

Central Coast

Local Planning Panel

Central Coast
LOCAL PLANNING PANEL MEETING
Business Paper
29 October 2020



Meeting Notice

**The LOCAL PLANNING PANEL MEETING
of Central Coast
will be held remotely - online,
THURSDAY 29 OCTOBER 2020 at 2.00 pm,
for the transaction of the business listed below:**

1 PROCEDURAL ITEMS

1.1 Disclosures of Interest 3

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting..... 4

3 PLANNING REPORTS

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use
from community centre to educational establishment (Amended
Application - Increase the maximum number of students from 45 to 60)..... 10

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building -
16 units and basement parking 30

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of
existing dwellings and ancillary structures and construction a Residential
Flat Building - 19 dwellings, basement parking and associated works 155

Donna Rygate
Chairperson

Item No: 1.1
Title: Disclosures of Interest
Department: Governance

Central Coast
Local Planning Panel

1 October 2020 Local Planning Panel Meeting

Reference: F2020/02502 - D14205789

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
Title: Confirmation of Minutes of Previous Meeting
Department: Governance

Central Coast
Local Planning Panel

29 October 2020 Local Planning Panel Meeting

Reference: F2020/02502 - D14250855

Author: Rachel 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 1 October 2020***

Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 1 October 2020 are submitted for noting.

Attachments

- 1 MINUTES - Local Planning Panel - 1 October 2020 D14213087



Local Planning Panel

Minutes of the
LOCAL PLANNING PANEL MEETING
Held remotely - online
on 01 October 2020

Panel Members

| | |
|----------------------------|----------------------------------|
| Chairperson | Donna Rygate |
| Panel Experts | Grant Christmas Linda McClure |
| Community Representative/s | Stephen Glen |

Central Coast Council Staff Attendance

| | |
|-------------------|--|
| Salli Pendergast | Section Manager Development Assessment North |
| Robert Eyre | Principal Development Planner Development Assessment South |
| Susana Machuca | Senior Development Planner Development Assessment South |
| Amanda Hill | Development Planner Development Assessment North |
| Ailsa Prendergast | Section Manager, Development Assessment South |
| Sonia Witt | Meeting Support Coordinator |
| Maggie Rowland | Councillor and Meeting Support Officer |

The Chairperson, 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 and no material conflicts of interest had been identified.

Stephen Glen declared a less than significant interest in relation to item 3.1 as the speaker Mr Tony Tuxworth and he are on a board together.

The Chair accepted the nature of this disclosure and noted Mr Tuxworth had also been appointed by the elected Council as a Panel community representative.

2.1 Confirmation of Minutes of Previous Meeting

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

- ***Local Planning Panel Meeting held on 17 September 2020.***

Moved: Donna Rygate
Seconded: Grant Christmas

Public Forum

Speakers

Item 3.1

Zoe Wall, Frank Neijts, Tony Voller, John Dawson, Michael Tatam and Gay Murrills spoke for the recommendation for item 3.1 – Use of Existing Premises for the purpose of an Animal Boarding and Training Facility – Dog Breeding, 604 Ourimbah Creek Road, PALM GROVE.

Item 3.2

There were no registered speakers.

Item 3.3

James Grant and Tony Tuxworth responded on behalf of the applicant to questions on item 3.3 – DA57145/2019 – Demolition of existing dwelling houses and construction of a Residential Flat Building, 93-95 Henry Parry Drive, GOSFORD.

The Local Planning Panel public meeting closed at 2.50pm. The Panel moved into deliberation from 2.55pm, which concluded at 4.00pm.

3.1 Development Application DA/97/2020 - Use of Existing Premises for the purposes of an Animal Boarding and Training Facility - Dog Breeding 604 Ourimbah Creek Road, PALM GROVE

| | |
|--------------------------------|---|
| Site Inspected | Yes |
| Relevant Considerations | As per Council assessment report |
| Material Considered | <ul style="list-style-type: none"> • Documentation with application • Council assessment report and additional information • Submissions |
| Council Recommendation | Refusal |
| Panel Decision | |

The Local Planning Panel deferred the consideration of the proposal to allow:

- 1 Council's Senior Environmental Protection Officer to identify and design the parameters for an acoustic study report that properly addresses the noise impacts of the proposed development. This will identify the shortcomings of the current acoustic report and require measurement of the actual noise currently generated by dogs on the site. This specification is to be provided to the applicant within 7 days of the date of the Panel's decision.**
- 2 Within 3 weeks of the Panel's decision, the applicant is to:**
 - **Provide an acoustic report undertaken on the design parameters identified by the Council as per 1 above.**
 - **Provide amended plans and information that mitigate and ameliorate the noise impacts on receptors based on the findings of the acoustic report, which includes treatments and a revised plan of management.**

Reasons

- 1 To allow the panel to consider necessary information.
- 2 In recognition that the land use is permitted in the zone.
- 3 In the current noise report, dog noise was assessed via a model and not as an actual noise measurement.

Votes The decision was unanimous

3.2 DA 55491/2018 - Designated/Integrated Poultry Farm - 1411 Peats Ridge Road PEATS RIDGE

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report and additional information
- Submissions

Council Recommendation Approval

Panel Decision

- 1 That the Local Planning Panel grant consent 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 the relevant State Government Agencies of the Panel's decision.

Reasons

- 1 The proposal is 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 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

3.3 DA 57145/2019 - Demolition of existing dwelling houses and construction of a Residential Flat Building 93-95 Henry Parry Drive, Gosford

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Approval

Panel Decision

1 The Local Planning Panel defer consideration of the proposal to allow the applicant to submit the following within two weeks of the Panel's decision:

- **Amended plans that provide for additional deep soil planting, preferably in the south west corner of the site.**
- **Amended plans that relocate the communal open space to level 5. The communal open space should be landscaped and have an area that is equal to 25% of the site area.**

- **An amended clause 4.6 request.**

2 That Council approach Roads and Maritime Services to consider measures in Henry Parry Drive to provide for left in/left out traffic to/from the site only.

Reasons

- 1 The proposal does not satisfactorily comply with the communal open space and deep soil planting requirements under the Apartment Design Guidelines (ADG) and State Environmental Planning Policy No 65 (Design Quality of Residential Flat Buildings).
- 2 Road safety.

Votes The decision was unanimous

Item No: 3.1
Title: DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60)



Department: Environment and Planning

29 October 2020 Local Planning Panel Meeting

Reference: DA/1234/2016/B - D14156577
Author: Rebecca Samways, Development Planner
Manager: Emily Goodworth, Section Manager, Development Assessment
Executive: Andrew Roach, Unit Manager, Development Assessment

Summary

A section 4.55(1A) application has been received to increase the number of students at the existing educational establishment. The application has been examined having regard to the matters for consideration detailed in section 4.15 and Section 4.55 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Having regard for the Ministerial Directions of 23 February 2018, 3 November 2019 and 30 June 2020, the application is required to be determined by the Central Coast Local Planning Panel as it is development on Council owned land.

| | |
|------------------------------|---|
| Applicant | Central Coast Montessori Primary School |
| Owner | Central Coast Council |
| Application No | DA/1234/2016/B |
| Description of Land | Lot 7233 DP 812773, 12 Debra Anne Drive, BATEAU BAY NSW 2261 |
| Proposed Development | Increase the maximum number of students from 45 to 60. |
| Site Area | 6382m ² |
| Zoning | R1 General Residential |
| Existing Use | Educational establishment (Central Coast Montessori Primary School) |
| Employment Generation | No |
| Estimated Value | Nil |

Recommendation

- That the Local Planning Panel approve the modifications to Development Application 1234/2016/A subject to the amendments detailed in the schedule attached to the report and having regard for the matters for consideration detailed in Section 4.15 and Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979.***

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)

Key Issues

- The land and building are Council owned and the land is classified as community land.
- The building is currently used as an educational establishment.
- The proposed modification involves an amendment to condition 9 to increase the number of students from 45 to 60.
- The proposed modification remains consistent with the objectives of the zone.
- It is considered there will be minimal impact on the built environment.
- The development will result in substantially the same development to that which was originally granted consent.

Precis:

| | |
|----------------------------------|--|
| Proposed Development | Amend condition 9 to increase the maximum number of students from 45 to 60. |
| Permissibility and Zoning | The site is zoned R1 General Residential under the provisions of Wyong Local Environmental Plan 2013. An educational establishment is permissible with consent within the R1 General Residential zone. |
| Relevant Legislation | <ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> • <i>Wyong Local Environmental Plan 2013 (WLEP 2013)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (CCLEP 2018)</i> |
| Current Use | Educational establishment (Central Coast Montessori Primary School) |
| Integrated Development | No |
| Submissions | Nil |

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)

The Site

The subject site is legally described as Lot 7233 DP 812773, 12 Debra Anne Drive, Bateau Bay, and currently contains the Central Coast Montessori Primary School. The site is an irregular shape and has an area of 6,328m² with frontage to Debra Anne Drive. There is on-site parking containing nine parking spaces and an additional accessible parking space with a bus bay located along the street front near the building entry. The site contains a fenced yard area at the back of the facility and a playing area adjacent to the facility.

The building and land are owned by Council, having previously been owned and used by the (former) Department of Housing as the 'Pacific Del Mar Youth Centre'. The land is classified as 'community land' in accordance with the *Local Government Act 1993*. In accordance with the provisions of Section 35 of the *Local Government Act 1993* any use must be in accordance with any Plan of Management that applies to the land. Council is exercising its responsibilities in accordance with Clause 36 of the *Local Government Act 1993* with the land being included in a wider Plan of Management Review Project currently underway. The land has been given a draft category of 'General Community Use'. The use of the site for educational facility is consistent with the category of 'General Community Use' which is land that 'may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public' (*Local Government (General) Regulation 2005*).

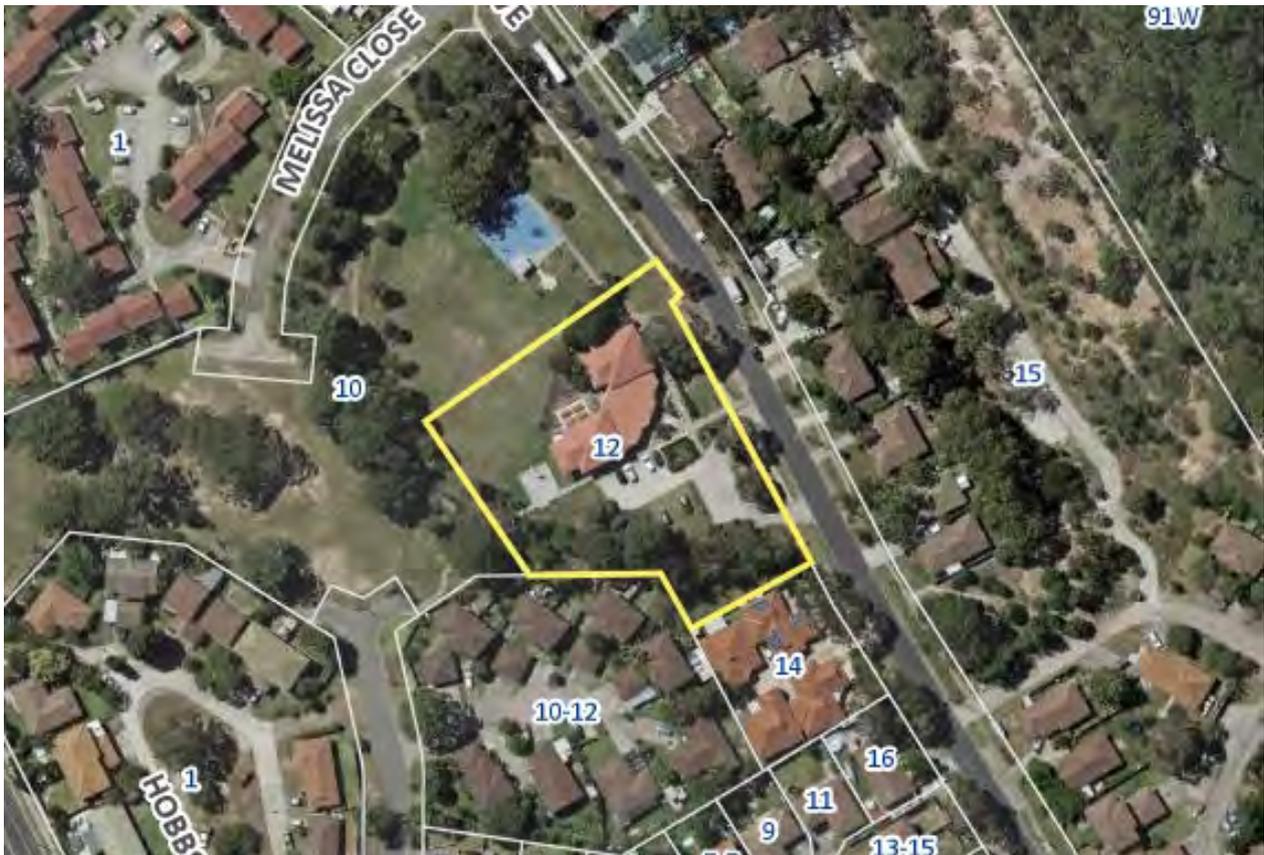


Figure 1. Aerial photograph of the site

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)



Figure 2. Photograph of the existing school

The subject site is zoned R1 General Residential under the provisions of the Wyong Local Environmental Plan (Wyong LEP) 2013. The land is bounded by:

- Land zoned R1 General Residential in the immediate vicinity of the site.
- Land zoned E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living further west of the site.
- Land zoned RE1 Public Recreation and R2 Low Density Residential further to the east of the site.

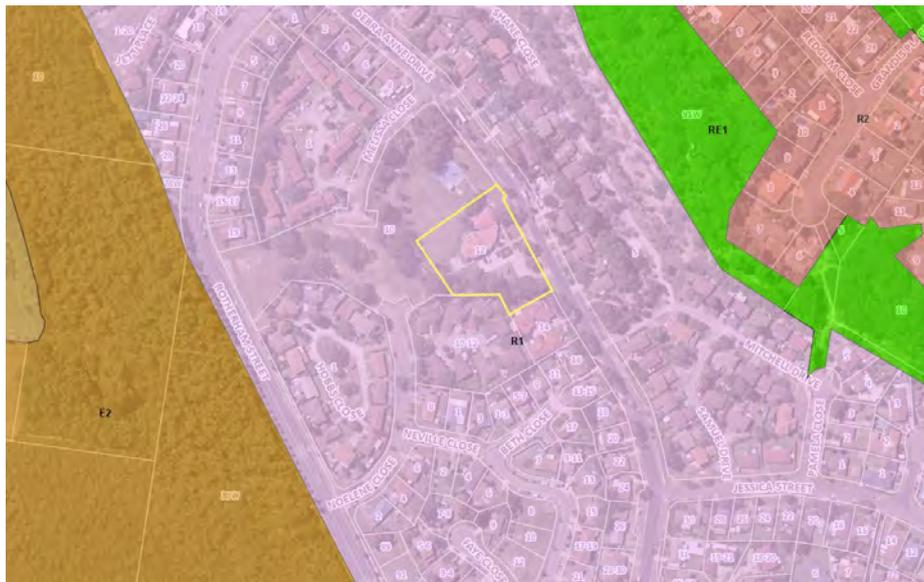


Figure 2. Extract of Wyong LEP 2013 zoning map

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)

Surrounding Development

The site is predominantly surrounded by low density residential development. Directly adjoining the site to the west is a park containing a playground and grassed area for informal recreation. Further west of the site is established vegetation and large lot residential development. Further east of the site is established vegetation, residential development and a sports field. Further south east of the site is a sports field and Cresthaven shopping centre.

The Proposed Development

A Section 4.55(1A) application has been received to amend condition 9 of the consent to increase the maximum number of students permitted from 45 to 60. The existing building, hours of operation, staff numbers and parking will remain the same and no other modifications to the consent are proposed.

Modification of conditions

1. Amend condition 9.

i) Original condition 9:

9. The school is limited to a maximum of 45 students unless further approval is obtained.

Amend condition 9 as follows:

9. The school is limited to a maximum of ~~45~~ 60 students unless further approval is obtained.

Comment

The amendment of condition 9 will permit an additional 15 students at the school, increasing the maximum number of students to 60. It is proposed that the existing building and parking are suitable for the increase in students and no other conditions of consent will need to be amended as a result of an increase in the student numbers at the school. The proposed amendment does not involve any construction works to upgrade the building, parking or traffic management on the site.

History

- The building was originally constructed by the Department of Housing as the Pacific Del Mar Youth Centre within the central area of the Pacific Del Mar housing estate. The Centre was transferred to Council upon completion for maintenance and operation. The

3.1 **DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)**

building was approximately 350m² in area and contained two wings with a craft room, study, activities room and central foyer area with office and kitchen facilities.

- DA/447/1988 was determined on 12 September 1990 for a neighbourhood and youth centre on the site.
- DA/1234/2016 was determined on 2 December 2016 for a change of use from a community centre to an educational establishment which limited the number of students to a maximum of 30 students. The consent was subsequently amended on 5 April 2018 (DA/1234/2016/A) to amend condition 9 to increase the number of students to a maximum of 45.

Assessment

Having regard for the matters for consideration detailed in Sections 4.15 and 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) 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.

Environmental Planning and Assessment Act 1979 – Section 4.55

The applicant is seeking an amendment to the original development under Section 4.55(1A) of EP&A Act 1979. Having regard to the provisions of Section 4.55(1A), it is considered that the amended proposal is substantially the same development as originally approved. Section 4.55(1A) states:

- (1A) *Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
 - (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
 - (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)

- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

There are no physical works proposed under the application and no change to other aspects of the development including staff numbers, parking or hours of operation. There are nine existing on-site parking spaces and an additional accessible parking space available. The school currently operates with up to 45 students and the proposed increase to 60 students is minor and will not result in unreasonable impacts to the development or the surrounding area.

The proposed modification is considered of minimal environmental impact in accordance with Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. The modified development is considered substantially the same development for which the consent was originally granted.

Section 4.55(3) requires Council to consider matters referred to in Section 4.15(1) and the reasons for the decision of the original assessment as are relevant to the application for modification of the development consent.

The modification has been assessed against the matters for consideration under Section 4.15 of the Act and found to be satisfactory. It is considered that there will be a minor increase to the traffic and potential minor noise impacts associated with the addition of 15 students, however the impacts will be limited to daylight hours on school days and will be suitably managed having regard for the operational details of school. It is considered that any minor increase in noise and traffic associated with the additional 15 students will have minimal environmental impact and will not be readily discernible having regard for the context of the site. The proposed modification has also been assessed having regard for parking requirements which, despite the minor increase in students by 15, remains compliant with the requirements of the DCP. The suitability of the site for the proposed modification and the impacts on traffic, parking and acoustics is considered in further detail in the report.

Formally specified reasons for the decision did not accompany the original granting of consent. However, the following reasons were identified in the assessment report for the determination and included (but were not limited to):

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)

2. The proposal has been considered against the objectives of the R1 General Residential zone 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 EP&A Act.

The proposed modification will not result in any significant changes to the educational establishment as originally approved and it is considered that it remains satisfactory with regard to the relevant environmental planning instruments, plans and policies. The modifications will remain consistent with the zoning objectives of the R1 General Residential zone and will not result in any significant issues or impacts under section 4.15 of the EP&A Act. The modification will not result in a development that is inconsistent with original reasons for the decision.

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy (Infrastructure) 2007

The proposal was originally assessed under the provisions of State Environmental Planning Policy (Infrastructure) 2007. However, the provisions relating to educational establishments have since been repealed from SEPP (Infrastructure) 2007 and replaced by SEPP (Educational Establishments and Child Care Facilities) 2017. The provisions of the SEPP (Educational Establishments and Child Care Facilities) 2017 are generally consistent with the provisions that were in SEPP (Infrastructure) 2007 and the modified proposal remains consistent with the provisions of the SEPP. The increase in student numbers warrants no further assessment under the provisions of the SEPP.

Wyong Local Environmental Plan 2013

Permissibility

The subject land is zoned *R1 General Residential* under the provisions of the *Wyong LEP 2013*. The development is defined as an '*educational establishment*' under the provisions of *Wyong LEP 2013*. An '*educational establishment*' is permitted in the zone and is defined in the *Wyong LEP 2013* as:

- educational establishment** means a building or place used for education (including teaching), being—
- (a) A school, or
 - (b) A tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

The development was approved under DA/1234/2016 for a change of use to an *educational establishment*. The proposed modified development remains permissible on the site within the R1 General Residential zone.

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)

Clause 2.3 – Zone objectives and land use table

Subclause 2.3(2) of the *Wyong LEP 2013* requires the consent authority to have regard for the objectives of the zone when determining a development application. The objectives of 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 promote "walkable" neighbourhoods.*
- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

The original assessment found the educational establishment to be consistent with the objectives of the zone and that the development would provide a facility to meet the day to day needs of the local community with access by bus, walking and car. No physical works are proposed to the existing building as part of the modification and the development remains consistent with the objectives of the R1 General Residential zone.

Clause 7.9 – Essential Services

Clause 7.9 requires the consent authority to be satisfied that the site has access to all essential services for the development including water, electricity, management of sewage, drainage and suitable vehicular access. The original assessment identified all essential services were to be suitably provided to the site. The proposed modification does not include any amendments to the servicing arrangements of the development.

Wyong Development Control Plan 2013

DCP Chapter 1.2 -Notification of Development Proposals

This modification application was notified in accordance with Chapter 1.2 Notification of Development Proposals from 5 June 2020 to 6 July 2020 and no submissions were received.

DCP Chapter 2.11 – Parking and Access

DCP Chapter 2.11 identifies the parking provisions for the development are as follows:

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)

| Land Use | Parking Requirements |
|-----------------------------------|--|
| School / Education Establishments | 1 space per 1.5 staff PLUS 1 space per 100 students for visitors Minimum of 2 spaces for disabled students to be provided on site In addition, for High Schools / Education establishments, 1 space per 8 senior/adult students for student parking Bus standing areas, parent drop-off and set-down are to be provided subject to a Transport Management Plan based on anticipated mode split Adequate 'Kiss and Ride' facility is to be provided at all education establishments and is to be addressed in the TMP Provision of an easily accessible overflow carpark for special occasions on site (1 space per 5 students) <i>Service Requirements:</i> 1 space per 2,000m ² GFA |

There are nine unmarked parking spaces existing on site for the use of the premises and an accessible parking space. The original assessment identified the school would include 2 staff and between 20-30 primary students which would generate parking demand for six spaces. Under DA/1234/2016/A, which increased the student numbers from 30 to 45 with no additional staff numbers proposed, no additional parking was required under the DCP (as parking for students under the DCP is 1 space per 100 students).

The modified proposal continues to generate parking demand for six spaces. The increase in students to 60 will require an increase in overflow parking to 12 spaces. The site currently has nine unmarked spaces and an easily accessible grassed area adjacent to the carpark to provide adequate overflow parking for special occasions. The existing nine parking spaces on site are satisfactory with respect to compliance with the DCP requirements.

It is further noted that there is a bus stop located outside the school which includes a regular bus service, the school is easily accessible by walking and Central Coast Montessori Primary School provides a shuttle bus to and from the Wamberal Montessori preschool site for the primary students to enable parents to drop off and pick up their children at the preschool site which reduces parking demand at the Primary School site.

Likely Impacts of the Development:

Built Environment

The original assessment had regard for any potential impacts on the built environment and found the proposal to be satisfactory. It was identified that the proposal will not adversely impact on the character and amenity of the locality and that the streetscape, scale, form, character and density of the development is acceptable within the locality.

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)

There are no building works proposed with the modification as the existing building is currently adequate for the increase in students having regard for the small number of students and staff associated with the proposal. The modified proposal will not adversely impact on the character or amenity of the locality and streetscape and it is considered that existing site design and internal design is suitable to support the increase of 15 students on the site.

The scale, form, character and density of the development continues to be acceptable within the locality. As a result, the proposed amendment to increase the number of students at the school to 60 is satisfactory in terms of impacts on the built environment.

Access and Transport

The site currently contains an existing carpark which is accessed from Debra Anne Drive. Access and transport were assessed in the original application and was found to be satisfactory. There are no proposed amendments to the access or transport arrangements for the proposal. It is considered that the traffic generated by the increase in the number of students will not have a significant impact on the surrounding road network.

There is an indented bus bay adjacent to the school site with a regular bus service which services students of the school and Central Coast Montessori Primary School provides a shuttle for students to the Wamberal Montessori preschool site which will reduce traffic to the school. The existing access and transport arrangements to the school are suitable having regard for the proposed increase in students. Council's Traffic and Transport Engineer also found the proposed increase in traffic numbers to be acceptable.

Context and Setting

The surrounding locality is predominantly low density residential development. In the original assessment the school was considered to have suitable regard for the context and setting of the site as it was in an existing building which was compatible with the surrounding land uses and did not adversely impact on the amenity of the area. The proposed amendments to increase the maximum student numbers at the school continues to remain compatible with the context and setting of the site.

Natural Environment

Impacts to the natural environment were considered under the original assessment which involved no physical works that would impact on the natural environment. The proposed modification is to increase the maximum number of students at the school, which does not require any physical works and will not result in any additional impacts to the natural environment.

Suitability of the Site for the Development

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)

The proposed modification is for an increase in 15 students at the school. As previously discussed, the proposal will result in a minor increase in traffic, however it will not have a significant impact in the surrounding road network and the current traffic management on site is suitable.

It is considered that any increase in noise will be negligible having regard for the fact that:

- the school is already operating, and the nature of the development is such that students are predominantly inside the building, except for recess and lunch breaks and during outdoor activities; and
- school operating hours, being during the day and on weekdays, are at a time when background dBA levels are significant.

The proposed modification is not likely to have significant amenity impacts on the surrounding environment and the proposed increase in students is acceptable.

The site continues to be in a suitable context for the nature, scale and type of modified development proposed and there are no construction works required to upgrade the building. There are no significant site constraints or hazards that would render the location of the modified development as unsuitable and as such the site remains suitable for use as an educational establishment for 60 students.

Any Submission made in Accordance with this Act or Regulations

The section 4.55(1A) application was notified from 5 June 2020 until 6 July 2020 in accordance with *Wyong Development Control Plan 2013, Chapter 1.2 – Notification of Development Proposals* with no submissions being received.

Submissions from Public Authorities

There were no referrals or submissions from any public authorities associated with the modified development.

Internal Consultation

Contributions Officer

The application was referred to Council's Contributions Officer who identified there were no applicable Section 7.11 contributions for the proposed modification and as the proposal does not have involve any proposed works, there are no applicable Section 7.12 contributions.

Traffic and Transport Engineer

The application was referred to Council's Traffic and Transport Engineer who found that the proposed increase in students will not have a significant impact on the surrounding road network.

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)

It was identified that the site is located close to a regular bus service and the car parking is suitable with adequate space for overflow parking. Council's Traffic and Transport Engineer raised no objection to the amendment of condition 9 and found the traffic engineering aspects of the development to be satisfactory.

Ecologically Sustainable Principles:

The original assessment had regard to ecologically sustainable development principles and was considered to be consistent with the principles. The original assessment considered the proposal to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and was unlikely to have any significant adverse impacts on the environment and would not decrease environmental quality for future generations. The proposed modification is minor, and it is considered that the development will remain consistent with the ecologically sustainable development principles.

Climate Change

The potential impacts of climate change on the proposed development were considered by Council as part of the original assessment of the application. The assessment 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. It is considered that the proposed amendment will remain consistent with the original climate change assessment.

Other Matters for Consideration

Contributions

There are no applicable contributions required to be levied for the proposed modification under Council's Section 7.11 Contributions Plan for the Southern Lakes District as the modification does not propose an increase in the net developable area. There are no applicable Section 7.12 Contributions as there are no development costs associated with the proposed modification.

The Public Interest

The original proposal was found to be in the public interest as it would provide an educational facility within the local community. The proposed modification is substantially the same development and contributes to the local area by increasing the capacity of the school for residents.

There is no building work proposed under the application as the school can accommodate additional students without the need for any upgrading of the building. The site is in a suitable context for the nature and scale of the school. The general style and location of the development will remain unchanged and will result in no additional impacts to adjoining properties.

3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60) (contd)

As previously discussed, the building and land are owned by Council and classified as community land and the is currently included in Council's Plan of Management Review Project and has been given a draft category of 'General Community Use'.

Having regard to the assessment contained in this report, it is considered that approval of the Section 4.55(1A) application is in the public interest.

Conclusion

After consideration of the development against Sections 4.55(1A) and 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant statutory and policy provisions, the proposed modification to development consent 1234/2016, involving the amendment to condition 9 to increase student numbers from 45 to 60, is considered reasonable and warranted in this instance.

The proposed modification is of minimal environmental impact and will result in substantially the same development for which consent was originally granted and before the consent as originally granted was modified. Accordingly, the proposed Section 4.55(1A) is recommended for approval.

Recommendation

That the s.4.55(1A) application to amend Development Consent DA/1234/2016 be modified as follows:

1. Amend condition 9 to read:
 9. The school is limited to a maximum of 60 students unless further approval is obtained.

Attachments

- | | | |
|----------|--|-----------|
| 1 | DA/1234/2016/B - Draft Modified Conditions | D14174489 |
| 2 | DA/1234/2016/A - Development Consent | D13200852 |
| 3 | Stamped Approved Plan | D12555099 |

Attachment 1 – Draft Modified Conditions

Development Consent No. DA/1234/2016/A is recommended to be modified as follows:

Amend condition 9 as follows:

9. The school is limited to a maximum of ~~45~~ 60 students unless further approval is obtained.



Online Payment Reference: 575413
 DA/1234/2016/A
 Salli Pendergast
 9 April 2018

Central Coast Montessori School
 12 Debra Anne Dr
 BATEAU BAY NSW 2261

Application to Modify Development Consent Notice of Determination

Pursuant to Clause 122 of the Environmental Planning and Assessment Regulations 2000

Development Application No: DA/1234/2016/A
Property Address: Lot 7233 DP 812773,
 Youth & Community Centre,
 12 Debra Anne Dr
 BATEAU BAY NSW 2261
Description of Development: Change of use from community centre to educational
 establishment (Amended Application)
Modified On: 5 April 2018
Determination: Approved
Determination Date: 2 December 2016
Consent to Operate From: 2 December 2016
Consent to Lapse On: 2 December 2012
 (if not commenced before)

Conditions

Approved Plans

- The development is to be undertaken in accordance with the approved development plans and specifications listed below and supporting documentation except as modified by any conditions of consent and any amendments in red made to the approved plans:

| Title | Drawing No. | Rev | Date | Drawn By |
|--|---------------|-----|---------|----------|
| The Central Coast Montessori Primary School Floor Plan | 11580-119.dwg | - | Undated | Unknown |



Wyong Office: 2 Hely St / PO Box 20 Wyong NSW 2259 | P 02 4350 5555
Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250 | P 02 4325 8222
 E ask@centralcoast.nsw.gov.au | W www.centralcoast.nsw.gov.au | ABN 73 149 644 003

Certificates – Application and Approval

- 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 Certifying Authority.

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

No conditions

During Construction Works:

The following conditions must be satisfied during construction works.

No conditions

Prior to Release of Occupation Certificate:

The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.

Building Code of Australia – Compliance Requirements

- 3 Prior to the issue of an Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

Traffic congestion and pedestrian safety

- 4 Prior to the issue of an Occupation Certificate, a traffic management plan should be undertaken to regulate the interaction of staff parking, visitor parking, potential kiss and Ride, Bus Stop and pedestrian movement throughout these areas.

School Zone

- 5 Prior to the issue of an Occupation Certificate, the applicant is to arrange any School Zone Requirements with Roads and Maritime Services. Any School Zone construction is to be subject to a Road Safety Check.

Parking

- 6 The parking spaces associated with the development are to be line marked and consistent with the relevant requirements of AS 2890. The accessible parking space is to be line marked and identified and is to have an accessible path of travel to the building entry.

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

Restrictions on Use Requirements

- 7 For the purposes of preserving the amenity of neighbouring occupants and residents the following hours of operation shall apply:
- The school shall operate between 8:00am to 5:00pm, Monday to Friday.
 - Outside these hours, the use of the building weekday evenings for events/activities associated with the school shall cease at 10.00pm.
- 8 The occupier shall take all necessary steps to ensure that no noise or other disturbance emanates from the premises which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood.
- 9 The school is limited to a maximum of 45 students unless further approval is obtained.
- 10 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.
- 11 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment or impact on the amenity of surrounding activities.
- 12 Maintenance of all buildings, landscaping, surrounds and parking areas within the site shall be carried out in such a manner to render the site to be neat, tidy and clean at all times.

Right of Appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to Review the determination, except where the application is Integrated or Designated development.

Signed on Behalf of the Consent Authority



Salli Pendergast
Principal Development Planner
DEVELOPMENT ASSESSMENT

Item No: 3.2
Title: DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking

Department: Environment and Planning

29 October 2020 Local Planning Panel Meeting

Reference: 011.2019.00057624.001 - D14236871
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 demolition and construction of a residential flat building containing 16 apartments.

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 development is subject to the provisions of *State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Buildings)*

| | |
|------------------------------|---------------------------|
| Applicant | ADG Architects |
| Owner | Chrissie Group Pty Ltd |
| Application No | 57624/2019 |
| Description of Land | Lot A DP320239 |
| Proposed Development | Residential Flat Building |
| Site Area | 780m ² |
| Zoning | B4 Mixed Use |
| Existing Use | Dwelling house |
| Employment Generation | N/A |
| Estimated Value | \$4,328,500.00 |

Recommendation

- That the Local Planning Panel grant consent 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.***

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

Key Issues

- Side building setbacks

Precis:

| | |
|----------------------------------|--|
| Proposed Development | Residential Flat Building 16 units and basement car parking. |
| Permissibility and Zoning | B4 Mixed Use |
| Relevant Legislation | <i>Environmental Planning & Assessment Act 1979 - Section 4.15.</i> <i>Local Government Act 1993 - Section 89</i> <i>State Environmental Planning Policy (Coastal Management) 2018</i> <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> <i>State Environmental planning Policy (Gosford City Centre) 2018</i> <i>Draft Central Coast Local Environmental Plan 2018</i> <i>Gosford City Centre Development Control Plan 2018</i> <i>State Environmental Planning Policy (Infrastructure) 2007</i> <i>State Environmental Planning Policy No 65 (Design Quality of Residential Flat Buildings)</i> <i>Apartment Design Guidelines (ADG)</i> <i>Central Coast Climate Change Policy</i> |
| Current Use | Dwelling House |
| Integrated Development | No |
| Submissions | Nil-Advertised and notified 12 December 2019 to 24 January 2020 |

Variations to Policies

| | |
|-----------------|------------------------|
| Clause | 5.2.4 |
| Standard | Side building setbacks |
| DCP | GCCDCP 2018 |
| Departure basis | Nil – 100% |

The Site

The site is located on the eastern side of Holden Street between Hargraves Street and Faunce Street West, Gosford. The site contains an existing dwelling house.

The site slopes steeply away from Holden Street towards the rear of the site. The site falls from about RL 31m AHD at Holden Street to about RL 23m AHD at the rear of the site, a fall of about 20% slope.

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

A sewer main runs across the rear of the site.

Holden Street in this location is bitumen sealed with no kerb and gutter.



Figure 1 - Locality Plan

Surrounding Development

The surrounding development consists of old single dwelling houses and new high density residential flat buildings. The area is in transition from low/medium residential development to higher density forms of residential development.

A new high-rise development is nearing completion at the rear of the site on No 36-38 Showground Road. This development includes a child care centre and residential units.

The site is located within close proximity to and within walking distance of Gosford Hospital, Gosford Railway Station, and the Gosford CBD.

The Proposed Development

It is proposed to demolish the existing dwelling house and construct a residential flat building containing 16 units, including 2 adaptable units and one (1) livable unit.

The proposed development will contain 5 x 1 bedroom units, 11 x 2 bedroom units over 4 levels, with one basement level for car parking and a roof top terrace/common open space.

The basement level will contain 17 car parking spaces, 2 motorcycle spaces, and 2 bicycle spaces.

Driveway access is located on the northern side of the site off Holden Street. Waste storage is located behind the building line in an enclosed waste area on ground floor level with 360L bins which will be placed on the kerbside on collection day.

A rooftop terrace of 104m² will be provided as communal open space.

Landscaping will be provided in building setbacks as well as 147m² (19%) on the building structure plus 59m² deep soil planting (8%).

Stormwater drainage from the site will be collected and piped via a drainage easement one (1) metre wide over the rear of No36-38 Showground Road to the Council drainage system in the laneway to the north which runs between Holden Street and Showground Road.



Figure 2 - Proposed Development view from Holden Street (North)



Figure 3 - View from Holden Street (South)

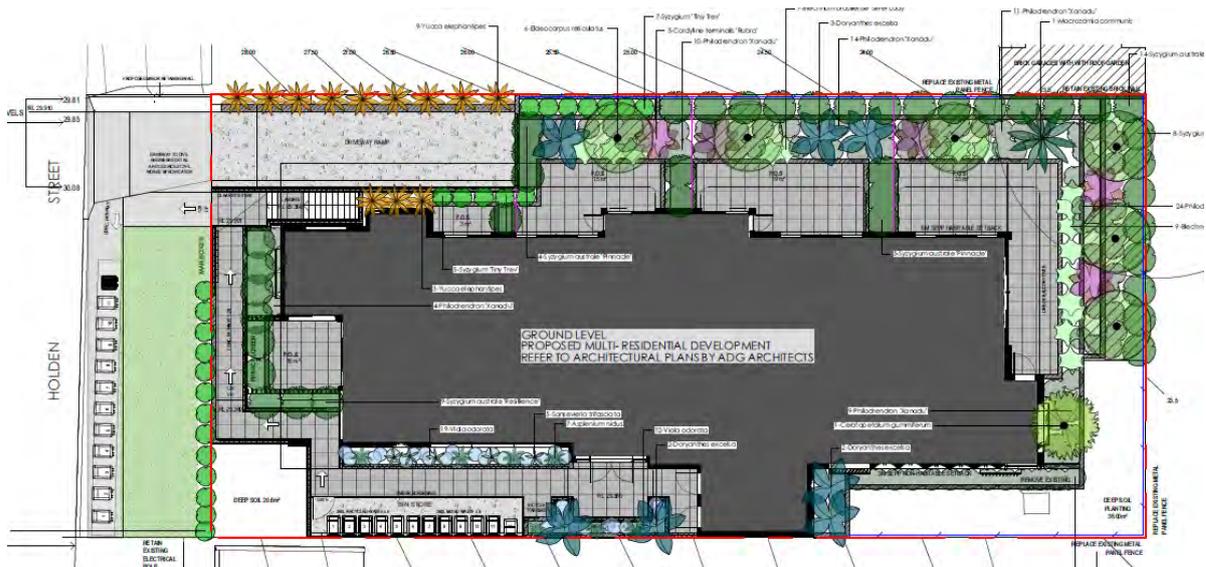


Figure 4 - Ground Floor Landscape Plan

History

The following history is relevant to the subject site

DA22463/1997 (Residential Flat Building)

Lodged: 20 June 1997

Address: 55 Holden Street GOSFORD NSW 2250

Applicant: Plan 2000 Pty Ltd T/A Slater Architects

Approved under Delegation: 25 November 1997

DA54746/2018 (Demolition of Existing Dwelling & Residential Flat Development Consisting 18 Units)

Lodged: 9 July 2018

Address: 55 Holden Street GOSFORD NSW 2250

Applicant: Chrissie Group Pty Ltd

Withdrawn by Applicant on 16 May 2019

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.

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

The provisions of *State Environmental Planning Policy (Coastal Management) 2018* requires 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 this zone.

Division 3 'Coastal environment area' of State Environmental Planning Policy (Coastal Management) 2018 states:

'13 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

(g) the use of the surf zone.

2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.'

Assessment: The proposed development does not cause an adverse impact on the matters required to be considered under Clause 13 (1) (a) – (g) or Clause 13 (2) (a) – (c) of *SEPP (Coastal Management) 2018*, as follows:

- The proposed development has no adverse impact on the integrity or resilience of the biophysical, hydrological or ecological environment.
- The proposed development has no adverse impact upon coastal environmental values or natural coastal processes.
- The proposed development has no adverse impact on the water quality of the marine estate.
- The proposed development has no adverse impact on marine vegetation; native vegetation/fauna and their habitats; undeveloped headlands; or rock platforms.
- The proposed development has no adverse impact on the public amenity of any existing public open space or public access to the coastal foreshore.
- The proposed development has no adverse impact on any known Aboriginal cultural heritage, practices or places.
- The proposed development is far removed from the "surf zone" and does not adversely impact its use by the public.
- Drainage, nutrient and erosion control measures will be installed to protect the any reserve and water way.

Division 4 'Coastal use area' of State Environmental Planning Policy (Coastal Management) 2018 states:

'14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(b) is satisfied that—

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).

Assessment: The proposed development does not cause adverse impact on the matters required to be considered under Clause 14 (1) (a) – (b) or clause 2 of SEPP (Coastal Management) 2018, as follows:

- The proposed development will not cause an adverse impact to access along the foreshore and public reserve;
- The proposed development will not cause overshadowing, wind funneling or loss of view from a public place;
- The proposal has been designed and located to minimize visual amenity and scenic qualities to the most maximum extent possible; and
- The proposal will not cause an adverse impact to and known Aboriginal cultural heritage or cultural and built environment heritage

The following provisions of Division 5 of SEPP (Coastal Management) 2018 apply to the consent authority's consideration of a development application on the subject land:

'15 Development in coastal zone generally—development not to increase risk of coastal hazards

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.'

And:

'16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.'

Assessment: Due to its location which is not in close proximity to the coastal foreshore, the subject land is not subject to increased risk of coastal hazards and is not subject to any certified coastal management program. The proposed development will not therefore cause increased risk of coastal erosion.

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

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

The following review has been carried out on behalf of Council by an external architect (the comments in black reference matters that comply with SEPP 65, comments in red are ones that require further details).

Apartment Design Guide.

| Clause | Heading | Compliance Achieved | | Comments |
|---------------|--------------------------------|---------------------|----|--|
| | | Yes | No | |
| | Apartment Design Guide | - | - | |
| Part 1 | Identifying the context | - | - | |
| Part 1A | Apartment building types | - | - | Narrow Infill Apartments |
| Part 1B | Local Character and context | ✓ | | Objectives adequately addressed in documentation especially the desired future character and part of a Gosford City Centre |
| 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 | ✓ | ✓ | Objectives adequately addressed in documentation. <ul style="list-style-type: none"> The proposed development is consistent with the prevailing design, bulk and scale in the Gosford City Centre. General compliance with building envelope requirements in SEPP(GCC) & DCP |

| | | | | |
|---------|---|---|---|---|
| | | | | <ul style="list-style-type: none"> Although minor variation is sort for some setbacks below |
| Part 2C | Building Height - SEEP(GCC) – 2018 – Clause 4.3 & GCC DCP (2018) – Clause 5.2.2 | ✓ | ✓ | <p>Objectives adequately addressed in documentation.</p> <ul style="list-style-type: none"> 18m height limit 4-6 storeys max 6-14m street wall height <p><i>Generally compliant -</i></p> <ul style="list-style-type: none"> <i>Proposed = 18.6m to the roof features (lift overrun/communal space) minor 3% variation.</i> <i>Proposed 12.8m street wall height complies.</i> <i>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.</i> <i>Generally, the variations are minor in nature, well considered in the design to minimize any impact. These variations are in response to narrow site constraints and are not trying for additional increases in complying FSR or the like. With this in mind, the variation should be supported.</i> |
| Part 2D | Floor Space Ratio SEEP(GCC) – 2018 –Clause 4.4 | ✓ | | <p>Floor Space Ratio complies</p> <ul style="list-style-type: none"> 2:1 allowable. 1.45:1 proposed. |
| Part 2E | Building Depth GCC DCP (2018) – Clause 5.2.11 | ✓ | | <p>General objectives adequately addressed in documentation.</p> <ul style="list-style-type: none"> 12-18m ADG required 8-9m provided |
| Part 2F | Building Separation | ✓ | ✓ | <p>Minimum separation distances for buildings are: Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> 12m between habitable rooms/balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms <p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> 18m between habitable rooms/balconies 12m between habitable and non-habitable rooms 9m between non-habitable rooms <p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> 24m between habitable rooms/balconies 18m between habitable and non-habitable rooms 12m between non-habitable rooms <p>Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes the building separation equally between sites (consider relationship with section 3F Visual privacy).</p> <p>At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.</p> <p>Proposed:- <u>North Boundary</u> Up to 4 Storeys (12m) – Approx 4m to balcony (6m required) Approx 5m to bedroom façade (6m required) 6m to living room façade (6m required)</p> <ul style="list-style-type: none"> <i>Not fully compliant to balcony and bedroom. Screening/planting has been included on this façade to ensure visual privacy and amenity.</i> |

| | | | | |
|---------------|--|---|--|--|
| | | | | <p><u>South Boundary</u> Up to 4 Storeys (12m) – Approx 4m to hallway wall (non-habitable) (3m required) Approx 3 -3.3m to blank wall façade (3m required) Approx 3m to bedroom façade with windows (6m required)</p> <ul style="list-style-type: none"> • <i>Not fully compliant to bedroom façade with windows. High level window to Unit 4 - Bed 1 ensure visual privacy and amenity.</i> <p>Design Objectives have been generally complied with improved setbacks and generally reasonable variations to the numerical setback requirements.</p> <p>The design elements like the following have been utilized throughout to minimize the impact of reduced building separation to boundary like –</p> <ul style="list-style-type: none"> • Solid or partially solid balustrades to balconies at lower levels, • Screening devices, • Pop out windows to provided privacy in in one direction and outlook in another • Planter boxes incorporated into walls and balustrades to increase visual privacy • On constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies • Stepped façade to abutting residential zone. • Increased separation to living areas • <i>Would recommend addition angled louvered screening to window of Unit 4 - Bed 2 be provided to ensure visual privacy and amenity are provided</i> |
| Part 2G | Street set backs GCC DCP (2018) – Clause 5.2.1 | ✓ | | <p>General objectives adequately addressed in documentation.</p> <ul style="list-style-type: none"> • Required 3-4m • Provided 3m |
| Part 2H | Side and rear setbacks GCC DCP (2018) – Clause 5.2.1 | ✓ | | <p>General objectives adequately addressed in documentation. (refer also part 3F)</p> <ul style="list-style-type: none"> • Required 3m up to street wall height. • Provided 3-6m |
| Part 3 | Siting the development | | | |
| Part 3A | Site analysis | ✓ | | Objectives adequately addressed in documentation |
| Part 3B | Orientation | ✓ | | Objectives adequately addressed in documentation |
| Part 3C | Public domain interface | ✓ | | Objectives adequately addressed in documentation. |
| Part 3D | Communal and open space | ✓ | | <p>Design Criteria</p> <ol style="list-style-type: none"> 1. Communal open space has a minimum area equal to 25% of the site 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) 3. Note communal open space should have a minimum dimension of 3m <p>Design Criteria and objectives has been complied with in the design.</p> <ol style="list-style-type: none"> 1. 214m² (27.5%) provided 2. 50% sunlight is provided. |

3.2

**DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building -
16 units and basement parking (contd)**

| | | | | |
|---------------|-------------------------------|---|---|--|
| | | | | 3. 3m width provided |
| Part 3E | Deep soil zones | ✓ | | Design Criteria minimum width 3m and area equal to 7% of the site. Provided = 58.6m ² (8%) Design Criteria and Objectives adequately addressed in documentation. |
| Part 3F | Visual privacy | ✓ | ✓ | Design Objectives have been generally complied, refer also Part 2F Building Separation for setback commentary. Design elements have been utilized throughout to minimize the impact of reduced building separation to boundary like – <ul style="list-style-type: none"> • Solid or partially solid balustrades to balconies at lower levels, • Screening devices, • Pop out windows to provided privacy in in one direction and outlook in another • Planter boxes incorporated into walls and balustrades to increase visual privacy • On constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies • Stepped façade to abutting residential zone. • Increased separation to living areas <p><i>Note suggestions for improved privacy/setback provisions</i></p> <ul style="list-style-type: none"> • <i>Would recommend addition angled louvered screening to window of Unit 4 - Bed 2 be provided to ensure visual privacy and amenity are provided</i> |
| Part 3G | Pedestrian access and entries | ✓ | | Design Criteria and Objectives adequately addressed in documentation |
| Part 3H | Vehicle access | ✓ | | Design Criteria and Objectives adequately addressed in documentation |
| Part 3J | Bicycle and carparking | ✓ | | Design Criteria and Objectives adequately addressed in documentation Required – 17 spaces Provided – 19 spaces <ul style="list-style-type: none"> • Carparking is provided above the required rate. |
| Part 4 | Designing the building | | | |
| | Amenity | | | |
| Part 4A | Solar and daylight access | ✓ | | Design criteria and objectives adequately addressed in documentation. Design Criteria <ol style="list-style-type: none"> 1. N/A 2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm at mid winter 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter Design Criteria has been complied with in the design. <ol style="list-style-type: none"> 1. N/A 2. 100% achieve the 3 hours solar access. 3. 0% achieve no solar access |
| Part 4B | Natural ventilation | ✓ | | Design Criteria and Objectives adequately addressed in documentation |

3.2

**DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building -
16 units and basement parking (contd)**

| | | | | |
|---------|----------------------------------|---|---|---|
| | | | | <ol style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated Provided = 75% of units (not single aspect) Overall depth of a cross ventilated apartment does not exceed 18m. |
| Part 4C | Ceiling heights | ✓ | | <p>Design Criteria and Objectives adequately addressed in documentation</p> <ol style="list-style-type: none"> Habitable Rooms – 2.7m Non-Habitable – 2.4m For 2 storey apartments – 2.7 for Main Living Floor + 2.4m for second floor, where its area does not exceed 50% of apartment. <p>Although not expressly indicated on the drawing sections, from the floor to floor height indicated, this can be achieved.</p> |
| Part 4D | Apartment size and layout | ✓ | ✓ | <p>Design Criteria and Objectives adequately addressed in documentation</p> <p>Apartment sizes – Studio – 35m² (N/A) One Bed – 50m² (52-62m² provided) Two bed – 70m² (70-86m² provided) Three bed – 90m² (N/A) Add extra 5m² for extra bathroom</p> <p>Apartment Layouts-</p> <ol style="list-style-type: none"> Master beds rooms have a minimum area of 10m² (complies) and other bedrooms 9m² (excluding wardrobe space) – Bedrooms have a minimum dimension of 3m (excluding wardrobe space) – Living rooms or combined living and dining rooms have a minimum width of; 3.6m for studio/1 bed apartments or 4m for 2 & 3 bed apartments. <p><i>Although not expressly indicated on the drawings, from scaling the drawings the following non-conformance were observed and need to be addressed:-</i></p> <ul style="list-style-type: none"> Unit 1 lounge room - 3m wide Unit 2 Bed 2 – 2.8m wide |
| Part 4E | Private open space and balconies | ✓ | ✓ | <p>Design Criteria and Objectives adequately addressed in documentation.</p> <p>Studio – 4m² One Bed – 8m² + 2m wide Two Bed – 10m² + 2m wide Three Bed – 12m² + 2.4m wide</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</p> <p><i>General compliance achieved apart from the following variations:-</i></p> <ul style="list-style-type: none"> Unit 1 – 9m² POS provided (15m² required) Unit 2 – 14m² POS provided (15m² required) <p><i>Additional comment to improve the usability of the balconies as follows</i></p> <ul style="list-style-type: none"> Unit 2 & 3 – move the planter to the end outside the bedroom, to allow the balcony outside the lounge |

3.2

**DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building -
16 units and basement parking (contd)**

| | | | | |
|----------------------|-----------------------------------|---|---|---|
| | | | | <p><i>room to be a more regular shape with a constant/usable depth for the full width.</i></p> <ul style="list-style-type: none"> <i>Unit 4 – move the planter to the corner of the balcony, to allow the balcony outside the lounge room to be a more regular shape with a constant/usable depth for the full width.</i> |
| Part 4F | Common circulation and space | ✓ | | Design Criteria and Objectives adequately addressed in documentation |
| Part 4G | Storage | ✓ | ✓ | <p>Design Criteria and Objectives NOT adequately addressed in documentation</p> <p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided; –</p> <ul style="list-style-type: none"> Studio Apartments – 4m³ 1 Bed Apartments – 6m³ 2 Bed Apartments – 8m³ 3+ bed Apartments – 10m³ <p>At least 50% of required storage is to be located within the apartment.</p> <p><i>Adequate storage has not been provided and should be addressed further:-</i></p> <ul style="list-style-type: none"> <i>Unit 1 – 3m³ (8m³ required)</i> <i>Unit 2 – No storage indicated (8m³ required)</i> <i>Unit 3 – No storage indicated (6m³ required)</i> <i>Unit 4 – 3.5m³ (8m³ required)</i> |
| Part 4H | Acoustic Privacy | ✓ | | Design Objectives adequately addressed in documentation. |
| Part 4J | Noise and pollution | ✓ | | Design Objectives adequately addressed in documentation. |
| Configuration | | | | |
| Part 4K | Apartment mix | ✓ | | Design Objectives adequately addressed in documentation |
| Part 4L | Ground floor apartments | - | - | Not Applicable |
| Part 4M | Facades | ✓ | | Design Objectives adequately addressed in documentation |
| Part 4N | Roof Design | ✓ | | Design Objectives adequately addressed in documentation |
| Part 4O | Landscaping | ✓ | | Design Objectives adequately addressed in documentation |
| Part 4P | Planting on structures | ✓ | | <p>Design Objectives adequately addressed in documentation.</p> <p><i>Refer comments in Part 4E about moving planters on balcony for better outcome.</i></p> |
| Part 4Q | Universal Design | ✓ | | Design Objectives adequately addressed in documentation. |
| Part 4R | Adaptive Reuse | - | - | Not Applicable |
| Part 4S | Mixed Use | ✓ | | Design Objectives adequately addressed in documentation. |
| Part 4T | Awnings and signage | ✓ | | Design Objectives adequately addressed in documentation. |
| Performance | | | | |
| Part 4U | Energy efficiency | ✓ | | Design Objectives adequately addressed in documentation. |
| Part 4V | Water management and conservation | ✓ | | Design Objectives adequately addressed in documentation. |
| Part 4W | Waste management | ✓ | | Design Objectives adequately addressed in documentation. |
| Part 4X | Building Maintenance | ✓ | | Design Objectives adequately addressed in documentation. |

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. |
| 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. |
| Principle 9 | Aesthetics | ✓ | | Objectives adequately addressed in documentation. |

Summary

The external appearance of the building is well considered and highly articulated. The composition has a variety of building elements defining both vertical and horizontal elements. 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 including the orientation of the apartments to take best advantage of solar access.

The proposal has addressed the minor variations in setbacks, privacy and amenity ensuring compliance with the objectives and aims of the precinct. The variation exceeding the height limits, appears minor in the context of the overall building mass and is not to sort gains in yield or increased capacity.

There are a few items within the report that should addressed by the applicant to ensure a better overall compliance with the ADG requirements.

Planning Comment

The response to the above comments, the applicant submitted amended plans which:

- Provide screening on the windows on the southern elevation, including unit4-bedrooms 1 and 2.

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

- Unit 1-living area increased from 3m to 4m wide, and POS increased from 9m² to 15m².
- Unit 2- bedroom 2 increased from 2.8m to 3m wide, and POS increased from 14m² to 15m².
- Units 2, 3 and 4- planters relocated to allow balcony to have a more regular shape/width/depth.
- Storage provided in basement level and within units to meet 6m³ and 8m³ respectively for one and two- bedroom units.

The amended plans result in improvements to the design and do not have any additional impact on adjoining sites. Accordingly, under the provisions of GCCDCP 2018, the amended plans did not require notification.

State Environmental Planning Policy (Gosford City Centre)2018

Permissibility

The subject site is zoned B4 Mixed Use. The proposed development is defined as a 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.



Figure 5 - Zoning Map (subject land highlighted blue situated centrally on map)

The following illustrates compliance under the SEPPGCC 2018

| Clause | Requirement | Proposal | Compliance |
|---|---|---|---|
| 2.1 Zoning | B4 zone | Residential flat building permitted with consent | Yes |
| 2.3 Zone Objectives | <p>The objectives of the B4 zone are;</p> <ul style="list-style-type: none"> -To provide a mixture of compatible land uses. - To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling. - To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreational facilities, social, education and health services and higher density residential development. - To allow development in Point Frederick to take advantage of and retain view corridors while avoiding a continuous built edge along the waterfront. - To create opportunities to improve the public domain and pedestrian links of Gosford City Centre. - To enliven the Gosford waterfront by allowing a wide range of commercial, retail and residential activities immediately adjacent to it and increase opportunities for more interaction between public and private domains. - to protect and enhance the scenic qualities and character of Gosford City Centre. | <p>The proposal provides a mixture of one and two bedroom units near public transport routes, the Gosford hospital, waterfront and CBD.</p> <p>There is no demand for commercial premises in this location.</p> <p>The proposed development does not affect any view corridors and does not impact the scenic quality or character of the area.</p> | Yes |
| 2.6 Subdivision | N/A | N/A | N/A |
| 2.7 Demolition | Consent required | Included in application | Yes |
| 2.8 Temporary Use of Land | N/A | N/A | N/A |
| 4.1 Minimum subdivision lot size | N/A | N/A | N/A |
| 4.3 Height of buildings | 18m | 18.6m | See comments below re: 5.6 Architectural Roof features. |
| 4.4 Floor space ratio | 2.0:1 | 1.59:1 | Yes |
| 4.6 Exceptions to development standards | N/A | N/A | N/A |

3.2

**DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building -
16 units and basement parking (contd)**

| | | | |
|--|---|--|--------------------------|
| 5.3 Development near zone boundaries | Development to be consistent with the objectives of both zones and compatible with planning principles for both zones. | Adjoining land on western side of Holden Street is zoned R1 General Residential with a height limit of 12m. The existing and future development on the R1 zone is on much higher ground and will be compatible with the proposed development on this site. | Yes |
| 5.4 Controls relating to miscellaneous permissible uses. | N/A | N/A | N/A |
| 5.6 Architectural roof features | To permit a variation in maximum building height for roof features of visual interest. The roof feature must comprise a decorative element, no advertising structure, no floor area, and cause minimal overshadowing. | The variation in height to part of the proposed development by 0.6m is permitted as an architectural roof feature as it; - comprises a decorative roof feature with a common area and landscaping. - does not include floor space and is not capable of modification to convert to floor space for another purpose. - will cause nil or minimal additional overshadowing. | Yes. See comments below. |
| 5.7 Development below mean high water mark | N/A | N/A | N/A |
| 5.10 Heritage conservation | To conserve environmental heritage | The site and adjoining sites are not identified as heritage items | Yes |
| 7.1 Acid sulphate soils | Class 5 | Works not below 5 metres AHD where watertable likely to be lowered below 1 metre AHD on Class 1-4 land | Yes |
| 7.2 Flood planning | To minimize risk to life and property with the use of the land | Not subject to flooding | Yes |
| 7.3 Floodplain risk management | N/A | N/A | N/A |
| 7.4 Short-term rental accommodation | N/A | N/A | N/A |
| 7.5 Location of sex services premises | N/A | N/A | N/A |
| 8.1 Minimum building street frontage in B6 | N/A | N/A | N/A |
| 8.2 Building height on Mann Street | N/A | Not located on Mann Street | Yes |

3.2

**DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building -
16 units and basement parking (contd)**

| | | | |
|--|---|--|-----|
| 8.3 Design excellence | Ensure development contributes to natural, cultural, visual and built character of the Gosford City Centre | The proposal generally complies with the planning controls. The proposed development has been designed to fit in with the existing and proposed likely development having regard to the constraints of the site, particularly the slope and location on a main road. | Yes |
| 8.4 Exceptions to height and floor space in Zones B3, B4 and B6 | N/A Site less than 2,800m ² | N/A | N/A |
| 8.5 Car parking in Zones B3 and B4 | 1 space/75m ² for commercial and 1 space 40m ² for retail. Car parking to be below ground level or not visible from the street. | Car parking below ground level. The car parking will be located within a basement level and not visible from the street. | Yes |
| 8.6 Active street frontages | Active street frontage required as per active street frontage map. | Site not located on active street frontage map | Yes |
| 8.7 Non-residential ground floor and first floor of buildings in Zone B3 | N/A | N/A | N/A |
| 8.8 Converting serviced apartments to a residential flat building | N/A | N/A | N/A |
| 8.9 Residential flat buildings in Zone B6 | N/A | N/A | N/A |
| 8.10 Solar access to key public open spaces | Protect and enhance sun access to key public open spaces, including Kibble Park | No shadow impact on key public open space areas | Yes |
| 8.11 Key vistas and view corridors | Protect and enhance key vistas and view corridors in Gosford City Centre. | The site is not located in a key vista or view corridor | Yes |
| 8.12 Community infrastructure | N/A | N/A | N/A |
| 8.13 Floor space ratio in Zone R1 | N/A | N/A | N/A |

Architectural roof features- Clause 5.6 SEPPGCC 2018

(1) The objectives of this clause are as follows:

- (a) to permit variations to maximum building height standards for roof features of visual interest,

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

- (b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
- (a) the architectural roof feature:
- (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

The variation in height to part of the proposed development by 0.6m is permitted as an architectural roof feature as Council is satisfied it:

- comprises a decorative roof feature with a common area and landscaping.
- is not an advertising structure.
- does not include floor space and is not capable of modification to convert to floor space for another purpose.
- will cause nil or minimal additional over shadowing.
- servicing equipment is not visible or integrated into the building design.

