within the basement level.         Setbacks       to       The proposed development has been designed to predominantly comply with the prescribed boundary

		It is noted that the proposed communal bin storage areas will be built to grant access via Talagai Place. The location is considered acceptable noting the small single storey scale of the proposed bin storage areas and the practicality that they will provide in terms of being accessible to residents whilst also permitting ease of access on bin collection day. Furthermore, the storage area structures have been designed to match the design quality of the proposed buildings and will be appropriately screened to reduce any negative visual and amenity impacts as prescribed by the DCP Therefore, the location and design of the two bin storage areas will ensure that these areas will not create any negative streetscape presentation, nor will they adversely affect the movement of pedestrians within the site and along the public footpath.	
3.3.3.2.4	Allowable Encroachments	<ul> <li>The proposal has provided minor encroachments in accordance with Gosford DCP. This is evident as Gosford DCP stipulates the following encroachments are allowed: <ul> <li>Minor features and building elements</li> <li>Terraces above basements that are generally not more than 1m above ground level</li> <li>Balconies which display a "light-weight" appearance</li> <li>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</li> </ul> </li> <li>The proposal has been designed with respect to the controls prescribed within Gosford DCP.</li> <li>In addition, the proposed balconies will enhance the articulation of the built form and will enable passive surveillance of Campbell Crescent and the rear communal open space areas.</li> <li>The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity as evident via side setbacks.</li> <li>As such, the encroachments to minor features and building elements as well as balconies are proposed in accordance with the criteria prescribed within the DCP.</li> </ul>	Yes

3.3.3.3.3		The proposed off-street parking will be appropriately located within a stepped basement level as a result of the cross fall within the subject site.	Yes
	extend up to 1m	The basement has been designed to be predominantly consistent with the prescribed deep soil setbacks as previously outlined above at section 3.3.3.2.2	Yes
	level, provided that they are integrated with architectural and landscape design	The proposed basement will extend a above the existing ground level as a result of the sloping topography of the subject site and as such will incorporate a variation to the permitted 1m basement protrusion control. As a result, the proposal is appropriately defined as a 2-3 storey RFB. The proposal has been designed to ensure that the basement protrusion will be integrated into the overall architectural design of the development and noting that it will be focused at the rear of the site, it will not create any undue negative visual streetscape impacts. In addition, the internal layout of the units and rear balconies have been oriented to the rear and front sections of the site so as to remove the potential for visual and acoustic impacts associated with an elevated FFL and the protrusion will reduce the need for extensive cut works within an environmentally sensitive site.	Variation
		Having regard to the above, the context of the site and the previously mentioned benefits of the proposed design concept within the sections above, the proposed variation is considered acceptable.	
3.3.3.3.5	Driveway Design	The proposed driveway has been designed to ensure that safe and efficient vehicular access to the proposed development will be provided for future residents and visitors. The use of a double width driveway, waiting bay areas and a single access ramp are considered acceptable to service the proposed development considering its small- scale nature and the secondary status of Campbell Crescent.	Yes
		The design of the driveway and parking arrangements have been integrated with the overall design of the proposal and will not create any negative visuals or streetscape presentation Please refer to the Traffic and Parking report for further detail with respect to acceptability of the proposed access and parking arrangements and compliance with relevant Council, AS and BCA standards.	

3.3.3.4.1	Articulation	The proposed residential flat building is contemporary in style and is consistent with the future vision envisioned for the locality by Council. The front façades address the street and will be well articulated with the use of vertical and horizontal building elements such as balcony spaces, windows, projecting and receding exterior walls, and framed elements. The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes. Materials and finishes that are proposed to be used will be contemporary in character. The range of materials will significantly contribute to the articulation of the building and will help to reduce the overall bulk and mass of the building. The lift overrun is to be integrated into the design of the building with architectural features incorporated to minimise bulk and scale. See attached plans for detail.	Yes
3.3.3.4.2	Maximum Dimensions of Buildings	The proposed residential flat building will not exceed the maximum permitted 25m dimensions.	Yes
3.3.3.4.3	Separation Between Buildings on the Same Site	This clause isn't relevant to the subject proposal.	N/A
3.3.3.4.4	Articulation of Building Forms	The proposed RFB has been appropriately articulated to include a 1m step in the alignment of the exterior wall, balconies that protrude at least 1m beyond the exterior wall and a contemporary flat roof.	Yes
3.3.3.4.5	Appearance of Adjoining Buildings	This clause isn't relevant to the subject proposal.	N/A
3.3.3.5.2	Residential Amenity	The proposed residential flat building has been designed to ensure that future residents will be provided with high quality amenity whilst not sacrificing the level of amenity enjoyed by surrounding properties and residents. The proposed design concept will ensure that the proposed development is appropriate in terms of scale and bulk and will minimise overshadowing of adjoining properties. Please refer to the shadow diagrams for details. In addition, the dwellings adopt passive solar design principles through the orientation of the majority of living and private open space areas in a northerly, easterly and westerly direction as well as ensuring natural ventilation can also be provided.	Yes

3.3.3.5.3	Site Planning	The proposed residential flat building has been designed with corner apartments that will either face the street or the rear communal open space area as prescribed by the GDCP 2013.	Yes
		The proposed separation distances are considered acceptable noting the internal layout and orientation of the proposed residential units, the boundary screen plantings, the orientation and location of the adjoining properties and the proposed fencing.	Yes
		In addition, the proposed balconies will incorporate a side privacy screen to reduce the potential for overlooking and privacy impacts.	
		The proposed residential units have been designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy.	
		The proposal will have limited acoustic impacts to adjoining properties given the design and layout of the proposed development and the proposed separation distances as it relates to surrounding properties.	Yes
3.3.3.5.4	Natural Cross Ventilation	The proposed design concept will utilise the corner apartment layout for each unit so that an appropriate number of units can be naturally cross ventilated.	Yes
3.3.3.5.5	Private Open Space	The proposed development will incorporate appropriately dimensioned private open space areas in the form of terraces and balconies. As such will comply with the provisions of the DCP to provide highly useable and functional private open space areas. In addition, each POS area will incorporate at least a 2.5m x 2.5m area, which can comfortably-accommodate an outdoor table-setting or seating.	Yes
3.3.3.5.6	Communal Open Space	The proposal has incorporated Communal open space in accordance with SEPP 65, noting 458m <sup>2</sup> or 26.7% of the site area. The COS areas will be appropriately landscaped and designed to provide functional and useable recreational areas for future residents to ensure that the development will provide high quality amenity.	Yes

3.3.4.1.2	Dwelling Types	The proposal is designed to incorporate a mix of dwelling types including 1, 2 and 3-bedroom apartments that have generous internal dimensions. The proposal is seeking to meet market demand for by providing a variety of units that will service people downsizing and looking for permanent accommodation in a coastal setting. Accordingly, the proposal complies with the intention of Council to provide a mix of apartments and a range of choice in the Terrigal area. The proposal itself provides an appropriate mix within the site, and contributes to an important, and often neglected, segment of the market. The apartments each enjoy two orientations and ample cross ventilation. In addition, the bedroom and POS sizes are varied to provide different pricing points for the alternative sizes, which will contribute to affordability.	Yes
3.3.4.1.3	Accessible Dwellings 10% accessible	The proposal has been designed to comply with councils accessible dwellings calculation of 10%.	Yes
3.3.4.2	Residential Address	The proposed development incorporates active façades that will permit casual surveillance of Campbell Crescent, the common open space areas and the driveway area. The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area. The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain. Clear entry points are proposed, that are easily read by resident, visitor and passer by alike. It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with anticipated future developments and street presentation. All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.	Yes

3.3.4.2.6       Desired       Sight The proposed fencing is to be consistent with that existing within the Gosford Local Government Area for comparable residential flat buildings and it will be compliant with Council controls.       Yes         3.3.4.3.2       Articulation of As previously outlined at sections 3.3.3.4.1 and 3.3.3.4. of the compliance table above, the proposed development will be appropriately articulated to provide high quality contemporary residential flat building that will positively address Campbell Crescent.       Yes         3.3.4.3.3       'Light Weight' appearance of generously dimensioned balconies along the front facades that will provide a lightweight appearance and as such will comply with this section of the DCP.       Yes         3.3.4.3.5       Design of Facades for Privacy       The finishes are designed to present a lightweight appearance and as such will comply with this section of the DCP.       Yes         3.3.4.3.4       Landscaping       The proposed RFB has been designed to provide paske areas whilst also enabling future residents to achieve appropriate levels of privacy.       Yes         3.3.4.3.4       Landscaping       The proposed RFB has been designed to provide paske areas whilst also enabling future residents to achieve appropriate levels of privacy.       Yes         3.3.4.4       Landscaping works will improve and enhance the subject site whilst reducing the visual bulk of the proposal.       Yes         3.3.4.4       Landscaping       The proposed communal bin storage areas that will be impacted as part of the proposal. Landscaping of the site is to be undertaken in accordanc				
Facades       of the compliance table above, the proposed development will be appropriately articulated to provide high quality contemporary residential flat building that will positively address Campbell Crescent.         3.3.4.3.3       'Light Weight'       The proposal has been designed to incorporate appearance of generously dimensioned balconies along the front Facades in facades that will provide a lightweight appearance as such will comply with this section of the DCP.       Yes         3.3.4.3.4       Materials and Finishes that Accentuate a 'Light Weight' appearance as far as practicable.       Yes         3.3.4.3.5       Design of Facades for Privacy       The proposed RFB has been designed to provide passive surveillance opportunities along Campbell Crescent and towards the communal open space areas while also enabling future residents to achieve appropriate levels of privacy.       Yes         3.3.4.4       Landscaping       The proposed landscaping works will include landscape appeal will provide landscape methelishment work that will improve and enhance the subject site whilst reducing the visual bulk of the proposal.       Yes         3.3.4.4       Landscaping       The proposed landscaping works will include landscape space areas spreated and strategically placed planters.       Yes         3.3.4.4       Structures within       The proposed landscaping works will include landscape appeal canes apper of existing trees where practicable and strategically placed planters.       Yes         3.3.4.4       Structures within       The proposed communal bin storage areas that will be located within the front setback a	3.3.4.2.6		existing within the Gosford Local Government Area for comparable residential flat buildings and it will be compliant with Council controls.	Yes
appearance Facadesof generously dimensioned balconies along the front facades that will provide a lightweight appearance and as such will comply with this section of the DCP.3.3.4.3.4Materials and Finishes that Accentuate a 	3.3.4.3.2		of the compliance table above, the proposed development will be appropriately articulated to provide high quality contemporary residential flat building that	Yes
Finishes that Accentuate a 'Light Weight' appearanceappearance as far as practicable.Accentuate a 'Light Weight' appearanceYes3.3.4.3.5Design of Facades for PrivacyThe proposed RFB has been designed to provide 	3.3.4.3.3	appearance of	generously dimensioned balconies along the front facades that will provide a lightweight appearance and	Yes
for Privacypassive surveillance opportunities along Campbell Crescent and towards the communal open space areas whilst also enabling future residents to achieve appropriate levels of privacy. <b>3.3.4.4</b> LandscapingThe proposal will provide landscape embellishment work that will improve and enhance the subject site whilst reducing the visual bulk of the proposal.YesThe proposed landscaping works will include landscaped setback areas, screen/canopy plantings, retention of existing trees where practicable and strategically placed planters.Yes <b>3.3.4.4</b> Structures within Defined SetbacksThe proposed communal bin storage areas that will be located within the front setback area have been designed to match the design quality of the proposedYes	3.3.4.3.4	Finishes that Accentuate a 'Light Weight'		Yes
<ul> <li>that will improve and enhance the subject site whilst reducing the visual bulk of the proposal.</li> <li>The proposed landscaping works will include landscaped setback areas, screen/canopy plantings, retention of existing trees where practicable and strategically placed planters.</li> <li>It is highlighted that no significant vegetation is to be impacted as part of the proposal. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan.</li> <li>3.3.4.4.4 Structures within Defined Setbacks</li> </ul>	3.3.4.3.5	0	passive surveillance opportunities along Campbell Crescent and towards the communal open space areas whilst also enabling future residents to achieve appropriate levels of privacy.	Yes
Defined Setbacks located within the front setback area have been designed to match the design quality of the proposed	3.3.4.4	Landscaping	<ul> <li>that will improve and enhance the subject site whilst reducing the visual bulk of the proposal.</li> <li>The proposed landscaping works will include landscaped setback areas, screen/canopy plantings, retention of existing trees where practicable and strategically placed planters.</li> <li>It is highlighted that no significant vegetation is to be impacted as part of the proposal. Landscaping of the site is to be undertaken in accordance with the attached</li> </ul>	Yes
	3.3.4.4.4		located within the front setback area have been designed to match the design quality of the proposed	Yes