Gosford City Centre Development Control Plan 2018

| Clause | Requirement | Proposal | Compliance |
|---------------------------|--|---|------------|
| 3.5 Character-Other Areas | Residential areas within the city fringe will provide for a diverse range of housing to accommodate an additional 10,000 residents over the next 25 years within walking distance of the city centre.. | The proposed development will contribute to the provision of diversity of housing. The site is located within walking distance of the Gosford CBD, Gosford Hospital, Gosford Railway Station, and Gosford waterfront. | Yes |
| 4.1 Pedestrian network | Pedestrian links to be provided between streets as shown in figure 2 of DCP | Site not identified as a pedestrian link. | Yes |

3.2

**DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building -
16 units and basement parking (contd)**

| | | | |
|--|--|---|---|
| 4.2 Public open space | New public open space in City as shown in figure 2 of DCP | Site not located in public open space area | Yes |
| 4.3 Solar access to key public spaces | Solar access to be retained for Kibble Park and Gosford waterfront | The proposal does not overshadow the key public spaces. | Yes |
| 4.4 Views and vistas | Built form should minimize impact on key views from Kibble Park, the waterfront, and Brian McGowan bridge to Presidents Hill, Rumbalara Reserve, and the waterfront. | The site is not located within a key view line or vista. | Yes |
| 4.5 Footpath crossings/driveways | One single vehicular access width 2.7m for single crossing and 5.4m for double crossing. Access should be from lanes or minor streets rather than primary street. Entry point to be integrated into building design. | One single access driveway is proposed to Holden Street 3m wide. The additional width is justified in this location due to driveway grades. | Yes |
| 4.5.2 Pedestrian overpasses and underpasses. | Discouraged in Mann Street. | Not proposed | Yes |
| 5.2.1 Street setbacks and rear setbacks | 3m-4m up to street wall height. | Street setback 3m-3.3m, rear setback 4.4m-6m. | Yes. The proposed setbacks are considered suitable for the site and do not significantly impact existing or likely future development on adjoining sites. |
| 5.2.2 Street wall height | 6m-14m | Street wall height 12.8m | Yes |
| 5.2.3 Active street frontages and street address | Required in certain locations. | Site not required to have active street frontage. A street address has been provided to Holden Street. | Yes |

3.2

**DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building -
16 units and basement parking (contd)**

| | | | |
|--|---|--|---|
| 5.2.4 Building setbacks and separation | 3m-4m up to street wall height. 6m above 14m building height. | Nil -3.915m - south side. 4m-6m north side. | No. Nil setback applies to stairs on southern side for a minor part of the building. The side setbacks are considered suitable for the site in this locality. |
| 5.2.5 Slender towers with high amenity | Maximum floor plate 750m ² above street wall height | 305m ² | Yes |
| 5.2.6 Fine grain frontages | Maximum continuous street frontage length below street wall height 40m, have an architectural character, and to be well articulated. | N/A | Yes |
| 5.2.7 Awnings | Awnings required for new developments identified as active street frontages. | Not required in this location. | Yes |
| 5.2.8 Building sustainability and environmental performance. | Incorporation of measures to improve energy and water efficiency and waste minimization. Minimum 4.5 star rating for commercial buildings and a BASIX Certificate for residential development. | BASIX certificate submitted. Average star rating 6.5. | Yes |
| 5.2.9 Above ground parking | Car parking to be wholly provided underground unless unique site conditions prevent. Car parking above ground level to have a minimum floor to ceiling height of 3.5m to enable adaption to another use in the future, and to be integrated into building design. | Car parking within basement level below Holden Street and not visible from street. The rear of the car parking level is above ground level and this is screened by the development to the east on Showground Road. | Yes |
| 5.2.11 Internal amenity | Comply with SEPP 65/ADG | Refer to separate SEPP 65/ADG assessment. | Design appropriate for site. |
| 5.2.12 Building services and streetscape. | Substations to be wholly located within site or integrated into the building and landscape design with high quality materials and finishes. | Substation location to be determined by Energy authority if required. | Yes |

3.2

**DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building -
16 units and basement parking (contd)**

| | | | |
|--|---|--|-----|
| 5.2.13 Landscape design | Landscape plan to be prepared by landscape architect. | Landscape plan prepared by ADG Architects. | Yes |
| 5.2.14 Site cover and deep soil planting. | Maximum site coverage 60% and minimum 15% deep soil planting. | Site coverage 38% and deep soil planting 8% which complies with ADG. | Yes |
| 5.2.15 Front fences | Maximum height 1.2m | Fencing not proposed. | Yes |
| 5.2.16 Safety and security. | Safer by design principles to be addressed. | Proposal has been designed in accordance with CPTED principles. Balconies provide natural surveillance of common and public areas. | Yes |
| 5.2.17 Building exteriors | High quality external materials and finishes to be used, with low maintenance costs, and articulation to add visual interest. | Materials and finishes consist of a mix of materials, finishes and colours. | Yes |
| 5.2.18 Public artworks | Developments over 5000m2 are required to prepare a public artwork plan. | Site under 5000m2. | Yes |
| 5.2.19 advertising and signage. | Signs to be designed and located to relate to the use of the building, be visually interesting, and of high quality. | No signs are proposed. | Yes |
| 6.1 Key sites | Site not identified as a key site. | N/A | N/A |
| 7.2 Pedestrian access and mobility. | Main building entry to be clearly visible from primary street with barrier free access. | Main pedestrian access from Holden Street and clearly visible. | Yes |
| 7.3 Vehicular driveways and manoeuvring areas. | Driveway to be from lanes or secondary street rather than primary street where possible. Located a minimum 6m from any intersection and 1.5m from side boundary. Vehicles to be able to enter and leave in a forward direction and access to be integrated into design of building. | Driveway access from Holden Street and 3m wide. Vehicles can leave and enter in a forward direction. Driveway is 1.3 m from side boundary which is considered suitable in this location. | Yes |

3.2

DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

| | | | |
|---|--|---|-----|
| 7.4 On-site parking | On-site parking to comply with AS 2890.1 2004-Parking Facilities. 22 car parking spaces are required under DCP. | Parking has been provided in accordance with ADG/RMS requirements. The 3 visitor car parking spaces should be retained in common property if the development is strata titled. (Refer conditions 5.11 and 6.12). | Yes |
| 7.5 Site facilities and services. | Mail boxes to be provided in one accessible location adjacent to main entry. Waste storage areas to be located for collection from rear laneway and to preserve amenity of nearby residents. | To be located in entry lobby off Holden Street. Waste management plan submitted and approved by Waste Management Officer. | Yes |
| 8.2 Energy efficiency and conservation. | BASIX Certificate required for residential development. | BASIX certificate submitted. | Yes |
| 8.3 Water conservation. | BASIX certificate required for residential development. | BASIX certificate submitted. | Yes |
| 8.4 Reflectivity. | New buildings should not result in glare or discomfort to pedestrians and drivers. Visible light reflectivity should not exceed 20%. | Proposed external materials and colour scheme uses non reflective materials. Colour scheme and external materials provided in architectural plans. | Yes |
| 8.5 Wind mitigation. | Wind Effects report required for buildings over 14m in height | Wind effects report not considered warranted due to height of surrounding ground level and 18m building height. | Yes |
| 8.6 Waste and recycling. | Waste storage area to be provided to accommodate waste bins on site. | Waste management plan approved by Council's Waste Management Officer. | Yes |
| 8.7 Noise and vibration. | Development should be designed to minimize the potential for offensive noise. | Not required | Yes |

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 B4 Mixed Use under SEPP(GCC)2018 and is surrounded by residential developments.

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

The proposed development is not considered to have adverse amenity impacts to adjoining development from overshadowing, privacy, noise generating activities and views.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the SEPP(GCC)2018 and GCC DCP 2018 compliance. The potential impacts are considered reasonable.

b) Natural Environment

The proposed development is not considered to have any adverse impacts on scenic quality or the streetscape of Holden Street.

The redevelopment of the site will result in a development consistent with that for a residential development in this location within the Gosford city centre. There is no significant tree removal and the proposed development does not impact the natural environment of the adjoining road reserve.

The submitted SWMP, Water Cycle Management Plan and Landscape Design Report provides an overall concept which will stabilise and manage the entire site.

There will be no significant impact upon the natural environment as a result of the proposal.

c) Economic Impacts

The proposed development will have beneficial economic impacts. The proposal is considered to meet the aims of the *Central Coast Structure Plan 2036* and facilitates economic development that will lead to more local employment opportunities on the Central Coast and reduce the percentage of employed persons who travel outside the region each day for work.

d) Social Impacts

The proposed development will have beneficial social impacts as it will provide employment in construction and the provision of medium/high density residential development in close proximity to public transport, Gosford waterfront, Gosford Hospital and the Gosford CBD.

Suitability of the Site for the Development

The site is considered to be suitable for the proposed development as follows:

- The site is zoned B4 Mixed Use under SEPP(GCC)2018 Residential flat buildings are permissible under the B4 zone and the scale of the proposed development is consistent with the objectives of the zone.
- There are no environmental hazards which would prevent development of the site.
- Utility services are available to the site.

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

- The site is located on and near public transport facilities as well as public recreation/community facilities.

The Public Interest

The approval of the application is considered to be in the public interest as follows:

- The proposal will generate social and economic benefits for the community by providing additional commercial and residential accommodation near public transport and services;
- The proposal is consistent with the relevant objectives of the applicable environmental planning framework, including the SEPP(GCC)2018 and GCCDCP2018.
- The proposal does not result in any unreasonable environmental impacts and will not unreasonably impact the amenity of neighbouring properties.

Ecologically Sustainable Principles:

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

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

Public Submissions and Community Consultation

The application was notified in accordance with GCCDCP 2018 from 12 December 2019 to 24 January 2020.

No submissions were received during this period.

Submissions from Public Authorities

None required.

Internal Consultation

| | |
|-------------------------|---|
| Traffic Engineer | Supported without conditions. See comments below. |
| Development Engineer | Supported subject to conditions 2.6, 2.7, 2.8, 3.6, 3.7, 4.8, 5.6, 5.7, 5.8, 5.9 . See comments below. |
| Tree Assessment Officer | Supported subject to conditions 5.3, 6.1 and 6.2 . See comments below. |
| Waste Services | Supported subject to conditions 4.7, 4.10, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9 . |
| Water and Sewer | Supported subject to conditions 2.10 and 2.11 . |

Traffic Engineer

Council's Traffic Engineer advises:

Public Transport

The subject site has good access to existing public transport services in the form of trains and buses. The site is located approximately 140 metres west of Gosford Railway Station.

Regular bus services operate along both sides of Burns Crescent at the Gosford Interchange in the vicinity of the subject site (i.e. bus routes 17, 18, 19, 20, 21, 22, 23, 28, 32, 33, 34, 36, 37, 38, 40, 41, 42, 43, 44, 55, 63, 64, 65, 66A, 66C, 67, 68 and 70)

The Gosford Interchange is approximately 200 metres east of the subject site.

Traffic Impact

The potential traffic generation of the proposed development is provided by the "RMS Guide to Traffic Generating Development, which specifies the following traffic generation rates for medium - density residential flat dwellings in a metropolitan Sydney area:

- 0.5 - 0.65 weekday peak hour vehicle trips per dwelling.
- 5 - 6.5 daily vehicle trips per dwelling.

The proposed development with a total of 16 units has a total estimated traffic generation as follows:

- 9 - 11 weekday peak hour vehicle trips.
- 90 - 104 daily vehicle trips.

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

The vehicular access to and from the off-street car parking level for the proposed development will be via a new driveway crossing to be in Holden Street. The proposed User Class 1 development requires a Category 1 driveway crossing, in accordance with Table 3.1 of AS2890.1, where 3 metres to 5.5 metres combined entry and exit is required. The proposed driveway crossing has a width of 3.6 metres, which provides vehicular access to the basement car park.

All vehicular access is to be located and constructed in accordance with the requirements of AS2890.1:2004, where vehicles are to enter and exit the site in a forward direction at all times.

The use of a combined driveway is satisfactory as the levels of level of hourly traffic movements is less than a 30 trips combined limit in and out in an hour as required in AS2890.1.2004 Section 3.

Car parking

A total of seventeen (17) on-site parking spaces over one basement level, including three visitor parking spaces with two accessible parking spaces, in addition to two (2) motorcycle parking spaces and two (2) bicycle parking spaces.

Driveway access to Holden Street

With the recently completed Gosford Hospital Precinct redevelopment Holden Street is no longer a through road connecting Kendall Street to Racecourse Road. Holden Street now forms cul-de-sac just north of Ward Street. This section of Holden Street provides access to some public and staff parking in the hospital and along Ward Street. There is a flat top speed hump with a pedestrian crossing in Holden Street just north of Faunce Street West. Traffic volumes in this section of Holden Street appear to have reduced as a result of these changes.

From site observations traffic speeds at 55 Holden Street is around 30 to 40 KPH speed environment due the flat top speed hump in Holden Street mentioned above plus there is a nearby curve and hill just south of the site (for both directions of Holden Street there is a 25KPH Crest Warning sign). Using Geocortex the available driver sightlines from the proposed driveway to the crest are estimated to be 73 metres which exceeds the sight distance requirements. According to AS 2890.1:2004 a desirable sight distance requires 55 metres, while a minimum requires 35 metres.

The proposed increase in vehicle movements on Holden Street and adjacent streets will remain well within the environmental capacity with minimal adverse impacts on their capacity and amenity of the area.

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

Summary

The proposed increase in the number of vehicle movements in and out of Holden Street, and adjacent streets is well within their capacity with minimal adverse impacts on the capacity and amenity of the area.

Recommendation

From a Transport perspective the applicants' development proposal is supported.

Development Engineer

Council's Development Engineer advises:

Stormwater

The development is required to provide stormwater management measures in accordance with Chapter 6.7 of Gosford DCP 2013. These include on-site stormwater detention, water quality measures, and rainwater harvesting.

Flooding

Some minor overland flow is identified. This overland flow will be reduced with the construction of half road frontage and associated stormwater. The overland flow depth varies and is in the order of 60mm to 120mm on the northern side boundary and approximately 50mm on the southern side boundary. The building can be protected by waterproofing to a level of 500mm minimum above the outside finished ground level.

Road Works

The development has direct frontage with and gains access from Holden Street. The portion of Holden Street in front of the development is not kerb and guttered. Half road construction is required across the frontage of the site. The site is much lower than the road, hence a reduced footway formation of 2m width is recommended, with a 1.5m wide kerb side footpath. This will create a trapped low point in frontage which will need to be drained and connected to Council's drainage system. Piped stormwater is recommended across the full frontage of the site and extended to Council's piped system further to the north.

Vehicle Access

Vehicle access to the development will be via a vehicle crossing and ramp located at the northern end of the development. The ramp is single car width. AS 2890.1:2004 Section 3.2.2 states "As a guide, 30 or more movements in a peak hour (in and out combined) would usually require provision for two vehicles to pass on the driveway, i.e. a minimum width of 5.5m." The traffic generated by this development will be well below 30 movements in a peak

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

hour, therefore the single width driveway is acceptable. It is recommended that traffic control measures be provided at the top and bottom of the ramp (eg stop / go lights). The Applicant has also suggested the provision of a holding bay at the bottom of the ramp to allow vehicles to wait while another vehicle enters the development. Vehicles entering the development should be given priority as they need to get off the roadway as quickly as possible.

Tree/Landscape Assessment

Council's tree assessment officer advises:

The applicant has provided a Landscape Plan proposing an acceptable amount of new native trees consisting of suitable natives such as Blue Berry Ash, Quandong and Firewheel tree. Opportunity exists but was not taken for small street trees under power wires. A street tree planting condition has been provided in accordance with Gosford Streetscape Guidelines **(Refer conditions 5.3, 6.1 and 6.2)**.

Other Matters for Consideration

Section 7.12 Contributions

Contributions may be applicable to development which is subject to section 7.12 Contributions Plan - Gosford City Centre. Development contributions are only levied where the proposed cost of works exceeds \$250,000 and the gross floor area of the development is increased. In this instance, the proposed development increases the gross floor area and the value of the works is \$4,328,500.00. A condition of consent has been imposed requiring the development contribution to be paid prior to the issue of any Construction Certificate. **(Refer to Conditions 2.2 and 2.4)**

Bushfire

The land is not identified as bushfire prone land.

Geotechnical Assessment

A geotechnical report and incorporation of the requirements into the construction certificate is required as a condition of consent. **(Refer conditions 2.12 and 5.10)**.

Shadow Impacts

The shadow diagrams submitted by the applicant indicate that the and adjoining site on the southern side will be in shadow most of the day in June.

This is unavoidable given the slope of the land, narrow lot widths, and impact of the higher terrain to the west in the afternoon.

It is considered the shadow impact of the proposed development does not significantly impact adjoining sites and is not unreasonable given the slope of the land in this location.

3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking (contd)

Isolation/Redevelopment of Adjacent Sites.

The proposed development should not result in isolation of adjoining sites for future development. A similar development may be constructed on adjoining sites.

Development at Zone Interface.

In *Seaside Property Developments Pty Ltd v Wyong Shire Council* [2004] NSWLEC 117 the planning principle was established that any development in one zone needs to take into account the form of existing development and/or development likely to occur in the adjoining different zone.

The adjoining land on the western side is zoned R1 General Residential and has a maximum building height of 12m.

The land significantly increases in slope and height towards the west of Holden Street. Future development on the R1 zoned land is likely to be residential flat buildings with a resultant height above the proposed developments on the eastern side of Holden Street.

Conclusion

This application has been assessed against the heads of consideration of Section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

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

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. The proposal has been considered against the provisions of State Environmental Planning Policy (Gosford City Centre) 2018 and Gosford City Centre Development Control Plan 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.

**3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building -
16 units and basement parking (contd)**

Attachments

| | | | |
|----------|--|-------------------------------|--------------|
| 1 | Conditions of Consent - DA 57624-2019 - 55 Holden St Gosford | | D14237058 |
| 2 | Revised Architectural Plans_REV H 55 Holden Street, GOSFORD DA57624 Part 1 | Provided Under Separate Cover | D14209067 |
| 3 | Redacted Revised Architectural Plans REV H 55 Holden Street, GOSFORD DA57624 Part 1 | | D14250516 |
| 4 | Civil Engineering Plan - 55 Holden St Gosford - DA 57624/2019 | | D14237039 |
| 5 | Amended Landscape Plans 55 Holden Street, GOSFORD DA57624 Part 1 | | D14209070 |
| 6 | SEPP 65 Report DA57624 H55 Lot A DP320239 Holden St GOSFORD Part 1 | | ECMD25434206 |
| 7 | Statement of Environmental Effects DA57624 H55 Lot A DP320239 Holden St GOSFORD Part 1 | | ECMD25434140 |

Attachment 1-Draft Conditions of Consent

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: ADG Architects**Landscape Plans by: ATC Landscape Architects**

| Drawing | Description | Sheets | Issue | Date |
|---------|---|--------|-------|------------|
| DA 000 | Cover Sheet | 1 | H | 31/07/2020 |
| DA 001 | Compliance Table | 1 | H | 31/07/2020 |
| DA 002 | Site Analysis Plan | 1 | H | 31/07/2020 |
| DA 100 | Site Plan | 1 | H | 31/07/2020 |
| DA 120 | Notification Plans | 1 | H | 31/07/2020 |
| DA 200 | Basement & Ground Plans | 1 | J | 31/07/2020 |
| DA 201 | Level 1 & 2 Plans | 1 | H | 31/07/2020 |
| DA 202 | Level 3 & 4 Plans | 1 | H | 31/07/2020 |
| DA 300 | Elevations | 1 | H | 31/07/2020 |
| DA 350 | Sections | 1 | H | 31/07/2020 |
| DA 800 | Shadow Diagrams | 1 | H | 31/07/2020 |
| DA 810 | Shadow Diagrams | 1 | H | 31/07/2020 |
| DA 820 | Shadow Diagrams | 1 | H | 31/07/2020 |
| DA 900 | Shadow Diagrams-Impacts on Neighbours | 1 | H | 31/07/2020 |
| L/00 | Cover Sheet | 1 | D | 17/09/2020 |
| L/01C | Proposed Landscape Plan-Basement 1 & Ground Floor Level | 1 | D | 17/09/2020 |
| L/02C | Proposed Landscape Plan-Level 1 & Level 2 | 1 | D | 17/09/2020 |
| L/03 | Proposed Landscape Plan-Level 3 & 4. | 1 | D | 17/09/2020 |

Supporting Documentation

| Document | Title | Date |
|----------------------------|---------------------------------------|------------------|
| Barker Ryan Stewart | Statement of Environmental Effects | November 2019 |
| Lindsay Perry Access | Disability Access Report Ref LP_19284 | 12 November 2019 |
| Partners Energy Management | NaTHERs Certificate | 14 November 2019 |

| | | |
|---|--|------------------|
| BCA Energy Pty Ltd | BASIX Certificate No 934512_02 | 14 November 2019 |
| ADG Architects | Waste Management Plan | 9 January 2020 |
| Hemanote Consultants | Traffic and Parking Impact Assessment | November 2019 |
| Chase Burke & Harvey | Stormwater Easement Plan | 10 October 2018 |
| Australian Consulting Engineers Pty Ltd | Stormwater Management Report No 180451.SOR.1 | October 2019 |
| Australian Consulting Engineers Pty Ltd | Stormwater Engineering Plans 6 sheets | 6 November 2019 |
| ADG Architects | SEPP 65 Report | October 2019 |
| Australian Consulting Engineers Pty Ltd | Civil Plans Issue D 7 sheets | 15 July 2020 |

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 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 Pay to Council a contribution amount of \$43,285.00, that may require adjustment at time of payment, in accordance with the section 94A Development Contribution Plan - Gosford City Centre.

The total amount to be paid 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 contribution plan.

Contact Council's Contributions Planner on Tel 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 Certifier to Council under Clause 104 of the Environmental Planning and Assessment Regulation 2000.

A copy of the Contributions Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on Council's website:

[Development Contributions - former Gosford LGA](#)

- 2.3 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

1. Site investigation for the preparation of the construction, and / or
2. Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
3. Demolition

- 2.4 Obtain a determination by the Planning Secretary as to whether a special infrastructure contribution is required to be made under the Environmental Planning and Assessment (Special Infrastructure Contribution - Gosford City Centre) Determination 2018 (2018 Determination). The developer must do so before the time by which a special infrastructure contribution, if made as a monetary contribution, would have to be paid under the 2018 Determination.

To assist the Planning Secretary in making that determination, the developer is to provide the Planning Secretary with an up-to-date estimate of the proposed cost of carrying out the development, as referred to in the 2018 Determination.

If the Planning Secretary determines that a special infrastructure contribution is required to be made under the 2018 Determination, a contribution must be made in accordance with that Determination (as in force when this consent takes effect).

A person may not apply for a construction certificate in relation to development the subject of this development consent unless the person provides, in connection with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

In this condition: developer means the person having the benefit of this development consent, and Planning Secretary means the Secretary of the Department of Planning, Industry and Environment.

More information

Please contact the Department of Planning, Industry and Environment by email to: SIContributions@planning.nsw.gov.au

- 2.5 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 Accredited Certifier.

- 2.6 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:

1. Up to half width road construction including kerb and guttering, subsurface pavement drainage, concrete footpath, verge formation, street stormwater drainage and a minimum 5m wide new road pavement with end transitions across the full frontage of the site in Holden Street.
2. Construction of concrete footpath 1.5m wide for the full street frontage of the development in Holden Street.
3. Construction of the road verge/footway formation with a minimum width of 2m graded at +2% from the top of existing kerb toward the property boundary, across the full frontage of the site in Holden Street. Construction to include transitions to existing formation either side of the site.
4. Construction of a residential vehicle access crossing that has a width of 4m at the road gutter crossing and 3.6m at the property boundary including construction of a gutter crossing and road pavement adjacent to the gutter crossing.
5. Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.
6. 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. Concrete path to be constructed if required.
7. Construction of street storm water drainage including tail in drainage. This drainage is to consist of stormwater pipe under the kerb and gutter for the full frontage of the site and extending to Council's existing pipe network to the north and stormwater pipe to drain the footway formation connecting to Council's piped system.
8. Construct a headwall at the southern end of the property frontage to collect stormwater from the low level table drain in front of 53 Holden Street and pipe to Council's drainage system.

9. Construct a pit at the southern side of the vehicle crossing to collect stormwater from the trapped low point and connect to Council's drainage system.
10. Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
11. Installation of roadside furniture and safety devices as required by design e.g. handrail and safety barriers on the northern side of the vehicle crossing, in accordance with Austroads Guides, NSW Transport Roads and Maritime Services Supplements and Australian Standards and manufacturers requirements.
12. 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 walls designs must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
13. Construction of a storm water drainage connection from the development site to Council's storm water drainage system located within the public pathway connecting Holden Street to Showground Road.
14. 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) |
|----------------|------------------------|
| Holden Street | 2,000,000 |

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.

- 2.7 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 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:
1. 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.
 2. Traffic controls (e.g., stop / go lights) at the top and bottom of the access ramp to control the movement of vehicles on the ramp, together with a holding bay at the base of the ramp for exiting vehicles to wait while entering vehicles come down the ramp. Priority is to be given to vehicles entering the site.
 3. Construction of a stormwater detention system. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan 2013 and 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.
 4. 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.
 5. 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.
 6. Construction of 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 Council's drainage system located in the footway connecting Holden Street and Showground Road, via the inter-allotment drainage easement over 36 Showground Road (vide DP1244345).
 7. Waterproofing of the building to a minimum of 500mm above the finished external ground level.
 8. 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.

- 2.9. Submit to Council, the accredited certifier and relevant adjoining property owners a dilapidation report, prepared by a practising structural engineer, detailing the structural characteristics of all buildings located on adjoining properties and any Council asset in the vicinity of the development. The report must indicate the structure's ability to withstand the proposed excavation, and any measures required to ensure that no damage to these structures will occur during the course of works.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, the applicant must demonstrate in writing that all steps were taken to obtain access to the adjoining property(s).

- 2.10. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.

- 2.11. Submit engineering details prepared and certified by a practising structural engineer to the Council (Water Authority) for development constructed near or over the sewer main and / or adjacent to Council's water mains. The engineering details must comply with Council's guidelines for "Building Over or Near Council Sewer and Water Mains" and must be approved by Council. A fee for engineering plan assessment must be paid when submitting the engineering details.

Additional fees for the submission of contractor's documentation and sewer inspection fees apply for the adjustment or encasement of Council's sewer main. Subject to approval of the engineering plans, and payment of the prescribed fees, the developer must contact Council's Water and Sewer Quality Inspector on mobile phone 0419 412 725 a minimum of one week prior to commencement of any work involving building over and / or adjacent to sewer mains.

- 2.12. The preparation and submission to the Principal Certifying Authority of a geotechnical report prepared by a qualified geotechnical engineer. The Construction Certificate shall comply with the recommendations of the geotechnical report.

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 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
 - 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: www.centralcoast.nsw.gov.au.

[Contact Council prior to submitting these forms to confirm the relevant fees.](#)

- 3.6. 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.

- 3.7. 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 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. 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. 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 ADG Architects P/L, dated 9 January 2020.

- 4.8. 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.
- 4.9. Action the following when an excavation extends below the level of the base of the footings of any building, structure or work on adjoining land:
- a. notify the owner of the adjoining land, and
 - b. protect and support the building, structure or work from possible damage from the excavation, and
 - c. underpin the building, structure or work where necessary, to prevent any such damage.

These actions must be undertaken by the person having the benefit of the development consent at their own expense.

- 4.10. Demolish buildings in a safe and systematic manner in accordance with AS2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.11. Submit a report prepared by a registered Surveyor to the Principal Certifying Authority 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.
- 4.12. Incorporate the following Crime Prevention Through Environmental Design (CPTED) principles and strategies to minimize the opportunity for crime:
- a. Provide adequate lighting to common areas as required under *AS1158: 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.

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. 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*.
- 5.3. Plant street trees on the road reserve. Provide two (2) advanced specimens (minimum 45 litre pot size) that are to be evenly located and adequately staked / protected to prevent vandalism. Due to overhead power wires street trees must be small native tree species as per Gosford Streetscape Guidelines (E.g. *Callistemon viminalis*, *Buckinghamia celsissima*, *Melaleuca liniifolia*).
Do not locate trees within an authority's underground service easement nor be closer than 3m from a driveway or power pole.
- 5.4. 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.
- 5.5. 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.
- 5.6. 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.
- 5.7. 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.

- 5.8. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.

5.9. Amend the Deposited Plan (DP) for Lot A DP 320239 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 and / or 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:

1. To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 2. the facility will remain in place and fully operational.
 3. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 4. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
 5. 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.

5.10. Provide certification from a geotechnical engineer to the Principal Certifying Authority 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.

5.11. The provision and marking of three (3) visitor car parking spaces. These spaces are to be retained for visitor parking and shall not be allocated to any apartment in strata subdivision of the building.

6.ONGOING OPERATION

- 6.1. 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.
- 6.2. 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.
- 6.3. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.4. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.5. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.6. Comply with all commitments as detailed in the Waste Management Plan signed by ADG Architects P/L, dated 9 January 2020.
- 6.7. Locate the approved waste storage enclosure / area as indicated on Drawing Number DA200, Revision J, dated 31 July 2020, prepared by ADG Architects.
- 6.8. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.

- 6.9. Place the mobile garbage/recycling/green waste containers at the approved location at the kerbside 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 waste containers.
- 6.10. 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.
- 6.11. 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.
- 6.12. The provision and marking of three (3) visitor car parking spaces. These spaces are to be retained for visitor parking and shall not be allocated to any apartment in strata subdivision of the building.

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.

- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment* Policy. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au

55 HOLDEN ST GOSFORD

RESIDENTIAL FLAT BUILDING



ARCHITECTURAL DRAWINGS

- DA 000 COVER PAGE
- DA 001 COMPLIANCE TABLE
- DA 002 SITE ANALYSIS PLAN
- DA 100 SITE PLAN
- DA 120 NOTIFICATION PLANS
- DA 200 BASEMENT & GROUND PLANS
- DA 201 LEVEL 1 & 2 PLANS
- DA 202 LEVEL 3 & 4 PLANS
- DA 300 ELEVATIONS
- DA 350 SECTIONS
- DA 800 SHADOW DIAGRAMS
- DA 810 SHADOW DIAGRAMS
- DA 820 SHADOW DIAGRAMS
- DA 900 SHADOW DIAGRAMS - IMPACT ON NEIGHBOURS

01/10/2023 10:00 AM 55 Holden Street, Gosford NSW 2250, redacted to comply with the Privacy Act 1988

| Rev. | Description | Date | By | Chk |
|------|--|------------|----|-----|
| 01 | PREPARED FOR PERMIT DESIGN REVIEW | 21.07.2020 | JL | JP |
| 02 | DEVELOPMENT BOARD FOR DETERMINATION | 24.02.2020 | JL | JP |
| 03 | PEOPLE COMPLIANCE | 24.02.2020 | JL | JP |
| 04 | DRIVEWAY COORDINATION WITH CHILDS | 13.02.2020 | JL | JP |
| 05 | DRIVEWAY & BBQ STONE AMENDED | 03.01.2020 | JL | JP |
| 06 | FOR DA SUBMISSION | 26.11.2019 | JL | PT |
| 07 | PLANS UPDATED | 22.11.2019 | JL | PT |
| 08 | SECTIONS AND SHADOW DIAGRAMS | 16.08.2019 | JL | PT |
| 09 | PROCESSED RESIDENTIAL FLAT DEVELOPMENT | 23.06.2019 | JL | PT |

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 ph: 62 42 42 3110 fax: 62 42 42 3112
 info@adgarchitects.com.au

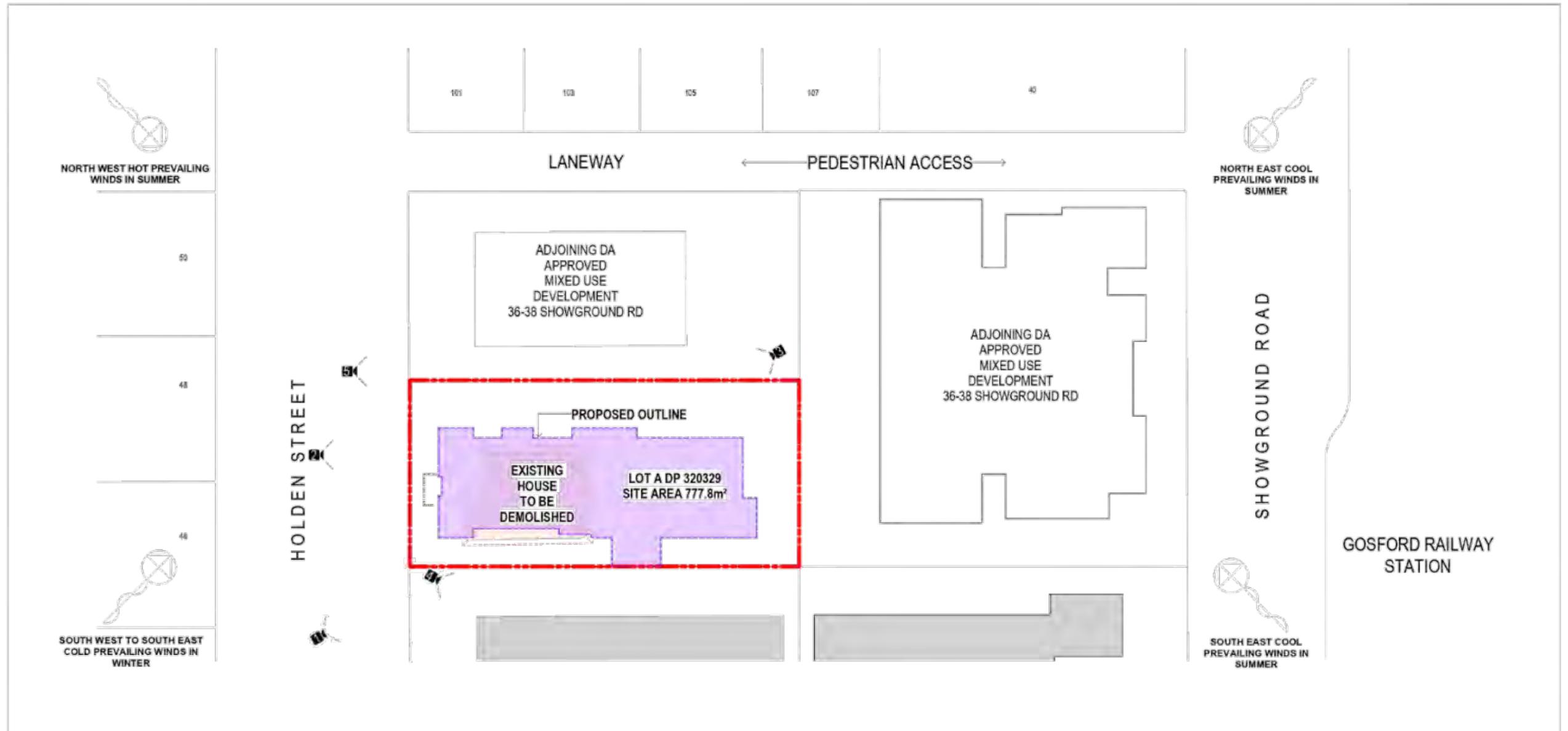


Client
 CHRISSIE GROUP

| | |
|----------|---------------------------|
| Title | COVER PAGE |
| Project | RESIDENTIAL FLAT BUILDING |
| Location | 55 HOLDEN STREET, GOSFORD |

DA SUBMISSION
 (NOT TO BE USED DURING CONSTRUCTION)

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| Project Number | Drawing Number | Rev |
| 17_035 | DA 000 | H |
| Coordinator: JC | Checked: PT | |
| Scale: 1/5A | Date Printed: 28/10/2023 09:11:30 | |
| File Name: | | |



SITE PHOTOS



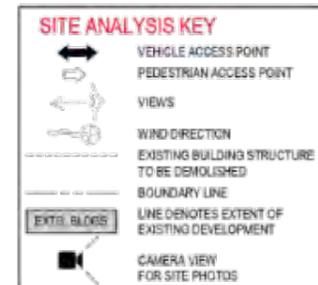
1. STREET FRONTAGE OF EXISTING SITE CONDITION

2. FRONT OF HOUSE 55

3. REAR OF HOUSE 55

4. VILLA NO.53

5. MULTI-RESI UNITS NO.57



| Rev. | Description | Date | Drawn | Checked |
|------|---|------------|-------|---------|
| 1 | PRELIMINARY DESIGN REVIEW | 01.07.2020 | JL | AD |
| 2 | DEVELOPMENT APPLICATION REVIEW | 24.03.2021 | JL | AD |
| 3 | PERFECT COMPLIANCE | 03.08.2021 | JL | AD |
| 4 | DISSEMINATION COORDINATION WITH COUNCIL | 04.11.2021 | JL | AD |
| 5 | STATE PARTY & BIDDING AMENDED FOR DA & APPROVAL | 26.11.2021 | JL | PT |
| 6 | PLANS POSTED | 22.11.2021 | JL | PT |
| 7 | SECURITY AND INSURANCE CHARGES | 26.01.2022 | JL | PT |
| 8 | PROCESSED DEVELOPMENT APPLICATION | 25.06.2022 | JL | PT |

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 info@adgarchitects.com.au

AA+
 Member
 Australian
 Institute of
 Architects

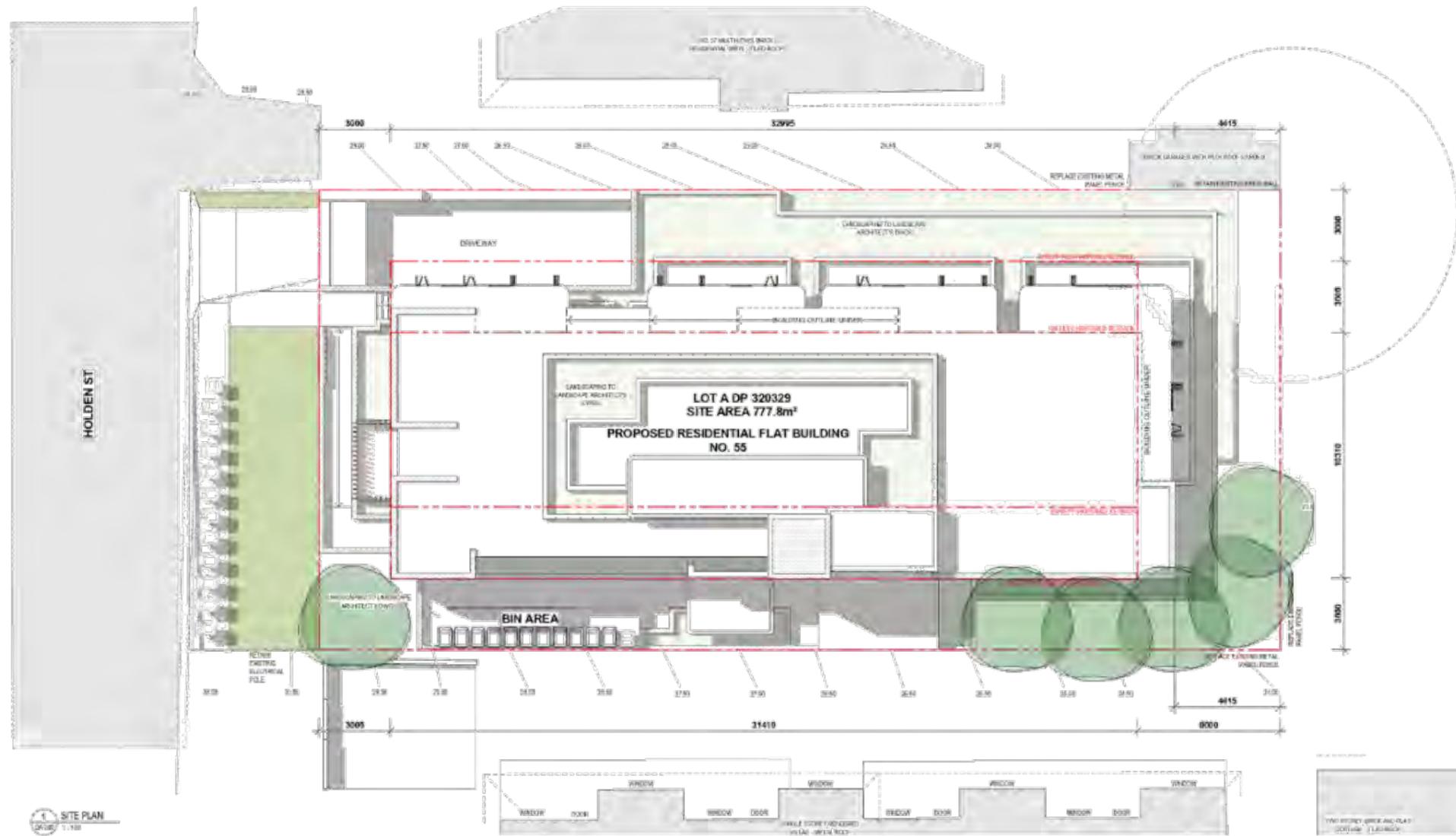
Client
 CHRISSIE GROUP

| | |
|----------|---------------------------|
| Title | SITE ANALYSIS PLAN |
| Project | RESIDENTIAL FLAT BUILDING |
| Location | 55 HOLDEN STREET, GOSFORD |



PRELIMINARY
 NOT TO BE USED IN ANY CONSTRUCTION

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| Project Number | Drawing Number | Rev |
| 17_035 | DA 002 | H |
| Coordinator: <input type="checkbox"/> AD | Checked: <input type="checkbox"/> AD | |
| Scale: | Date Printed: 28/03/2022 11:18 | |
| File Name: | | |



SITE PLAN
SCALE: 1:100

Rev. Description Date Dra/CHK
 PREPARED BY PERFORMER DESIGN REVIEW 01.07.2020 JJ JJ
 DEVELOPMENT REVIEW FOR DETERMINATION 24.03.2020 JJ JJ
 PROFILE COMPLIANCE
 DRIVEWAY COORDINATION WITH OTHER ENL 03.02.2020 JJ JJ
 SIGNAGE AND SITE LIGHTING AMENDMENT 04.11.2019 JJ JJ
 FOR DA SUBMISSION 25.11.2019 JJ JJ
 PLANS POSTED 22.11.2019 JJ JJ
 SITE TOUR AND PRELIMINARY CHANGES 20.09.19 JJ JJ
 PROPOSED OCCUPANT PLAY DEVELOPMENT 25.06.2019 JJ JJ

ADGarchitects

8/8a St. Luke's, 87-73 St. Luke St, Gosford NSW 2250
 Phone: 02 4323 1100 Fax: 02 4323 1102
 www.adgarchitects.com.au



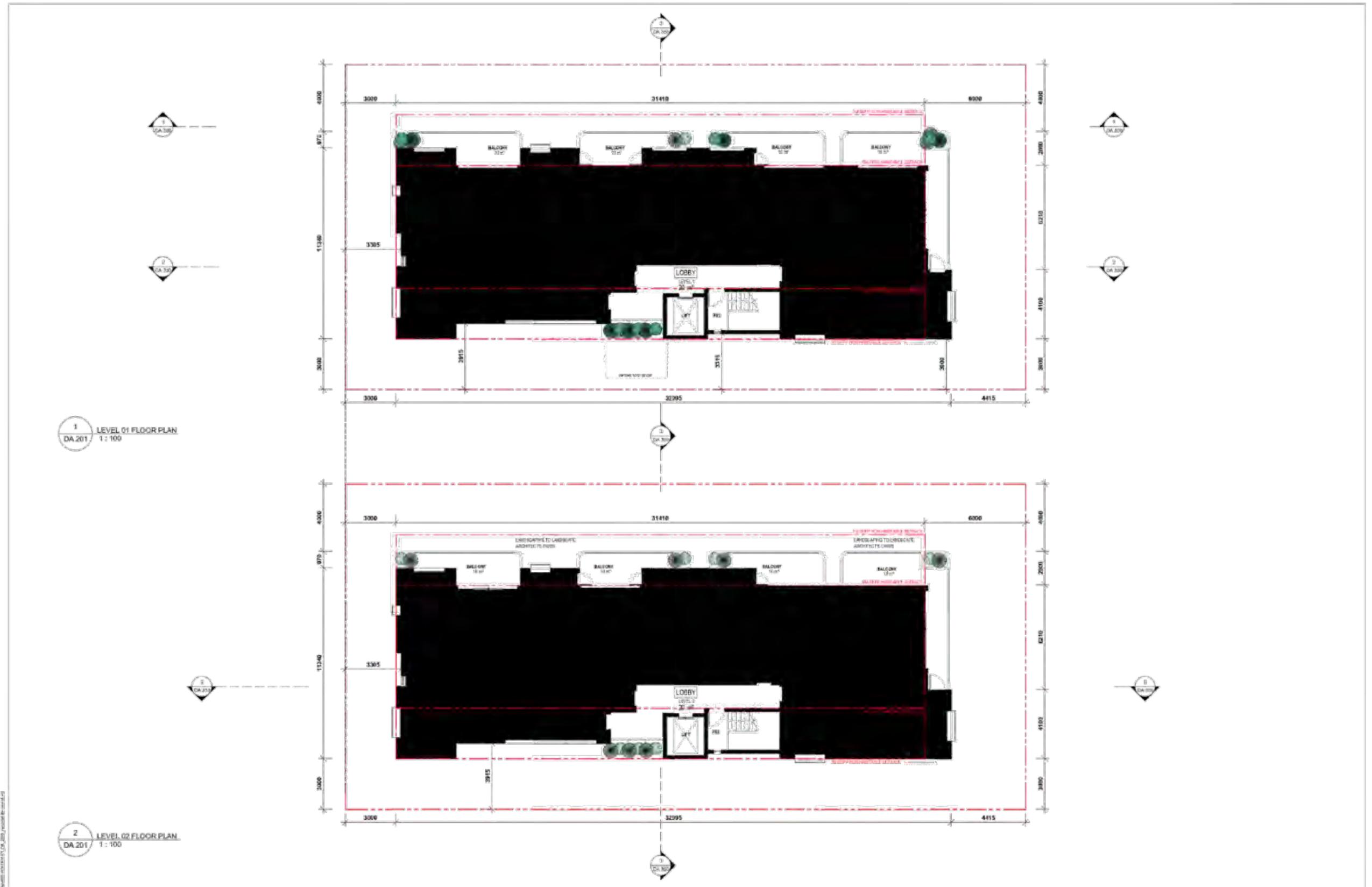
Client
 CHRISSIE GROUP

Title: SITE PLAN
 Project: RESIDENTIAL FLAT BUILDING
 Location: 55 HOLDEN STREET, GOSFORD



DA SUBMISSION
 GOV TO BE USED DURING CONSTRUCTION

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| Project Number | Drawing Number | Rev |
| 17_035 | DA 100 | H |
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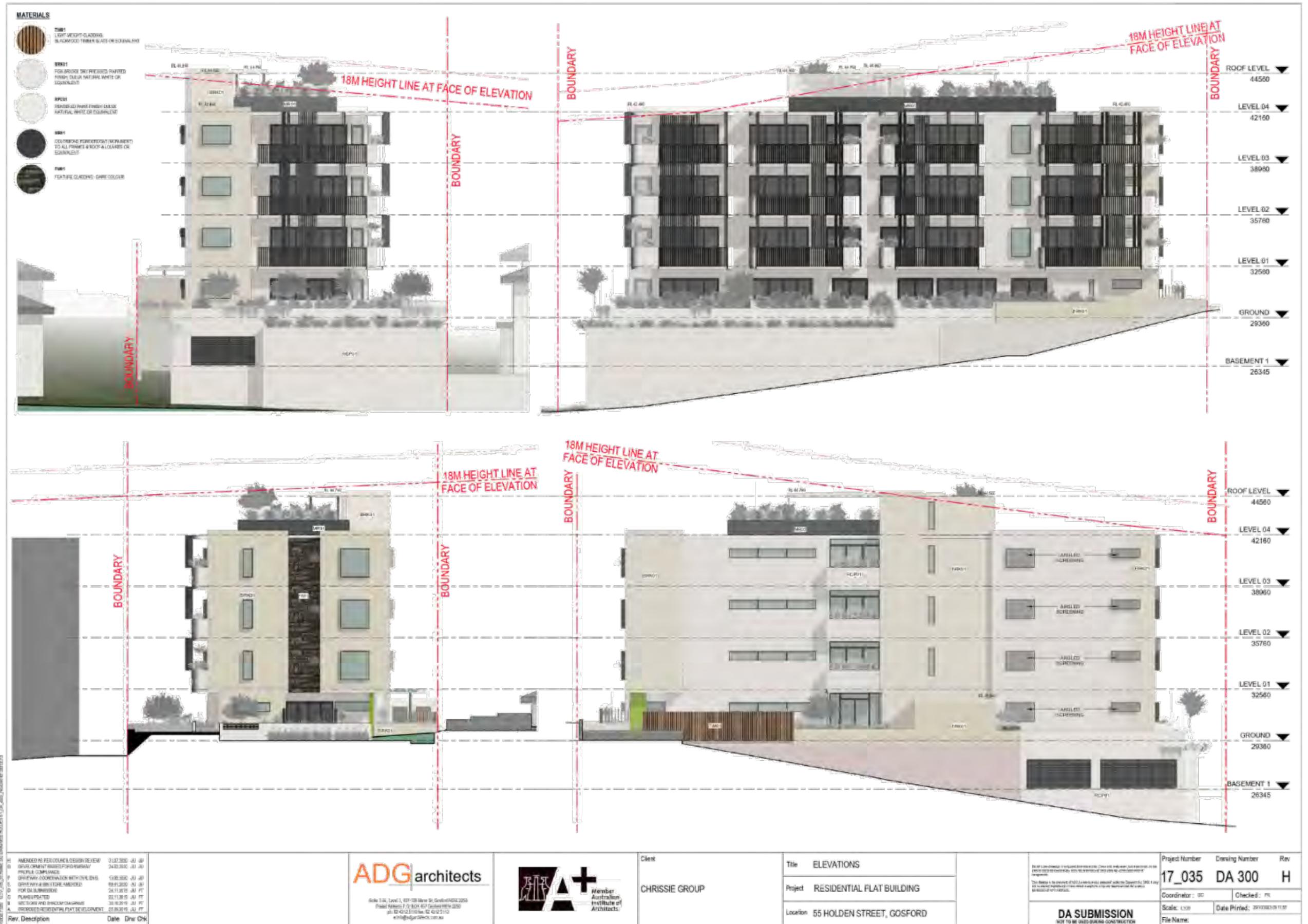


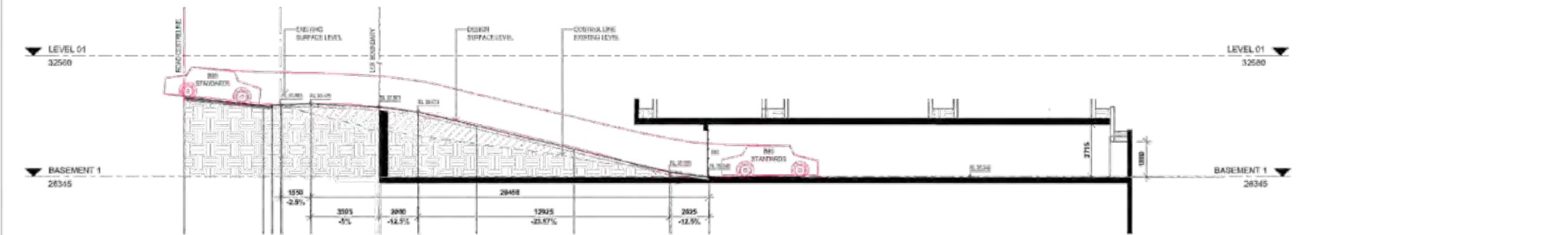
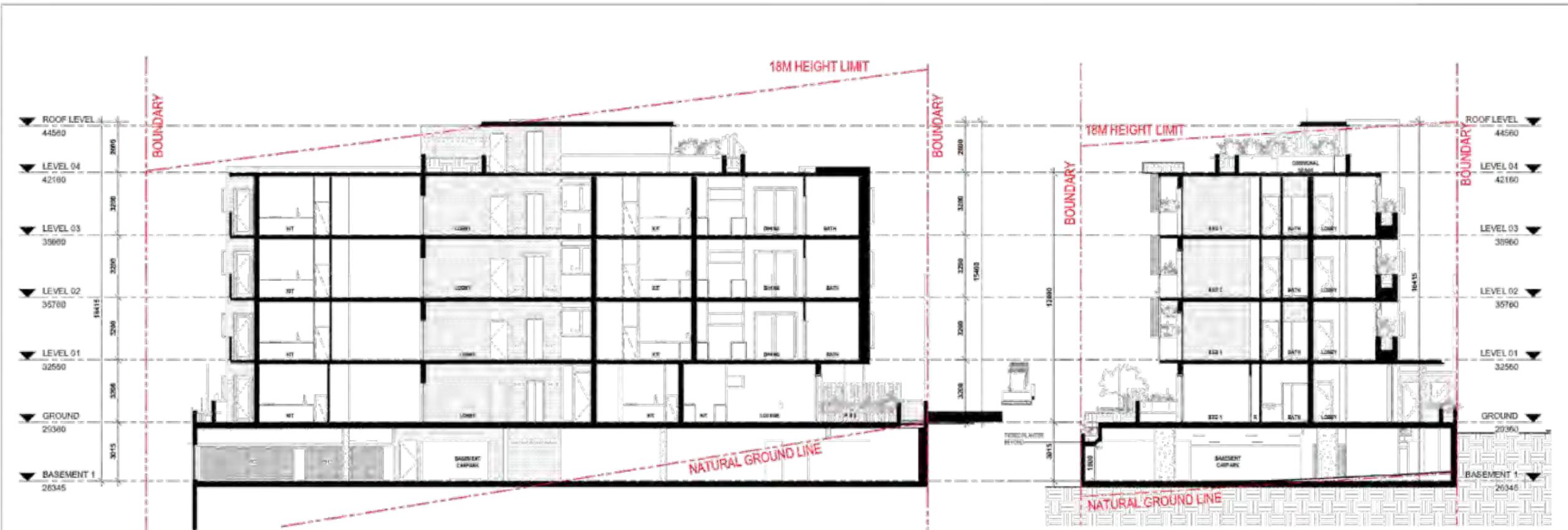
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|------|--|------------|----|-----|
| 1 | PREPARED FOR PERFORMER DESIGN REVIEW | 01.07.2016 | AD | |
| 2 | DEVELOPMENT REVIEW FOR DEVELOPER | 24.03.2016 | AD | AD |
| 3 | PROFILE COMPLIANCE | 04.05.2016 | AD | AD |
| 4 | DISSEMINATE COORDINATION WITH CONSULTANTS | 04.05.2016 | AD | AD |
| 5 | ISSUE FINAL & REVISIONS APPROVED FOR DEVELOPER | 26.11.2016 | AD | PT |
| 6 | PLANS POSTED | 22.11.2016 | AD | PT |
| 7 | REVISION AND INCREASE DRAWINGS | 28.09.2019 | AD | PT |
| 8 | PROPOSED CONSTRUCTION PLAT DEVELOPMENT | 25.06.2021 | AD | PT |

| | |
|---|--|
| <p>ADG architects</p> <p>1/111-113, Level 1, 67-108 Street St, Gosford NSW 2250 Phone: 02 4322 2222 Fax: 02 4322 1822 info@adgarchitects.com.au</p> | <p>Member Australian Institute of Architects</p> |
|---|--|

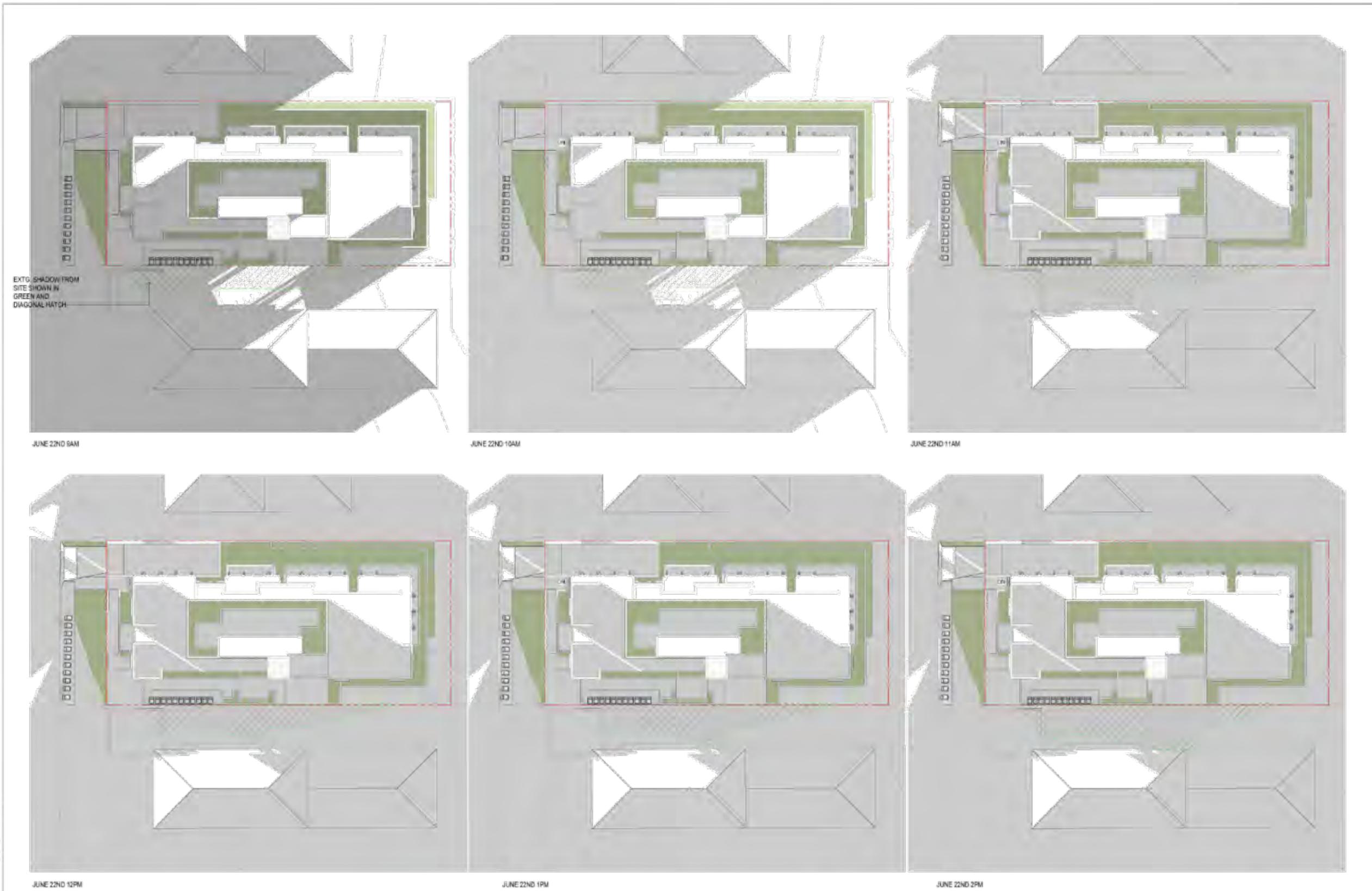
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| Client CHRISSIE GROUP | Title LEVEL 1 & 2 PLANS |
| Project RESIDENTIAL FLAT BUILDING | |
| Location 55 HOLDEN STREET, GOSFORD | DA SUBMISSION NOT TO BE USED WITHOUT CONSTRUCTION |

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| Project Number 17_035 | Drawing Number DA 201 | Rev H |
| Coordinator: AD | Checked: PT | |
| Scale: 1:100 | Date Printed: 28/06/2021 11:03 | |
| File Name: | | |





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| <p>Rev. Description Date Dra. Chk.</p> <p>1. PRELIMINARY DESIGN REVIEW 01.07.2024 AJ JP</p> <p>2. DEVELOPMENT APPLICATION REVIEW 04.08.2024 AJ JP</p> <p>3. PRELIMINARY DESIGN REVIEW 04.08.2024 AJ JP</p> <p>4. DEVELOPMENT APPLICATION REVIEW 04.08.2024 AJ JP</p> <p>5. PRELIMINARY DESIGN REVIEW 04.08.2024 AJ JP</p> <p>6. DEVELOPMENT APPLICATION REVIEW 04.08.2024 AJ JP</p> <p>7. PRELIMINARY DESIGN REVIEW 04.08.2024 AJ JP</p> <p>8. DEVELOPMENT APPLICATION REVIEW 04.08.2024 AJ JP</p> | <p>ADGarchitects</p> <p>14/141 Level 1, 107-109 Main St, Gosford NSW 2250 Phone: 02 4321 4700 Fax: 02 4321 4701 www.adgarchitects.com.au</p> | <p>AITA+ Member Australian Institute of Architects</p> | <p>Client CHRISSIE GROUP</p> | <p>Title SECTIONS</p> <p>Project RESIDENTIAL FLAT BUILDING</p> <p>Location 55 HOLDEN STREET, GOSFORD</p> | <p>Project Number 17_035</p> <p>Drawing Number DA 350</p> <p>Revision H</p> <p>Coordinator: JP Checked: MK</p> <p>Scale: 1:150 Date Printed: 04/08/2024</p> <p>File Name:</p> |
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| Rev | Description | Date | Dr | Chk |
|-----|--|------------|----|-----|
| 1 | PACKAGED AS PER SCHEME DESIGN REVIEW | 21.07.2020 | JL | AP |
| 2 | SCHEME DESIGN REVIEW COMMENTS | 24.08.2020 | JL | AP |
| 3 | PERFECT COMPLIANCE | 13.09.2020 | JL | AP |
| 4 | DRIVEWAY COORDINATION WITH CIVIL ENG. | 15.09.2020 | JL | AP |
| 5 | DRIVEWAY & BBQ STONE AMENDED FOR DA SUBMISSION | 24.11.2019 | JL | PT |
| 6 | PLANS POSTED | 22.11.2019 | JL | PT |
| 7 | SECTION AND SHADOW DIAGRAMS | 30.09.19 | JL | PT |
| 8 | PROPOSED RESIDENTIAL FLAT DEVELOPMENT | 22.06.2019 | JL | PT |

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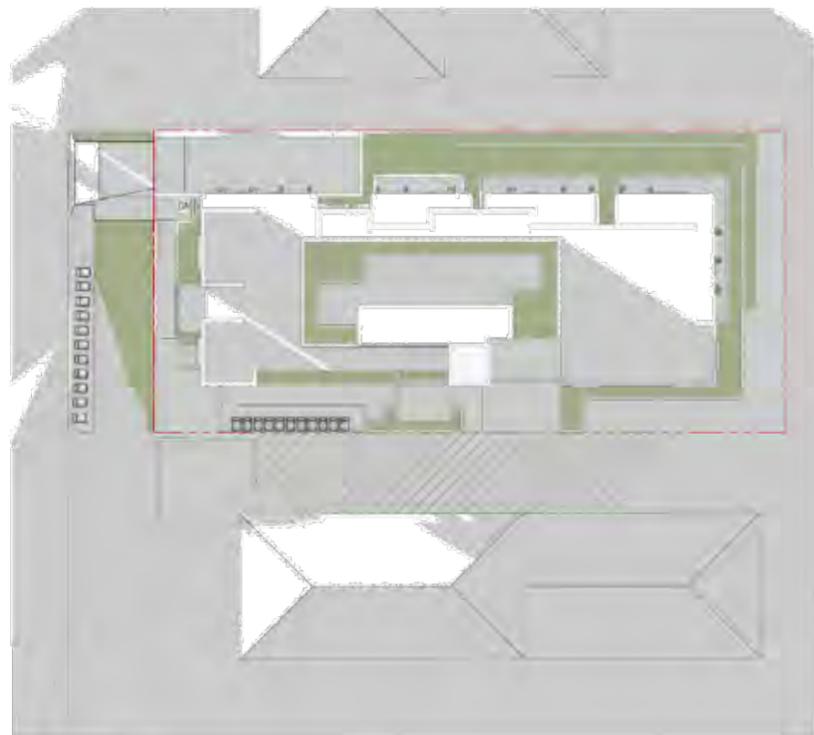
Client
 CHRISSIE GROUP

Title SHADOW DIAGRAMS
 Project RESIDENTIAL FLAT BUILDING
 Location 55 HOLDEN STREET, GOSFORD