any negative visual and amenity impacts as prescribed by the DCP.In addition, they have been designed and located to ensure that they will be integrated with the overall development and access arrangements and as such will not be incongrouss with the proposed streetscape presentation.Yes3.3.4.5.2StormwaterAn On-Site Detention system, Stormwater Concept Plan and Stormwater Management Plan have been prepared and are attached as part of this application.Yes3.3.4.5.3Design Location Garbage Enclosuresand The proposed communal bin storage areas are of appropriately located to be easily accessible for Bin residents whilst also permitting bins to be readily wheeled to the street on collection day and then easily returned to the holding areas. The separate access path from the bin storage area to the street footpath will ensure that the bin facilities will not impact on pedestrian movement within the development. Overall, they have been designed to be small-scale structures that will have a light weight appearance and will be appropriately screened.Yes3.3.4.5.4Designand Service meters will be located within the basement. Location of Service MetersYes3.3.4.5.5StorageThe proposal has been designed to provide each unit with the prescribed 10m <sup>2</sup> of storage space within the basement. In addition, the majority ouris will also be provided with acceptable storage areas within the apartment.Yes3.3.4.5.5StorageThe proposal has been designed to provide each unit with the prescribed 10m <sup>2</sup> of storage spaces within the basement. In addition, the majority ouris will also be provided with acceptable storage spaces to align with the intention of this control.				
ensure that they will be integrated with the overall development and access arrangements and as such will not be incongruous with the proposed streetscape presentation.       3.3.4.5.2         Stormwater       An On-Site Detention system, Stormwater Concept Plan and Stormwater Management Plan have been prepared and are attached as part of this application.       Yes         3.3.4.5.3       Design Location Garbage Endosures       and The proposed communal bin storage areas are of appropriately located to be easily accessible for Bin residents whilst also permitting bins to be readily wheeled to the street on collection day and then easily returned to the holding areas.       Yes         The separate access path from the bin storage area to the street footpath will ensure that the bin facilities will not impact on pedestrian movement within the development. Overall, they have been designed to be small-scale structures that will have a light weight appearance and will be appropriately screened.         The proposed design and location of these structures will ensure that they will not create any negative visual or streetscape presentation impacts. In addition, the bin storage areas have been designed to incorporate letterboxes and secure entry points to enable the structures to integrate with the design of the development.         3.3.4.5.5       Storage       The proposal has been designed to provide each unit with the prescribed 10m <sup>or</sup> of storage space within the basement. In addition, the majority of units will also be provided with additional internal private storage areas will be provided with acceptable storage spaces to align				
3.3.4.5.3Design Location Garbage Enclosuresand The proposed communal bin storage areas are of appropriately located to be easily accessible for Garbage EnclosuresYes3.3.4.5.3Design Location Garbage Enclosuresand The proposed communal bin storage areas are of appropriately located to be easily accessible for Garbage EnclosuresYesThe separate access path from the bin storage area to the street footpath will ensure that the bin facilities will not impact to ne pedestrian movement within the development. Overall, they have been designed to be small-scale structures that will have a light weight appearance and will be appropriately screened.The proposed design and location of these structures will ensure that they comply with the intention of this control in that they will not create any negative visual or streetscape presentation impacts. In addition, the bin storage areas have been designed to incorporate letterboxes and secure entry points to enable the structures to integrate with the design of the development.3.3.4.5.5StorageThe proposal has been designed to provide each unit with the prescribed 10m² of storage space within the basement. In addition, the majority of units will also be provided with additional internal private storage areas within the apartment.3.3.4.5.5StorageThe proposal has been designed to provide each unit with the prescribed 10m² of storage space within the basement. In addition, the majority of units will also be provided with additional internal private storage areas within the apartment.			ensure that they will be integrated with the overall development and access arrangements and as such will not be incongruous with the proposed streetscape	
Location Garbage Enclosuresof appropriately located to be easily accessible for mesidents whilst also permitting bins to be readily wheeled to the street on collection day and then easily returned to the holding areas.The separate access path from the bin storage area to 	3.3.4.5.2	Stormwater	and Stormwater Management Plan have been prepared	Yes
the street footpath will ensure that the bin facilities will not impact on pedestrian movement within the development. Overall, they have been designed to be small-scale structures that will have a light weight appearance and will be appropriately screened.The proposed design and location of these structures will ensure that they comply with the intention of this control in that they will not create any negative visual or streetscape presentation impacts. In addition, the bin storage areas have been designed to incorporate letterboxes and secure entry points to enable the structures to integrate with the design of the development.Yes3.3.4.5.4Design and Location of Service MetersThe proposal has been designed to provide each unit with the prescribed 10m² of storage space within the basement. In addition, the majority of units will also be provided with additional internal private storage areas within the apartment.This will ensure that the future residents of these units will be provided with acceptable storage spaces to align	3.3.4.5.3	Location of Garbage Bin	appropriately located to be easily accessible for residents whilst also permitting bins to be readily wheeled to the street on collection day and then easily	Yes
will ensure that they comply with the intention of this control in that they will not create any negative visual or streetscape presentation impacts. In addition, the bin storage areas have been designed to incorporate letterboxes and secure entry points to enable the structures to integrate with the design of the development.Yes3.3.4.5.4Design Location of Service MetersService meters will be located within the basement. Uccation of Service 			the street footpath will ensure that the bin facilities will not impact on pedestrian movement within the development. Overall, they have been designed to be small-scale structures that will have a light weight	
Location of Service Meters       The proposal has been designed to provide each unit with the prescribed 10m <sup>2</sup> of storage space within the basement. In addition, the majority of units will also be provided with additional internal private storage areas within the apartment.       Yes         This will ensure that the future residents of these units will be provided with acceptable storage spaces to align       Image: Construction of the second storage space with the storage space st			will ensure that they comply with the intention of this control in that they will not create any negative visual or streetscape presentation impacts. In addition, the bin storage areas have been designed to incorporate letterboxes and secure entry points to enable the structures to integrate with the design of the	
with the prescribed 10m <sup>2</sup> of storage space within the basement. In addition, the majority of units will also be provided with additional internal private storage areas within the apartment. This will ensure that the future residents of these units will be provided with acceptable storage spaces to align	3.3.4.5.4	Location of Service	Service meters will be located within the basement.	Yes
will be provided with acceptable storage spaces to align	3.3.4.5.5	Storage	with the prescribed 10m <sup>2</sup> of storage space within the basement. In addition, the majority of units will also be provided with additional internal private storage areas within the apartment.	Yes
			will be provided with acceptable storage spaces to align	

### GOSFORD DEVELOPMENT CONTROL PLAN 2013 - PART 6 ENVIRONMENTAL CONTROLS

The table below provides detail on the development standards relevant to the current proposal.

Gosford D	evelopment Contro	l Plan 2013 – Part 6 Compliance Table	
Part 6: Em			
6.1	Acid Sulfate Soils	The subject site is identified as being affected by Class 5 Acid Sulphate Soils under Gosford Local Environmental Plan 2014 Acid Sulfate Soils Map Sheet Notwithstanding the proposal is not located within 500m of adjacent Class 1, 2, 3 or 4 Acid Sulphate Soils and the proposal will not have any adverse impact on site or on its surrounds Not applicable.	Yes
6.2	Coastal Frontage	The subject site is not identified as being affected by coastal erosion as per the maps contained within this section of the DCP.	N/A
6.3	Erosion Sedimentation Control	Appropriate measures will be undertaken during the demolition and construction phases of the development application to ensure that all soil materials will be contained on the site. Appropriate erosion and sediment control measures such as the use of sediment fencing will be undertaken to minimise erosion during the demolition and construction phase of the proposal. In addition, an Erosion and Sediment Control Plan is attached as part of this application.	Yes
6.4	Geotechnical Requirements for Development Applications	As requested during the formal Pre-DA process, a Geotechnical report has been prepared and is submitted with this DA in support of the proposed development. Please refer to the appended Geotechnical report, which outlines all applicable and required specialist information.	Yes
6.6	Preservation of Trees	The subject site is within a well-established residential area, having historically been used for residential purposes. It is highlighted that no significant vegetation is to be impacted upon as part of the proposal. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan	Yes

6.7	Water Cycle Management	The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.	Yes
		Please see Stormwater Management Plan for details. In addition, the proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area.	

## GOSFORD DEVELOPMENT CONTROL PLAN 2013 - PART 7 GENERAL CONTROLS

The table below provides detail on the development standards relevant to the current proposal.

7.1	On-Site Parking 1.5 car space/ dwelling = 19.5 Visitor: 0.2 spaces/dwelling = 2.6 Total = 27.2	<ul> <li>The development proposes the construction of a 2-3 storey split level residential flat building with:</li> <li>13 rooms with the following mix 2 x 1-bedroom units 4 x 2-bedroom units 7 x 3-bedroom units.</li> <li>As per the DCP, 1.5 spaces must be provided for every unit. Additionally, 0.2 spaces are to be provided per dwelling for visitor parking. Taking into account this</li> </ul>	Yes
		The proposed development will provide a total of 27 car parking spaces including 24 residential car parking spaces and 2.6 visitor car parking spaces are required.	
		parking spaces including 24 residential car parking spaces 4 visitor car parking spaces within one stepped basement level and as such exceeds the car parking	

		The proposal has been designed with generous car parking, storage and POS areas to ensure that future residents will be provided with appropriate amenity commensurate with the high-quality design concept. In addition, the proposed parking arrangements will be appropriately dimensioned to comply with the DCP and AS standards. Please also see the submitted Traffic and Parking report, which outlines further detail in terms of	
		compliance.	
	Disability car parking: 1 space per 100 spaces = 1 space	The Proposal provides a complying 2 accessible car parking spaces, which equates to 7.4% of the total car parking spaces provided and will exceed the 1 per 100 spaces rate.	Yes
	Bicycles: As per the Australian Standard AS 2890.3	The proposed development will provide sufficient space for bicycle storage and it is noted that the proposed domestic storage units will also be able to provide secure storage for a bicycle. As such, the proposal will comply with the Australian Standards.	Yes
7.2	Waste Management	A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development.	Yes
		Bin storage area is located within the upper ground floor and are designed to align with the Council design guidelines for a collect and return service.	
		Areas adjacent are landscaped to minimise impact to the streetscape. Refer to attached Architectural Plans and Waste Management Plans for detail.	



### CONCLUSION

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.



# ANNEXURE 1: CLAUSE 4.6 VARIATION EXCEPTION TO DEVELOPMENT STANDARDS

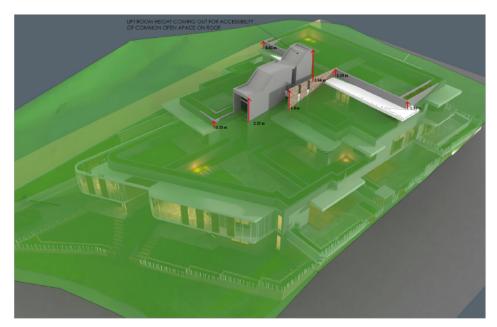
The proposed development will incorporate a minor variation to the Clause 4.3 – Height of Buildings that stipulates a maximum building height of 8.5m. It is noted that the proposal is predominantly compliant with the maximum building height. However the substantial topography and the desire to provide an accessible rooftop area leads to a portion of the building exceeding the height limit.

The extent of departure is as follows for varying elements of the proposal:

- Lift Over-run: 2.37m-3.56m
- Balustrade edges and wall element to rooftop: 390mm-1.8m

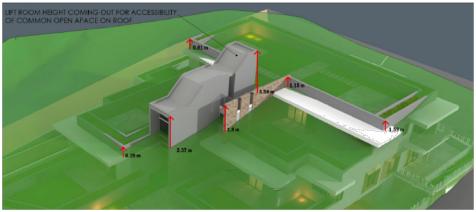
It is noted that these elements are recessed centrally within the development and the site such that they are not readily visible from the street and do not discernibly impact on bulk and scale. The actual variation to the control arises from the rooftop area and the desire to provide for accessibility to all persons via the lift. These elements do not have any streetscape impact or view impacts to the dwellings to the rear of the site in Talgai Close.

An extract of the 3D height plane is provided below that demonstrates the centrally located elements that exceed the height limit.



Source: Design Cubicle Height Plane





Source: Design Cubicle Height Plane

It is noted that the extent of variation is not overly dominant of the street, it only relates to a minor area of the roof and will not discernibly increase privacy or overshadowing impacts on adjoining properties. It is further noted that the proposal is predominantly compliant with the setback controls and is consistent with the maximum permitted FSR on the site indicating an appropriate scale of development.



#### **Relevant Case Law**

There are a number of recent Land and Environment Court cases including Four 2 Five v Ashfield and Micaul Holdings Pty Ltd v Randwick City Council and Moskovich v Waverley Council, as well as Zhang v Council of the City of Ryde.

In addition a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) NSWLEC 118 confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact Is a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the building height departure.

Further a decision in *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245* has adopted further consideration of this matter, requiring that a consent authority must be satisfied that:

- The written request addresses the relevant matters at Clause 4.6 (3) and demonstrates compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds; and
- The consent authority must consider that there are planning grounds to warrant the departure in their own mind and there is an obligation to give reasons in arriving at a decision.

Accordingly, the key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the <u>public interest</u> because it is <u>"consistent with" the objectives</u> of the development standard and zone is not a requirement to "achieve" those objectives. It is a requirement that the <u>development be compatible with the objectives</u>, rather than having to 'achieve' the objectives.
- Establishing that <u>'compliance with the standard is unreasonable or</u> <u>unnecessary in the circumstances of the case</u>' does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe "test" 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in Wehbe v Pittwater.
- There are <u>planning grounds</u> to warrant the departure, and these planning grounds are clearly articulated as <u>reasons</u> in arriving at a decision.
- The proposal is required to be in 'the public interest'.



In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum building height control and on that basis that compliance is unreasonable or unnecessary;
- Demonstrating consistency with the R1 zoning;
- Establishing compliance is unreasonable and unnecessary;
- Demonstrating there are sufficient environmental planning grounds to justify varying the standard; and
- Satisfying the relevant provisions of Clause 4.6.



#### Address of Clause 4.6 Provisions

Clause 4.6 of the Gosford Environmental Plan 2013 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Each of these provisions are addressed in turn.



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#### Clause 4.6(3)- Underling Objectives are Satisfied

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the maximum development standard are stated as:

(1) The objectives of this clause are as follows:

- a) to establish maximum height limits for buildings,
- b) to permit building heights that encourage high quality urban form,
- c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,
- d) to nominate heights that will provide an appropriate transition in built form and land use intensity,
- e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,
- f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.

The current development proposal is consistent with the underlying intent of the control based on the following:

- The proposal will provide a high-quality urban form that relates well to the context of the site in terms of the natural topography and adjoining developments;
- The height breach is limited to the lift element and the rooftop COS- and the habitable areas are below the height limit- which is a means of demonstrating that the actual height is not seeking to achieve greater density or yield- but relates to a site specific design response owing to topography and the rooftop common open space area and suitable disabled access to this area;
- The extent of variation does not discernibly increase the extent of amenity impacts in terms of loss of sunlight or visual and acoustic privacy;
- These elements over the height limit do not have any streetscape impact or view impacts to the dwellings to the rear of the site in Talgai Close.
- The proposal presents a suitable scale of development relative to surrounding development and future development within the locality given the provisions of the Gosford LEP 2014.



- Due to the minor nature of the variation it will not have any adverse amenity impacts. In this regard it is noted:
  - The variation will have no adverse impact on the physical bulk or scale of the development because it is recessed centrally to the development and will not be easily 'read' from the public domain.
  - The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.
  - The proposed variation will not lead to view loss or interrupt on views to and from the site.
  - The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.
- The proposed development will permit the site to develop to its full zoning
  potential whilst complementing the future vision envisioned for the site by
  providing a residential flat building that will provide good address to the street
  frontage and clearly identifiable entrances and importantly for a good design
  outcome having regard to the context and nature of the site and the slope of
  the land;
- The development proposal has been designed to comply with key planning requirements, whilst providing an attractive building that addresses the context, streetscape and sets the tone and scale for future medium density development in the locality. The development provides a residential flat building that will contribute towards increasing housing stock within the Gosford LGA, especially within Terrigal.
- The variation is a point encroachment that allows servicing of the building as evident via architectural plans.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.



Sufficient Environmental Planning Grounds & Design Response

The below points demonstrate suitable environmental planning grounds exist to justify contravening the height development standard and further demonstrates that the height departure does not give rise to any environmental impacts, and therefore the proposal is an appropriate design response for the subject site:

- At the outset the location of the variation means that the non-compliance will have limited visual impact as viewed from the public domain or surrounding properties on both street frontages.
- The departure largely arises from the rooftop COS and lift access to provide good amenity and a good design outcome for future residents. The extent of the minor non-compliance could be reduced by the removal of these areas; however, this would be a poorer design outcome. Accordingly the minor departure enables a better architectural design outcome and façade treatment, consistent with the following Objects of the Environmental Planning and Assessment Act 1979:
- (g) to promote good design and amenity of the built environment,
  - A roof top terrace is also a preferable location in the circumstances as it will benefit from being elevated and enjoying views and excellent solar access and provide superior open space amenity to building occupants than at grade open space on the subject site owing to topography and accessibility.

Therefore, the current proposal is a preferred outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site which demonstrates sufficient environmental planning grounds to support the departure.



#### Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control.

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the R1 zone, being:

· To provide for the housing needs of the community.

To provide for a variety of housing types and densities.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To ensure that development is compatible with the desired future character of the zone.

• To promote best practice in the design of multi dwelling housing and other similar types of development.

 To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

The proposal is consistent with the zone objectives as ensures that the desired density of the zone is achieved. In addition, the proposal complements and enhances the local streetscape by virtue of the careful siting of the development. The proposal also provides for housing needs of the community in a different typology (apartments) as is desired in the R1 zone and the proposal is compatible with the desired future character. Finally the proposal does provide a high quality best practice example when considering the height breach and common open space configuration.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.



#### Clause 4.6(5)

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precinct for future development within the locality.

Strict compliance with the prescriptive building height control is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality and is consistent with the future character envisioned for the subject area. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the proposed variation.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.





Ken Dyer

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> Independent Design Review For Central Coast Council DA – 57766/2019 24-28 Campbell Crescent Terrigal

 Report Title:
 Independent Design Review

 Report No:
 DDC\_051

 Issue No:
 v1.0

 Date:
 16.03.20

 Prepared:
 Ken Dyer

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#### 1. General

#### Purpose

The purpose of the Independent Design Review is to consider the proposal against the nine Design Quality Principles contained in State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings and the Apartment Design Guide.

When considering the Design Quality Principles, the review will also have regard to plans and policies, including Local Environmental Plans, Development Control Plans, urban design strategies and the like.

The report will identify any aspects of the design which do not achieve the one or more of the Design Quality Principles.

#### Details of Proposal

Property Address: 24-28 Campbell Crescent Terrigal.

Applicant: Design Cubicle Pty Ltd

#### Description of development

Demolition of Existing Structure & Construction of Four (4) Storey Residential Flat Building. 13 Units over Two (2) levels & Two (2) levels of Basement Car Parking (for 27 vehicles)

#### Documents Reviewed (as provided via onedrive link downloaded 16.03.20)

- BASIX Certificate DA57766 L0 S~pbell Crescent TERRIGAL Part 1Nathers Assessor
- Crime and Safety Report DA5776~pbell Crescent TERRIGAL Part 1
- Geotechnical Report DA57766 L0~pbell Crescent TERRIGAL Part 1
- Landscape Plans DA57766 L0 SP6~pbell Crescent TERRIGAL Part 1
- Part A Application Form DA5776~pbell Crescent TERRIGAL Part 1
- Part A-Application for Approva~pbell Crescent TERRIGAL Part 1
- Photo Montage DA57766 L0 SP696~pbell Crescent TERRIGAL Part 1
- Plans DA57766 L0 SP6964 24-28 ~pbell Crescent TERRIGAL Part 1
- Shadow Analysis Diagram DA5776~pbell Crescent TERRIGAL Part 1
- Site Photograph DA57766 L0 SP6~pbell Crescent TERRIGAL Part 1
- Statement of Environmental Eff~pbell Crescent TERRIGAL Part 1
- Storm Water Management Plan DA~pbell Crescent TERRIGAL Part 1
- Survey Plan DA57766 L0 SP6964 ~pbell Crescent TERRIGAL Part 1
- Waste Management Plan DA57766 ~pbell Crescent TERRIGAL Part 1
- Water Cycle Management Plan Re~pbell Crescent TERRIGAL Part 1
- Water Cycle Plan DA57766 L0 SP~pbell Crescent TERRIGAL Part 1
   Nathers Summary Certificate DA~pbell Crescent TERRIGAL Part 1
- Schedule of External Finishes ~pbell Crescent TERRIGAL Part 1

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#### **Planning Controls**

- •
- New South Wales Government (1979) Environmental Planning & Assessment Act State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 •
- State Environmental Planning Policy 65 Design Quality of Residential Apartment • Development.
- State Environmental Planning Policy 55 Remediation of Land. •
- Gosford Local Environmental Plan (2014) Gosford Development Control Plan (2013) •
- •

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#### 2. Review

Apartment Design Guide.

Clause	Heading	Compliance Achieved		Comments
		Yes	No	
	Apartment Design Guide	-	-	
Part 1	Identifying the context	-	-	
Part 1A	Apartment building types	~	-	Residential Flat Building – perimeter block apartments
Part 1B	Local Character and context Gosford DCP 2013 – 2.1 Character - Terrigal	~		Objectives adequately addressed in documentation especially being within the medium density hillside character area of Terrigal as setout in the Gosford DCP.
Part 1C	Precincts and individual sites	~		Objectives adequately addressed in documentation.
Part 2	Developing the controls	-	-	
Part 2A	Primary Controls	-	-	Refer the individual primary controls listed below
Part 2B	Building Envelopes	¥	¥	<ul> <li>Objectives adequately addressed in documentation.</li> <li>General compliance with building envelope requirements in LEP &amp; DCP</li> <li>Although minor variation is sort for some setbacks below</li> </ul>
Part 2C	Building Height - Gosford LEP 2014 – Clause 4.3 Gosford DCP 2013 – Clause 3.3.3.1	¥	4	<ul> <li>Objectives adequately addressed in documentation.</li> <li>8.5m height limit</li> <li>2 storeys max</li> <li>7.5m max wall height</li> <li>Clause 4.6 Exception submitted -</li> <li>Generally, the variations are minor in nature, well considered in the design to minimize any impact. These variations are in response to difficult hillside site constraints and are no trying for additional increases in complying FSR or the like. With this in mind, the variation should be supported.</li> </ul>

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			<ul> <li>The elements exceeding the height level are contained within the centre of the building. There is no discernable impact from street level given the inherent design quality of the design.</li> <li>The design is only 3 storeys and/or exceeding the 7.5m wall height in minor areas of the design which includes basement carparking. The design is stepped up the sloping site and is well articulated to lessen any discernable impact.</li> </ul>
Part 2D	Floor Space Ratio Gosford LEP 2014 – Clause 4.4	v	Objectives adequately addressed in documentation. • Control - FSR – 0.7:1 maximum • Proposed – 0.69:1
Part 2E	Building Depth	¥	<ul> <li>General objectives adequately addressed in documentation.</li> <li>12-18m required</li> <li>10-12m provided</li> </ul>
Part 2F	Building Separation	v	<ul> <li>General objectives adequately addressed in documentation.</li> <li>Control – 6-12m setback required between building (half to boundary 3-6m).</li> <li>6m setback provided.</li> </ul>
Part 2G	Street setbacks Gosford DCP 2013 – Clause 3.3.3.2	~	<ul> <li>General objectives adequately addressed in documentation.</li> <li>Control – front setback = 6m,</li> <li>Provided – front setback = 6m.</li> </ul>
Part 2H	Side setbacks Gosford DCP 2013 – Clause 3.3.3.2	~	<ul> <li>General objectives adequately addressed in documentation.</li> <li>Control – Side boundary = 4m.</li> <li>Provided – Side boundary = 4m.</li> </ul>
Part 2H	Rear setbacks Gosford DCP 2013 – Clause 3.3.3.2	¥	<ul> <li>General objectives adequately addressed in documentation.</li> <li>Control – Rear Boundary = 6m.</li> <li>Provided – Rear Boundary = 6m.</li> </ul>
Part 3	Siting the development		

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Part 3A	Site analysis	~	Objectives adequately addressed in documentation
Part 3B	Orientation	~	Objectives adequately addressed in documentation
Part 3C	Public domain interface	v	Objectives adequately addressed in documentation.
Part 3D	Communal and open space	¥	<ul> <li>Design Criteria</li> <li>1. Communal open space has a minimum area equal to 25% of the site</li> <li>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter)</li> <li>3. Note communal open space should have a minimum dimension of 3m</li> <li>Design Criteria has been complied with in design.</li> <li>472m2 (27.5%) provided</li> <li>50% sunlight is complied with by Upper level communal area.</li> <li>4-6m width provided</li> </ul>
Part 3E	Deep soil zones	¥	<ul> <li>Design Criteria minimum width 6m and area equal to 7% of the site.</li> <li>Design Criteria has been complied with in the design</li> <li>Over 20% of site is to be deep soil planting</li> </ul>
Part 3F	Visual privacy	v	Design Criteria and Objectives adequately addressed in documentation for external/neighbouring sites.
Part 3G	Pedestrian access and entries	~	Design Criteria and Objectives adequately addressed in documentation
Part 3H	Vehicle access	v	Design Criteria and Objectives adequately addressed in documentation
Part 3J	Bicycle and carparking	~	Design Criteria and Objectives adequately addressed in documentation

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Gosford DCP 2013 – Clause 7.1			Required – 22.1 spaces Provided – 27 spaces • Carparking is provided above the required rate.
Designing the building			
Amenity			
Solar and daylight access	*		<ul> <li>Design Criteria</li> <li>In other areas, 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm mid-winter.</li> <li>A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm mid-winter</li> <li>Note the documentations refer to "minimum of 2 hours" which is incorrect. Nevertheless, the calculations provided support the achievement of the 3 hours requirement.</li> <li>Design Criteria has been complied with in the design.</li> <li>77% (10 of 13) achieve the 3 hours solar access.</li> <li>0% achieve no solar access</li> </ul>
Natural ventilation	~		<ul> <li>Design Criteria and Objectives adequately addressed in documentation</li> <li>Design Criteria -</li> <li>60% of apartments achieve natural cross ventilation.</li> <li>Depth of not more than 18m</li> <li>Design Criteria has been complied with in the design -</li> <li>62% (8 of 13) of apartments achieve natural cross ventilation.</li> </ul>
Ceiling heights	~		Design Criteria and Objectives adequately addressed in the documentation
Apartment size and layout	~		Design Criteria and Objectives adequately addressed written in documentation
Private open space and balconies	v		Design Criteria and Objectives adequately addressed written in documentation
	Clause 7.1  Designing the building  Amenity  Solar and daylight access  Natural ventilation  Ceiling heights  Apartment size and ayout  Private open space and	Clause 7.1          Designing the building          Amenity          Solar and daylight access          Solar and daylight access          Natural ventilation          Natural ventilation          Ceiling heights          Apartment size and layout          Private open space and	Clause 7.1          Designing the building          Amenity          Solar and daylight access          Solar and daylight access          Natural ventilation          Natural ventilation          Ceiling heights          Apartment size and layout          Private open space and

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Common circulation and space	~		Design Criteria and Objectives adequately addressed in documentation
Storage	V		Design Criteria and Objectives adequately addressed in documentation
Acoustic Privacy	~		Design Criteria and Objectives adequately addressed in documentation
Noise and pollution	~		Design Criteria and Objectives adequately addressed in documentation
Apartment mix	V		Design Criteria and Objectives adequately addressed in documentation
Ground floor apartments	v		Design Criteria and Objectives adequately addressed in documentation
Facades	v		Design Criteria and Objectives adequately addressed in documentation
Roof Design	v		Design Criteria and Objectives adequately addressed in documentation
Landscaping	r		Design Criteria and Objectives adequately addressed in documentation
Planting on structures	v		Objectives in general adequately addressed in documentation.
Universal Design	×		Objectives adequately addressed in documentation.
Adaptive Reuse	-	-	Not Applicable
Mixed Use	-	-	Not Applicable
Awnings and signage	~		Objectives adequately addressed in documentation.
Performance			
Energy efficiency	~		Objectives adequately addressed in documentation.
	space Storage Acoustic Privacy Noise and pollution Apartment mix Ground floor apartments Ground floor apartments Ground floor apartments Ground floor apartments Ground floor apartments diseades Partment mix Partment mix Adaptive Reuse Mixed Use Mixed Use Awnings and signage	spaceStorageAcoustic PrivacyNoise and pollutionApartment mixGround floor apartmentsFacadesRoof DesignLandscapingPlanting on structuresJuniversal DesignAdaptive ReuseMixed UseAwnings and signagePerformance	space✓Storage✓Acoustic Privacy✓Noise and pollution✓Apartment mix✓Ground floor apartments✓Facades✓Facades✓Roof Design✓Landscaping✓Planting on structures✓Juniversal Design✓Adaptive Reuse-Amings and signage✓Performance✓

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Part 4V	Water management and conservation	~	tives adequately addressed in nentation.
Part 4W	Waste management	V	tives adequately addressed in nentation.
Part 4X	Building Maintenance	~	tives adequately addressed in nentation.

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.

Clause	Heading	Achieved		Comments
		Yes	No	
	SEPP 65 Schedule 1 – Design Quality Principles			
Principle 1	Context and neighborhood character	~		Objectives adequately addressed in documentation.
Principle 2	Built Form and scale	~		Generally, the quality of design of the built form and scale meets the objectives of this principle except for variations noted above.
Principle 3	Density	~		Objectives adequately addressed in documentation.
Principle 4	Sustainability	~		Objectives adequately addressed in documentation.
Principle 5	Landscape	~		Generally, the quality of design of the landscaping meets the objectives of this principle except for variations noted above.
Principle 6	Amenity	~		Generally the quality of design meets the objectives of this principle except for variations noted above.
Principle 7	Safety	~		Objectives adequately addressed in documentation.
Principle 8	Housing Diversity and social interaction	~		Objectives adequately addressed in documentation.

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Principle 9	Aesthetics	~	Objectives adequately addressed in documentation.

#### Summary

The external appearance of the building is well considered and highly articulated to breakdown any perceived bulk on the very steep site. The composition has a variety of building elements defining both vertical and horizontal elements, and is respectful to the hillside character.

The façade has recessing and protruding elements that varies the scale and creates interest in the building. The proportions and arrangement of building elements are well resolved. The curved balconies are unifying and soften the impact in its locale.