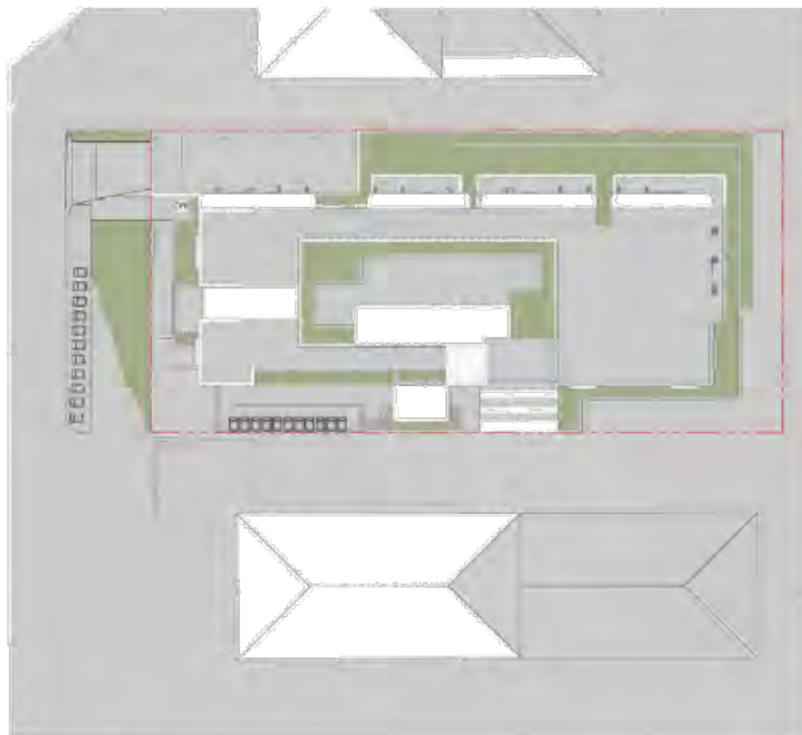
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 NOT TO BE USED DURING CONSTRUCTION

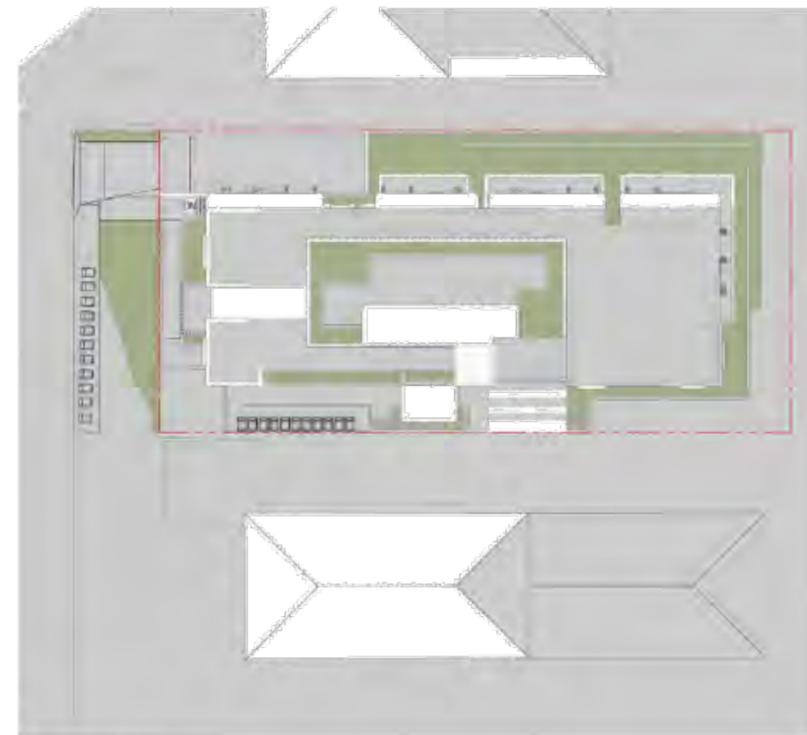
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| Project Number | Drawing Number | Rev |
| 17_035 | DA 800 | H |
| Coordinator: JC | Checked: JH | |
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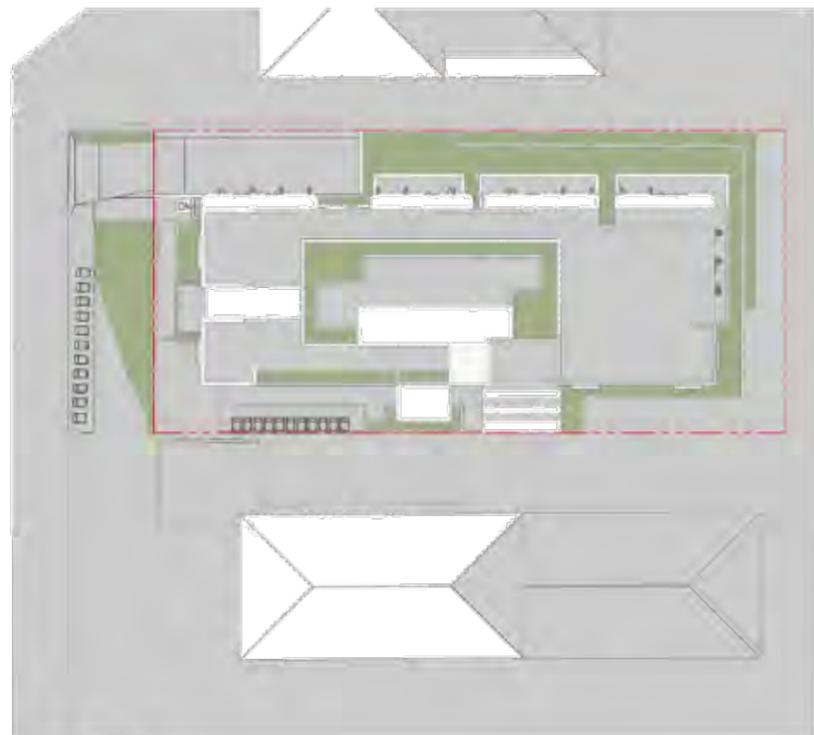
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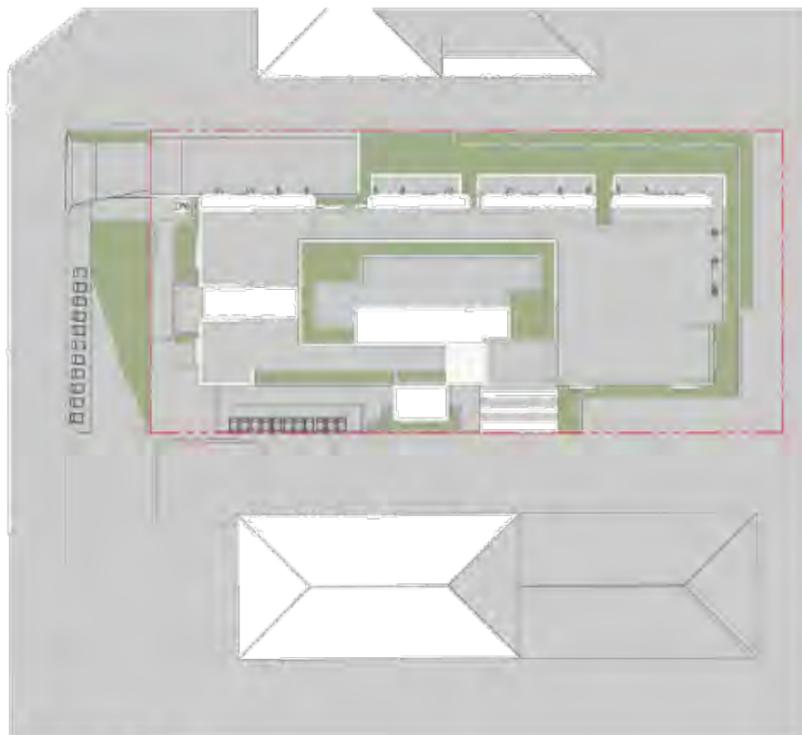
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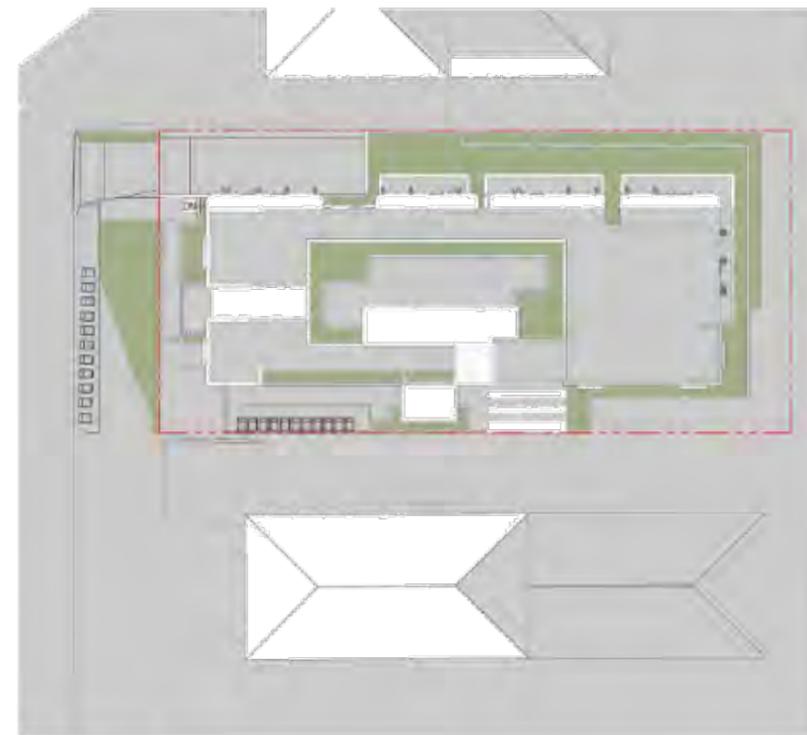
SEPTEMBER 22ND 10AM



SEPTEMBER 22ND 11AM



SEPTEMBER 22ND 12PM



SEPTEMBER 22ND 1PM

Rev. Description Date Dra. Chk.

| Rev. | Description | Date | Dra. | Chk. |
|------|---------------------------------------|------------|------|------|
| 1 | PANORAMA PERSPECTIVE DESIGN REVIEW | 13.07.2020 | JL | AP |
| 2 | SHADOW DIAGRAMS FOR SUBMITTAL | 24.03.2020 | JL | AP |
| 3 | PERFECT COMPLIANCE | 13.02.2020 | JL | AP |
| 4 | DRIVEWAY COORDINATION WITH CIVIL ENG. | 03.01.2020 | JL | AP |
| 5 | DRIVEWAY & BBQ STONE AMENDMENTS | 26.11.2019 | JL | PT |
| 6 | FOR DA SUBMITTAL | 22.11.2019 | JL | PT |
| 7 | PLANS POSTED | 30.10.2019 | JL | PT |
| 8 | SECTIONS AND SHADOW DIAGRAMS | 22.08.2019 | JL | PT |
| 9 | PROPOSED RESIDENTIAL FLAT DEVELOPMENT | 22.08.2019 | JL | PT |

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 ph: 62 4212 3110 fax: 62 4212 3112
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Client
CHRISIE GROUP

Title **SHADOW DIAGRAMS**

Project **RESIDENTIAL FLAT BUILDING**

Location **55 HOLDEN STREET, GOSFORD**



PRELIMINARY
 NOT TO BE USED DURING CONSTRUCTION

| Project Number | Drawing Number | Rev |
|--|---|-----|
| 17_035 | DA 810 | H |
| Coordinator: <input type="checkbox"/> Approved | Checked: <input type="checkbox"/> Check | |
| Scale: | Date Printed: 22/03/2020 10:12:10 | |
| File Name: | | |

PUBLIC DOMAIN WORKS CIVIL ENGINEERING PLANS FOR DEVELOPMENT APPLICATION 55 HOLDEN STREET, GOSFORD

GENERAL NOTES.

1. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH CENTRAL COAST CONTROL DEVELOPMENT ENGINEERING STANDARDS UNLESS OTHERWISE NOTED.
2. ALL EROSION AND SEDIMENTATION CONTROL MEASURES ARE TO BE CARRIED OUT IN ACCORDANCE WITH COUNCIL'S CODE OF PRACTICE FOR EROSION AND SEDIMENTATION, AND MUST BE IMPLEMENTED PRIOR TO THE COMMENCEMENT OF ANY BUILDING OF CIVIL WORKS. THE DEVELOPER IS RESPONSIBLE FOR ONGOING MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES.
3. ALL PUBLIC UTILITIES ARE TO BE CLEARLY IDENTIFIED IN THE FIELD PRIOR TO ANY CIVIL WORKS. COUNCIL ACCEPTS NO RESPONSIBILITY FOR DAMAGE OR RELOCATION COSTS TO UTILITIES DURING CONSTRUCTION.
4. SUPERVISING ENGINEER IS TO BE NOTIFIED PRIOR TO THE COMMENCEMENT OF ANY WORKS.
5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT ALL WORKS ARE CARRIED OUT IN ACCORDANCE WITH WORK HEALTH AND SAFETY ACT 2011.
6. PERMISSION TO ENTER, CONSTRUCT WORKS AND DISCHARGE STORMWATER ONTO ASHING PROGRAMS IS TO BE OBTAINED AND SUBMITTED TO COUNCIL PRIOR TO COMMENCEMENT OF ANY WORKS.
7. ALL WORKS AS A RESULT OF THE SUBMITTED PLANS IS TO BE CARRIED OUT TO THE SUPERVISING ENGINEER'S SATISFACTION.
8. ANY DISTURBED LANDSCAPING AREA IS TO BE SHAVED AND TURFED. APPROVED TOP SOIL & TURF IS TO BE REINSTATED TO THE SUPERVISING ENGINEER'S SATISFACTION.
9. ALL DRAINAGE GRATES TO BE BIKI SAFE TO LOAD TYPE CLASS "D" AS PER AS1989-2009 (LOAD CLASSIFICATION). GRATES TO BE "D159-444 MEDIUM TRAFFICABLE" OR SIMILAR.
10. RETAINED TREES TO BE FENCED WITH A 1.8m HIGH CHAINWIRE LINK FENCE FULLY SUPPORTED AT GRADE TO MINIMISE THE DISTURBANCE TO EXIST. GROUND CONDITIONS WITHIN THE CANOPY DROP LINE. "TREE PROTECTION ZONE" SIGNAGE TO BE ATTACHED TO PROTECTIVE FENCING.
11. A ROAD OPENING PERMIT SHALL BE OBTAINED FOR WORKS IN THE ROAD RESERVE PRIOR TO COMMENCEMENT OF WORK IN THE ROAD RESERVE.
12. ALL REDUNDANT LINE MARKING SHALL BE GRIND OFF THE PAVEMENT AND APPROVED LINE MARKING FROM COUNCIL SPECIFICATIONS SHALL BE REFLECTIVE WHITE THERMOPLASTIC OR SIMILAR.
13. SERVICES SHOWN ON THE PLAN HAVE BEEN LOCATED FROM INFORMATION SUPPLIED FROM THE RELEVANT AUTHORITIES VIA A "DIAL BEFORE YOU DIG" ENQUIRY DURING DESIGN. THE LOCATION OF SERVICES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED AS ACCURATELY AS POSSIBLE FROM DIAGRAMS PROVIDED BY SERVICE AUTHORITIES. A NEW "DIAL BEFORE YOU DIG" ENQUIRY MUST BE CARRIED OUT TO VERIFY SERVICE LOCATIONS JUST PRIOR TO CONSTRUCTION. NEW ENQUIRIES MAY BE DONE ONLINE AT WWW.DBYDIG.COM.AU OR TEL 1150.
14. NO CONCRETE SHALL BE POURED PRIOR TO THE EXCAVATION AND FORMWORK HAVE BEEN INSPECTED FROM A QUALIFIED AND PRACTISING CIVIL ENGINEER.
15. CERTIFICATION FROM PRACTISING CIVIL TO BE SUBMITTED TO COUNCIL.



LOCALITY PLAN
N.T.S.

| DRAWING INDEX | | |
|---------------|---|-----|
| Drawing No. | DESCRIPTION | Rev |
| C000 | GENERAL NOTES, LOCALITY PLAN & DRAWING SCHEDULE | D |
| C101 | CIVIL WORKS LAYOUT PLAN | D |
| C201 | HOLDEN STREET - LONGITUDINAL SECTION SHEET | C |
| C301 | HOLDEN STREET CROSS SECTIONS SHEET 1 OF 2 | D |
| C302 | HOLDEN STREET CROSS SECTIONS SHEET 2 OF 2 | A |
| C401 | CONSTRUCTION NOTES AND DETAILS SHEET | C |
| C501 | DRIVEWAY LONGITUDINAL SECTION | B |

DANGER :
LOCATION OF ALL EXISTING UNDERGROUND SERVICES SHOWN ARE APPROXIMATE AS TAKEN OFF DBYD INFO. EXTREME CAUTION TO BE EXERCISED WHEN WORKING IN THE VICINITY OF AND AROUND THESE SERVICES. PLEASE CALL THE RELEVANT AUTHORITIES TWO DAYS PRIOR TO CONSTRUCTION FOR A MORE EXACT LOCATION OF THE EXISTING SERVICES.

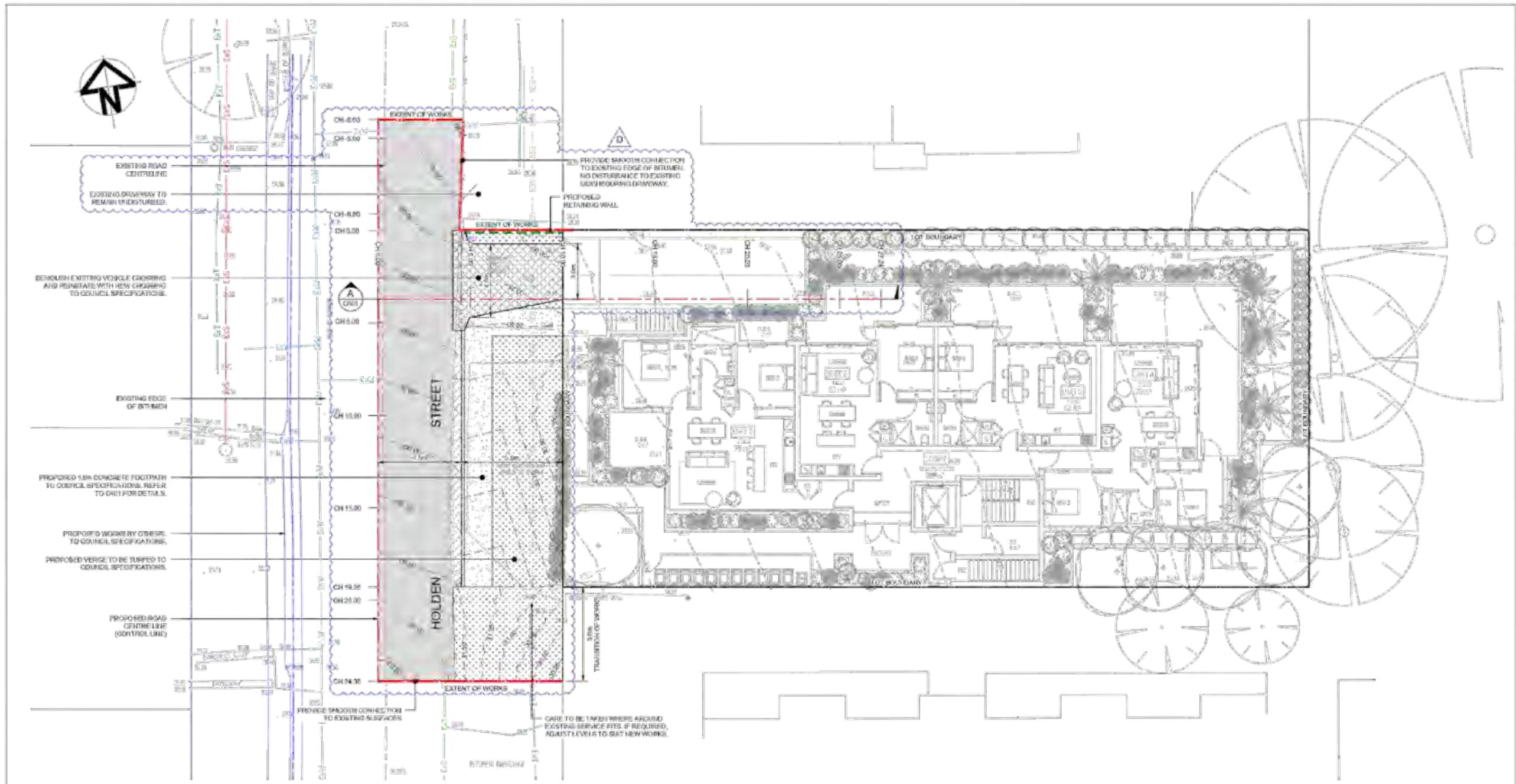
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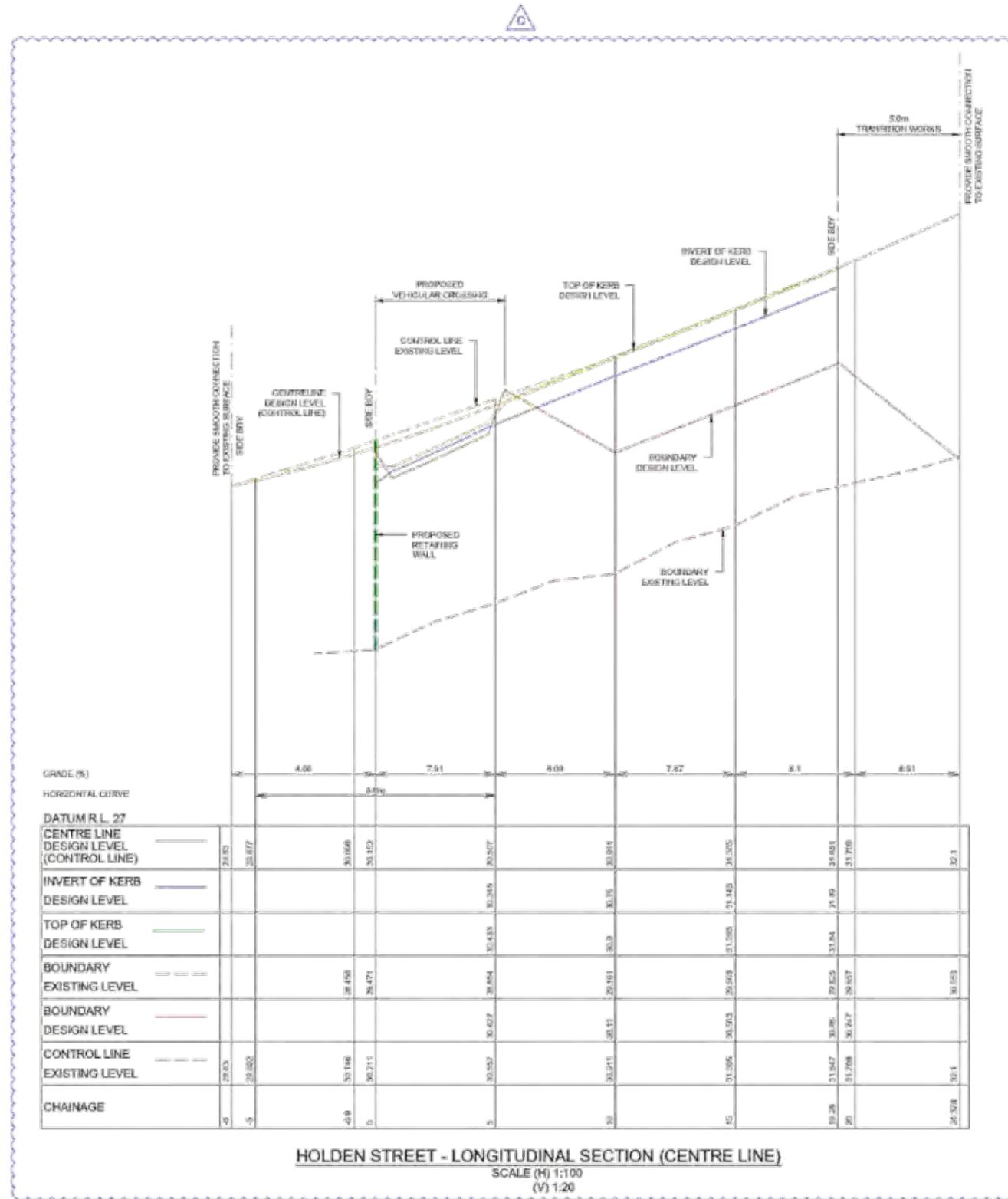
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LEGEND

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| | LOT BOUNDARY | | PROPOSED VERGE | | EXISTING CONTOUR | | EXISTING TELNETRA |
| | PROPOSED VERGE & OUTER | | PROPOSED DRIVEWAY | | EXISTING BITUMEN | | EXISTING SEWER MAIN |
| | PROPOSED WORKS BY OTHERS | | PROPOSED CONCRETE FOOTPATH | | EXISTING ROAD CENTRELINE | | EXISTING STORMWATER PIPE |
| | EXISTING CENTRELINE (CONTROL LINE) | | TREES TO BE RETAINED | | EXISTING ELECTRICAL | | EXISTING WATER MAIN |
| | DESIGN CONTOURS | | | | EXISTING GAS | | TREES TO BE REMOVED |
| | PROPOSED EDGE OF BITUMEN | | | | EXISTING NATIONAL BROADBAND NETWORK | | |
| | PROPOSED RETAINING WALL | | | | | | |

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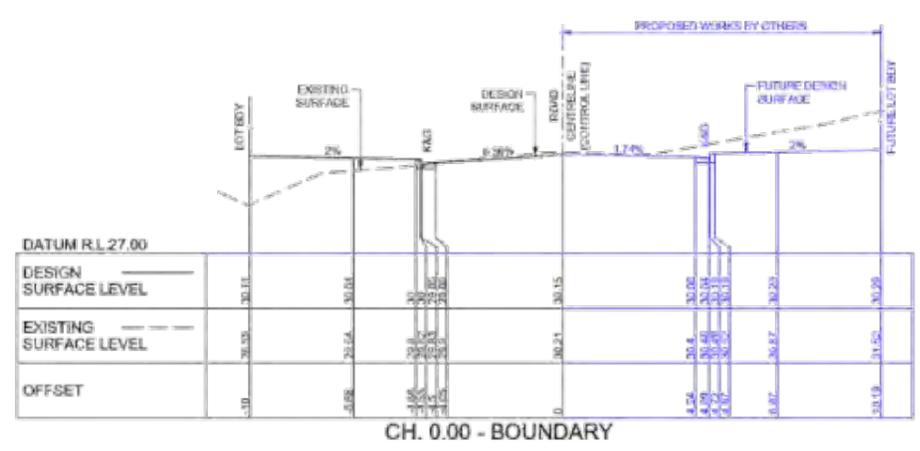
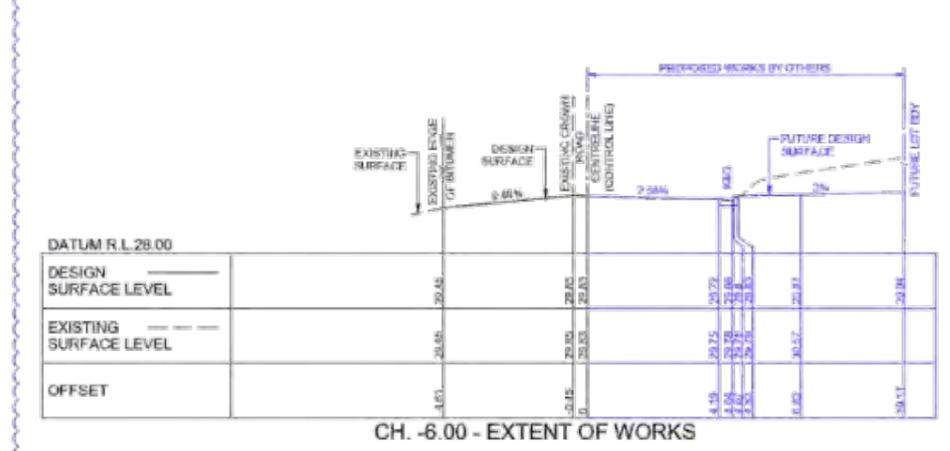
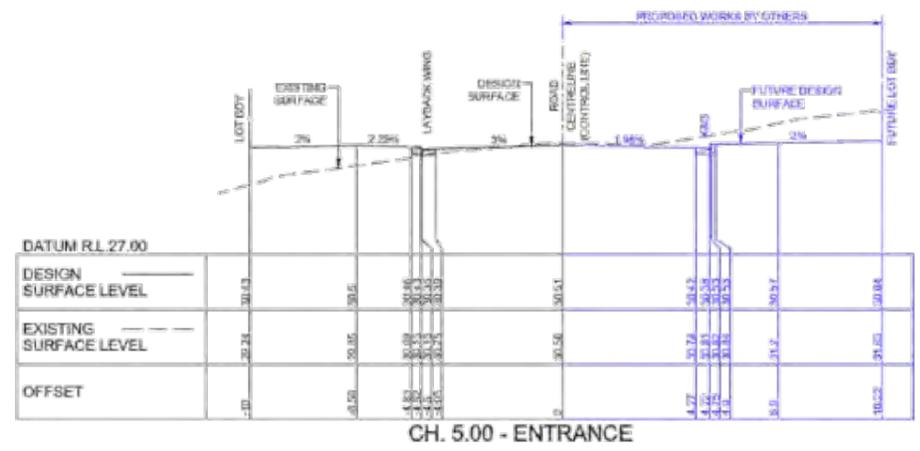
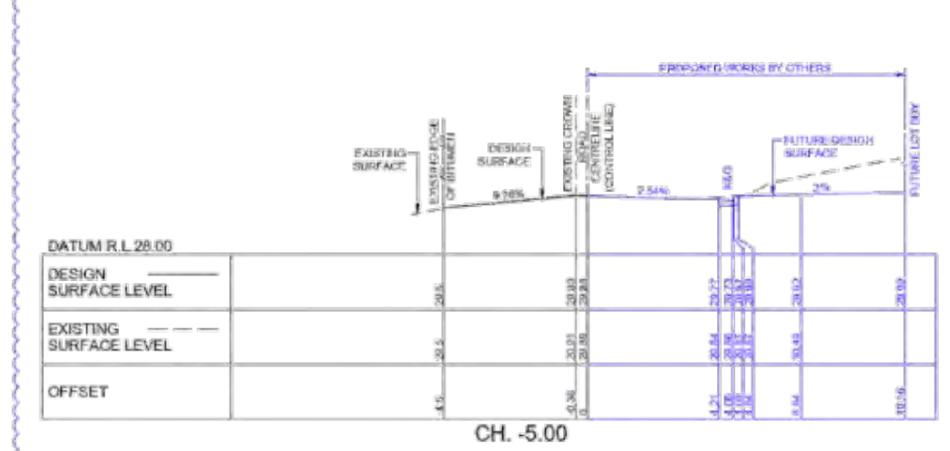
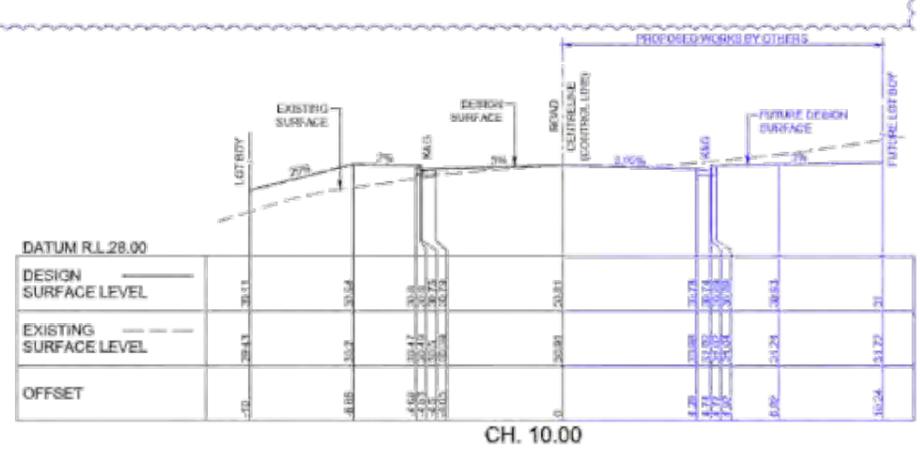
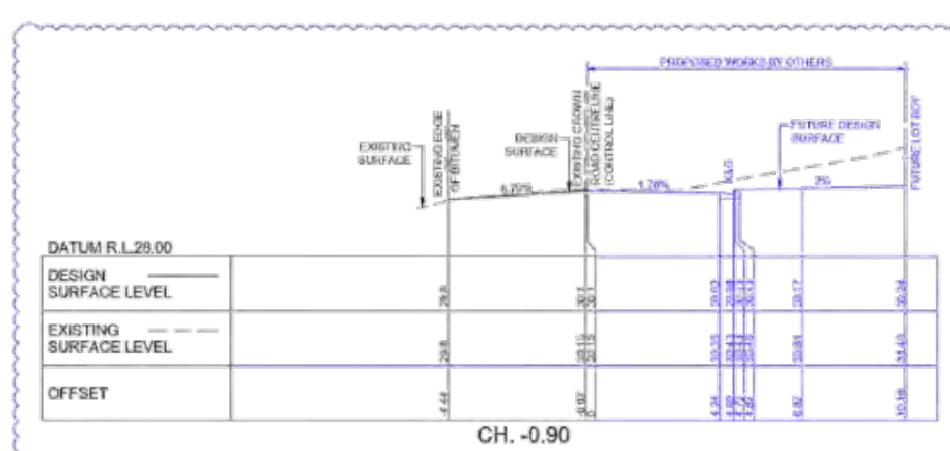
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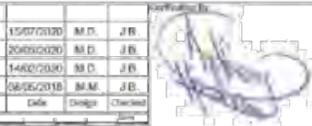
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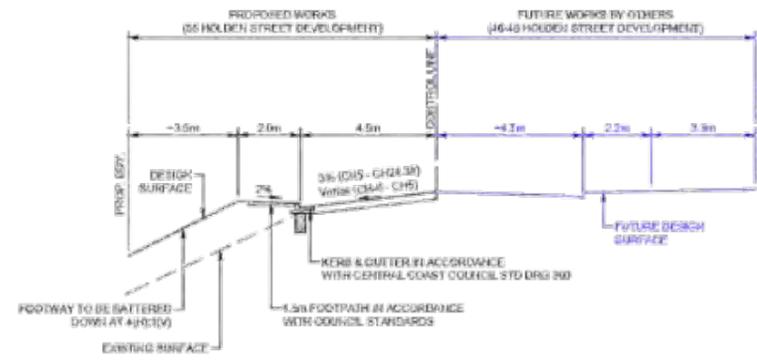
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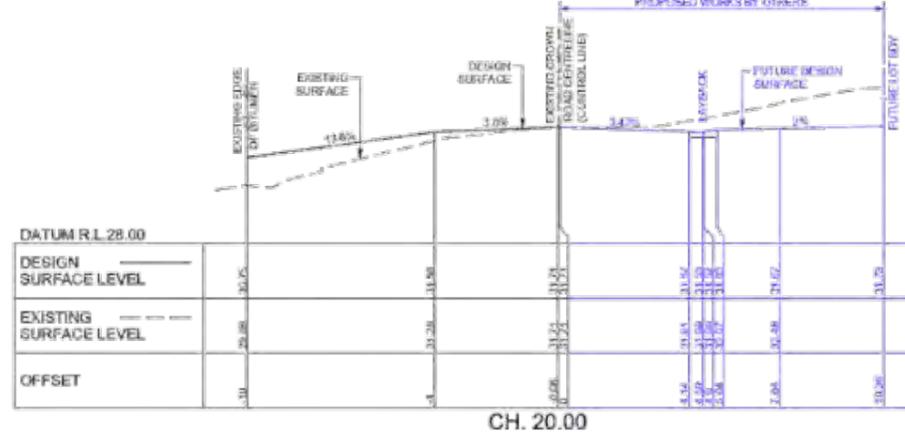
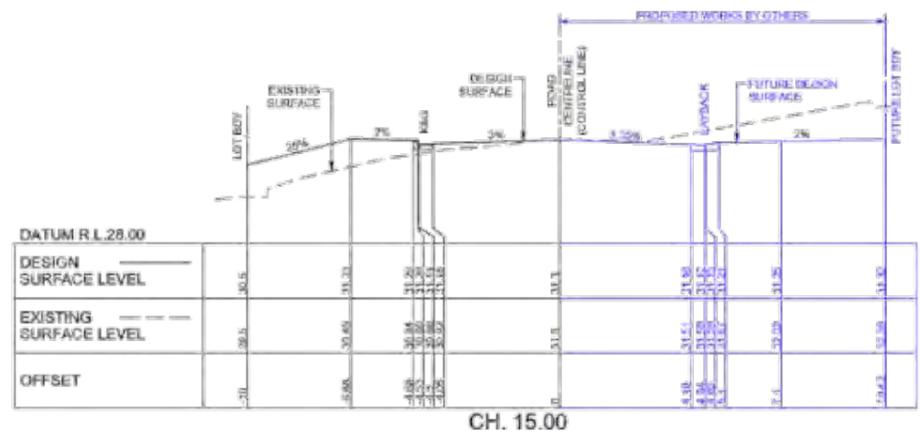
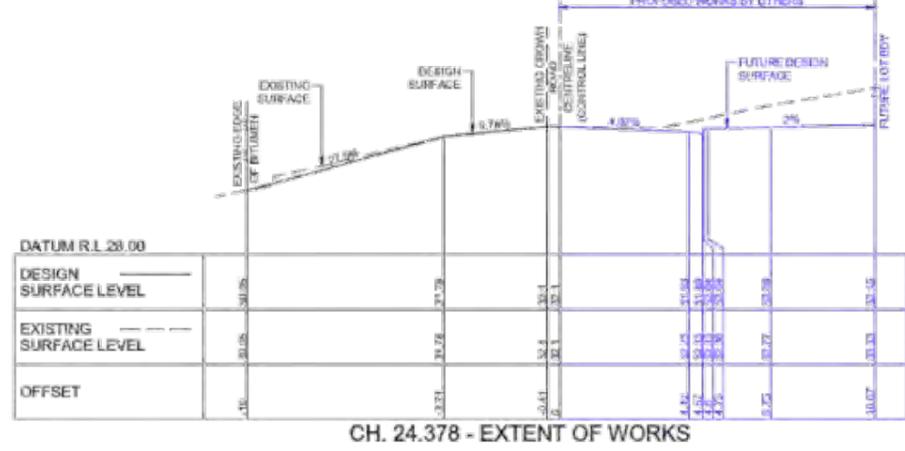
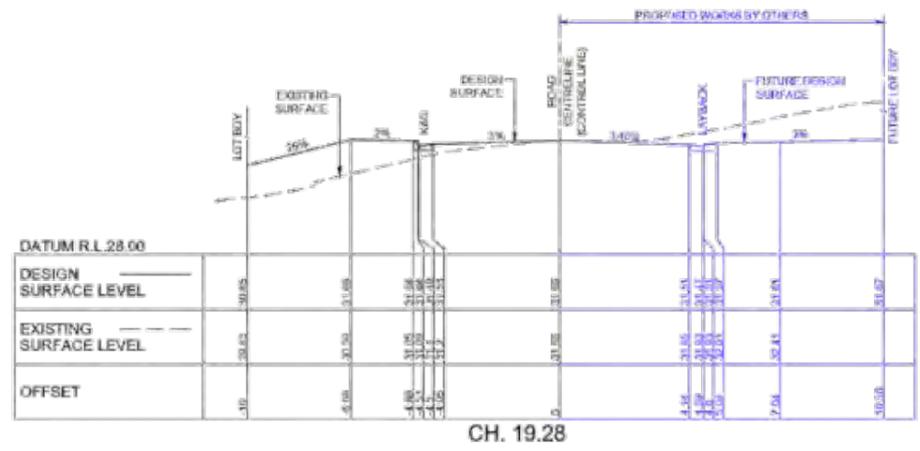
55 HOLDEN STREET, GOSFORD
PUBLIC DOMAIN WORKS
CIVIL ENGINEERING PLANS
DEVELOPMENT APPLICATION

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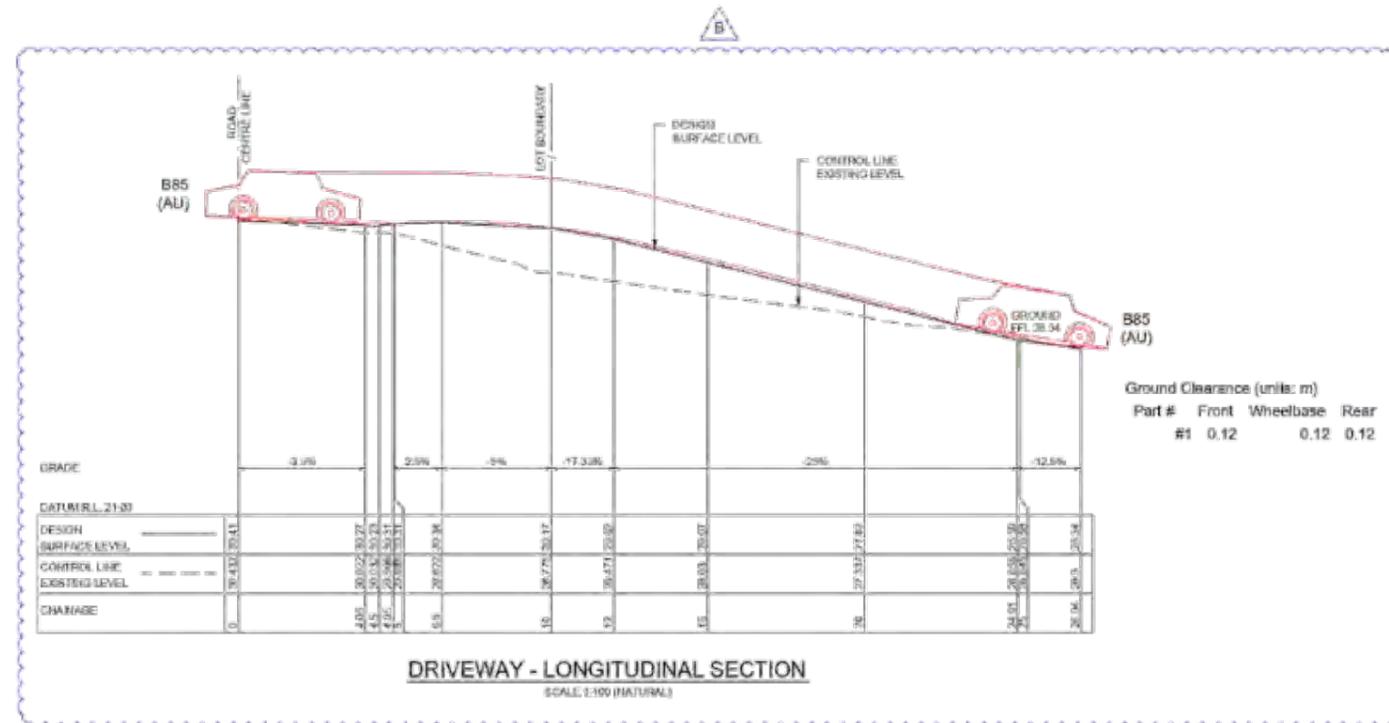
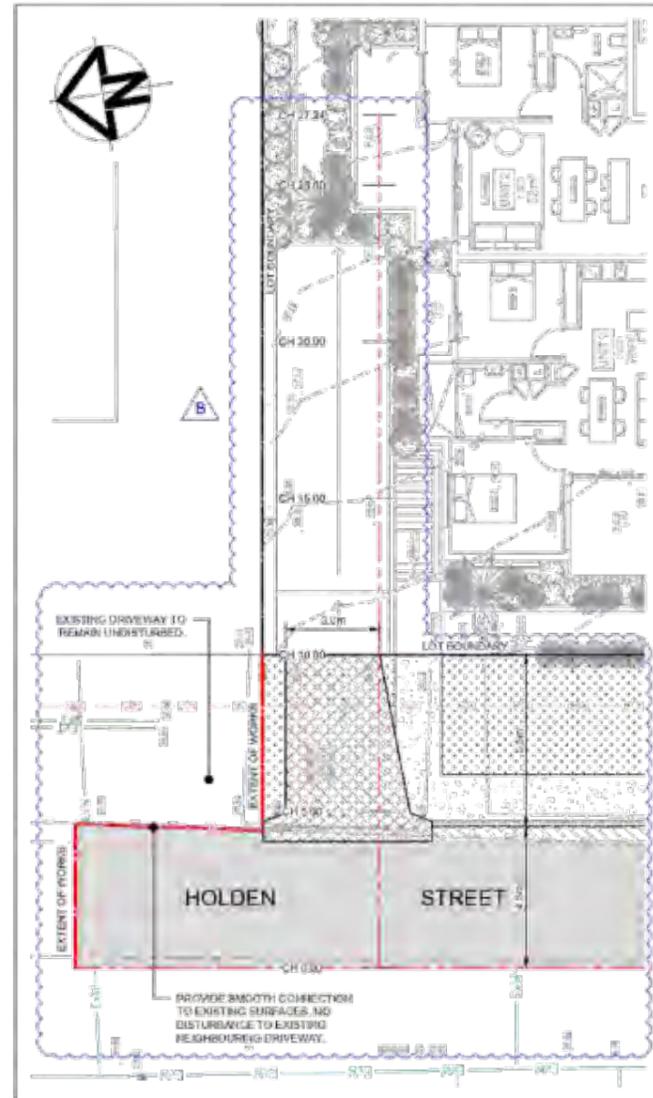
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HOLDEN STREET TYPICAL SECTION
SCALE 1:100



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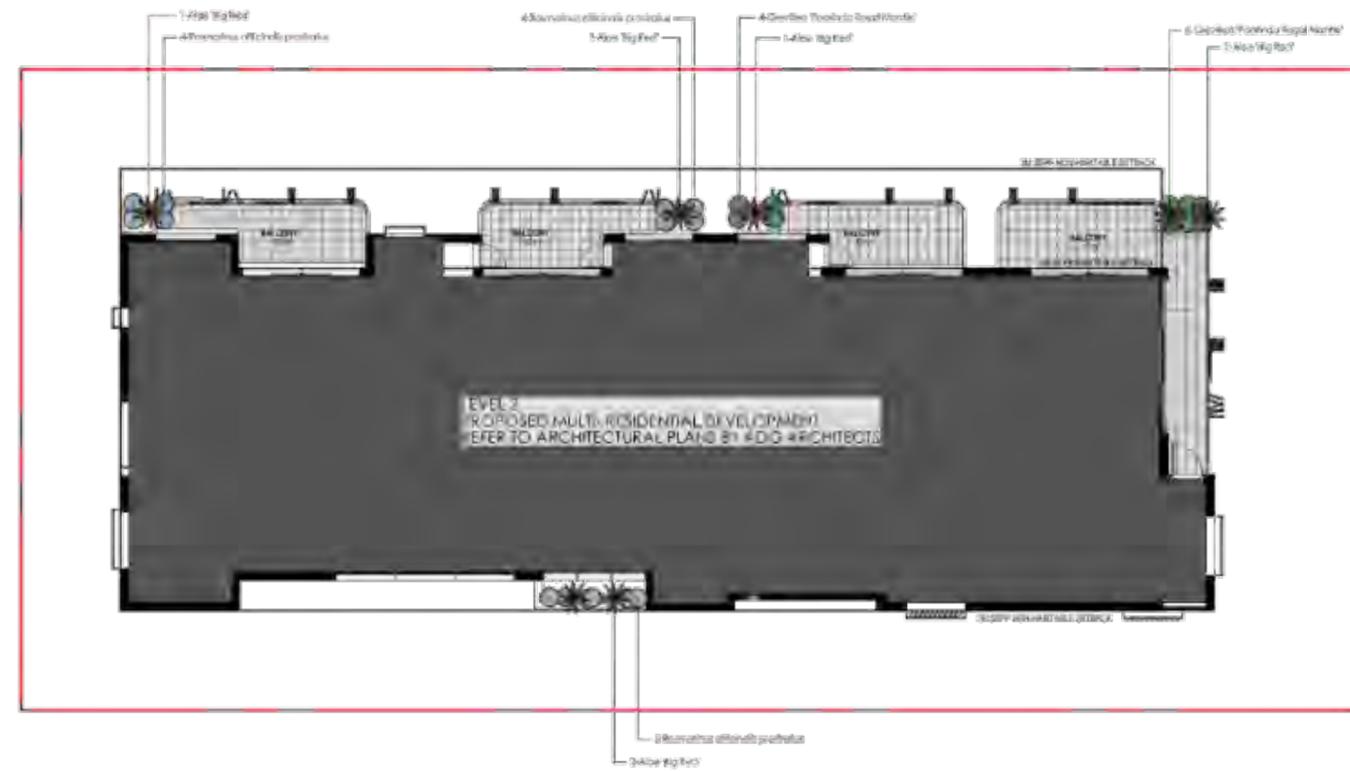
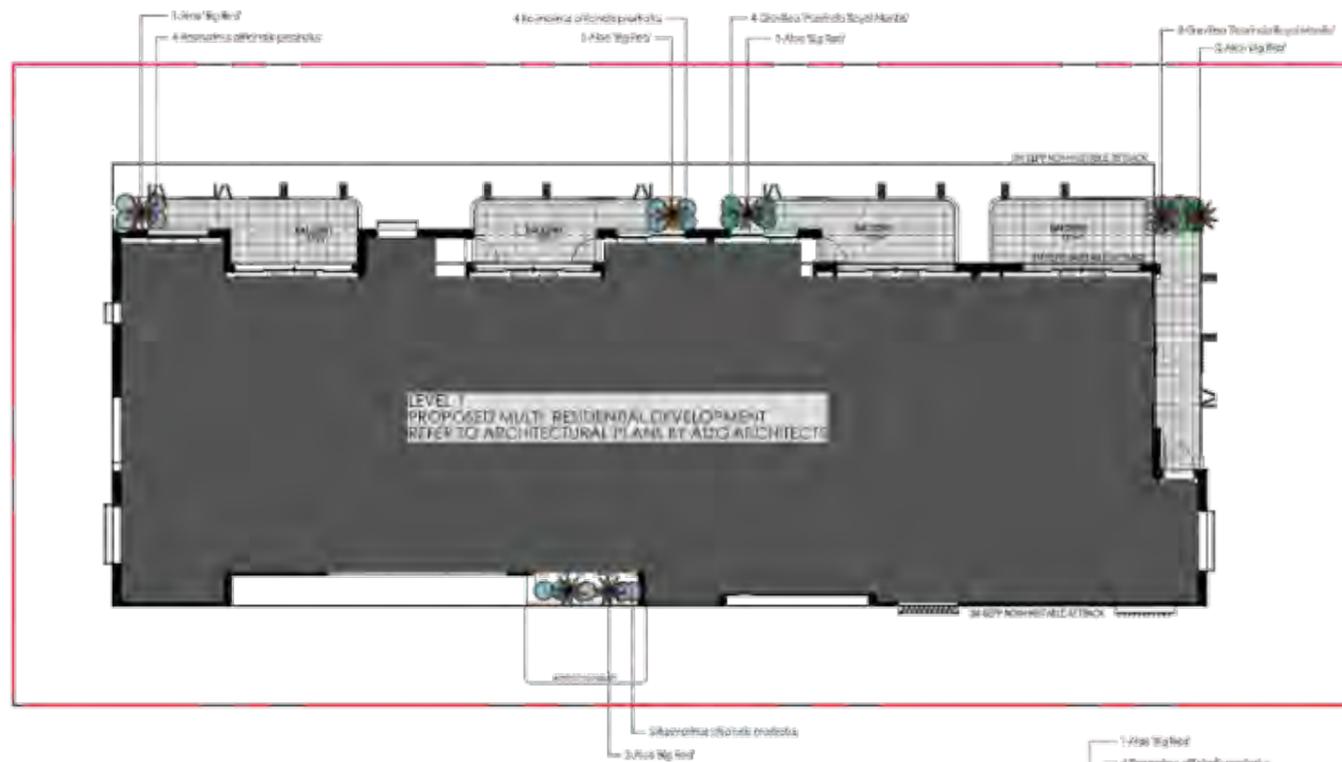
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Legend

| | |
|--|----------------------------|
| | PROPOSED PAVED AREA |
| | PROPOSED TERRAZZO AREA |
| | PROPOSED CONCRETE DRIVEWAY |
| | PROPOSED MAINTENANCE WALL |
| | PROPOSED BALUSTRADE |
| | SITE BOUNDARY |

Architect

Project

MULTI-RESIDENTIAL DEVELOPMENT

Client

AKKARI GROUP PTY. LTD

Notes

1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work.
2. Do not scale from drawings.
3. If in doubt contact Landscape Architect.
4. This design is copyright and shall not be copied, utilised or reproduced in any way without prior written permission of A Total Concept Landscapes Architects.
5. This plan has been prepared for I.D.A. purpose only.
6. All Building Works shall be installed to Structural Engineers detail.

| Revision | Description | Date |
|----------|-------------------------|------------|
| A | ARCHITECTURAL UPDATE | 09/05/20 |
| B | DEVELOPMENT UPDATE | 05/04/20 |
| C | ORIG ARCHITECTURAL PLAN | 14/02/20 |
| D | ISSUE ARCHITECTURE PLAN | 17/07/2020 |

DRAWING

PROPOSED LANDSCAPE PLAN - LEVEL 1 & LEVEL 2

ADDRESS

55 HOLDEN STREET, GOSFORD

CLIENT

A Total Concept Landscapes Architects & Swimming Pool Designers

10/02 'C'

SEPP 65 DESIGN VERIFICATION STATEMENT

Prepared by ADG Architects Oct 2019

**For a proposed Residential 16 Apartment Building
at 55 Holden Street, Gosford, NSW 2250**

CONTENTS

| | |
|---|----|
| SEPP 65 DESIGN VERIFICATION STATEMENT | 1 |
| INTRODUCTION | 3 |
| SITE ANALYSIS | 4 |
| PLANNING PRINCIPLES | 5 |
| PRINCIPLE 1: Context and Neighbourhood Character | 5 |
| Site Dimensions and current uses | 5 |
| Existing Vegetation | 5 |
| Heritage | 5 |
| PRINCIPLE 2: Built Form and Scale | 6 |
| Building height | 6 |
| Building depth | 6 |
| Building separation and setbacks | 6 |
| Floor space | 7 |
| PRINCIPLE 3: Built Form | 7 |
| PRINCIPLE 4: Sustainability | 8 |
| PRINCIPLE 5: Landscape | 8 |
| PRINCIPLE 6: Amenity | 8 |
| Natural Ventilation | 9 |
| Solar Access | 9 |
| PRINCIPLE 7: Safety | 9 |
| PRINCIPLE 8: Housing Diversity and Social Interaction | 10 |
| PRINCIPLE 9: Aesthetics | 10 |
| COMPLIANCE TABLE | 11 |

INTRODUCTION

This SEPP 65 Design Verification Statement has been prepared by ADG Architects on behalf of Chrissie Group Pty Ltd. in support of a Development Application to Gosford City Council, who seeks Council's consent for the construction of;

- Demolition of the existing single storey timber clad & metal roofed dwelling
- Construction of a four storey residential apartment building which includes the construction of one level of basement car parking for residential car spaces, visitor spaces, storage areas, motor & bicycle parking;
- Associated landscaping and external works.

The proposed development proposes 16 residential units comprised of the following:

- 5 One bedroom units (30%)
- 11 Two bedroom units (70%)
- 3 residential adaptable units to AS4299 (15%)
- 16 residential units to Liveable Housing Sepp to silver standard

This report is intended to be read in conjunction with the architectural plans prepared by ADG Architects Pty Limited (the Architect), as well as the following associated reports:

- Land Survey;
- Statement of Environmental Effects by BarkerRyanStewart;
- BASIX and ABSA Certificates;
- Traffic Report;
- Access and Accessible Housing Report;
- Waste Management Report;
- Schedule of Finishes by ADG architects;

We confirm that the proposed development has been designed in accordance with the principles set out in *State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development* and has been designed with regard to the resource publication *Apartment Design Guide (ADG) and Gosford City Councils DCP 2018 - City Centre Development Control Plan (GSEPP2018)*.

SITE ANALYSIS

The subject building is located on land that is identified as Lot A of DP 320239, 55 Holden Street, Gosford with a site area of 777.8m². The site is within the Gosford City Local Government Area.

Dominant land uses in the surrounding area include, retail, health, low and medium rise residential and commercial land use. The site will be neighboured to the east by an eight block mixed used tower at 36-38 Showground Road, to the south a single storey villa building and north a residential dwelling.

The subject site is currently occupied by a single storey dwelling which is to be demolished to make way for the proposed development.

PLANNING PRINCIPLES

PRINCIPLE 1: Context and Neighbourhood Character

Good design responds and contributes to its context. Context can be defined as the key natural and built features of the area.

Site Dimensions and allowable uses

The proposed site is situated in a precinct that has been zoned for mixed use (B4). A Residential Apartment Building is permissible in the zoning.

The GSEPP (Gosford City Centre) 2018 identifies the site as having a maximum height limit of 18m with larger side setbacks required at 12m & above. A 3m street frontage setback is also stipulated.

Also, under the GSEPP (Gosford City Centre) 2018 the subject site is also identified as having an allowable FSR of 2:1.

The rear of the site is adjoins the neighbouring 34-36 Showground Rd. which is currently being developed into a 34 apartment building with basement parking.

Existing Vegetation

There is no significant existing vegetation on the site and no trees are needed to be removed in order to accommodate the proposed development. The site slopes downhill away from Holden St frontage from approx. RL.30.00 at street level to RL 23.50 at the rear boundary giving an approximate 1:6 slope.

Heritage

The site and buildings are not currently listed as a heritage items. The proposed development will respond and sympathetically reflect the residential context into which it is being placed.

PRINCIPLE 2: Built Form and Scale

Good design provides an appropriate scale in terms of bulk and height that suits the scale of the street and the surrounding buildings.

The use of appropriate scale, bulk and height has been assessed under part 2 of the GSEPP.

Building height

The height of a proposal is an influencing factor in maintaining adequate amenity to existing and future developments. The height should ensure the development is responsive to the desired scale and character of the local area.

The proposed height which is staggered along down the site will ensure no loss of privacy or amenity occurs to neighbouring buildings. The maximum height of the building is 18m which complies with the Gosford Development Control Plan (GSEPP 2018). The building is also setback further from the side boundaries at the 12m height as required by the GSEPP.

Building elements of aesthetic contrasts assist in fragmenting the bulk and scale of the building into smaller elements. This allows for sight lines and amenity to be mostly uninterrupted across the building and its neighbours. Furthermore, the proposal largely conforms to the maximum building height and presents with articulated facades to reduce its bulk.

Building depth

The maximum depth for adequate daylight penetration is 12 to 18 metres (ADG). Council's GDCP has adopted a maximum building depth of eighteen (18) metres.

The residential units are designed around the access corridor that provides a central lobby area with natural lighting and ventilation, dividing the building into four (4) segments or components, each a depth of less than eighteen (18) metres.

The variations in the facades with balcony projections, indentations, blade walls and a variation in the roof and parapet profiles provide articulation and movement of form to the facades.

Building separation and setbacks

The building separation controls have been adopted from the GDCP 2018 for side and rear setbacks; 3m to non-habitable rooms, 6m to habitable rooms below 12m & changing to 4.5m for non-habitable & 9m for habitable above 12m height.

Front setback has been adopted from the GDCP 2018 to max. 3m. below 12m height & 6m setback above this level. The rear setback for habitable rooms is 6m below 12m height & 9m above this level.

Minor non-compliance of balcony projections to 3m and 4.5m to side setbacks has been adopted as per the SEPP 65. Due to the site's location and lack of overshadowing the reduced setbacks mitigate the loss of amenity to neighbouring developments.

All windows and/or habitable spaces have been designed with viewing angles greater than 45 degrees and screening devices have been used to ensure privacy between units.

Floor space

Floor space area and the ratio to the site area (Floor Space Ratio or FSR) controls ensure that the development is in keeping with the optimum capacity of the site and the local area. Under the GSEPP 2018 Part 8 Clause 8.4 the maximum FSR for this site is 2:1 and the proposed development has an FSR of 1.45:1 which complies with the GSEPP.

PRINCIPLE 3: Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and manipulation of building elements.

The established planning controls of height, FSR and site coverage have been generally complied with, however, minor variations for the height due to the existing site slope are to be sought.

A well articulated front façade to Holden St. & with the use of increased setbacks to upper storeys ensures the development is consistent with the built form of the area as well as sympathetic to neighbouring developments. The sustainable bulk and scale of the development responds to the density allowable and provides a viable development, which is in context with the future character of the area.

The use of a variety of external building materials & delineation of strong building elements will help reduce the built form to a scale recognisable as being residential in character and thereby fitting into the local context.

The apartment building design achieves the appropriate density for the site by adopting the recommended general setbacks, height & site coverage.

PRINCIPLE 4: Sustainability

Good design makes efficient use of natural resources, energy, and water throughout its full life cycle, including construction.

The proposed development has met the targets set out in the Building & Sustainability Index (BASIX) report. Further, the proposal embodies excellent passive systems of sustainable building design such as:

- Passive and active elements to manage daylight penetration to reduce artificial lighting requirements.
- Operable glazing to allow natural ventilation to reduce heating and cooling requirements.
- Screened elements to the north, west and east to reduce solar gains and increase control of the internal environment, assisted by the building's plan and articulated exterior.
- Proposed selection of low embodied-energy materials.
- Excellent passive solar gain and loss properties.

PRINCIPLE 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both the residents and for the public domain.

The design proposes an integrated landscape with roof top & terrace planting in defined areas at all levels in order to reduce mass and provide some amalgamation with the natural landscape. Refer to Landscape Architects design for further information.

PRINCIPLE 6: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

The amenity issues are outlined in previous sections of the Design Statement and may be listed as follows:

- Integration of accessibility for those with physical disabilities or visual impairments in accordance with AS1428;
- Adaptable housing accommodation in accordance with AS4299; providing for pre-adaptation design details to ensure visibility is achieved.

- Access and amenities for all residents, visitors and tenants to comply with the Disability Discrimination Act 1992;
- Integration of "best practice" design standards to ensure appropriate floor areas, ceiling heights, spatial flow, solar access, natural ventilation and privacy is achieved.
- The development will provide 18 residential apartments to SILVER level standard under the Liveable Housing Guidelines.

Refer to Access Consultant's report.

Natural Ventilation

All apartments have been designed to facilitate the maximum amount of natural ventilation possible. 60% (180 units) comply with the minimum requirement.

Solar Access

100% of apartments have solar access with 50% of apartments receiving east and west sunlight. Additionally, north facing end units receive northern sunlight.

The orientation of units towards local views has been considered to achieve greater amenity and visual happiness of future occupants. Units meet the requirements of size, depth and ceiling heights, private open space, energy efficiency and adaptability.

PRINCIPLE 7: Safety

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

The design avoids dark non visible areas with separate pedestrian and vehicular traffic, communal open spaces and incorporates recreational uses. Refer to "**Crime Prevention through Environmental Design**" (CPTED) Report.

PRINCIPLE 8: Housing Diversity and Social Interaction

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

The affordability of such residential accommodation is based upon the construction of efficient developments, which maximise the returns for the expenditure invested.

PRINCIPLE 9: Aesthetics

Quality aesthetics require the appropriate composition of building elements, texture, materials and colours and reflect the use, internal design and structure of the development.

The proposed development has been carefully considered with respect to the surrounding built environment and heritage of the site. High quality materials such, composite timber screens and shading, facade embellishments, aluminium framed glazing and glass balustrades provide a rich character for the benefit of the occupants and the community.

COMPLIANCE TABLE

| SEPP 65 DESIGN CODE | RECOMMENDATION | PROPOSAL | COMPLIANCE |
|--------------------------------|---|---|--|
| Part 1 | | | |
| Identifying the Context | Apartment Types: Narrow infill apartments | Narrow infill apartments | Y |
| Part 2C Building Height | LEP CLAUSE 4.1.7.4.a | 4 - 6 Storeys | Y (minor variation at roof level due sloping site) |
| Part 2D | | | |
| Floor Space Ratio (FSR) | GSEPP 2018FSR MAX 2:1 (site under 1000sqm & under 24m frontage) | 1.45:1 | Y |
| Part 2E Building Depth | 12 – 18 metres from glass to glass recommended by ADG | Floors are broken up by up to 2m wide hallways with natural ventilation and light | Y |
| Part 2F | | | |
| Building Separation | Up to 4 Storeys 6m – Non-Habitable to Non-Habitable 9m – Habitable and Non-Habitable 12m – Habitable and Habitable | Levels 1-4 comply with the required habitable set back. Levels above have used solid wall and facade treatment as well as strategically placed windows to satisfy requirements. | Y |
| Part 2G | | | |
| Street Setbacks | GDCP 3m front setback to 12m height & 6m above this height | 3m & 6m per GDCP requirements on front setbacks | Y |
| Part 2H | | | |
| Side Setbacks | Up to 4 Storeys 6m – Habitable Rooms and Balconies 3m – Non-Habitable Rooms | Min 6m Habitable and Balconies Min 3m Non-Habitable | Y |

| SEPP 65 DESIGN CODE | RECOMMENDATION | PROPOSAL | COMPLIANCE |
|---------------------------------------|--|---|------------|
| Part 2H | | | |
| Rear Setbacks | GDCP 6m to 12m height & 9m above this height | 6m & 9m as per GDCP requirements on rear setbacks | Y |
| Part 3A | | | |
| Site Analysis | Submit a Site Analysis Plan | Site Analysis Plan submitted | Y |
| Part 3B Orientation | | | |
| | Maximum orientation to north | East and West (38%) North (62%) | Y |
| Part 3C | | | |
| Public Domain Interface | Provide appropriate transition to public domain Activate street frontages Provide access to ground floor units | Noted and adopted | Y |
| Part 3D | | | |
| Communal and Public Open Space | Communal open space to be 25% site area with 50% solar access for 2 hours in winter | Communal open space is 214m ² of 777.8m ² giving 27.5%. 90m ² of the 27.5% is located on deep soil area. Refer to Page DA18 of Architectural Drawings for solar access | Y |
| Part 3E | | | |
| Deep Soil Zones | Site area < 650 sqm – no minimum dimensions 650 – 1,500 sqm – 3 m Area over 1,500 sqm – 6 m. 7% of site area | Deep soil area is 58.6m ² 7% of site 26% on structure | Y |
| Part 3F | | | |
| Visual Privacy | Side and Rear distances: Up to 4 storeys – 6 m + 3 m 5 to 8 storeys – 9 m + 4.5 m Over 9 storeys – 12 m + 6 m | Privacy has been achieved through solid walls and strategic placement of habitable spaces. Additional sunlight and ventilation was achieved through voids to allow continued privacy. | Y |

| SEPP 65 DESIGN CODE | RECOMMENDATION | PROPOSAL | COMPLIANCE |
|--|---|---|------------|
| Part 3G Pedestrian Access | Provide multiple entries to activate street frontage Clearly identify building entry | Noted and adopted | Y |
| Part 3H Vehicle Access | Integrate entry with façade of building Locate at the highest point of the site Clearly identify building entry | Noted and adopted | Y |
| Part 3J Bicycle and Car Parking | Provide the minimum car parking as set out in the RMS Guide to Traffic Generating Developments | Noted and adopted. Refer to traffic engineer's report. | Y |
| Part 4A Solar and Daylight Access | 70% of units in Sydney Metro Area are to receive 2 hours in mid-winter | At least 70% of units receive 2 hours of mid-winter sun | Y |
| Part 4A Natural Ventilation | Windows are to be 5% of the floor area of the room 60% of are to be cross-ventilated | 60% of units are cross ventilated | Y |
| Part 4C Ceiling Heights | 2.7 m – habitable room 2.4 m – non-habitable room 3.3 m – ground + first floors | 2.7 m – habitable room 2.4 m – non-habitable room The proposal is located in a residential zone and is unlikely to have a change of use in throughout the buildings lifecycle | Y |
| Part 4D Apartment Size and Layout | One-bed – 50 sqm Two-bed – 70 sqm Three-bed – 90 sqm Add 5 sqm for extra bathrm | One-bed – 52 - 62 sqm Two-bed – 70 - 86 sqm | Y |

| SEPP 65 DESIGN CODE | RECOMMENDATION | PROPOSAL | COMPLIANCE |
|--|--|--|------------|
| Part 4D | | | |
| Apartment Size and Layout | Master Bedroom – 10 sqm | | |
| | Other-bedrooms – 3.0 m One-bed Living – 3.8 m Lounge Room – 4.0 m | Noted and adopted. | Y |
| | Unit Width – 4.0 m | | |
| | Wardrobe – 1.5 m | | |
| Part 4E Private Open Spaces | Studio – 4 sqm | Studio – NA | |
| | One-bed – 8 sqm + 2.0 m | One-bed – 8sqm + 2.7 m | |
| | Two-bed – 10 sqm + 2.0 m | Two-bed – 10sqm + 2.4-3.0m | Y |
| | Three-bed – 12 sqm + 2.4 m | Three-bed – 12sqm +2.74,3m | |
| Part 4E Private Open Spaces | Ground Level or on a podium level | Ground Level or on a podium level | Y |
| | – 15 sqm | – 15 sqm min | |
| | 3 m minimum depth | 3 m minimum depth | |
| Part 4F Common Circulation and Spaces | Maximum 8 units per core Multiple cores are encouraged | 3-4 units per core. One lift provided. | Y |
| | Maximum 40 units per lift Windows should be provided to circulation spaces Corridors over 12 m should be articulated | Windows and stairwells provided in lobbies. Corridor is 1.5 - 2.0m in width | |
| Part 4G Storage | One-bed – 6 m ³ | One-bed – 6 m ³ | Y |
| | Two-bed – 8 m ³ | Two-bed – 8 m ³ | |
| | Three-bed – 10 m ³ | Three-bed – 10 m ³ | |
| | 50% to be in the apartment | 50% to be in the apartment. Additional storage provided in car parks | |
| Part 4H Acoustic Privacy | Isolate bedrooms and living areas from lift and stairs Limit the party walls | Noted and adopted | Y |
| | | | |
| Part 4J Noise and Pollution | Isolate units from road and rail noise | Isolate units from road and rail noise | Y |
| | Integrate enclosed balconies with | Integrate enclosed balconies | |

| SEPP 65 DESIGN CODE | RECOMMENDATION | PROPOSAL | COMPLIANCE |
|--|---|---|------------|
| | openable louvres | with openable louvres | |
| Part 4K Apartment Mix | Provide a mixture of apartment configurations | <p>5 one bedroom units (30%)</p> <p>11 two bedroom units (70%)</p> <p>3 residential adaptable units to AS4299 (15%)</p> <p>16 residential units to Liveable Housing Sepp to silver standard</p> | Y |
| Part 4L Ground Floor Apartments | Provide direct street access. Provide privacy fences and landscaping. | Noted and adopted | Y |
| Part 4M Facades | Provide a Schedule of Finishes | Noted and submitted with Development application | Y |
| Part 4D Apartment Size and Layout | <p>Master Bedroom – 10 sqm [other-bedrooms – 3.0 m One-bed Living – 3.6 m Lounge Room – 4.0 m Unit Width]</p> <p>Wardrobe – 1.5 m</p> | Noted and adopted | Y |
| Part 4N Roof Design | Roof design is an important element in the design of the building | Roof design is articulated in flat and 'boxed out' elements to create aesthetic interest and reduce bulk | Y |
| Part 4O Landscape design | Landscape design is an important element in the design of the project | Landscape design is integrated as part of the design. Refer to landscape architects plan | Y |
| Part 4P Planting on Structures | Landscape design is an important element in the podium level within the project | Deep soil planting and zones have been provided in communal roof top gardens | Y |



Greenway Australia

Statement of Environmental Effects

Proposed Residential Flat Building

55 Holden Street, Gosford

November 2019

brs.com.au

ENGINEERING
PLANNING
PROJECT MANAGEMENT
SURVEYING
CERTIFICATION



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| | |
|-------------|----------|
| Project No. | CC180038 |
| Author | BM |
| Checked | LW |
| Approved | LW |

| Rev No. | Status | Date | Comments |
|---------|--------|------------|----------|
| 1 | Draft | 11/11/2019 | |
| 2 | Final | 14/11/2019 | |

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TABLE OF CONTENTS

| | Page numbers |
|--|--------------|
| 1 Introduction | 5 |
| 2 Site Analysis | 6 |
| 2.1 Site Description | 6 |
| 2.2 Locality | 6 |
| 2.3 Infrastructure | 7 |
| 2.4 Photographs | 8 |
| 3 Proposal in Detail | 10 |
| 3.1 Demolition | 10 |
| 3.2 Proposed Development | 10 |
| 4 Statutory Matters | 13 |
| 4.1 State Environmental Planning Policies | 13 |
| 4.2 Regional Strategies | 14 |
| 4.3 State Environmental Planning Policy (Gosford City Centre) 2018 | 14 |
| 4.4 Development Control Plan | 21 |
| 4.5 Water Management Act | 28 |
| 4.6 Rural Fires Act 1997 & Planning for Bushfire Protection | 28 |
| 4.7 Biodiversity Conservation Act 2016 | 28 |
| 5 Section 4.15 Assessment | 29 |
| 5.1 (a)(i) The provisions of any Environmental Planning Instrument | 29 |
| 5.2 (a)(iii) The Provisions of any Development Control Plan | 29 |
| 5.3 (b) The Likely Impacts of That Development | 29 |
| 5.4 (c) The Suitability of the Site for the Development | 32 |
| 5.5 (e) Public Interest | 32 |
| 6 Conclusion | 33 |

Appendices

- Appendix A – Architectural Plans
- Appendix B – Civil Engineering Plans
- Appendix C – Waste Management Plan
- Appendix D – Access Report
- Appendix E – AHIMS Search
- Appendix F – Stormwater Management Report
- Appendix G – SEPP 65 Design Verification Statement
- Appendix H – BASIX
- Appendix I – Landscape Plan
- Appendix J – Traffic & Parking Impact Assessment

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Table of Contents

Page numbers

List of Figures

| | |
|--|----|
| Figure 1: Aerial view of site (Nearmap) | 6 |
| Figure 2: Aerial view of locality (Nearmap) | 7 |
| Figure 3: Extract from Proposed East and North Elevations..... | 10 |
| Figure 4: Extract from Site Plan | 11 |
| Figure 5: Extract from Proposed Basement 1 Floor Plan | 11 |
| Figure 6: Extract from Ground Floor Plan | 12 |
| Figure 7: Extract from Central Coast Regional Plan | 14 |
| Figure 8: Extract from SEPP (Gosford City Centre) 2018 Land Use Zoning Map | 15 |
| Figure 9: Extract from SEPP (Gosford City Centre) 2018 Height of Buildings Map | 15 |
| Figure 10: Extract from SEPP (Gosford City Centre) 2018 FSR Map..... | 16 |
| Figure 11: Extract from SEPP (Gosford City Centre) Heritage Map | 17 |
| Figure 12: Extract from SEPP (Gosford City Centre) ASS Map | 18 |
| Figure 13: Extract from ePlanning Spatial Viewer | 28 |

List of Photographs

| | |
|---|---|
| Photograph 1: Subject site viewed from Holden Street..... | 8 |
| Photograph 2: Adjacent multi dwelling development to the south - No. 53 Holden Street | 8 |
| Photograph 3: Adjacent multi-dwelling development to the north - No. 57 Holden Street | 9 |
| Photograph 4: Adjacent mixed use development to the east of the subject site at No 36-38 Showground Road | 9 |

List of Tables

| | |
|---|----|
| Table 1: Clause 5.6 Assessment | 16 |
| Table 2: Clause 8.3 Assessment | 18 |
| Table 3: Development Control Matrix | 21 |

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CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

1 Introduction

This report has been prepared on behalf of Greenway Australia.

This application seeks development consent for demolition of existing dwelling and construction of a Residential Flat Building comprising 16 units with basement parking for 19 vehicles, landscaping and associated works.

A detailed description of the proposal is provided at Section 3.0.

Development plans are included in the appendices to this report.

This report has determined that the proposal is generally compliant with relevant State and the various Central Coast Council Planning Instruments.

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Statement of Environmental Effects

2 Site Analysis

2.1 Site Description

The real property description is Lot A DP320239, located at 55 Holden Street, Gosford.

The rectangular shaped site has a total area of 778.8m² with a frontage of 19.31m to Holden Street. The site incorporates sloping topography of approximately 17% from the street frontage to the rear.

Existing site improvements include one weatherboard residential dwelling and concrete driveway. The dwelling is currently being utilised as a site office for the mixed use development adjacent to the site at No. 36-38 Showground Road.

No significant vegetation is retained on the site.



Figure 1: Aerial view of site (Nearmap)

2.2 Locality

The site is located within the Gosford City Centre and is within close proximity to the Gosford train station, bus interchange and the central business district.

The immediate area is characterised by a mix of low and medium density residential development. The

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

area is in a transition phase with higher density developments typically replacing smaller single dwellings at the end of their design life.

The surrounding development includes:

- To the north: Low/ medium density residential development within B4 zone;
- To the south: Low/medium density residential development within B4 zone;
- To the east: A 34 dwelling Residential Flat Building currently under construction at 34-36 Showground Road, Gosford Train Station and Gosford CBD; and
- To the west: Newly constructed residential flat buildings on Hargraves Street and Presidents Hill Lookout.

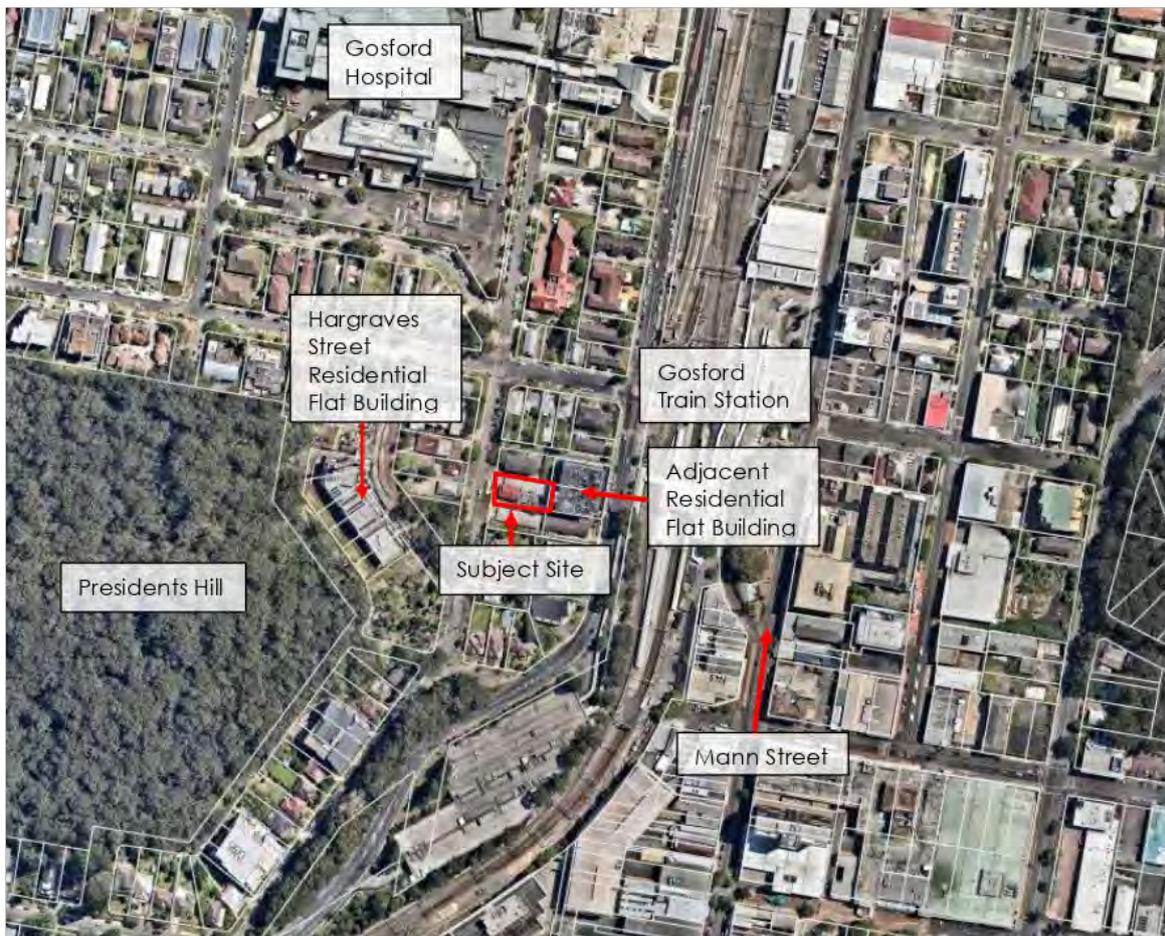


Figure 2: Aerial view of locality (Nearmap)

2.3 Infrastructure

The site is serviced by water, sewer, telecommunication and power services.

Nearby public transport includes Gosford Train station approximately 500m from the site and public bus stops on Showground Road and Burns Crescent in short walking distance.

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

The site is in walking distance to the Gosford Hospital Precinct, Gosford Public School, Henry Kendall High School and Gosford CBD.

2.4 Photographs

The following photographs show the site and surrounding development.



Photograph 1: Subject site viewed from Holden Street



Photograph 2: Adjacent multi dwelling development to the south - No. 53 Holden Street

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects



Photograph 3: Adjacent multi-dwelling development to the north - No. 57 Holden Street



Photograph 4: Adjacent mixed use development to the east of the subject site at No 36-38 Showground Road

3 Proposal in Detail

3.1 Demolition

It is proposed to demolish the existing residential dwelling on site and associated landscaping.

Where possible, materials will be salvaged for recycling and reuse during the demolition process. The remaining waste will be transported to a recognised waste facility.

A Waste Management Plan has been prepared and attached in Appendix C.

3.2 Proposed Development

The proposed development will involve demolition of one existing residential dwelling and construction of a residential flat building comprising 16 units, basement car parking, landscaping and associated works.

Elements of the proposal are discussed below.

Residential Units

- 16 residential units, including a range of unit types and sizes inclusive of 3 adaptable units;
- The unit mix includes:
 - 5 one bedroom units; and
 - 11 two bedroom units;
- Each unit will include private open space in the form of a balcony or terrace;
- All units designed to silver level standard under the Liveable Housing Guidelines; and
- Expansive roof top communal terrace area as discussed below.

An extract of proposed Elevations is provided in Figure 3 and a Site Plan shown in Figure 4.

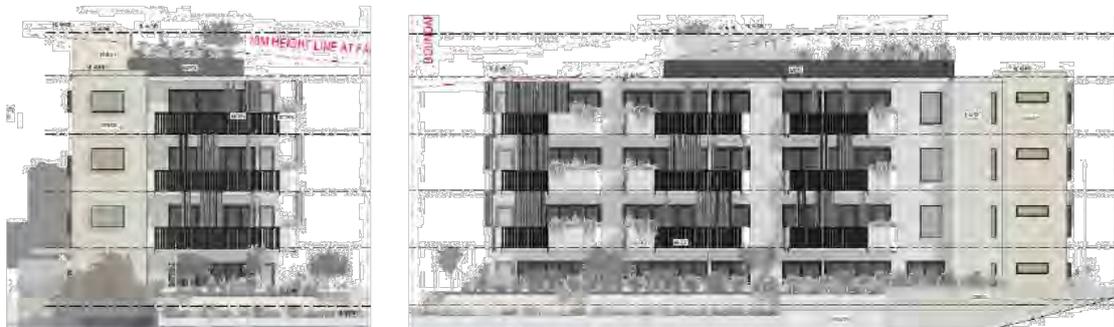


Figure 3: Extract from Proposed East and North Elevations

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

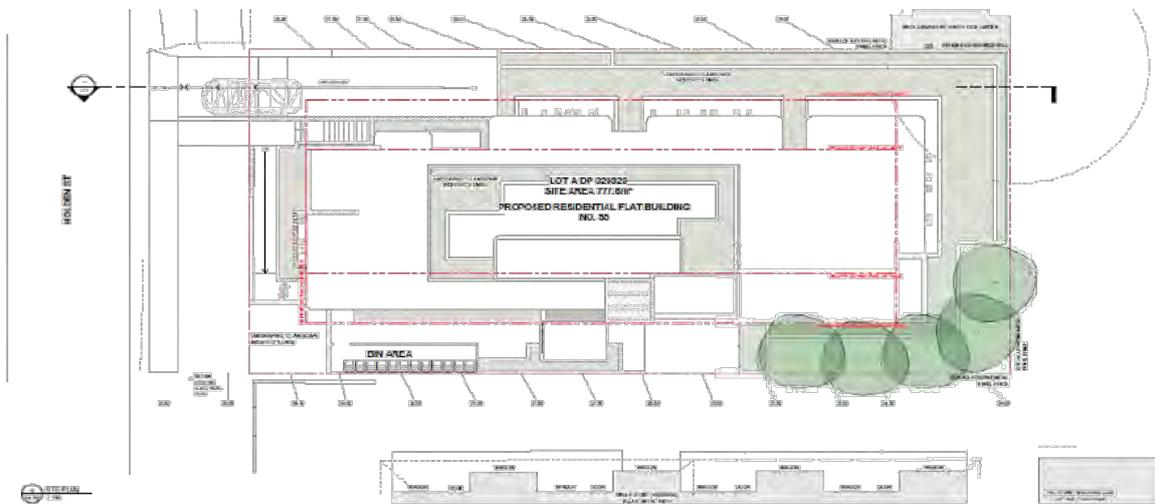


Figure 4: Extract from Site Plan

Basement Car Parking

Car parking will be provided in one basement level accessed from Holden Street and will include:

- 16 resident car spaces located within a basement level;
- 3 visitor spaces including 2 accessible spaces also within the basement;
- 2 motorcycle spaces; and
- Bike rack storage for bicycles.

An extract of the proposed basement level is provided in Figure 5.



Figure 5: Extract from Proposed Basement 1 Floor Plan

Landscaping and Communal Areas

An integrated landscape plan is included in Appendix I.

Communal open space is provided in a rooftop terrace area comprising 104m².

CC180038 - 55 Holden Street, Gosford**Statement of Environmental Effects**

Deep soil areas of 59m² will support growth of mature vegetation within the south west and south east portions of the allotment.

Waste

The waste storage area will be located on the ground level and accommodates 12 x 360L bins. Proposed waste storage area will be sited adjacent to the southern boundary with direct path access to the Holden Street bin collection area.

The waste storage area will be gated and covered by an awning as shown on the partial extract of the Ground Floor Plan in Figure 5.

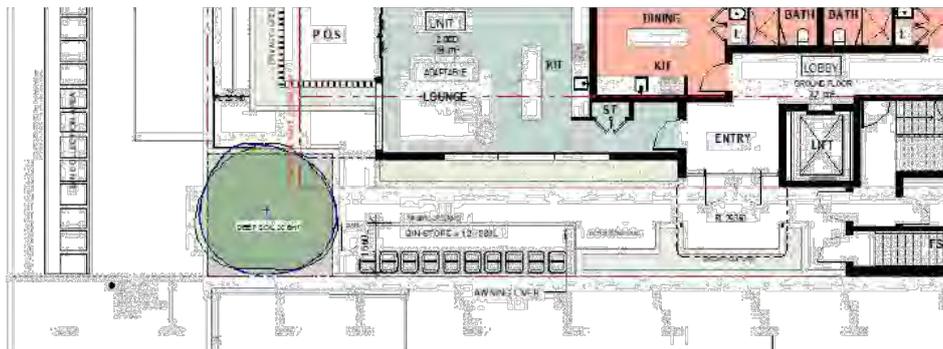


Figure 6: Extract from Ground Floor Plan

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

4 Statutory Matters

4.1 State Environmental Planning Policies

4.1.1 State Environmental Planning Policy (Gosford City Centre) 2018

The subject site is located within the Gosford City Centre and this policy applies.

Refer to Section 4.3 below for SEPP compliance.

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

Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land requires the consent authority to consider whether land is contaminated during the development application process.

The site has been developed for residential land uses and there is no indication of any site contamination that would require further assessment or remediation.

4.1.3 State Environment Planning Policy No. 65 – Design Quality of Residential Flat Development

SEPP 65 applies to development being:

- the erection of a new residential flat building, and
- the substantial redevelopment or the substantial refurbishment of an existing residential flat building, and
- the conversion of an existing building to a residential flat building.

A SEPP 65 Design Verification Statement has been prepared by ADG Architects (refer Appendix G).

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

A BASIX certificate has been prepared and attached in Appendix H.

The proposal complies or can comply with relevant BASIX requirements.

4.1.5 State Environmental Planning Policy (Coastal Management) 2016

SEPP (Coastal Management) 2016 aims to provide an integrated and coordinated approach to land use planning in the coastal zone.

The site is not located within the Coastal Use or Coastal Environment Areas or within an area mapped as Coastal Wetland.

No further assessment of this policy is required.

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

4.2 Regional Strategies

The subject land is included in the Central Coast Regional Strategy as an *urban land* within a *Major Centre* as shown in Figure 6.

The Central Coast Regional Strategy has identified the need for 56,000 new dwellings to be provided to the year 2031. 40,000 of these new homes will be located in centres and existing urban areas.

The proposal provides additional residential development in close proximity to services and employment and is therefore consistent with the Central Coast Regional Strategy and desired growth of the Gosford City Centre.



Figure 7: Extract from Central Coast Regional Plan

4.3 State Environmental Planning Policy (Gosford City Centre) 2018

Under the provisions of the State Environmental Planning Policy (Gosford City Centre) 2018 the site is zoned B4 Mixed Use as shown in Figure 8 below. The B4 zone objectives are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreation facilities, social, education and health services and higher density residential development.
- To allow development in Point Frederick to take advantage of and retain view corridors while avoiding a continuous built edge along the waterfront.
- To create opportunities to improve the public domain and pedestrian links of Gosford City Centre.
- To enliven the Gosford waterfront by allowing a wide range of commercial, retail and residential activities immediately adjacent to it and increase opportunities for more interaction between public and private domains.
- To protect and enhance the scenic qualities and character of Gosford City Centre

The proposal is considered to be consistent with the zone objectives for the following reasons:

- The proposed development provides suitable residential development in an accessible location;
- The residential flat building will provide additional housing to accommodate the needs of the community, particularly those employed in the Gosford DCB and Gosford Hospital commercial precinct; and

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

- The proposal will regenerate an underutilised site and enhance the scenic quality of the Gosford City Centre.

The proposed development can be defined as a Residential Flat Building and is permissible subject to development consent.



Figure 8: Extract from SEPP (Gosford City Centre) 2018 Land Use Zoning Map

Other Relevant Clauses:

Clause 4.3 Height of Buildings

The site has a maximum building height of 18m as shown in Figure 9.

The development proposes a maximum building height of 18.6m and does not comply with this clause. The 3% variation is considered to be minor however and associated predominantly with an architectural roof feature above the lift overrun and rooftop communal space.

Refer to Clause 5.6 discussion of Architectural Roof Features which provides justification for the minor non-compliance associated with proposed lift overrun and rooftop pergola feature.



Figure 9: Extract from SEPP (Gosford City Centre) 2018 Height of Buildings Map

Clause 4.4 Floor Space Ratio

The maximum floor space ratio for the site is 2:1 as per Figure 10 below.

The development proposes floor space ratio of 1.45:1 and complies with this clause.

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects



Figure 10: Extract from SEPP (Gosford City Centre) 2018 FSR Map

Clause 5.6 Architectural roof features

Clause 5.6 permits variation to maximum building height standards for roof features of visual interest.

The proposed development incorporates a minor 3% variation to the maximum building height and utilises this clause for justification of the 18.6m height. Discussion of compliance with Clause 5.6 is provided in Table 1.

Table 1: Clause 5.6 Assessment

| Requirement | Comment |
|--|---|
| Development consent must not be granted to any such development unless the consent authority is satisfied that: (a) the architectural roof feature: | |
| (i) comprises a decorative element on the uppermost portion of a building | The variation proposed under Clause 5.6 comprises the uppermost portion of the lift overrun and pergola. The portion of the building generating the variation to building height is highly compatible with the building aesthetic and the lightweight pergola structure will facilitate decorative planting as per requirements of this clause. |
| (ii) is not an advertising structure | The lift overrun and rooftop pergola structure do not comprise any advertising structures as shown on elevational plans attached in Appendix A. |
| (iii) does not include floor space area and is not reasonably capable of modification to include floor space area | Any area for common circulation including stairs and lifts is excluded from the SEPP (Gosford City Centre) definition of gross floor area. The proposed variation therefore does not comprise floor area nor is it readily capable of being modified to facilitate gross floor area. The lift and stairs are required for residential occupation of the building and the proposed development complies with this clause. |
| (iv) will cause minimal overshadowing | The proposal results in some overshadowing to existing single storey development to the south |

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

| Requirement | Comment |
|---|---|
| | <p>(refer DA 800, DA 810 and DA 820 for shadow diagrams). An assessment of shadow diagrams indicates that the roof feature does not result in significant additional solar impacts to the property at No. 53 Holden Street.</p> <p>The east-west orientation of the subdivision and relatively narrow lot sizes on Holden Street generally facilitates overshadowing of neighbouring properties where the building is proposed that utilises maximum building heights provided in SEPP (Gosford City Centre).</p> <p>The four units in the adjacent complex to the south receive either morning or afternoon sun and the roof feature is not considered to generate unacceptable overshadowing.</p> |
| <p>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p> | <p>Proposed lift overrun is integrated into the roof design to achieve a compatible elevational appearance from the streetscape and surrounding development.</p> <p>The lightweight pergola is also well articulated and enhances the design of the roof feature.</p> |

Clause 5.10 Heritage Conservation

The site is not heritage listed or in the immediate curtilage of a heritage listed allotment as shown. Refer to Figure 11 for confirmation of the above.

No further heritage assessment is required.



Figure 11: Extract from SEPP (Gosford City Centre) Heritage Map

Clause 7.1 Acid Sulfate Soils

The site is located within an area of potential Class 5 Acid Sulfate Soils as per map extract in Figure 12.

The proposed development will not lower the watertable nor is the site within proximity to areas of potential Class 1, 2, 3 or 4 Acid Sulfate soils.

An Acid Sulfate Management Plan is not required.

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects



Figure 12: Extract from SEPP (Gosford City Centre) ASS Map

Clause 8.3 Design Excellence

Clause 8.3 aims to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Gosford City Centre

The proposed development exhibits design excellence as is provided in Table 2.

Table 2: Clause 8.3 Assessment

| Sub Clause | Comment |
|---|--|
| (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved | The proposed development incorporates a suitable contemporary design including composite timber screens, aluminium framed glazing and glass balustrades. The design is highly compatible with surrounding development and the prevailing character within the Gosford City Centre. |
| (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, | The appearance of the building will incorporate articulation and façade embellishments to achieve a form that is complementary to the public domain. As discussed in the SEPP 65 Report: <i>The use of a variety of external building materials & delineation of strong building elements will help reduce the full built form to a scale recognisable as being residential in character and thereby fitting into the local context.</i> |
| (c) whether the development is consistent with the objectives of clauses 8.10 and 8.11, | The proposed development will not inhibit solar access or views to key public open spaces. |
| (d) any relevant requirements of applicable development control plans | An assessment of the proposed development against the Gosford City Centre Development Control Plan 2018 is provided in Section 4.4. |
| (e) how the development addresses the following matters: | |

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

| Sub Clause | Comment |
|---|--|
| (i) <i>the suitability of the land for development,</i> | <p>The land is zoned B4 Mixed Use and Residential Flat Buildings are permissible with development consent.</p> <p>The site is not constrained by bushfire, flooding or terrestrial biodiversity impacts and the lot size area can accommodate a development of the proposed scale.</p> <p>The site is therefore suitable for the proposed development.</p> |
| (ii) <i>existing and proposed uses and use mix,</i> | <p>The existing prevailing land use in Holden Street is residential development comprising a mixture of densities. The locality is transitioning from lower density single dwelling development to residential flat buildings and multi dwelling housing to support the growth and demand within the Gosford City Centre.</p> <p>The proposal is highly consistent with medium density development in the locality and will not generate detrimental impacts on future land uses in the vicinity of the site.</p> |
| (iii) <i>heritage issues and streetscape constraints,</i> | <p>The site is not state or local heritage listed nor does the site adjoin a heritage listed allotment.</p> <p>There are no immediate streetscape constraints that would impact the proposed development.</p> <p>The proposal is of a complimentary bulk and scale to new developments in the B4 zoned locality.</p> |
| (iv) <i>the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i> | <p>Separation and setbacks</p> <p>The proposed development incorporates suitable front, side and rear setbacks to maintain visual and acoustic amenity to surrounding properties. Building separation will reduce opportunities for direct overlooking within the built form with incorporation of screening and windows sited to reduce visual privacy impacts.</p> <p>Amenity</p> <p>The proposed development is consistent with the prevailing design, bulk and scale in the Gosford City Centre. The proposal will not generate unacceptable impacts to the amenity of surrounding development or the community.</p> <p>Urban form</p> <p>A compatible urban form is proposed which responds to site characteristics, the locality and surrounding built form. The proposed design is compatible with the Gosford City Centre and prevailing medium density urban form.</p> |
| (v) <i>bulk, massing and modulation of buildings</i> | <p>The SEPP 65 Report attached in Appendix G confirmed the following:</p> <p><i>A well articulated front façade to Holden St. & with the use of increased setbacks to upper storeys ensures the development is consistent with the build form of the area as</i></p> |

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

| Sub Clause | Comment |
|---|---|
| | <i>well as sympathetic to neighbouring developments. The sustainable bulk and scale of the development responds to the density allowable and provides a viable development, which is in context with the future character of the area.</i> |
| <i>(vi) street frontage heights,</i> | A minor variation to building height is proposed as a result of the existing site slope. The 3% variation is confined to the lift overrun and pergola structure above communal rooftop open space and is not considered to generate detrimental impact to surrounding properties when assessed against a development incorporating a fully compliant building height. |
| <i>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity</i> | The proposal incorporates sustainable design elements including operable glazing to allow natural ventilation, screening to the north, west and east to reduce internal solar impacts and a selection of low embodied energy materials. Shadow diagrams are included in Appendix A and impacts to neighbouring development is considered to be typical of an east- west orientated subdivision that permits residential flat building development. The proposed development is not of a height that would generate unacceptable wind impacts nor does the design represent unacceptable opportunities for reflectivity. |
| <i>(viii) the achievement of the principles of ecologically sustainable development</i> | The SEPP 65 Design Verification Statement attached in Appendix G identified the following sustainable design elements: <ul style="list-style-type: none"> ▪ <i>Passive and active elements to manage daylight penetration to reduce artificial lighting requirements.</i> ▪ <i>Operable glazing to allow natural ventilation to reduce heating and cooling requirements.</i> ▪ <i>Screened elements to the north, west and east to reduce solar gains and increase control of the internal environment, assisted by the building's plan and articulated exterior.</i> ▪ <i>Proposed selection of low embodied-energy materials.</i> ▪ <i>Excellent passive solar gain and loss properties.</i> |
| <i>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements</i> | Refer to Traffic and Parking Impact Assessment in Appendix J for an assessment of access and circulation compliance. |
| <i>(x) the impact on, and any proposed improvements to, the public domain</i> | The proposed development will not adjoin public open space nor is the site in immediate proximity to Presidents Hill Lookout open space area in the |

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

| Sub Clause | Comment |
|------------|---|
| | west. The proposal has nil capacity to therefore incorporate improvements to the public domain. The proposed development will have no detrimental impact on the public domain within the Gosford City Centre. |

Please note Gosford Local Environmental Plan is not applicable to the site.

4.4 Development Control Plan

4.4.1 Gosford City Centre Development Control Plan 2018

Our assessment of the proposal confirms that the proposal generally satisfies the Gosford City Centre Development Control Plan as shown in Table 3.

Table 3: Development Control Matrix

| DCP REQUIREMENT | COMMENT |
|---------------------------------------|--|
| 1 Introduction | Noted. |
| 2 Strategic Priorities | Noted. |
| 3 Places and Character | |
| 3.1 Character Areas | Noted. The site is located within the City North area. The proposed development is consistent with the objective to <i>Provide a range of housing types to support a diverse and varied population, including key workers, students, young professionals and aged care.</i> The development can leverage off demand for housing in immediate proximity to the Gosford Hospital precinct and CBD services. The proposal is entirely consistent with the character of the City North. |
| 3.2 City North | The proposal is consistent with objective 5 which supports additional residential development and housing types to accommodate a diverse and varied population. The site is well located to support workers from Gosford Hospital and the Gosford CBD. |
| 3.3 Civic Heart | Not applicable. |
| 3.4 City South | Not applicable. |
| 3.5 Other areas | Not applicable. |
| 4 Public spaces | |
| 4.1 Pedestrian network | Not applicable. The development proposes no changes to the public pedestrian network. |
| 4.2 Public open space | Not applicable. No changes proposed to public open space nor are additional setbacks to accommodate improved pedestrian connection and street planting required.. |
| 4.3 Solar access to key public spaces | Not applicable. |

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

| DCP REQUIREMENT | COMMENT |
|--|--|
| | The site is not in close proximity to key public spaces. |
| 4.4 Views and vistas | The proposed development will not inhibit important views nor will the proposal impact significant view corridors. |
| 4.5 Footpath crossings and pedestrian overpasses and underpasses | Proposed vehicle access is consistent with adjacent sites and will not generate safety or amenity issues. One vehicle crossing is proposed and the design is compatible with the streetscape and prevailing access design. Doors to vehicle access will be remote access controlled and integrated into the building design. Basement garage door will be sited behind the front building alignment to reduce the visual impact on the streetscape. |
| 5 Built form | |
| 5.1 Site sizes and design excellence | The development proposes a floor space ratio of 1.4:1 which is significantly under the allowable maximum of 2:1. The proposed FSR facilitates a compatible bulk and scale which is consistent with surrounding development in the City Centre. A minor 3% variation to maximum building height is proposed and justified under Clause 5.6 - <i>Architectural roof features</i> of SEPP (Gosford City Centre) 2018. |
| 5.2 Built form provisions | |
| 5.2.1 Street setbacks and rear setbacks | 3m front setback to street wall height proposed which is compliant with the 3-4m requirement provided in the DCP. 3m side setback proposed to the southern side boundary. 4m side balcony setback proposed to the northern side boundary. 4.9m northern side setback proposed to the building interface. 4.4m rear setback proposed to the eastern boundary. Proposed setbacks facilitate adequate building separation to neighbouring properties and do not facilitate unacceptable solar, acoustic or visual privacy impacts. The proposed setbacks are appropriate to building function and minor variations to controls are consistent with development in the Gosford City Centre. Refer to SEPP 65 Design Verification Statement attached in Appendix G for proposed building separation. |
| 5.2.2 Street wall heights and upper podium | The proposal incorporates a street wall height fronting Holden Street of 12.8m. This is compliant with the 6-14m range provided in Figure 8 DCP mapping associated with this clause. A setback of 9m is then proposed above the 12m street wall height. The proposed street wall height ensures compatible building scale as viewed from Holden Street and the setback design is typical of Residential Flat Buildings in the B4 zone. |
| 5.2.3 Active street frontages and street address | The site is not identified as a <i>Primary active frontage</i> or <i>active laneway</i> . The proposal complies with the requirement to provide a street address and direct pedestrian access from Holden Street. |
| 5.2.4 Building setbacks and separation | The proposed design will provide good amenity for residents through solar access, visual privacy and acoustic amenity. Natural ventilation is enhanced through siting of windows and door openings to front, side and rear elevations. |

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

| DCP REQUIREMENT | COMMENT |
|--|--|
| | The development will not inhibit view corridors or detract from the streetscape. To the contrary, the proposal will enhance the site and surrounding landscape through high level architectural design and landscaping. Refer to the SEPP65 Design Verification Statement attached in Appendix G for Apartment Design Guide compliance. |
| 5.2.5 Slender towers with high amenity | The compliant design does not propose a building footprint greater than 750m ² and the building will achieve high levels of internal amenity. |
| 5.2.6 Fine grain frontages | The continuous street frontage does not exceed 30m. Desired 'fine grain' achieved through appropriate massing, composition of materials and balcony articulation. Proposed architectural design features enhance the high quality façade articulation, visual character and decorative screening elements. |
| 5.2.7 Awnings | Not applicable. Awnings orientated to Holden Street are not proposed. |
| 5.2.8 Building sustainability and environmental performance for key sites, medium sites and large sites. | The subject site is not considered to be a <i>key site, medium site or large site</i> . The design facilitates effective natural ventilation and a BASIX Report is attached in Appendix H.. |
| 5.2.9 Above ground parking | Not applicable. Basement level parking proposed. |
| 5.2.10 Stand- alone Multi- storey Car Parks | Not applicable. Stand- alone car park is not proposed. |
| 5.2.11 Internal amenity | <p>Building depth</p> <p>The SEPP 65 Report addresses relevant ADG building depth requirements:</p> <p><i>The maximum depth for adequate daylight penetration is 12 to 18 metres (ADG). The residential units are designed around the access corridor that provides a central lobby area with natural lighting and ventilation, dividing the building into four (4) segments or components, each a depth of less than eighteen (18) metres. The variations in the facades with balcony projections, indentations, blade walls and a variation in the roof and parapet profiles provide articulation and movement of form to the facades.</i></p> <p>Deep soil</p> <p>59m² deep soil planting is proposed which equates to 8% of the site area. The ADG requires 7% and the proposal is compliant with this clause.</p> <p>Communal open space</p> <p>104m² communal open space provided at rooftop Level 4 which equates to 13.5% of total site area. The variation to ADG requirements is justified by high levels of solar access and increased amenity provided by the rooftop communal space. The rooftop is well designed, accessible for all residents via lift access and easily identifiable.</p> |

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

| DCP REQUIREMENT | COMMENT |
|--|---|
| | <p>Communal open space will achieve well in excess of the minimum 50% direct sunlight required to the trafficable element of the rooftop between 9am and 3pm. Refer to Shadow Diagrams in Appendix A for confirmation.</p> <p>Further to the above, generous balconies or ground floor terraces are proposed to all residential units to reduce the dependency on communal open space elements. These spaces are accessible, will achieve adequate solar access and will complement the rooftop communal space to achieve the objectives of this clause.</p> <p>Planting on structures</p> <p>203m² planting on structures is proposed which equates to 26% of the site area.</p> <p>The proposal has been designed to comply.</p> <p>Refer to the SEPP 65 Design Verification Statement attached in Appendix G for further information.</p> |
| 5.2.12 Building services and the streetscape | <p>Building entries and services have been integrated within building facades to achieve a high quality streetscape. Entries to buildings and basement car parking are treated with high quality materials that are maintained along side and rear elevations. This generates a consistent architectural facade which unifies the building appearance from surrounding development.</p> <p>Refer to elevational plans provided in Appendix A for confirmation of architectural treatment of streetscape façade.</p> |
| 5.2.13 Landscape design | <p>Refer to Landscape Plan included in Appendix I for details and compliance.</p> |
| 5.2.14 Site coverage and deep soil zones | <p>Proposed site coverage is 40% which is compliant with the 60% control provided in this clause.</p> <p>8% deep soil area proposed which is compliant with ADG requirements which override the DCP.</p> |
| 5.2.15 Front Fences | <p>Elevational plans indicate the decorative brick front fence construction. Proposed fences will be designed to comply with this clause.</p> |
| 5.2.16 Safety and Security | <p>The proposal has been designed to comply with CPTED principles of access, surveillance, territorial reinforcement and space management as discussed below.</p> <p>Access</p> <p>Access to the building and basement car park will be restricted by remote access locking, key locked entry and swipe card/intercom. Access to rooftop communal space will be restricted via keylock or swipe card.</p> <p>Surveillance</p> <p>Natural surveillance of pedestrian and vehicle access from Holden Street is available from west orientated balconies and windows. The pedestrian entry is also visible from Holden Street and provides opportunity for natural surveillance of the site from vehicles and users of the road.</p> <p>Lighting design will reduce opportunity for offender concealment</p> <p>Territorial Reinforcement</p> |

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

| DCP REQUIREMENT | COMMENT |
|------------------------------------|---|
| | <p>Alterations In paving and entry treatments will identify separation between public and semi-private space. This will define the territorial boundaries of the proposed development as per CPTED principles.</p> <p>The development boundary will be defined via proposed fencing and landscape treatment.</p> <p>Space Management</p> <p>A management plan will be implemented for waste collection and landscape maintenance.</p> <p>The proposed development has therefore been designed to respond to CPTED principles and the proposal is consistent with design of new medium density development in the Gosford City Centre.</p> |
| 5.2.17 Building Exteriors | <p>Building materials will generate a positive contribution to the streetscape through visual interest and compatible design elements. External walls incorporate durable face brick construction or rendered walls to reduce maintenance and enhance compatibility with surrounding development.</p> <p>Balconies and terraces are provided to break up the expanse of elevations and articulated finishes limit sections of blank walls. Operable screening is applied to further articulate balcony openings and reduce reflectivity of glazing.</p> <p>Rooftop lift overrun is integrated into the facade and communal open space element to harmonise the east and west architectural elevations.</p> <p>Refer to Elevation Plans in Appendix A for the visual contribution to the streetscape provided by architectural building exteriors.</p> |
| 5.2.18 Public Artworks | The site is not greater than 5000m ² and this clause is not applicable. |
| 5.2.19 Advertising | Not applicable. Advertising is not proposed. |
| 6 Key Sites | Not applicable. The subject site is not identified as a key site. |
| 7 Access and Parking | |
| 7.1 Introduction | Noted. |
| 7.2 Pedestrian Access and Mobility | <p>An Access Report has been prepared and attached in Appendix D. The report confirmed the following:</p> <ul style="list-style-type: none"> • An accessible path of travel is provided from allotment boundary to main points of pedestrian entry; • Lift access is provided from the basement car park to all levels; • Accessible parking is provided at basement level; • The proposal is capable of compliance in relation to entrance requirements. <p>The Access Report incorporates accessibility design recommendations that can be further addressed at Construction Certificate stage.</p> |

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

| DCP REQUIREMENT | COMMENT |
|---|--|
| 7.3 Vehicular driveways and manoeuvring | An assessment of proposed vehicle driveway and manoeuvring is provided in the Traffic and Parking Impact Assessment included in Appendix J. |
| 7.4 On-site Parking | <p>Car parking is provided in a basement level which accommodates 19 vehicles inclusive of 3 visitor spaces. Two motorcycle spaces are also provided in addition to a bicycle rack within the basement.</p> <p>An assessment of traffic and parking compliance is provided in the Traffic and Parking Impact Assessment included in Appendix J.</p> <p>The proposed design is consistent with the objectives of this clause. The design of parking minimises any visual impact on the streetscape and the basement level provides adequate space for vehicles.</p> |
| 7.5 Site Facilities and Services | <p>Mailboxes will be sited adjacent to the communal access path and accessible by all residents.</p> <p>Communications structures, air conditioners and service vents will not be visible from the street frontage. All services will be adequately set back from the site perimeters and integrated into the building.</p> <p>Waste storage area adjacent to the southern boundary has been designed to comply with this clause. The storage area will be adequately screened and incorporates an awning structure for weather protection.</p> <p>Although waste storage volumes are accommodated external to the basement car park, the proposed location provides a more suitable path to the kerb side collection point and can be justified on merit. Bin storage within the basement car park level would require the building manager to manually transport bins to the kerb up the driveway incline or up lift access to ground level and then to the street.</p> <p>The proposed bin store location will be adequately screened to reduce visual and acoustic privacy impacts on the neighbouring development and the siting can be justified on grounds of a better operational outcome.</p> <p>Loading/ service docks are not proposed.</p> <p>Fire brigade vehicles would not be required to enter the site.</p> |
| 8 Environmental Management | |
| 8.1 Introduction | Noted. |
| 8.2 Energy Efficiency and Conservation | <p>The development includes passive and active elements to manage daylight penetration and reduce artificial lighting requirements. Operable glazing will enhance natural ventilation and reduce the reliance on artificial cooling mechanisms. Screening elements will also enhance energy efficiency within the warmer months.</p> <p>A BASIX Report is attached in Appendix H.</p> |
| 8.3 Water Conservation | The proposed development has been designed to comply with ecologically sustainable design principles and a BASIX report will be provided in Appendix H. |
| 8.4 Reflectivity | The design incorporates low reflectivity through suitable integration of glass into façade treatments. The building will not |

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

| DCP REQUIREMENT | COMMENT |
|---|--|
| | generate unacceptable light reflectivity and the design is consistent with surrounding development. Refer to elevational drawings provided in Appendix A for confirmation of suitable glazing. |
| 8.5 Wind Mitigation | The proposed development is not over 48m in height and a wind tunnel test is not required. |
| 8.6 Waste and Recycling | A Waste Management Plan has been prepared and attached in Appendix C. The waste storage area is visibly unobtrusive from the street, easily accessible to all dwelling occupants and will be adequately managed for provision of bins to kerb for collection. |
| 8.7 Noise and Vibration | The site is located in area that is not impacted by excessive noise or vibration. Holden Street is a local road that does not support excessive vehicle movements due to the location. The site is located a suitable distance from Gosford Train station and the railway line so as to minimise unacceptable acoustic impacts to future residential dwellings. A 7 level Residential Flat Building is currently under construction at No. 36 - 38 Showground Road which will significantly minimise acoustic impacts from the railway line. Noise buffering is not required and the proposed development is consistent with the controls provided in this clause. |
| 9 Residential Development Controls | |
| 9.1 Housing Choice and Mix | The proposed development comprises an appropriate mix of one and two bedroom residential dwellings suitable for the locality. Adaptable units are proposed as per discussing provided from the Access Report attached in Appendix D: <i>Unit 1 at ground floor and level 01 have been nominated as the adaptable units. They are two-bedroom arrangement with open plan living areas.</i> |
| 9.2 Storage | All dwellings provide suitable storage facilities to accommodate residential occupation. Additional storage is proposed within the basement level car park. |
| 9.3 Multi - Dwelling Housing | Not applicable. Multi-dwelling housing is not proposed. |
| 10 Controls for Special Areas | |
| 10.1 Heritage Items | The site is not heritage listed nor is the site in the immediate curtilage of a heritage listed allotment. Further assessment is not required. |
| 10.2 Signs on Heritage Items and Heritage Plaques | Not applicable. |
| 10.3 Special Area - John Whiteway Drive Precinct | Not applicable. |

4.5 Water Management Act

Under Part 3 of Chapter 3 a person must obtain a permit for water use approval, water management work approval or activity approval.

No building works are proposed in close proximity to a water course and the integrated approval of Office of Water is not required in this instance.

4.6 Rural Fires Act 1997 & Planning for Bushfire Protection

The subject site is not located within a designated bushfire prone area as shown in Figure 13. The application will therefore not require referral to the NSW RFS for concurrence.



Figure 13: Extract from ePlanning Spatial Viewer

4.7 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 and its regulations commenced on 25 August 2017 and replaces the Threatened Species Conservation Act 1995.

In accordance with Part 7 of the Biodiversity Conservation Act, the proposal does not require a supporting biodiversity development assessment report because:

- (a) the development is not likely to significantly affect threatened species or ecological communities, or their habitats,
- (b) the development does not trigger any biodiversity offsets schemes; and
- (c) the development is not proposed in a declared area of outstanding biodiversity value.

The current site is sparsely vegetated and further biodiversity assessment is not required.

5 Section 4.15 Assessment

5.1 (a)(i) The provisions of any Environmental Planning Instrument

As outlined in Section 4.0 the proposal has been prepared in light of the relevant environmental planning instruments.

5.2 (a)(iii) The Provisions of any Development Control Plan

The proposal has been prepared having regard for relevant DCP requirements, refer Section 4.0.

5.3 (b) The Likely Impacts of That Development

Environmental Responsibility and Land Capability

Ecological Values

The site exhibits minimal ecological values due to past development. No significant vegetation exists within the allotment.

It is not considered that there are any species of ecological value on the site and the zoning of the site permits the proposed type of development. The proposal will have minimal impact on the overall ecological value of the area.

Scenic Values

The proposed development exceeds the maximum height limits for the site, however the development has been designed with consideration of the site context and prevailing view corridors.

The site is located within the Gosford City Centre where permitted building height and floor space ratio facilitate medium to high density residential development. Although scenic values are not overlooked in favour of obtrusive development, the city centre sites are generally sited away from areas of higher biodiversity and natural vegetation.

The subject site does not exhibit any outstanding scenic values nor does the proposed development inhibit views from or to any distinctly scenic sites. The site is located some distance from natural ridgelines and the proposal is considered to be a compatible response it's city location.

Acoustic Impact

The proposed development is residential in nature, is consistent with surrounding dwelling yield for the Gosford City Centre and will have minimal ongoing acoustic impact on surrounding development.

Appropriate acoustic measures have been included in the design of the development and no adverse impacts are foreseen.

Any acoustic interruption generated by construction can be managed by conditions of consent.

Tree Preservation and Management

The current site does not retain any significant vegetation.

No unacceptable impacts on trees or vegetation will be generated by the proposed development.

CC180038 - 55 Holden Street, Gosford**Statement of Environmental Effects**Erosion Prevention and Sediment Control

Appropriate erosion and sediment control measures will be put in place during the construction stage.

Refer to Civil Engineering attached in Appendix B for further detail.

Energy Efficiency / Sustainability

A BASIX certificate is included in Appendix H and where possible, energy efficient appliances and fittings will be used.

Overshadowing

Shadow diagrams have been prepared and attached in Appendix A. Diagrams indicate some overshadowing of the adjacent multi-unit residential dwellings at No. 53 Holden Street in the winter period.

Units orientated to the rear of the complex at No. 53 Holden Street are afforded suitable solar access in June in the morning period between 9am and 12pm.

Units orientated to Holden Street within No. 53 Holden Street are afforded suitable solar access in June in the afternoon period from 1pm into the afternoon.

Shadow diagrams depicting solar access in September are also provided in Appendix A. September shadows impacts to the adjacent villas at No. 53 Holden Street indicate reduced impact with solar access maintained for longer periods to front and rear orientated units.

Although solar access is still maintained to the adjacent properties in the south, the existing east-west orientation of the subdivision contributes to overshadowing of the site and the proposed minor 3% variation to building height is not considered to generate unacceptable solar impacts.

Privacy

The privacy of adjoining dwellings has been considered in the design of the apartments and no significant impacts have been identified.

The design incorporates a number of privacy mitigation measures to reduce overlooking and increase visual privacy levels to surrounding development. Privacy measures include:

- Integrated high set windows and fixed balustrade along the southern elevation;
- Screening to balconies within north elevation,
- Substantive building separation to reduce unacceptable overlooking;
- All windows and/or habitable spaces have been designed with viewing angles greater than 45 degrees and additional screening devices have been used to ensure privacy between units.

The design is consistent with contemporary residential flat buildings in the area and will not generate unacceptable privacy impacts.

Social Impact & Economic Impact

The proposed development will provide local employment during the construction stage.

The Capital Investment Value (CIV) of over \$4.3 million represents a valuable investment in the Gosford City Centre that will have flow on benefits for the local economy.

CC180038 - 55 Holden Street, Gosford**Statement of Environmental Effects**

The proposed development will enhance the built form and improve the residential amenity of the immediate locality. The proposal provides a responsive utilisation of an underutilised site which will have a beneficial economic impact. The construction phase will result in positive employment generation, whilst the future residents of the proposed residential flat buildings will support the local economy.

The provisions of additional apartments with a mix of bedrooms will assist housing affordability within the city centre as well as provide housing within close proximity to the Gosford Train Station and bus interchange, shopping centre and

The social benefit of the proposed development is considered to be positive and will provide for employment during and after construction. Local trades and suppliers are expected to be commissioned wherever possible during the construction phase of the development. This will further stimulate the local economy throughout this period.

Heritage

There are no known European heritage items on or immediately adjacent to the site.

An AHIMS search (refer Appendix E) was undertaken on 30/10/2019 and found that no known sites of significance have been registered in a 50m vicinity of the subject land.

Infrastructure and On-site Services

The site is serviced by power, telecommunication, sewer and water.

The Concept Stormwater Plans provide details on proposed stormwater drainage and detention (refer Appendix B). A Stormwater Management Report is attached in Appendix F.

Transport, Access, Parking and Servicing

As outlined in Section 3.2, 19 basement car parking spaces will be provided in addition to 2 motorcycle spaces and a bike rack.

The site will be accessed via Holden Street.

The proposed development will not cause any adverse traffic or parking issues and the basement level can accommodate vehicles associated with development. Refer to the Traffic and Parking Impact Assessment included in Appendix J.

Amenity

The proposal uses an integrated architectural and landscaping design which will make a positive contribution to the desired streetscape and amenity of the area.

The proposal is of a similar bulk and scale to properties in the Gosford City Centre and remains consistent with the character of the area.

The proposal is not expected to generate adverse impacts on the established amenity.

CC180038 - 55 Holden Street, Gosford

Statement of Environmental Effects

5.4 (c) The Suitability of the Site for the Development

The Statement of Environmental Effects has determined that there are no constraints that would restrict the development proposed. The site is therefore suitable for the development proposed.

5.5 (e) Public Interest

The public interest is best served by promoting sustainable development that is rational, orderly and economic. The proposal will generate positive social, environmental and economic benefits.

Accordingly, the proposal is considered to be in the public interest.

6 Conclusion

The Statement of Environmental Effects has been prepared addressing relevant matters outlined in section 4.15 of the Environmental Planning and Assessment Act, 1979 and satisfies all relevant planning legislative requirements.

Our assessment of the proposal confirms:

- The proposal is generally consistent with the State Environmental Planning Policy (Gosford City Centre) 2018 and objectives of the B4 zone;
- The proposed development provides a high quality residential design which aims to protect and enhance the amenity and the neighbourhood;
- The proposal will facilitate additional housing in the city centre that is compatible with the existing and future character, style, orientation and pattern of surrounding buildings and streetscapes; and
- The proposal effectively responds to lot size constraints through safe and effective communal rooftop open space and landscaping.

The proposal represents rational, orderly, economic and sustainable use of the land and should therefore be supported.

Item No: 3.3
Title: DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works

Department: Environment and Planning

29 October 2020 Local Planning Panel Meeting

Reference: DA/1108/2019 - D14215019
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 dwellings and ancillary structures and construction of a residential flat building comprising 19 dwellings, basement parking and associated works. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* 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 because it is a development subject to State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development and has a height of 4 storeys.

| | |
|------------------------------|--|
| Applicant | Leo Wang (Enhance Project) |
| Owner | Nokland Developer Pty Ltd |
| Application No | DA/1108/2019 |
| Description of Land | Lot 19 & Lot 18 DP 23438, 28-30 Dening Street, THE ENTRANCE NSW 2261 |
| Proposed Development | Demolition of existing dwellings and ancillary structures and construction of a residential flat building comprising 19 dwellings, basement parking and associated works |
| Site Area | 1,422 m ² |
| Zoning | R3 Medium Density Residential |
| Existing Use | Dwellings |
| Employment Generation | Nil |
| Estimated Value | \$6,800,097.00 |

3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

Recommendation

- 1 That the Local Planning Panel assume the concurrence of the Secretary of the Department of Planning for an exception to a development standard under Clause 4.6 of the Wyong Local Environmental Plan 2013, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.**
- 2 That the Local Planning Panel grant consent 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.**
- 3 That Council advise those who made written submissions of the Panel's decision.**

Key Issues

- Height non-compliance
- Acid sulfate soils
- Groundwater
- Carparking
- Solar access

Precis:

| | |
|----------------------------------|--|
| Proposed Development | Demolition of existing dwellings and ancillary structures and construction of a residential flat building comprising 19 dwellings, basement parking and associated works. |
| Permissibility and Zoning | The site is zoned <i>R3 Medium Density Residential</i> under <i>Wyong Local Environmental Plan 2013</i> (WLEP). The following uses are permissible uses within the zone: <ul style="list-style-type: none"> • Residential flat building <p>*Residential flat building is a type of Residential accommodation.</p> |
| Relevant Legislation | <ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979</i> (EP&A Act) • <i>Environmental Planning & Assessment Regulation 2000</i> (EP&A Regulation) |

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

| | |
|-------------------------------|--|
| | <ul style="list-style-type: none"> • <i>State Environmental Planning Policy No. 65 (SEPP 65)</i> • <i>Apartment Design Guide (ADG)</i> • <i>State Environmental Planning Policy (Coastal Management) 2018 (SEPP CM)</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)</i> • <i>State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)</i> • <i>Wyong Local Environmental Plan (WLEP)</i> • <i>Draft Central Coast Local Environmental Plan 2018</i> • <i>Wyong Development Control Plan 2013 (WDPCP)</i> |
| Current Use | Residential Development |
| Integrated Development | No |
| Submissions | One submission |

Variations to Policies

| | |
|-----------------|--|
| Clause | 4.3 Height of Buildings |
| Standard | Maximum building height – 12m |
| LEP/DCP | Wyong Local Environmental Plan 2013 |
| Departure basis | Building height variation – 9.1% (13.1m) |

The Site

The subject site is regular shaped and comprises two lots with a combined frontage of 32.19 metres to Denning Street. The site has an average width of 28.28 metres, a minimum depth of 44.16 metres and a combined area of 1,422m². The topography of the site is generally flat, with a 500mm to 700mm fall towards the rear. The site has been used for low and medium density residential accommodation for at least the last 40 years.

Surrounding Development

The area surrounding the site is undergoing transition and reflects the various planning provisions that have applied to the area over time. The aerial image (following page) shows the heights of buildings (in number of storeys) within the direct vicinity of the site. Buildings vary from low scale one and two storey residential dwellings to residential flat buildings of up to nine storeys.

To the south west on the opposite side of Denning Street are one and two storey residential dwellings along with Shore Park and Shore Park Cricket Ground.

3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)



Above: Aerial photo showing the site and height (storeys) of surrounding development

The site is zoned R3 Medium Density Residential. The B2 Local Centre land of The Entrance Town Centre is located further to the west of the site. RE1 Public Recreation zoned land is also located to the south on the opposite side of Dening Street.