Although the proposal has requested a variation exceeding setback limits, this would appear minor in the context of the overall development bulk and scale, especially when considered at street level and the elements are well concealed. It is worth mentioning that the development complies with most of the requirements for this challenging site.

Should you require any additional information, do not hesitate to contact the undersigned.

Sincerely,



Ken Dyer

Architect (B.Arch) NSW Reg No. 5838

DYER DESIGN COMPANY Trading for Dyer Family Trust ABN 67 787 548 438

## ADG Compliance Table DA57766 24-28 Campbell Cres Terrigal

### Attachment 9

## Apartment Design Guide (ADG) Compliance Table

DA57766/2019: Demolition of Existing Structures & Construction of 4-storey Residential Flat Building containing 13 Units & 2 Levels of Basement Car Parking

Description of Land: LOT: 0 SP: 6964, 24-28 Campbell Crescent TERRIGAL Lot: 1 DP: 1067146, 26 Campbell Crescent TERRIGAL

Design Criteria	Required	Proposed	Compliance
3A Site Analysis	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context. Site Analysis Checklist addressed	Site Analysis objectives have been adequately addressed in the documentation. The design of the proposal has considered the opportunities and constraints of the site conditions and their relationship to the surrounding context.	Yes
3B-1 Orientation	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street.	The building addresses the multiple street frontages and optimises solar access within the development. Direct pedestrian access is provided from each street frontage with vehicle access from Campbell Crescent.	Yes
3B-2 Orientation	Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.	Adequate solar access received to living areas, private open space and communal open space of the development. The proposal does not impact/reduce solar access or impact on solar collectors to adjoining properties to the south due to building separation and site topography,	Yes
3C-1 Public Domain Interface	Terraces, balconies and courtyard apartments should have direct street entry, where appropriate. Changes in levels provide adequate surveillance and visual privacy for ground level dwellings.	No direct access to street entry is provided to ground floor units, however appropriate access to all ground floor units is provided by the proposal. Courtyard fencing to the public domain is variable in height and softened by landscaping. Site topography requires changes/transition in courtyard fencing to facilitate privacy to units at street	Yes

Design	Poquirod	Proposed	Compliance
Criteria	Required	Proposed	Compliance
	Upper level balconies and windows should overlook the public domain. Fences and walls limited in	level yet provides adequate surveillance of the public domain. The proposal achieves the objective and provides suitable transition	
	height to 1m and solid walls limited along street frontages.	between the private and public domain without compromising safety and security.	
3C-2 Public Domain Interface	Planting softens the edges of any raised terraces to the street, for example above sub- basement car parking.	Achieves objectives in that the amenity of the public domain is retained and enhanced.	Yes
	Mailboxes located in lobbies / integrated into front fences.	Mailboxes to be suitably located.	
	Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.	Garbage storage area covered and screened from public view.	
3D-1 Communal Open Space	Minimum communal open space area 25% of the site	Communal open space (COS) has been provided at 458sqm or 26.7% of the site area.	Yes
		Provided as roof top terrace and on the Upper Ground Floor level at Talgai Close (COS 1) at the rear of the site and at the front elevation overlooking Campbell Crescent (COS 2) with landscaped surrounds and provides 4- 6m width and achieves minimum dimension of 3m.	
		Passive surveillance is achieved for Communal Open Space 2.	
	50% direct sunlight to principal usable part for min 2 hrs between 9am and 3pm mid-winter	50% sunlight is complied with by Upper level communal area.	
3E-1 Deep Soil Zone	Minimum 7% of the site, with minimum dimension 6m for a site greater than 1,500sqm	Plans indicate that >20% of the site is to be deep soil zones with a minimum width of 6m.	Yes

Design Criteria	Required	Proposed	Compliance
	On some sites, it may be possible to provide a greater area for deep soil zones. Sites greater than 1500sqm 15% should be achieved, if possible.		
3F-1 & 2 Visual Privacy	Separation from boundaries (side and rear boundaries) for buildings up to 12m in height (4 storeys): habitable rooms and balconies – 6m Non-habitable rooms - 3m Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	The proposal provides 6m setbacks to the boundary in accordance with the design criteria. Notwithstanding the site has three street frontages and separated by public road to surrounding developments to the north, east and west. Properties to the south adjoining the site are located generally upslope to the subject site. The proposal is designed with units and their living areas and private open spaces oriented toward boundaries. The proposal demonstrates acoustic and visual privacy can be attained by implementation of 1.9m planter boxes along private open spaces. The proposal meets the design criteria and objectives and achieves reasonable levels of external and internal visual privacy for future residents and is not considered to adversely impact upon residential amenity currently enjoyed by adjoining properties.	Yes
3G Pedestrian access and entries	Building entries and pedestrian access connects to and addresses the public domain Access, entries and pathways are accessible and easy to identify Objective 3G-3 – n/a	The proposal provides multiple entries to the site via Campbell Crescent and Talgai Close. Entry locations are clearly identified and visible from the street level and the existing pedestrian network and will connect to new footpaths to be constructed for the development along all street frontages. For the size of the development, the proposal complies with the design criteria and objectives with well- planned and identified pedestrian access to the development.	Yes

Design Criteria	Required	Proposed	Compliance
3H Vehicle access 3J-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	The proposal meets the design criteria and objectives. The vehicle access point is at the lowest point of the site, located behind the building line, separated from pedestrian access and integrated into the building façade. Garbage collection will occur from Talgai Close and the garbage bins are screened from public view. RMS requirements do not apply.	Yes
Bicycle and Car Parking	railway station or on land or within 400m of land zoned B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. Car parking required in accordance with GDCP 2013 Chapter 7.1 Car Parking Clause 7.1.3.2 Schedule of Requirements: 22.1 car spaces required or rounded up to 23 car spaces as follows: Resident Parking: • 1.5 car spaces per dwelling (13) = 19.5 car spaces Visitor Parking: • 0.2 car spaces per dwelling (13) = 2.6 car spaces Disability Car Parking: • 1 space per 100 spaces = 1 space Bicycles: As per the Australian Standard AS 2890.3	Car parking provided in accordance with GDCP 2013 Chapter 7.1 27 car spaces proposed which includes 2 accessible car spaces. Resident Parking: 23 car spaces Visitor Parking: 4 car spaces Bicycle storage provided in accordance with Australian Standards. The proposal complies with the required parking facilities in GDCP 2013 and meets the design criteria and objectives of the ADG.	
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	Secure bicycle storage provided in the basement and located to be easily accessible for residents.	Yes
4A-1	Living rooms and private open space of at least 70% of	77% (10 of 13) achieve the 3 hours solar access.	Yes

Design Criteria	Required	Proposed	Compliance
Solar and Daylight Access	apartments receive a minimum of 3hr sun between 9am and 3pm mid-winter.	It is noted that the Applicant's response refers to 'minimum of 2 hours' which is incorrect. As the site is not Metropolitan Sydney so 3 hours is required. However, the Design Review Panel indicates the calculations provided support the achievement of the 3 hours requirement.	
	Maximum of 15% of apartments receive no direct sun between 9am and 3pm mid-winter	0% achieve no solar access	Yes
4B-3 Natural Ventilation	Min 60% of apartments cross ventilated in the first 9 storeys of the building	62% (8 of 13) or apartments achieve natural cross ventilation.	Yes
4C-1 Ceiling Heights	Min 2.7m habitable Min 2.4m non-habitable	Complies.	Yes
4D-1 Apartment Size	Studio: 35sqm 1-bedroom: 50sqm 2-bedroom: 70sqm 3-bedroom: 90sqm (5sqm per additional bathroom)	Complies	Yes
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All habitable rooms have a window within the external wall.	Yes
4D-2 Room depths	Habitable room depths and maximum 8m depth for open plan layouts.	Despite the Design Criteria the proposal complies with the Design Guidance and Figure 4D-3 for open plan apartments. Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths. All living areas and bedrooms should be located on the external face of the building.	Yes
4D – 3 Layout	Bedroom and living room sizes – 9 & 10sqm bedrooms with min 3m width, 3.6m-4m width living rooms	Complies with design criteria and Objectives.	Yes

Design Criteria	Required	Proposed	Compliance
4E-1 Private Open Space & Balconies	1-bedroom: 8sqm, min 2m depth 2-bedroom: 10sqm, min 2m depth 3-bedroom: 12sqm, min 2.4m depth Podium/Ground Level: 15sqm, min 3m depth	<ul> <li>All units comply with required POS/balcony areas and objectives for location and orientation.</li> <li>7 x 3-bedroom units (2 x 3-bedroom units at ground level)</li> <li>5 x 2-bedroom units</li> <li>2 x 1-bedroom units</li> </ul>	Yes.
4F-1 Common Circulation	Maximum of 8 apartments off a circulation core (although design guidance allows up to 12 apartments)	Complies with design criteria and objectives. Maximum number of units from a circulation core is 5 (mid ground floor level).	Yes
4G-1 Storage	1 bedroom: 6m <sup>3</sup> 2 bedroom: 8m <sup>3</sup> 3 bedroom: 10m <sup>3</sup> Note: Minimum 50% within unit	All units provide storage greater than minimum requirements. This is provided within the basement/ground floor and within the units themselves, and where appropriate a minimum of 50% of storage is to be provided within each individual unit.	Yes
4H Acoustic Privacy	Noise transfer is limited through the siting of the buildings and building layout	<ul> <li>Provides adequate separation from neighbouring buildings/properties in accordance with 3F Visual Privacy – design criteria above by the following:</li> <li>Where appropriate windows and door openings are orientated away from noise sources.</li> <li>The proposal is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and also take advantage of the lot orientation.</li> <li>Generally, wet areas and utility rooms have been located adjoining stair cores and lift wells.</li> </ul>	Yes
4J Noise and Pollution	The impact of external noise transfer and pollution are minimised through the siting and layout of the building.	The site is not affected by significant noise and pollution sources.	N/A
4K Apartment Mix	A range of apartment types are provided to cater for different household types and	Provides a range of household types with a variety of unit sizes and floor plans: 2 x 1-Bedroom: 15%	Yes

Design Criteria	Required	Proposed	Compliance
	distributed throughout the building.	4 x 2-Bedroom: 30% 7 x 3-Bedroom: 55%	
4L Ground Floor Apartments	Maximise street frontage activation and amenity.	A reasonable level of street activation, amenity and safety for residents is achieved.	Yes
4M Facades	Provide visual interest whilst respecting the character of the area.	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements.	Yes
4N Roof Design	Roof features are incorporated in the roof design, response to the street and provide sustainability features.	Roof treatments are integrated into the building design and incorporates open spaces into roof design.	Yes
40 Landscape Design	Landscape design is viable, sustainable, contributes to the streetscape and amenity.	Landscape plan provided and meets the design guidelines and objectives. The proposal responds to the site conditions and changes in levels. The landscape plan will require minor amendments at the rear of the site in Talgai Close to cater for the changes to the development and provision of footpath and on-street parking bay at Campbell Crescent <b>Refer Condition</b> <b>2.3</b> .	Yes
4P Planting on Structures	Appropriate soil depths are provided. Planting on structures contributes to the quality and amenity of communal and public open spaces.	Objectives in general are adequately addressed.	Yes
4Q Universal Design	Universal design features are included in apartment design to promote flexible housing for all community members.	Objectives adequately addressed.	Yes
4U Energy Efficiency	Development incorporates passive environmental design, solar design and adequate natural ventilation.	Objectives adequately addressed in accordance with BASIX and NatHERS certficiates.	Yes

# ADG Compliance Table DA57766 24-28 Campbell Cres Terrigal

### Attachment 9

Design Criteria	Required	Proposed	Compliance
4V Water	Water Management and Conservation is achieved.	Objectives adequately addressed in accordance with BASIX and NatHERS certificates.	Yes
4W Waste	Waste storage facilities are provided to minimise impacts on the streetscape, building entry an amenity of residents.	Complies	Yes

# Gosford Development Control Plan 2013 (GDCP 2013) Compliance Table

 DA57766/2019: Demolition of Existing Structures & Construction of 4-storey Residential Flat Building containing 13 Units & 2 Levels of Basement Car Parking
 Description of Land: LOT: 0 SP: 6964, 24-28 Campbell Crescent TERRIGAL Lot: 1 DP: 1067146, 26 Campbell Crescent TERRIGAL

Development Control	Required	Proposed	Compliance
Control 2.1 Character	Required The desired character of the Terrigal 6: Medium Density Hillsides	<ul> <li>Proposed</li> <li>The proposal is subject to the provisions of GDCP 2013 Chapter 2.1 – Character. The proposed development is consistent with the desired character for the following reasons:</li> <li>The character of the area comprises a mix of apartment and townhouse developments and some single dwellings on semi-regular allotments. The impacts of the proposal have been considered in the assessment of the application. The proposal will provide an appropriate transition in built form and land use intensity to adjoining and surrounding developments.</li> <li>The external appearance of the building is well considered and highly articulated to breakdown any perceived bulk on the very steep site. The composition has a variety of building elements defining both vertical and horizontal elements and is respectful to the hillside character.</li> <li>The building design appears as 2-3 storeys from the side and rear boundaries of the site with basement car parking. The design is stepped up the sloping site and is well articulated to lessen any discernible impact. The building is predominantly compliant with the permitted maximum building height and FSR controls; the heights are appropriate to the site and is not considered to have adverse impact on significant views.</li> <li>The façade has recessing and protruding elements that varies the scale and creates interest in the building. The proportions and arrangement of building elements are well resolved. The curved balconies are unifying and soften the impact in its locale. The proposed development provides a lightweight appearance whiles also providing a traditional street address.</li> <li>Although the proposal has requested a variation exceeding setback limits, this would appear minor in the context of the overall development bulk and scale, especially when considered at street level and the elements are well concealed.</li> </ul>	Yes