3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)



Above: Aerial view of subject site (left) and locality aerial view with land zoning (right)

The Proposed Development

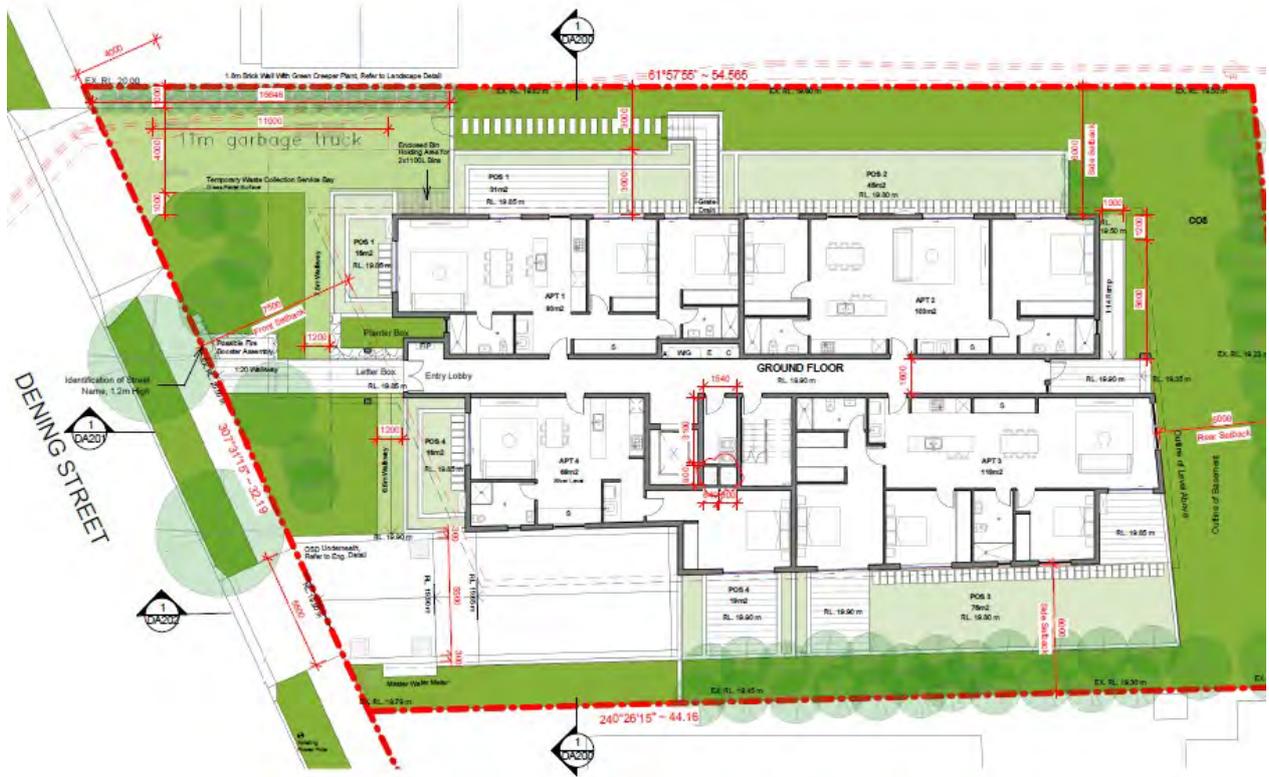
The proposed development is for a residential flat building of four storeys comprising 19 dwellings, basement parking and associated works.

The proposed works include the following:

- Demolition or removal of existing residential structures on both sites;
- Construction of a four storey residential flat building containing:
 - 5 x 1 bedroom dwellings
 - 13 x 2 bedroom dwellings
 - 1 x 3 bedroom dwelling
 - 27 parking spaces over one level
 - Basement bike spaces, storage, waste storage room (basement)
- Lot consolidation

The site layout is shown below.

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)



Above: Site plan showing development layout



Above: Rendered Perspective Elevation

3.3

DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)



1 Elevation - North
1 : 200



2 Elevation - South
1 : 200

Above: Rendered Elevations

3.3

DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)



1 Elevation - East
1 : 200



2 Elevation - West

Above: Rendered Elevations

History

The site has a history of residential use.

Pre-Lodgement Meeting/Discussions

A pre-lodgement meeting was held with Council on 30 July 2019. This scheme presented at the pre-lodgement meeting included 27 apartments over five storeys. The development that has been submitted has been reduced in scale to 19 dwellings over four storeys, with basement carparking.

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

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 *R3 – Medium Density Residential* under *Wyong Local Environmental Plan (WLEP) 2013*. The relevant uses in the zone include *residential flat buildings*.

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.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note—Residential flat buildings are a type of residential accommodation

The development as proposed is permissible within the R3 zone. The development is best characterised as a residential flat building, which is a form of residential accommodation that is permitted with consent within the zone.

Wyong Local Environmental Plan 2013 -Zone Objectives

Having regard for Clause 2.3 of WLEP, the *R3 – Medium Density Residential* zone objectives read as follows:

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium 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 of the surrounding area.*
- *To encourage amalgamation of existing lots to facilitate well designed medium density development and to avoid unnecessary isolation of lots.*

The proposal is found to be consistent with the stated zone objectives. In particular, the development maintains the residential amenity of the surrounding area and amalgamates lots to achieve a medium density development that is largely compliant with the Apartment Design Guide without resulting in the isolation of adjoining lots.

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. Building height is defined under WLEP 2013 as follows:

building height (or height of building) means—

- in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

Council's height maps identify the site with a maximum building height of 12 metres. The proposal has a maximum height of 13.1 metres to the lift overrun and 12.9 metres to part of the parapet. The proposal does not comply with the building height provisions of the LEP.

3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)



Above: Section showing height breach

The objectives of Clause 4.3 are as follows:

- (a) *to establish the maximum height limit for buildings to enable the achievement of appropriate development density,*
- (b) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (c) *to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.*

The proposal achieves the objectives of the height of building development standard under Clause 4.3 because the proposal is not seeking to increase density as a result of the height non-compliance (the FSR is significantly less than the maximum permissible on site) and the building has been designed to comply with building separation requirements of the Apartment Design Guide, including a recessive top floor that is distinct from the levels below through a change to materials palette that assists the building to achieve anticipated bulk, height and scale the future character of the area.

Solar access modelling demonstrates that the development of neighbouring sites can achieve reasonable solar access having regard for the impact of the development. The proposal achieves the anticipated outcomes of the Apartment Design Guide regarding building separation to achieve appropriate residential amenity to neighbouring properties within a medium density context. The breaches of parapet and lift over-run do not result in an unsympathetic development form in the context of development opportunities of directly adjoining and nearby development sites.

The application includes a Clause 4.6 written request that relates to the variation of building height (refer to the Clause 4.6 discussion below).

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

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. Council's FSR maps identify the site with a maximum FSR of 1.5:1. The proposal has an FSR of 1.25:1 and complies with the FSR provisions of the LEP.

Wyong Local Environmental Plan 2013 Clause 4.6 – Exceptions to development Standards

Clause 4.6 provides flexibility in applying certain development standards. The applicant has made a written request to vary the Height of Building development standard of Clause 4.3 of the Wyong Local Environmental Plan 2013. The height breach for the development may be described as 1.1m (9.1%) to the lift over-run, and 0.2m – 0.9m breach of the parapet of the building (1.6% - 7%).

Clause 4.6(3) - Identifies matters to be demonstrated by the applicant in a written Clause 4.6 request. These matters are:

- *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.*

An established way to demonstrate that compliance with the standard is unreasonable and unnecessary is to use one or more of the five justifications identified in *Wehbe v Pittwater Council* [2007]. The applicant has provided a Clause 4.6 written request (Attachment 6) that provides the applicant's reasons why strict compliance with the height of building development standard is unnecessary and unreasonable. These reasons largely relate to the first Wehbe justification, that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. A summary of the reasons identified by the applicant is provided following (note that this is a summary only, the applicant's full submission is contained in Attachment 6):

The proposal is consistent with the objectives of the standard because:

- *The exceedance in height does not seek to create an additional storey or seek additional floor space but to provide for a functional building with appropriate services such as lift and basement level carparking.*
- *the proposed development seeks enhanced amenity over density. In this way it is considered that the density proposed is appropriate to the site size and orientation.*
- *the topographical nature of the land which falls from Denning Street to the rear. Excluding the lift structure, the variation at its maximum is 900mm located to the rear of the site and results from a combination of the fall in the site from Denning Street to the rear, and to achieve the required headroom for the basement level carpark;*

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

- *the request by Council's drainage engineer to introduce a minimum 300mm freeboard above the TWL of the proposed OSD system (formerly 200mm);*
- *a basement carpark arrangement which has been reduced from 2 levels to 1 level of basement car parking due to limiting excavation to minimise impacts to the watertable;*
- *The lift overrun is set well back into the site, approximately 18.7m from the Denning Street site boundary and 25.6m from the rear site boundary, such that it will not be readily visible from any public vantage point*
- *It is noted too that whilst the lift overrun exceeds the height limit by between 900mm and 1.100mm it represents only a small percentage of the floor plate area below at 1.4% and 1.7% of the roof area.*
- *Reducing the proposed development by a storey to address minor exceedances that relate to the function of the apartment building would be contrary to this objective.*
- *The WLEP 2013 anticipates a variation in height within Areas 1 and 2 between 12m and 26m. Whilst this is dependent on the allotment size (min. 1,800m²) and bonus FSR provisions, it does provide for a greater variation and 'disparity' in height across adjacent sites and within the locality, acknowledging that a variation in scale and height in storeys is an acceptable outcome for The Entrance Peninsula.*
- *Exceedance is largely to the rear of the site, and is of a scale that relates to and is compatible with the existing and approved medium density residential development in the sites visual catchment. Against this setting, the proposed height exceedance within the streetscape and locality will not be readily identifiable nor incongruous with this context,*
- *The amenity of neighbouring properties has been demonstrated through solar access modelling of adjoining lots.*

Further discussion in relation to the objectives of the standard are provided below.

- *That there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has the following grounds/reasons for the proposed variation to the development standard(s):

- *The development... is of a height, bulk, scale and form that is compatible with the existing, emerging and desired character of the locality, which anticipates a variety of building heights within the immediate locality. The context of surrounding residential apartment development is of a scale significantly greater than that proposed. The proposed development and associated variation in height will sit comfortably within this context and setting.*
- *The variation in height represents only a minor exceedance of the 12 metre height limit with the roof structure representing between 1.6% (Denning Street) and 7% variation (rear), with the lift overrun at 9.1% variation. The greatest variation in height of the roof*

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

structure is located to the rear of the site and is largely in part a consequence of the fall in the site to the rear and for the provision of services appropriate to the function and use of the building.

- Proposed development is sited in the vicinity of comparative and much taller existing and approved residential apartment buildings, between 5 and 9 storeys in height. In addition, the lift overrun is located approximately 18.7m from the Denning Street site boundary, 25.6m from the rear boundary and projects only 650mm above the roof structure, and as such will not be readily visible or discernible from any public vantage point, representing only a small percentage of the floor plate area below at 1.4% and 1.7% of the roof area.*
- The proposal does not convey excessive height bulk or scale with an architectural design that is contemporary, high quality and represents a positive urban design outcome within an emerging medium density locality;*
- The proposed height non-compliance does not result in any unreasonable privacy or amenity impacts to surrounding sites in terms of bulk, access to sunlight, privacy and views.*
- The height variation does not materially impact significant views from adjacent residential properties. The visual impacts associated with the additional height is negligible and generally in line with those anticipated by a height compliant scheme.*

Council's urban design consultant has considered the impacts of additional bulk that results from the height variation and has identified minimising non-compliance with the control constrains the ability of the design to achieve a cohesive design that articulates the top storey to minimise building bulk.

Having regard for the unique context of the site within close proximity to developments of up to 9 storeys and directly adjoining developments of 4 and 5 storeys, the proposal achieves key objectives of both the height and the zone by maintaining consistency (in number of storeys) with development within the nearby context. The development manages the slope of the site and does not result in subterranean units with poor design outcomes. The variation to the height is generally the result of the gradual slope of the site towards the rear, with the lift over-run centrally located to minimise visual intrusion.

The development achieves a design that incorporates larger than minimum unit sizes and efficient layouts and does not seek to achieve maximum floor space ratio on the site.

The written request has identified sufficient environmental planning grounds that are particular to the circumstances of the proposed development on the subject site that could not be broadly applied to other sites. The reasons provided have demonstrated circumstances which relate to the development on the site or that could not be achieved by a complying development.

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

Clause 4.6(4) - identifies matters of satisfaction for the consent authority in order to grant development consent. These matters are:

- That the written request has adequately addressed the above requirements of the written request contained at 4.6(3). Refer to discussion above.
- That the proposed development is in the public interest because it is consistent with the objectives of the particular standard.

The objectives of the standard are:

- (a) *to establish the maximum height limit for buildings to enable the achievement of appropriate development density,*
- (b) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (c) *to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.*

The applicant's written request has identified and addressed the objectives of the standard.

As identified earlier in the report under heading 'Clause 4.3 Height of Buildings', the proposal achieves the objectives standard because the proposal is not seeking to increase density as a result of the height non-compliance (the FSR is significantly less than the maximum permissible on site) and the building has been designed to comply with building separation requirements of the Apartment Design Guide, including a recessive top floor that is distinct from the levels below through a change to materials palette that assists the building to achieve anticipated bulk, height and scale the future character of the area.

Solar access modelling demonstrates that the development of neighbouring sites can achieve reasonable solar access having regard for the impact of the development. The proposal achieves the anticipated outcomes of the Apartment Design Guide regarding building separation to achieve appropriate residential amenity to neighbouring properties within a medium density context. The breaches of parapet and lift over-run do not result in an unsympathetic development form in the context of development opportunities of directly adjoining and nearby development sites. Given the consistency of the development with the objectives of the Height of Buildings development standard, the proposed development is in the public interest.

- That the proposed development is in the public interest because it is consistent with the objectives of the zone.

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

The R3 zone objectives read as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium 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 of the surrounding area.*
- *To encourage amalgamation of existing lots to facilitate well designed medium density development and to avoid unnecessary isolation of lots.*

The applicant's written request has identified and addressed the objectives of the zone.

As identified earlier in the report under heading 'Permissibility', the proposal is found to be consistent with the stated zone objectives. In particular, the development maintains the residential amenity of the surrounding area and amalgamates lots to achieve a medium density development that is generally compliant with the Apartment Design Guide without resulting in the isolation of adjoining lots. Given the consistency of the development with the objectives of the R3 zone, the proposed development is in the public interest.

- *Whether the proposed development is in the public interest.*

Council is satisfied that the variation to the Height of Building development standard is in the public interest because, as identified above, it is consistent with the objectives of the development standard and the objectives for the zone.

Clause 4.6(4) - identifies that consent must not be granted without the concurrence of the Planning Secretary.

In accordance with Clause 64 of the *Environmental Planning and Assessment Regulation 2000*, and Planning Circular PS 20-002, the Local Planning Panel, which exercises consent authority functions under the EP&A Act, may assume the concurrence of the Secretary of the Department of Planning for an exception to a development standard under Clause 4.6 of the *Wyong Local Environmental Plan 2013* (which adopts the *Standard Instrument (Local Environmental Plans) Order 2006*).

Clause 4.6(5) - identifies that in granting concurrence, the Planning Secretary must consider whether there are any matters of state or regional significance, and the public benefit of maintaining the standard.

- *Any State or regional significant planning matters raised by contravening the standard*

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

There are no state or regional matters that arise as a result of the contravention of the standard.

- *The public benefit of maintaining the standard*

In this instance, and in considering strategic outcomes for the area, there is no public benefit in maintaining the standard.

Clause 4.6(6) and 4.6(8) - provide circumstances under which the provisions of Clause 4.6 cannot be utilised. These circumstances do not arise within this development application.

Having regard for the written request provided by the applicant and the assessment above, the proposed development is consistent with the objectives of Clause 4.6, being, an appropriate degree of flexibility in the application of the standard and achieving a better outcome for and from the development within the particular circumstances.

Wyong Local Environmental Plan 2013 Clause 7.1 - Acid Sulfate Soils

Clause 7.1 requires consideration to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified as Class 5 on the Acid Sulphate Soils (ASS) Planning Map. The clause requires the consideration of the need for an acid sulphate soils management plan. The proposal is on land that is approximately 19 metres AHD (by survey), with a proposed excavation of 3 metres for the basement (16 metres AHD). An acid sulfate soils management plan has been submitted with the development application. The plan concludes:

"Based on the field and laboratory results, potential acid sulfate soil (PASS) was detected in samples collected from 1.5 metres, 3 metres and 4 metres below the existing ground surface. Therefore, the Natural Sandy Clay / Clayey Sand from a depth below 0.8 metres BGL will require to be treated in accordance with the ASSMP."

The acid sulfate soils management plan provides management strategies to manage disposal of excavated material from above and below the water table. The plan also recommends the preparation and implementation of an appropriate water quality management plan to maintain water quality to a standard appropriate for disposal into the stormwater system, and regular monitoring to ensure water quality (condition of consent 2.15 and 4.10).

Compliance with the requirements of the acid sulfate soils management plan is required by **condition 4.8**.

3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

Wyong Local Environmental Plan 2013 -Clause 7.2 - Flood Planning

Clause 7.2 applies to the site as it is identified as flood planning land under Council's maps. Consent must not be granted to land identified by this clause unless the consent authority is satisfied that the development:

- *is compatible with the flood hazard of the land: and*
- *Is not likely to significantly adversely affect flood behaviour resulting in worsened flood hazard to other development or properties, and*
- *Incorporates appropriate measures to manage risk to life from flood and*
- *Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and*
- *Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The sites are located within the Tuggerah Lakes Southern Catchment Overland Flood Study Catchment and Council's records indicate that the site is affected by flooding and/or minimum floor level requirements. This is as a result of very minor ponding in the adjoining rear property and frontage of Dening Street.

On this basis, and subject to the basement design having regard for minimum floor levels, the proposal is considered to be satisfactory having regard for the above considerations.

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 - A suitable access point to the basement that is least affected by flooding has been identified within the design.

Water supply – A water service is available within Dening Street via a 150mm asbestos cement pipe. The existing system is adequate to provide water supply to the proposed development. Due to the likely damage from compaction and vibration from construction activities, the existing asbestos cement water main is required to be replaced with PVC pipe for the length of property boundary (**condition of consent 2.11**).

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)



Above: Water supply arrangements

Sewer - The site is currently connected into Council's sewer network. Connection can be made to line "A" which will gravitate to sewerage pumping station BB09. There is sufficient capacity within the Council sewer network.

The applicant is required to identify the alignment of the existing sewer gravity main. Due to the likely damage from compaction and vibration from construction activities, the existing asbestos cement gravity sewer main is required to be relined between manhole A1310A to A13F01 prior to commencement of any works (condition of consent 2.11).

3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)



Above: Sewerage disposal arrangements

Stormwater Management - The lots both fall gently to the rear. Stormwater will be directed to Dening Street via an on-site detention/basement pump-out system. An extension of Council's trunk drainage system is required to obtain gravity fall to the underground stormwater drainage system (condition of consent 2.11).

An on-site stormwater detention and drainage system is required to control the rate of runoff leaving the development site. The detention system is required to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100-year Average Recurrence Interval (ARI) design storms (condition of consent 2.10). The proposal does not require rainwater tank storage as part of the BASIX water commitments.

Accordingly, the proposal is satisfactory with regard to clause 7.9 of WLEP. Design detail for replacement of water and sewer pipes, the extension of the trunk drainage and the OSD are required via Conditions of Consent.

SEPP No.65 (Design Quality of Residential Apartment Development) and the Apartment Design Guide (ADG)

State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development) (SEPP 65) applies to the development. Clause 30 (1) of SEPP 65 specifies standards that cannot be used as grounds to refuse development consent. Those standards are:

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

(a) *if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide*

The proposal does not meet the locational requirements of 3J-1 of the ADG that sets minimum car parking requirements. As such, the minimum requirement for car parking specified by *Guide to Traffic Generating Developments* does not apply. The proposal does not meet the minimum car parking requirements of Councils DCP as specified by the ADG.

(b) *if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*

The proposal meets minimum areas for apartments as per the ADG.

(c) *if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

The proposal has ground floor ceiling heights that meet the minimum ground floor ceiling heights of 2.7 metres as required by the ADG.

Clause 30(2) of SEPP 65 specifies:

“development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

(a) the design quality principles, and

(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.”

The proposal seeks variation to a number of design considerations under the ADG. These variations are tabulated in Attachment 2.

The following table considers the proposal against the SEPP 65 design quality principles and includes the applicant’s relevant design comments from the design verification statement.

| Principles | Proposal |
|-------------------------------------|---|
| Context and neighbourhood character | <i>The proposal satisfies the objectives of the zone by providing for the housing needs with a variety of housing types of the community within a medium-density residential environment with a built form that is compatible with the existing and envisaged environmental and built character of The Entrance. The locality is currently undergoing urban transitioning from low-density to medium-density development, with several sites already developed as medium density residential flat buildings and approvals granted but not yet exercised (43-49 Ocean Parade and 1</i> |

3.3

DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

| | |
|----------------------|---|
| | <p><i>Fairfort Avenue, The Entrance granted development consent under DA/95/2003 for the construction of a 7 storey residential flat building comprising 57 units).</i></p> |
| Built form and scale | <ul style="list-style-type: none"> • <i>The proposal is considered appropriate for the site and commensurate in scale and height with its surroundings. The proposed building height reflects the anticipated future character of the area and corresponds to existing residential buildings on the Dening Street and Ozone Street.</i> • <i>The massing of the Dening Street frontage (South-West elevation) has been carefully developed to achieve an aesthetic outcome and composition that is contemporary and elegant, fitting in residential amenity. Timber-look articulation with dark-paint frame for the balconies on the building corners break down the scale of the building and create a sense of nature and modernity.</i> |
| Density | <ul style="list-style-type: none"> • <i>The floor space ratio is 1:1.25, which is lower than the maximum 1.5 floor space ratio for the subject site.</i> • <i>The building has been appropriately articulated to reduce apparent bulk and express its residential character; chosen materials underline the building's proposed function, while maintaining its contemporary language. Building orientation is consistent with the established urban pattern in the area.</i> • <i>The built form allows views onto common areas and the street, maximizing local and afar views and minimizing obstructions. The built form also provides passive surveillance yet also providing privacy through room orientation, windows and balcony locations.</i> • <i>The proposal meets the envelope controls, providing carefully scaled building that is appropriate to the needs of the growing area of the Entrance. The design is in line with the desired future character of the area.</i> |
| Sustainability | <ul style="list-style-type: none"> • <i>The proposed building design reflects an integrated use of natural resources through effective cross-flow ventilation within 84% of units (16 out of 19 units). Effective cross-ventilation minimizes the use of air conditioning, hence minimizing carbon emissions. The design is compliant with the recommendation of the Apartment Design Guide (ADG - 60%).</i> • <i>The proposed building also integrates the passive solar access design principle. 74% of units (14 out of 19 units) have effective solar access. The design is almost compliant with the recommendation of the Apartment Design Guide (ADG – 70%).</i> |

DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

| | |
|-----------|--|
| | <ul style="list-style-type: none"> • <i>Sustainability is integral to the design; aspects include selection of appropriate and sustainable materials; passive solar design principles & use of energy efficient appliances.</i> • <i>The building will incorporate other energy and water efficient devices appropriate to specification of the building and awareness of needs. Details are provided in the BASIX report and NHERS certificate.</i> • <i>The site is located within a short walking distance of public transport and local shopping center. This convenience minimizes the daily usage of private cars by residents, hence considerably minimizing fossil fuel emissions.</i> |
| Landscape | <ul style="list-style-type: none"> • <i>The public open space is landscaped to integrate with pedestrian footpath and green belt. Planting along the street frontage softens the appearance of the building from the street; raised planter with ornamental shrubs to provide light visual barrier and amenity for retail outdoor seating areas; new planted street tree will enhance local amenity and provide shade and visual interest; wide concrete steps to encourage pedestrian movement along the Denning Street.</i> • <i>The private communal open space is landscaped for residents' amenity, featuring significant landscaping features with recreational facilities such as a barbeque and shaded seating area, not only enhancing the site's natural environmental performance, but also providing pleasant areas of natural vegetation for residents.</i> |
| Amenity | <ul style="list-style-type: none"> • <i>Solar Access - This proposal achieves 3 hours (minimum) direct solar access to primary living spaces of 14 out of 19 residential units (74%), which complies with the 70% minimum guideline as per the ADG – 70%.</i> • <i>Visual and acoustic privacy - The layouts of individual apartments are configured in a way to assure comfortable internal circulation, logical function arrangement and appropriate room dimensions. Design protects resident's ability to carry out private functions within all rooms and private open spaces without compromising views, outlook, ventilation and solar access or the functioning of internal and external spaces. Pedestrian and vehicle access to the site is easily recognizable. Natural and artificial lighting is provided to the entry and common areas for safe after-hours access.</i> • <i>Apartment layouts, private open spaces - Individual layouts are fully functional, consistent with spatial recommendations of the ADG. Each unit features internal storage areas as per</i> |

3.3

DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

| | |
|---|---|
| | <p><i>recommendations of the ADG; all apartments are provided with additional storage areas in the basement for larger objects like sporting equipment, to the minimum volumes required. Balconies are linked to living space and main bedroom, and are of sufficient size to accommodate the required seating arrangements and comply with the requirements of the ADG.</i></p> <ul style="list-style-type: none"> • <i>Natural ventilation - 84% of units (16 of 19) are naturally cross-ventilated (ADG guideline – 60%).</i> |
| <p>Safety</p> | <p><i>Proposed orientation of building, floor layouts and provision of balconies provide passive surveillance of the Dening Street. Appropriate security arrangements are incorporated at pedestrian entry lobbies and the vehicle entry to basement carparking spaces. All pedestrian areas are designed to provide clear sight lines and minimize potential for 'hiding' places for attacks.</i></p> <p><i>The main entry, lift lobby and hallways will be well lit for better visibility at night. Pedestrian entry is well separated from vehicular entry, and sight lines are provided, for safe pedestrian access to the building. Storage cages will be of chain wire partitioning to allow visual sight lines.</i></p> |
| <p>Housing diversity and social interaction</p> | <p><i>The proposed development with a yield of 19 units and a mix of 5 x 1 bed, 13 x 2 bed and 1 x 3 bed units will complement and extend the range and diversity of residential accommodation available in the area.</i></p> <p><i>The site is within 220 meters of the Lakeside Shopping Center, bus station, close to other public transport and public amenities, hence the proposed apartment mix is appropriate and in line with new planning controls.</i></p> |
| <p>Aesthetics</p> | <ul style="list-style-type: none"> • <i>An appropriate composition of building elements, material textures and colors has been utilized to create an interesting façade and reflect the building's residential character. The building form is broken up to different elements along the Dening Street to reduce the visual bulk.</i> • <i>The articulation of the building facades, the design's massing composition seek to find balance with its surroundings and future development. Middle rise units with dark steel and glass balustrade on its spacious balcony to allow resident's ability to carry out outdoor functions and enjoy views.</i> • <i>Façade material includes: brick, external cladding panel, timber look cladding, sandstone look cladding, dark aluminum hood and powder coated metal frame etc. The variety material composition gives the building a modern appearance with a natural feeling which is appropriate and in line with future desirable characteristic of the streetscape.</i> |

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

Having considered both the SEPP 65 design quality principles and the objectives of the Apartment Design Guide, the development has demonstrated good design that relates to its context as required by the SEPP.

State Environmental Planning Policy (Coastal Management) 2018

SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection), and Clause 5.5 of the WLEP have been repealed and they have been incorporated within *State Environmental Planning Policy (Coastal Management) 2018*.

The site is identified as land to which this SEPP applies, as it is within the **coastal zone**, which in accordance with Clause 6 is land that includes a coastal environment area and/or a coastal use area. In relation to the SEPP, the submitted Statement of Environmental Effects indicates that *"relevant matters have been considered and the proposal is considered to be consistent with the relevant aims and objectives"*, however does not provide information on how the development is consistent.

The site is identified under the SEPP as being located within a coastal use area (CUA). Any development on land identified as a CUA is required to be in accordance with *Clause 14 – Development on land within the coastal use area*. Clause 14(1)(a) includes matters for consideration that the consent authority must take into account in order to grant consent:

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage ...*

Having considered the above, the proposal will not result in any significant overshadowing or wind funneling or result in an impact to views from public places. The proposal is considered acceptable in terms of visual amenity. Conditions of consent have been placed having regard to any find in relation to aboriginal heritage (condition 4.3). The site does not have any cultural or built environmental heritage.

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

Clause 14(1)(b) includes matters that the consent authority must be satisfied of in order to grant consent:

- (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

In relation to the above Council has considered the documentation supplied with the application and is satisfied that the proposal will not result in an adverse impact in regard to any of the matters for consideration under Clause 14(1), and that impacts of the development will be appropriately managed. The articulated facades of the building are consistent with the anticipated development outcomes for the area having regard for the coastal and built environment. The development is consistent with the requirements of Clause 14.

The site is also identified under the SEPP as being located within a coastal environment area (CEA). Any development on land identified as a CEA is required to be in accordance with *Clause 13 – Development on land within the coastal environment area* of the above SEPP. Clause 13(1) includes matters of consideration that the consent authority must take into account in order to grant consent:

- 1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

The proposal will not result in an adverse impact on the environment, coastal environmental values and processes, the water quality of the lake, marine vegetation, public open space or Aboriginal cultural places. The applicant has adequately addressed water quality measures 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. The application has provided sufficient stormwater quality information to demonstrate that the proposal will not have an adverse impact on the water quality of the lake.

Clause 13(2) includes matters of satisfaction that the consent authority must arrive at in order to grant consent:

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

In relation to the above, Council, having undertaken a site inspection and having regard for information supplied with the application, is satisfied that the proposal will not result in an adverse impact in regard to any of the matters for consideration under Clause 13(1), and that impacts of the development will be appropriately managed. The proposal will not have an adverse impact upon the coastal environment and is therefore consistent with the requirements of Clause 13.

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

The proposed residential flat building constitutes 'BASIX affected development' as defined within the Regulations. A valid BASIX Certificate (as required by Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*) has been submitted with the development application. The application has adequately demonstrated water conservation and energy efficiency measures to be adopted as part of the proposal in order to ensure the development will be energy and water efficient consistent with the NSW State Governments requirements.

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

State Environmental Planning Policy No.55 – Remediation of Land

Clause 7(1) of State Environmental Planning Policy No. 55 requires that the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and if contaminated that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development proposed to be carried out.

The submitted acid sulfate soils management plan prepared by Aargus Pty Ltd identified that the soils at the site have the potential to be acid sulfate soil and require treatment. The presence of acid sulfate soils will impact the waste classification of the soil and will require additional testing and reporting during excavation to establish the need for treatment for acid sulfate in the excavated soil (conditions of consent 4.8 and 4.16).

The site contains buildings that have compressed cement sheeting as external cladding that have the potential to contain asbestos. As such, prior to the demolition of these buildings, testing for asbestos and an asbestos management plan will be required for the safe removal and demolition of the buildings (conditions of consent 4.11 and 4.12).

There are no other contamination concerns that would prevent the site from being utilised for its intended use, subject to the appropriate management of acid sulfate soils and asbestos.

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 R3 Medium 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

Chapter 2.4 of WDCP 2013 applies to the development and a summary of compliance with the relevant controls under the Chapter are outlined under the attached table (Attachment 3). However, there are a number of requirements under the DCP that are relevant to the proposal but overridden by similar controls contained within the ADG. These DCP requirements include:

- communal open space (10m² per dwelling with a minimum dimension of five metres);

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

- private open space (a minimum area of 10m² and a minimum dimension of two metres);
- deep soil provision (12.5% site area), site coverage (soft landscaping 25%);
- solar access (minimum of 3 hours midwinter between 9am-3pm for 70% dwellings);
- building separation; and
- storage (3m² of floor area/1-2 bed dwelling).

The DCP requirements relevant for the proposal that are not provided within the ADG include the following:

- clause 12.1b of the DCP requires the provision of 10% of units (two units) be designed as suitable for adaption for occupation by aged persons or a person with a disability and the proposal includes two adaptable units and complies.
- accessible parking spaces at a rate of one per accessible unit are required for the residential component of the development. The basement includes two accessible spaces that could be allocated for residential use.
- bicycle facilities (one space per three dwellings totaling six spaces required). The proposal includes eight spaces within the basement. The proposal complies.
- 25% of the site is to be landscaped, with half of that area being deep soil. The proposal provides approximately 25% of the site as deep soil landscape area, and soft landscape area (including planting on top of basement etc.) equates to approximately 50% of the site area. The development exceeds minimum requirements for landscaping and provides suitably located deep soil planting zones around the entire perimeter of the site.

The design of the development proposes a variation to solar access requirements. The proposed variations to the DCP provisions in relation to solar access are addressed within the Clause 4.15 assessment below.

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.

The proposal includes a total of 27 on site spaces including 4 stacked spaces that are not in accordance with the requirements of Chapter 2.11 of WDCP. Discounting these spaces reduces the provision of onsite parking spaces to a total of 23 spaces.

The DCP requires 23 spaces for the residential component and 4 visitor spaces. The proposal provides a total of 27 parking spaces however four are stacked parking spaces. The proposal

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

provides all of the required visitor spaces, and in this regard does not rely upon street parking.

Discounting the stacked parking arrangement results in a variation to the required parking on site of 14.81%, although it is acknowledged that in practical use the variation is less. Given the height of ground water in the area and the likelihood of acid sulfate soils, an additional level of basement is likely to generate significant environmental impacts that would require further management. The proposed basement provides parking in an efficient manner that has little impact to neighbouring properties or the streetscape and the design retains deep soil planting around the perimeter of the site which is considered to be an appropriate outcome in the circumstances.

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.

The proposal includes garbage rooms and garbage chutes on all levels of the building. The proposal provides an adequate waste storage area within the basement, and the bins are taken to a separate enclosure on the north side setback on the day of collection. The waste collection vehicle will reverse into the site for collection from this enclosure. This arrangement has been vetted by Council's waste officer, and the safe reversing maneuver for the waste truck can be achieved.

Further detail of the dimensions of the waste storage area and waste holding area will need to be provided prior to Construction Certificate, in order to ensure that the areas are sized to accommodate the 3 x 1100 litre bulk waste bins that will be collected (condition of consent 2.2). There is sufficient space to accommodate the required areas.

Detailed comments are provided within the waste discussion under Clause 4.15 matters discussed below.

Chapter 3.3 Floodplain Management of WDCP 2013

The proposal has been assessed having regard for the provisions of Chapter 3.3 Floodplain Management. The proposal has a ground floor level at 19.8m AHD and a basement crest at 19.9m AHD. This will satisfy the design requirements outlined in *Wyong Development Control Plan 2013*, Chapter 3.3 Floodplain Management.

Chapter 5.3 – The Entrance Peninsula of WDCP 2013

Wyong DCP Chapter 5.3 – The Entrance Peninsula applies to the development and a summary of compliance with the relevant controls under the Chapter are outlined under the

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

attached table (Attachment 3). The location specific DCP controls that apply to the site take precedent over Chapter 2.4 controls. Largely, the requirements under the DCP are overridden by similar controls contained within the ADG (refer Attachment 2). The following relevant provisions are identified:

2.0 Coastal character – for residential flat buildings up to six storeys in height, the desired character objectives are described as:

- To achieve a significantly-improved standard of urban design quality
- To enhance the neighbourhood's existing landscape setting
- To improve the current quality of local streetscapes
- To protect the scenic quality of coastal or lakeside backdrops for properties where buildings would be visible from waterways or shorelines
- To promote an outdoor lifestyle by the appropriate design of buildings and dwellings

The desired character is achieved by:

- Enhancing landscape settings and protecting scenic quality
- Improving the quality of streetscapes and protecting scenic quality
- Minimising and disguising scale and bulk of new developments
- Providing effective residential addresses and promoting an outdoor lifestyle

The development achieves the desired character as stipulated within the DCP to an acceptable degree.

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.

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

Accessibility

The proposal provides accessible residential parking spaces that are practical and 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, lift core and communal open space areas.

Traffic and transport

In accordance with the RMS *Guide to Traffic Generating Developments* the proposal will generate approximately 8 peak hour trips, or on average 1 trip every 7.5 minutes. This number of additional trips will not have a significant impact on the surrounding road network.

Internal access and parking

The Applicant has submitted site plans by Enhance Group Project Pty Ltd and a traffic impact assessment by Stronghold Engineers Pty Ltd. These documents indicate the provision of a total of 27 on site spaces including 4 stacked spaces that are not in accordance with the requirements of Chapter 2.11 of the WDCP. Discounting these spaces reduces the provision of onsite parking spaces to a total of 23 spaces.

Wyong DCP Chapter 2.11 Parking and Access requires 23 spaces for the residential component and 4 Visitor spaces, a total of 27 spaces are required. The proposal provides all of the required visitor spaces, and in this regard does not rely upon street parking. Discounting the stacked parking arrangement results in a variation to the required parking on site of 14.81%, although it is acknowledged that in practical use the variation is less. Given the height of ground water in the area and the likelihood of acid sulfate soils, an additional level of basement is likely to generate significant environmental impacts that would require further management. The proposed basement provides parking in an efficient manner that has little impact to neighbouring properties or the streetscape and that retains deep soil planting around the perimeter of the site which is an appropriate outcome in the circumstances.

The limited sight distance to the left or right at the base of the ramp has the potential to create conflict between drivers entering and exiting the carpark. It is recommended that a convex mirror is installed opposite the ramp on the pylon between spaces 8 and 9 (condition of consent 2.10).

3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

External works and road infrastructure

The development site is currently serviced via existing vehicle access crossings fronting Dening Street. The existing road reserve treatment includes kerb and channel, grass verge, concrete footpath and underground and overhead services.

The revised proposal seeks access for the development via new driveway crossings (residential and waste collection) fronting Dening Street.

The development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's *Civil Works Specification Design Guidelines 2018*. Conditions have been recommended requiring the provision of two new driveway crossings and laybacks, the removal of the redundant driveway crossings and laybacks, services adjustments (sewer manhole lid), stormwater drainage and a new downstream drainage pit within the road reserve at the frontage of the site. An additional driveway splay for the residential crossing is required in order to provide a compliant and workable vehicle access arrangement.

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.

Drainage

The site falls gently to the rear. The Applicant has submitted concept stormwater drainage plans by Stronghold Engineers that indicates that stormwater is directed to Dening Street via an on-site detention and basement pump out system. An extension of Council's trunk drainage system is required to obtain gravity fall to the underground stormwater drainage system.

The on-site stormwater detention and drainage system is required to control the rate of runoff leaving the development site. The detention system must be designed to 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 2.10).

The BASIX certificate does not include a requirement for a rainwater storage tank.

Water and sewer

Water supply is available from Dening Street via an existing 150mm asbestos cement pipe. Council's existing system is adequate to provide water supply to a development on the site, however any re-development of the site would require replacement the existing asbestos

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

cement water main for the for the length of the property boundary due to the likely impacts from construction activities. (Condition of consent 2.11).

The site is currently connected into Council's sewer network. Connection can be made to line "A" which will gravitate to sewerage pumping station BB09. There is sufficient capacity within the Council sewer network. The excavation and construction work will likely impact the existing asbestos cement sewer main and requires relining prior to commencement of any works. (Condition of consent 2.11).

Further detail in relation to the provision of water and sewer services can be found above under the heading *Wyong Local Environmental Plan 2013 Clause 7.9 – Essential Services*

Waste disposal

The proposal includes garbage rooms and garbage chutes on all levels of the building. The proposal provides an adequate waste storage area within the basement, and the bins are taken to a separate enclosure on the north side setback on the day of collection. The waste collection vehicle will reverse into the site for collection from this enclosure. This arrangement has been vetted by Council's waste officer, and the safe reversing maneuver for the waste truck can be achieved.

In order to ensure an appropriate landscape aesthetic to the hardstand waste collection area within the north side and front setback turf grid paving is proposed along with a masonry acoustic boundary wall that is treated as a feature landscape element and planting is included to soften the area.



3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)



Above: Extracts from landscape plan showing treatment of waste collection area

Manoeuvring of bulk waste bins on surfaces of this nature which are uneven, is not supported due to WHS risks where there is the potential for wheels to be impeded. As such, amended plans are required prior to CC to indicate the travel path for roll out/ roll back and manoeuvring at the rear of the waste truck in the waste truck servicing location having a sealed impervious surface (condition of consent 2.2).

Additional refinement to the plans is required via conditions of consent. This includes dimensioning of waste storage areas, and changes to some locations where turf grid is proposed (conditions of consent 2.2).

The acoustic impact of waste collection has been addressed by an acoustic consultant Renzo Tonin and Associates and details of this assessment have been submitted with the

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

development application. The 1.8-metre-high masonry fence to the boundary in proximity to the collection area is designed to assist in achieving an appropriate acoustic outcome to the neighbouring property and within the development on collection day. It is acknowledged that there will be some acoustic impacts to residents in units 1, 5, 10 and 15 on collection day, however this will be a limited window of impact that occurs once per week. The design has attempted to limit impacts for the apartments closest to the waste collection area by locating bedrooms furthest away from the waste collection service bay at approximately nine metres distance which is comparable to the setback from the kerb for residential dwellings in Denning Street. Additionally, the proposal incorporates laminated glazing which will reduce the internal noise levels within the apartments. On this basis it is considered that a reasonable acoustic outcome consistent with a medium density residential environment can be achieved.

Locality and streetscape

The proposal will not adversely impact on the character and amenity of the locality and streetscape. The scale, form, character and density of the development is considered acceptable within the locality given the R3 zoning of the site. The proposal involves the development of two lots within a residential street undergoing transition to achieve medium density outcomes identified for the periphery of The Entrance town centre.

The design and appearance of the development is of a high design that is of an architectural appearance which is satisfactory within the future character of the streetscape. The form and scale of the development is consistent with that envisaged for the site under the R3 zoning for medium density development. The proposal provides a design that clearly identifies the residential entry and minimizes impacts of car parking by incorporating a basement. 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: 3D perspective showing street facade

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)



Above: Denning 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. These dwellings are located within an area that is undergoing transition, and as a result some short-term impacts may result. These properties have an R3 zoning, are of sufficient developable size, and are to a large degree unencumbered in a manner that would enable them to be redeveloped in the near future. In both circumstances, the best and highest use of the land would be multi-dwelling residential in a Residential Flat Building.

Overlooking potential has been minimised in the design through the orientation of dwellings, internal layouts and balconies to avoid conflict. Some balconies limit overlooking as they are recessed within the façade and include solid balustrades. Additionally, physical distance and separation will address potential visual privacy issues through compliance with Council's requirements for setbacks. 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, four additional trees (two on each northern and southern boundaries) that can attain a mature height of 6 metres are to be provided via condition of consent 2.2.

3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

At midday, the shadowing impacts occur to the north western boundary of 32 Dening Street, including the side wall of the dwellings, the side setback pedestrian pathway and to one third of available private open space for the dwellings.

During midwinter in the afternoon, shadowing from the proposal extends across 32 and 34 Dening Street and causes solar access impacts across most of the site at 32 between 1pm and 3pm.

The submitted shadow diagrams show that 32 Dening Street has a sufficient degree of solar access to the rear private open space that is unimpeded by impacts from the development or any adjoining property between 10am and 2pm.



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

Overall, the extent of shadowing impact to neighbouring properties is not significant and is generally in accordance with clause 6.3.1 of Chapter 2.4 of Wyong DCP which reads:

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 9 am and 3 pm on June 21 (winter solstice).

Additionally, the applicant has provided shadow elevations to indicate the extent of shadow impact onto a future compliant (height and building separation) residential flat building development on 32-36 Dening Street. This shows that the proposed development will not result in significant solar access impacts onto future development of that lot to a degree that would constrain the development in any significant way.

Within the development, the communal open space area receives unobstructed solar access between midday and 3pm midwinter in compliance with the DCP.

“View from the sun” solar access modelling of the development having regard for nearby and adjoining development has been submitted with the development application. A review of solar access to the apartments within the development in line with the requirements of SEPP 65 identifies the following:

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

- The ADG requires three hours solar access to habitable rooms for 70% of apartments. This equates to least 13 apartments. The development complies with this requirement. Of the 13 apartments, seven strictly comply in all conditions. A further six apartments comply now but will have some degree of solar access compromised by future development of the northern neighbour.
- The ADG stipulates a maximum of 15% of apartments may receive no direct sunlight at midwinter. This equates to a maximum of three apartments. In a conservative assessment (including those apartments that are marginally non-compliant), the proposal includes six apartments that receive no midwinter direct sunlight (30%). Of those apartments, three are south facing single aspect apartments. The remaining three are dual aspect apartments with south and west orientations. To improve amenity to these apartments, the roof over balconies on the top floor has been cut out allowing sunlight to the balconies and to a small degree some window openings. Additionally, the worst affected southern apartments on the top floor include roof/sky lights to improve access to natural light.

Although technically non-compliant with the requirements of the ADG, the majority of apartments are either north facing or dual aspect units with good access to natural light (large windows and balconies) units with good internal amenity, and as a result the development is considered acceptable.

Having regard for the solar access provisions of Clause 6.3.3 of Chapter 2.4 of Wyong DCP which reads:

- The number of units within the development with a southerly aspect (SW-SE) is to be a maximum of 10% of the dwellings proposed.*
- Developments proposed on lots with an E-W aspect shall have a minimum width of 24m at the building line and a minimum site area of 1500m², in order to minimise shadow impacts on adjacent lands.*

The development has a south-west to north-east aspect, and strict application of the provisions above does not apply or will be very difficult to achieve due to the site (and therefore the building) not being a direct north/south orientation. The site does however have a lot width of 28 metres and an area of 1422m², which whilst marginally non-compliant on lot size, exceeds lot width and is an effective area in terms of maintaining reasonable solar access to neighbouring development sites as identified in the assessment above.

Six apartments that have a partial southerly aspect (30%). Of those units, three are south facing single aspect apartments. The remaining three are dual aspect apartments with south

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

and west orientations. Although the development is non-compliant with the requirement of the DCP, the majority of units are either north facing or dual aspect units with good access to natural light (large windows and balconies) and have good internal amenity.

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.

Ventilation of the basement having regard for the location of air conditioning compressors has been appropriately addressed within the proposal. The car park exhaust riser size has been designed to accommodate the mechanical needs from the air conditioning condenser units and ventilation louvres are provided to the basement to increase air intake.

Noise and vibration

An acoustic report has been provided by the applicant to address the acoustic impact of the development including the potential acoustic impact as a result of waste collection. An assessment of this impact is discussed under the heading "waste disposal" above. The application is acceptable in this regard.

Council's Environmental Health Officer has reviewed the proposal and advises that the location of air conditioning plant within the basement is the best possible acoustic outcome for the development and should achieve acceptable acoustic amenity for the development and adjoining development. The operation of all plant (including rooftop) 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 (conditions of consent 2.12, 2.13, 5.3, 6.1).

Safety, security and crime prevention

The principles of Crime Prevention Through Environmental Design (CPTED) have been considered under the design of the proposed new development. The applicant has included a CPTED assessment with the development application.

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

3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

- 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 apartments addressing these spaces.
- Access control – clearly marked access points and way finding, security doors to basement and pedestrian entry lobby, and secure mailboxes.
- Space management – the proposal will be managed by a body corporate and will ensure appropriate management of common areas.

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.

Isolation of sites and future development potential of adjoining sites

The assessment of the application has included an assessment for the potential isolation or constraint of development potential of adjoining sites to either side of the proposed development on Dening Street. These lots are zoned R3 Medium Density Residential.

The application has been assessed having regard for whether the development proposed prevents or impacts the likely amalgamation of adjoining sites and whether orderly and economic use and development of the separate sites can be achieved. In this instance, three sites to the west of the subject site (22, 24 and 26 Dening Street) could be amalgamated for future medium density residential development with a combined site area of approximately 1650m². The adjoining sites to the east (32, 34 and 36 Dening Street) have a combined site area of approximately 1600m² and could also achieve development of a scale consistent with the R3 Medium Density zoning upon amalgamation.



Above: aerial image showing site (blue) and opportunities for amalgamation of adjoining lots (orange)

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

Overall built environment impacts

The proposal will not adversely impact on the character and amenity of the locality and streetscape. The scale, form, character and density 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 65* and the *ADG* along with the provisions of *WLEP 2013* and *WDCP* and built environment impacts are considered to be reasonable within the context of the site.

Natural environment

There will be no significant impact upon the natural environment as a result of the proposal.

Flooding

The site is located within the *Tuggerah Lakes Southern Catchment Overland Flood Study* catchment and Council's records indicate that the site is affected by flooding and minimum floor level requirements. Minor ponding in the adjoining rear property and frontage of Denning Street has been identified.

The proposal has a ground floor level at 19.8m AHD and a basement crest at 19.9m AHD. This will satisfy the design requirements outlined in *Chapter 3.3 Floodplain Management of Council's Development Control Plan 2013*.

Water quality

The application documentation has adequately detailed water quality 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.

Acid sulfate soils

As previously discussed, the site is identified as class 5 on 'Council's Acid Works Sulphate Soils Planning Map' and the soils at the site have the potential to be acid sulfate soil, and require treatment. The presence of acid sulfate soils will impact the waste classification of the soil and water extracted from the site. A classification of at least "general solid waste, containing treated acid sulfate soil" could be expected subject to additional testing and reporting during treatment for acid sulfate in the excavated soil.

3.3 **DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)**

Generally, having regard for the matters raised above, the development application has included sufficient information to address impacts on the natural environment.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for the proposed development subject to conditions.

Ground water

A geotechnical report prepared by Eswnman Pty Ltd submitted with the development application confirms that water is found at 1.1m below ground level. The proposal has one level of basement and requires three metres of excavation. The geotechnical report makes the following observations:

- *“During site investigation, minor seepage/inflow associated with wet drilling soils occurred... It may be explained as the perched water over underlying low permeable unit silty clay... and subject to influence due to rainfall and stormwater events.*
- *Wet drilling soils and seepage water was also encountered at other depths during drilling at BH2 between 4.5m and 5.5m BGL*
- *Upon completion of drilling and over 2 hours standing time, a water level at 1.1m BGL was recorded in borehole BH1. In our opinion, it is likely a mixed water of seepage/inflow through different levels up to the bottom of hole and stabilised at a depth where perched water was encountered as mentioned on the above.*
- *However, the amount of the seepage/inflow (arising from perched water) during basement excavation is expected to be minor and manageable. During intense and prolonged rainfall period, basement excavations would typically require a temporary sump pit within the site to collect and remove any surface water or seepage that may occur.*
- *With the recommended procedures and precautionary mitigation measures... potential impacts of the proposed development on surrounding properties and road are expected to be negligible.”*

Given the likely but minimal ground water issues for the site, it is accepted that appropriate construction methods can address this issue. Any dewatering for the construction of the basement would require a water licence issued by NSW Natural Resources Access Regulator (NRAR).

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.

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

Social impacts

The development will provide high amenity residential dwellings that have been designed to fit within their context, in close proximity to facilities, services and recreation opportunities. The development is considered to make a positive social impact upon the area.

Suitability of the Site for the Development

The site is situated at the edge of The Entrance town centre and this location is well serviced with a high level of amenity. The site is accessible to public transport and facilities and the proposed development provides benefits to the ongoing viability of The Entrance town centre by encouraging people to live within the centre.

The site is located within an area that is undergoing transition and includes some low scale existing development. Although the development is approximately 13.1 metres in height and will be significantly higher than existing low scale directly adjoining structures within the site context, the building form is considered consistent with the planned future character of the area. 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, layout and scale 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 present well within the streetscape and will not adversely impact on the character and amenity of the locality.

Submissions

The application was notified between 12 December 2019 and 24 January 2020 and as a result of subsequent amended plans the application was re-notified between 29 May and 19 June 2020 in accordance with DCP 2013 – Chapter 1.2 Notification of Development Proposals with one submission received. The general issues raised in relation to the proposal are included below:

- *Concern regarding the amount of asbestos and that the waste management plan identifies "nil" asbestos*

Comment:

Conditions of consent will be included that will require testing for asbestos and any asbestos found to be removed in accordance with the requirements of NSW Workcover by an appropriately licensed contractor (Conditions of consent 4.11, 4.12).

- *Concern regarding the excessive number of apartments proposed for the size of the lot*

3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

Comment:

The proposal has an FSR that is less than the maximum permitted on the site. The density is appropriate within the context of current planning provisions that apply.

- *Concern regarding water table and land subsidence as a result of basement excavation, and potential damage to the neighbouring property*

Comment:

The excavation of the basement level is located two metres from the eastern site boundary (adjoining 32 Dening Street) and three metres at the western site boundary (adjoining 26 Dening Avenue). In addition, it is noted that the adjoining dwellings at 26 and 32 Dening Street are located approximately 1.1 metres and 2.2 metres respectively from the respective site boundaries which is considered enough area to appropriately excavate and construct a basement with minimal potential of damage to adjoining properties.

A geotechnical report prepared by Eswnman Pty Ltd was submitted with the development application. The report provides the following in relation to ground water and subsidence:

Groundwater - "excavation between 2.3m and 3.0m deep would be required for proposed basement level. Other cut/fill earthworks may include the excavation within footing areas, driveway ramp, and trench excavation for installation of underground services, such as water/sewer/stormwater pipes. Excavation of the sand materials will be typically feasible using conventional earthmoving equipment. Based on discussion in Section 5.3, minor seepage/inflow (from perched water) within Alluvium (Unit 2) is likely to be encountered during excavation of proposed basement."

Excavation – "the following shoring measures, based on groundwater conditions in Section 5.3, should be considered during design and construction of basement along these site boundaries:

- *Sheetpile wall; or*
- *Solider pile wall; or*
- *Soil nail wall.*

Other alternative shoring options may be considered subject to assessment by the project Structural Engineer in consultation with the project Geotechnical Engineer. If the magnitude of movement is assessed by analysis to be excessive, temporary anchorage or other temporary tie-back system may be required to be installed prior to excavation to reduce the potential effects of ground movement on adjoining properties.

3.3 DA/1108/2019 - 28-30 Dening Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

Typically, anchors are to be installed at regular intervals along the shoring wall. However, installation of anchors beyond the property boundaries will be subject to approval by owners of adjoining properties or public assets. If installation of temporary anchors is not feasible, it is necessary to consider other options to control lateral ground movement. These options include the following:

- *Temporary solutions such as installation of props/struts associated with staged excavation; or*
- *Staged excavations and creating temporary partial berms in front of walls.*

Earth retention structures should be designed in accordance with AS 4678 Earth-retaining Structures (Reference 7) using recommended parameters provided in Section 6.4. We recommend a dilapidation survey of adjoining properties and infrastructure should be carried out prior to the commencement of construction work.

With the recommended safe excavation batters and shoring options above, construction of the proposed basement level in the short and long terms is expected to have no effects on the adjoining buildings, roads and infrastructure."

The proposal has limited excavation to one level of basement in response to the report and in order to limit issues with ground water at depths of 4 to 5 metres on the site. The method of shoring of the proposed excavation will be detailed as part of the Construction Certificate documentation. The submitted geotechnical report provides a number of viable options for shoring that will ensure that neighbouring properties are not impacted. The geotechnical report recommends dilapidation surveys of directly adjoining neighbouring properties. This has been incorporated as a condition of consent (Conditions of consent 4.9, 5.16).

- *24 and 26 Dening Street will be too small to build high rise development and will significantly reduce land value of these properties.*

Comment:

The applicant has provided a response to the issue of future development potential of adjoining lots as follows:

"There are three (3) residential lots to the west of the subject site, being 22, 24 and 26 Dening Street, with each sharing similar allotment depths. These sites are able to be amalgamated for future medium density residential development, providing combined have a site area of approximately 1,650m². In this regard, the subject development proposal does not diminish the development potential of these sites for similar future development. Similarly, the adjoining sites to the east (32, 34 and 36 Dening Street) with a combined site area of approximately 1,600m² are able to facilitate similar future development upon amalgamation. It is considered that the

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

amalgamation of an additional site either side of the subject development site would in fact have a deleterious impact on the remainder of the sites to develop medium density development, resulting in the disorderly development of land, opportunity costs to the remaining landowners, and a likely discontinuous future streetscape. In this regard, opportunity exists for the remaining landowners either side of the development site to consider site amalgamation and redevelopment with their neighbours. Consequently, the subject proposal does not impact the development rights and opportunities available to landowners either side of the subject development."

The assessment of future development of adjoining lots is considered accurate in terms of fulfilment of the applicable planning controls and anticipated future development outcomes for the area.

Submissions from Public Authorities

The Geotechnical Report by Eswnman Pty Ltd submitted with the development application identifies that dewatering would need to occur until the completion of the basement. Following the issue of a development consent, the applicant would need to obtain a water licence issued by NSW Natural Resources Access Regulator (NRAR).

Internal Consultation

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 2.12, 2.13, 4.8, 4.16, 4.11 and 4.12, 5.3, 6.1 . |
| Urban Design | Supported without conditions. |
| Engineering | Supported subject to conditions including 2.10, 2.15, 4.9, 4.10 and 5.16 . |
| Engineering – Traffic and Transport | Supported subject to conditions. |
| Water and Sewer | Supported subject to conditions including 2.11 . |
| Waste Services | Supported subject to conditions including 2.2 . |

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 site is readily accessible to public transport, shops and services. The proposal will increase the available stock of housing in The

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

Entrance. The supply within the locality of well-designed medium density housing of high amenity that is near town centre services 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

The application falls under The Entrance District s7.11 Contributions Plan and the Shire Wide s7.11 Plan. The following contributions are applicable:

- Shire wide contributions
- Open Space Land & Works
- Community Facilities Land & Works
- Roads

The contributions have been calculated and loaded into Pathway based on:

- 5 x 1 bed units
- 13 x 2 bed units
- 1 x 3 bedroom units including credits for the existing serviced lots.

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

The total s7.11 contributions are \$182,939.40. The contributions are indexed by CPI quarterly and are required to be paid prior to the release of the Construction Certificate **(conditions of consent 2.5 and 2.6)**.

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 207 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) Water supply - \$ 39,172.8
- b) Sewerage - \$ 27,431.53

A credit is provided within the above calculation for the existing serviced lots. 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 R3 Medium Density zoning of the site. The development maintains the residential amenity of the surrounding area and amalgamates lots to achieve a medium density development that is generally compliant with the Apartment Design Guide without resulting in the isolation of adjoining lots.

The development is a permissible use within the R3 Medium Density zone of the *Wyong Local Environmental Plan 2013*.

The proposal meets the objectives of Clause 4.3 and 4.6 of the *Wyong Local Environmental Plan 2013* in relation to built form. The proposal has a compatible bulk that is appropriate for

3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works (contd)

the site, integrates with the emerging streetscape and character of the area and results in acceptable amenity outcomes.

The proposal achieves fundamental design quality that is required by *State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)*

The proposal satisfactorily addresses likely impacts to the coastal environment as required by the provisions of *State Environmental Planning Policy (Coastal Management) 2018*

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

The proposal 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

| | | | |
|----------|--|-------------------------------|-----------|
| 1 | Conditions of Consent | | D14226671 |
| 2 | State Environmental Planning Policy 65 and ADG Compliance Table | | D14223212 |
| 3 | Local Environmental Plan/Development Control Plan Compliance Table | | D14224752 |
| 4 | Architectural Plans prepared by Enhance Project Pty Ltd | Provided Under Separate Cover | D14192094 |
| 5 | Landscape Plans prepared by Studio IZ Pty Ltd | | D14085662 |
| 6 | Clause 4.6 written request prepared by Plan Urbia Pty Ltd | | D14214826 |
| 7 | Design Verification Statement by Enhance Project Pty Ltd | | D14214821 |
| 8 | Redacted Amended Plans | | D14249761 |

ATTACHMENT 1

Draft conditions of consent

1. PARAMETERS OF THIS CONSENT

1.1. **Architectural Plans by:** Enhance Project Group Pty Ltd

| Drawing | Description | Sheets | Issue | Date |
|---------|---------------------------------|--------|-------|------------|
| BW03 | Demolition Plan | DA010 | B | 15/04/2020 |
| BW03 | Site Plan | DA012 | C | 09/07/2020 |
| BW03 | Excavation Plan | DA050 | A | 10/11/2019 |
| BW03 | Basement 1 | DA091 | D | 08/09/2020 |
| BW03 | Ground Floor Plan | DA100 | D | 08/09/2020 |
| BW03 | Level 1/2 Plan | DA101 | C | 09/07/2020 |
| BW03 | Level 3 Plan | DA102 | C | 09/07/2020 |
| BW03 | Roof Plan | DA103 | C | 09/07/2020 |
| BW03 | Section - Short | DA200 | B | 15/04/2020 |
| BW03 | Section - Long | DA201 | D | 08/09/2020 |
| BW03 | Section - Driveway | DA202 | D | 08/09/2020 |
| BW03 | Elevations – East and West | DA300 | C | 09/07/2020 |
| BW03 | Elevations – North and South | DA301 | C | 09/07/2020 |
| BW03 | External Materials and Finishes | DA500 | C | 09/07/2020 |

Landscape Plans by: Studio IZ

| Drawing | Description | Sheets | Issue | Date |
|----------|----------------------------|--------|-------|----------|
| LA190913 | Landscape Cover Sheet | LA-00 | E | 08/07/20 |
| LA190913 | Landscape Plan | LA-01 | E | 08/07/20 |
| LA190913 | Landscape Sections | LA-02 | E | 08/07/20 |
| LA190913 | Landscape Elevations | LA-03 | E | 08/07/20 |
| LA190913 | Landscape Elevations | LA-04 | E | 08/07/20 |
| LA190913 | Details and Specifications | LA-05 | E | 08/07/20 |
| | | | | |

Engineering Plans by: Stronghold Engineers (refer Project No. SH19093, Revision E, dated 5/5/2020)

| Drawing | Description | Sheets | Issue | Date |
|---------|-----------------------------------|--------|-------|----------|
| SH19093 | Basement Stormwater Drainage Plan | ST01 | E | 05/05/20 |
| SH19093 | Pump Out System Detail Plan | ST02 | E | 05/05/20 |

| | | | | |
|---------|--|------|---|----------|
| SH19093 | Site Stormwater Drainage and Detail Plan | ST03 | E | 05/05/20 |
| SH19093 | Stormwater Drainage Detail | ST04 | E | 05/05/20 |
| SH19093 | Erosion and Sediment Control Plan | ST06 | E | 05/05/20 |

Supporting Documentation

| Document | Title | Date |
|---|---|------------------|
| - | Waste Management Plan – Operation (Enhance Project) | 9 July 2020 |
| - Rev C | Waste Management Plan – Demolition and Construction (Enhance Project) | 1 July 2020 |
| SYD2019-1090-R001B | Acoustic Assessment (Acouras Consultancy) | 21 November 2019 |
| TL479-01F02 Letter to council (r2) | Acoustic Assessment Waste Servicing (Renzo Tonin & Associates) | 8 July 2020 |
| TL479-02F03 Air conditioning unit assessment (r2) | Acoustic Assessment Air Conditioning Plan (Renzo Tonin & Associates) | 9 July 2020 |
| 606388M_02 | BASIX Certificate | 09 July 2020 |
| ESWN-PR-2019-434 | Geotechnical Investigation Report (Eswnman Pty Ltd) | 2 September 2019 |
| | Traffic Report (SHENS Stronghold Engineers) | 8 July 2020 |
| EC7757 | Acid Sulfate Soils Management Plan (Aargus Pty Ltd) | 6 November 2019 |

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environmental 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. 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) Waste:
 - Revised Architectural plans that fully dimension all basement waste storage rooms and indicate all bulk bins in readily accessible locations.
 - The recyclables waste storage room of a size to accommodate 2 x 1100 litre recyclables waste bulk bins, a mechanical bin tug or similar to transfer all bulk waste bins to the interim bulk bin holding / servicing area adjacent to the north side of the development and a bin lifter to facilitate emptying of recyclables waste MGB's into recyclables bulk waste bins.
 - The mixed waste storage room of a size to accommodate 2 x 1100 litre mixed waste bulk bins.
 - The interim bulk waste bin holding location adjacent to the north side of the development, screened from public view and sized to accommodate 3 x 1100 litre bulk waste bins.
 - Revised architectural and landscape plans are to clearly indicate travel paths for roll out/ roll back of bulk waste bins transfer from the basement to the interim bulk waste bin holding/ servicing location in a suitable landscape quality finish. Untreated concrete is not acceptable. The travel path to be entirely within the development and free of steps or other obstructions.
 - b) Building design:
 - Provide design detail in plans for universal design features to Liveable Housing Guideline's silver level for nominated apartments 4, 8, 13 & 18.
 - c) Landscaping:
 - Revised landscape plans that indicate four additional trees (two on each northern and southern boundaries) that are capable of attaining a mature height of 6 metres are to be provided.