Development Control	Required	Proposed	Compliance
2.2 Scenic Quality	The subject site is located within the North Coastal geographic unit and the Terrigal landscape unit.	<ul> <li>The proposal is subject to the provisions of GDCP 2013 Chapter 2.2 – Scenic Quality.</li> <li>The proposal is considered to have appropriate context and compatibility within the character and streetscape of the area and is considered to appropriately respond to characteristics, topography and natural features of the site.</li> <li>The proposal will not impact on the scenic quality of the area, overpower the natural elements of the coastal lagoon, beach and surrounding natural backdrop. The building incorporates a stepped building platform which will generally be contained within the slope of the site and will have minimal impact on views and vistas of surrounding residential developments. The proposal will present a building form to Campbell Crescent that will be consistent with the existing scale and pattern of development within the area.</li> <li>The proposal is consistent with the stated objectives of GDCP 2013 Chapter 2.2 - Scenic Quality.</li> </ul>	Yes
3.3 Multi Dwelling Housing & Residential Flat Buildings (General Controls)	3.3.1.4 Objectives	<ul> <li>The proposal aligns with the definition residential flat buildings. The proposed development is generally consistent with the objectives for residential flat building developments for the following reasons:</li> <li>Provides improved standards of environmental planning, urban design, architectural and landscape quality.</li> <li>Complements the desired character of the area and does not impact on natural scenic qualities.</li> <li>Maintains and enhance current levels of residential amenity.</li> <li>Provides a variety of dwelling types providing improved housing choice for the area.</li> </ul>	Yes
3.3.2.1 Character	New developments are consistent with the desired character for the surrounding area.	Refer above under 2.1 Character	Yes
3.3.3.1 Height	Clause 3.3.3.1.2 Maximum Height Controls • Max building height GLEP 2014 = 8.5m • Max 2 storeys • Max height exterior wall 7.5m	<ul> <li>The development proposes the following:</li> <li>The development proposes encroachments and heights above the development standard in GLEP 2014 for the following building elements: <ul> <li>Lift over-run: 2.37m-3.56m encroachments; a maximum height of 10.87m-12.06m or maximum 41.9% variation to the development standard.</li> </ul> </li> </ul>	No – Clause 4.6 submitted – variation supported

Development Control	Required	Proposed	Compliance
	• Max floor height lowest occupied storey 1m	<ul> <li>Balustrade edges and wall element to rooftop: encroachments of 390mm-1.8m; a maximum height of 10.3m or maximum 21.2% variation to the development standard.</li> <li>Max 4 storeys</li> <li>Due to the design of the building with the protrusion of the basement level the development presents as a 4-storey building to the Campbell Crescent frontage although is stepped over each level.</li> </ul>	No No
		<ul> <li>However, the design appears as 2-3 storeys from the side and rear boundaries of the site. The design is stepped up the sloping site and is well articulated to lessen any discernible impact. The proposal generally complies with the setback controls and landscaping is proposed within the setback areas/courtyard areas to soften the built form.</li> </ul>	
		<ul> <li>Max height exterior wall - 8.3m on the southern elevation (10.67% variation) and 9.0m on the northern elevation (20% variation). The variations occur to the rear portions of the buildings which extend here a particul around level to provide a</li> </ul>	No
		<ul> <li>beyond the natural ground level to provide a stepped building platform on the very steep site. The rear elevation when viewed from Talgai Close complies with the control.</li> <li>Max floor height of the lowest occupied storey. The proposal does not comply with this control as the development has a finished</li> </ul>	
		floor level for the Ground Level of the building a maximum of 2.9m above natural ground level near the rear portion of the building.	Non- compliances are acceptable
		• The building elements that exceed the maximum building height are recessed centrally within the development and the site such that they are not readily visible from the street and do not discernibly impact on bulk and scale. The actual variation to the control arises from the rooftop area and the desire to provide for accessibility to all persons via the lift. These elements do not have any streetscape impact or impact on views to the	and are supported
		<ul><li>dwellings to the rear of the site in Talgai Close.</li><li>The applicant has submitted a Clause 4.6 request to vary the development standard which is considered satisfactory and is</li></ul>	
		<ul> <li>supported.</li> <li>The proposal has been designed to address the sloping topography of the site whilst also ensuring that the amount of cut required will be minimised. Therefore, the proposed variation is considered acceptable. In addition, the proposal will predominantly</li> </ul>	

Development Control	Required	Proposed	Compliance
		<ul> <li>comply with the permitted maximum building height and the internal layout of each unit along with the orientation of the POS balconies will ensure that no adverse privacy, overshadowing or amenity impacts will be created by the variation.</li> <li>Notwithstanding the numerical non-compliances for building height in GDCP 2013 the proposal complies with the objectives, the variations are considered minor and are supported. The scale of the building is compatible with the existing and desired streetscape character, will not adversely impact on views or privacy and amenity of adjoining residential developments and is of an appropriate height, bulk and scale with surrounding development.</li> </ul>	
	<ul> <li>Clause 3.3.3.1.3 Development Controls</li> <li>All habitable rooms - min 2.7m ceiling heights for 2, 3 or 4 storey buildings</li> <li>Non-habitable rooms - min 2.2m</li> </ul>	<ul> <li>The development proposes the following:</li> <li>All residential levels = min ceiling height 2.7m</li> </ul>	Yes
3.3.3.2.2a Deep Soil Setbacks	<ul> <li>Deep soil along boundaries:</li> <li>Side boundary min width 2m</li> <li>Front &amp; Rear boundary min width 6m</li> </ul>	<ul> <li>The development proposes the following deep soil boundary setbacks:</li> <li>North side boundary 4m</li> <li>South side boundary 2m-6m</li> <li>Front boundary – Campbell Cres – &gt;6m</li> <li>Rear boundary – parallel to Campbell Cres – 6m</li> </ul>	Yes
3.3.3.2.2b Setbacks to exterior walls	Setbacks to exterior walls up to 2-storeys high: • Side boundary average 4m, min 3.5m • Front Setback 6m • Rear Setback 6m Setbacks to exterior walls: • 3+Storey buildings – additional setback of 2.5m	<ul> <li>Setbacks from site boundaries to exterior walls 2-storieys high:</li> <li>North side boundary 4m</li> <li>South side boundary 6m–7m</li> <li>Front boundary – Campbell Cres &gt; 6m</li> <li>Rear boundary – parallel to Campbell Cres – presents as a 2-storey development - 6m</li> <li>Setbacks 3+storeys</li> <li>Side boundary requires 6m</li> <li>Upper Ground Floor &amp; First Floor - North side boundary – provides 4m; variation 33%</li> <li>Upper Ground Floor &amp; First Floor - South side boundary – Campbell Cres requires 8.5m</li> <li>Upper Ground Floor provides 14m–16m - complies</li> <li>First floor provides 14m–16m - complies</li> <li>The purpose of setbacks is to provide reason amenity for both existing and proposed dwellings.</li> </ul>	Yes with minor variation (bold) - acceptable and supported

Development Control	Required	Proposed	Compliance
	Required         Allowable encroachments into setbacks	<ul> <li>Proposed</li> <li>The building complies with the setback provisions for exterior walls up to 2-storeys high.</li> <li>The exterior walls of the third and fourth storeys of the building generally complies except for the northern elevation which fronts Talgai Close and is considered a side boundary in this instance.</li> <li>The non-compliance will not have any amenity impact on adjoining and proposed development by this encroachment as it is separated by Talgai Close and change in topography to development to the north.</li> <li>The proposed development to the north.</li> <li>The proposed development has a density that is compatible to adjoining medium density developments and complies with the required FSR for the site.</li> <li>The proposal is consistent with the desired character of the area.</li> <li>Notwithstanding the non-compliance with setbacks, no objection is made given the limited amenity implications associated with these encroachments. It is considered the proposal complies with the setback objectives.</li> <li>Minor features and building elements - The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity as evident via side setbacks.</li> <li>Minor encroachments into the side and rear setbacks of up to 1m beyond minimum setbacks is permitted in accordance with Clause 3.3.2.4c for balconies that display a light-weight appearance and are cantilevered. The proposed balconies will enhance the articulation of the built form and will enable passive surveillance of public</li> </ul>	Yes
3.3.3.3 Car Parking	Clause 3.3.3.3.2 Technical requirements to be in accordance with Chapter 7.1 Car Parking Appendix A.	spaces. Refer Section 7.1 Car Parking for compliance with GDCP 2013. The proposed parking arrangements are consistent with the objectives.	Yes
	<ul> <li>Clause 3.3.3.3 Preferred Location of off-street parking</li> <li>Basements not extend across deep soil setbacks</li> <li>Basements may extend up to 1m above existing ground level if integrated into architectural and landscape design</li> </ul>	<ul> <li>The development proposes a stepped basement level as follows:</li> <li>Predominantly consistent with the prescribed deep soil setbacks</li> <li>Minor encroachment above the existing ground level as a result of the sloping topography of the site and as such will incorporate a variation to the permitted 1m basement protrusion control. The basement is integrated into the architectural design of the development and will not have visual</li> </ul>	Minor variation - acceptable and supported

Development Control	Required	Proposed	Compliance
		impact on the streetscape or impact on privacy of adjoining and proposed development.	
	Clause 3.3.3.3.4 Scenic Quality/Neighbourhood character of off-street parking – applies to above ground parking	Parking provided in a basement.	N/A
	<ul> <li>Clause 3.3.3.5 Driveway</li> <li>Design</li> <li>Less than 25 spaces/30 movements/hour – driveway 3m wide</li> <li>More than 30 movements/hour, provision of a two-way driveway, 5.5m wide</li> <li>Basement ramps comply with AS2890.1, not steeper than 1:20 within 6m of site boundary</li> <li>Driveways and ramps integrated with landscaping</li> </ul>	<ul> <li>The proposal provides the following:</li> <li>The development proposes 27 car spaces with the potential for 49-70 vehicle trips per day.</li> <li>The driveway ramp is two way - 6m wide single access ramp is acceptable to service the proposal considering the scale of the development and status of Campbell Crescent.</li> <li>The design of the driveway and parking arrangements have been integrated with the overall design of the proposal and will not create any negative visuals or streetscape presentation and will comply with relevant AS and BCA standards.</li> </ul>	Yes
3.3.3.4 Articulation	<ul> <li>Clause 3.3.3.4.2</li> <li>Maximum dimensions of buildings</li> <li>Max width and depth of building - 25m</li> <li>Buildings between 25m-35m must be indented with 6 X 6 courtyard, including 1 canopy tree and reduced wall heights surrounding</li> <li>Each courtyard planted with 1 large canopy tree</li> <li>Surrounding each courtyard height of exterior walls reduced</li> </ul>	<ul> <li>The proposal provides the following:</li> <li>Maximum dimensions are measure between outside faces of exterior walls. The building has a maximum depth of 24m from the front elevation to the rear elevation measured at the Upper Ground Level and a width of 24m.</li> <li>As the application has been amended at the rear of the site to include footpath, canopy trees unlikely to be able to be provided in the rear courtyards. Proposed level of landscaping is supported and provides satisfactory levels of amenity to residents and enhances streetscape character.</li> </ul>	Yes Minor variation - acceptable and supported
	Clause 3.3.3.4.4 Articulation of building forms and facades The unarticulated length of any wall should not exceed 8m.	<ul> <li>Satisfactory articulation is achieved in accordance with the control. The proposal provides a variety of articulation measures to all facades:</li> <li>The front façades address the street and will be well articulated with the use of vertical and horizontal building elements such as balcony spaces, windows, projecting and receding exterior walls, and framed elements.</li> <li>Articulation is provided to the elevations using changes in building materials and fenestration, together with building lines and setbacks to break up the side elevations of the building.</li> </ul>	Yes

Development Control	Required	Proposed	Compliance
		<ul> <li>Sufficient detailing has been applied to the building to prevent monotonous appearance and includes a 1m step in the alignment of the exterior wall, balconies that protrude at least 1m beyond the exterior wall and a contemporary flat roof.</li> <li>The lift overrun is integrated into the design of the building with architectural features incorporated to minimise bulk and scale.</li> </ul>	
3.3.3.5.2	Clause 3.3.3.5.2 Solar	The proposal provides the following:	
Sunlight and Overshadowing	<ul> <li>access requirements for living rooms and communal open space:</li> <li>Min 3 hrs/day sunlight in living, dining, family rooms and 50% of principal open space areas. Received by 70% of dwellings.</li> <li>Minimum 3 hours/day sunlight is retained to existing neighbours.</li> </ul>	<ul> <li>Solar access to the development:</li> <li>77% (10 of 13 units) achieve 3 hours solar access.</li> <li>0% achieve no solar access.</li> <li>The dwellings adopt passive solar design principles through the orientation of the majority of living and private open space areas in a northerly, easterly and westerly direction as well as ensuring natural ventilation can also be provided.</li> <li>Minimum 3 hours/day sunlight is retained to existing neighbours</li> <li>Shadow diagrams have been submitted with the application which shows shadowing in mid-winter. Refer to Attachment 2, Architectural Plans, Drawings 180942 DA-401 Rev C and 180942 DA-402 Rev C.</li> <li>The proposal demonstrates that greater than 3 hours/day sunlight is retained to adjoining sites. The proposal generally complies with the setback provisions and the height of the proposed development will not have any adverse overshadowing effects on adjoining residential development.</li> </ul>	Yes
3.3.3.5.3 Site Planning	<ul> <li>Clause 3.3.3.5.3 Controls</li> <li>Site planning to provide for reasonable privacy for existing &amp; proposed dwellings.</li> <li>For 2-storey buildings: provide 9m between adjacent dwellings, and 3-4-storeys 12m between adjacent dwellings</li> <li>If screening is provided these distances can be lessened.</li> </ul>	<ul> <li>The controls within this provision are discussed below:</li> <li>The proposal is designed with corner apartments that will either face the street or the rear communal open space area as prescribed by the GDCP 2013.</li> <li>The proposal provides the required separation distance between adjacent dwellings to the south.</li> <li>Privacy is achieved by the internal layout and orientation of the proposed residential units, the boundary screen plantings, the orientation and location of the adjoining properties and the proposed fencing.</li> <li>The proposed balconies will incorporate a side privacy screen to reduce the potential for overlooking and privacy impacts.</li> <li>The development proposes less than 9m separation distance to residential development to the east, west and south. The</li> </ul>	Yes