2.4. **No activity until CC issued**

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.

2.5. **The Entrance District Development Contributions Plan**

Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* pay to Council a total contribution amount of **\$170,311.50** at may require adjustment at the time of payment, in accordance with The Entrance District Development Contributions Plan with the applicable amounts as follows:

| | |
|--|----------------------|
| THE ENTRANCE/LONG JETTY OPEN SPACE LAND | \$ 4,258.55 |
| THE ENTRANCE/LONG JETTY OPEN SPACE WORKS | \$ 29,683.95 |
| THE ENTRANCE COMMUNITY FACILITIES LAND | \$ 20,039.65 |
| THE ENTRANCE COMMUNITY FACILITIES WORKS | \$ 30,596.20 |
| THE ENTRANCE/LONG JETTY ROADS | \$ 85,733.15 |
| Total | \$ 170,311.50 |

The contributions 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 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: [Development Contributions](#)

'Section 7.11 contributions may be satisfied by the value of works as part of a "Works in Kind" agreement with Council. Works in kind to be carried out shall be agreed to by Council in writing prior to the payment of the contributions and issue of a construction certificate (related to the works in kind). All such agreements shall be in accordance with Council's policies.'

2.6. Proposed Condition for Shire wide Infrastructure, Services and Facilities Development Contributions Plan

Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* pay to Council a total contribution amount of **\$12,627.90**, that may require adjustment at the time of payment, in accordance with the Shire wide Infrastructure, Services and Facilities Development Contributions Plan with the applicable amounts as follows:

| | |
|---|---------------------|
| Shire Wide Regional Open Space | \$ 2,173.15 |
| Shire Wide Cycleway Network | \$ 4,458.50 |
| Shire Wide Performing Arts & Public Art | \$ 5,030.60 |
| Shire Wide Administration | \$ 965.65 |
| Total | \$ 12,627.90 |

The contributions 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 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: [Development Contributions](#)

2.5. **Application under Roads Act and Local Government Act**

Lodge a completed *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form to Council where conditions of this consent require works approval from Council under the *Roads Act 1993*. The completed application form must be accompanied by detailed design drawings, supporting reports and information. 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.

2.6. Road Act Works Approval

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) Western Crossing - Construction of an industrial/commercial vehicle access crossing including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- b) Eastern Crossing - 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.
- c) 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. Concrete path to be constructed.

- d) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- e) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve.
- f) Extension of the existing trunk drainage system underneath the existing kerb to adequately provide gravity drainage for the development. A new kerb inlet pit must be provided for the proposed property stormwater connection. Alternatively, connection to the infrastructure on the southern side of Denning Street could be investigated.
- g) Adjustment of services as required such as sewer manhole lid. 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.

2.7. Utilities

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.

2.8. Fence design – Site Distance – Vehicle property access only

Submit to the Accredited Certifier, responsible for issuing a construction certificate for works within the development properties, detailed design drawings approved by a suitably qualified consultant for fences located on or in proximity to the road frontage of the site which ensure pedestrian and vehicle sight distance is maintained in accordance with of Australian Standard AS/NZS 2890: Parking Facilities, Parts 1, 2 and 6.

2.9. **Dilapidation Report – Council Assets**

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.

2.10. **Engineering works within private property – Generally Building related only**

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. An additional convex mirror

- must be established to provide additional sight distances left and right at the base of the access ramp.
- b) 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.
 - c) 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 Council's drainage system (to be extended) located in Dening Street. A non-return flap must be installed to prevent a surcharge of Council's pipe system entering into the subject property.

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

2.11. Notice of Requirements letter attached to consent

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.

2.12. Noise from plant in residential zone

Where any form of noise generating equipment associated with the use of the premises including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates, lift motors and the like, is proposed as part of the development, the Certifying Authority shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will 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.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant, including but not limited to the noise sources listed above, in isolation or in combination with other plant will comply with the above requirements.

2.13. Location of plant (residential flat buildings)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including air conditioning equipment) is located within the basement. Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

2.14. De-watering of Excavated Sites

Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to the Principal Certifying Authority for review prior to issue of a Construction Certificate.

2.15. Water quality management – acid sulfate soils

As recommended within the acid sulfate soils management plan prepared by Aargus Pty Ltd dated 6/11/2019, an appropriate water quality management plan to maintain water quality to a standard appropriate for disposal into the stormwater system, that details regular monitoring to ensure water quality shall be prepared and submitted to the Principle Certifying Authority.

2.16. Car wash bay

To ensure that waste water is treated in an acceptable manner the car wash bay shall be designed and constructed to ensure that waste water is discharged to the sewer in accordance with the requirements of Central Coast Council. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

2.17. Garbage chute

Any garbage chutes must be designed in accordance with the requirements of the *Building Code of Australia* and the Department of Environment and Climate Change *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

3.1. All conditions under this section must be met prior to the commencement of any works.

3.2. Appoint a Principal 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: www.centralcoast.nsw.gov.au

3.3. 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.

3.4. **Construction Traffic and Pedestrian Management Plan – For works within the development site**

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.

- 3.5. **Subdivision Works, Works in Road Reserve, Section 68 LG Stormwater works**
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. **Application for Hoarding Approval**
Submit a Hoarding Application to Council for approval under the Roads Act where it is proposed to erect construction fencing, a hoarding, site sheds or utilise the road reserve for any construction activity related to the development works within the site.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application and will be required to be paid prior to Council releasing any approval.

- 3.7. **Road Anchoring Application**
Submit an application to Council for approval under the Roads Act to install ground anchors should ground anchors within a road reserve be required for construction of this development.

The application to Council for Works Approval under Section 138 of the *Roads Act* must be made 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 endorsed by a suitably qualified professional. General requirements for anchoring proposals can be obtained from Council's Engineering Assessment Section.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application and will be required to be paid prior to Council releasing any approval.

- 3.8. 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.
- 3.9. Submit a dilapidation report to Council, the Accredited 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 and any Council asset in the vicinity of the development. 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).
- 3.10. 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.

- 3.11. 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.

- 3.12. 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*.

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

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

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

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

4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday
- No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.
- 4.3. 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:
- All excavation or disturbance of the area must stop immediately in that area, and
 - 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 Enhance Project Pty Ltd, Revision C , dated 1 July 2020.
- 4.7. **Arrangement made with utility**
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. **Work in accordance to ASS Management Plan**
Carry out works in accordance with the approved Acid Sulfate Soils Management Plan, ref. EC7757 dated 6 November 2019, prepared by Aargus Pty Ltd.

- 4.9. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development 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. **Water quality management – acid sulfate soils**
Comply with the water quality management plan to maintain water quality to a standard appropriate for disposal into the stormwater system, regular monitoring to ensure water quality shall be undertaken in accordance with the plan.
- 4.11. **Asbestos removal work**
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:
- 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
 - friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.
- The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.
- 4.12. **Submit Clearance Certificate**
Submit to Council a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that the site has been made free of asbestos material following completion of demolition works.
- 4.13. **Notify Council alter contamination remediation**
Immediately notify Council of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation.
- 4.14. **Implement erosion and sediment control and update in accordance with Blue Book**
Implement all erosion and sediment control measures and undertake works in accordance with the approved Erosion and Sediment Control Plan. Update the plan as required during all stages of the construction or in accordance with the *'Blue Book'* (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).
- 4.15. **Suppress excess dust**
Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.

4.16. Classify excavated material removed from site

Classify all excavated material removed from the site in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.

4.17. Erosion and sediment control measures

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.

4.18. Copy of stamped plans on site

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

4.19. Storage of building material work within road reserve

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

4.6. Noise - Construction

All works carried out on site during construction/ demolition/ excavation/ earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes' Interim construction noise guideline' and AS 2436-2010 – "Guide to noise and vibration control on construction, demolition and maintenance sites" for the control of construction noise which specifies that:

- a) Construction period of 4 weeks and under – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- b) Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10dB(A) at the boundary.
- c) Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department

of Environment and Climate Changes "Interim construction noise guideline" and AS 2436-2010 – "Guide to noise and vibration control on construction, demolition and maintenance sites" for the control of construction noise.

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 **Submit application for Occupation Certificate**

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 **Noise**

Plant

All noise generating equipment associated with the use of the premises including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates, lift motors and the like must not:

- exceed the background noise level by more than 5 decibels between 7am and 10pm when measured at the property boundary
- exceed the background noise level at all between 10pm and 7am when measured at the nearest affected residence and property boundary

Written confirmation from a suitably qualified acoustic consultant that the development achieves compliance with this noise criteria is to be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Acoustic compliance

Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified acoustic consultant shall be submitted to the Principal Certifying Authority and Central Coast Council, stating that all works/methods/procedures/control measures approved by Council in the following reports have been completed:

- Acouras Consultancy, ref. SYD2019-1090-R001B, dated 21 November 2019
- Renzo Tonin & Associates, ref. TL479-02F03 and TL479-01F02.

5.4 **Mechanical ventilation**

To protect the amenity of surrounding properties, following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate: The installation and performance of the mechanical systems complies with:

- The Building Code of Australia
- Australian Standard AS1668

- Australian Standard AS3666 where applicable

5.5 Transitions to existing formation

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 Construct stormwater management system

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 Works within road reserve - Roads Act Works Approval

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.

5.8 Dilapidation report prior to OC

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.

5.9 Internal engineering works

Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.

5.10 Construct car park and accesses

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.

5.11 Obtain the Section 307 Certificate of Compliance

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.

5.12 Inclusions on Deposited Plan of subdivision

Prior to the release of **any** occupation certificate, include on the Deposited Plan (DP) of subdivision the following:

- a) Consolidation of Lot 19 DP 23438 and Lot 18 DP 23438 into one lot.
- b) Inclusion of an 88B in relation to waste collection.
- c) Inclusion of an 88B in relation to on site detention.

- 5.13 Amend the Deposited Plan (DP) to include a section 88B instrument under the Conveyancing Act 1919 to indemnify Council against claims for loss or damage to the pavement or other driving surface and against liabilities losses, damages and any other demands arising from any on-site collection service, at the applicant's cost.

5.14 DP amended include 88B

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.

- 5.15 Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.

- 5.16 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.
- 5.17 **Written certification that landscape plan implemented**
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.
- 5.18 **Lots consolidated**
Consolidate Lot 19 DP 23438 and Lot 18 DP 23438 into a single allotment under one Certificate of Title.

Documentary evidence of the lodgement of the Consolidation Plan with the NSW Land and Property Information can be accepted by the Principal Certifier as satisfying this requirement.
- 5.19 **Submit trade waste application – car wash bay**
Submit a trade waste application for approval to Council as the Water and Sewer Authority in order to discharge liquid trade waste into the sewerage system. This form can be found on Council's website: www.centralcoast.nsw.gov.au
A copy of a trade waste agreement is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.
- 5.20 **Mail receptacles**
Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.21 **Safer by design**
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) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
 - d) access points between the development and the public domain (including vehicular access and egress points) will be appropriately secured to permit access to residents and visitors.

6. ONGOING

6.1 **Noise from plant in residential zone**

At all times, all noise generating equipment associated with the use of the premises including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, security gates, lift motors and the like must not:

- exceed the background noise level by more than 5 decibels between 7am and 10pm when measured at the property boundary
- exceed the background noise level at all between 10pm and 7am when measured at the nearest affected residence and property boundary.

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

6.3 Transport all waste generated on the premises to a facility which is licensed to receive that material.

6.4 Comply with all commitments as detailed in the Waste Management Plan signed by Enhance Project P/L, Revision C , dated 1 July 2020.

6.5 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.

6.6 Construct and manage garbage chutes in accordance with the provisions of Gosford Development Control Plan 2013, Part 7: Chapter 7.2 - Waste Management, Appendix F.

6.7 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.

6.8 No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.

6.9 **Encroachment of garbage / recycling bins**

Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas.

6.10 **Maintain landscaping**

Maintain the site landscaping for the life of the development.

6.11 Do not erect advertising signs

Do not erect advertising sign(s) on or in conjunction with the use and / or development without development consent unless the advertisement is exempt development or otherwise permitted without development consent.

6.12 Operate and maintain external lights

Operate and maintain all external lighting so as not to impact on any adjoining property.

6.13 Mark and maintain line-marking

Maintain internal pavement and pavement marking.

6.14 No third-party advertisement allowed

Do not erect third party advertisement on or in conjunction with the proposed development.

6.15 Waste management

Waste management shall be undertaken in the following manner:

- The transfer of bulk waste bins shall be undertaken as detailed in the Waste Management Plan – Operation by Enhance Project Pty Ltd dated 9 July 2020.
- The mobile green waste container shall be placed at a suitable location at the kerbside at the front of the development no earlier than the evening prior to the collection day and return to the approved basement storage location as soon as possible after service, no later than the evening on the collection day. The residents, caretaker, owner, Owners Corporation are responsible for the placement and return of the mobile waste containers.
- Waste vehicle manoeuvring to be in accordance with the Traffic Report by SHENS Stronghold Engineers dated 8 July 2020.

ATTACHMENT 2

Apartment Design Guide

Pursuant to Clause 30(2) of SEPP 65 in determining a development application for a residential flat building the consent authority is to take into consideration the Apartment Design Guide (ADG). The following table is an assessment of the proposal against the guidelines provided in the ADG.

| ADG COMPLIANCE TABLE | | |
|---|-----|---|
| Guideline | Y/N | Comment |
| 3A Site analysis | | |
| <p><i>Objective 3A-1</i></p> <p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p> | YES | The proposal has given regard for the existing and emerging development context and the future development potential of adjoining allotments. The proposal has appropriate regard for the recreation space on the opposite side of Denning Street and provides good passive surveillance of this space. |
| 3B Orientation | | |
| <p><i>Objective 3B-1</i></p> <p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> | YES | The proposal responds to the recreation space on the opposite side of Denning Street. The development provides passive surveillance of the street through the orientation of dwellings and provides an appropriately defined entry to the building from the street. The proposal is of a scale that responds to the likely future scale of development on adjoining lots. |
| <p><i>Objective 3B-2</i></p> <p>Overshadowing of neighbouring properties is minimised during mid-winter</p> | YES | The proposal has acceptable outcomes having regard for the orientation of the lots, the neighbouring properties, existing shadows and likely future development of adjoining and nearby lots. |
| 3C Public domain interface | | |

| ADG COMPLIANCE TABLE | | |
|---|-----|---|
| Guideline | Y/N | Comment |
| <p><i>Objective 3C-1</i></p> <p>Transition between private and public domain is achieved without compromising safety and security</p> | YES | The proposal provides a clear entry pathway that does not include sight line obstructions between the residential entry and the street. The delineation of public and private domain is achieved through an appropriate landscape outcome. |
| <p><i>Objective 3C-2</i></p> <p>Amenity of the public domain is retained and enhanced</p> | YES | The proposal will provide an appropriate relationship to the street consistent with the anticipated outcomes for an R3 zone. |
| 3D Communal and public open space | | |
| <p><i>Objective 3D-1</i></p> <p>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</p> | YES | The ground floor communal open space area has seating and BBQ facilities and adequate solar access. Additionally, the communal open space has a good visual connection to the central residential lobby space. |
| <p>Design criteria</p> <ol style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site (see figure 3D.3) 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 9 am and 3 pm on 21 June (mid-winter) | NO | <p>355m² is required. The proposal provides 245m² of principle usable open space that is at ground level. The proposal achieves >2hrs solar access to 50% of the ground floor space (122m²).</p> <p>The proposal is well located directly across the road from a park and sporting/recreation facility.</p> <p>The proposed building is located within a large landscaped curtilage (733m²) or 52% of the site area.</p> |

| ADG COMPLIANCE TABLE | | | | | | | | | | | | | | | | | |
|---|--------------------|--|---------------------------------|-----------------------------|-----|----|---|----|---------------------------------|----------------------------------|----|---|---|----|---|-----|--|
| Guideline | Y/N | Comment | | | | | | | | | | | | | | | |
| <p><i>Objective 3D-2</i></p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p> | YES | The proposal includes multiple seating areas and a BBQ area. Given the proximity to the generous public recreation opportunities on the opposites side of Denning Street, further embellishment of communal open space is not necessary. | | | | | | | | | | | | | | | |
| <p><i>Objective 3D-3</i></p> <p>Communal open space is designed to maximise safety</p> | YES | The proposal includes good passive surveillance and lighting. | | | | | | | | | | | | | | | |
| <p><i>Objective 3D-4</i></p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p> | N/A | - | | | | | | | | | | | | | | | |
| 3E Deep soil zones | | | | | | | | | | | | | | | | | |
| <p><i>Objective 3E-1</i></p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p> | YES | The proposal provides a large amount of deep soil (404.68m ²) with good opportunities for tree planting around the perimeter of the site. | | | | | | | | | | | | | | | |
| <p>Design criteria</p> <p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum dimensions</th> <th>Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>less than 650m²</td> <td>Nil</td> <td>7%</td> </tr> <tr> <td>650m² - 1,500m²</td> <td>3m</td> <td>Minimum 7% with recommended 10%</td> </tr> <tr> <td>greater than 1,500m²</td> <td>6m</td> <td>-</td> </tr> <tr> <td>greater than 1,500m² with significant existing tree cover</td> <td>6m</td> <td>-</td> </tr> </tbody> </table> | Site area | Minimum dimensions | Deep soil zone (% of site area) | less than 650m ² | Nil | 7% | 650m ² - 1,500m ² | 3m | Minimum 7% with recommended 10% | greater than 1,500m ² | 6m | - | greater than 1,500m ² with significant existing tree cover | 6m | - | YES | The ADG requires 7% (99.47m ²) of deep soil. The proposal provides 404.68m ² of deep soil planting. |
| Site area | Minimum dimensions | Deep soil zone (% of site area) | | | | | | | | | | | | | | | |
| less than 650m ² | Nil | 7% | | | | | | | | | | | | | | | |
| 650m ² - 1,500m ² | 3m | Minimum 7% with recommended 10% | | | | | | | | | | | | | | | |
| greater than 1,500m ² | 6m | - | | | | | | | | | | | | | | | |
| greater than 1,500m ² with significant existing tree cover | 6m | - | | | | | | | | | | | | | | | |
| 3F Visual privacy | | | | | | | | | | | | | | | | | |
| <p><i>Objective 3F-1</i></p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p> | YES | The proposal provides half of the required 12m building separation for the development, and does not constrain future development of adjoining lots. | | | | | | | | | | | | | | | |

| ADG COMPLIANCE TABLE | | | | |
|---|--------------------------------------|----------------------------|-----------------|--|
| Guideline | | | Y/N | Comment |
| Design criteria | | | YES | The proposal provides half of the required building separation on all boundaries with neighbouring properties. |
| Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: | | | | |
| Building height | Habitable rooms and balconies | Non-habitable rooms | Proposal | |
| up to 12m (4 storeys) | 6m | 3m | 6m | |
| up to 25m (5-8 storeys) | 9m | 4.5m | - | |
| over 25m (9+ storeys) | 12m | 6m | - | |
| <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</p> | | | | |
| Objective 3F-2 | | | YES | The proposal includes balconies that are recessed within the façade on the side elevations, and additionally have solid balustrades, that balance outlook and privacy. |
| 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 | | | | |
| 3G Pedestrian access and entries | | | | |
| Objective 3G-1 | | | YES | The building entry is defined, clearly identifiable, clear of sight obstructions, and at the same level as the street. |
| Building entries and pedestrian access connects to and addresses the public domain | | | | |
| Objective 3G-2 | | | YES | The entry is accessible and identifiable. |
| Access, entries and pathways are accessible and easy to identify | | | | |
| Objective 3G-3 | | | N/A | - |
| Large sites provide pedestrian links for access to streets and connection to destinations | | | | |
| 3H Vehicle access | | | | |

| ADG COMPLIANCE TABLE | | |
|---|-----|--|
| Guideline | Y/N | Comment |
| <p><i>Objective 3H-1</i></p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p> | YES | The vehicle access and waste collection access are separated from the pedestrian access. The waste collection access has been landscaped to minimise it's obtrusiveness. |
| <p>Design guidance</p> <p>Car park access should be integrated with the building's overall facade. Design solutions may include:</p> <ul style="list-style-type: none"> the materials and colour palette to minimise visibility from the street security doors or gates at entries that minimise voids in the facade where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed | YES | The car parking is provided largely within a basement. |
| 3J Bicycle and car parking | | |
| <p><i>Objective 3J-1</i></p> <p>1. Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p> | NO | The proposal does not comply with DCP requirements for car parking and has a shortfall of 42 spaces or a 45% variation to the DCP requirement. |
| <p>Design criteria</p> <p>1 For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p> | NO | The proposal does not comply with DCP requirements for car parking and has a shortfall of 4 spaces or a 14.81% variation to the DCP requirement due to the provision of 4 stacked spaces. The shortfall derives from the need to limit excavation to one level of basement as a result of ground water. The proposed stacked arrangement allows the proposal to maintain deep soil areas to the perimeter of the site. |
| <p><i>Objective 3J-2</i></p> <p>Parking and facilities are provided for other modes of transport</p> | YES | Bicycle parking is provided, along with service vehicles. |
| <p><i>Objective 3J-3</i></p> <p>Car park design and access is safe and secure</p> | YES | Car parking is contained within a basement. |

| ADG COMPLIANCE TABLE | | |
|---|-----|--|
| Guideline | Y/N | Comment |
| <p><i>Objective 3J-4</i></p> <p>Visual and environmental impacts of underground car parking are minimised</p> | YES | The basement includes ventilation louvres for intake and a ventilation stack. The environmental issues of ground water and acid sulfate soils have been addressed within the conditions of consent. |
| <p><i>Objective 3J-5</i></p> <p>Visual and environmental impacts of on-grade car parking are minimised</p> | YES | No on grade car parking is proposed. |
| <p><i>Objective 3J-6</i></p> <p>Visual and environmental impacts of above ground enclosed car parking are minimised</p> | N/A | - |
| 4A Solar and daylight access | | |
| <p><i>Objective 4A-1</i></p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p> | YES | To the extent practical (having regard for the orientation of the lots and the need to maintain solar access to adjoining properties) dwellings are orientated to receive sunlight. |
| <p>Design criteria</p> <p>1 Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p> <p>2 In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter</p> <p>3 A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p> | YES | <p>13 apartments (70%) comply. 5 of those apartments comply now, but will be compromised by future development of the northern neighbour.</p> <p>6 apartments receive no direct sunlight between 9am and 3pm at midwinter. 3 are south facing single aspect apartments. The remaining 3 are dual aspect apartments with south and west orientations. To improve amenity, the roof over balconies on the top floor has been cut out allowing sunlight to the balconies some window openings. Southern apartments on the top floor include roof/sky lights to improve access to natural light.</p> |

| ADG COMPLIANCE TABLE | | |
|---|-----|--|
| Guideline | Y/N | Comment |
| <p><i>Objective 4A-2</i></p> <p>Daylight access is maximised where sunlight is limited</p> | YES | Roof cut-aways, skylights and large window openings are provided to maximise light to south facing units. |
| <p><i>Objective 4A-3</i></p> <p>Design incorporates shading and glare control, particularly for warmer months</p> | NO | Openings are unshaded. Aluminium window hoods are identified but are not sufficiently detailed to demonstrate shading opportunities. |
| 4B Natural ventilation | | |
| <p><i>Objective 4B-1</i></p> <p>All habitable rooms are naturally ventilated</p> | YES | All habitable rooms have opening windows. |
| <p><i>Objective 4B-2</i></p> <p>The layout and design of single aspect apartments maximises natural ventilation</p> | YES | Units 6, 8, 11, 13, 16 and 18 are single aspect that have been designed to maximise opportunities for natural ventilation. |
| <p><i>Objective 4B-3</i></p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</p> | YES | All apartments are designed to maximise cross ventilation. |
| <p>Design criteria</p> <p>1 At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p> <p>2 Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p> | YES | 69% (13 units) are dual aspect and comply. |
| 4C Ceiling heights | | |
| <p><i>Objective 4C-1</i></p> <p>Ceiling height achieves sufficient natural ventilation and daylight access</p> | YES | There are no subterranean apartments, the ceiling height is considered appropriate. |

| ADG COMPLIANCE TABLE | | | |
|---|--|------|---|
| Guideline | | Y/N | Comment |
| Design criteria | | YES | The applicant has provided 3.05m floor to floor heights all levels. This can achieve the required 2.7m ceiling heights, subject to correct engineering of the floor slabs. The site is not within a mixed use area and does not require adaptable/flexible ground floor ceiling heights. |
| Measured from finished floor level to finished ceiling level, minimum ceiling heights are: | | | |
| Minimum ceiling height for apartment and mixed use buildings | Proposal | | |
| Habitable rooms | 2.7m | 2.7m | |
| Non-habitable | 2.4m | 2.7m | |
| For 2 storey apartments | 2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area | - | |
| Attic spaces | 1.8m at edge of room with a 30 degree minimum ceiling slope | - | |
| If located in mixed used areas | 3.3m for ground and first floor to promote future flexibility of use | 3.3m | |
| Objective 4C-2 | | YES | Ceiling height is adequate. |
| Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms | | | |
| Objective 4C-3 | | YES | Ceiling heights proposed are appropriate for the intended use and permissible uses in the R3 zone. |
| Ceiling heights contribute to the flexibility of building use over the life of the building | | | |
| 4D Apartment size and layout | | | |
| Objective 4D-1 | | YES | Good amenity. |
| The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity | | | |

| ADG COMPLIANCE TABLE | | | | | | | | | | | | | | | | | | |
|---|------------------------------------|---------------------|--|----------|--------|------------------|---|-----------|------------------|------------------|-----------|------------------------------------|---------------------|-----------|------------------------------------|---------------------|-----|--|
| Guideline | | Y/N | Comment | | | | | | | | | | | | | | | |
| <p>Design criteria</p> <p>Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment type</th> <th>Minimum internal area</th> <th>Proposal</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> <td>-</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> <td>51m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m² + 5m²</td> <td>72.31m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m² + 5m²</td> <td>91.65m²</td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p> <p>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</p> | | Apartment type | Minimum internal area | Proposal | Studio | 35m ² | - | 1 bedroom | 50m ² | 51m ² | 2 bedroom | 70m ² + 5m ² | 72.31m ² | 3 bedroom | 90m ² + 5m ² | 91.65m ² | YES | All apartments exceed minimum area requirements. |
| Apartment type | Minimum internal area | Proposal | | | | | | | | | | | | | | | | |
| Studio | 35m ² | - | | | | | | | | | | | | | | | | |
| 1 bedroom | 50m ² | 51m ² | | | | | | | | | | | | | | | | |
| 2 bedroom | 70m ² + 5m ² | 72.31m ² | | | | | | | | | | | | | | | | |
| 3 bedroom | 90m ² + 5m ² | 91.65m ² | | | | | | | | | | | | | | | | |
| <p>Objective 4D-2</p> <p>Environmental performance of the apartment is maximised</p> | | YES | Environmental performance is adequate. | | | | | | | | | | | | | | | |
| <p>Design criteria</p> <p>1 Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p> <p>2 In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p> | | YES | Layouts are generally compliant | | | | | | | | | | | | | | | |
| <p>Objective 4D-3</p> <p>Apartment layouts are designed to accommodate a variety of household activities and needs</p> | | YES | Varied layouts are proposed throughout the development, including ground floor apartments with courtyard spaces. | | | | | | | | | | | | | | | |

| ADG COMPLIANCE TABLE | | | | | | | | | | | | | | | | | | |
|---|------------------|---|---------------|-------------------|-----------------|---|----------------------|-----------------|----|----------------------|------------------|----|-----------------------|------------------|------|-----|---|--|
| Guideline | Y/N | Comment | | | | | | | | | | | | | | | | |
| <p>Design criteria</p> <p>1 Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2 Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3 Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4 The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p> | YES | Rooms are adequately sized throughout the development. | | | | | | | | | | | | | | | | |
| 4E Private open space and balconies | | | | | | | | | | | | | | | | | | |
| <p><i>Objective 4E-1</i></p> <p>Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> | YES | All apartments have POS with a minimum dimension of 2m. | | | | | | | | | | | | | | | | |
| <p>Design criteria</p> <p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p><i>The minimum Balcony depth to be counted as contributing to the balcony area is 1m</i></p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</p> | Dwelling type | Minimum area | Minimum depth | Studio apartments | 4m ² | - | 1 bedroom apartments | 8m ² | 2m | 2 bedroom apartments | 10m ² | 2m | 3+ bedroom apartments | 12m ² | 2.4m | YES | All apartments meet minimum balcony sizes for the primary balcony space, including 2m depth. Some apartments have additional balcony spaces beyond the requirements of the primary balcony space that provide additional amenity. | |
| Dwelling type | Minimum area | Minimum depth | | | | | | | | | | | | | | | | |
| Studio apartments | 4m ² | - | | | | | | | | | | | | | | | | |
| 1 bedroom apartments | 8m ² | 2m | | | | | | | | | | | | | | | | |
| 2 bedroom apartments | 10m ² | 2m | | | | | | | | | | | | | | | | |
| 3+ bedroom apartments | 12m ² | 2.4m | | | | | | | | | | | | | | | | |
| <p><i>Objective 4E-2</i></p> <p>Primary private open space and balconies are appropriately located to enhance liveability for residents</p> | YES | Balconies have been located having regard for neighbouring bedrooms to avoid conflicts. | | | | | | | | | | | | | | | | |

| ADG COMPLIANCE TABLE | | |
|--|-----|--|
| Guideline | Y/N | Comment |
| Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building | YES | The development includes recessed and protruding balconies that provide visual interest and variation to the façade. |
| Objective 4E-4 Private open space and balcony design maximises safety | YES | Balconies are located on upper levels of the building providing natural security and passive surveillance. |
| 4F Common circulation and spaces | | |
| Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments | YES | The ground floor residential lobby has clear sight lines and a clear connection from the front of the building to the communal open space at the rear. On levels above ground, the circulation spaces are internalised with no natural light or ventilation. This is satisfactory but not ideal. |
| Design criteria 1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40 | YES | Maximum of 5 units serviced by a core on any level of the building. |
| Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents | YES | The ground floor residential lobby is well defined and has clear sight lines and a clear connection from the front of the building to the communal open space at the rear. |
| 4G Storage | | |
| Objective 4G-1 Adequate, well designed storage is provided in each apartment | YES | Storage is provided in wardrobes and laundries. Additional storage cages are located in the basement. |

| ADG COMPLIANCE TABLE | | | |
|---|--|-------------------------------|---|
| Guideline | | Y/N | Comment |
| Design criteria | | YES | The proposal includes dedicated storage cupboards within the apartments. |
| In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: | | | |
| Dwelling type | Storage size volume m³ | Proposal m³ | |
| Studio apartments | 4 m ³ | - | |
| 1 bedroom apartments | 6 m ³ | 6 m ³ | |
| 2 bedroom apartments | 8 m ³ | 8 m ³ | |
| 3+ bedroom apartments | 10 m ³ | 10 m ³ | |
| At least 50% of the required storage is to be located within the apartment | | | |
| Objective 4G-2 | | YES | Additional storage areas are located in the basement. |
| Additional storage is conveniently located, accessible and nominated for individual apartments | | | |
| 4H Acoustic privacy | | | |
| Objective 4H-1 | | YES | The building layout is appropriate having regard for acoustic impacts – units in proximity to the waste collection area have located bedrooms at the furthest possible distance to the source of noise. |
| Noise transfer is minimised through the siting of buildings and building layout | | | |
| Objective 4H-2 | | YES | Layouts have grouped bedrooms together and living spaces together to minimise acoustic impacts between apartments. |
| Noise impacts are mitigated within apartments through layout and acoustic treatments | | | |
| 4J Noise and pollution | | | |
| Objective 4J-1 | | N/A | The site is not located in a noisy or hostile environment. |
| In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings | | | |
| Objective 4J-2 | | N/A | The site is not located in a noisy or hostile environment. |
| Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission | | | |
| 4K Apartment mix | | | |

| ADG COMPLIANCE TABLE | | |
|---|-----|--|
| Guideline | Y/N | Comment |
| <p><i>Objective 4K-1</i></p> <p>A range of apartment types and sizes is provided to cater for different household types now and into the future</p> | YES | Apartments range from 1 bed to 3 bed. There are four ground floor apartments with courtyard spaces. |
| <p><i>Objective 4K-2</i></p> <p>The apartment mix is distributed to suitable locations within the building</p> | YES | Various apartment sizes are located on each level of the building. |
| 4L Ground floor apartments | | |
| <p><i>Objective 4L-1</i></p> <p>Street frontage activity is maximised where ground floor apartments are located</p> | YES | An appropriate entry has been defined, and privacy for ground floor apartments is provided by hard landscape elements of 1200mm height that delineate private and public spaces while still allowing passive surveillance. |
| <p><i>Objective 4L-2</i></p> <p>Design of ground floor apartments delivers amenity and safety for residents</p> | YES | Private and public spaces are appropriately delineated to achieve good amenity and safety. |
| 4M Facades | | |
| <p><i>Objective 4M-1</i></p> <p>Building facades provide visual interest along the street while respecting the character of the local area</p> | YES | The building façade includes a refined palette of materials that is appropriate having regard for the local character. |
| <p><i>Objective 4M-2</i></p> <p>Building functions are expressed by the façade</p> | YES | The building façade and the identification of street entries is appropriate to identify the function. |
| 4 N Roof design | | |
| <p><i>Objective 4N-1</i></p> <p>Roof treatments are integrated into the building design and positively respond to the street</p> | YES | The roof treatment (including lift over-run) is acceptable. Ancillary plant such as air conditioning is located within the basement. |
| <p><i>Objective 4N-2</i></p> <p>Opportunities to use roof space for residential accommodation and open space are maximised</p> | N/A | The roof spaces have not been utilised in this proposal. |

| ADG COMPLIANCE TABLE | | |
|--|-----|---|
| Guideline | Y/N | Comment |
| <p><i>Objective 4N-3</i></p> <p>Roof design incorporates sustainability features</p> | YES | The roof design includes skylights and cut-outs to south facing apartments to maximised daylight access and minimise energy consumption. |
| 4O Landscape design | | |
| <p><i>Objective 4O-1</i></p> <p>Landscape design is viable and sustainable</p> | YES | Planting to the sides of the building within the communal open space is small scale hedging trees. Larger trees would be beneficial and are conditioned. |
| <p><i>Objective 4O-2</i></p> <p>Landscape design contributes to the streetscape and amenity</p> | YES | Landscaping to the streetscape consists largely of groundcovers and four palm trees, and relies heavily on street tree planting. |
| 4P Planting on structures | | |
| <p><i>Objective 4P-1</i></p> <p>Appropriate soil profiles are provided</p> | YES | Appropriate, largely deep soil. |
| <p><i>Objective 4P-2</i></p> <p>Plant growth is optimised with appropriate selection and maintenance</p> | YES | Appropriate species have been selected. |
| <p><i>Objective 4P-3</i></p> <p>Planting on structures contributes to the quality and amenity of communal and public open spaces</p> | YES | Planting on structures is proposed within planter beds, however large areas of the site are retained as deep soil (404m ²). |
| 4Q Universal design | | |
| <p><i>Objective 4Q-1</i></p> <p>Universal design features are included in apartment design to promote flexible housing for all community members (20% silver level).</p> | YES | Four accessible apartments have been indicated. Design detail to identify Liveable Housing Guideline's silver level universal design features will be required via condition prior to CC. |
| <p><i>Objective 4Q-2</i></p> <p>A variety of apartments with adaptable designs are provided</p> | NO | The adaptable designs have the same layout, however are located on different floors of the building. |

| ADG COMPLIANCE TABLE | | |
|---|-----|--|
| Guideline | Y/N | Comment |
| <p><i>Objective 4Q-3</i></p> <p>Apartment layouts are flexible and accommodate a range of lifestyle needs</p> | YES | Apartment layouts are efficient and provide for adequate accommodation of furnishings. |
| 4R Adaptive reuse | | |
| <p><i>Objective 4R-1</i></p> <p>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place</p> | N/A | - |
| <p><i>Objective 4R-2</i></p> <p>Adapted buildings provide residential amenity while not precluding future adaptive reuse</p> | N/A | - |
| 4S Mixed use | | |
| <p><i>Objective 4S-1</i></p> <p>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</p> | N/A | - |
| <p><i>Objective 4S-2</i></p> <p>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</p> | N/A | - |
| 4T Awnings and signage | | |
| <p><i>Objective 4T-1</i></p> <p>Awnings are well located and complement and integrate with the building design</p> | N/A | - |
| <p><i>Objective 4T-2</i></p> <p>Signage responds to the context and desired streetscape character</p> | YES | Signage is limited to street/building identification only and is incorporated with the landscape scheme for the frontage. |
| 4U Energy efficiency | | |
| <p><i>Objective 4U-3</i></p> <p>Development incorporates passive environmental design</p> | YES | Some solid balcony balustrading has been incorporated and all balconies include sufficient space for clothes drying. |
| <p><i>Objective 4U-2</i></p> <p>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation</p> | NO | <p>The proposal includes use of masonry and glazing without shading.</p> <p>Common circulation spaces do not have natural light and ventilation.</p> |

| ADG COMPLIANCE TABLE | | |
|---|-----|---|
| Guideline | Y/N | Comment |
| 4V Water management and conservation | | |
| Objective 4V-1 Potable water use is minimised | YES | A valid BASIX certificate has been provided. |
| Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters | YES | Water quality has been addressed within the application. |
| Objective 4V-3 Flood management systems are integrated into site design | N/A | - |
| 4W Waste management | | |
| Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents | YES | The waste storage and collection area has been incorporated within the landscape design/treatment to ensure an appropriate amenity outcome. |
| Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling | YES | Waste rooms/chutes are provided on every floor. |
| 4X Building maintenance | | |
| Objective 4X-1 Building design detail provides protection from weathering | YES | The proposal includes window hoods. |
| Objective 4X-2 Systems and access enable ease of maintenance | YES | Plant areas and easily accessed from the basement and on each floor of the building. |
| Objective 4X-3 Material selection reduces ongoing maintenance costs | YES | The proposal uses two different cladding materials and face brickwork to reduce reliance upon painted render, which is not a material that withstands harsh environments. |

ATTACHMENT 3

Table of numerical compliance (WLEP, WDCP and ADG)

The following table is an assessment of the proposal against the guidelines provided in the WLEP, WDCP Ch 2.4, 2.11, 3.1, 5.3 and ADG.

| Control | Proposed | Required | Compliance |
|---|--|--|----------------------------------|
| Site Area | 1422m ² | - | - |
| Site frontage (Denning St) | 32.19m | | |
| Site Depth | 44.16m – 54.56m | | |
| Height (WLEP 2013) | 13.1m (lift over-run) | 12m | No |
| FSR (WLEP 2013) | 1:25:1 | 1:5:1 | Yes |
| Setbacks (DCP Ch 5.3 – N/A, Ch 2.4 below) | | | |
| - Front (Denning St) All storeys | 7.5m (minor 100mm breach of blade walls) | 7.5m | Yes |
| - Side (north and south) 1 st -4 th storey | - | - | - |
| 5 th and above | 6m N/A | 6m 9m | Yes N/A |
| - Rear (east) 1 st -4 th storey | - | - | - |
| 5 th and above | 6m N/A | 6m 9m | Yes N/A |
| Parking (DCP Ch 2.11) 1 space per 1 bed 1.2 space per 2 bed 1.5 space per 3 bed 1 visitor per 5 units | TOTAL = 27 | 5 spaces 16 spaces 2 spaces 4 spaces TOTAL =27 | Yes* subject to 4 stacked spaces |
| - Accessible | 2 spaces | 1/accessible unit (2 units) | Yes |
| - Bicycle | 8 bike lockers | 1 per 3 dwellings (7) | Yes |
| - Motorcycle spaces | 1 spaces | 1/50 spaces | Yes |
| - Washbay (can be visitor space) | 1 | 1 space | Yes |
| Communal Open Space (DCP Ch 2.4) | | | |
| - Min per dwelling | 245m ² (12.9m ² /dwelling) | 190m ² (10m ² /dwelling) | Yes |
| - Min dimension | Min 6m | Min 5m | Yes |
| - Min 3hrs solar access 9am-3pm @ midwinter | >75% of area (183m ²) (12 – 3pm) | 75% of area (183m ²) | Yes |
| (ADG) | - | - | - |
| - 25% site area | 17% (245m ²) | 25% of site (355m ²) | No |
| - Min dimension 3m | Min dimension 6m | 3m | Yes |
| - minimum of 50% direct sunlight to the principal usable part for min 2 hours 9am-3pm @ midwinter | >75% solar access midwinter (12 – 3pm) | 50% | Yes |
| Private open space Balconies (ADG/DCP): | | | |
| - Min area | 10m ² | 8 m ² /1 bed | Yes |

| | | | |
|---|--|--|--|
| <ul style="list-style-type: none"> - Min dimension - Directly accessible from living area - Grade 1:14 <p>Solar access POS (DCP Ch 2.4) (ADG) – rec 3hrs</p> | <p>9.66m² 76m² (ground fl. terrace) >2m Adjoining living area - <1:14 - 70% (13 units) receive 3 hours 9am-3pm midwinter</p> | <p>10m²/2 bed 12m²/3 bed 2m Adjoining living area - <1:14 - 70% receive 3 hrs 9am-3pm mid-winter 70%</p> | <p>Yes Yes Yes Yes - Yes - Yes Yes</p> |
| Cross ventilation (ADG) | 70% (13 units) comply | 60% of units to be naturally cross ventilated | Yes |
| Solar access (subject site) (ADG) (DCP Ch 2.4) | 70% (13 units) 75% (13 units) | 70% (13 units) 75% (13 units) | Yes Yes |
| Solar access (surrounding site) (DCP Ch 2.4) (ADG) As per requirements for the site to POS and COS 9am – 3pm @ midwinter | Non-compliant, however provides an adequate solar access outcome. Refer to comments under s.4.15 discussion within the report. | 75% POS receive 3 hrs 9am-3pm @ mid-winter Where an adjoining property does not currently receive the required solar access, the new building to ensure solar access to neighbouring properties is not reduced by more than 20% | No No |
| Accessible dwellings (DCP Ch 2.4) Adaptable (ADG) Universal housing | 10% (2 units – 8 & 13) - Units 4, 8, 13 & 18 | 10% adaptable (2 units) 20% silver level | Yes - Yes |
| Landscaping (DCP Ch.2.4) Landscaping (25%) | 52% of site (733m ²) | 25% of site (355m ²) | Yes |
| Deep soil (DCP Ch 2.4) - 50% of required 25% (ADG) - 7% - Min dimension Nil - Not required in town centre locations | 28% (404m ²) - 28% (404m ²) Nil N/A | 12.5% (178m ²) - 7% (99.54m ²) Nil N/A | Yes - Yes - - |
| Apartment size (ADG) | 51m ² 72.31m ² 91.65m ² | 50m ² for 1 bedroom 70m ² for 2 bedroom 90m ² for 3 bedroom | Yes Yes Yes |
| Building Separation (ADG and DCP Ch 2.4) | Side and rear boundaries have a 6m setback, which is half of the required building separation (6m/12m L1 – L4) (9m/18m L4 and above) | For Levels 1 – 4: • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms For levels above 4: 18m between habitable rooms/balconies | Yes |
| Building depth | | | |

Attachment 3 Local Environmental Plan/Development Control Plan Compliance Table

| | | | |
|---|---|--|-----|
| (ADG) | 16.2m @ deepest | 12-18m depth from glass to glass | Yes |
| Units accessed from a single core (ADG) | 5 units | Max 8 units at each level | Yes |
| Storage (DCP Ch 2.4) 1-2 bedrooms 3 or more bedrooms (ADG) | Minimum storage requirements of the DCP and ADG are exceeded. | 3m ² 6m ² 6m ³ (1 bed) 8m ³ (2 bed) 10m ³ (3 bed) | Yes |
| Basix Certificate | Certificate provided | BASIX Certificate required | Yes |
| Dwelling mix (ADG and DCP Ch 2.4) 1 Bed 2 Bed 3 Bed | 5 13 1 | Mix required | Yes |
| Waste storage (ADG and DCP Ch 2.4, 3.1) | Garbage chute and waste rooms provide on every level. Central storage in basement. Off street collection is proposed within the north side and front setback. | Garbage chute (if over 3 storeys) & a recycling room at each level. Central storage room in basement. Over 12 dwellings requires off street collection for bulk bins | Yes |
| Desired character mixed use (DCP Ch 5.3) - Scenic quality - Quality streetscapes - Minimised bulk and scale - Outdoor lifestyle | The proposal provides a considered design response that addresses the street and provides deep soil within the front setback that supports a detailed landscape design. The proposal is consistent with the bulk and scale anticipated within the zone. | <ul style="list-style-type: none"> - Enhance landscape & protect scenic quality - Improve the quality of streetscapes and protect scenic quality - Minimise and disguise scale and bulk of new developments - Providing effective residential addresses and promoting an outdoor lifestyle | Yes |

28-30 DENING STREET, THE ENTRANCE

LANDSCAPE DOCUMENT SET FOR DA

DRAWING REGISTER

| No. | Title | Scale |
|-------|---------------------------------|----------|
| LA-00 | Cover Sheet | 1:200 |
| LA-01 | Landscape Plan | 1:100 |
| LA-02 | Landscape Sections | 1:20 |
| LA-03 | Landscape Details | 1:20 |
| LA-04 | Landscape Details | 1:50 |
| LA-05 | Details and Specification Notes | As Shown |

AREA CALCULATION

| | |
|--|---|
| Total site area: 1421.00m ² | |
| ■ | Total Soft Landscape Area: 733.03m ² |
| ■ | Total Soft Landscape area percentage: 52% |
| ■ | Total Soft Landscape area required: 25% |
| ■ | Total Deep Soil Area: 404.08m ² |
| ■ | Total Deep Soil Area percentage: 55% of Total Soft Landscape Area |
| ■ | Total Deep Soil Area required: 50% of Total Soft Landscape Area |

GENERAL NOTES

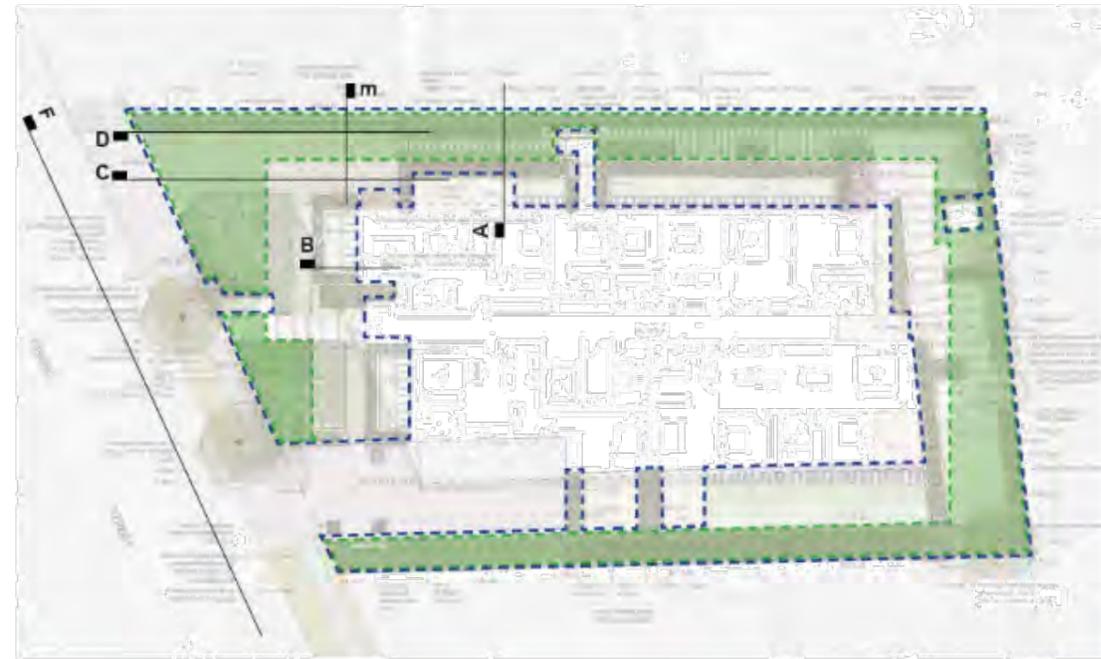
- REFER TO ARCHITECT'S DRAWINGS FOR INTERNAL LAYOUT, FINISHES OF THE PROPOSED BUILDING.
- REFER TO ARCHITECT'S DRAWINGS FOR MATERIALS AND FINISHES OF EXTERNAL FENCES, GATES, AND RETAINING WALLS.
- REFER TO STORMWATER ENGINEERS DRAWINGS FOR FINAL LOCATION OF GDD TANKS, RAINWATER TANKS, GRATE DRAIN AND PITS, PROPOSED CROSS FALL AND DRIVEWAY LEVELS.
- LOCATE AND PROTECT ALL UNDERGROUND SERVICES PRIOR TO ANY EXCAVATION.
- DO NOT SCALE DRAWINGS. FIGURED DIMENSIONS HAVE PREFERENCE OVER SCALED DIMENSIONS.
- ALLOW TO REMOVE ALL EXISTING SHRUBS AND EXEMPT TREE SPECIES. ALL EXISTING TREES TO BE RETAINED SHALL BE PROTECTED IN ACCORDANCE WITH AS 4770:2009 AND ARBORIST REPORT (IF AVAILABLE).
- ANY DISCREPANCIES MUST BE REPORTED IMMEDIATELY TO THE SUPERINTENDENT AND PROJECT LANDSCAPE ARCHITECT FOR CLARIFICATION AND APPROVAL.
- THIS DOCUMENTATION SET IS ISSUED FOR DA PURPOSES ONLY. IT SHALL NOT BE USED AS FOR TENDER OR FOR CONSTRUCTION PURPOSES.
- THIS DOCUMENTATION SET IS TO BE PRINTED IN COLOUR.

PLANT SCHEDULE

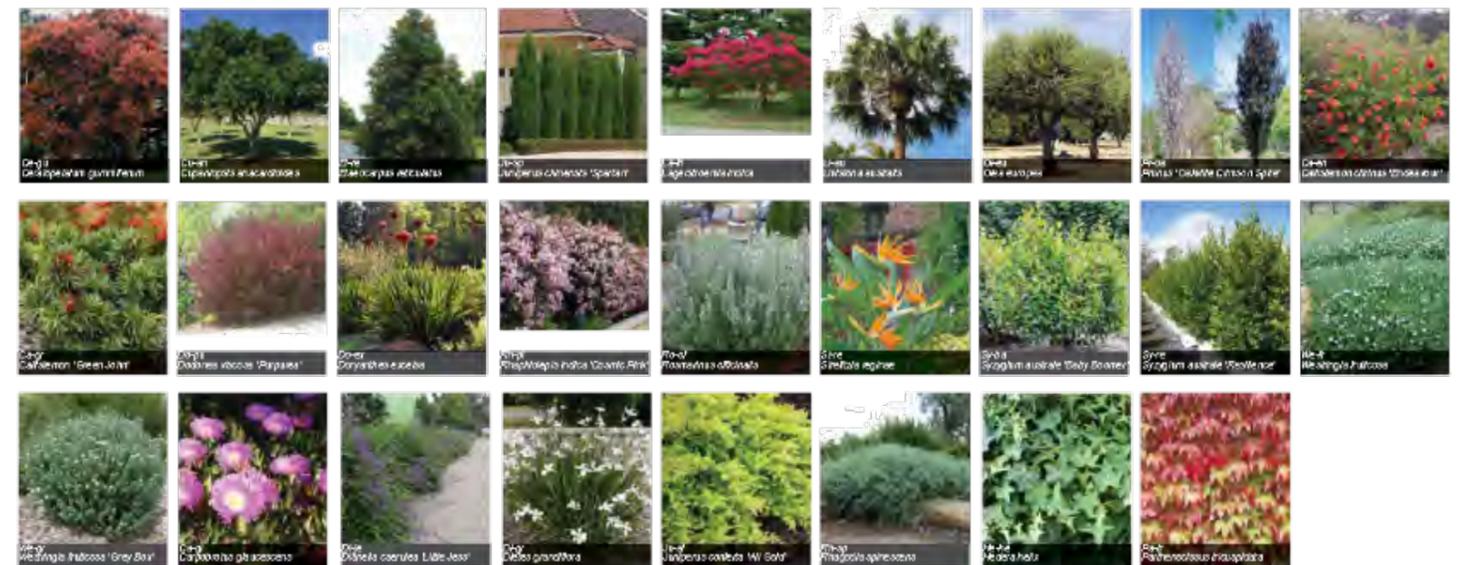
| ID | BOTANICAL NAME | COMMON NAME | POT SIZE | MATURE HEIGHT | SPREAD | SPACING | LOW WATER USAGE | QTY |
|------------------------|---|------------------------|----------------|---------------|--------------|-----------------|-----------------|-----|
| Trees and Palms | | | | | | | | |
| Ce-gn | <i>Geatopetalum gummiferum</i> | NSW Christmas Bush | 45t | 3-8m | 2-3m | As Shown | Yes | 1 |
| Cuan | <i>Gupenopsis anacardioides</i> | Tuckeroo | 75Lt | 7m | 5m | As Shown | Yes | 5 |
| Ebe | <i>Elaeagnus reticulata</i> | Blueberry Ash | 25t | Trim to 2.5m | Trim to 1m | As Shown | Yes | 1 |
| Ju-sp | <i>Juniperus chinensis 'Spartan'</i> | Spartan Juniper | 400mm | 6m | 2m | As Shown | Yes | 4 |
| Lan | <i>Lagerstroemia indica</i> | Crape Myrtle | 45t | 6m | 3m | As Shown | Yes | 2 |
| L-au | <i>Livistona australis</i> | Cabbage Tree Palm | 4m clear trunk | 10-20m | 1-2m | As Shown | Yes | 5 |
| Ole-u | <i>Olea europaea</i> | Olive Tree | 45t | 6m | 4m | As Shown | Yes | 2 |
| Pr-ca | <i>Prunus cerasifera 'Oakville Crimson Spire'</i> | Ornamental Plum | 75t | 6m | 2m | As Shown | Yes | 3 |
| Shrubs | | | | | | | | |
| Ca-en | <i>Callistemon citrinus 'Emilecoust'</i> | Softleaved Callistemon | 300mm | 2.3m | 2.3m | 1.2m centres | Yes | — |
| Ca-gj | <i>Callistemon viminalis 'Green John'</i> | Green John Bottlebrush | 200mm | Prune to 0.6m | 0.6-1m | 5m ² | Yes | — |
| Do-pu | <i>Dodonaea viscosa 'Purpurea'</i> | Purple Hop Bush | 300mm | Trim to 2m | 1.5m | 0.6m centres | Yes | — |
| Do-ek | <i>Dorycnis exilis</i> | Gymea Lily | 200mm | 0.9-1.2m | 0.6-0.9m | 1m ² | Yes | — |
| Ph-su | <i>Phormium 'Sundowner'</i> | Phormium Sundowner | 200mm | 1.2m | 1.2m | As shown | Yes | — |
| Rh-pi | <i>Rhapidozaps indica 'Cosmo Pink'</i> | Indian Hawthorn | 200mm | 0.5-0.8 | 0.5-0.8 | 0.4m centres | Yes | — |
| Ro-of | <i>Rosa rugosa 'officinalis'</i> | Rosemary | 200mm | 0.8m | 1m | 0.7m centres | Yes | — |
| St-re | <i>Strelitzia reginae</i> | Bird of paradise | 200mm | 1.2m | 1.2m | 0.6m centres | Yes | — |
| Sy-ba | <i>Syzygium australe 'Baby Boomer'</i> | Lily Pilly | 200mm | 1.2m | 1.2-1.8m | 0.8m centres | Yes | — |
| Sy-re | <i>Syzygium australe 'Resilience'</i> | Lily Pilly | 200mm | Trim to 2m | Trim to suit | 1m centres | Yes | — |
| We-fr | <i>Westringia frutescens</i> | Coastal Rosemary | 200mm | 1.5m | 1.2m | 0.8m centres | Yes | — |
| We-gr | <i>Westringia frutescens 'Grey Box'</i> | Grey Box | 200mm | 0.4m | 0.4m | 0.3m centres | Yes | — |
| Groundcovers | | | | | | | | |
| Ca-gi | <i>Carpobrotus graecococcineus</i> | Pig Face | 150mm | 0.1-0.3m | 2m | 2m ² | Yes | — |
| Di-je | <i>Dianella caerulea 'Little Jess'</i> | Dianella Little Jess | 150mm | 0.4m | 0.4m | 8m ² | Yes | — |
| Di-gr | <i>Dianella grandiflora</i> | Wild Iris | 200mm | 1.2m | 1.2m | 5m ² | Yes | — |
| Ju-al | <i>Juniperus conferta 'All Gold'</i> | Juniper All Gold | 150mm | 0.3m | 2m | 0.4m centres | Yes | — |
| Pa-ru | <i>Pennisetum adnatum 'Rubrum'</i> | Purple Fountain Grass | 150mm | 1.5m | 1.5m | 0.8m centres | Yes | — |
| Pa-ra | <i>Pennisetum alopecuroides 'Nafay'</i> | Nafay Pennisetum | 200mm | 0.6m | 0.6m | 0.4m centres | Yes | — |
| Rh-sp | <i>Rhagodia spinescens</i> | Aussie Flax Bush | 100mm | 0.3m | 1m | 2m ² | Yes | — |
| Climbers | | | | | | | | |
| Ha-he | <i>Hedera helix</i> | English Ivy | tube | climber | spreading | every 0.8m | Yes | — |
| Pa-tr | <i>Parthenocissus tricuspidata</i> | Boston Ivy | tube | climber | spreading | every 0.8m | Yes | — |

* Shrub and Groundcover quantity to be confirmed and calculated at CC stage.

SITE PLAN 1:200@A1



PLANT PALETTE



PRELIMINARY
NOT TO BE USED FOR TENDER OR CONSTRUCTION

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| 21.11.2019 | 1:200 |
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28-30 Denning Street, The Entrance

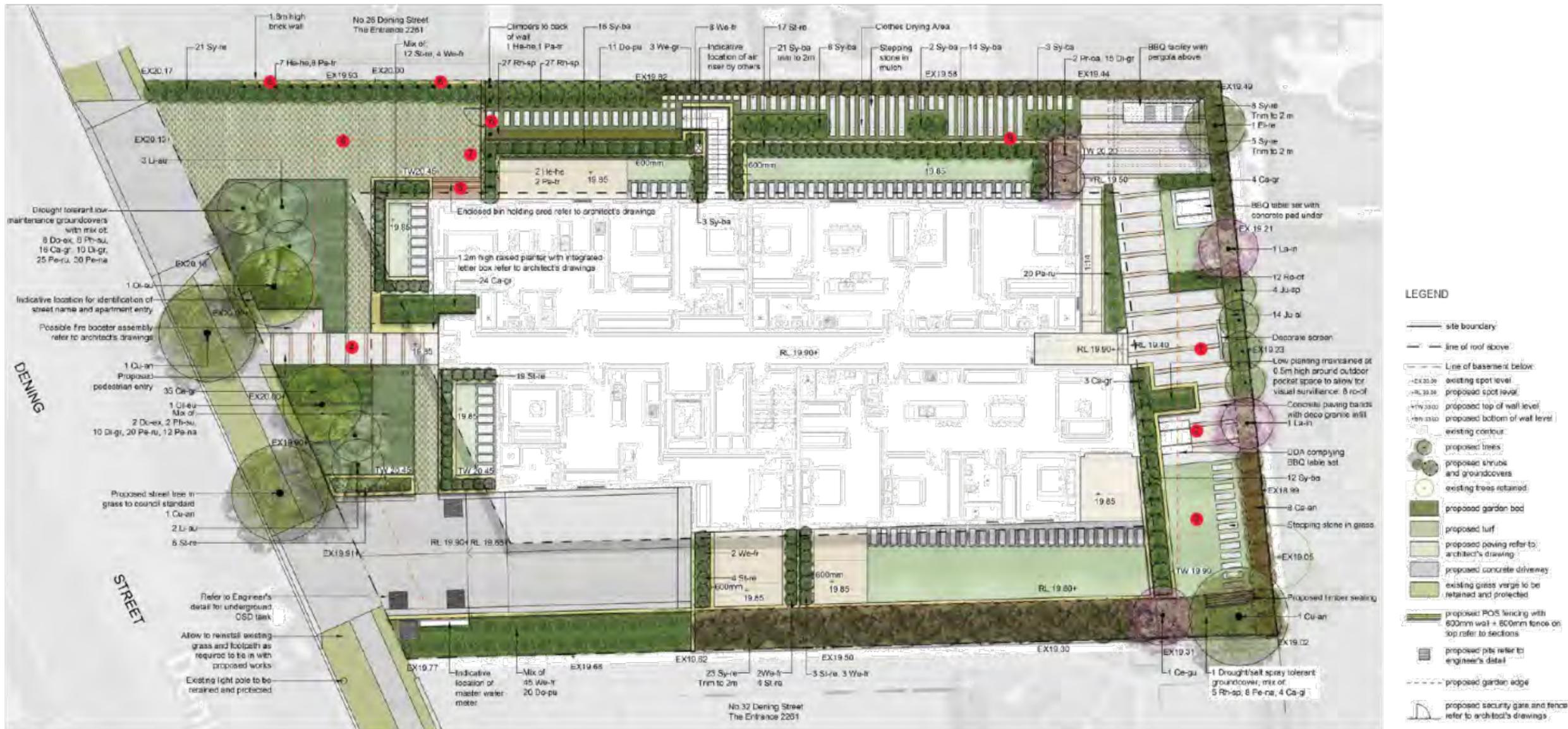
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COVER SHEET

LA-00

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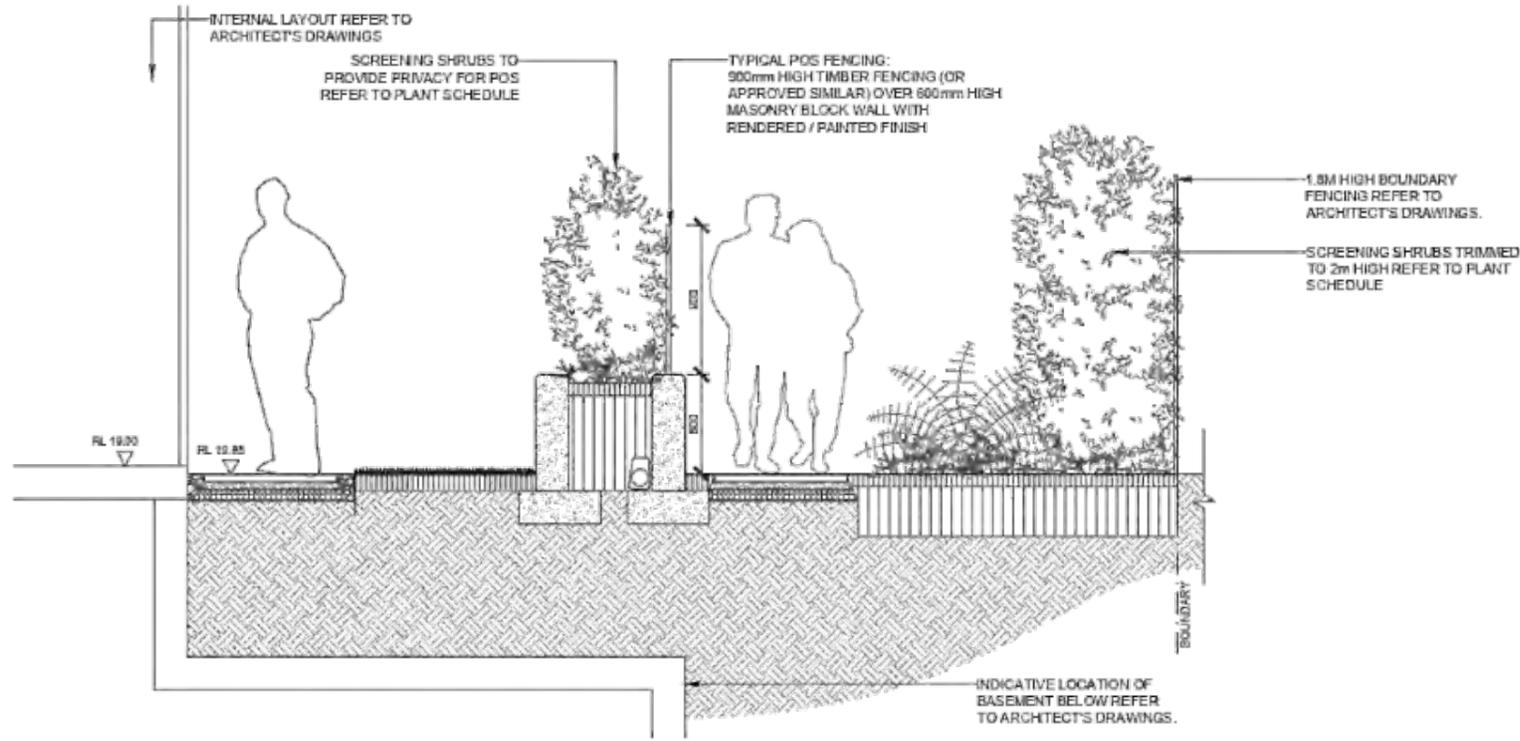
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| A | Issued for DA review | 21.11.2019 |
| B | Issued for coordination | 03.07.2020 |
| C | Issued for coordination | 07.07.2020 |
| D | Issued for DA | 08.07.2020 |
| E | Issued for DA | 08.07.2020 |



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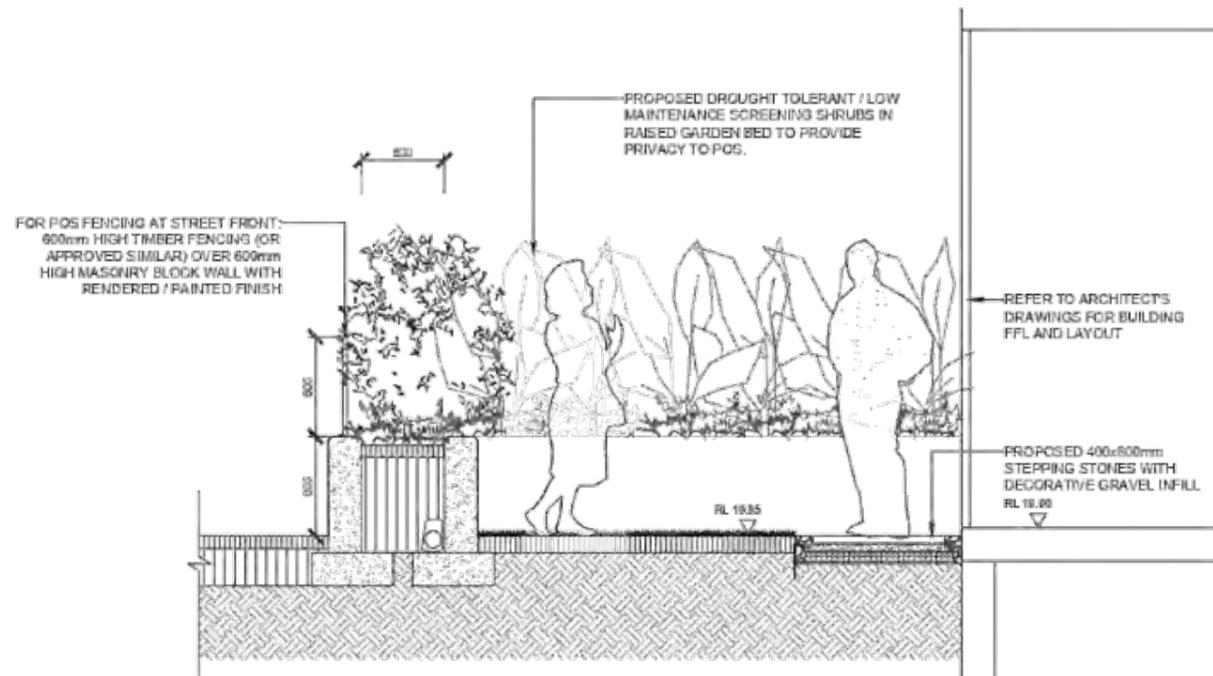
LANDSCAPE PLAN
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SECTION A

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SECTION B

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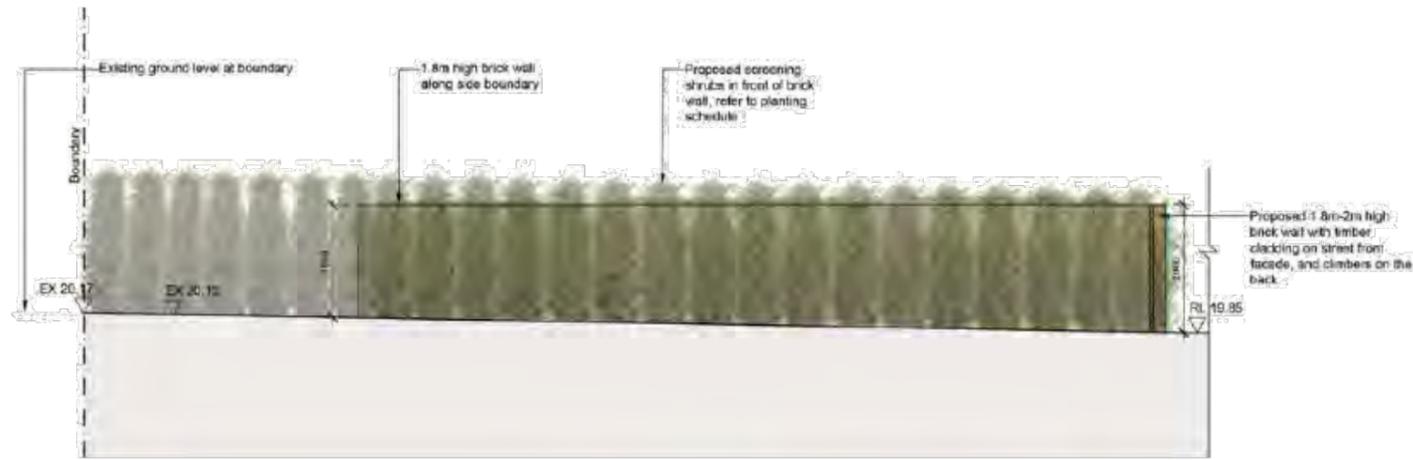
LANDSCAPE SECTIONS

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ELEVATION C

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ELEVATION D

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| E | Issued for DA | 08.07.2020 |



28-30 Dening Street, The Entrance

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LANDSCAPE ELEVATIONS

LA-03

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ELEVATION E 1:50 @ A1



ELEVATION F 1:50 @ A1



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28-30 Dening Street, The Entrance

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DRAWN: LL CHECKED: KG DATE CREATED: 25 Oct 2019 JOB NUMBER: LA190813

LANDSCAPE ELEVATIONS

LA-04

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ANNEXURE C

CLAUSE 4.6 VARIATION (DA/1108/2019)

**REQUEST FOR AN EXCEPTION TO THE MAXIMUM
HEIGHT OF BUILDING DEVELOPMENT STANDARD**

28-30 Dening Street, THE ENTRANCE

24th September 2020

Report Ref: SEE/APP_C/076/18-Rev/C

Prepared for and on behalf of
ENHANCE GROUP PROJECTS PTY LTD



Prepared by

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Request for an Exception to Development Standards (Height)



Report Revision History

| Revision | Date Issued | Revision Description |
|----------|---------------------------------|--|
| B | 28 th June 2020 | Amended Drawings |
| C | 24 th September 2020 | Amended Drawings, update to Figures 2 & 3, inclusion of Documentation List |

Documentation Relied Upon

Architectural drawings prepared by ENHANCE GROUP PROJECT as follows.

| DRAWING NAME | DRAWING NAME | REVISION | DATE |
|--------------|------------------------------|----------|--------------------------------|
| DA200 | Section - Short | B | 15 th April 2020 |
| DA201 | Section - Long | D | 8 th September 2020 |
| DA202 | Section - Driveway | D | 8 th September 2020 |
| DA300 | Elevations – East and West | C | 9 th July 2020 |
| DA301 | Elevations – North and South | C | 9 th July 2020 |

Introduction

This request for an exception to a development standard is submitted to support a development application in respect of the 'Height of Buildings' development standard contained within Clause 4.3(2) of the Wyong Local Environmental Plan 2013 (WLEP 2013). The request relates to an application for the variation in Height of the proposed four (4) storey residential apartment building development at 28-30 Denning Street, THE ENTRANCE.

The variation is made pursuant to Clause 4.6 of the Wyong Local Environmental Plan 2013 (WLEP 2013).

This request supports development application **DA/1108/2019** and has been updated to reflect amendments made to the development proposal, specifically in response to Council's request to provide a 300mm freeboard level (formerly provided at 200mm), which has increased the height of the building by an additional 100mm.

Clause 4.6 Exceptions to Development Standards

Clause 4.6(2) of the WLEP 2013 provides that development consent may be granted for development even though the development would contravene a development standard imposed by the WLEP 2013, or any other environmental planning instrument.

However, clause 4.6(3) states that 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.

In accordance with clause 4.6(3) the applicant requests that the maximum permitted Height of Buildings development standard contained within Clause 4.3(2) of the WLEP 2013 be varied.

Development Standard to be Varied

Clause 4.3 (Height of Buildings) of the WLEP 2013.

The maximum Height of Buildings for the site shown on the map to which the proposed development relates is 12m as illustrated in **Figure 1**.

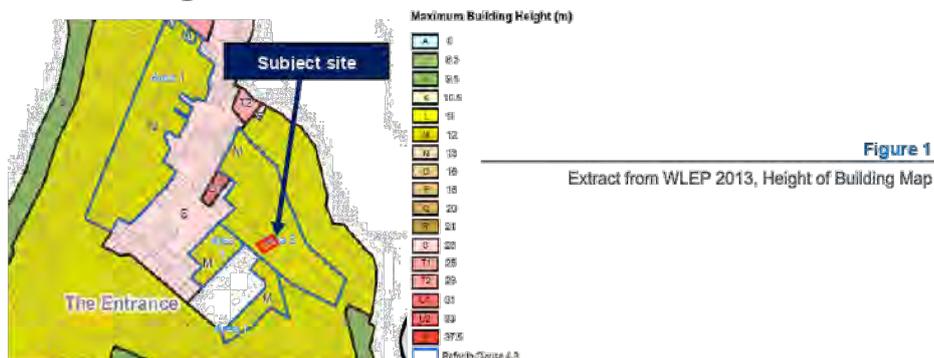




Figure 4

Aerial showing building height in storeys.
Source Nearmap 2019.

Clause 4.6(3)(a) – Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in *Wehbe v Pittwater Council*. [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

The Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 has required additional ways of establishing that compliance is unreasonable or unnecessary beyond consistency with the standard and zone objectives to be established. For completeness, this request addresses the five part test described in *Wehbe v Pittwater Council*. [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

1. the objectives of the standard are achieved notwithstanding non-compliance with the standard;

The specific objectives of the Height of Buildings development standard, as specified in clause 4.3(1) of the WLEP 2013 are identified below. A comment on the proposal's consistency with each objective is also provided.

**OBJECTIVE (a)**

to establish the maximum height limit for buildings to enable the achievement of appropriate development density,

COMMENT

- The exceedance in height does not seek to create an additional storey or seek additional floor space but to provide for a functional building with appropriate services such as lift and basement level carparking.

The proposal has a mix of apartments that are much larger than the minimum apartment sizes nominated in the SEPP 65 Apartment Design Guide and as such the proposed development seeks enhanced amenity over density. In this way it is considered that the density proposed is appropriate to the site size and orientation.

- The height exceedance, largely limited to the rear of the site and lift structure and is considered acceptable in the circumstances having regard to:
 - the topographical nature of the land which falls from Dening Street to the rear. Excluding the lift structure, the variation at its maximum is 900mm located to the rear of the site and results from a combination of the fall in the site from Dening Street to the rear, and to achieve the required headroom for the basement level carpark;
 - the request by Council's drainage engineer to introduce a minimum 300mm freeboard above the TWL of the proposed OSD system (formerly 200mm);
 - providing for a functional basement carpark arrangement (which has been reduced from 2 levels to 1 level of basement car parking due to limiting excavation to minimise impacts to the watertable);
 - providing a lift to service the vertical movements of residents between floors. The lift overrun is set well back into the site, approximately 18.7m from the Dening Street site boundary and 25.6m from the rear site boundary, such that it will not be readily visible from any public vantage point or become a dominant building element that would diminish the form and scale of the principal building or similar surrounding medium density apartment buildings. It is noted too that whilst the lift overrun exceeds the height limit by between 900mm and 1.100mm it represents only a small percentage of the floor plate area below at 1.4% and 1.7% of the roof area.

The density is considered appropriate to the site. Reducing the proposed development by a storey to address minor exceedances that relate to the function of the apartment building would be contrary to this objective.



OBJECTIVE (b)

to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

COMMENT

- The WLEP 2013 anticipates a variation in height within Areas 1 and 2 between 12m and 26m. Whilst this is dependent on the allotment size (min. 1,800m²) and bonus FSR provisions, it does provide for a greater variation and 'disparity' in height across adjacent sites and within the locality, acknowledging that a variation in scale and height in storeys is an acceptable outcome for The Entrance Peninsula.

- The site is surrounded by much larger residential apartment buildings as identified in **Figure 4** above, which illustrates the wide variation and significant disparity in scale and height, (of between 7 and 9 storeys to the rear of the site and 15 storeys to the west at the corner of Dening Street and Ozone Street). These sites are within the visual catchment of the site and effectively form a backdrop to and silhouette the subject development providing the predominant visual setting and context.

Against this background, the height exceedance within the streetscape and locality will not be readily identifiable nor incongruous within this context, and as a result will not have any significant impact on the established and emerging setting in any appreciable way. The visual context will remain unaltered, and in this way the impact to the amenity and character of the surrounding development is negligible.

- The exceedance to the permitted maximum height is considered minor, contained largely to the rear of the site, and is of a scale that relates to and is compatible with the existing and approved medium density residential development in the sites visual catchment. Against this setting, the proposed height exceedance within the streetscape and locality will not be readily identifiable nor incongruous with this context, and as a result:
 - will not have any significant impact on the established and emerging character in any appreciable way;
 - the visual context will remain unaltered, and in this way the impact to the amenity and character of the surrounding development is negligible with the additional height not discernible; and
- The more significant exceedance to the height is the proposed lift overrun. However, the lift overrun is setback well within the site being approximately 18.7m from the Dening Street site boundary and 25.6m from the rear boundary, representing only a small percentage of the floor plate area below at 1.4% and 1.7% of the roof area.

The site is located opposite Shore Park and whilst there may be limited opportunity to view the lift overrun, at some distance from the street edge, this will be within the established and emerging context of taller buildings to the north, north east and west which successfully diminishes and limits any areal impacts.

**OBJECTIVE (c)**

to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views

COMMENT

- The proposed development is the first medium density development within the block bounded by Ozone Street to the north and Fairport Avenue to the south and as such will be of a form, scale and bulk that will differ to its immediate neighbours. However, the scale proposed is consistent with the R3 medium density zone, is compatible with the scale of existing residential apartment buildings and does not diminish any development potential of neighbouring sites.
- The building form is well articulated and modulated with a composition of materials and finishes that break up the building scale. The building will visually read as a lightweight development in contrast to the larger scale medium density development which are of a more solid composition.
- Consideration has been given to the form of the building along the side boundaries with balconies grouped together at a single location to ensure flexibility in design for future development to the north and south, minimizing privacy impacts between buildings.
- The views are generally characterized as urban and the skyline with no significant view corridors to the foreshore area. The proposed development will not result in the loss of any significant views from any adjoining or adjacent development.
- There will be some additional overshadowing caused to the adjacent site to the south which is an expected outcome given the difference in the scale between the 2 buildings (medium density residential to low density residential). Overshadowing has been modelled against 32 Denning Street, The Entrance (south) with an anticipated 4 storey built form contained on the site. As expected, additional overshadowing will be restricted to a portion of ground floor units and open space between 9.00am and 12.00pm. The area of overshadowing will likely be an apartment benefiting from a dual aspect to Denning Street and as such will benefit from daylight access and will be capable of achieving the minimum of 3 hours solar access between 9.00am and 3.00pm during the winter solstice.
- The proposed development will not impact the scenic qualities of the area or create any significant view loss to/from the foreshore area given the more dominant surrounding residential apartment buildings in the immediate visual catchment of the site.
- There are no significant views to / from the site. The scale of the proposed development will not result in unacceptable view loss from adjoining properties or the public domain with the background urban landscape composed of buildings that are greater in scale, situated in closer proximity to the foreshore, and up to 9 storeys in height. These buildings have established the visual setting of the wider environment particularly when viewed from the foreshore.
- The proposed development has been designed to limit overlooking across sites and will not impact any significant view corridors.

**OBJECTIVE (ca)**

in relation to land at Kanwal that is within Zone B6 Enterprise Corridor and is identified as "Area 4" on the Height of Buildings Map

COMMENT

Not Applicable.

- 2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;**

The underlying objectives and purpose of the Height of Buildings development standard is relevant to the proposed development. However, the proposed development is consistent with those objectives on the basis that the proposed height is compatible with the existing and emerging scale of development within the site's visual catchment and will sit comfortably within this context and setting with no significant adverse impacts to adjacent properties by way of overshadowing, privacy, view loss or development potential / opportunity.

- 3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;**

The underlying objective of the Height of Buildings development standard is to achieve an appropriate height on the site which is compatible with the context of the site and preserves the amenity and privacy of adjacent properties.

The proposed development satisfies the height objectives. The variation to the height control does not cause any significant disparity with existing and approved development to the rear of the site or within the visual catchment of the site, with residential flat buildings ranging between 7 and 15 storeys in height. The proposed development does not seek additional height that could or seeks to facilitate an additional storey, and is due to accommodate the freeboard required by Council, basement level car parking, and site service (lift), and in this regard has a density appropriate to the allotment, with apartment sizes significantly greater than that provided for in the SEPP 65 Apartment Design Guide. Rather, the variation to height seeks to ensure that the building has services suitable to its use and function.

The additional height will not be discernible given the lift structure is located well within the site and the surrounding context of larger medium density residential flat buildings which currently exist and are emerging which forms the sites visual catchment and backdrop.

Accordingly, it is considered that strict compliance would likely result in the defeat of the underlying object and purpose of the height control because it would encourage a less desirable outcome for the subject site, especially when viewed in context of surrounding contemporary residential apartment development.

- 4. the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;**

The Height of Building development standard has not been virtually abandoned or destroyed by Council's own actions.



5. the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The 4 storey residential apartment development is located within the R3 Medium Density Residential zone. The zoning of the land is considered to be reasonable and appropriate. The objectives are identified below and demonstrates that the variation is consistent with the objectives of the zone.

OBJECTIVE (a)

to provide for the housing needs of the community within a medium density residential environment.

COMMENT

- The proposed development provides for the housing needs of the community by providing additional housing stock within an area capable of facilitating increased density in a medium density residential environment, within close walking distance to The Entrance Town Centre. The proposed density is appropriate to the site and the zone.

OBJECTIVE (b)

To provide a variety of housing types within a medium density residential environment.

COMMENT

- The development provides a range of apartment sizes to cater for the diversity of housing needs. There is a mix of 1, 2 and 3 bedroom apartments to cater for the affordability of future residents.

OBJECTIVE (c)

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

COMMENT

Not Applicable.

- The development proposes residential use only given its location within a residential locality and its proximity to The Entrance Town Centre.

OBJECTIVE (d)

To maintain and enhance the residential amenity of the surrounding area.

**COMMENT**

- The proposed building form and scale is compatible with the existing and emerging contemporary medium density built form within The Entrance locality and in the immediate vicinity of the site;
- The proposed development retains, contributes to and is compatible with the existing environmental and built character of surrounding development and the locality. The existing low scale residential development and streetscape lack landscaping amenity and generally provides a poor aesthetic contribution to the street. The proposed development will introduce landscaped setback areas that will deliver a positive contribution to the aesthetic value of the streetscape and locality

OBJECTIVE (e)

To encourage amalgamation of existing lots to facilitate well designed medium density development and to avoid unnecessary isolation of lots.

COMMENT

- The proposed development amalgamates two (2) individual parcels of land to facilitate the development and the economic use of land; and
- The proposed development will not cause the isolation of any adjacent lots for future development with opportunities for future lot amalgamation of a size capable of accommodating medium density development.

Clause 4.6(3)(b) – Are there sufficient environmental planning grounds to justify contravening the development standard?

As previously stated, the proposed development is consistent with the underlying objectives of the Height of Buildings and the R3 Medium Density zone. As per the decision in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, a variation must justify sufficient environmental planning grounds particular to the circumstances of the proposed development and development site rather than grounds that would apply to a similar development on the site or a development in the vicinity.

This Clause 4.6 Request has been prepared in reference to the above LEC decision. As such, the grounds for the variation are particular to the circumstances of the proposed development noting that the proposed development has been designed in response to the existing site and environmental conditions.

In view of the particular circumstances of this case, strict compliance with Clause 4.3 of the LEP is considered to be both unnecessary and unreasonable on the following environmental planning grounds:

- The proposed non-compliance in height satisfies the objectives of the 'Height of Buildings' and Zone R3 Medium Density Residential zone development standards.
- The proposed development facilitates increased housing density to The Entrance locality, with the subject site situated within a zone that encourages increased housing density.



- The development proposes to amalgamate two (2) allotments to facilitate a well-designed medium density residential apartment building.
- Is of a height, bulk, scale and form that is compatible with the existing, emerging and desired character of the locality, which anticipates a variety of building heights within the immediate locality. The context of surrounding residential apartment development is of a scale significantly greater than that proposed. The proposed development and associated variation in height will sit comfortably within this context and setting.
- The variation in height represents only a minor exceedance of the 12 metre height limit with the roof structure representing between 1.6% (Denning Street) and 7% variation (rear), with the lift overrun at 9.1% variation. The greatest variation in height of the roof structure is located to the rear of the site and is largely in part a consequence of the fall in the site to the rear and for the provision of services appropriate to the function and use of the building.

Proposed development is sited in the vicinity of comparative and much taller existing and approved residential apartment buildings, between 5 and 9 storeys in height. In addition, the lift overrun is located approximately 18.7m from the Denning Street site boundary, 25.6m from the rear boundary and projects only 650mm above the roof structure, and as such will not be readily visible or discernible from any public vantage point, representing only a small percentage of the floor plate area below at 1.4% and 1.7% of the roof area.

- The proposed minor variation to the height control:
 - is consistent with the existing and planned future built form development and provisions;
 - does not convey excessive height bulk or scale with an architectural design that is contemporary, high quality and represents a positive urban design outcome within an emerging medium density locality;
 - will facilitate a development that supports the population growth and demand in The Entrance locality;
 - will contribute to the social and economic viability of The Entrance locality particularly in light of the planned redevelopment of The Entrance Town Centre;
 - achieves an appropriate density with a majority of the apartments achieving a size above the minimum required. It is noted that this variation does not seek increased height to accommodate increased density, but to provide services essential to the function and use of the site;
- The proposed height non-compliance does not result in any unreasonable privacy or amenity impacts to surrounding sites in terms of bulk, access to sunlight, privacy and views.
- The height variation does not materially impact significant views from adjacent residential properties. The visual impacts associated with the additional height is negligible and generally in line with those anticipated by a height compliant scheme.
- It is considered that a reduction to the building height to achieve strict compliance would not result in an improved planning outcome – the additional height does not cause loss of significant views from neighbour's properties, or adverse additional overshadowing to residential properties or the public domain or causes any additional privacy impacts to surrounding development, and maintains the scale relationship to the existing and emerging medium density scale and built form.

Overall, it is considered that strict compliance with the development standard in this instance is unreasonable and unnecessary.



Clause 4.6(4)(a)(i) – Consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by clause 4.6(3)

Clause 4.6(4)(a)(i) states that development consent must not be granted for 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 by subclause (3).

These matters are comprehensively addressed above in this written request with reference to the five part test described in *Wehbe v Pittwater Council*. [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

Clause 4.6(4)(a)(ii) – Consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless 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.

These objectives of the development standard have already been addressed previously in this written request and for the sake of brevity will not be reproduced for the purposes of Clause 4.6(4)(a)(ii). For the reasons previously provided, the development is consistent with the zone and height of buildings development standard and is in the public interest.

Objectives of Clause 4.6

The specific objectives of Clause 4.6 (1) are:

- (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.*

The overall objectives of the R3 Medium Density zone is to facilitate and encourage increased population density outcomes with a diversity of housing type to accommodate population growth within The Entrance Peninsula locality and the Central Coast Local Government Area and to support and contribute to the viability, vitality and longevity of The Entrance Town Centre. The proposed development satisfies these objectives whilst ensuring that impacts to surrounding development is minimised and reasonable, whilst also providing significant benefits to the character of the streetscape and locality. The proposed development responds to and is compatible with the streetscape, surrounding context and the desired character envisaged by Council. The proposal sits comfortably within its setting and context and is compatible with and relates to the scale of medium density development within its visual catchment.



Accordingly, it is considered that the consent authority can be satisfied that the proposal meets objective 1(a) of Clause 4.6 in that allowing flexibility in relation to the Height of Building development standard and will achieve a better design outcome in accordance with objective 1(b), by ensuring that the scale and proportions of the proposed building is suitable within the visual catchment of the site and its context.

Clause 4.6(5)(a) – Any Matter of Significance

The non-compliance will not raise any matters of significance for state or regional environmental planning.

Clause 4.6(5)(b) – The Public Benefit

Under Clause 4.6 (5b) the consent authority must consider if there is public benefit associated with maintaining the development standard. Given the nature of the proposed variation and the justification of the impacts provided within this report and the Statement of Environmental Effects, there is not considered to be public benefit in applying it strictly. The proposed development is not contrary to the public interest and there can be no quantifiable or perceived public benefit in maintaining the standard.

Conclusion

The proposed development exceeds the maximum height limit for the site and therefore requires a Clause 4.6 exception to the development standard. Considering the particular circumstances of this development, strict compliance with the numerical standard is both unreasonable and unnecessary with sufficient environmental planning grounds to justify the variation, summarised as follows:

- The proposal is consistent with the objectives of the Height of Buildings and R3 Medium Density zone development standards;
- The development will not result in any significant adverse environmental or amenity impacts above those that are anticipated by a fully compliant development;
- The additional height is compatible with existing contemporary medium density development within the sites visual catchment, will not be readily discernible and will not impact the existing or future setting envisaged by Councils controls; and
- The additional height does not cause any loss of significant views from neighbouring residential areas, adverse impacts to privacy, or adverse overshadowing to residential properties or the public domain.

Based on the reasons outlined within this statement, it is concluded that the request is well founded and that the particular circumstances of the case warrant flexibility in the application of the development standard to the extent proposed.

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DESIGN VERIFICATION STATEMENT

28-30 DENING STREET, THE ENTRANCE

Rev B
September 2020

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CONTENTS

| | | |
|-----|---|---------|
| 1. | Design Principle 1: Context & Neighborhood Character | page 3 |
| 2. | Design Principle 2: Built Form & Scale | page 4 |
| 3. | Design Principle 3: Density | page 5 |
| 4. | Design Principle 4: Sustainability | page 5 |
| 5. | Design Principle 5: Landscape | page 6 |
| 6. | Design Principle 6: Amenity | page 7 |
| 7. | Design Principle 7: Safety | page 8 |
| 8. | Design Principle 8: Housing Diversity & Social Dimensions | page 9 |
| 9. | Design Principle 9: Aesthetics | page 9 |
| 10. | Conclusion | page 10 |



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SEPP 65 (ADG) DESIGN VERIFICATION STATEMENT

28-30 Dening Street, the Entrance, NSW 2261

SEPP 65 Urban Design Principles

SEPP 65 includes 9 design quality principles. These principles are intended to guide good design, provide a basis to evaluate the merits of proposed design solutions and provide a basis for subsequent planning policy documents, design processes and decisions made under SEPP 65. The SEPP requires that before determining a development application for residential apartment development, the consent authority must consider the design quality principles.

The following statement of consistency with the SEPP 65 Design Principles has been prepared and signed by the nominated architect as required under the policy.

| Design Principle | Consistent | Comment |
|--|------------|--|
| 1. Context & Neighborhood Character | Yes | <p><i>“Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighborhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change. ”¹</i></p> <p>The subject site is located on the 28-30 Dening Street, the Entrance. The sites are zoned R3 – ‘Medium Density Residential’ under the Wyong Local Environmental Plan 2013 (WLEP 2013) with the proposal satisfying the objectives of the zone by providing for the housing needs with a variety of housing types of the community within a medium-density residential environment with a built form that is compatible with the existing and envisaged environmental and built character of The Entrance. The locality is currently undergoing urban transitioning from low-density to medium-density development, with several sites already developed as medium density residential flat buildings and approvals granted but not yet exercised (43-49 Ocean Parade and 1 Fairfort</p> |



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| | | |
|---|-------------------|---|
| | | <p>Avenue, The Entrance granted development consent under DA/95/2003 for the construction of a 7 storey residential flat building comprising 57 units).</p> |
| <p>2. Built Form & Scale</p> | <p>Yes</p> | <p><i>“Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”¹</i></p> <p>The proposal is considered appropriate for the site and commensurate in scale and height with its surroundings. The proposed building height reflects the anticipated future character of the area and corresponds to existing residential buildings on the Denning Street and Ozone Street.</p> <p>The massing of the Denning Street frontage (South-West elevation) has been carefully developed to achieve an aesthetic outcome and composition that is contemporary and elegant, fitting in residential amenity. Timber-look articulation with dark-paint frame for the balconies on the building corners break down the scale of the building and create a sense of nature and modernity. The floor space ratio is 1:1.25, which is lower than the maximum 1.5 floor space ratio for the subject site.</p> |



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| | | |
|---------------------------------|-------------------|---|
| <p>3. Density</p> | <p>Yes</p> | <p><i>“Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.”¹</i></p> <p>The building has been appropriately articulated to reduce apparent bulk and express its residential character; chosen materials underline the building’s proposed function, while maintaining its contemporary language. Building orientation is consistent with the established urban pattern in the area.</p> <p>The built form allows views onto common areas and the street, maximizing local and afar views and minimizing obstructions. The built form also provides passive surveillance yet also providing privacy through room orientation, windows and balcony locations.</p> <p>The proposal meets the envelope controls, providing carefully scaled building that is appropriate to the needs of the growing area of the Entrance. The design is in line with the desired future character of the area.</p> |
| <p>4. Sustainability</p> | <p>Yes</p> | <p><i>“Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.”¹</i></p> <p>The proposed building design reflects an integrated use of natural resources through effective cross-flow ventilation within 84% of units (16 out of 19 units). Effective cross-ventilation minimizes the use of air conditioning, hence minimizing carbon emissions. The design is compliant with the recommendation of the Apartment Design Guide (ADG - 60%).</p> |



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| | | |
|----------------------------|-------------------|---|
| | | <p>The proposed building also integrates the passive solar access design principle. 74% of units (14 out of 19 units) have effective solar access. The design is almost compliant with the recommendation of the Apartment Design Guide (ADG – 70%).</p> <p>Sustainability is integral to the design; aspects include selection of appropriate and sustainable materials; passive solar design principles & use of energy efficient appliances.</p> <p>The building will incorporate other energy and water efficient devices appropriate to specification of the building and awareness of needs. Details are provided in the BASIX report and NHERS certificate.</p> <p>The site is located within a short walking distance of public transport and local shopping center. This convenience minimizes the daily usage of private cars by residents, hence considerably minimizing fossil fuel emissions.</p> <p>Provision of considerable common open space, served by recreational facilities such as a barbeque and shaded seating area, together with passive solar access and natural ventilation, this will minimize time spent indoors, hence further minimizing emissions from use of internal services.</p> <p>Waste is removed in an environmentally considerate manner during and after construction, as outlined in the Waste Management Plan.</p> |
| <p>5. Landscape</p> | <p>Yes</p> | <p><i>“Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks.</i></p> <p><i>Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours’ amenity,</i></p> |



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| | | |
|--------------------------|-------------------|--|
| | | <p><i>provides for practical establishment and long term management.</i> ”¹</p> <p>The public open space is landscaped to integrate with pedestrian footpath and green belt. Planting along the street frontage softens the appearance of the building from the street; raised planter with ornamental shrubs to provide light visual barrier and amenity for retail outdoor seating areas; new planted street tree will enhance local amenity and provide shade and visual interest; wide concrete steps to encourage pedestrian movement along the Denning Street.</p> <p>The private communal open space is landscaped for residents’ amenity, featuring significant landscaping features with recreational facilities such as a barbeque and shaded seating area, not only enhancing the site’s natural environmental performance, but also providing pleasant areas of natural vegetation for residents.</p> <p>Body corporate will manage the maintenance of common areas to ensure their ongoing health & appearance.</p> <p>Refer to the Landscape architect’s documentation for further information. The total soft landscape area is 733.03 m² and the deep soil area is 404.68 m², which complies with DCP’s requirement. As required by SEPP65, aesthetic quality and amenity are provided through the considerate integration of landscape and built form.</p> |
| <p>6. Amenity</p> | <p>Yes</p> | <p><i>“Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</i>”¹</p> <p>Solar Access This proposal achieves 3 hours (minimum) direct solar access to primary living spaces of 14 out of 19 residential units (74%), which complies with the 70% minimum guideline as per the ADG – 70%.</p> <p>Visual and acoustic privacy The layouts of individual apartments are configured in a way to assure comfortable internal</p> |

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| | | |
|-------------------------|-------------------|---|
| | | <p>circulation, logical function arrangement and appropriate room dimensions. Design protects resident's ability to carry out private functions within all rooms and private open spaces without compromising views, outlook, ventilation and solar access or the functioning of internal and external spaces.</p> <p>Pedestrian and vehicle access to the site is easily recognizable. Natural and artificial lighting is provided to the entry and common areas for safe after-hours access.</p> <p>Apartment layouts, private open spaces Individual layouts are fully functional, consistent with spatial recommendations of the ADG. Each unit features internal storage areas as per recommendations of the ADG; all apartments are provided with additional storage areas in the basement for larger objects like sporting equipment, to the minimum volumes required.</p> <p>Balconies are linked to living space and main bedroom, and are of sufficient size to accommodate the required seating arrangements and comply with the requirements of the ADG.</p> <p>Natural ventilation 84% of units (16 of 19) are naturally cross-ventilated (ADG guideline – 60%).</p> |
| <p>7. Safety</p> | <p>Yes</p> | <p><i>“Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.”</i></p> <p>Proposed orientation of building, floor layouts and provision of balconies provide passive surveillance of the Denning Street. Appropriate security arrangements are incorporated at pedestrian entry lobbies and the vehicle entry to basement carparking spaces. All pedestrian areas are designed to provide clear sight lines and minimize potential for 'hiding' places for attacks.</p> <p>The main entry, lift lobby and hallways will be well lit for better visibility at night.</p> |



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| | | |
|--|------------|--|
| | | <p>Pedestrian entry is well separated from vehicular entry, and sight lines are provided, for safe pedestrian access to the building.</p> <p>Storage cages will be of chain wire partitioning to allow visual sight lines.</p> |
| 8. Housing Diversity and Social Interaction | Yes | <p><i>“Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.”¹</i></p> <p>The proposed development with a yield of 19 units and a mix of 5 x 1 bed, 13 x 2 bed and 1 x 3 bed units will complement and extend the range and diversity of residential accommodation available in the area.</p> <p>The site is within 220 meters of the Lakeside Shopping Center, bus station, close to other public transport and public amenities, hence the proposed apartment mix is appropriate and in line with new planning controls.</p> <p>Please refer to access report for further details.</p> |
| 9. Aesthetics | Yes | <p><i>“Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.”¹</i></p> <p>An appropriate composition of building elements, material textures and colors has been utilized to create an interesting façade and reflect the building’s residential character. The building form is broken up to different elements along the Denning Street to reduce the visual bulk.</p> |



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| | | |
|--|--|--|
| | | <p>The articulation of the building facades, the design's massing composition seek to find balance with its surroundings and future development. Middle rise units with dark steel and glass balustrade on its spacious balcony to allow resident's ability to carry out outdoor functions and enjoy views.</p> <p>Façade material includes: brick, external cladding panel, timber look cladding, sandstone look cladding, dark aluminum hood and powder coated metal frame etc. The variety material composition gives the building a modern appearance with a natural feeling which is appropriate and in line with future desirable characteristic of the streetscape.</p> |
|--|--|--|

Conclusion

I hereby confirm the submitted design satisfies and in parts exceeds the quality principles set out in SEPP 65 in regards to the Development Application.

Mr. Leo Wang has been responsible for the design of the project since its inception and has commissioned on behalf of the applicant related professionals and experts in respect of the matter.

Mr. Leo Wang has supervised preparation of and reviewed the architectural drawings and is satisfied that the design meets the intent of the design quality principles as set out in Part 2 of State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.

Yours sincerely,

Leo Wang
 EnHance Group Project Pty. Ltd.

Development Application

APARTMENT DEVELOPMENT

Address: 28-30 Dening St, The Entrance, NSW 2261

Drawing List

| Sheet Number | Sheet Name | Revision |
|--------------|--|----------|
| BA000 | Cover Page | D |
| DA010 | Demolition Plan | B |
| DA012 | Site Plan/ Site Analysis | C |
| DA040 | Area Calculation | B |
| DA041 | Ventilation Analysis | B |
| DA042 | Solar Access Analysis | A |
| DA050 | Excavation and/or Fill Plan | A |
| DA060 | Shadow Diagram - Existing 1 | B |
| DA061 | Shadow Diagram - Existing 2 | B |
| DA062 | Shadow Diagram - Proposed Scheme on 21st Jun | B |
| DA063 | Shadow Diagram - Proposed Scheme on 21st Jun | B |
| DA064 | Shadow Diagram - Proposed Scheme on 21st December | A |
| DA065 | Shadow Diagram - Proposed Scheme on 21st December | A |
| DA066 | Sun Eye Diagram 1 | B |
| DA067 | Sun Eye Diagram 2 | B |
| DA070 | Elevation Shadow Diagram - Future Neighbouring Development | A |
| DA071 | Elevation Shadow Diagram - Future Neighbouring Development | A |
| DA091 | Basement 1 Plan | D |
| DA100 | Ground Floor Plan | D |
| DA101 | First & Second Floor Plan | C |
| DA102 | Third Floor Plan | C |
| DA103 | Roof Floor Plan | C |
| DA200 | Section - Short | B |
| DA201 | Section - Long | D |
| DA202 | Section - Driveway | D |
| DA300 | Elevations - East and West | C |
| DA301 | Elevations - North and South | C |
| DA500 | External Finish | C |



Location Map

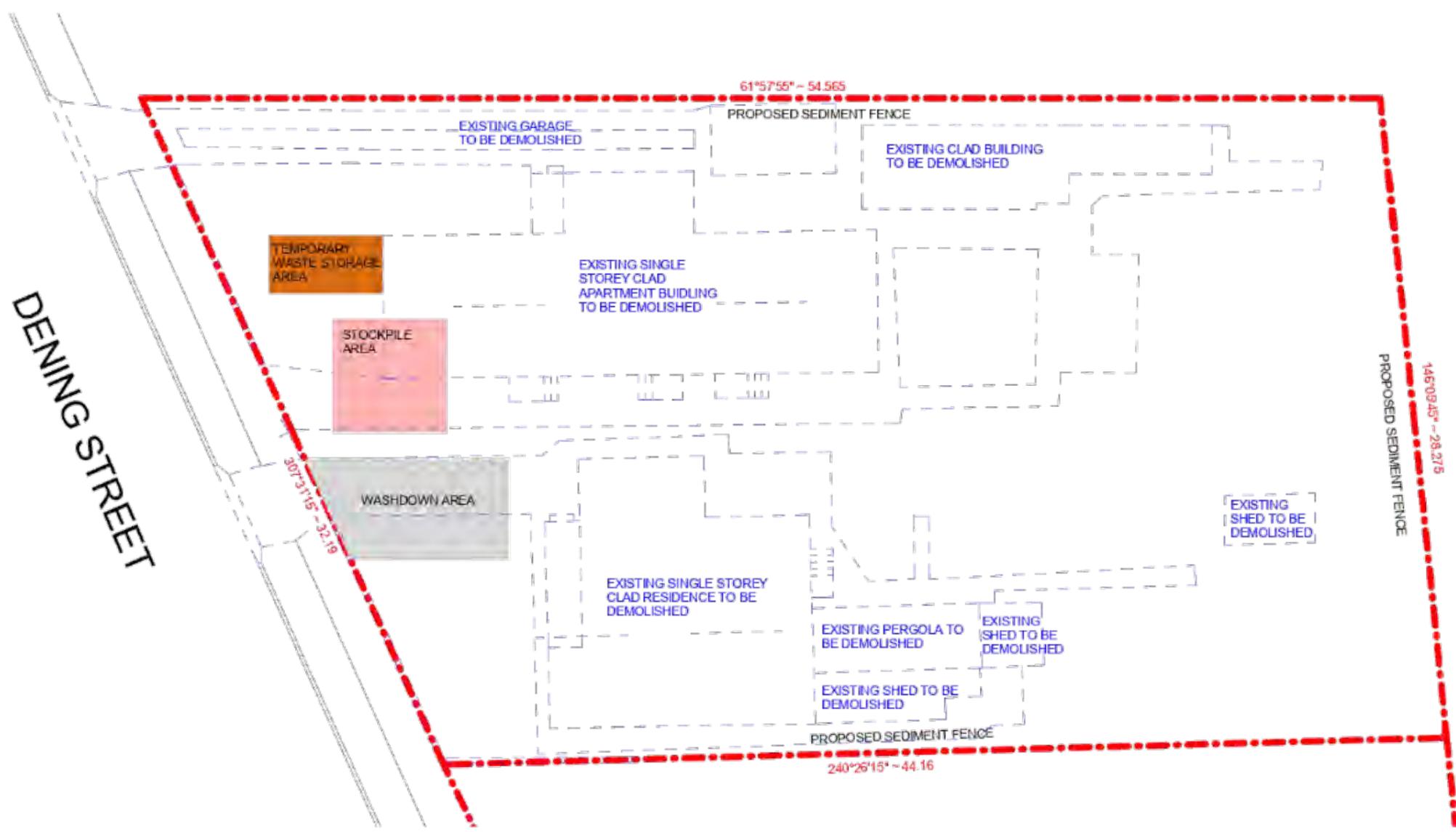


Aerial Photo



28-30 Dening St, The Entrance, NSW 2261

| | | | | | | | | | |
|---|--|--|---------|-------------------|----------|------------|----------|---------|----------|
|    | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 9098 NSW Registered Project Manager: MAPM, CPPM | E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 | Rev | Description | Date | DRAW BY | CHECK BY | JOB No. | BIW03 |
| | | | A | Issue for DA | 20191119 | Cover Page | | DATE | Oct 2019 |
| B | Issue for Revised DA | 20200415 | SCALE | A3 @ As indicated | | | | | |
| C | Issue for Revised DA | 20200709 | DWG No. | DA000 D | | | | | |
| D | Issue for Revised DA | 20200908 | | | | | | | |



General Notes:

- Architectural Drawings To Be Read In Conjunction With All Other Consultants Detailed Drawings And Specifications.
- Do Not Scale From Drawings. ALL Dimensions To Be Verified On Site (VOS) Prior To Construction / Manufacture.
- Contractor To Verify All Levels and Conditions On Site.
- All Levels Indicated Taken To Australian Height Datum (AHD)
- All Proposed Works To Comply With Requirements Of The Building Code Of Australia (BCA)
- Builder To Obtain Relevant Consent From Public Utility Providers Prior To Construction
- Contractor To Ensure Compliance with Requirements of Complying Development Certificates.
- This drawing shall not be used for construction unless endorsed 'For Construction' and authorised for issue.
- Minor Changes To Building Form and Configuration May Be Required When Drawings Are Subsequently Prepared for Construction Purposes after the Grant of Development Consent
- Specification of Substation to Be Confirmed in Construction Stages after the Grant of Development Consent
- Refer to Landscape Drawings for Landscape Detail

Demolition Notes:

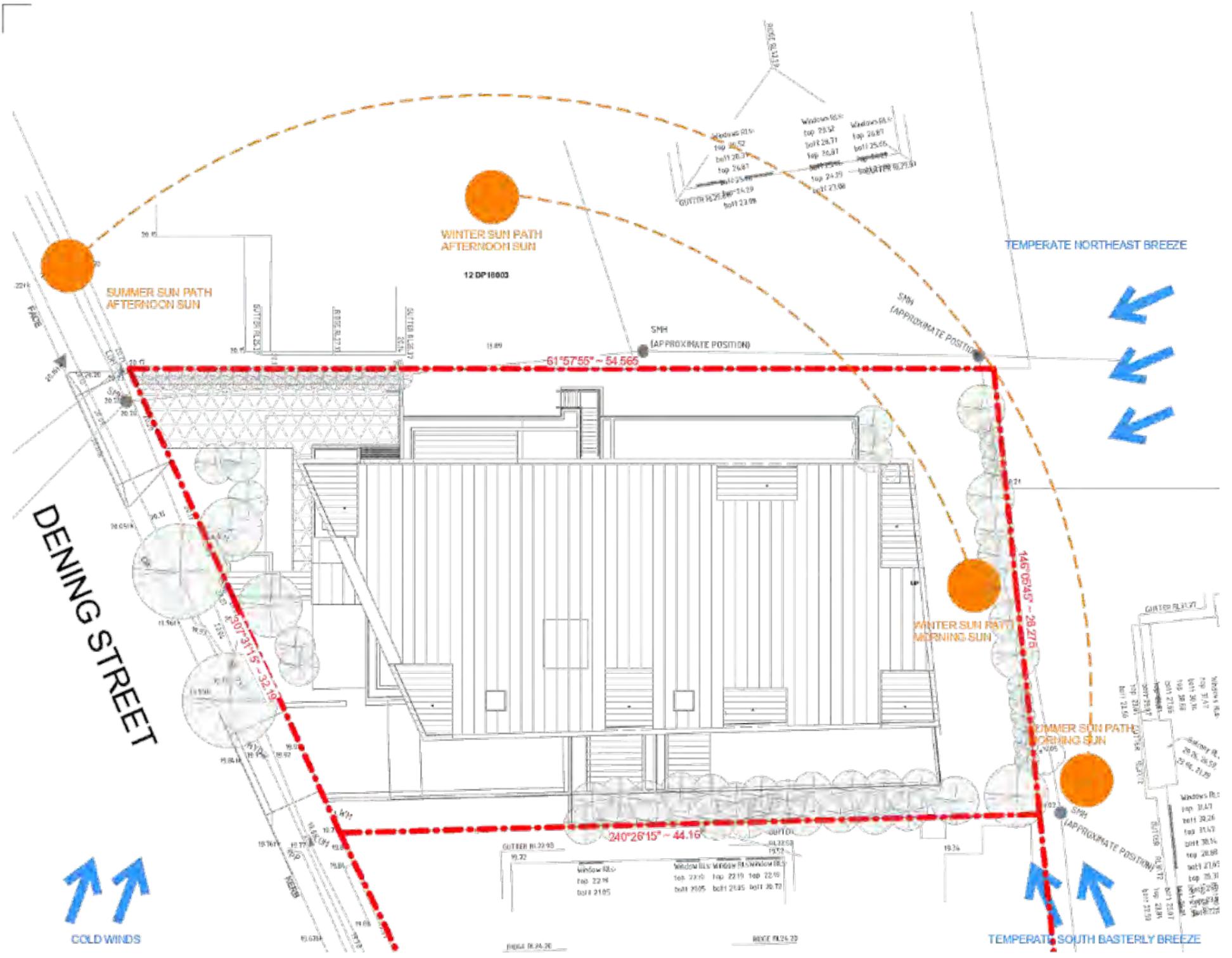
- All Demolition Work To Comply To AS 2801
- Builder To Ensure Removal And Disposal Of All Existing Asbestos Linings To Be In Accordance With Contamination Report And Local Authorities Guidelines
- Builder To Confirm All Existing Wall Construction Build-ups When Retained
- Builder To Maintain Sedimentation Control Measures In Accordance With Council Requirements
- Builder To Cap Off Plumbing & Electrical, And Relocate Pipework/Conduits To Suit New Works Where Required For Reused Service Points

Legend - Demolition

- EXISTING TO REMAIN
- EXISTING TO BE DEMOLISHED



| | | | | | | | | | | |
|--|--|--|---|--|---|---|----------------------------------|---------------------|---------------------|---|
| | | | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8698 NSW Registered Project Manager: M.A.P.M., C.P.P.M. | | E: leo.w@enhanceproject.com.au P: +61 2 9004 3281 A: Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 | Rev A Issue for DA B Issue for Revised DA | Date 2018/11/19 2020/04/15 | Scale Bar 1:200 | DRAW BY CHECK BY | JOB No. BW03 DATE Oct 2019 SCALE A3 @ As indicated DWG No. DA010 B |
| | | | 28-30 Denning St, The Entrance, NSW 2261 | | | Demolition Plan | | | | |



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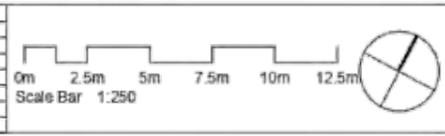
BASIC Thermal Specification - 28-30 Denning Street, The Entrance, NSW

| Element | Construction | Details |
|---------------|--|---|
| Roof/ceiling | Concrete slab on steel truss/rafter As proposed (PS) Mass external insulation on exterior wall R2 | Light color low absorption (0.4) through the Applicable to the balcony floor space, veranda area of As per Part 4.7.2, 4.7.4 and 4.7.5 As per plan |
| External wall | Concrete block masonry As proposed (PS) As per plan | Applicable to the external wall As per plan |
| Window | Double glazing (6mm clear + 12mm air space + 6mm clear) As proposed (PS) As per plan | Through As per plan |
| Floor | Concrete slab on steel truss/rafter As proposed (PS) As per plan | Applicable to the internal floor below the ground level As per plan |

ISSUE FOR DA

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| Rev | Description | Date |
|-----|----------------------|------------|
| A | Issue for DA | 2018/11/19 |
| B | Issue for Revised DA | 2020/04/15 |
| C | Issue for Revised DA | 2020/07/30 |

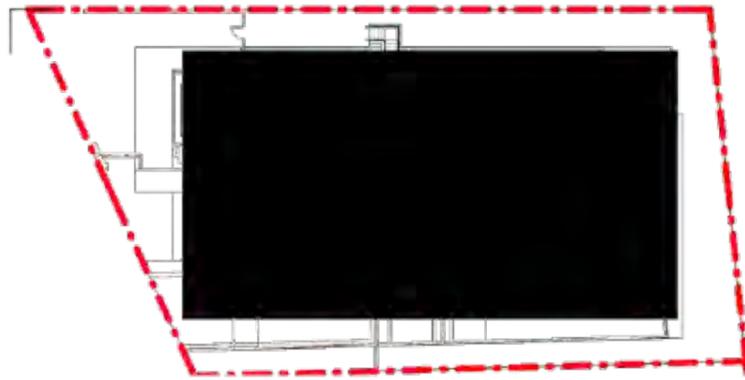


Site Plan/ Site Analysis

DRAW BY: _____ CHECK BY: _____

28-30 Denning St, The Entrance, NSW 2261

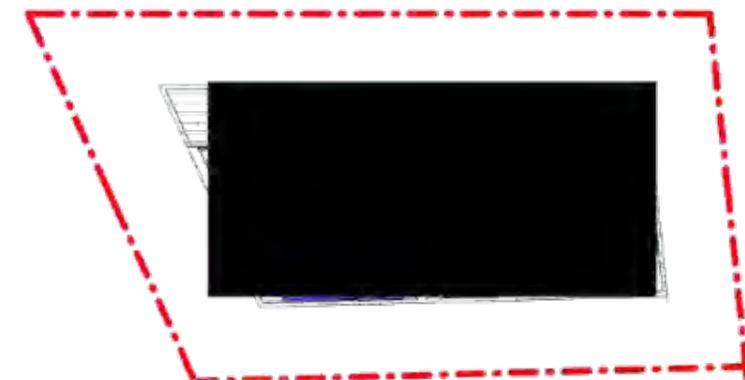
| | |
|---------|-------------------|
| JOB No. | BW03 |
| DATE | Oct 2019 |
| SCALE | A3 @ As indicated |
| DWG No. | DA012 C |



1 Ground Floor Plan
1 : 500



2 First & Second Floor Plan
1 : 500



3 Third Floor Plan
1 : 500

| GFA Calculation | |
|-----------------|------|
| Level | Area |
| Level G | 456 |
| Level 1 | 448 |
| Level 2 | 448 |
| Level 3 | 433 |

| | |
|-------------|--------|
| Site area | 1422 |
| Current GFA | 1784 |
| MAX GFA | 2133 |
| Current FSR | 1:1.25 |
| MAX FSR | 1:1.5 |

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| Room Schedule | | | | |
|---------------|------|---------------|---------|---------|
| UNIT NO. | Area | Bal Area/ POS | Bedroom | Level |
| 1 | 93 | 29 | 2 | Level G |
| 2 | 103 | 45 | 2 | Level G |
| 3 | 119 | 77 | 3 | Level G |
| 4 | 69 | 26 | 1 | Level G |
| 5 | 84 | 22 | 2 | Level 1 |
| 6 | 81 | 12 | 2 | Level 1 |
| 7 | 102 | 29 | 2 | Level 1 |
| 8 | 54 | 10 | 1 | Level 1 |
| 9 | 80 | 20 | 2 | Level 1 |
| 10 | 84 | 22 | 2 | Level 2 |
| 11 | 81 | 12 | 2 | Level 2 |
| 12 | 102 | 29 | 2 | Level 2 |
| 13 | 54 | 10 | 1 | Level 2 |
| 14 | 80 | 20 | 2 | Level 2 |
| 15 | 84 | 22 | 2 | Level 3 |
| 16 | 81 | 12 | 2 | Level 3 |
| 17 | 102 | 29 | 2 | Level 3 |
| 18 | 54 | 10 | 1 | Level 3 |
| 19 | 68 | 32 | 1 | Level 3 |

Note: Apt. 4, 8, 13, 18 are designed to meet the Livable Housing Design Guidelines Silver Level Universal Design.
Apt. 8 & 13 are designed as adaptable units

| Level | 1 Bed | 2 Bed | 3 Bed | Total |
|------------|----------|-----------|----------|-----------|
| G | 1 | 2 | 1 | 4 |
| Level 1 | 1 | 4 | | 5 |
| Level 2 | 1 | 4 | | 5 |
| Level 3 | 2 | 3 | | 5 |
| Sum | 5 | 13 | 1 | 19 |

| Carparking | 1 Bed | 2 Bed | 3 Bed | Visitor | Bike |
|-----------------|--|-------|-------|---------------|---------------|
| Ratio | 1 | 1.2 | 1.5 | 1 per 5 units | 1 per 3 units |
| Units | 5 | 13 | 1 | 19 | 19 |
| Amount | 5 | 16 | 2 | 4 | 7 |
| Required | 27 | | | | 7 |
| Current | 27 (including 2 disable parking space) | | | | 8 |



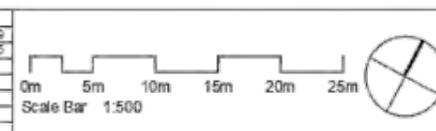




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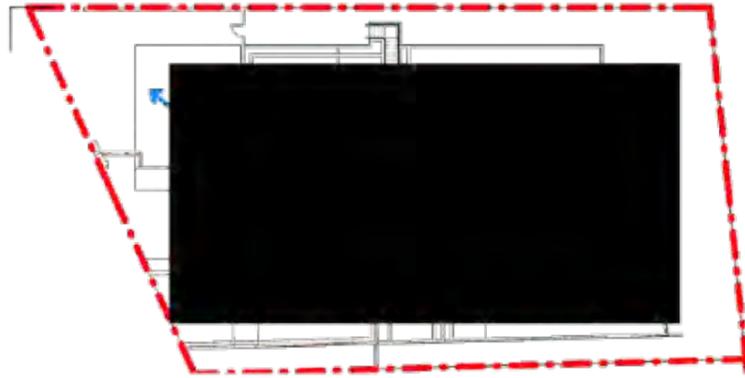
| Rev | Description | Date |
|-----|----------------------|------------|
| A | Issue for DA | 2018/11/19 |
| B | Issue for Revised DA | 2020/04/15 |



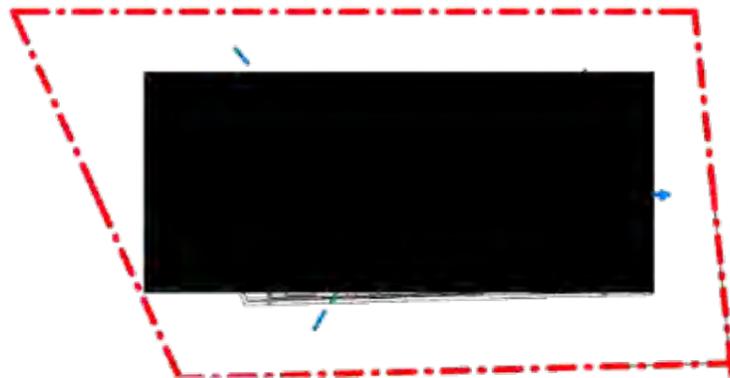
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|---------|----------|
| | |

Area Calculation

| JOB No. | BW03 |
|---------|-------------------|
| DATE | Oct 2019 |
| SCALE | A3 @ As indicated |
| DWG No. | DA040 B |



1 Ground Floor Plan
1 : 500



2 First & Second Floor Plan
1 : 500



3 Third Floor Plan
1 : 500

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- Refer to Landscape Drawings for Landscape Detail

16 units (84%) can achieve cross ventilation.

| | | | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8098 NSW Registered Project Manager: MAPM, CPPM E: leo.w@enhanceproject.com.au P: +61 2 9004 3281 A: Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 | | <table border="1"> <thead> <tr> <th>Rev</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Issue for DA</td> <td>2019/11/19</td> </tr> <tr> <td>B</td> <td>Issue for Revised DA</td> <td>2020/04/15</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> | Rev | Description | Date | A | Issue for DA | 2019/11/19 | B | Issue for Revised DA | 2020/04/15 | | | | | | | | | | 0m 5m 10m 15m 20m 25m Scale Bar 1:500 | 28-30 Denning St, The Entrance, NSW 2261 DRAW BY: _____ CHECK BY: _____ | | JOB No. BW03 DATE Oct 2019 SCALE A3 @ As indicated DWG No. DA041 B |
|-----------------------------|----------------------|------------|---|-------------|--|------|-------------|------|---|--------------|------------|---|----------------------|------------|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | Rev | Description | | Date | | | | | | | | | | | | | | | | | | | | | |
| A | Issue for DA | 2019/11/19 | | | | | | | | | | | | | | | | | | | | | | | | | |
| B | Issue for Revised DA | 2020/04/15 | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Ventilation Analysis | | | DATE SCALE DWG No. | | | | | | | | | | | | | | | | | | | | | | | | |



1 Ground Floor Plan
1 : 500



2 First & Second Floor Plan
1 : 500



3 Third Floor Plan
1 : 500

General Notes:

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14 units' living room and pos (74%) can receive min. 3h direct sunlight between 9am - 3pm on 21st Jun.

| | | | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8098 NSW Registered Project Manager: MAPM, CPPM | E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 | <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="font-size: 8px;">Rev</th> <th style="font-size: 8px;">Description</th> <th style="font-size: 8px;">Date</th> </tr> </thead> <tbody> <tr> <td style="font-size: 8px;">A</td> <td style="font-size: 8px;">Issue for DA</td> <td style="font-size: 8px;">2018/11/19</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> | Rev | Description | Date | A | Issue for DA | 2018/11/19 | | | | | | | | | | | | | | | DRAW BY: _____ CHECK BY: _____ Solar Access Analysis | 28-30 Denning St, The Entrance, NSW 2261 JOB No. BW03 DATE Oct 2018 SCALE A3 @ As indicated DWG No. DA042 A |
|---|--------------|------------|---|--|---|-----|-------------|------|---|--------------|------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | Rev | Description | Date | | | | | | | | | | | | | | | | | | | | | | |
| A | Issue for DA | 2018/11/19 | | | | | | | | | | | | | | | | | | | | | | | | | |
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1 9am - 21 June
1:700



2 10am - 21 June
1:700



3 11am - 21 June
1:700



4 12am - 21 June
1:700

General Notes:

- Architectural Drawings To Be Read In Conjunction With All Other Consultants Detailed Drawings And Specifications.
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- Refer to Landscape Drawings for Landscape Detail