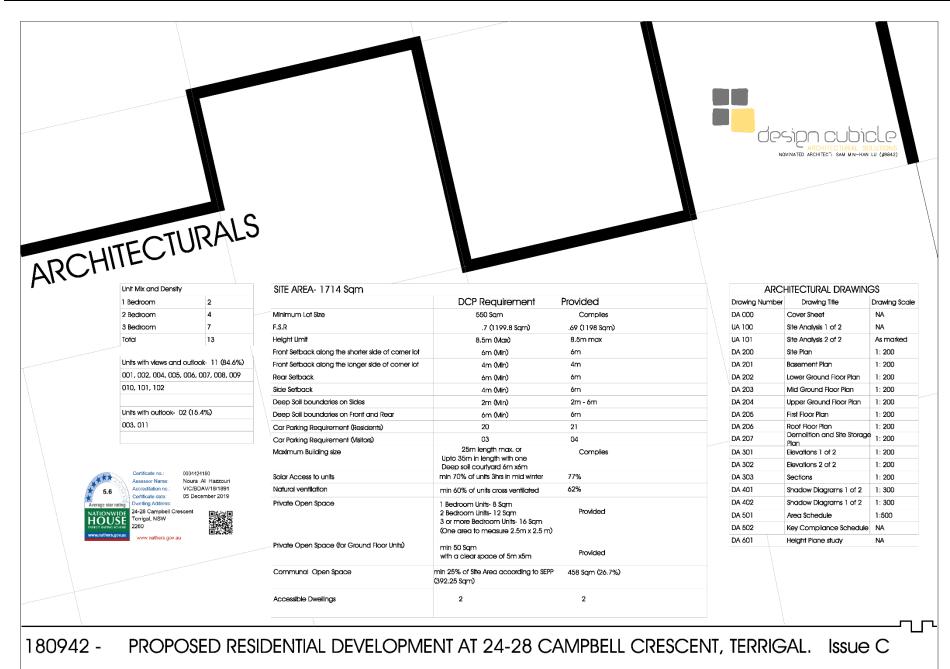
Development Control	Required	Proposed	Compliance
		<ul> <li>design of the development ensures line-of-sight privacy is maintained to the east through highlight windows, courtyard screening and 1.8m high boundary fencing and reasonable privacy is provided for existing and proposed dwellings.</li> <li>Internally, the development has been designed to provide privacy for units. The more active areas are clustered together, and more passive areas also clustered together to maximise acoustic privacy.</li> <li>The proposal will have limited acoustic impacts to adjoining properties given the design and layout of the proposed development and the proposed separation distances as it relates to surrounding properties.</li> </ul>	
		The proposal achieves the objectives of the control and provides reasonable privacy for existing and proposed dwellings.	
3.3.3.5.4 Natural cross ventilation	<ul> <li>Clause 3.3.3.5.4 controls</li> <li>Min 60% of dwellings must have suitable floor plans for cross ventilation.</li> </ul>	The proposal complies with the controls. 61.5% (8 of 13 units) of units have suitable ventilation.	Yes
3.3.3.5.5 Private Open	Clause 3.3.3.5.5 controls • Private open space	The development provides the following:	
Space	<ul> <li>Private open space (POS) for above- ground dwellings provide:</li> <li>1-bedroom: 8sqm</li> <li>2-bedrooms: 12sqm</li> <li>3-bedrooms: 16sqm, And,</li> </ul>	• All above-ground units provide well in excess of minimum POS requirements and dimensions for each bedroom type in the form of terraces and balconies. Canopy trees are not provided however effective screening of courtyards is proposed with solid balustrades/planter boxes.	Yes
	<ul> <li>an area 2.5m x 2.5m to accommodate an outdoor table</li> <li>POS for all dwellings with a private entrance at ground level: Min area 50m<sup>2</sup> Min width 5m x 5m Min dimension 3.5m.</li> <li>1 tree and landscaping per POS</li> <li>All should have one sunny spot, be located adjacent to a living space and a space for clothes drying</li> </ul>	<ul> <li>The following are ground level units that have direct access from the street and have POS &gt; 50sqm, an area 5m x 5m and are &gt; 3.5m in width and comply with the controls: Unit 001 (153sqm) Unit 002 (96sqm) Unit 003 (53sqm) Unit 004 (55sqm) Unit 004 (55sqm) Unit 011 (67sqm)</li> <li>All POS areas have one sunny spot, located adjacent to a living space and a space for clothes drying.</li> <li>The proposal is supported and provides well designed open spaces for each unit.</li> </ul>	Yes
3.3.3.5.6 Communal Open Space	<ul> <li>Clause 3.3.3.5.6 Controls:</li> <li>Only required for developments with more than 10 dwellings</li> </ul>	<ul> <li>The development provides the following:</li> <li>Communal Open Space (COS) is provided in accordance with SEPP 65, are landscaped and provide functional and useable recreational areas.</li> </ul>	Yes

Development	Required	Proposed	Compliance
Control 3.3.4.1 Housing Choice	<ul> <li>Cover 10% of setbacks and building separations</li> <li>Provided in one or more parcels</li> <li>Min area 50sqm</li> <li>Min dimension 5m</li> <li>Clause 3.3.4.1.2: <ul> <li>Provide a variety of dwelling types</li> <li>No more than one third of dwellings should be the same type</li> </ul> </li> <li>Clause 3.3.4.1.3: <ul> <li>Developments with 10 or more dwellings – 10% should be accessible.</li> </ul> </li> </ul>	<ul> <li>The proposed comprises 13 dwellings and provides three separate communal open space areas that complies with the controls: <ul> <li>Roof top: 221sqm</li> <li>Upper Ground Floor: <ul> <li>COS 1 123sqm</li> <li>COS 2 114sqm</li> </ul> </li> <li>The development provides the following:</li> <li>The proposal complies with Clause 3.3.4.1.2 and provides a mix of different dwelling types including 1, 2 and 3-bedroom units that have generous internal dimensions. Each unit in the development has a different layout.</li> <li>The proposal comprises 13 dwellings and requires 2 accessible dwellings. Compliance is achieved for Clause 3.3.4.1.3 by Units 003 &amp; 004 as shown on the Mid Ground Floor level architectural plans Drawing 180942 DA: 203.</li> </ul></li></ul>	Yes
3.3.4.2 Residential Address	<ul> <li>Controls:</li> <li>Provide a traditional street address - Front doors, windows, patios etc facing street.</li> <li>Developments with basement parking: communal open areas visible from windows of regularly -occupied rooms, private terraces or balconies.</li> <li>Dwellings with private open space at ground level have private entrance.</li> <li>Solid fences to a height of 1.2m, and partially transparent screening above that for fences that face public /communal areas.</li> <li>Design common areas to promote safety for building lobbies and basements.</li> </ul>	<ul> <li>The proposal provides the following:</li> <li>Incorporates active facades that permit casual surveillance of Campbell Crescent, common open space areas and driveway area.</li> <li>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain.</li> <li>Clear entry points are proposed, that are easily read by resident, visitor and passer by alike. It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with anticipated future developments and street presentation.</li> <li>All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</li> <li>Terrace courtyards at ground level along street frontages propose variety of fencing materials, masonry fencing incorporating planter boxes varying in height to address slope along street frontages.</li> </ul>	Yes
3.3.4.3 Facades	Controls: • Divide facade into a "panels" • Use gently-pitched roof elements • Roofs surrounded by wide eaves • Balconies used to disguise expanses of flat exterior walls	<ul> <li>Refer to response under Clause 3.3.3.4.4.</li> <li>The proposal meets the objectives for articulation of facades to prevent monotonous exterior walls and disguise the scale and bulk of new buildings. The development demonstrates compliance with the requirements of this section with the following features:</li> <li>The proposal is a highly articulated building including changes in building materials and</li> </ul>	Yes

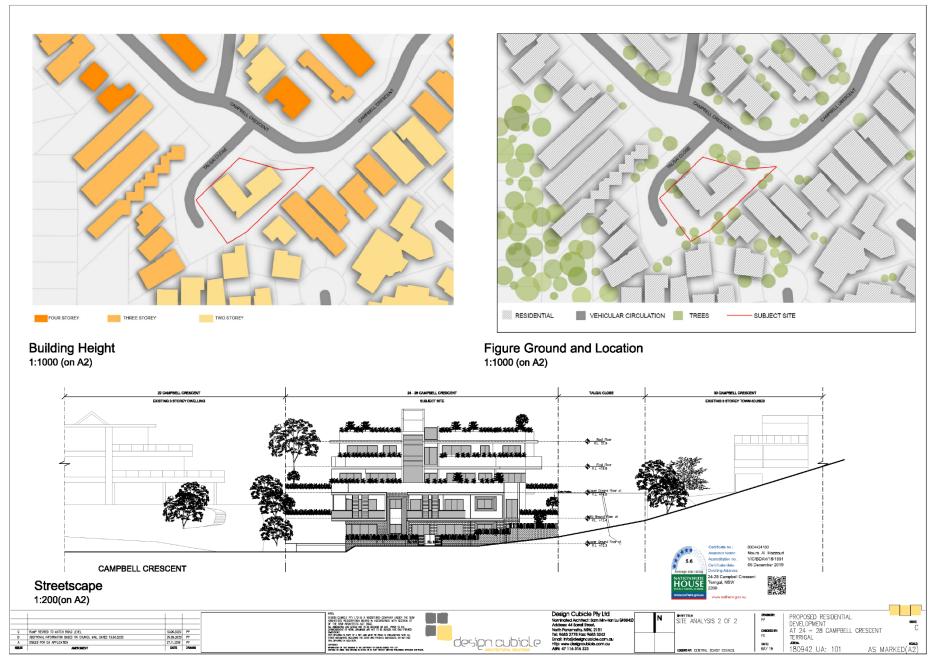
Development			
Control	Required	Proposed	Compliance
	<ul> <li>Light weight finishes incorporated</li> <li>Design of facades for privacy</li> </ul>	<ul> <li>setbacks/alignment. The proposed development will be appropriately articulated to provide high quality contemporary residential flat building that will positively address Campbell Crescent.</li> <li>Further articulation in combination with use of building materials would not achieve a better design outcome nor improve the building visually.</li> <li>The proposal has been designed to incorporate generously dimensioned balconies along the front facades that will provide a lightweight appearance and as such will comply with this section of the DCP.</li> <li>Uses light weight finishes and a variety of materials.</li> <li>Designed to provide passive surveillance opportunities along Campbell Crescent and towards the communal open space areas whilst also enabling future residents to achieve appropriate levels of privacy.</li> </ul>	
3.3.4.4 Landscaped Areas	Controls: Provide a landscape plan Site surrounded by canopy trees New trees to have mature heights of 8- 10m (similar height to building Continuous screen plantings to side and rear boundaries Front setback to include 2 canopy trees, side setback to include 1, rear setback to include 2 Side and rear setbacks should include screen plantings Driveway flanked by landscaping	<ul> <li>The proposed development demonstrates compliance with the requirements of this section as follows:</li> <li>The proposal nominates removal of all trees from the property which consist of planted ornamentals such as Norfolk Island Hibiscus, Frangipani, Phoenix Pam and Umbrella tree.</li> <li>Landscape plan is provided.</li> <li>The proposed landscaping works will include landscaped setback areas, screen/canopy plantings, retention of existing trees where practicable and strategically placed planters. The landscaping design and palette complements and enhances the existing and desire character of the area.</li> <li>The Landscape Plan proposes to plant 3 x Spotted Gums within the front of the property with the potential to achieve 20m high on this site. There is also a mixture of smaller natives and exotics (Lilly Pilly, Water Gum, Magnolia, Ornamental Pear) around the perimeter of the building.</li> <li>Due to proposed tree planting within the property, overhead power wires and footpath construction for Talgai Close, a street tree condition has not been provided on this occasion.</li> <li>The landscape plan will require minor amendments at the rear of the site in Talgai Close to cater for the changes to the development and provision of footpath and on-street parking bay at Campbell Crescent <i>Refer Condition 2.3.</i></li> </ul>	Yes

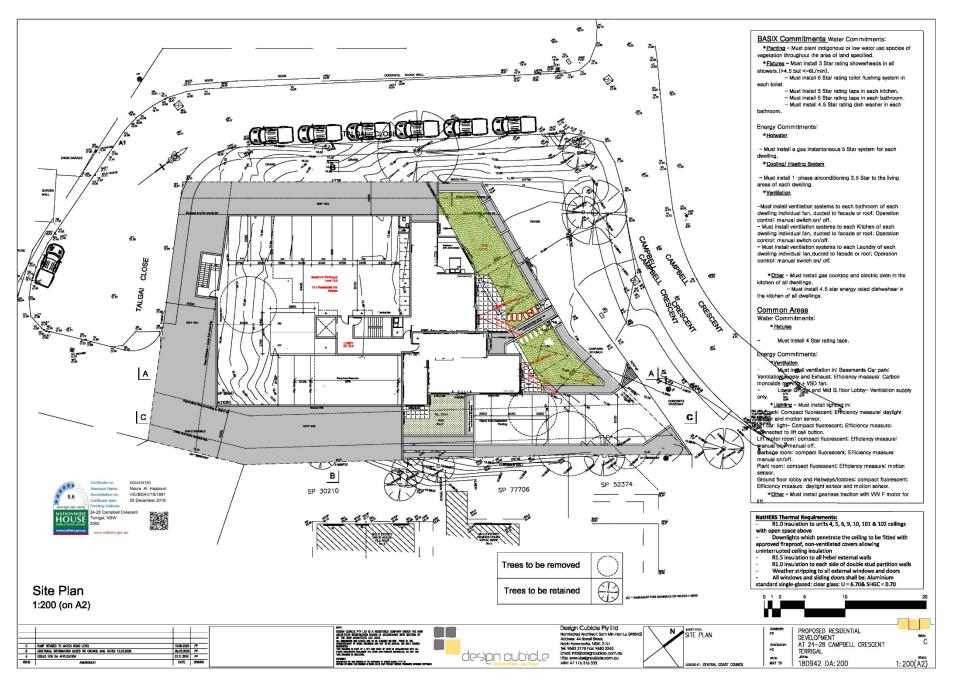
Development Control	Required	Proposed	Compliance
		<ul> <li>now taken up by the pathway and buffer landscape.</li> <li>The proposed landscaping is supported by Council's Tree Assessment Officer. Trees on the road reserve that require removal are all relatively small planted ornamentals and their removal is supported.</li> <li>Overall the proposal provides a satisfactory level of landscaping.</li> <li>The visual impact of the building and privacy to the development and surrounding residences is achieved by the proposed landscape design.</li> </ul>	
	<ul> <li>3.3.4.4.4 Structures &amp; Site</li> <li>Facilities within defined setbacks</li> <li>Basement walls above ground level and grilles should be screened</li> <li>New fences visible from street or public place integrate with buildings and landscaping</li> <li>Garbage storage areas and enclosures designed to match proposed building and should be screened</li> <li>On-site detention facilities, not visually intrusive and integrate with design of gardens or paved areas</li> </ul>	<ul> <li>The proposal provides the following:</li> <li>Garbage enclosure integrates with the design quality of the building and suitably screened.</li> <li>Terrace courtyards at ground level along street frontages propose variety of fencing materials, masonry fencing incorporating planter boxes varying in height to address slope along street frontages. The design integrates with proposed landscaping pallete.</li> <li>Structures have been designed, located and integrated with the overall development and access arrangements and as such will not be incongruous with the proposed streetscape presentation.</li> </ul>	
3.3.4.5 Building Services	<ul> <li>3.3.4.5.2 Design and Location of Stormwater Systems</li> <li>25% of the development site shall be deep soil</li> <li>3.3.4.5.3</li> </ul>	Complies with SEPP 65 requirements for level of landscaping. Provides satisfactory level of deep soil to allow infiltration. Garbage enclosure appropriately located for	Yes
	<ul> <li>3.3.4.5.3</li> <li>Garbage bin enclosures</li> <li>Not compromise urban design quality</li> </ul>	Carbage enclosure appropriately located for accessibility by residents and for collection in Talgai Close, integrates with the design quality of the building and is screened from the internal courtyards and from the street. The separate access path provided from the bin storage area to the street footpath will ensure that the bin facilities will not impact on pedestrian movement within the development.	162
	3.3.4.5.3 Design and location of service meters	Service meters to be located within the basement.	Yes
	<ul> <li>3.3.4.5.5 Storage</li> <li>1-bedroom units: 6m<sup>3</sup></li> <li>2-bedroom units: 8m<sup>3</sup></li> </ul>	Storage is provided within the basement and within each unit and achieves minimum storage required for the size of each unit.	Yes

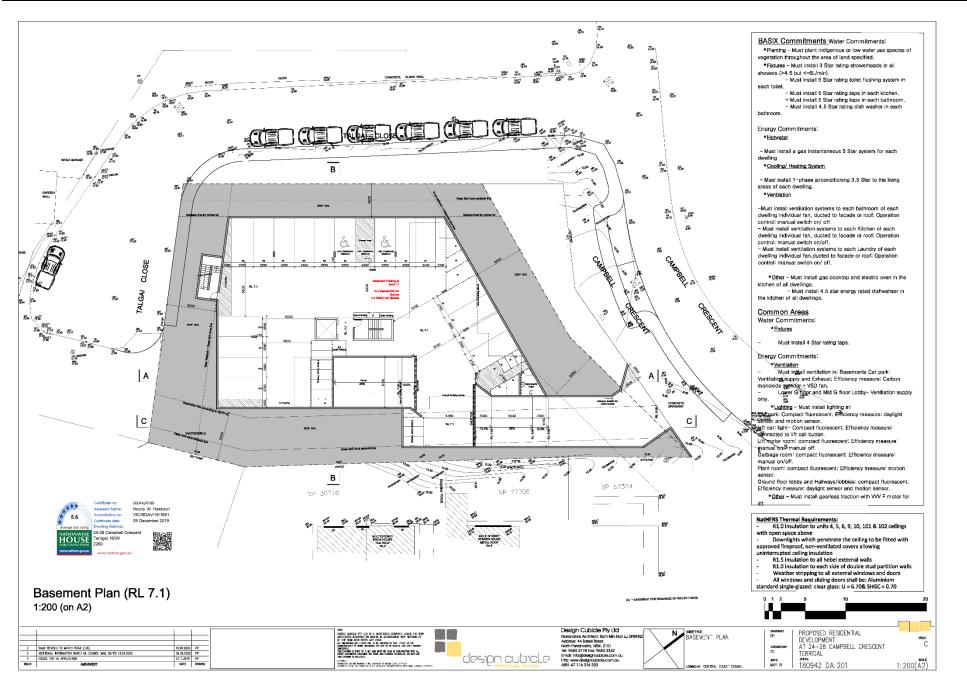
Development Control	Required	Proposed	Compliance
	• 3-bedroom units:10m <sup>3</sup>		
6.3 Erosion and Sediment Control	Plans required	Complies.	Yes Via condition
6.4 Geotechnical Requirements for Development Applications	Provide detailed guidelines and a management strategy for development	A Geotechnical report supports the proposed development.	Yes Via conditions
6.6 Preservation of Trees or Vegetation	Protect trees on privately owned land that contribute positively to the amenity, scenic landscape characteristics and ecological values of the Central Coast Local Government Area	Tree removal and replacement planting proposed. No significant vegetation is to be impacted upon by the proposed development.	Yes
6.7 Water Cycle Management	Minimise the impact of the development on the natural predevelopment water cycle.	The proposal is consistent with Chapter 6.7 – Water Cycle Management. Appropriate conditions have been recommended by Council's Development Engineer.	Yes
7.1 Car Parking	Resident parking 1.5 car spaces per dwelling (13) = 19.5 car spaces Visitor parking 0.2 car spaces per dwelling (13) = 2.6 car spaces Total parking required = 22.1 car spaces rounded up to 23 car spaces. Disability Car Parking: 1 space per 100 spaces = 1 space Bicycles: As per the Australian Standard AS2890.	<ul> <li>The proposal provides 27 car spaces.</li> <li>Resident Parking: 23 car spaces including 2 accessible car spaces</li> <li>Visitor Parking: 4 car spaces</li> <li>Bicycle storage provided in accordance with Australian Standards.</li> <li>The proposal complies with the required parking facilities in GDCP 2013.</li> <li>The proposed parking arrangements are consistent with the objectives of the controls.</li> <li>Council's Development Engineer has reviewed the proposal. The development is to comply with AS 2890. Swept path diagrams were provided for the B85 design demonstrating compliance with AS 2890.</li> </ul>	Yes
7.2 Waste Management	To provide sustainable waste management	A Waste Management Plan has been provided and deemed appropriate for the scale of the proposal. Appropriate conditions are applied.	Yes Via conditions