ISSUE FOR DA

28-30 Dening St, The Entrance, NSW 2261

| | | | | |
|--|--|--|---|--|
| | | | ENHANCE GROUP PROJECT PTY LTD | |
| | | | LEO WANG NSW Nominated Architect No. 8698 NSW Registered Project Manager: MAPM, CPPM | E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 |

| Rev | Description | Date |
|-----|----------------------|------------|
| A | Issue for DA | 2019/11/19 |
| B | Issue for Revised DA | 2020/04/15 |
| | | |
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|------------------------------------|----------|
| DRAW BY | CHECK BY |
| | |
| Shadow Diagram - Existing 1 | |

| | |
|---------|-------------------|
| JOB No. | BW03 |
| DATE | Oct 2019 |
| SCALE | A3 @ As indicated |
| DWG No. | DA060 B |



1 1pm - 21 June
1 : 700



2 2pm - 21 June
1 : 700



3 3pm - 21 June
1 : 700

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ISSUE FOR DA

28-30 Dening St, The Entrance, NSW 2261

| | | | |
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| | | | <p>ENHANCE GROUP PROJECT PTY LTD</p> <p>LEO WANG NSW Nominated Architect No. 8098 NSW Registered Project Manager: MAPM, CPPM</p> <p>E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007</p> |
|--|--|--|--|

| Rev | Description | Date |
|-----|----------------------|------------|
| A | Issue for DA | 2019/11/19 |
| B | Issue for Revised DA | 2020/04/15 |
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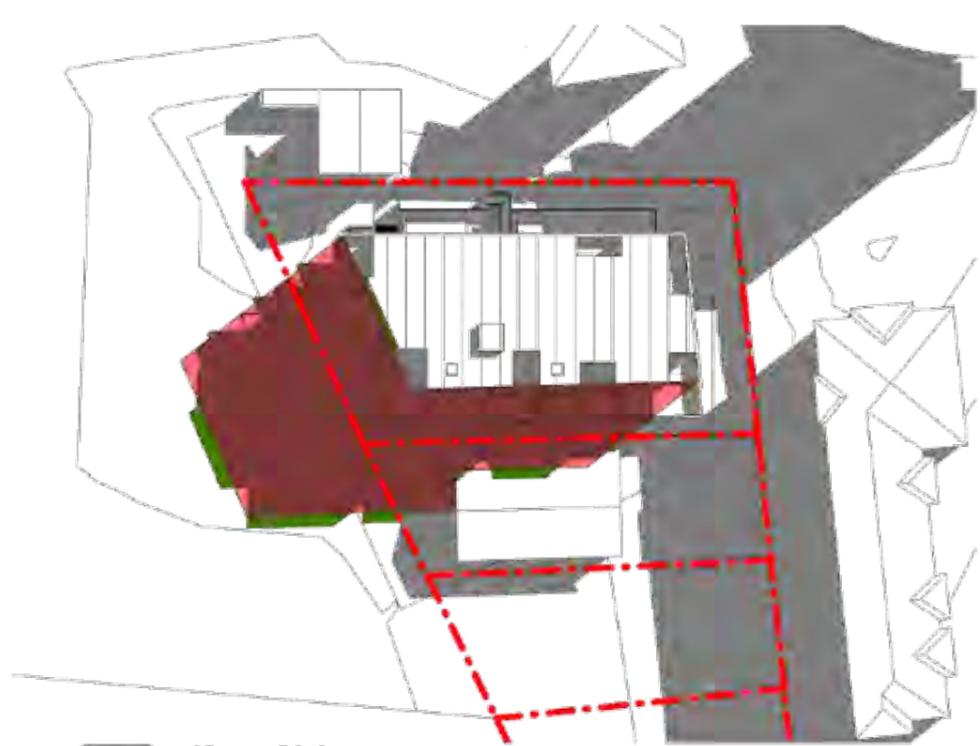
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|---------|----------|------|
| DRAW BY | CHECK BY | DATE |
| | | |

Shadow Diagram - Existing 2

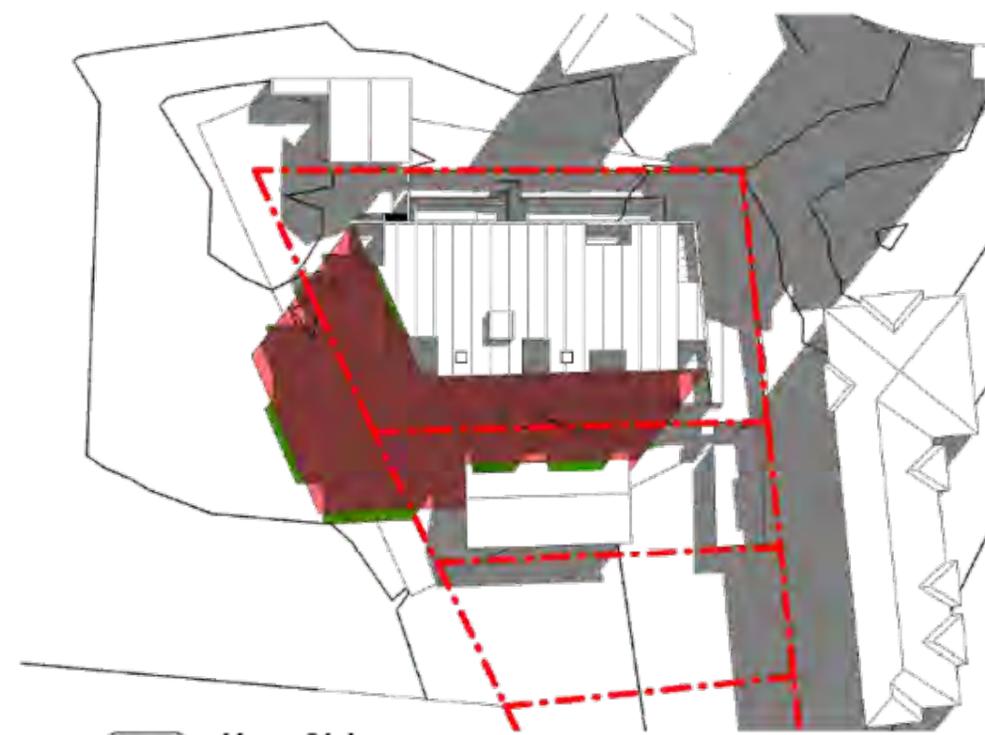
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| JOB No. | BW03 |
| DATE | Oct 2019 |
| SCALE | A3 @ As indicated |
| DWG No. | DA061 B |



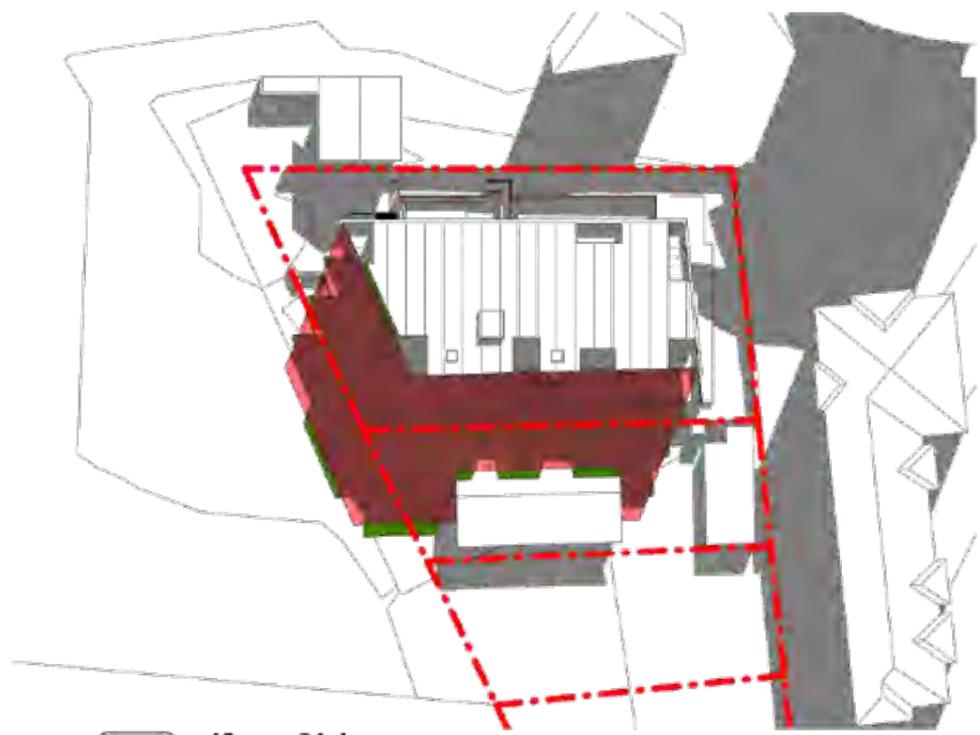
1 9am - 21 June
1 : 700



2 10am - 21 June
1 : 700



3 11am - 21 June
1 : 700



4 12pm - 21 June
1 : 700

General Notes:

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Legend

- Shadow - Proposed Scheme
- Shadow - Compliance Scheme

ISSUE FOR DA

28-30 Dening St, The Entrance, NSW 2261

| | | | | | | | | | |
|--|--|--|---|---|----------------------------------|--|---------------------|-------------------------------------|--|
| | | | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8698 NSW Registered Project Manager: MAPM, CPPM E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 | Rev A Issue for DA B Issue for Revised DA | Date 2019/11/19 2020/04/15 | | DRAW BY CHECK BY | JOB No. DATE SCALE DWG No. | BW03 Oct 2019 A3 @ As indicated DA062 B |
| | | | | Shadow Diagram - Proposed Scheme on 21st Jun | | | | | |



1 1pm - 21 June
1:700



2 2pm - 21 June
1:700



3 3pm - 21 June
1:700

General Notes:

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ISSUE FOR DA

28-30 Dening St, The Entrance, NSW 2261

| | | | |
|--|--|--|--|
| | | | <p>ENHANCE GROUP PROJECT PTY LTD</p> <p>LEO WANG NSW Nominated Architect No. 8698 NSW Registered Project Manager: MAPM, CPPM</p> <p>E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007</p> |
|--|--|--|--|

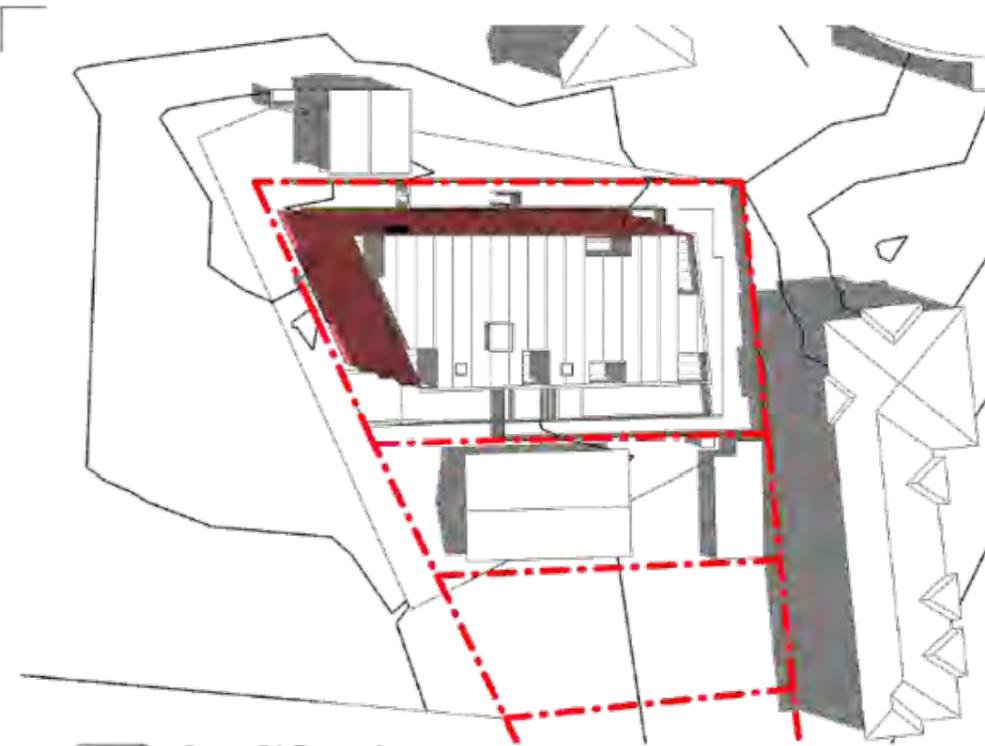
| Rev | Description | Date |
|-----|----------------------|------------|
| A | Issue for DA | 2019/11/19 |
| B | Issue for Revised DA | 2020/04/15 |
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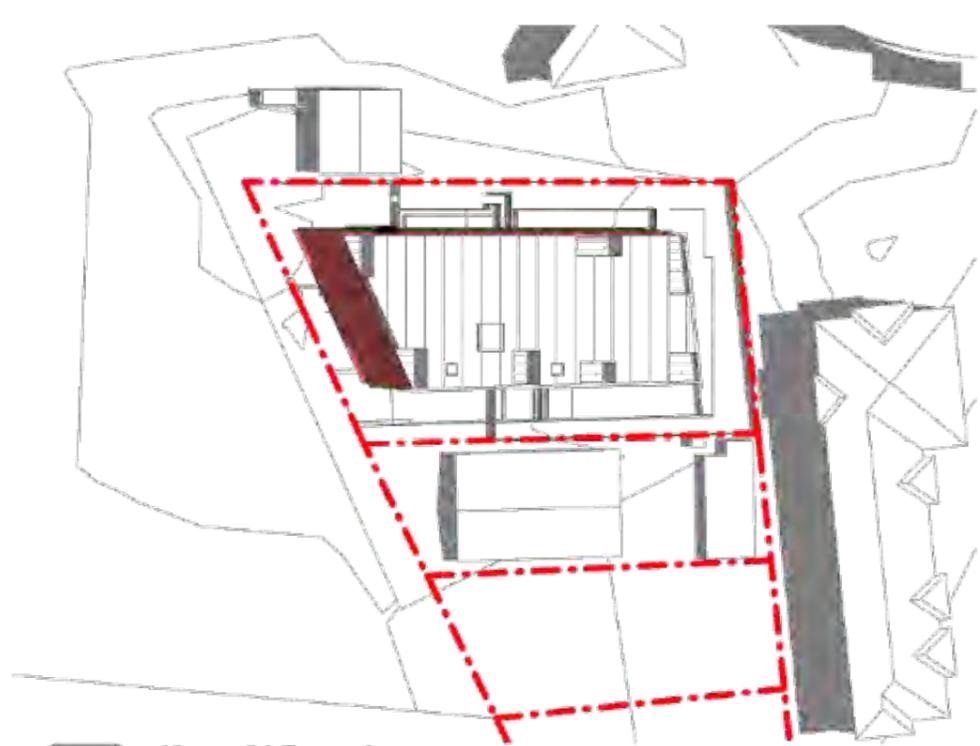
DRAW BY _____ CHECK BY _____

Shadow Diagram - Proposed Scheme on 21st Jun

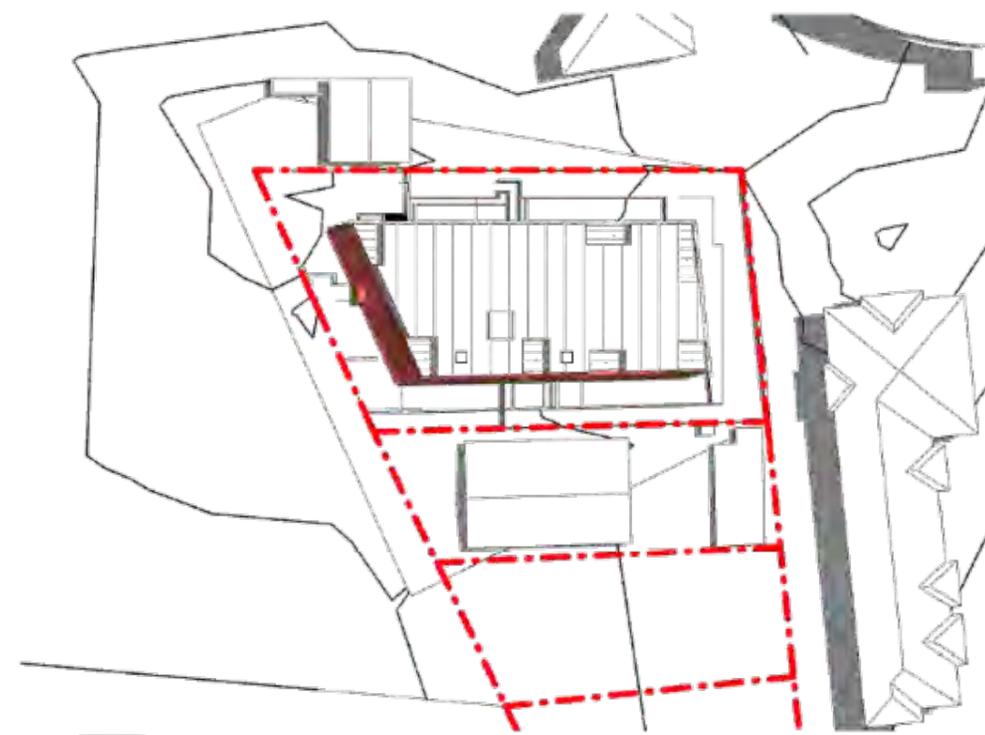
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|---------|-------------------|
| JOB No. | BW03 |
| DATE | Oct 2019 |
| SCALE | A3 @ As indicated |
| DWG No. | DA063 B |



1 9am - 21 December
1 : 700



2 10am - 21 December
1 : 700



3 11am - 21 December
1 : 700



4 12pm - 21 December
1 : 700

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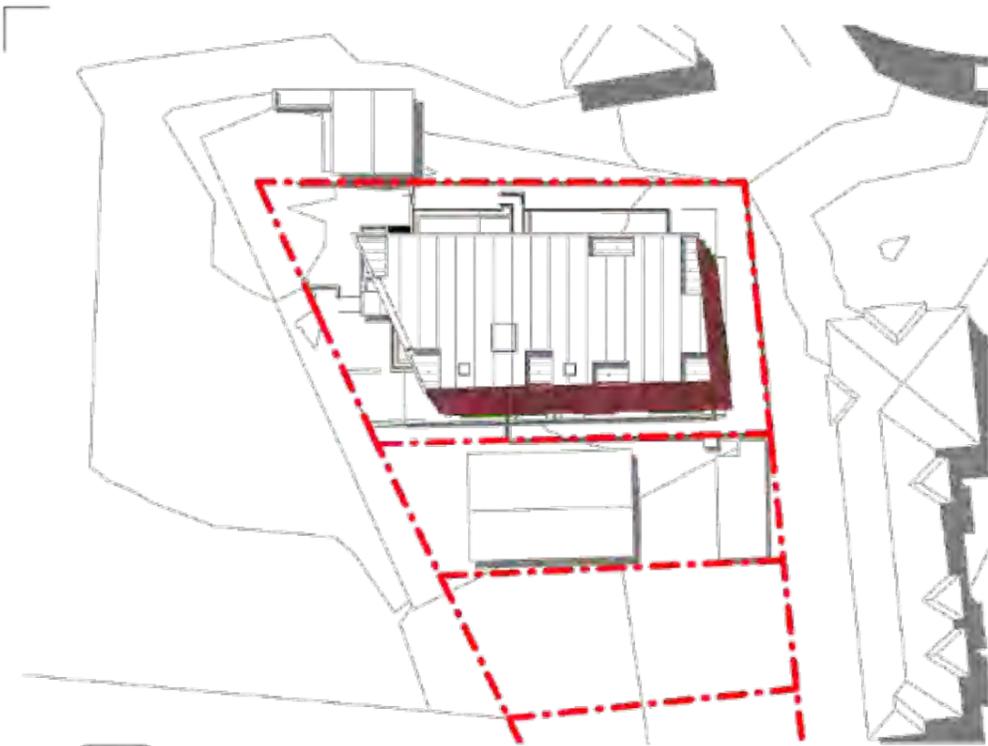
Legend

- Shadow - Proposed Scheme
- Shadow - Compliance Scheme

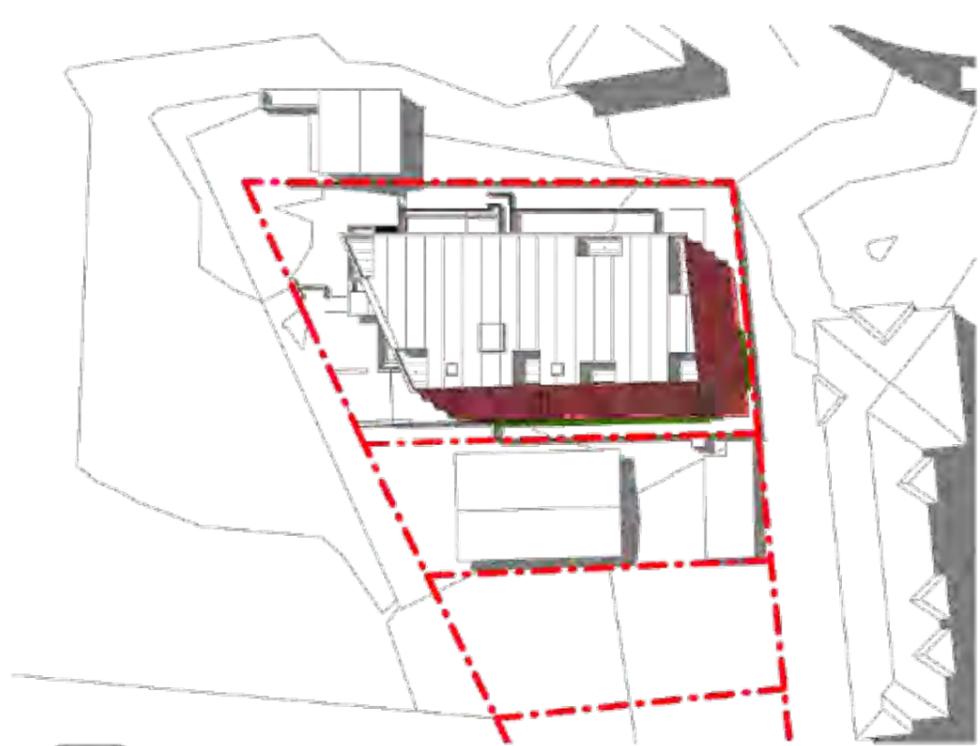
ISSUE FOR DA

28-30 Dening St, The Entrance, NSW 2261

| | | | | | |
|--|---|--|---------------------|-------------------------------------|--|
| | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8098 NSW Registered Project Manager: MAPM, CPPM E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-87 Jones St Ultimo NSW 2007 | Rev A Issue for Revised DA Date 2020/04/15 | DRAW BY CHECK BY | JOB No. DATE SCALE DWG No. | BW03 Oct 2019 A3 @ As indicated DA064 A |
| | | Shadow Diagram - Proposed Scheme on 21st December | | | |



1 1pm - 21 December
1:700



2 2pm - 21 December
1:700



3 3pm - 21 December
1:700

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Legend

- Shadow - Proposed Scheme
- Shadow - Compliance Scheme

ISSUE FOR DA

28-30 Dening St, The Entrance, NSW 2261

| | | | | | | | | |
|--|--|-----|----------------------|------------|--|----------|---------|-------------------|
| | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8098 NSW Registered Project Manager: MAPM, CPPM E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-87 Jones St Ultimo NSW 2007 | Rev | Description | Date | DRAW BY | CHECK BY | JOB No. | BW03 |
| | | A | Issue for Revised DA | 2020/04/15 | Shadow Diagram - Proposed Scheme on 21st December | | DATE | Oct 2019 |
| | | | | | | | SCALE | A3 @ As indicated |
| | | | | | | | DWG No. | DA065 A |



1 9am - 21 June



2 10am - 21 June

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3 11am - 21 June



4 12am - 21 June

28-30 Denning St, The Entrance, NSW 2261

| | | | | | | | | | |
|-----------------|--|---------------|--|--------------------------|---|----------------------------------|---------------------|-------------------------------------|---|
| AIPM | Member Australian Institute of Architects | EP | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 9098 NSW Registered Project Manager: MAPM, CPPM E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 | Rev A B | Description Issue for DA Issue for Revised DA | Date 2019/11/19 2020/04/15 | DRAW BY CHECK BY | JOB No. DATE SCALE DWG No. | BW03 Oct 2019 A3 @ 1 : 1000 DA066 B |
| | | | | Sun Eye Diagram 1 | | | | | |



1 1pm - 21 June



2 2pm - 21 June

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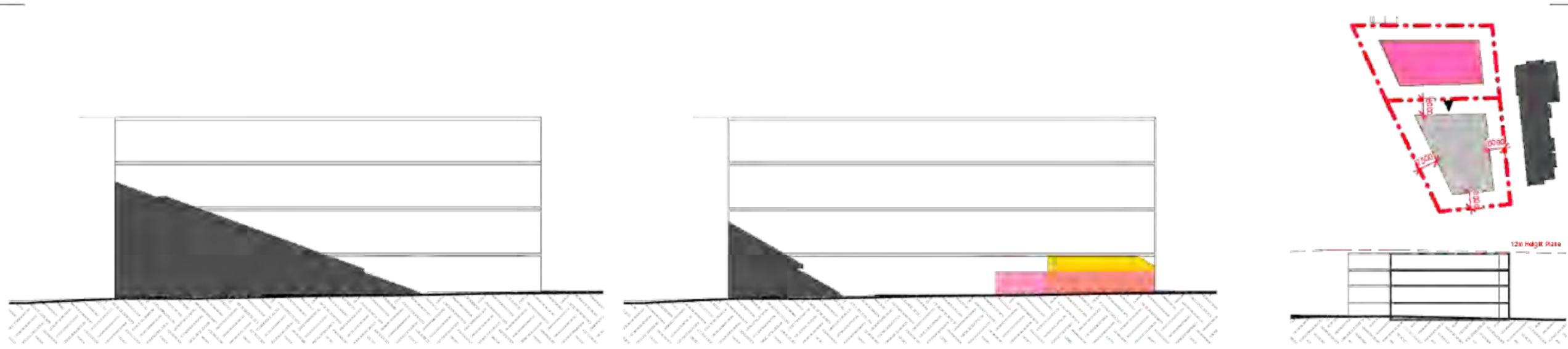


3 3pm - 21 June

14 units' living room and pos (74%) can receive min. 3h direct sunlight between 9am - 3pm on 21st Jun.

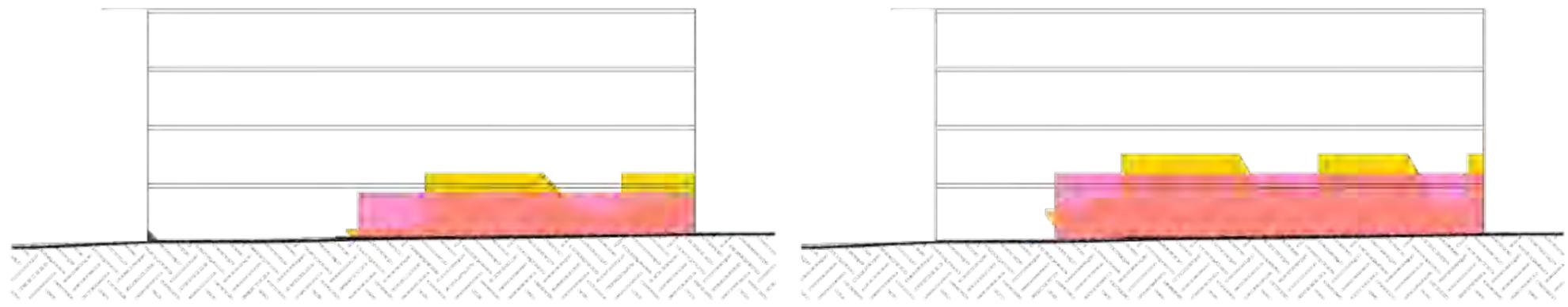
| SOLAR ACCESS TABLE | | | | | | | | |
|--------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| | 09:00 | 10:00 | 11:00 | 12:00 | 13:00 | 14:00 | 15:00 | Total |
| Unit 1 Internal | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 5 |
| Unit 1 Pos | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 5 |
| Unit 2 Internal | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 5 |
| Unit 2 Pos | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 5 |
| Unit 3 Internal | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 4 |
| Unit 3 Pos | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 4 |
| Unit 4 Internal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unit 4 Pos | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unit 5 Internal | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 5 |
| Unit 5 Pos | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 5 |
| Unit 6 Internal | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 5 |
| Unit 6 Pos | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 5 |
| Unit 7 Internal | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 3 |
| Unit 7 Pos | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 3 |
| Unit 8 Internal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unit 8 Pos | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unit 9 Internal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unit 9 Pos | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unit 10 Internal | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
| Unit 10 Pos | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
| Unit 11 Internal | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
| Unit 11 Pos | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
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| Unit 12 Pos | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 3 |
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| Unit 13 Pos | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unit 14 Internal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unit 14 Pos | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unit 15 Internal | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
| Unit 15 Pos | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
| Unit 16 Internal | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
| Unit 16 Pos | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
| Unit 17 Internal | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
| Unit 17 Pos | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
| Unit 18 Internal | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 3 |
| Unit 18 Pos | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 3 |
| Unit 19 Internal | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |
| Unit 19 Pos | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 6 |

| | | | | | | |
|--|--|---|----------------------------------|---------------------|-------------------------------------|--|
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| | | | | | | |



1 9am - 21 June
1 : 250

2 10am - 21 June
1 : 250



3 11am - 21 June
1 : 250

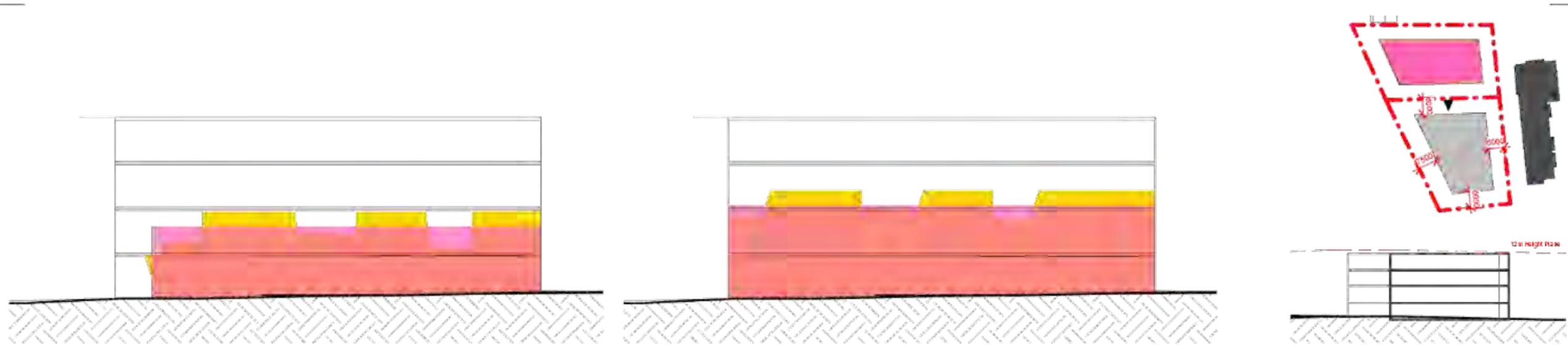
4 12am - June
1 : 250

Note: this drawing is to analyse the shadow impact on a complaint form on 32-36 Dering Street, the Entrance, NSW, between 9am - 3 pm of 21st June.

The area of site on 32-36 Dering Street is approx. 1541 sqm.

- Shadow from proposed scheme on 28-30 Dering Street
- Shadow from compliance scheme on 28-30 Dering Street
- Shadow overlapped from proposed and compliance schemes on 28-30 Dering Street
- Shadow from properties on 3 Falgout Ave

| | | | | | | | | | | |
|--|--|--|--|--|---------------------|---|-----------|----------|---|------|
| | | | ENHANCE GROUP PROJECT PTY LTD LEG WANG NSW Nominated Architect No. 8698 NSW Registered Project Manager: MAPM, CPPM | E: leo.w@enhanceproject.com.au P: +61 2 9004 3281 A: Suite 75 Level 4 89-97 Jones St Ultimo NSW 2007 | ISSUE FOR DA | 28-30 Dering St, The Entrance, NSW 2261 | DRAW BY | CHECK BY | JOB No. | B/W3 |
| | | | | | A | Issue for Revised DA | 202004/15 | | Elevation Shadow Diagram - Future Neighbouring Development | DATE |



1 1pm - 21 June
1 : 250

2 2pm - 21 June
1 : 250



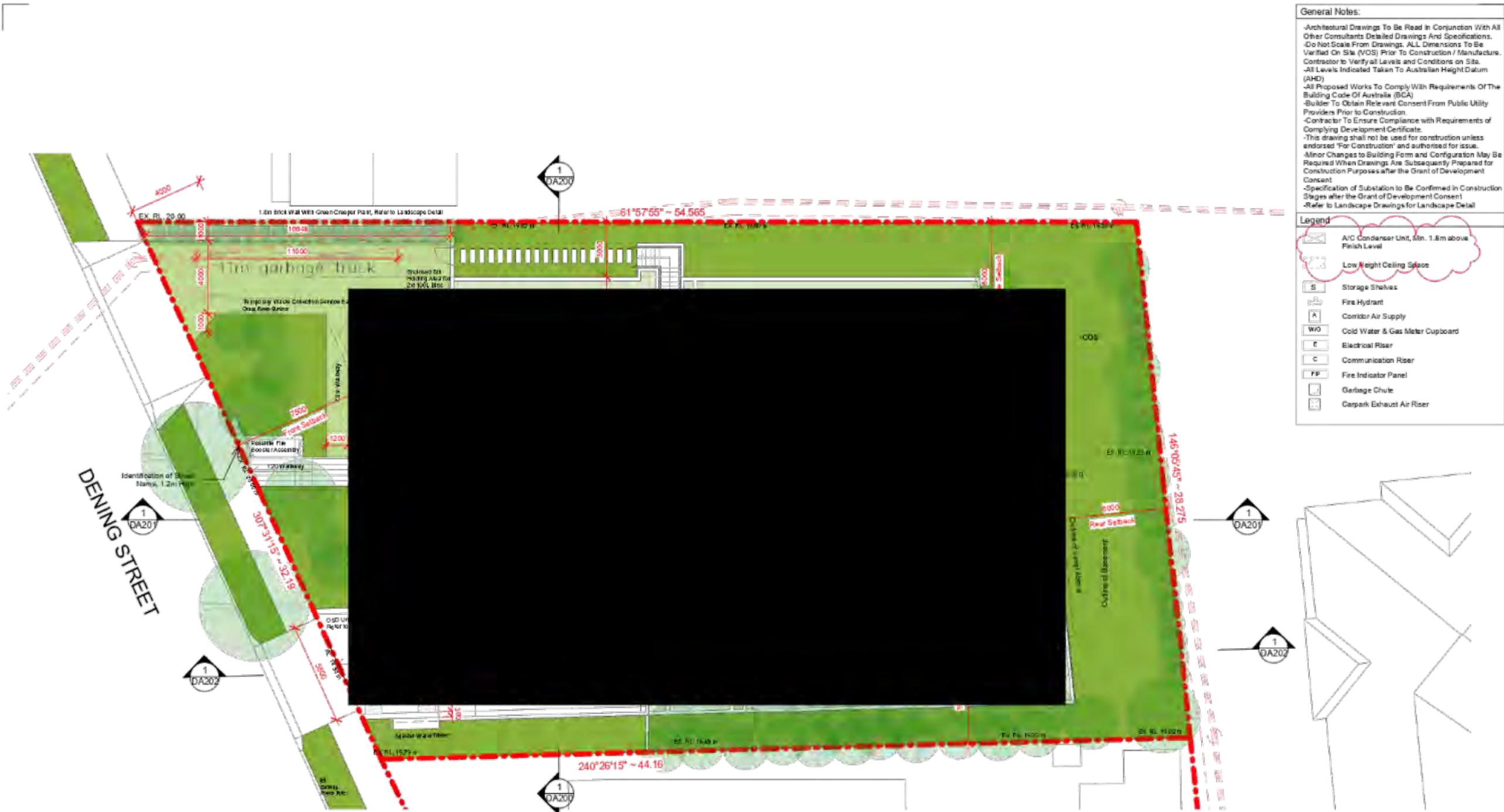
3 3pm - 21 June
1 : 250

Note: this drawing is to analyse the shadow impact on a complaint form on 32-36 Dening Street, the Entrance, NSW, between 9am - 3 pm of 21st June.

The area of site on 32-36 Dening Street is approx. 1541 sqm.

- Shadow from proposed scheme on 28-30 Dening Street
- Shadow from compliance scheme on 28-30 Dening Street
- Shadow overlapped from proposed and compliance schemes on 28-30 Dening Street
- Shadow from properties on 3 Fairport Ave

| | | | | | | | | | |
|-----------------|---|---------------|---|---|---------------------|---|---------------------|-------------------------------------|---|
| AIPM | Member Australian Institute of Architects | EP | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8698 NSW Registered Project Manager: MAPM, CPPM E: leo.w@enhanceproject.com.au P: +61 2 9004 3281 A: Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 | Rev A Issue for Revised DA Date 20/09/15 | ISSUE FOR DA | 28-30 Dening St, The Entrance, NSW 2261 | DRAW BY CHECK BY | JOB No. DATE SCALE DWG No. | BW03 Oct 2019 A3 @ As indicated DA071 A |
| | | | | Elevation Shadow Diagram - Future Neighbouring Development | | | | | |



General Notes:

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- Refer to Landscape Drawings for Landscape Detail

Legend

- A/C Condenser Unit, Min. 1.8m above Finish Level
- Low Weight Ceiling Space
- S Storage Shelves
- Fire Hydrant
- A Corridor Air Supply
- W/G Cold Water & Gas Meter Cupboard
- E Electrical Riser
- C Communication Riser
- FP Fire Indicator Panel
- Garbage Chute
- Carpark Exhaust Air Riser

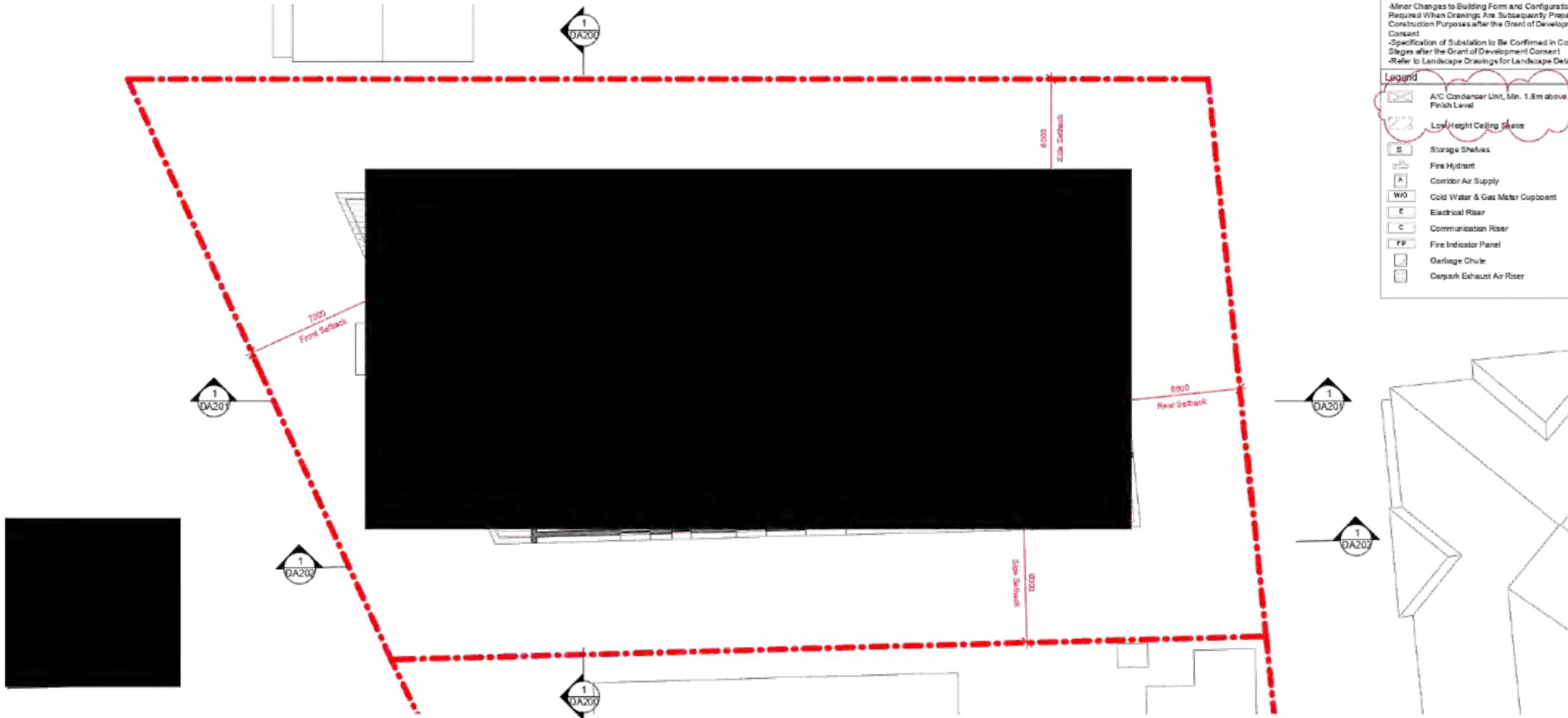
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|--|--|--|--|---|--|--|-------------------|----------|---------|----------|
| | | | <p>ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8698 NSW Registered Project Manager: MAPM, CPPM</p> | <p>E leo.w@enhanceproject.com.au P +61 2 8004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007</p> | | | DRAW BY | CHECK BY | JOB No. | BW03 |
| | | | | | | | Ground Floor Plan | | DATE | Oct 2019 |

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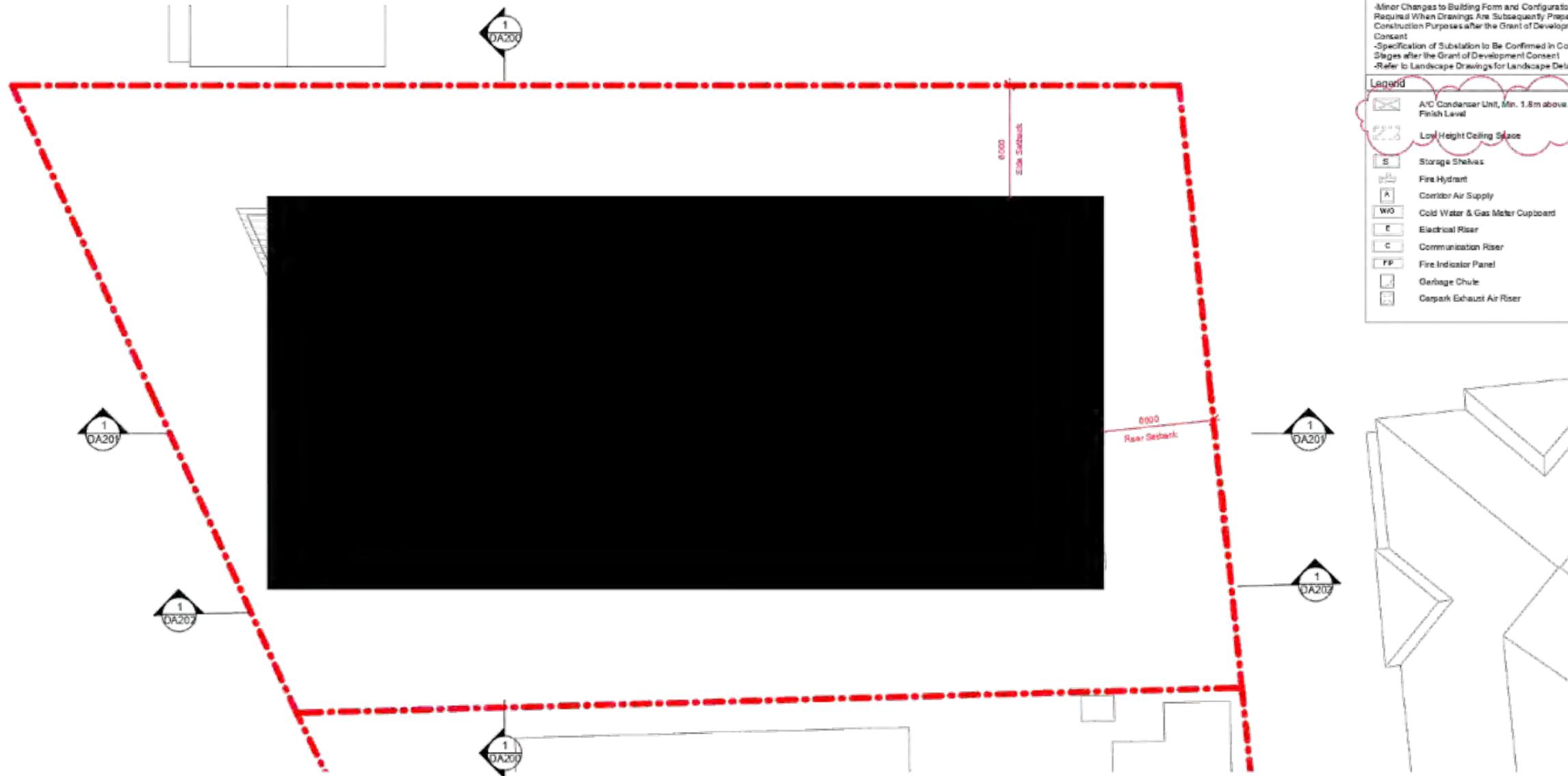
Legend

- A/C Condenser Unit, Min. 1.8m above Finish Level
- Low Height Ceiling Space
- S Storage Shelves
- Fire Hydrant
- A Corridor Air Supply
- W/G Cold Water & Gas Meter Cupboard
- E Electrical Riser
- C Communication Riser
- FP Fire Indicator Panel
- Garbage Chute
- Carpark Exhaust Air Riser



Layout of Post Adaptable Design for Unit 8&13

| | | | | | | | | | |
|---------------------------|--|--|---|---|--|---------------------|---------------------|--|-----------------|
| | | | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8098 NSW Registered Project Manager: MAPM, CPPM E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 | Rev A Issue for DA B Issue for Revised DA C Issue for Revised DA | Date 2018/11/19 2020/04/15 2020/08/08 | Scale Bar 1:200 | DRAW BY CHECK BY | 28-30 Denning St, The Entrance, NSW 2261 | JOB No. BW03 |
| | | | | | | | | | DATE Oct 2019 |
| First & Second Floor Plan | | | | | | | | SCALE A3 @ As indicated | DWG No. DA101 C |



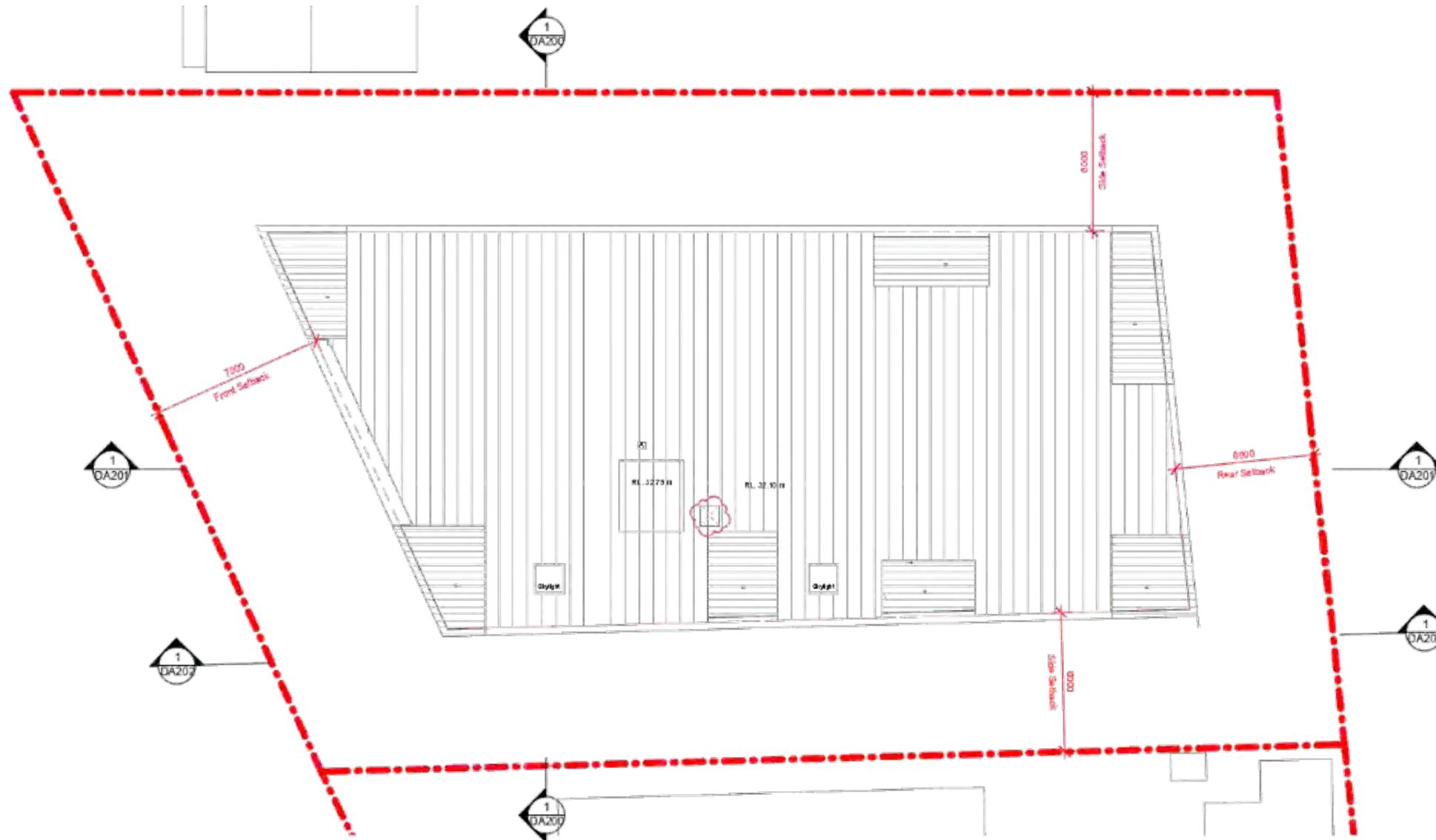
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Legend

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- Low Height Ceiling Space
- S Storage Shelves
- Fire Hydrant
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- W/G Cold Water & Gas Meter Cupboard
- E Electrical Riser
- C Communication Riser
- FP Fire Indicator Panel
- G Garbage Chute
- CA Carpark Exhaust Air Riser

| | | | | | |
|--|--|---|---------------------|---|--|
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| | | 28-30 Denning St, The Entrance, NSW 2261 | | | |

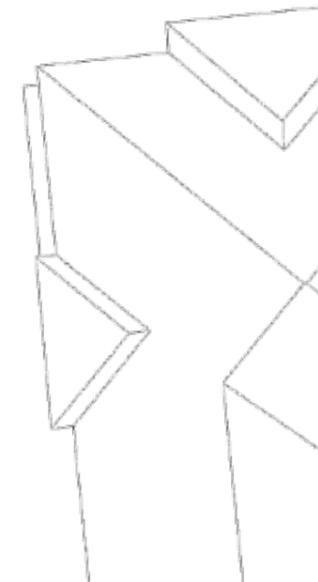


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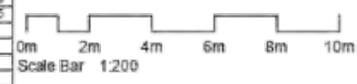
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|--|--|---|---------------------|--|--|
| | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8098 NSW Registered Project Manager: MAPM, CPPM E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 | Rev A Issue for DA 2018/11/19 Rev B Issue for Revised DA 2020/04/15 Rev C Issue for Revised DA 2020/08/08 | Scale Bar 1:200 | DRAW BY _____ CHECK BY _____ <h3 style="text-align: center;">Roof Floor Plan</h3> | 28-30 Denning St, The Entrance, NSW 2261 JOB No. BW03 DATE Oct 2019 SCALE A3 @ As indicated DWG No. DA103 C |
| | | | | | |

General Notes:

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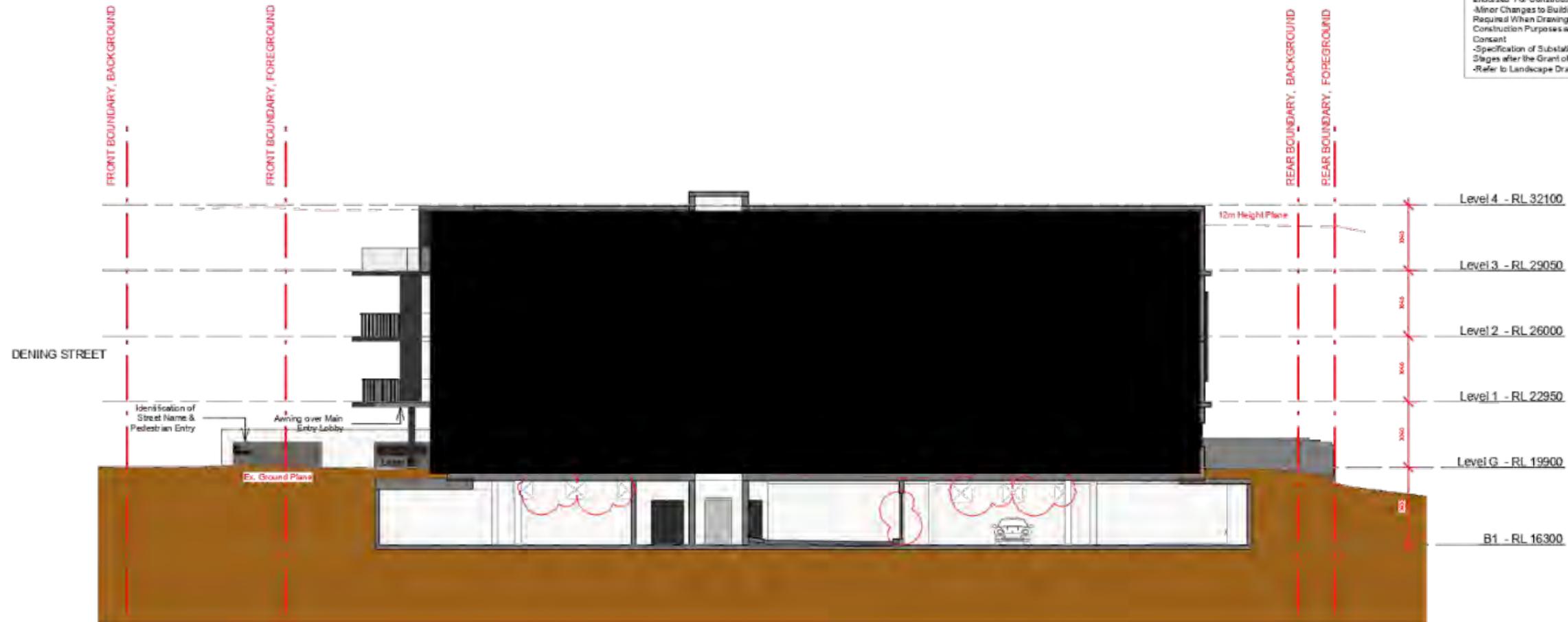


28-30 Dening St, The Entrance, NSW 2261

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|---|---|--|---|------------------------------|---|---------------------|-------------------------------------|---|
|    | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8098 NSW Registered Project Manager: M.A.P.M. CPPM | E leo.w@enhanceproject.com.au P +61 2 8004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 | Rev A Issue for DA B Issue for Revised DA | Date 30/01/19 30/04/15 |  Scale Bar 1:200 | DRAW BY CHECK BY | JOB No. DATE SCALE DWG No. | BW03 Oct 2019 A3 @ As indicated DA200 B |
| | | | Section - Short | | | | | |

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|-----------------|---|---------------|--|--|-----|-------------|------|---|--------------|------------|---|----------------------|------------|---|----------------------|------------|---|----------------------|------------|---------------------|--|--|
| | | | | | Rev | Description | Date | | | | | | | | | | | | | | | |
| A | Issue for DA | 2018/11/19 | | | | | | | | | | | | | | | | | | | | |
| B | Issue for Revised DA | 2020/04/15 | | | | | | | | | | | | | | | | | | | | |
| C | Issue for Revised DA | 2020/07/30 | | | | | | | | | | | | | | | | | | | | |
| D | Issue for Revised DA | 2020/09/08 | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |

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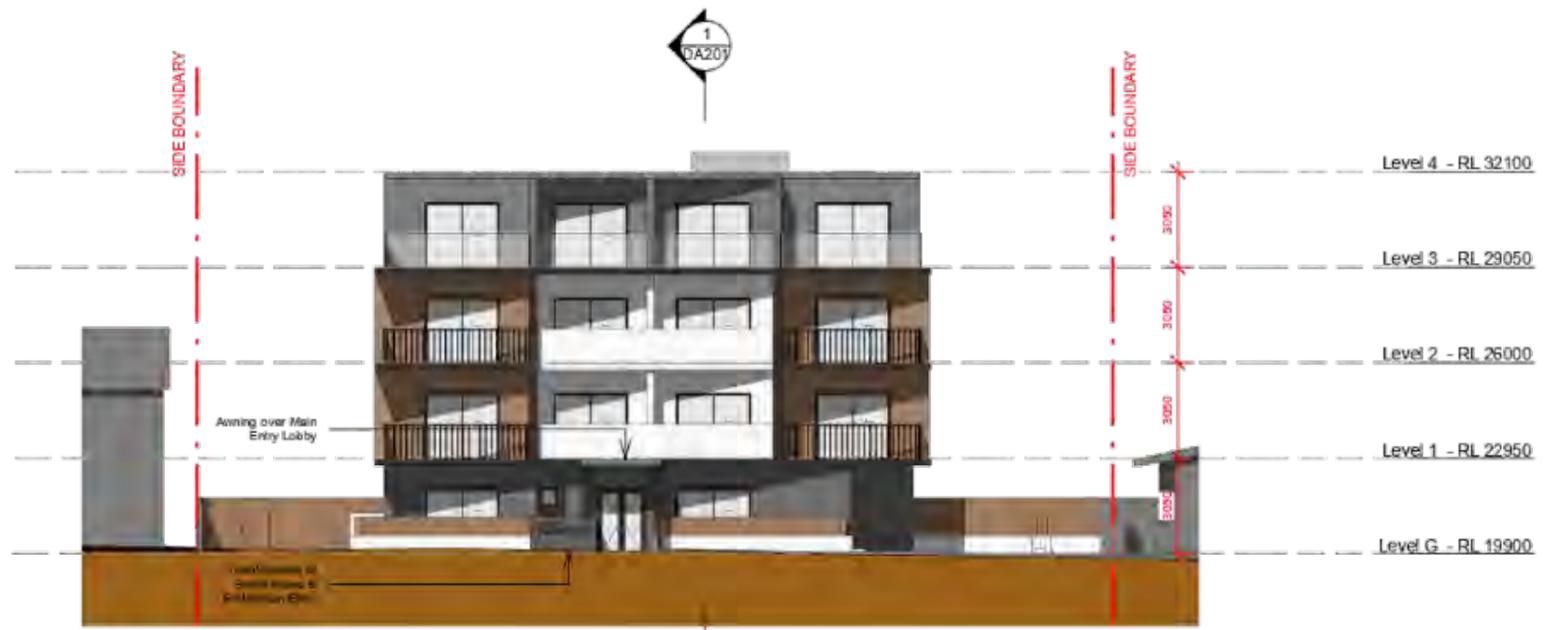
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|--------------------|--|---|--|---------------------------------------|---------------------|--|-----------------|
| | ENHANCE GROUP PROJECT PTY LTD LEO WANG NSW Nominated Architect No. 8098 NSW Registered Project Manager: MAPM, CPPM E leo.w@enhanceproject.com.au P +61 2 9004 3281 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007 | Rev A Issue for DA B Issue for Revised DA C Issue for Revised DA D Issue for Revised DA | Date 2018/11/19 2020/04/15 2020/07/30 2020/09/08 | Scale Bar 1:200 0m 2m 4m 6m 8m 10m | DRAW BY CHECK BY | 28-30 Denning St, The Entrance, NSW 2261 | JOB No. BW03 |
| | | | | | | | DATE Oct 2019 |
| Section - Driveway | | | | | | SCALE A3 @ As indicated | DWG No. DA202 D |

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1 Elevation - East
1 : 200

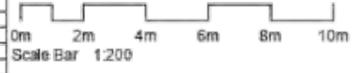


2 Elevation - West
1 : 200



ENHANCE GROUP PROJECT PTY LTD
 LEO WANG
 NSW Nominated Architect
 No. 8698
 NSW Registered Project Manager: MAPM, CPPM
 E leo.w@enhanceproject.com.au
 P +61 2 9004 3281
 A Suite 79 Level 4 89-97 Jones St Ultimo NSW 2007

| Rev | Description | Date |
|-----|----------------------|------------|
| A | Issue for DA | 2018/11/19 |
| B | Issue for Revised DA | 2020/04/15 |
| C | Issue for Revised DA | 2020/07/09 |



28-30 Denning St, The Entrance, NSW 2261

| | |
|-----------------------------------|----------|
| DRAW BY | CHECK BY |
| Elevations - East and West | |

| | |
|---------|-------------------|
| JOB No. | BW03 |
| DATE | Oct 2019 |
| SCALE | A3 @ As indicated |
| DWG No. | DA300 C |



1 Elevation - North
1 : 200

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2 Elevation - South
1 : 200

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|-------------------------------------|----------------------|------------|--|--|--|-----|-------------|------|---|--------------|------------|---|----------------------|------------|---|----------------------|------------|---------------------------------------|--|---------|----------|---------|------|
| | | | | | | Rev | Description | Date | | | | | | | | | | | | | | | |
| A | Issue for DA | 2019/11/19 | | | | | | | | | | | | | | | | | | | | | |
| B | Issue for Revised DA | 2020/04/15 | | | | | | | | | | | | | | | | | | | | | |
| C | Issue for Revised DA | 2020/07/09 | | | | | | | | | | | | | | | | | | | | | |
| Elevations - North and South | | DATE | Oct 2019 | | | | | | | | | | | | | | | | | | | | |
| | | SCALE | A3 @ As indicated | | | | | | | | | | | | | | | | | | | | |
| | | DWG No. | DA301 C | | | | | | | | | | | | | | | | | | | | |

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- 
FIBRE CEMENT CLADDING:
Dark Paint Colour
- 
STEEL BALSTRADE WITH PAINT FINISH:
Dark Colour
- 
ALUMINIUM WINDOW HOOD:
Dark Grey Colour
- 
POWDER COATED DOOR/WINDOW FRAME:
Dark Grey Colour
- 
TIMBER-LOOK CLADDING (non-combustible):
Natural Timber Colour
- 
BRICK WALL:
Grey Colour
- 
PAINT FINISH:
Light Paint Colour
- 
FIBRE CEMENT CLADDING:
Grey Colour
- 
GLASS BALUSTRADE:
Transparent Glass

28-30 Denning St, The Entrance, NSW 2261

| | | | | | | | | |
|--|--|---|--|---|--|---------------------|------------------------|---|
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