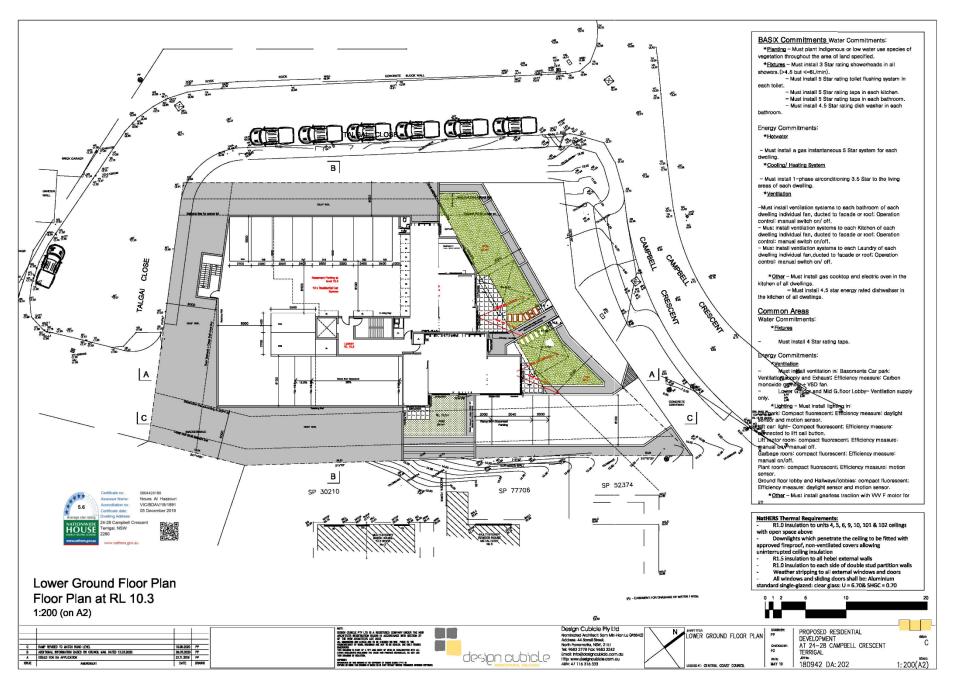


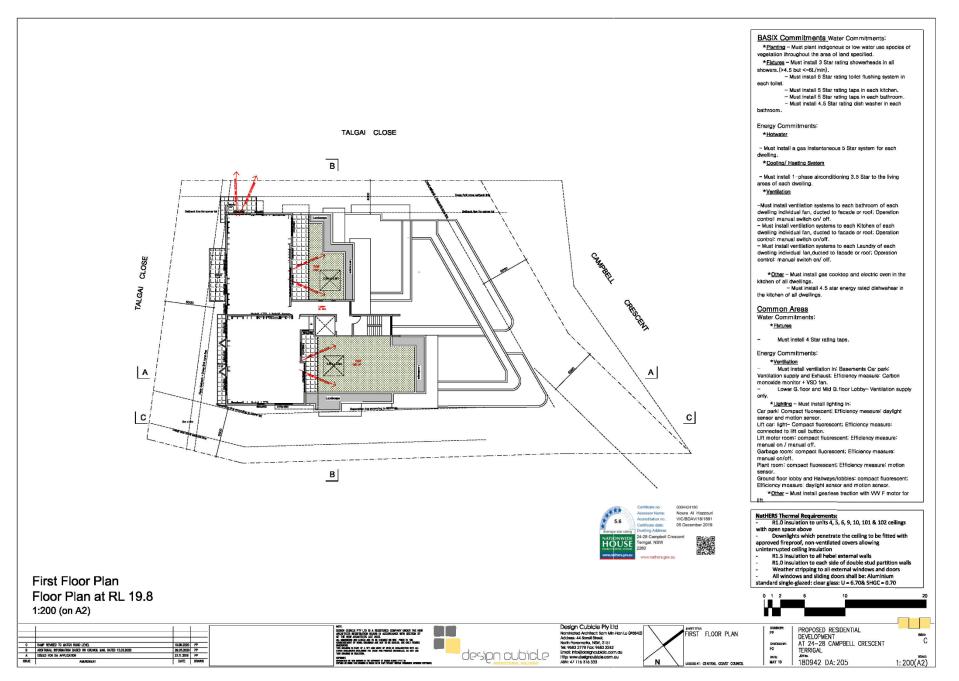


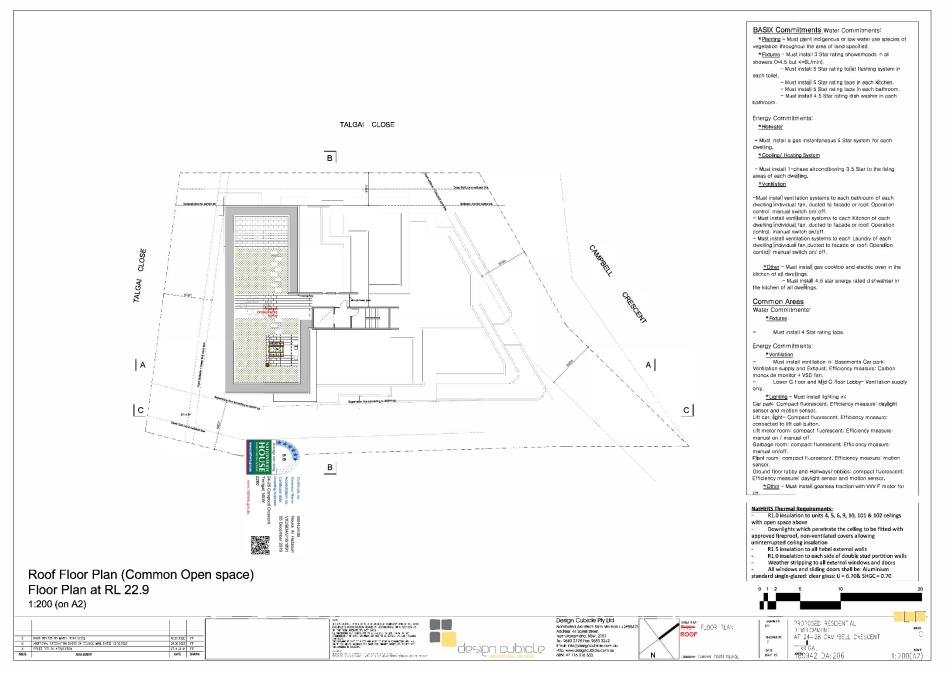


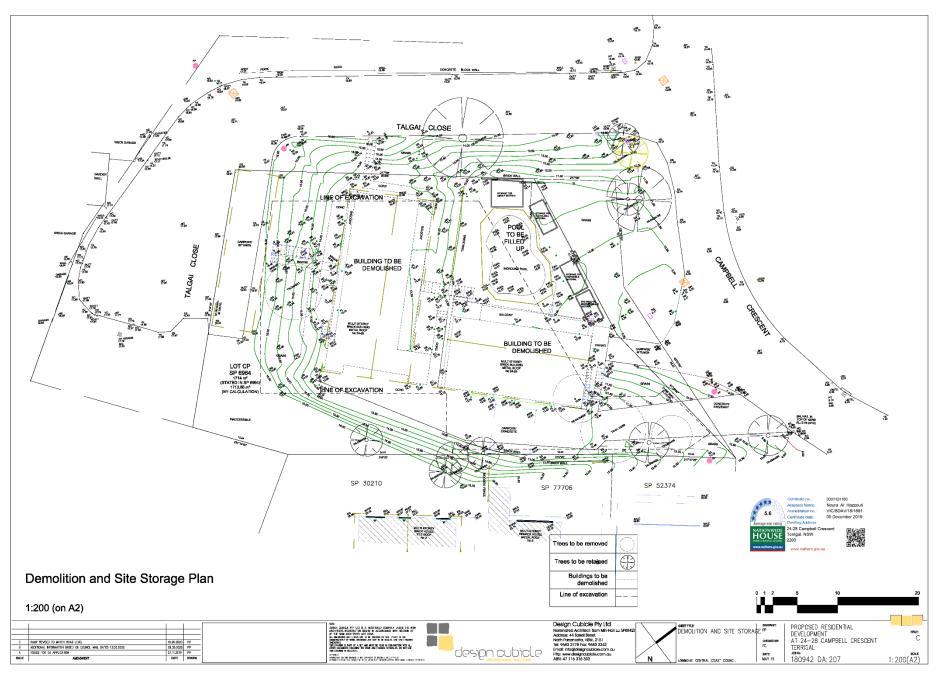


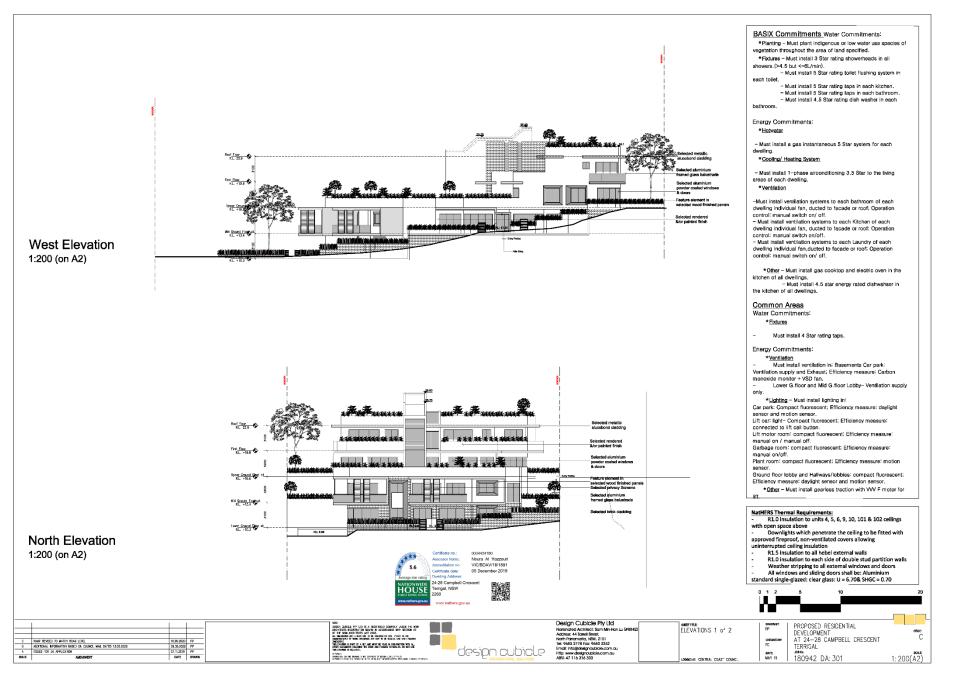


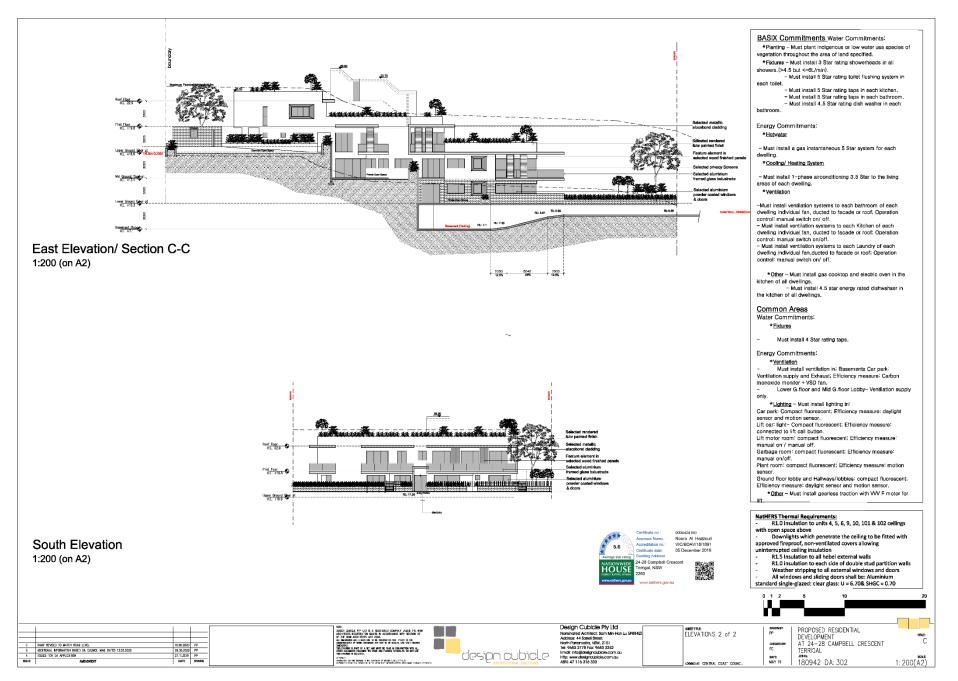


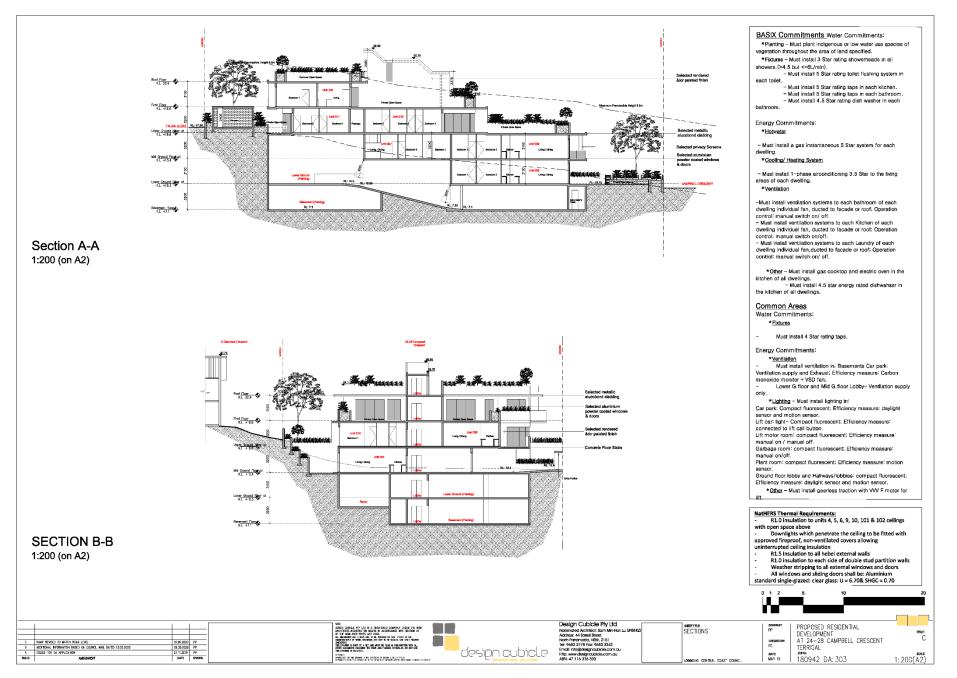


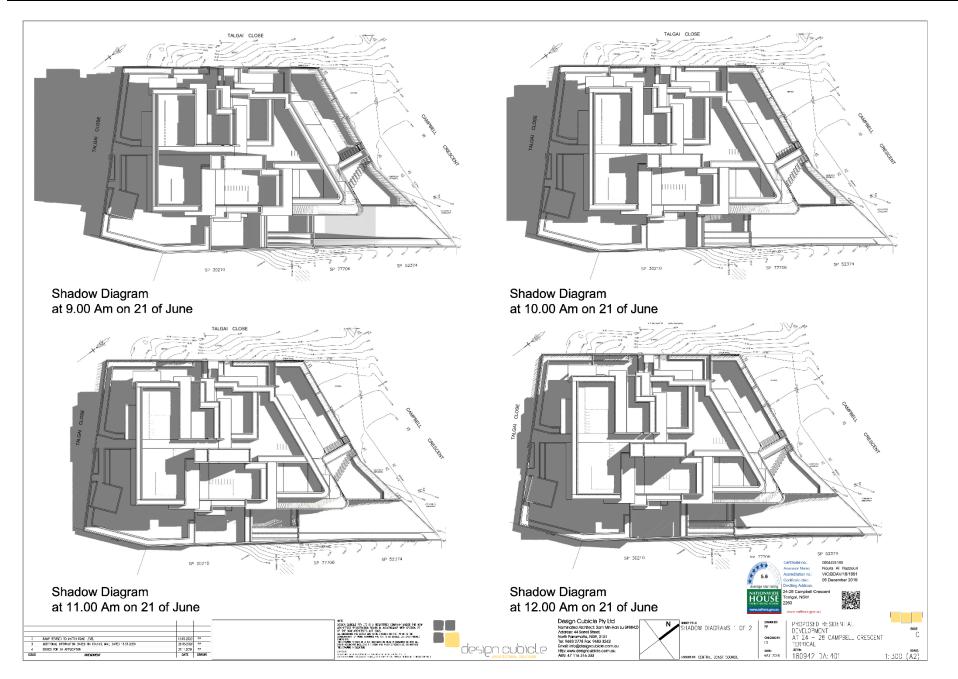


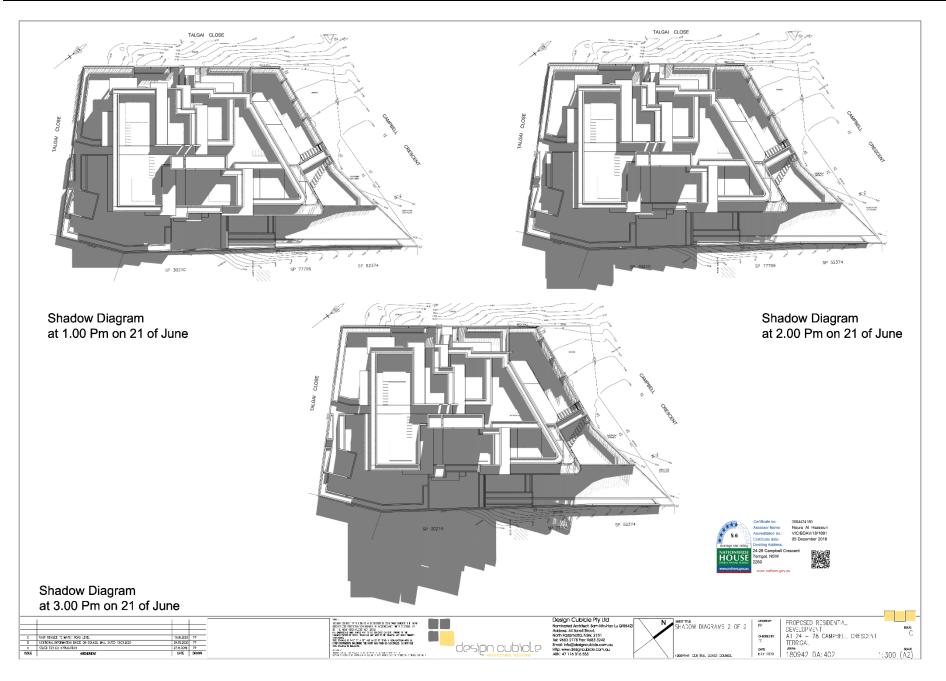












## ADG Key Compliance Schedule : Part 4A - 4G

Unit	Beds	Bethrooms	Unit area	P.O.S / balcony area minimum 15 m <sup>a</sup>	Bssament storage volume	Unit storage volume		Width of living room or living / dining room		No direct solar access 9em - 3pm	Naturally cross ventilated	Overall depth of cross-through sparlement does not exceed 18m			Every habilable room has a window with glass area no less than 10% of the floor area of the room	t min. area of 10m <sup>2</sup> & other	Bedrooms achieve min. dimensions of 3m (excluding wardrobes)		The width of cross-through apartments are at least 4m		storage volume based on
001	3	2	97 mª	Yes	6.3 m <sup>3</sup>	5.2 m <sup>1</sup>	11.5 m <sup>3</sup>	4000 mm	Yes	N/A	No	N/A	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes
002	3	2	96 m*	Yes	6.3 m <sup>3</sup>	8.7 m <sup>3</sup>	13 m <sup>3</sup>	4300 mm	Yes	N/A	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes
003	1	1	58 m²	Yes	6.3 m <sup>3</sup>	3 m <sup>a</sup>	<sup>8</sup> m 6.9	3850 mm	Yea	N/A	No	N/A	Yee	Yes	Yee	Yes	Yes	Yee	N/A	Yee	Yes
004	1	1	57 m <sup>±</sup>	Yes	8.3 m <sup>3</sup>	3.2 m <sup>3</sup>	9.5 m <sup>3</sup>	3600 mm	Yes	N/A	No	N/A	Yes	Yes	Yes	Yes	Yee	Yes	N/A	Yes	Yes
005	8	2	95.5 m²	Yes	8.3 m <sup>3</sup>	6 m <sup>3</sup>	12.3 m <sup>3</sup>	4000 mm	Yes	N/A	No	N/A	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes
008	3	2	103 m²	Yes	8.3 m <sup>3</sup>	5 m <sup>3</sup>	11.3 m <sup>3</sup>	4000 mm	Yes	N/A	Yes	N/A	Yee	Yes	Yee	Yes	Yes	Yee	N/A	Yee	Yes
007	2	2	75 m²	Yos	6.3 m <sup>3</sup>	4 m <sup>3</sup>	10.3 m <sup>8</sup>	4000 mm	No	Yes	No	N/A	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yee	Yes
008	2	2	76 m²	Yes	6.3 m <sup>3</sup>	4.3 m <sup>3</sup>	10.6 m <sup>3</sup>	4325 mm	No	Yes	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes
009	2	2	76 m²	Yes	6.3 m <sup>3</sup>	4 m <sup>3</sup>	10.3 m <sup>3</sup>	4615 mm	Yes	N/A	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes
010	3	2	96 m²	Yos	8.3 m <sup>3</sup>	4 m <sup>3</sup>	10.3 m <sup>3</sup>	4276 mm	Yes	N/A	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes
011	2	2	78 m²	Yas	6.3 m <sup>3</sup>	4.1 m <sup>3</sup>	10.4 m <sup>8</sup>	4785 mm	No	Yes	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes
101	3	2	95.5 m²	Yas	6.3 m <sup>3</sup>	5 m <sup>8</sup>	11.3 m <sup>8</sup>	4590 mm	Yes	N/A	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes
102	3	2	102 m²	Yas	6.3 m <sup>3</sup>	5 m <sup>8</sup>	11.3 m <sup>8</sup>	4000 mm	Yes	N/A	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes
									Total : 10 / 13	Total : 0 / 13	Total : 8 / 13										

	Area and Percentage of Living rooms and Private Open Space with Solar Access.											
Unit	9.00 Am	10.00 Am	11.00 Am	12.00 Pm	1.00 Pm	2.00 Pm	3.00 Pm	9am - 3pm living rooms & P.O.S				
001	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
002	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
003	No	No	No	Yes	Yes	Yes	Yes	Yes				
004	No	No	No	Yes	Yes	Yes	Yes	Yes				
005	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
006	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
007	Yes	No	No	No	No	No	No	No				
008	No	No	No	No	No	No	Yes	No				
009	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
010	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
011	No	No	No	No	No	No	No	No				
101	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
102	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
								Total : 10 / 13				

Overall Key Information	n Summary
Unit Mix	1 Bed: 02 Units 2 Bed: 04 Units
	3 Bed: 07 Units Total: 13 Units
Total min. 3 hours solar access 9am - 3pm living rooms & P.O.S	10 / 13 Units 77% (complies)
Total no direct solar access 9am - 3pm	0 / 13 Units 0% (complies)
Total natural cross-flow ventilation	8 / 13 Units 61.5% (complies)

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L	MENONDAT DATE DRAWN	Instance of the second se	nar Nette Virk and Interest and an	ABN: 47 116 316 333	LOODED AR. CENTRA, COAST COUNCIL	MAY 2019	180942 DA: 502	NA (A2)

